

## ACTIVITY 1

# Using Our Rights

The First Amendment to the Constitution guarantees your right to free speech and a free press. However, as the report "Schoolbook Controversies" makes clear, our constitutional guarantees are repeatedly subject to challenge and interpretation.

The Bill of Rights refers to the first 10 amendments to the Constitution. Below are five of them, numbered as they appear in the Constitution. Read them carefully. At the bottom of the page are brief descriptions of several incidents, real or hypothetical. Each involves a conflict over constitutional rights. For each incident, write the number of the amendment that is in question in the space provided.

**AMENDMENT 1:** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

**AMENDMENT 4:** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**AMENDMENT 5:** No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, . . . nor shall any person be subject for the same offense 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 6:** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, . . . 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 defense.

**AMENDMENT 8:** Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

- 1 A. The American Nazi Party has requested a permit to hold a rally in Skokie, Ill. Persons of the Jewish faith and other town members oppose the rally. *Action, Assembly, Speech, Press, Religion*
- 6 B. A year after his arrest for narcotics smuggling, a young man awaits trial. Ill health, crowded court schedules, and legal motions have delayed it. His lawyer has just filed a motion for his release. *SPEEDY TRIAL*
- 1 C. A reporter has received and published information from a confidential source concerning a political bribe. A federal grand jury is demanding that the reporter reveal the name of the source, but she refuses. *PRESS*
- 4 D. California law enforcement officials have established a checkpoint along the main highway from Mexico to Los Angeles. They are visually checking the occupants of each car and searching individuals who appear suspicious. One couple has now sued the state. *SEARCH & SEIZURE*
- 8 E. Inmates of a large state penitentiary have sued the state to correct over-crowding, inadequate recreation facilities, and poor food. *CRUEL AND UNUSAL PUNISHMENT*
- 5 F. A young woman has been keeping a detailed diary for years. Now she is on trial for grand larceny and the prosecution has asked to enter her diaries, which describe her criminal activities, as evidence. *NOT BE A WITNESS AGAINST HIMSELF*
- 4 G. Law enforcement officials have received a search warrant to look for evidence of illegal possession of firearms. During their search, they discover a large cache of heroin. *SEARCH & SEIZURE*
- 8 H. A very obese young man has been sentenced to prison for robbery. Because his health is threatened by prison conditions, he has petitioned for release. *CRUEL & UNUSAL PUNISHMENT*

MY SCORE WAS \_\_\_\_\_

20 ANSWERS

Name \_\_\_\_\_

The first ten amendments to the Constitution guarantee important rights and freedoms. Listed here are rights protected by six of these amendments. The items numbered below describe several situations. Decide which amendment protects the kind of activity described in each situation. Write the number of the amendment in the blank.

*Amendment 1:* Freedom of religion, speech, press, assembly, and petition.

*Amendment 4:* Freedom from unreasonable searches and seizures.

*Amendment 5:* Right to a grand jury indictment before being tried in a federal court; right of accused persons not to testify against themselves; freedom from being deprived of life, liberty, or property without due process of law.

*Amendment 6:* Right to a speedy, public, and fair trial; right to examine witnesses, call witnesses, and be defended by a lawyer.

*Amendment 8:* Freedom from excessive bail, fines, and cruel and unusual punishments.

1  
6

1. A group of people have been meeting to plan strategies for seeking replacement of an outdated environmental law. **ASSEMBLY, PETITION, SPEECH, PRESS**

2. A man charged with murder believes that someone has information that would clear him. He wants that person called as a witness at his trial. **CALL WITNESSES**

5 OR 6

3. A lawyer demands the release of her client from police custody because the grand jury has not yet handed down an indictment in the case. **GRAND JURY INDICTMENT-5 Speedy TRIAL-6**

4

4. Police officers arrive at a private residence without a search warrant. The family refuses to allow them into the house. **SEARCH & SEIZURE**

8

5. A man convicted of a traffic violation protests that he should not have to pay \$5,000 for exceeding the speed limit by five miles. **EXCESSIVE FINES**

1

6. A newspaper prints an article claiming the existence of widespread corruption in the city government. The reporter who wrote the article refuses to reveal her sources of information to city officials. **PRESS**

1

7. For several weeks a man has been standing every day on the same corner, handing out leaflets describing his religion. Residents of the community have asked the local government to force the man to go away. **SPEECH, PRESS, Religion, Assembly, Petition**

8

8. A man charged with breaking into a grocery store is in jail awaiting trial. His bail has been set at \$500,000. **EXCESSIVE BAIL**

23 ANSWERS.

MY SCORE WAS \_\_\_\_\_