

Unit 1—Bill of Rights, Responsibilities of Citizens & Due Process Study Guide

Name: _____

SS5SCG1 The student will explain how a citizen's rights are protected under the U.S. Constitution.

- A. Explain the responsibilities of a citizen.
- B. Explain the freedoms granted and rights protected by the Bill of Rights.
- C. Explain the concept of due process of law and describe how the U.S. Constitution protects a citizen's rights by due process.

Vocabulary	
Jury	<i>A group of ordinary citizens who are randomly selected to judge a court case.</i>
Constitution	<i>The highest law of the United States.</i>
Amendment	<i>A change to the constitution.</i>
Bill of Rights	<i>The first ten amendments or changes to the constitution (all ten were added together in 1791).</i>
Citizen	<i>A legal resident of a country.</i>
Warrant	<i>A permission slip signed by a judge allowing someone to search for evidence of a crime.</i>
Innocent	<i>Not guilty. An innocent person has NOT committed a crime.</i>
Guilty	<i>A guilty person HAS committed a crime.</i>
Witness	<i>Someone who saw something happen, like a crime being committed.</i>
Assemble	<i>To assemble means to gather together in a group. Often times groups assemble in order to protest something they disagree with.</i>
Guarantee	<i>A promise or an agreement that something will happen a certain way.</i>
Testify	<i>To testify means to speak about something that you have seen. Witnesses testify (tell the court) about the crime they have seen committed.</i>
Thorough	<i>Doing something very well, and being very detailed.</i>

SS5SCG1 The student will explain how a citizen's rights are protected under the U.S. Constitution.

a. Explain the responsibilities of a citizen. (A few are listed. Try to think of a few more responsibilities.)

It is important to remember that every right comes with a responsibility. You have the right to bear arms, so you have the responsibility to use guns in a safe manner. You have the right to a trial by jury, so you have the responsibility to serve on a jury if called. The chart below shows a few more examples. There are many more that could be listed. For any right that a person has, there are responsibilities that could be listed with them. To prepare for the test, you can think of a right that you have in our country and then try to think of a responsibility that goes with it.

Right	Responsibility
<i>Free Speech</i>	<i>Don't say untrue things</i>
<i>Freedom to Assemble</i>	<i>Don't start a riot or destroy property</i>
<i>Vote</i>	<i>Vote</i>
<i>Protected by Military</i>	<i>Register for the draft</i>
<i>A Fair Trial</i>	<i>Serve as a witness if you have seen or know about a crime</i>
<i>To a free education</i>	<i>Go to school and get educated so you can help your country</i>

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b. Explain the freedoms granted by the Bill of Rights

1st Amendment	<i>This amendment guarantees freedom of speech, freedom of assembly, freedom of religion and freedom of the press.</i>
2nd Amendment	<i>You have the right to bear arms, which means you can own a gun. Use it responsibly.</i>
3rd Amendment	<i>Soldiers cannot come and stay in your home without your permission. This amendment seems a bit strange today, but when it was passed it was a big deal. During the Revolutionary War when our country was fighting for freedom from Britain, the British soldiers would often come and stay in the homes of people, and the American colonists didn't have the right to make them leave.</i>
4th Amendment	<i>Nobody can search through your house or things unless they can get a warrant from a judge. In order to get a warrant they have to prove to the judge that they have good reason to think you have committed a crime.</i>
5th Amendment	<i>This amendment is most well known for the saying, "I plead the fifth," which means that you don't have to say anything when accused of a crime. They can't force you to confess. It also says that you can't be executed (killed), put in jail or fined unless you have already been convicted of a crime by a jury. If a jury finds you innocent, you can't be tried again for the same crime.</i>
6th Amendment	<i>You have the right to a speedy trial. The government can't keep you in jail without trying you in court. You have the right to a public trial, so everyone knows what is happening. The case has to be decided by a jury of ordinary people from your area. You have the right to know what you are accused of and to see and hear the people who are accusing you. You also have the right to a lawyer to help you defend yourself, even if you can't afford one.</i>
7th Amendment	<i>You have the right to a trial by jury in a civil case (a case about a disagreement between two groups or people). A civil case is a case in which one person is suing another. A criminal case is one in which a person is being accused of breaking the law.</i>
8th Amendment	<i>You are protected from excessive fines and cruel and unusual punishments (like torture). Fines must be an appropriate amount. For example, if you are found guilty of littering you can't be fined one million dollars. That would be an excessive fine.</i>
9th Amendment	<i>Just because the Constitution doesn't say you have the right, doesn't mean you don't have that right. For example, the constitution doesn't say you have the right to eat at McDonald's. You still have the right. Not everything is written out in the constitution. It would be impossible to write out every right. If the law doesn't say otherwise, it is assumed that you have the right.</i>
10th Amendment	<i>Unless the constitution specifically says that the Federal or national government has the right to do something, then the states or the people are the ones responsible for figuring out what should be done. For example, the federal government doesn't have the right to set speed limits, so each state has to decide the speed limits for their state.</i>

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c. Explain the concept of due process of law.

Due process means that all citizens are guaranteed certain rights even if they have committed crimes. They cannot be required to testify against themselves (5th amendment). They have the right to have an attorney if they cannot afford one, and to a fair, speedy and public trial (6th amendment). No citizen can be tortured, no matter how bad of a crime they have committed (8th amendment). In the United States, the concept of due process means that you are considered innocent, until you have been proven guilty in the court of law. The whole legal process must be followed and you must be given all of your rights before you are found guilty. Due process includes the right to:

- 1. A fair trial.*
- 2. Be told of what crimes you are being accused.*
- 3. Explain why you are innocent, including the right to present evidence and call witnesses.*
- 4. Know what evidence is being used to accuse you.*
- 5. Have the person who is accusing you attend the court hearing.*
- 6. A court decision based only on the evidence provided in court.*
- 7. A lawyer, even if you can't afford one.*
- 8. A punishment appropriate for the crime. You cannot be tortured or fined excessively.*
- 9. A record of the trial and all the evidence, as well as a written report explaining the reason for the court's decision.*

**Due process can include many other rights, which are much more specific to certain types of cases and situations.*

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The song listed below is a bonus feature to this study guide that I use with my class. There are so many specific details in the Bill of Rights that it can be overwhelming to try to keep them all straight and remember which right goes with which amendment. This song does not give a detailed description of all the rights in each amendment, but it should help students connect each amendment with at least one right that the amendment includes. Countless times I have seen students doing little hand motions during a test to help them remember which amendment goes with which rights. This little jingle is a parody of “Ten Little Indians.”

Ten Little Amendments Song (Bill of Rights)

One little, (Talking motion with hands—Freedom of speech)

Two little, (Pull up shirt sleeves and show muscles—Right to bear arms)

Three little amendments (Sleeping motion—No soldiers in your house)

Four little (Snatching motion—Can’t take evidence without a warrant)

Five little (Shushing with finger—I plead the fifth)

Six little amendments (Arm around person standing next to them—Right to a lawyer to help you)

Seven little (Point at peers—Trial by jury of people from your community)

Eight little (Counting money motion—No excessive fines)

Nine little amendments (Two thumbs pointing to self—You have the right unless otherwise stated)

Ten little amendments (Pretend to be looking really hard for something as with a magnifying glass—If you can’t find it in the Constitution, then the states get the right)

Unit 2

5th Grade Social Studies Civil War



Additional study materials and review games are available at www.jonathanfeicht.com.

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