

How can understanding the Bill of Rights empower civic engagement?

Dear Educator,

Thank you for your interest in the *Know Your Rights* distance learning program from the National Archives for grades 9–12. For this program, students will examine three historical case studies in preparation for a roundtable discussion with a facilitator from the National Archives. Each case study will serve as an example of how the government has made decisions that violated the Bill of Rights and how everyday citizens took action to hold the government accountable and retain their rights. During the roundtable discussion, students will use their case studies to answer questions such as “Is it ever okay for the Government to overstep the Bill of Rights?” and “How can a piece of parchment safeguard individual rights?”

Within this guide you will find everything you need to prepare your class for their upcoming videoconference program, including pre-program activities and guidance for the distance learning program materials. Hyperlinks are denoted in blue throughout the guide.

During the videoconference, students will need:

- ❑ A copy of the **Bill of Rights**, included in this guide in the Rights and Limitations pre-program activity
- ❑ The **completed case studies** from Pre-Program Activity 2—this is essential to the success of the program.

If you have any questions, please contact us at distancelearning@nara.gov.
We look forward to seeing you soon!

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National Standards Alignment

NATIONAL CENTER FOR HISTORY IN THE SCHOOLS HISTORY STANDARDS

United States History Content Standards for Grades 5–12 United States Era 3 Standard 3B

The student understands the guarantees of the Bill of Rights and its continuing significance.

NATIONAL STANDARDS FOR CIVICS AND GOVERNMENT

NSS-C.9-12.2.A.2

How American constitutional government has shaped the character of American society. Students should be able to explain the extent to which Americans have internalized the values and principles of the Constitution and attempted to make its ideals realities.

NSS-C.9-12.2.D.4

Conflicts among values and principles in American political and social life. Students should be able to evaluate, take, and defend positions on issues in which fundamental values and principles may be in conflict.

NSS-C.9-12.5.B.2

Political rights. Students should be able to evaluate, take, and defend positions on issues regarding political rights.

NSS-C.9-12.5.C.2

Civic responsibilities. Students should be able to evaluate, take, and defend positions on issues regarding civic responsibilities of citizens in American constitutional democracy.

NSS-C.9-12.5.E.3

Forms of political participation. Students should be able to evaluate, take, and defend positions about the means that citizens should use to monitor and influence the formation and implementation of public policy.

COMMON CORE STATE STANDARDS

CCSS.ELA-LITERACY.RI.11-12.1

Cite strong and thorough textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text, including determining where the text leaves matters uncertain.

CCSS.ELA-LITERACY.RI.11-12.9

Analyze seventeenth-, eighteenth-, and nineteenth-century foundational U.S. documents of historical and literary significance (including The Declaration of Independence, the Preamble to the Constitution, the Bill of Rights, and Lincoln's Second Inaugural Address) for their themes, purposes, and rhetorical features.

CCSS.ELA-LITERACY.SL.11-12.1

Initiate and participate effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grades 11–12 topics, texts, and issues, building on others' ideas and expressing their own clearly and persuasively.

CCSS.ELA-LITERACY.SL.11-12.1.A

Come to discussions prepared, having read and researched material under study; explicitly draw on that preparation by referring to evidence from texts and other research on the topic or issue to stimulate a thoughtful, well-reasoned exchange of ideas.



CCSS.ELA-LITERACY.SL.11-12.1.B

Work with peers to promote civil, democratic discussions and decision-making, set clear goals and deadlines, and establish individual roles as needed.

CCSS.ELA-LITERACY.RH.11-12.1

Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCSS.ELA-LITERACY.RH.11-12.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCSS.ELA-LITERACY.RH.11-12.7

Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem.



Guidance for Pre-Program Activities

ACTIVITY 1: RIGHTS AND LIMITATIONS (OPTIONAL)
TIME: 30 MINUTES

MATERIALS:

- ❑ **Rights and Limitations Activity (includes a copy of the Bill of Rights)**
- ❑ **2 different colored highlighters, pens, or colored pencils**

Teacher Note: This activity reviews the rights and limitations in the Bill of Rights. Depending on your students’ familiarity with the Bill of Rights, it is okay if you opt out of this activity. However, we strongly recommend students review the Bill of Rights prior to completing their case study work.

We have provided an Answer Key for this activity at the end of this Teacher Guide.

ACTIVITY 2: CASE STUDIES (REQUIRED)
TIME: 60 MINUTES

MATERIALS:

- ❑ **Case Study 1—Legislative Branch: One copy for each group member**
- ❑ **Case Study 2—Executive Branch: One copy for each group member**
- ❑ **Case Study 3—Judicial Branch: One copy for each group member**
- ❑ **The Bill of Rights: Students can use the same copy from the Rights and Limitations Activity**

Teacher Note: Divide students into 3 groups or 6 groups (depending on class size). In a six group scenario, two groups will review the same case study. In each group, each student should have a copy of the case study packet. Students will use the completed case study packet during the roundtable discussion with the National Archives. The completed case study will serve as their ticket into the roundtable discussion.

Quick Overview of Each Case Study (please note the case studies include excerpts of the longer documents and document transcriptions when needed.)

LEGISLATIVE	EXECUTIVE	JUDICIAL
“Gag Rule”	Executive Order 9066	<i>Gideon v. Wainwright</i>
Document 1: 306601	Document 1: 5730250	Document 1: 597553 (p. 291–294)
Document 2: 306638	Document 2: 296049	Document 2: 597554

For your reference, we have provided an **answer key** for each case study at the end of this *Teacher Guide*.

Guidance for the Videoconference Program

During the videoconference program, students will participate in a roundtable discussion about the Bill of Rights. Students should refer to their copy of the Bill of Rights and completed case study during the program. At the start of the videoconference program, we recommend that students do not sit in their case study groups. This will allow students to compare their case study experience with members from other groups.



Pre-Program Activity: Rights and Limitations

THE BILL OF RIGHTS IS THE FIRST TEN AMENDMENTS TO THE CONSTITUTION.

It spells out Americans' rights in relation to their government. It guarantees civil rights and liberties to the individual—like freedom of speech, press, and religion. The Bill of Rights also protects individual rights by placing limitations on the government. James Madison introduced the first draft of the Bill of Rights to Congress in June 1789. He encouraged Congress to pass the Bill of Rights as a way to increase support for the new United States Constitution. The first ten amendments were officially ratified by three-fourths of the States on December 15, 1791.

INSTRUCTIONS:

1. On your own, read through the Bill of Rights, highlighting or circling every use of the word “right” in one color.
2. Then, read through the Bill of Rights again, using a different color to highlight or circle the negative words (no, not, nor).
3. In pairs, use your highlighted copies to answer the questions on the last page of this activity.

The Bill of Rights

*Note: The following text is a transcription of the first ten amendments to the Constitution in their **original form and spelling**.*

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 re-examined 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.

DID YOU KNOW?

The Bill of Rights originally only applied to the federal government. The ratification of the 14th Amendment led to the Supreme Court gradually applying certain parts of the Bill of Rights to the States through a process called selective incorporation.



Questions

1. With a partner, discuss the different places where you highlighted the word “right.” Who do the rights belong to in the Bill of Rights? (Think broadly, but you can also list specific examples from the document.)

2. Next, review the different places where you highlighted a negative word (no, not, nor). These statements indicate limitations. Who or what does the Bill of Rights place limitations on? (Think broadly, but you can also list specific examples from the document.)

3. Limitations in the first ten amendments also protect rights. Choose one limitation and explain the right it protects. For example, the Fifth Amendment states “nor shall private property be taken for public use, without just compensation.” This can also be read as people have a right to be fairly compensated for private property taken by the government.

4. Think about how this document applies to you, after all, you are one of the “people” protected by the Bill of Rights! What aspects of your life does the Bill of Rights influence and protect? You can think of immediate examples, or hypothetical scenarios.



Case Study 1: The Legislative Branch

INTRODUCTION:

This activity will help you prepare for your upcoming roundtable discussion with the National Archives. The work you do today will serve as your “ticket” into the videoconference program. During the roundtable discussion, you will use this information to answer the question, **how can understanding the Bill of Rights empower civic engagement?**

In this Case Study you will find:

- ☐ Document 1 Questions
- ☐ Document 1: *Gag Rule Resolution, December 21, 1837*
- ☐ Document 2 Questions
- ☐ Document 2: *Petition from Women of Brookline MA, February 14, 1838*
- ☐ Additional Information



Know Your Rights! CASE STUDY 1: THE LEGISLATIVE BRANCH

1. **Read Document 1:** *Gag Rule Resolution, December 21, 1837.*

Need a transcription? Check the last page of this Case Study Packet.

2. **Answer the following questions:**

Need additional information? After you have read your document at least once, check out the Background Information for Document 1, located on the last page of this Case Study Packet.

Type of document:

Unique physical characteristics of the document (Circle one or more):

Interesting Letterhead

Notations

Handwritten

“RECEIVED” Stamp

Typed

Seals

Other

Date of document:

Author (or creator) of the document:

For what audience was the document written?

Describe the action taken by the Government in the document.

Refer to your copy of the Bill of Rights. Which amendment(s) has the Government violated with this action? (List up to 3 amendments and use the document to explain your choices.)

What actions could you take if you were citizens impacted by this decision? Discuss as group.



Resolved, that all petitions, memorials, and papers touching the abolition of slaves or the buying, selling, or transferring of slaves in any State, District or Territory of the United States, be laid upon the table without being debated, printed, read or referred and that no further action whatever shall be had thereon —

Know Your Rights! CASE STUDY 1: THE LEGISLATIVE BRANCH

3. Read Document 2: *Petition from Women of Brookline MA, February 14, 1838.*

Need a transcription? Check the last page of this Case Study Packet.

The “Gag Rule” inspired this citizen response. The first two names on this document, Sarah and Angelina Grimké, were two abolitionists who grew up in a prominent Southern slaveholding family. They signed the document while on an anti-slavery speaking tour in New England.

4. Answer the following questions:

Type of document:

Unique physical characteristics of the document (Circle one or more):

Interesting Letterhead

Notations

Handwritten

“RECEIVED” Stamp

Typed

Seals

Other

Date of document:

Author (or creator) of the document:

For what audience was the document written?

What type of action is this citizen(s) taking to correct the situation?

Which descriptive words or phrases stand out to you?

5. Time permitting, do a little internet research to learn more about your case study. Take notes for your upcoming discussion and be sure to keep track of your sources.



To the Honorable the House of Representatives of the United States.

The undersigned *Women of Brooklyn* in the Commonwealth of Massachusetts, have learned with astonishment and alarm, that your honorable body did, on the 21st of December last, adopt a resolution in the words following, to wit:

~~'Resolved, That all memorials, petitions, and papers, touching the abolition of slavery, or the buying, selling, or transfer of slaves in any State, territory, or district of the United States, shall be laid on the table, without reading, or reference, or printing, and that no further action whatever shall be had thereon.'~~ *being debated printed read or referred, & that no further action whatever shall be had thereon*

Your memorialists 'consider this resolution a violation of the Constitution of the United States—of the right of the people of the United States to petition—and of the right of their Representatives to freedom of speech as members of your honorable body: ' They further regard it as an assumption of authority, at once dangerous and destructive to the fundamental principles of republican government, to the rights of minorities, to the sovereignty of the People, and **TO THE UNION OF THESE UNITED STATES:** They therefore present this their solemn and earnest remonstrance against said resolution, and respectfully ask your honorable body to **IMMEDIATELY RESCIND IT.**

Sarah M. Grimké

Angelina E. Grimké

Eliza Philbrick

Fanny Bell

Sarah Celfe

Hepsibah Celfe

Chloe H. Whitney

Rebecca Gerry

Rebecca L. Gerry

Rosyza Jaquith

10



Ann A. Ogden

Miguel Tolman

Mary F.R. Tolman

Elizabeth Whyte

Susan S. Whyte

Eliza S. Whyte

Eliza Aspinwall

Samantha B. Huggins

Mehitable Stone

Mary H. Stone

20

Annie Powell Philbrick

Katherine Lopez

Hannah Lopez

Harriet Lopez

Hannah Pence

Document 1 Transcription:

Resolved, that all petitions, memorials, and papers touching the abolition of slavery or the buying, selling, or transferring of slaves in any state, district or territory of the United States be laid upon the table without being debated, printed, read or refined and that no further action whatever shall be had thereon

Document 1 Background Information:

Gag Rule Resolution, December 21, 1837, U.S. House of Representatives

In 1834, the American Anti-Slavery Society began an anti-slavery petition drive in an effort to rally public support for the abolition of slavery in the United States. Petitioning Congress became an especially important vehicle for the anti-slavery message after the Post Office refused to distribute anti-slavery publications in the South. The act of petitioning Congress also gave groups with no political power, such as women, free blacks and enslaved people, a voice in government. As anti-slavery opponents became more insistent, Southern members of Congress were increasingly adamant in their defense of slavery and were prepared to go to great lengths to preserve slavery in the southern states. In May of 1836, the House of Representatives passed a resolution in an effort to avoid discussing the issue of slavery altogether and renewed this resolution in the following years.

Document 2 Transcription:

To the Honorable the House of Representatives of the United States.

The undersigned Women of Brookline in the Commonwealth of Massachusetts, have learned with astonishment and alarm, that your honorable body did, on the 21st of December last, adopt a resolution in the words following, to wit:

‘Resolved, That all memorials, petitions, and papers, touching the abolition of slavery, or the buying, selling, or transfer of slaves in any State, territory, or district of the United States, shall be laid on the table, without (reading, or reference, or printing, and that no further action whatever shall be had thereon.)’ being debated printed read or refined, that no further action whatever shall be had thereon. Your memorialists’ consider this resolution a violation of the Constitution of the United States—of the right of the people of the United States to petition—and of the right of their Representatives to freedom of speech as members of your honorable body.’ They further regard it as an assumption of authority, at once dangerous and destructive to the rights of the People, and TO THE UNION OF THESE UNITED STATES: They therefore present this their solemn and earnest remonstrance against said resolution, and respectfully ask your honorable body to IMMEDIATELY RESCIND IT.



Case Study 2: The Executive Branch

INTRODUCTION:

This activity will help you prepare for your upcoming roundtable discussion with the National Archives. The work you do today will serve as your “ticket” into the videoconference program. During the roundtable discussion, you will use this information to answer the question, **how can understanding the Bill of Rights empower civic engagement?**

In this Case Study you will find:

- ☐ Document 1 Questions
- ☐ Document 1: *Executive Order 9066, February 19, 1942*
- ☐ Document 2 Questions
- ☐ Document 2: *Excerpt from Demurrer to Information, U.S. v. Korematsu, June 20, 1942*
- ☐ Additional Information



Know Your Rights! CASE STUDY 2: THE EXECUTIVE BRANCH

1. **Read Document 1:** *Executive Order 9066, February 19, 1942*

2. **Answer the following questions:**

Need additional information? After you have read your document at least once, check out the Background Information for Document 1, located on the last page of this Case Study Packet.

Type of document:

Unique physical characteristics of the document (Circle one or more):

Interesting Letterhead

Notations

Handwritten

“RECEIVED” Stamp

Typed

Seals

Other

Date of document:

Author (or creator) of the document:

For what audience was the document written?

Describe the action taken by the Government in the document.

Refer to your copy of the Bill of Rights. Which amendment(s) has the Government violated with this action? (List up to 3 amendments and use the document to explain your choices.)

What actions you could take if you were citizens impacted by this decision? Discuss as group.



EXECUTIVE ORDER

- - - - -

AUTHORIZING THE SECRETARY OF WAR TO PRESCRIBE
MILITARY AREAS

WHEREAS the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U. S. C., Title 50, Sec. 104):

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military



- 2 -

Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941, and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.



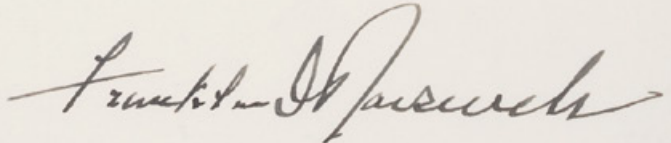
- 3 -

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972, dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

THE WHITE HOUSE,

February 14, 1942.



THE NATIONAL ARCHIVES
FILED AND MADE AVAILABLE
FOR PUBLIC INSPECTION

FEB 21 12 51 PM '42



Know Your Rights! CASE STUDY 2: THE EXECUTIVE BRANCH

In 1942 Fred Korematsu, a Japanese-American citizen, refused to leave his home in San Leandro, California. This was violation of a military exclusion order issued under Executive Order 9066 and led to Korematsu's arrest. This document challenges the validity of the charges against Korematsu.

3. **Read Document 2:** *Excerpts from Demurrer to Information, U.S. v. Korematsu, June 20, 1942*
4. **Answer the following questions:**

Type of document:

Unique physical characteristics of the document (Circle one or more):

Interesting Letterhead	Notations	Handwritten	"RECEIVED" Stamp
Typed	Seals	Other	

Date of document:

Author (or creator) of the document:

For what audience was the document written?

What type of action is this citizen(s) taking to correct the situation?

Which descriptive words or phrases stand out to you?

5. **Time permitting, do a little internet research to learn more about your case study. Take notes for your upcoming discussion and be sure to keep track of your sources.**



1 Clarence E. Rust,
2 5837 San Pablo,
3 Oakland, Calif.
4 Olympic 5450
5 Attorney for Defendant.

FILED

JUN 20 1942

WALTER B. MALING, CLERK

9 IN THE SOUTHERN DIVISION OF THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 FRED TOYOSABURO KOREMATSU,

15 Defendant.

No. 27635-W

(Crim.)

17 DEMURRER TO INFORMATION

18 Now comes Fred Toyosaburo Korematsu, defendant above-named,
19 demurring to the information herein upon the following grounds,
20 to-wit:

21 I

22 The information fails to state facts sufficient to constitute
23 an offense against the laws of the United States in that Executive
24 Order No. 9066 of the President of the United States dated Febru-
25 ary 19, 1942, referred to therein and upon which it is based in
26 part, is, on its face, and also as construed and applied to the
27 defendant herein, unconstitutional and void upon all and each of
28 the following grounds, to-wit:



- 11 4. It operates to violate defendant's right to be secure
12 in his person and also in his house, papers and ef-
13 fects against unreasonable search and seizure in vio-
14 lation of the provisions of the Fourth Amendment of
15 the U.S. Constitution.
- 16 5. In that defendant's apprehension and detention there-
17 under was not and is not pursuant to a Warrant issued
18 upon probable cause supported by Oath or affirmation
19 particularly describing the person of defendant to be
20 seized as is required by the provisions of the Fourth
21 Amendment of the U.S. Constitution.
- 22 6. It operates to deprive defendant of his liberty with-
23 out due process of law in violation of the Fifth Amend-
24 ment of the U.S. Constitution.
- 25 7. It operates to deprive defendant of his property with-
26 out due process of law in violation of the Fifth Amend-
27 ment of the U.S. Constitution.
- 28 8. It operates to deny defendant the equal protection of
29 the laws in violation of the Fifth Amendment of the
30 U.S. Constitution.
- 31 9. It deprives defendant of his rights, privileges, im-
32 munities and liberties of national citizenship, in-

- cluding, among others, the following, to-wit; freedom of movement, the right to live and to work where he pleases, to exercise the right of free speech, press and assemblage in the areas authorized to be prescribed thereunder, in violation of the due process clause of the Fifth Amendment of the U.S. Constitution.
10. In subjecting defendant to exclusion or forcible military evacuation from the areas to be prescribed thereunder under threat of arrest, fine and imprisonment under Public Law No. 503, 77th Congress, 2nd Session, Chapter 191, it deprives defendant of the right to a speedy and public trial, and the incidents thereof, in violation of the Sixth Amendment of the U.S. Constitution.
11. It inflicts upon defendant a cruel and unusual punishment, to-wit, evacuation from the areas prescribed and to be prescribed thereunder with the consequent loss of rights of national citizenship and also of state citizenship, or, in the alternative, arrest, fine and imprisonment pursuant to Public Law No. 503, 77th Congress, 2nd Session, Chap. 191, approved March 21, 1942, in violation of the provisions of the Eighth Amendment of the U.S. Constitution.
12. It is a usurpation of power over rights which are retained by the people and, in consequence, inherent in defendant, and therein violative of the provisions of the Ninth Amendment of the U.S. Constitution.
13. It is a usurpation of power not delegated to the United States but reserved to the people, including defendant, and therein is in violation of the provisions of the Tenth Amendment of the U.S. Constitution.
14. It imposes upon defendant a choice between exclusion

Document 1 Background Information:

Executive Order 9066, February 19, 1942

Prior to the outbreak of World War II, the Federal Bureau of Investigation (FBI) had identified German, Italian, and Japanese aliens who were suspected of being potential enemy agents. Following the attack at Pearl Harbor, the West Coast was divided into military zones and suspect enemy aliens were kept under surveillance. By mid-January 1942, demands arose to exclude not only suspicious aliens whose origins were in belligerent nations, but all persons of Japanese descent, whether foreign born or American citizens. On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066 authorizing military commanders to exclude civilians from military areas. Although the language of the order did not specify any ethnic group, on March 29, 1942, under the authority of the executive order, Lieutenant General John L. DeWitt issued Public Proclamation No. 4, which began the controlled, involuntary evacuation and detention of West Coast residents of Japanese-American ancestry on a 48-hour notice.



Case Study 3: The Judicial Branch

INTRODUCTION:

This activity will help you prepare for your upcoming roundtable discussion with the National Archives. The work you do today will serve as your “ticket” into the videoconference program. During the roundtable discussion, you will use this information to answer the question, **how can understanding the Bill of Rights empower civic engagement?**

In this Case Study you will find:

- ☐ Document 1 Questions
- ☐ Document 1: *Excerpt from the Reporter’s Transcript of State of Florida v. Clarence Earl Gideon in the Circuit Court, Fourteenth Judicial Circuit of the State of Florida, August 4, 1962*
- ☐ Document 2 Questions
- ☐ Document 2: *Excerpt from Petition for a Writ of Certiorari for Clarence Gideon, January 5, 1962*
- ☐ Additional Information



Know Your Rights! CASE STUDY 3: THE JUDICIAL BRANCH

1. **Read Document 1:** *Excerpt from the Reporter's Transcript of State of Florida vs. Clarence Earl Gideon in the Circuit Court, Fourteenth Judicial Circuit of the State of Florida, August 4, 1962.*
2. **Answer the following questions:**
Need additional information? After you have read your document at least once, check out the Background Information for Document 1, located on the last page of this Case Study Packet.

Type of document:

Unique physical characteristics of the document (Circle one or more):

Interesting Letterhead

Notations

Handwritten

"RECEIVED" Stamp

Typed

Seals

Other

Date of document:

Author (or creator) of the document:

For what audience was the document written?

Describe the action taken by the Government in the document.

Refer to your copy of the Bill of Rights. Which amendment(s) has the Government violated with this action? (List up to 3 amendments and use the document to explain your choices.)

What actions you could take if you were citizens impacted by this decision? Discuss as group.



NEW PAGE

4473-5

IN THE CIRCUIT COURT, FOURTEENTH
JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR BAY COUNTY.

STATE OF FLORIDA,
PLAINTIFF,

VS.

CLARENCE EARL GIDEON,
DEFENDANT.

--- Reporter's Transcript of Trial --- want call

BE IT REMEMBERED THAT THIS CASE CAME ON FOR TRIAL IN
THE REGULAR SPRING TERM OF CIRCUIT COURT IN AND FOR BAY
COUNTY, FLORIDA, ON THE 4TH DAY OF AUGUST, 1962, [sic - 1961] BEFORE THE
HONORABLE ROBERT L. MCCRARY, JR., ONE OF THE CIRCUIT JUDGES
OF THE ABOVE STYLED COURT, PRESIDING, AND A JURY DRAWN FROM
THE REGULAR VENIRE.

APPEARANCES

FOR THE PLAINTIFF, STATE OF FLORIDA,
WILLIAM E. HARRIS, ESQUIRE,
ASSISTANT STATE ATTORNEY,
IN AND FOR THE FOURTEENTH
JUDICIAL CIRCUIT OF THE
STATE OF FLORIDA,
201 EAST 4TH STREET,
PANAMA CITY, FLORIDA.

FOR THE DEFENDANT, CLARENCE EARL GIDEON,
THE DEFENDANT IN PRO PER.

all call from

Gal-1

4473-5

✓ Collusion Between Court and Counsel

A COURT WAS CALLED TO ORDER BY DEPUTY SHERIFF, J. C.

GILBERT.

HIS HONOR, JUDGE MCCRARY, SEATED ON THE BENCH.

COUNSEL FOR THE STATE, HONORABLE WILLIAM E. HARRIS,
ASSISTANT STATE ATTORNEY, AND THE DEFENDANT, CLARENCE EARL
GIDEON, SEATED AT THE COUNSEL TABLE.

IMMEDIATELY FOLLOWING THE FORMAL OPENING OF THE COURT
THE FOLLOWING TRANSPIRED:

THE COURT:

THE NEXT CASE ON THE DOCKET IS THE CASE OF THE STATE OF
FLORIDA, PLAINTIFF, VS CLARENCE EARL GIDEON, DEFENDANT. WHAT
SAYS THE STATE, ARE YOU READY TO GO TO TRIAL IN THIS CASE?

MR. HARRIS:

THE STATE IS READY, YOUR HONOR.

THE COURT:

WHAT SAYS THE DEFENDANT? ARE YOU READY TO GO TO TRIAL?

THE DEFENDANT:

I AM NOT READY, YOUR HONOR.

THE COURT:

DID YOU PLEAD NOT GUILTY TO THIS CHARGE BY REASON OF
INSANITY?

THE DEFENDANT:

No, SIR.

THE COURT:

WHY AREN'T YOU READY?

THE DEFENDANT:

I HAVE NO COUNSEL.

[fol. 2]

Know Your Rights! CASE STUDY 3: THE JUDICIAL BRANCH

4473-5

THE COURT:

WHY DO YOU NOT HAVE COUNSEL? DID YOU NOT KNOW THAT YOUR CASE WAS SET FOR TRIAL TODAY?

THE DEFENDANT:

YES, SIR, I KNEW THAT IT WAS SET FOR TRIAL TODAY.

THE COURT:

WHY, THEN, DID YOU NOT SECURE COUNSEL AND BE PREPARED TO GO TO TRIAL?

THE DEFENDANT ANSWERED THE COURT'S QUESTION, BUT SPOKE IN SUCH LOW TONES THAT IT WAS NOT AUDIBLE.

THE COURT:

COME CLOSER UP, MR. GIDEON, I CAN'T UNDERSTAND YOU, I DON'T KNOW WHAT YOU SAID, AND THE REPORTER DIDN'T UNDERSTAND YOU EITHER.

AT THIS POINT THE DEFENDANT AROSE FROM HIS CHAIR WHERE HE WAS SEATED AT THE COUNSEL TABLE, AND WALKED UP AND STOOD DIRECTLY IN FRONT OF THE BENCH, FACING HIS HONOR, JUDGE McCRARY.

THE COURT:

NOW, TELL US WHAT YOU SAID AGAIN, SO WE CAN UNDERSTAND YOU, PLEASE.

THE DEFENDANT:

YOUR HONOR, I SAID: I REQUEST THIS COURT TO APPOINT COUNSEL TO REPRESENT ME IN THIS TRIAL.

THE COURT:

MR. GIDEON, I AM SORRY, BUT I CANNOT APPOINT COUNSEL

81 [illegible] 837



4473-5

TO REPRESENT YOU IN THIS CASE. UNDER THE LAWS OF THE STATE OF FLORIDA, THE ONLY TIME THE COURT CAN APPOINT COUNSEL TO REPRESENT A DEFENDANT IS WHEN THAT PERSON IS CHARGED WITH A CAPITAL OFFENSE. I AM SORRY, BUT I WILL HAVE TO DENY YOUR REQUEST TO APPOINT COUNSEL TO DEFEND YOU IN THIS CASE.

THE DEFENDANT:

THE UNITED STATES SUPREME COURT SAYS I AM ENTITLED TO BE REPRESENTED BY COUNSEL.

THE COURT: (ADDRESSING THE REPORTER)

LET THE RECORD SHOW THAT THE DEFENDANT HAS ASKED THE COURT TO APPOINT COUNSEL TO REPRESENT HIM IN THIS TRIAL AND THE COURT DENIED THE REQUEST, AND INFORMED THE DEFENDANT THAT THE ONLY TIME THE COURT COULD APPOINT COUNSEL TO REPRESENT A DEFENDANT WAS IN CASES WHERE THE DEFENDANT WAS CHARGED WITH A CAPITAL OFFENSE. THE DEFENDANT STATED TO THE COURT THAT THE UNITED STATES SUPREME COURT SAID HE WAS ENTITLED TO IT.

(ADDRESSING THE DEFENDANT)

ARE YOU NOW READY TO GO TO TRIAL?

THE DEFENDANT:

YES, SIR.

THE COURT:

CALL A JURY, MR. SHERIFF.

THEREUPON, A VENIRE OF SIX MEN WERE CALLED AS PROSPECTIVE JURORS TO TRY THIS CASE. THESE SIX MEN WERE EXAMINED

Know Your Rights! CASE STUDY 3: THE JUDICIAL BRANCH

The jury found Clarence Gideon guilty. He was sentenced to five years in prison. While in prison, he petitioned the Florida Supreme Court to hear his case. His petition was denied. This document reveals what he did next.

3. **Read Document 2:** *Excerpts from Petition for a Writ of Certiorari for Clarence Gideon, January 5, 1962.*

4. **Answer the following questions:**

Type of document:

Unique physical characteristics of the document (Circle one or more):

Interesting Letterhead

Notations

Handwritten

“RECEIVED” Stamp

Typed

Seals

Other

Date of document:

Author (or creator) of the document:

For what audience was the document written?

What type of action is this citizen(s) taking to correct the situation?

Which descriptive words or phrases stand out to you?

5. **Time permitting, do a little internet research to learn more about your case study. Take notes for your upcoming discussion and be sure to keep track of your sources.**



Know Your Rights! CASE STUDY 3: THE JUDICIAL BRANCH

DIVISION OF CORRECTIONS
CORRESPONDENCE REGULATIONS

MAIL WILL NOT BE DELIVERED WHICH DOES NOT CONFORM WITH THESE RULES

No. 1 -- Only 2 letters each week, not to exceed 2 sheets letter-size 8 1/2 x 11" and written on one side only, and if ruled paper, do not write between lines. Your complete name must be signed at the close of your letter. Clippings, stamps, letters from other people, stationery or cash must not be enclosed in your letters.

No. 2 -- All letters must be addressed in the complete prison name of the inmate. Cell number, where applicable, and prison number must be placed in lower left corner of envelope, with your complete name and address in the upper left corner.

No. 3 -- Do not send any packages without a Package Permit. Unauthorized packages will be destroyed.

No. 4 -- Letters must be written in English only.

No. 5 -- Books, magazines, pamphlets, and newspapers of reputable character will be delivered only if mailed direct from the publisher.

No. 6 -- Money must be sent in the form of Postal Money Orders only, in the inmate's complete prison name and prison number.

INSTITUTION _____ CELL NUMBER _____

NAME _____ NUMBER _____

In The Supreme Court of The United States
Washington D.C.
Clarence Earl Gideon
Petitioner -
vs.
H.G. Cochran, Jr, as
Director, Division of
Corrections State
of Florida

Petition for a writ
of Certiorari directed
to The Supreme Court
State of Florida.

No. 890 Misc.
OCT. TERM 1961
U. S. Supreme Court

To: The Honorable Earl Warren, Chief
Justice of the United States

Come s now The petitioner, Clarence
Earl Gideon, a citizen of The United States
of America, in proper person, and appearing
as his own counsel. Who petitions this
Honorable Court for a Writ of Certiorari
directed to The Supreme Court of The State
of Florida. To review the order and Judge-
ment of the court below denying The
petitioner a Writ of Habeus Corpus.

Petitioner submits that The Supreme
Court of The United States has the authority
and jurisdiction to review The final Judge-
ment of The Supreme Court of The State
of Florida the highest court of The State.
Under sec. 344(B) Title 28 U.S.C.A. and
Because The "Due process clause" of The



Know Your Rights! CASE STUDY 3: THE JUDICIAL BRANCH

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No. 3 -- Do not send any packages without a *Package Permit*. Unauthorized packages will be destroyed.

No. 4 -- Letters must be written in English only.

No. 5 -- Books, magazines, pamphlets, and newspapers of reputable character will be delivered *only if* mailed direct from the publisher.

No. 6 -- Money must be sent in the form of *Postal Money Orders* only, in the inmate's complete prison name and prison number.

INSTITUTION _____ CELL NUMBER _____

NAME _____ NUMBER _____

fourteenth admendment of the const,tution
and the fifth and sixth articales of the
Bill of rights has been violated. ~~Fifth~~
Furthermore, the decision of the court.
below denying the petitioner a Writ of
Habeas Corpus is also inconsistent and
adverse to its own previous decisions
in peralled cases.



Know Your Rights! CASE STUDY 3: THE JUDICIAL BRANCH

Counsel must be assigned to the accused if he is unable to employ

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INSTITUTION _____ CELL NUMBER _____

NAME _____ NUMBER _____

one, and is incapable adequately of making his own defense

Tonkins vs State Missouri 65 Ct 370

on the 3rd June 1961 A.D. your Petitioner was arrested for fore-said crime and convicted for same, Petitioner receive Trial and sentence without aid of Counsel, your petitioner was deprived 'Due process of law'.

Petitioner, was deprived of due process of law in The Court. Evidence in the lower court did not show that a crime of Breaking and Entering with the intent to commit Petty Larceny had been committed. Your petitioner was compelled to make his own defense, he was incapable adequately of making his own defense Petitioner did not plead not contented. But That is what his Trial amounted to.



DIVISION OF CORRECTIONS
CORRESPONDENCE REGULATIONS

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- No. 5 -- Books, magazines, pamphlets, and newspapers of reputable character will be delivered only if mailed direct from the publisher.
- No. 6 -- Money must be sent in the form of Postal Money Orders only, in the inmate's complete prison name and prison number.

INSTITUTION _____ CELL NUMBER _____

NAME _____ NUMBER _____

Wherefore the premises considered it is respectfully contended that the decision of the court below was in error and the case should be review by this court, accordingly the writ prepared and prayed for should be issue.

IT is respectfully submitted

Clarence Earl Gideon

Clarence Earl Gideon

P.O. Box 221

State of Florida

Railford Florida

County of Union or

Petitioner, Clarence Earl Gideon, personally appearing before me and being duly sworn. Affirms that the foregoing petition and the facts set forth in the petition are correct and true

Sworn and subscribed before me this 5th day of Jan 1962

Laurance C. Suggs
Notary Public

Notary Public, State of Florida at Large
My Commission Expires Sept. 19, 1962
Bonded by American Surety Co. of N.Y.



Document / Background Information:

Excerpt from the Reporter's Transcript of State of Florida v. Clarence Earl Gideon in the Circuit Court, Fourteenth Judicial Circuit of the State of Florida, in and for Bay County, August 4, 1962.

Originally, the Bill of Rights only applied to the federal Government, but in 1868 the Fourteenth Amendment extended the protections of the Bill of Rights to the States. This happened not at once, but rather through a process known as selective incorporation, in which the Supreme Court decided over time which aspects of the Bill of Rights also apply to the states. For example, in 1932, the Supreme Court ruled that for death penalty cases, the States must provide counsel for people who cannot afford lawyers. However, in 1942, in the case *Betts v. Brady*, the Supreme Court ruled that States are not required to provide a lawyer for poor defendants in *all* criminal cases. These cases set the stage for the case of Clarence Earl Gideon. In 1961, Gideon was charged with breaking and entering the Bay Harbor Pool Room with an intent to commit a misdemeanor. Gideon, a fifty-year-old man with an eighth-grade education and prior criminal history, could not afford a lawyer for the trial. He pleaded not guilty and requested a court-appointed lawyer for his trial.



Post-Program Activities

THE BILL OF RIGHTS IN THE NEWS

During this activity, students will conduct an online search for a newspaper article about a recent Bill of Rights issue. Students will use their chosen article to complete the “Bill of Rights in the News” worksheet. During class, students can share their discoveries and discuss how the Bill of Rights is utilized today.

DESIGN A KNOW YOUR RIGHTS! POSTER

Ask students to reflect on the conversation they had during the program with the National Archives. How could they use a visual medium to share the idea that knowing the Bill of Rights is important with their classmates and school? In groups or as individuals, have students design a poster to raise their classmates’ awareness/understanding/appreciation of the Bill of Rights. You can share the following examples from the holdings of the National Archives.

Examples:

- ❏ <https://www.docsteach.org/documents/document/1-freedom-of-speech>
- ❏ <https://www.docsteach.org/documents/document/bill-of-rights-and-beyond>



The Bill of Rights in the News Worksheet

INSTRUCTIONS

1. Chose an amendment from the Bill of Rights.
2. Conduct a search for your chosen amendment using the online version of a national, state, or local newspaper. Browse through the results and select a recent article about your chosen amendment.
3. Use your article to answer the following questions.

Amendment #

Title of Article

Date of Article

Author

Source (news organization)

Website

Summarize the Bill of Rights issue addressed in this article.

Do you detect the author's bias in this article? Pay attention to word choice, the type of article, and the source. Record examples of the author's perspective on the issue.

How can you connect your article to the discussion we had with the National Archives?



Additional Online Resources from the National Archives

AMENDING AMERICA RESOURCES

The National Archives' *Amending America* exhibit highlights the remarkable American story of how we have amended, or attempted to amend, the Constitution in order to form a nation that more closely mirrors our ideals.

Online resources associated with this exhibit include:

- ❑ *National Conversations on Rights and Justice*: A series of presentations held across the country that explore a range of contemporary issues, addressing the tension between individual rights and collective responsibilities, a process that began with the Bill of Rights
- ❑ Online exhibits featuring documents from the holdings of the National Archives
- ❑ *Congress Creates the Bill of Rights, Amending America, and Putting the Bill of Rights to the Test* eBooks
- ❑ *How Do We Amend?* by the National Archives and HISTORY: An animated video showing the story of how and why we amend through the proposal and ratification process

RECORDS OF RIGHTS

The online version of the permanent exhibit in Washington, DC. Explore records of the National Archives documenting the ongoing struggle of Americans to define, attain, and protect their rights.

DOCSTEACH

Access thousands of primary sources—letters, photographs, speeches, posters, maps, videos, and other document types—spanning the course of American history. We're always adding more!

Borrow from an ever-expanding collection of document-based activities created by the National Archives, and teachers around the world. Copy and modify activities for your students.

Create your own activities using the online tools. It's as simple as: (1) selecting a tool, (2) choosing your primary sources, and (3) customizing instructions.

THE 225TH ANNIVERSARY OF THE BILL OF RIGHTS ON DOCSTEACH

A special DocsTeach collection of primary sources and teaching activities on how we've attempted to form a more perfect union.

THE CENTER FOR LEGISLATIVE ARCHIVES

The Center for Legislative Archives preserves and makes available the historical records of the U.S. House of Representatives and the U.S. Senate. Congressional records used in this distance learning program include the documents related to the Gag Rule.

The Center also offers wonderful resources for educators on representative democracy, how Congress works, and the important role Congress has played throughout American history, including lesson plans on the creation of the Bill of Rights and the "Congress Creates the Bill of Rights" mobile app and eBook.



Answer Key: Pre-Program Activity I— Rights and Limitations

THE BILL OF RIGHTS IS THE FIRST TEN AMENDMENTS TO THE CONSTITUTION.

It spells out Americans' rights in relation to their government. It guarantees civil rights and liberties to the individual—like freedom of speech, press, and religion. The Bill of Rights also protects individual rights by placing limitations on the government. James Madison introduced the first draft of the Bill of Rights to Congress in June 1789. He encouraged Congress to pass the Bill of Rights as a way to increase support for the new United States Constitution. The first ten amendments were officially ratified by three-fourths of the States on December 15, 1791.

INSTRUCTIONS:

4. On your own, read through the Bill of Rights, highlighting or circling every use of the word “right” in one color.
5. Then, read through the Bill of Rights again, using a different color to highlight or circle the negative words (no, not, nor).
6. In pairs, use your highlighted copies to answer the questions on the last page of this activity.

The Bill of Rights

*Note: The following text is a transcription of the first ten amendments to the Constitution in their **original form and spelling**.*

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 re-examined 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.

DID YOU KNOW?

The Bill of Rights originally only applied to the federal government. The ratification of the 14th Amendment led to the Supreme Court gradually applying certain parts of the Bill of Rights to the States through a process called selective incorporation.



Questions

1. With a partner, discuss the different places where you highlighted the word “right.” Who do the rights belong to in the Bill of Rights? (Think broadly, but you can also list specific examples from the document.)

The people

Additional answers: Homeowners (Third Amendment), the accused (Sixth Amendment), the Tenth Amendment talks about powers reserved to the States.

Students may also point out that while the rights belong to the people, it has been a long struggle to make sure the Bill of Rights protects the rights of *all* people.

2. Next, review the different places where you highlighted a negative word (no, not, nor). These statements indicate limitations. Who or what does the Bill of Rights place limitations on? (Think broadly, but you can also list specific examples from the document.)

The Federal Government

Additional answers: Congress (First Amendment), the military (Third Amendment), Federal law enforcement (Fourth Amendment) Federal courts (Fifth-Eighth Amendments)

3. Limitations in the first ten amendments also protect rights. Choose one limitation and explain the right it protects. For example, the Fifth Amendment states “nor shall private property be taken for public use, without just compensation.” This can also be read as people have a right to be fairly compensated for private property taken by the government.

Student examples could include:

The First Amendment protects the right to free exercise of religion, speech, and the press.

The Third Amendment gives homeowners the right to not quarter soldiers during peace time.

The Fifth Amendment also protects the right of people to only be tried once for an offence, to not be a witness against himself, the right to due process of law when facing the denial of life, liberty, or property.

The Eighth Amendment secures the right of an individual to reasonable bail, fines, and punishments.

4. Think about how this document applies to you, after all, you are one of the “people” protected by the Bill of Rights! What aspects of your life does the Bill of Rights influence and protect? You can think of immediate examples, or hypothetical scenarios.

For this question, students should think about how the different amendments could protect them in different ways. Answers may include:

The Bill of Rights protects my right to practice my religion, to protest and petition my government. Freedom of speech protects the books I read or the art I view. The Bill of Rights protects me in my interactions with law enforcement. If I were ever accused of a crime, the Bill of Rights would help ensure that I receive a fair trial.

Additional Discussion Points: Ask if your students think the rights in the Bill of Rights are absolute (meaning they have no restrictions), or if they think there are restrictions on our rights. You can share examples like the limitations on speech inciting violent acts, or the requirement of a permit for peaceful protests in some spaces.



Answer Key: Pre-Program Activity 2— Case Study 1: Legislative Branch

Document 1 Questions

Type of document: Congressional Resolution, the “Gag Rule”

Unique physical characteristics of the document (Circle one or more):

Interesting Letterhead	Notations	Handwritten	“RECEIVED” Stamp
Typed	Seals	Other: torn corner	

Date of document: December 21, 1837

Author (or creator) of the document: U.S. House of Representatives

For what audience was the document written?

It is a rule for the members of the House of Representatives, this resolution also could be intended to inform the groups petitioning for the abolition of slavery that it is no longer a topic for debate on the House floor.

Describe the action taken by the Government in the document.

With this document, the House of Representatives bans the debate/discussion of petitions and all other papers related to the abolition of slavery on the House floor. Any documents received by the House are to be immediately tabled.

Refer to your copy of the Bill of Rights. Which amendment(s) has the Government violated with this action? (List up to 3 amendments and use the document to explain your choices.)

First Amendment:

Freedom of Petition: By immediately tabling petitions without discussion or debate, the House violates the First Amendment “freedom to petition the Government for a redress of grievances.” While abolitionists could still petition the Government, the power of the petition is lost when the Gag Rule prohibits its contents from being discussed.

Freedom of Speech: In a way, the Gag Rule also denies representatives the freedom of speech, by stopping them from discussing the issue of slavery.

What actions could you take if you were citizens impacted by this decision? Discuss as group.

Answers will vary.



Answer Key: Pre-Program Activity 2— Case Study 1: Legislative Branch

Document 2 Questions

Type of document: Petition

Unique physical characteristics of the document (Circle one or more):

Interesting Letterhead

Notations:
edits to typed portion

Handwritten

“RECEIVED” Stamp

Typed

Seals

Other: All caps used in places

Date of document: February 14, 1838

Author (or creator) of the document: the women of Brookline, Massachusetts

For what audience was the document written? The House of Representatives

What type of action is this citizen(s) taking to correct the situation?

The women of Brookline are using their First Amendment right to petition the Government by submitting a petition against the Gag Rule, which they see as a violation of the First Amendment. Discussion of slavery may be prohibited by the Gag Rule, but these women are finding a way around that by protesting the rule itself.

Which descriptive words or phrases stand out to you?

Answers will vary.



Answer Key: Pre-Program Activity 2— Case Study 2: Executive Branch

Document 1 Questions

Type of document: Executive Order

Unique physical characteristics of the document (Circle one or more):

Interesting Letterhead

Notations

Handwritten

“RECEIVED” Stamp
“Filed” Stamp

Typed

Seals

Other

Date of document: February 19, 1942

Author (or creator) of the document: President Franklin Roosevelt

For what audience was the document written?

Specifically-this is an authorization for the Secretary of War and military commanders, Broadly-you could also say the American people-as Commander in Chief FDR is announcing a plan he believes will help defend the country from espionage and sabotage.

Describe the action taken by the Government in the document.

This document gives the military the authority to designate military areas and to exclude people from these areas. Authorization is also given to organize transportation, use of land, shelter, other supplies and facilities needed to carry out this order.

This document is issued in a time of war (WWII) as an effort to protect against sabotage. While this Executive Order does not single out a specific group of people to be excluded from military areas, it was used to authorize the involuntary evacuation of Japanese Americans on the West Coast.

Refer to your copy of the Bill of Rights. Which amendment(s) has the Government violated with this action? (List up to 3 amendments and use the document to explain your choices.)

Answers may include:

Fourth Amendment: Forcing people to evacuate an area and leave their homes/belongings is an “unreasonable search and seizure.”

Fifth Amendment: The forced evacuation and detention of Japanese Americans without a trial deprives citizens of “life, liberty, or property without due process of law.”

Sixth Amendment: Under the authority of this Executive Order, Japanese Americans are denied the right to a “speedy and public trial”

Eighth Amendment: The forced evacuation could be seen as a “cruel and unusual punishment.”

What actions you could take if you were citizens impacted by this decision? Discuss as group.

Answers will vary.



Answer Key: Pre-Program Activity 2— Case Study 2: Executive Branch

Document 2 Questions

Type of document: Court document, a Demurrer to Information

Unique physical characteristics of the document (Circle one or more):

Interesting Letterhead

Notations

Handwritten

“RECEIVED” Stamp
Filed Stamp

Typed

Seals

Other

Date of document: June 20, 1942

Author (or creator) of the document: Charles E. Rust, Attorney for Defendant

For what audience was the document written?

United States District Court for the Northern District of California.

What type of action is this citizen(s) taking to correct the situation?

After refusing to leave his home in California, Fred Korematsu was arrested and taken to court. In this document Fred Korematsu’s lawyer is trying to use the judicial system to draw attention to the violated rights of Japanese Americans by Executive Order 9066. This document points out that the orders that led to Korematsu’s arrest are flawed. This is an attempt to get one branch of government (judicial) to right the wrongs of another branch of government (executive).

Which descriptive words or phrases stand out to you?

Answers will vary.



Answer Key: Pre-Program Activity 2— Case Study 3: Judicial Branch

Document I Questions

Type of document: Court Transcript of the State of Florida v. Clarence Earl Gideon

Unique physical characteristics of the document (Circle one or more):

Interesting Letterhead

Notations

Handwritten

“RECEIVED” Stamp

Typed

Seals

Other: Each page is stamped with 4473-5

Date of document: August 4, 1962

Author (or creator) of the document:

Court Reporter; This transcription of the proceedings of this case includes the words of the people involved in this trial (the judge, the witnesses, Clarence Gideon, etc.).

For what audience was the document written?

This is a record for the circuit court, 14th Judicial Circuit of the state of Florida, in and for Bay County.

Describe the action taken by the Government in the document.

The judge denies Clarence Gideon’s request for a lawyer because “under the laws of the State of Florida, the only time the court can appoint counsel to represent a Defendant is when that person is charged with a capital offense.” Gideon has to proceed with his trial without a lawyer.

Refer to your copy of the Bill of Rights. Which amendment(s) has the Government violated with this action? (List up to 3 amendments and use the document to explain your choices.)

Sixth Amendment: “In all criminal prosecutions, the accused shall enjoy the right... to have the Assistance of Counsel for his defence.” The Bill of Rights does not state that the accused shall have the right to a lawyer in only capital offense cases, but rather, states that this is to be the case in all criminal prosecutions.

What actions you could take if you were citizens impacted by this decision? Discuss as group.

Answers will vary.



Answer Key: Pre-Program Activity 2— **Case Study 3: Judicial Branch**

Document 2 Questions

Type of document: Letter, a petition for a writ of certiorari

Unique physical characteristics of the document (Circle one or more):

Interesting Letterhead	Notations	Handwritten	“RECEIVED” Stamp
Typed	Seals	Other: U.S. Supreme Court Stamp	

Date of document: January 5, 1962 (located on last page)

Author (or creator) of the document: Clarence Earl Gideon

For what audience was the document written? The United States Supreme Court

What type of action is this citizen(s) taking to correct the situation?

After his petition to the Florida Supreme Court was rejected, Clarence Gideon petitions the Supreme Court to review his final judgement, because in addition to the Sixth Amendment, the “due process” clause of the Fourteenth Amendment and Fifth Amendment has been violated. Gideon believes his trial was unfair and led to his imprisonment. He tries to use the Supreme Court to right the wrongs of the Florida courts.

Which descriptive words or phrases stand out to you?

Answers will vary.

