

Teaching American History Seminar

Final Project

Prof. Mike Austin, Ph. D. His-6710

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Charles Laramie

**“A bill of rights is what the people are entitled to against every government on earth, general or particular; and what no just government should refuse, or rest on inferences.”**

**Letter from Thomas Jefferson to James Madison, 1787.**

**“I go further, and affirm that bills of rights, in the sense and in the extent in which they are contended for, are not only unnecessary in the proposed constitution, but would even be dangerous.**

**Alexander Hamilton, Federalists Papers No. 84**

**Proposal:**

The Debate over the “Bill Of Rights” Federalists v Anti-Federalists.

This proposal will look at the arguments for having or not having a Bill of Rights added to the Constitution of the United States. Students will become familiar with this debate through the writings of Thomas Jefferson, Alexander Hamilton and James Madison.

Students will understand that the first ten amendments are also known as the Bill of Rights and will become familiar with the reasoning behind adding these particular amendments to the Constitution.

**Grade Level: 9-10**

The grade level for this unit will be 9<sup>th</sup> and 10<sup>th</sup> grade. This unit could be adapted and then used in either more advanced levels of high school U.S. History classes or adapted for an eighth grade history class.

**Seminar Impact:**

I have enjoyed this seminar. It's enjoyable to be around people of a like mind (though perhaps not the same viewpoints) who enjoy history and politics. For in the end each of us wants what is best for our country and us. I believe that can best be attained by understanding and compromise.

I have found the field trips to be very informative. They have given me a better understanding of the situation on the ground at the time along with the ability to convey that to my students. I do think it would be beneficial to spend an hour or two as a group discussing our views on the education system in the United States and what parts we as educators would like to improve upon or see changed. As

educators we are in the best position to see what works and what doesn't. I believe we need to speak out more and worry less about political correctness.

How would my students view the "Bill of Rights?" Would they know that these are also called the "First Ten Amendments? Would they view them as something directly affecting their lives? How would I get them to see this? Would they agree or disagree to the necessity of adding them to the Constitution? These were things I asked myself as I prepared a unit on the "Debate over the Bill of Rights."

I found that many of my students had heard of the first ten amendments and a few knew they were often referred to as The Bill of Rights. Most knew the first amendment referred to freedom of speech. For the majority this is where their knowledge stopped and guessing began. Therefore our first goal was to become familiar with the other nine. I handed them each a copy. Many of them recognized other amendments when they had them in front of them. The most recognized among these were 4-10. These were the ones that seemed to affect them personally.

To get them more involved in the study of these I picked cases that had to do with the rights of students in the public school. I used the following cases: *Tinker v. Des Moines* (1<sup>st</sup> amendment 1969), *New Jersey v. T. L. O.* (4<sup>th</sup> amendment 1984), *Hazelwood v. Kuhlmeir*, (Freedom of the Press in School), *Bethel School District v Fraser*, (Freedom of Speech) and *Ingraham v. Wright* (Cruel and Unusual Punishment).

The students each picked a case to research and then argued that case before the court. The court consisted of fellow students and myself. The students had a good time doing this. It really got them involved in the case and a few of them may have a future in criminal law.

In looking at the Constitution my students all felt that without the Bill of Rights it would be difficult for them to discern what their rights really were. However they were able to understand the Federalists argument that by listing specific rights the government might then be able to alter them. Even with this, they still felt that it was better to state them clearly.

Some of my students had followed *Morse v. Fredrick* (better known as *Bong Hits 4 Jesus*), and as a result were interested in these types of cases. During this unit *Heller v. Washington D.C.* became the subject of articles in the newspapers. I read this with my students and we are currently waiting for the Supreme Court to hear the case later this month. This is a second amendment case and will become an issue between the Democrats and Republicans shortly. How each party responds to it could have a major impact on the outcome of the November Presidential Election. The Supreme Court's decision on this case is expected sometime in June. This will keep our unit fresh in their minds as they wait for the ruling.

Once again I have found that in doing research for a unit I have probably learned more about my subject than the students will. As historians it is our love of history, past and present that keeps us excited and searching for more. To us learning about our past, debating the present and contemplating the future is food for the soul. Many of us are political junkies and thrive on this. We can't imagine not being involved in this process. For me, this is what I would hope to pass on to my students.

I continue to find that being around other teachers motivates me to be better than I perceive myself to be. In observing the work they do, the units they are able to put together, this makes me want to strive harder to be as good.

I have also enjoyed a number of the books we have been given to read. The novels 1776, Alexander Hamilton and Revolutionary Mothers were very good. Revolutionary Mothers really made me see the Revolution in a different light. Anything that opens our eyes to new views, new insights, and new information are extremely valuable tools.

I have also learned that it's important to get students to try and understand how the views of historical figures of a different period were formed. Though today these views may be seen as wrong or distorted what was it about that time period that made them seem just and right. In getting students to ask questions we encourage them to learn.

### **Central Questions:**

- What is the Bill of Rights
- Was a Bill of Rights necessary for protecting the basic rights of American citizens in 1791
- What were the compromises worked out between the Federalists and Anti- Federalists
- Are these rights taken for granted by American citizens today

### **Challenge Questions:**

- Is it possible for a society to have too many rights
- Is it possible to have too much freedom
- Are people capable of governing themselves without a central government

### **Unit Length:**

7 class periods of 45 minutes each

### **Monday**

Handout: The Bill of Rights- The reasoning behind each of the 1<sup>st</sup> Ten Amendments, Also the students will pick a case to argue on next Monday or Tuesday. The cases are as follows:

TLO v New Jersey/ deals with the 4<sup>th</sup> amendment  
Hazelwood v Kuhlmeir/deals with the 1<sup>st</sup> amendment-freedom of the press  
Bethel School District v Fraser/deals with the 1<sup>st</sup> amendment-free speech  
Tinker v Des Moines/deals with 1<sup>st</sup> amendment-free speech  
Ingraham v Wright/deals with 8<sup>th</sup> amendment-cruel and unusual punishment

Homework: Read Federalist Paper, #84

### **Tuesday**

The Federalists Position-Discussion/Federalists Paper, #84  
Hamilton and Madison. Students will discuss their interpretation of this paper.  
Intended outcome is that students will understand that Hamilton and Madison wanted only

what they felt was best for the country.

Homework: Read correspondence between Jefferson and Madison

### **Wednesday**

Anti-Federalists Position-Letters from Jefferson to Madison.

Discussion of this to follow in class. What is it these men wanted? Was it really that different?

### **Thursday**

Key Constitutional Concepts-Video

Part I: Why the framers created the Constitution

Part II: Gideon v Wainwright/Right to an attorney 1963

### **Friday**

Quiz: This will include the 1<sup>st</sup> Ten Amendments. Students will also discuss arguments by the Federalists and the Anti-Federalists. Essay: How do these rights affect you? Students will have time after this to polish up their cases.

### **Monday/Tuesday**

Students will argue their cases.

### **Key Ideas:**

The importance of compromise in a free society. That it's the nature of government to seek more power and when the people give up a right willingly it's extremely difficult to regain. **“Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty or safety.”**  
**Benjamin Franklin**

### **Intended Learning Outcomes:**

- Students will know the Bill of Rights
- Students will understand how each of these amendments pertains to them
- Students will understand the importance of compromise in a free society
- Students will have some understanding of the different viewpoints espoused

By the Federalists and the Anti-Federalists

## **National History Standards:**

**The National History Standards that will be addressed in this unit are:**

### **Historical Thinking:**

- Standard 1: Chronological Thinking
- Standard 2: Historical Comprehension
- Standard 3: Historical Analysis and Interpretation
- Standard 4: Historical Research Capabilities
- Standard 5: Analysis and Decision making

### **Content Standards- Era 3: Revolution and the New Nation (1754-1820s)**

- Standard 1
- Standard 2
- Standard 3

**Vermont Standards: The Vermont Standards that will be addressed in this unit are as follows.**

### **Vital Results:**

- -1.3-Reading Comprehension
- -1.7-Responses to Literature
- -1.8 Reports
- -1.18 Information Technology
- -1.19 Research

### **Fields of Knowledge**

- -6.1- Causes and Effects in Human Society
- -6.3- Analyzing Knowledge
- -6.4- Historical Connections
- -6.6- Being a Historian
- -6.10- Types of Government
- -6.14- Forces of Unity and Disunity

## **Preparation For Teaching:**

Creating handouts of the Bill of Rights, federalist paper number 84 and copies of the letters Jefferson wrote to Madison. Preparing case studies for New Jersey v T. L. O., Tinker v Des Moines, Hazelwood v Kuhlmeir, Bethel School District v Fraser, and Ingraham v Wright. Reading and Research.

## **Primary Sources:**

- The Bill of Rights @ Wikipedia.org
- The Federalist Papers @ odur.let.rug/ Can be found under essay #91
- Letters from Thomas Jefferson to James Madison @ <http://etext.virginia.edu/jefferson/quotations/jeff0950.htm>

## **Secondary Sources:**

- Power Point: What's up with my rights: The Texas Bar Association @ [www.texasbar.com](http://www.texasbar.com)
- Land Mark Cases @ [www.landmarkcases.org](http://www.landmarkcases.org)
- Video: Key Constitutional Concepts, Sunnyland Seminars-The Judicial Branch, 2006
- Our Constitution, Ritchie, Donald and Justice Learning.Org, 2006. Oxford Press

## **Activities:**

In the power point presentation from the Texas Bar Association students will look at Supreme Court cases that have had a direct effect on students rights such as Tinker v Des Moines (1<sup>st</sup> amendment 1969) and New Jersey v T. L. O. (4<sup>th</sup> amendment 1984).

Students will each be given a case at the start of the lesson. They will research this case and be prepared to argue it for the plaintiff or the defendant. The teacher will make this decision. Along with the above mentioned cases they will select from: Hazelwood v Kuhlmeir, (Freedom of the Press in School) Bethel School District v Fraser, (Freedom of Speech) and Ingraham v Wright (Cruel and Unusual Punishment)

## **Assessments:**

- Quiz on the Bill of Rights
- Completion of assigned homework
- Final Test:
- Students argue their case before the court.
- Student Participation

## Student Participation

I felt that this was a very successful unit. The students taking part in this were 15-16 years old. This could have played a part in their enthusiastic participation with the subject matter. This is an age when young people are expressing their independence in words and actions. Interacting with the information in the Bill of Rights allowed them to see exactly what some of those rights are.

By presenting them with Supreme Court cases that had a direct effect on student rights in the public school I was able to draw them in. The students really enjoyed researching these cases and then arguing them before their peers. This gave them a better understanding of the amendment and how other cases create precedence for future cases.

Many of my students had some understanding of the first ten amendments before we started this unit. This was due in part to their participation in current events every morning from 8-8:15. We had followed *Morse v Frederick*, (Bong Hits for Jesus) and have also been following *Heller v District of Columbia* regarding the right to bear arms. This has generated interest in current events. My students are awaiting the Supreme Court ruling on *Heller v District of Columbia* that is due out in June. We have talked about the current presidential candidates and how their responses to the courts ruling might impact the presidential election.

This has created students who are now using the information they are getting to form opinions rather than just passively receiving, and regurgitating it. Hopefully this will help them make informed choices when taking part in the democratic process. I hope it will also want them to make better choices in their own lives.

The discussion my students had over whether a Bill of Rights should have been added to the Constitution was also beneficial. By looking at the historic debate they saw that even though our founders had major disagreements on the issues, they were able to resolve these through debate and compromise. I believe compromise is something we as educators should really be conveying to our students. The United States is at a critical juncture in our growth as a nation. The decisions we make as a people in the next decade could very well decide our countries future.

All of my students felt that the Bill of Rights was necessary to the Constitution. They found it hard to view the Constitution without it. Perhaps that's because it was already there. If it wasn't put in and we were studying it they might feel that it was unnecessary.

In arguing *T.L.O. v New Jersey*, *Tinker v Des Moines*, etc, the students in their arguments overturned two of them. These were *Bethel School District v Fraser* and *Ingraham v Wright*. *Fraser* dealt with freedom of speech in the public school. *Fraser* gave a speech to support another student for class president. It was full of sexual innuendoes that were not allowed spoken in school. The student's felt that the speech wasn't really that bad and that most of the students wouldn't have cared anyway. Putting myself in their place and reading the speech I'm sure I would have felt the same way at their age.

I did share with them that if my son had come to me with a speech like that telling me he was going to read it out loud at a high school assembly, I would certainly have told him no. I am surprised when I hear a parent then takes the side of their child and takes a case like this to court.

In *Ingraham v Wright* the case was about corporal punishment in school. In this case a boy was

publicly spanked with a paddle in a Florida school. The Supreme Court sided with the school. All of my students felt that this should not be allowed. They felt it was humiliating, shameful and that there were other ways of handling behaviors. They thought it a behavior was bad enough that it warranted a public spanking then perhaps the student should have simply been expelled. I found it hard to argue with them and again if I put myself in their place I would completely agree with them.

I would highly recommend this unit to educators. This unit could be used for student's grade 7-12. It creates a great deal of discussion and a high level of reasoning. I found that some students began to search out stories in the newspaper to share in class that dealt with individual rights. It allows the educator to introduce a wide range of topics such as slavery, women rights, and the Patriot Acts.

Name:

Date:

### Quiz on the Bill of Rights

Match the statements in column B with the amendment in column A.

#### Column A

- \_\_\_\_\_ 1<sup>st</sup> amendment
- \_\_\_\_\_ 2<sup>nd</sup> amendment
- \_\_\_\_\_ 3<sup>rd</sup> amendment
- \_\_\_\_\_ 4<sup>th</sup> amendment
- \_\_\_\_\_ 5<sup>th</sup> amendment
- \_\_\_\_\_ 6<sup>th</sup> amendment
- \_\_\_\_\_ 7<sup>th</sup> amendment
- \_\_\_\_\_ 8<sup>th</sup> amendment
- \_\_\_\_\_ 9<sup>th</sup> amendment
- \_\_\_\_\_ 10<sup>th</sup> amendment

#### Column B

- a. trial by jury
- b. cruel and unusual punishment
- c. search and seizure
- d. freedom of speech, press
- e. rights retained by the people
- f. right to bear arms
- g. right to fair and speedy trial
- h. no quartering of troops
- i. rights retained by the states
- j. to plead the fifth

#### True or False

1. \_\_\_ The United States was first governed by the Articles of Confederation.
2. \_\_\_ States had very little power under these articles.
3. \_\_\_ Under these articles the government could collect taxes but could not regulate trade.
4. \_\_\_ these articles did not provide for the common defense.
5. \_\_\_ In 1787 delegates from every state met in Philadelphia to strengthen the Articles of Confederation.
6. \_\_\_ The delegates decided that a new constitution should be written.
7. \_\_\_ On September 17, 1787 the Constitution was signed.

8. \_\_\_ **This Constitution provided for two branches of government.**
9. \_\_\_ **The different branches of government provided for checks and balances.**
10. \_\_\_ **To be passed the Constitution needed ratification by ten of the twelve states.**

**Essay:**

Of the five cases that you have looked at which one do you feel has had the greatest impact on the rights of public school students? Explain your answer.

**Final: Bill of Rights**

Name:

Date:

**Fill in the blanks:**

1. The case of T.L.O. v New Jersey dealt with \_\_\_\_\_ amendment.
2. The Supreme Court hears approximately \_\_\_\_\_ cases per year.
3. Alexander Hamilton was aligned with the \_\_\_\_\_.
4. Madison was considered the \_\_\_\_\_ of the Constitution.
5. The Bill of Rights was ratified on \_\_\_\_\_, \_\_\_\_\_.
7. The case of Bethel School District v Fraser dealt with the \_\_\_\_\_ amendment.
8. The case of Gideon v Wainwright dealt with the \_\_\_\_\_ amendment.
9. The case of Tinker v Des Moines dealt with the \_\_\_\_\_ amendment.
10. Approximately \_\_\_\_\_ cases a year are referred to the Supreme Court.

**Match the statements in column B with the amendment in column A.**

Column A

- \_\_\_\_\_ 1<sup>st</sup> amendment
- \_\_\_\_\_ 2<sup>nd</sup> amendment
- \_\_\_\_\_ 3<sup>rd</sup> amendment
- \_\_\_\_\_ 4<sup>th</sup> amendment
- \_\_\_\_\_ 5<sup>th</sup> amendment
- \_\_\_\_\_ 6<sup>TH</sup> amendment
- \_\_\_\_\_ 7<sup>th</sup> amendment
- \_\_\_\_\_ 8<sup>th</sup> amendment
- \_\_\_\_\_ 9<sup>th</sup> amendment
- \_\_\_\_\_ 10<sup>th</sup> amendment

Column B

- a. trial by jury
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- i. rights retained by the states
- j. to plead the fifth

**Essay:**

1. In a well-written essay discuss Alexander Hamilton's arguments for not including a Bill of Rights in the Constitution.
2. In a well-written essay discuss Thomas Jefferson's arguments for wanting a Bill of Rights included in the Constitution.
3. In a well-written essay discuss whether you believe that a Bill of Rights was or was not important to the Constitution. You may reference Hamilton, Jefferson or any of the other founding fathers we have discussed to argue your point.

## **Annotated Bibliography**

### **Berkin, Carol. Revolutionary Mothers. New York. Vintage Books, 2005.**

I enjoyed this book very much. I referenced it with students during a unit on the Bill of Rights. I did it to give them a better understanding of how the common person might have felt during this time in America's history. Chapter four: "Such a sordid set of human creatures," is especially eye opening. This details what life was like for women who followed the armies. This includes the prostitutes, wives, laborers, and their children. War does not glorify this population nor even recognize it in our history texts.

This book opens up for readers many different aspects of life that affected both women and men but primarily women during the American Revolution. I would certainly use this book in a high school history class. I would use it as an introduction into what life was like in the colonies during the time the war was taking place. Far too often students read only accounts of the causes, the battles and results rather than what affect the war was having on the non-combatants or those caught in between.

### **Butterfield, Herbert. The Whig Interpretation of History. New York. W.W. Norton & Company, Inc., 1965.**

This was a difficult book to interpret but still had some good point. The main idea is that it's difficult to interpret history using modern standards. To understand why people did things back in 1540 or 1775 the modern day historian really needs to understand the world-view of the people of that period. As historians we have to look at what were the values, morals, traditions, living conditions of a culture before we can judge them by our standards.

As a teacher it's important for me to try and convey this to my students. I may tell students that people of that time period could have and maybe should have made other choices but it's important to try and understand why they did what they did.

I have questioned the use of the atomic bomb on Japan, as did General Dwight D. Eisenhower. But my father who would have taken part in the invasion of Honshu is glad President Truman ordered the bomb dropped. Though I may disagree with my father I understand his feeling because of the situation he was in at that time.

This would be a very difficult resource to access and understand and yet as I have said offers some interesting points.

### **Key Constitutional Concepts, PJ Productions, 2006**

This was an excellent video. The three short, 20-minute segments examine key constitutional concepts. The first one explains why the Constitution was written. It looks at the lack of power Congress had under the Articles of Confederation. In the video it discusses how the Founders had no authority to throw out the Articles of Confederation and to write a new set of laws.

The video describes the case of Gideon v Wainwright. This ties the Fourteenth Amendment into the Sixth Amendment and the right of the accused to counsel. The third segment looks at the separation of powers.

For my research I used the first two segments. This video is easy to use and does a wonderful job of making things easy to understand for grades six and up. This is very current as it was made in 2006. The segments are short and the video moves quickly holding the students attention.

**McCullough, David. 1776. New York. Simon & Schuster, 2005.**

This book gives a very detailed account of the American Revolution and the events leading up to the Battle of Trenton, which can be found on pages 272-281. The reader will understand that Washington was a man who understood the situation he was in. In order to win the revolution he had to keep his army intact.

McCullough's does his research. His information comes from original documents, diaries and letters. This creates for the reader a sense of being there. I referenced this book with students during my unit on the Bill of Rights. I did it for the purpose of having them try to understand the events that brought these men to Philadelphia in 1787.

The information in this book should be seen as reliable and easy to read and reference. If you are doing any research on the American Revolution, or George Washington then "1776" should be one of your sources.

**Randall, Willard. Sterne. Alexander Hamilton-A Life. New York. Harper Collins, 2003.**

Alexander Hamilton is usually remembered for a duel he fought with Aaron Burr in which he lost. Willard Randall does a good job of bringing Hamilton to life. Randall shows us a man that has all the same faults and frailties as all people have whether man, woman or historical figure. Randall describes a man insecure with himself due to his birth. This insecurity manifests itself into a man who has an inner desire to be somebody, to be remembered.

This book was important in my research and topic as it helped to get my students to understand whom one of the authors of the "Federalist Papers" was. How did he come to his beliefs and strong feelings on government?

In listening to Randall speak and having had a discussion with him on this book it's clear to me that he has done a great deal of research on Hamilton. Randall has used authentic documents as well as visited many of the places Hamilton lived and worked.

This book would be a valuable resource for anyone studying the American Revolution and the Critical Period that followed.

**Ritchie, Donald. A. & Justice Learning.org. Our Constitution. New York. Oxford University Press, 2006.**

This book dissects the Constitution in a way that anyone can understand it. It discusses why the Constitution was necessary and takes the reader from the Preamble to the Twenty Seventh Amendment. It gives examples of case history for each one. This book was extremely important to my research. It allowed me to easily access cases for students that pertained to any amendment looked at.

This book is an up to date source having been printed in 2006. The Supreme Courts ruling on Bush v Gore 2000 can be found on page 109. This book is highly reliable, as the writer has researched documented state, federal and Supreme Court cases.

The Ninth and Tenth Amendments can be confusing and difficult to explain. However Ritchie's explanation of these two makes it easy for students as well as adults to follow.

If you are doing any research on the Constitution you should be using this book.

[www.landmarkcases.org](http://www.landmarkcases.org), 2002

This site is an excellent resource for anyone wanting to learn about past or current Supreme Court cases. It provides teachers with an easy way to get their students attention. Teachers with access to computers in their classroom or in a lab can run their lesson plan right from this site.

The material is updated and authentic. It shows the student exactly how the case has moved through the system until reaching the Supreme Court. The students should be made aware that approximately 8,000 cases are filed with the court each year but less than 80 are heard. Many of the cases on this site have to do with the rights of students. Some of these are: T.L.O. v New Jersey, (4<sup>th</sup> amendment) Hazelwood v Kuhlmeier, (1<sup>st</sup> amendment, freedom of the press) and Tinker v Des Moines, (freedom of speech).

This site was highly relevant to my research and also provided students a site for their research.