Title of Lesson Plan: Who Does the Constitution Protect?

Lesson Creator(s): Vanessa Aranda; Social Studies teacher, Redlands East Valley High School; Redlands Unified School District, Redlands, CA

Grade Level: 11-12

Synopsis/Summary of Lesson: In this lesson, students reflect on Constitutional protections. What was the intention when the Constitution and its amendments were written, and how has the Supreme Court interpreted the Constitution in regards to the rights of citizens and persons living in the United States? Students will study, make predictions, and annotate three Constitutional amendments, the Fifth, Tenth, and Fourteenth. Students are then encouraged to research examples of how the Court has historically interpreted the Constitution to both protect and limit the rights of citizens.

Background Introduction: At 4,400 words, the United States Constitution is considered to be one of the shortest and longest-lasting constitutions of any modern-day democracy. The brilliance and brevity of the succinct document has left the highest law in the land open to interpretation, amendment, and controversy. Just a century after the Constitutional Convention produced the founding framework, and with the ratification of the monumental 14th amendment in 1868 (which affirmed citizenship for all persons born or naturalized in the United States), the Supreme Court confirmed in Yick Wo v. Hopkins (1886) and Wong Win v. United States (1896) that all persons living within the territory of the United States are granted constitutional protection. The Court has not always upheld the rights of marginalized groups in the United States, but it is important to note that the language of the Constitution that acknowledges protection of these rights has not changed for centuries. It is equally important to recognize that the Court has both protected and limited people’s rights using the same Constitution as a justification for their decisions.

Possible Units to Use With: Constitution, civil rights and liberties, Bill of Rights, citizenship and naturalization, WWI, WWII

Focus/Essential Question(s):
- Who does the Constitution protect?
- How has the Constitution both protected and limited the rights of citizens and people living in the United States?

Objectives: Students will analyze three amendments related to individual rights and apply their understanding to Supreme Court cases concerning expansion or limitation of individual rights.
C3 Framework Standards:
D2.Civ.4.9-12. Explain how the U.S. Constitution establishes a system of government that has powers, responsibilities, and limits that have changed over time and that are still contested.

Required Materials and Preparation:
1. Handout: Amendment Word Clouds
2. Handout: Highlighting Constitutional Amendments

Procedure:
1. Stand Up!
Instruct students that a series of statements will be read about the United States Constitution. They should silently stand up if they agree with the statement. Students will have the opportunity to verbally express thoughts on statements after the series has been read. To limit peer pressure, encourage students not to react to others’ choices to stand or stay seated. After each statement, provide ample time to allow students to think about the statement and choose to stand or stay seated. Allow enough time for students to make their decision; then, thank the class and ask those standing to have a seat. Read the next statement and repeat the process.

Stand up if you agree that…
- The Constitution never changes.
- The Constitution only protects U.S. citizens.
- The Supreme Court always interprets the Constitution in a manner that protects people’s rights equally.
- Everyone living in the United States should follow the laws and Constitution of the United States.
- Everyone living in the United States should be protected by the laws and Constitution of the United States.

After all five statements have been read, let students know they now have an opportunity to express their reasons for standing or sitting for each question. Read the first statement and ask if anyone has comments or questions. Repeat this process for each statement. As this is an introductory activity, teachers may choose to limit debate.

2. Project and Predict
Distribute the Amendment Word Clouds handout. The word clouds were created from the text of the Fifth Amendment, Tenth Amendment, and Fourteenth Amendment, Section 1. Tell students that in word clouds, the size and boldness of the words reflect how often they are repeated in the
selected text. Allow students time to reflect on each word cloud. Then, ask students the following questions for each word cloud:

- What words stand out to you? Why do you think they are significant? How might they be used in this amendment?
- What amendment do you think these words come from?
- What do you think this amendment says?
- Who does this amendment protect? Does it specify only citizens?

3. Three Amendment Mini-Lecture

Provide students with the Highlighting Constitutional Amendments handout. Instruct students to take notes in the margins of each amendment as you explain the significance of each.

**14th Amendment**: Explain that ratified in 1868, the Fourteenth Amendment was the second of three Reconstruction amendments after the Civil War. The amendment was intended to provide more rights to African Americans. The Thirteenth abolished slavery, the Fourteenth granted persons born in the U.S. citizenship, and the Fifteenth granted citizens the right to vote regardless of race. An often overlooked but significant component of the Fourteenth Amendment is the mention of “states.” For the first time, through a process today called incorporation or selective incorporation, states were specifically being required by Constitutional amendment to follow due process and protect the rights of all persons in their boundaries, not just citizens.

Instruct students to highlight 14 important words they see in the Fourteenth Amendment. Instruct students to share and explain their choice to a partner or in small groups.

**10th Amendment**: Remind students that, ratified in 1791, the Bill of Rights was a compromise by the Federalists and anti-Federalists to ratify the Constitution. The anti-federalists, fearing an abusive government and concerned that the Constitution made no mention of people’s rights and focuses largely on federal government powers, demanded that the first ten amendments be added in order to create a limited government that protects people’s rights. The first ten amendments were not intended to limit the states, which is evident in last amendment in the Bill of Rights, the Tenth Amendment.

Instruct students to identify and highlight 10 important words they see in the Tenth Amendment. Instruct students to share and explain their choice to a partner or in small groups.

**5th Amendment**: Acknowledge that it is easy to confuse the Fifth, also ratified in 1791, and Fourteenth amendments because they have similar keywords and protection of certain rights. Both amendments address due process of law and the right to life, liberty, and property. The Fifth Amendment specifies that the protections are for persons, not limited to citizens, which is significant in cases dealing with resident aliens who are not U.S. citizens.
Ask students to identify and highlight five important words they see in the Fifth Amendment. Instruct students to share and explain their choice to a partner or in small groups.

4. Research
Instruct students to research timelines of Supreme Court cases on the internet. Students are to find three Supreme Court cases where the rights of citizens or persons in the United States were protected, as well as three examples where their rights were limited.

Possible sites to search:
- Timeline of Supreme Court Developments (www.thirteen.org/wnet/supremecourt/timeline/index.html)

5. Product
Students may choose any of the following activities to present their research and knowledge of how the Constitution has historically both protected and limited rights of citizens and persons in the United States:
- PowerPoint, Google slides, or Prezi
- Poster
- Verbal share out in small groups
- Socratic seminar or discussion in class

**Differentiated Engagement Strategies for Accessibility of All Students:**
Provide students an opportunity to write and brainstorm silently prior to any activities where they share out in small groups or the whole class.

**Extension Activity:**
Conduct mock Supreme Courts, where small groups of students prepare oral arguments for cases that students found in their research. A panel of nine student justices will deliberate and issue a decision using the Constitution as a guide.
<table>
<thead>
<tr>
<th>Amendment Notes</th>
<th>Text of Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fifth Amendment</td>
<td>“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”</td>
</tr>
<tr>
<td>Tenth Amendment</td>
<td>“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”</td>
</tr>
</tbody>
</table>
| Fourteenth Amendment | “Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”  

Note: Sections 2, 3, and 4 of the Fourteenth Amendment are not included in this handout.