

# Bill of Rights Scenarios

## Standard 12.2.1

Discuss the meaning and importance of each of the rights guaranteed under the Bill of Rights and how each is secured (e.g., freedom of religion, speech, press, assembly, petition, privacy).

# Bill of Rights Scenarios

## The Bill of Rights 1791

Amendment	Subject
1st	Guarantees freedom of religion, of speech, and of the press; the right to assemble peacefully; and the right to petition the government
2nd	Guarantees the right to possess firearms in a state militia
3rd	Declares that the government may not require people to house soldiers during peacetime
4th	Protects people from unreasonable searches and seizures
5th	Guarantees that no one may be deprived of life, liberty, or property without due process of law
6th	Guarantees the right to a trial by jury in criminal cases
7th	Guarantees the right to a trial by jury in most civil cases
8th	Prohibits excessive bail, fines, and punishments
9th	Declares that rights not mentioned in the Constitution belong to the people
10th	Declares that powers not given to the national government belong to the states or to the people

# Scenario 1

Sara, an eighteen-year old college student, is arrested for stealing a classmate's term paper and selling it on the Internet. When she appears before the judge, she asks for a lawyer to help defend her. The judge tells her if she is smart enough to be in college, she is smart enough to defend herself. Besides, she is not being charged with a felony, so the stakes are not very high

# VIOLATION OF THE 6th AMENDMENT

Guarantee of the Right to Counsel.

## Scenario 2

A neighbor is suing the Joneses because a tree in the Joneses' yard fell on their roof during a hurricane. The neighbors want the Jones family to pay \$850 to have their roof repaired. Mr. Jones requests that a jury be present to hear this case. The judge says it is not necessary since the amount of the repairs is so small. The Jones family lives in Washington D.C.

# VIOLATION OF THE 7th AMENDMENT

Guarantee of right to a jury trial in civil cases in federal court (and the District of Columbia is under the jurisdiction of a federal court).

## Scenario 3

Carolyn is arrested for shoplifting a candy bar from a neighborhood convenience store. At trial, she is found guilty. The judge decides that the appropriate punishment is to cut off Carolyn's hands so that she will not be able to shoplift again.

# VIOLATION OF THE 8th AMENDMENT

Guarantee of freedom from cruel  
and unusual punishment



## Scenario 4

Mr. Reynolds, an avid hunter, opens the door of his home one day to find agents from the Bureau of Alcohol, Tobacco, and Firearms outside. They inform him that certain provisions of a new federal law allow them to confiscate his rifles so that he may not engage in terrorist activities or plot against the United States government. They have no evidence that he is connected to any such activities.

# VIOLATION OF THE 2<sup>nd</sup>, 4th & 5th AMENDMENTS

Guarantee of the right to keep and bear arms, illegal search and seizure, and a violation of the guarantee of due process

## Scenario 5

Your science teacher asks the class to exchange papers to correct last night's homework. Your friend, Jamie, refuses to do so and is sent to the principal

# NO VIOLATION

In *Owasso Independent School District v. Falvo* (2001), The Supreme Court ruled that peer grading of student papers is not a violation of personal liberty or of privacy

## Scenario 6

Jesse, a fourteen-year old student, decides to protest the war in Iraq. He wears a T-shirt to school with a picture of the White House and the caption “Weapon of Massive Misinformation” His principal pulls Jesse aside and asks him not to wear the shirt again because it is disruptive to the learning environment. Jesse wears it the next week and is suspended from school for three days.

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In *Tinker v. Des Moines* (1969), the Supreme Court ruled that students have the right to wear politically expressive clothing to school. However, in recent years the lower courts have issued a variety of opinions, some of which upheld student dress codes while other courts have greatly limited the power of the schools to regulate students' expressive speech (e.g., clothing)

## Scenario 7

Sixteen-year old Ryan is the captain of the football team. Before the Friday night game, he and his teammates are required to submit to a drug test. Ryan's test shows traces of marijuana. He is not allowed to participate in the game and he is suspended from school.

# NO VIOLATION

Board of Education of Pottawatomie County v. Earls (2002), the Supreme Court ruled that drug tests for all students participating in any extra-curricular activities are a reasonable way to prevent and deter drug use



## Scenario 8

A known drug dealer is arrested for suspected connections to an inner city murder. The police do not inform him of his rights and immediately begin to interrogate him. They continue until he admits he knows the victim of the crime and was in the neighborhood where the murder took place.

# VIOLATION OF THE 5th & 6th AMENDMENTS

Guarantee of the Right to freedom  
from self-incrimination and right to  
counsel

## Scenario 9

Your parents are very religious people, but you are not. Today, your parents are going to a service at their place of worship and they expect you to come along. You refuse. They make you come anyway and they ground you for the following month.

# NO VIOLATION

The Bill of Rights protects individual liberties such as freedom of religion from encroachment by the federal or the state governments, but does not limit the actions of individuals (e.g., parents)

# Scenario 10

Because of the budget deficit, the United States government is looking for ways to cut costs. They have announced a plan during peacetime to house unmarried soldiers in the homes of American citizens who do not have children.

# VIOLATION OF THE 3<sup>rd</sup> AMENDMENT

Guarantee of the Right not to  
quarter (house) soldiers in  
peacetime in private homes.

# Scenario 11

Because Members of Congress are unhappy with students' standardized test scores in many states, they pass a federal law that abolishes local school boards and requires a standardized national curriculum

# VIOLATION OF THE 10th AMENDMENT

Reservation of power to the people and the states. Under principles of federalism, if the Constitution does not grant the power to the federal government (as in this case, for regulating education), it is a power reserved to the states and the people.



## Scenario 12

You are in the security line at the airport. The transportation safety agent requires you to take off your coat, take off your shoes, and empty your pockets. The agent also completes a pat-down search.

# NO VIOLATION

The Fourth Amendment protects against unreasonable search and seizure, but airport security procedures are reasonable deterrents to airplane hijackings.