



The US Constitution: The Preamble and the Bill of Rights

BY TIM BAILEY

UNIT OVERVIEW

Over the course of four lessons the students will read and analyze the Preamble to the US Constitution and the Bill of Rights, the first ten amendments to the US Constitution. To demonstrate their understanding of the documents, the students will answer critical thinking questions, summarize the meaning of the text, and restate it in their own words. They will also create an original drawing of a selected amendment that accurately conveys the significance of the amendment. As an optional summary activity, the students may write a brief persuasive essay.

UNIT OBJECTIVES

Students will be able to

- Identify, analyze, and assess the major principles and purposes of a primary source text
- Explain and understand the meaning of unfamiliar vocabulary words, based on their context and usage
- Restate a primary source text in their own words
- Illustrate a text in a way that accurately depicts its meaning
- Collaborate effectively with classmates to develop and express (orally and in writing) viewpoints on the texts for this lesson

ESSENTIAL QUESTION

To what extent do the US Constitution and the Bill of Rights impact our daily lives?

NUMBER OF CLASS PERIODS: 4

COMMON CORE STATE STANDARDS

CCSS.ELA-Literacy. RI.5.1: Refer to details and examples in a text when explaining what the text says explicitly and when drawing inferences from the text.

CCSS.ELA-Literacy. RI.5.2: Determine the main idea of a text and explain how it is supported by key details; summarize the text.

CCSS.ELA-Literacy. RI.5.4: Determine the meaning of general academic and domain-specific words or

phrases in a text relevant to a grade 4 or 5 topic or subject area.

CCSS.ELA-LITERACY.SL.5.1: Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 5 topics and texts, building on others' ideas and expressing their own clearly.

CCSS.ELA-Literacy.SL.5.1D: Review the key ideas expressed and draw conclusions in light of information and knowledge gained from the discussions.

CCSS.ELA-LITERACY.SL.5.2: Summarize a written text read aloud or information presented in diverse media and formats, including visually, quantitatively, and orally.

CCSS.ELA-LITERACY.W.5.1: Write opinion pieces on topics or texts, supporting a point of view with reasons and information.

CCSS.ELA-LITERACY.W.5.2: Write informative/explanatory texts to examine a topic and convey ideas and information clearly.

LESSON 1

OVERVIEW

In this lesson, students will close read the Preamble to the US Constitution, restate the text in their own words as responses to questions, and summarize the meaning of the text.

HISTORICAL BACKGROUND

“The Federal Convention convened in the State House (Independence Hall) in Philadelphia on May 14, 1787, to revise the Articles of Confederation. Because the delegations from only two states were at first present, the members adjourned from day to day until a quorum of seven states was obtained on May 25. Through discussion and debate it became clear by mid-June that, rather than amend the existing Articles, the Convention would draft an entirely new frame of government. All through the summer, in closed sessions, the delegates debated, and redrafted the articles of the new Constitution. Among the chief points at issue were how much power to allow the central government, how many representatives in Congress to allow each state, and how these representatives should be elected—directly by the people or by the state legislators. The work of many minds, the Constitution stands as a model of cooperative statesmanship and the art of compromise.”

Source: “Constitution of the United States,” *Our Documents*, www.ourdocuments.gov

The Constitution of the United States established a system of government based on fundamental ideas and principles, including

1. Popular sovereignty: supreme authority and power of the people
2. Limited government: separation of powers, checks and balances, Bill of Rights
3. Representative government: government run by representatives chosen by the people
4. Federalism: division of powers between the national and state governments
5. National supremacy: the national Constitution and federal laws and treaties take precedence over state constitutions and laws whenever conflicts arise
6. Supremacy of civilian over military authority: Congress declares war, makes peace, approves military appropriations; the president is the commander in chief of the military forces
7. Flexibility: the Constitution can adapt to changing situations through amendments and Supreme Court decisions and interpretations

Under the Articles of Confederation (1781–1789), the first form of government established for the United States, the sovereignty of the government resided in the states. Under the Constitution of the United States, however, sovereignty was placed in the hands of the people. This principle of popular sovereignty was introduced in the Preamble (opening paragraph) to the US Constitution: “We the people of the United States . . . do ordain and establish this Constitution for the United States of America.” The Preamble also enumerates the objectives of the Constitution: “to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.”

MATERIALS

- “The Preamble to the United States Constitution,” *Our Documents*, www.ourdocuments.gov
- “Summarizing the Preamble to the US Constitution”
- Overhead projector, ELMO projector, or similar device (optional)

PROCEDURE

1. Discuss the information in the Historical Background. Explain that a “preamble” is an introduction. The preamble to the US Constitution explains the purpose of the Constitution.
2. Distribute “The Preamble to the United States Constitution.”
3. “Share read” the text with the students. To share read the text, have the students follow along silently while you begin reading aloud, modeling prosody, inflection, and punctuation. Ask the class to join in with the reading after a few sentences while you continue to serve as the model for the class. This technique will support struggling readers as well as English language learners (ELL).

4. Distribute “Summarizing the Preamble to the US Constitution.” It is helpful if the activity sheet can be displayed so the entire class can follow along.
5. You will be the guide for this class activity. (Depending on the abilities of your students, you could model the first two or three questions and then allow them to continue independently or in small groups.) Address one question at a time and help the class reason out the best answer. This activity is designed to build critical thinking skills as well as help the students develop effective strategies for reading difficult texts. The vocabulary will be the most difficult barrier. Let students discuss possible meanings of the unfamiliar words and only provide definitions or synonyms when they are truly stuck.
6. Show the students how to use the answers to the questions to construct a summary. For example, “The people of the United States want to make a better country where it is fair and peaceful, everyone is defended, and everyone can be free to choose who they want to be. We are doing this for ourselves and our children and their children. We promise to make this Constitution work for all Americans.”

EXTENSION ACTIVITY

Each student will illustrate one concept from the Preamble to the US Constitution. You can assign topics or allow them to choose their own. There should be an even distribution of topics throughout the classroom. The caption for the illustration should be the designated concept from the Preamble as stated in the student’s own words. You may allow students to substitute a computer-based drawing or other graphic for a hand-drawn illustration.

LESSON 2

OVERVIEW

In this lesson, students will examine the first five amendments to the US Constitution: the first half of the Bill of Rights, ratified in 1791. The students, individually or in groups, will close read the amendments and restate them in their own words.

OBJECTIVES

Students will be able to

- Explain and summarize the meaning and purpose of the first five amendments in the Bill of Rights
- Share, explain, and defend their interpretations of the original text

HISTORICAL BACKGROUND

On September 17, 1787, in Philadelphia, Pennsylvania, thirty-nine of the fifty-five delegates to the Constitutional Convention signed the newly negotiated US Constitution. Some refused to sign because the document did not include a “bill of rights” that would both secure basic civil rights for American citizens and define the limits of the federal government’s power. Many of the state ratification debates focused on this lack of a bill of rights. The solution became known as the Massachusetts Compromise: four states agreed to ratify the document if their recommendations for amendments would be sent to Congress for consideration.

James Madison of Virginia compiled seventeen amendments to present to the first Congress, which then approved twelve to send to the states for ratification on September 25, 1789. Ten of the twelve amendments were ratified by the required three-fourths of the states. They were added to the Constitution on December 15, 1791, as the Bill of Rights. These first ten amendments enumerate fundamental freedoms and rights not explicitly stated in the original text of the Constitution, and forbade the federal government from infringing on certain basic rights of the American people: freedom of religion, speech, assembly, and petition; immunity from arbitrary arrest; the right to due process of law, to trial by jury, and to keep and bear arms in a state militia; and protection from excessive bail and fines and cruel and unusual punishment. The Bill of Rights protects the American people from undue interference by the federal government. The Fourteenth Amendment, ratified in 1868, extends the provisions of the Bill of Rights to the state governments. Over the years, the US Supreme Court has taken primary responsibility for interpreting the meaning of these amendments and the extent of their restrictions on governmental power.

MATERIALS

- Teacher's Resource: "The Bill of Rights, Amendments 1–10," The National Constitution Center, <http://constitutioncenter.org>
- "Analyzing Amendments 1–5"
- Overhead projector, Elmo projector, or similar device

PROCEDURE

1. Briefly discuss with the students the information in the Historical Background. Explain to the students that they will read the first five amendments to the US Constitution in order to understand and interpret the words of the founders.
2. You may choose to have the students complete this lesson individually, as partners, or in small groups of three to four students.
3. Distribute "Analyzing Amendments 1–5" to the students.
4. Share read the first five amendments with the students as described in Lesson 1.
5. The task for the students is to put the first five amendments into their own words. To model this activity, display the activity sheet for the whole class to see. Go through the process of paraphrasing the First Amendment. With the students, carefully re-read the amendment and analyze the text, breaking it into chunks as necessary. Together, restate each passage so that the amendment as a whole makes sense to the class. For instance, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof" could be restated as "The government can't make any laws forcing people to follow a religion or stop people from practicing a religion."
6. Ask the students to continue with the rest of the amendments on the sheet. As they complete the exercise, you can share out some of the best results to keep the students on the right track.

LESSON 3

OVERVIEW

In this lesson, students will examine the next five amendments to the US Constitution: the second half of the Bill of Rights, ratified in 1791. The students, individually or in groups, will close read the amendments and restate their meaning in their own words.

OBJECTIVES

Students will be able to

- Summarize the meaning and purpose of the last five amendments in the Bill of Rights
- Share, explain, and defend their interpretations of the original text

HISTORICAL BACKGROUND

Please refer to the Historical Background in Lesson 2.

MATERIALS

- “Analyzing Amendments 6–10”
- Overhead projector, Elmo projector, or similar device (optional)
- Video clips from the Gilder Lehrman Institute website at gilderlehrman.org (optional)
 - o “Madison’s Influence on the US Constitution” by Professor Jack Rakove
 - o “Defining the Constitution” by Professor Larry Kramer
 - o “Teaching the Constitution,” by Professor Larry Kramer

PROCEDURE

1. Review both the Historical Background and the procedure for Lesson 2.
2. Distribute “Analyzing Amendments 6–10.” Share read the amendments as described in Lesson 1.
3. Depending on the abilities of your students, you may analyze and restate the Sixth Amendment with the students or you may have them work on their own or in groups.
4. As students complete the amendments, you may share out some of the best results to keep the students on the right track.
5. Depending on the class, you may choose to move forward with Lesson 4 or to supplement this lesson with a selection of short videos (listed above) on the impact of these amendments.

LESSON 4

OVERVIEW

The students will create an illustration that shows an understanding of the meaning of one of the ten amendments in the Bill of Rights. They will then present their work orally to the class, focusing on their interpretation of the amendment and its significance. You may choose to have the students write a persuasive essay that answers the Essential Question for the unit.

OBJECTIVES

Students will be able to

- Demonstrate their understanding of the Bill of Rights by drawing an interpretative illustration of an amendment with a caption
- Deliver a brief oral presentation that effectively conveys an understanding of the meaning of the selected amendment

HISTORICAL BACKGROUND

Please refer to the Historical Background in Lesson 2.

MATERIALS

- Completed “Analyzing Amendments 1–5” and “Analyzing Amendments 6–10” activity sheets from the previous two lessons
- Art paper, drawing supplies, and/or access to computers with graphics programs

PROCEDURE

1. Introduce the illustration project and explain that the students will use a quotation from the text of the amendment as a caption for the illustration. A phrase from the First Amendment, “The right of people peaceably to assemble,” might be used as the caption for an illustration of a crowd or group of people displaying signs.
2. Some amendments are more complex than others. The First Amendment enumerates several fundamental freedoms (religion, speech, assembly, petition, and the press), whereas others have a more singular focus, such as the Fourth Amendment’s prohibition on unreasonable searches and seizures of property without warrants. Individual students, pairs, or groups should be assigned (or choose) one specific element to illustrate from the more complex amendments.

3. Distribute the art supplies to the students. You may also allow them to choose graphics from selected online sources or use computer graphics programs.
4. Circulate around the classroom to answer questions, provide additional direction, and monitor progress.
5. Upon completion, the individual students, pairs, or groups will display their illustrations, deliver brief oral presentations, and answer any follow-up questions that are posed by you or their classmates.

SUMMARY ACTIVITY (OPTIONAL)

As a final activity for this unit on the Preamble to the US Constitution and the Bill of Rights, the students could respond in a brief essay to the unit's Essential Question: "To what extent do the US Constitution and the Bill of Rights impact our daily lives?"

The students would write a brief persuasive essay in response to this question, supporting their positions with evidence from the Preamble to the US Constitution and the Bill of Rights and drawing on the historical background and activities in this unit. This persuasive essay could be completed in class or as a homework assignment. Students could also be encouraged to share essay responses with their classmates to generate further discussion.



The Preamble to the US Constitution

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Summarizing the Preamble to the US Constitution

We the people of the United States,

Who is writing this Constitution?

in order to form a more perfect Union,

Why are they writing this document?

establish Justice, insure domestic
Tranquility

What do they want to guarantee?

provide for the common defence,

Who do they want to defend?

promote the general Welfare, and
secure the Blessings of Liberty

Who should get these blessings and
what might these blessings be?

to ourselves and our Posterity,

Who gets these good things and how
long do they last? _____

do ordain and establish this
Constitution

What are they promising to do?

for the United States of America.

Who is this being done for?

Summary:

The Bill of Rights, Amendments 1–10

Amendment I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III: No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V: 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.

Amendment VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII: In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Amendment VIII: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X: 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.

Analyzing Amendments 1–5

Amendment 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

In your own words

Amendment 2

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

In your own words

Amendment 3

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

In your own words

Amendment 4

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

In your own words

Amendment 5

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.

In your own words

Analyzing Amendments 6–10

Amendment 6

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

In your own words

Amendment 7

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

In your own words

Amendment 8

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

In your own words

Amendment 9

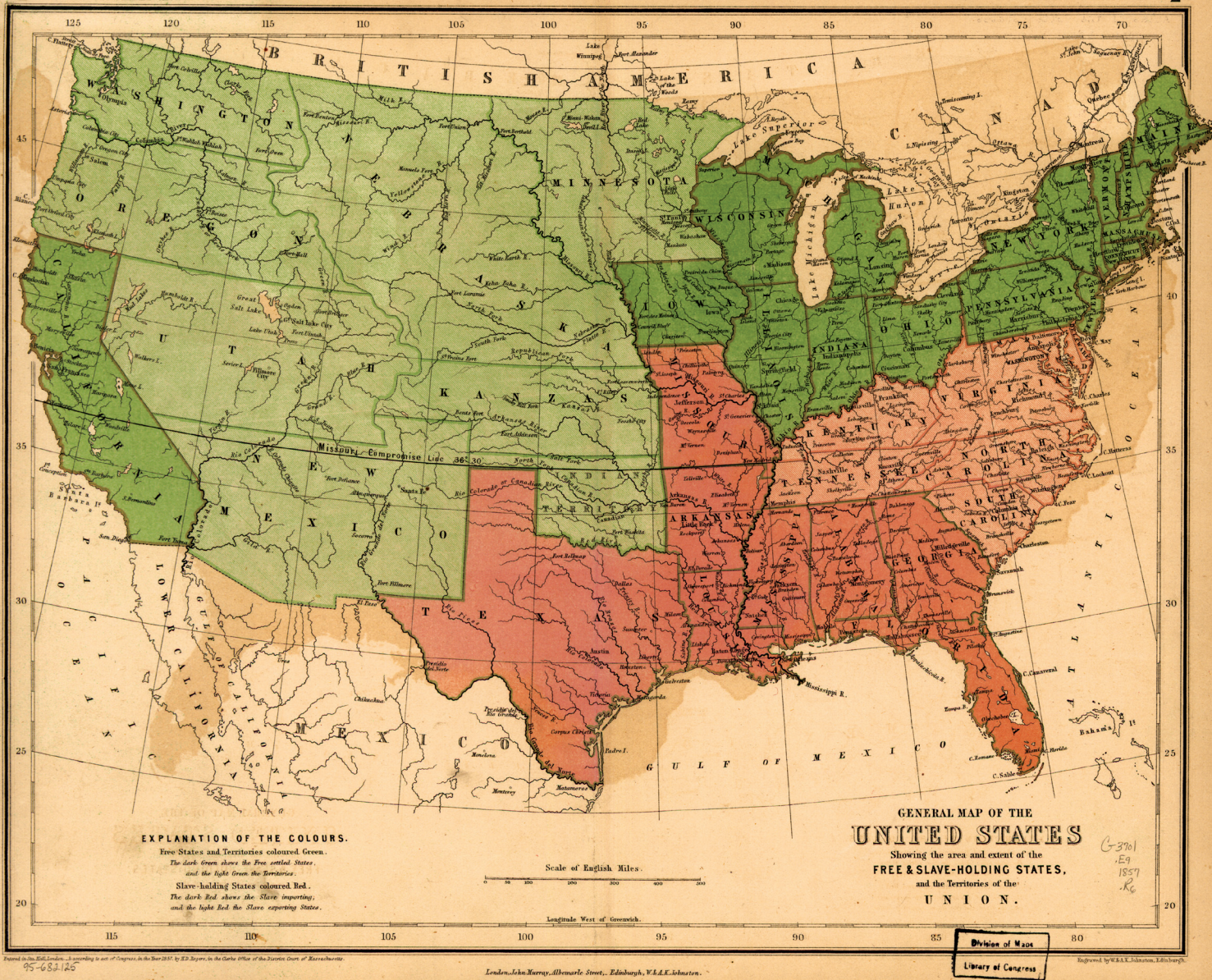
The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

In your own words

Amendment 10

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.

In your own words



"General Map of the United States Showing the Area and Extent of the Free & Slave-Holding States. And the Territories of the Union," engraved by W. & A. K. Johnson, Edinburgh, 1857 (Map Division, Library of Congress)