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# 3Rs

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RIGHTS RESPONSIBILITIES REALITIES

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INSTRUCTOR'S GUIDE



# 2010-2011 SCHOOL YEAR

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## PROGRAM OVERVIEW AND GOALS

The 3Rs is an unprecedented program of the Cleveland Metropolitan Bar Association undertaken by members of Cleveland's legal community in partnership with the Cleveland Metropolitan School District and East Cleveland City Schools. The program aims to have volunteers personally connect with high school students to address fundamental issues facing the students and, ultimately, our city and region. Using a real-world curriculum based on the U.S. Constitution, The 3Rs calls upon teams of volunteers to go to 10th grade social studies classes to work with small groups of students to accomplish the following goals:

- Improve understanding of and respect for the rule of law and our Constitution
- Improve passage of the social studies section of the Ohio Graduation Test
- Provide practical career counseling to focus students on their potential beyond high school
- Improve the "pipeline" of minorities flowing into legal careers in the region

More than ever, Cleveland and East Cleveland public school students need the personal involvement of the community to help them to maximize their potential. The success of these students and the success of our region are mutually dependent. The Cleveland legal community is well-positioned to make a positive impact through volunteer commitment.

## HOW IS THE 3RS MAKING A DIFFERENCE?

- Ohio Graduation test scores in social studies have improved in each of the four years of the program: in 2007, 39.8% of the students passed the OGT; in 2008, 46.7% of the students passed; in 2009, 54.2% passed; and most recently in 2010, 54.8% of the students passed.
- More students are getting engaged in internship, study and mock trial programs, pursuing information about post-secondary education, scholarships and financial aid, and seeking other opportunities to develop their skills in preparation for life after high school.
- The program has been hailed by the schools as a model of civic involvement. It has inspired the development of similar outreach efforts by other professional groups including the banking and financial services community in Cleveland, and by other bar associations throughout the country.
- The program has received prestigious awards and recognition, including the First Annual Raymond Pace and Sadie T. M. Alexander Award for Excellence in Pipeline Diversity from the American Bar Association Presidential Advisory Council on Diversity in the Profession in 2009, the Ohio State Bar Foundation Outstanding Program Award in 2008, and the LexisNexis National Community Outreach Award and the American Bar Association Partnership Award in 2007. The CMBA has been invited to present information on The 3Rs to the National Conference of Bar Presidents; National Pipeline/Wingspread Conferences in Cleveland, Monterey, CA and Honolulu; and at the Los Angeles County Bar Association's Diversity Conference.

## 3RS VOLUNTEERS

The 3Rs has the strong support and involvement of a large and diverse volunteer pool representing all segments of the legal community. Our volunteer roster includes lawyers from firms of all sizes, solo practitioners, retired lawyers, government lawyers, in-house corporate counsel including members of the Northeast Ohio Association of

Corporate Counsel, the Legal Aid Society of Cleveland, non-profit organizations and other bar associations, including the Norman S. Minor Bar Association and the Federal Bar Association. The courts are well-represented in the program with volunteer judges and court staff from the U.S. District Court, U.S. Bankruptcy Court, Eighth District Court of Appeals, Court of Common Pleas General Division, Probate Court, Domestic Relations Court, Juvenile Court, Cleveland Municipal Court and suburban municipal courts. The program has volunteers from the faculty and law student bodies of both Cleveland-Marshall College of Law and Case Western Reserve University School of Law.

### **3RS SPONSORS**

The 3Rs is sponsored by the Cleveland Metropolitan Bar Association, with financial support from the Cleveland Metropolitan Bar Foundation and the Federal Court Library and sponsorship from OfficeMax.

### **3RS COMMITTEE**

Richard Zeiger, *Chair*

Carol Kile, *Vice Chair*

Kevin Burtzloff

Stephen Cheatham

Pamela Daiker-Middaugh

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Michael Ungar, *ex officio*

David Watson, *ex officio*

Justin Zucker, *Student Representative*

### **3RS CONTACT**

For information about the program, contact:

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# USER'S MANUAL: PREPARING FOR THE CLASSROOM VISIT

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## 2010-2011 SCHOOL VISITATION SCHEDULE

Unless advised of an alternative schedule or other arrangements for your team have been made, the following are the dates of the classroom visits and the lessons to be covered on those visits:

November 5	Lesson 1	Introduction to 3Rs
December 10	Lesson 2	Freedom of Expression
January 7	Lesson 3	Fourth Amendment
January 21	Lesson 4	Due Process
February 11	Lesson 5	Equal Protection
March	<i>No visit because of OGT testing</i>	
April 8	Lesson 6	Practical Career Counseling
May 13	Lesson 7	Practical Career Counseling

## HOW TO USE THE CURRICULUM MATERIALS

With a few exceptions (affected teams will be advised), class periods will be 40 minutes in length. The curriculum materials have been developed to include a basic lesson plan with activities to be undertaken within the 40-minute period almost entirely in small group/discussion format. **It is critical that you prepare ahead of time for your classroom visit.** Please review the materials to understand what is to be covered within the class period and what is suggested to the students as optional activities to be done on their own time.

The materials in your Instructor's Guide are organized in the following way behind each lesson tab:

1. Lesson outline with suggested script for volunteer instructors
2. Jeopardy Review Game Sheet for the lesson (*see game instructions below*)
3. Corresponding student worksheet incorporating the lesson activities
4. Optional student activities (*to be completed on student's own time*)

Additionally, behind the Supplemental Materials tab, you will find a copy of the U.S. Constitution and Glossary for your reference, which are also included in the student materials.



## BRIEF OVERVIEW OF LESSON FORMATS

The first lesson includes a short presentation by the Team Captain, followed by a 3Rs video. The DVD will be provided to Team Captains, who should make arrangements with their assigned teachers and teammates before the lesson to play the DVD on an in-class screen where possible, or on individual teammates' laptop computers where an in-class screen is not available.

All subsequent substantive lessons (Lessons Two through Five) will include a very brief introduction by Team Captains, followed by small group discussion, after which teams should engage in Jeopardy Review with the class as a whole. Lessons Six and Seven will also include a brief introduction by the Team Captain to be followed by small group career and educational counseling.

**Please note that the Optional Student Activities included in the Student Worksheets are meant to be done by the students on their own.** If you have extra time at the end of the lesson before Jeopardy Review, you may use the Optional Student Activities in class at your discretion.

Volunteers are strongly encouraged to adjust lessons to the format that works best for their individual classes. The program is founded on the benefits of small group discussion and face-to-face interaction with students, but within the lessons instructors may feel free to present the materials in the way that best communicates the information to their small groups. For example, some students respond better to question-and-answer sessions, while others may become more engaged by the inclusion of real-life events. For suggestions and techniques that volunteers have used successfully in the past, please contact Jessica Paine at (216) 696-3525 x4462.

## INSTRUCTIONS FOR JEOPARDY REVIEW

The Jeopardy Review is a group activity for the entire class, although for ease of use students can remain divided in small groups who will compete against each other. The Team Captain (or designated Game Coordinator) will explain the rules to the students and coordinate the game. Jeopardy game boards (listing questions and the answers in brackets) are included with your lesson materials.

Captains/Game Coordinators should inform students that they may use their Student Worksheets to help them play the game. The rules resemble the TV show "Jeopardy," in that small groups will compete to win points by correctly responding to questions of different point values. Students can choose to hear a question worth 10, 20, 30, 40, or 50 points. The group that answers the question correctly gets to choose the point value of the next question. Unlike the TV game, students will give an answer to the questions, not ask a question. The student with his/her hand up first will answer the question for that team. The person answering cannot get help from other team members. Students have five seconds to begin to answer. If the answer is correct, their team receives all the points for that question. If they answer incorrectly, their team loses that number of points, and other teams can try to answer it. If they do, they get half the value of the question. If they do not, they lose no points.

Instructors will help with the organization and smooth running of the game, as well as rule on who raises his/her hand to answer first and help with scoring. Captains/Game Coordinators will read the questions and rule on any disputes about whether an answer is correct. Whichever student team has the most points when game play is finished is the winner, although your team may wish to keep a running tally of points for each team to declare a winner at your final visit. You may wish to leave more time at the end of the first lesson for explanation of the rules to ensure students understand the game.

## TEAM FEEDBACK

We have committed ourselves to full support and assistance throughout the school year. If you have questions, concerns, or comments of any kind, please let us know by contacting Jessica Paine at (216) 696-3525 x4462 as soon as the issue arises.

**Thank you sincerely for volunteering to be a part of the 3Rs and showing your support for the Cleveland and East Cleveland schools. With your help, we can make a difference!**



# LESSON ONE: INTRODUCTION TO THE 3RS

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## INTRODUCTION TO LESSON (15 MINUTES):

Team Captain: “Hello, my name is \_\_\_\_\_, and I am one of several hundred local legal professionals (including attorneys, judges, and law students) who have volunteered to visit with you and thousands of other tenth graders in the Cleveland Metropolitan and East Cleveland School Districts as part of the Cleveland Metropolitan Bar Association’s 3Rs program.

The 3Rs program involves monthly visits by attorneys to discuss constitutional Rights, Responsibilities and Realities (the 3Rs) and career counseling.

My fellow 3Rs team members who will be working with your class this year will now introduce themselves [have each introduce him/herself, say where he/she works, and what he/she does, Captain included].

We will now show you a DVD/Video [depending on which you are using] of the 3Rs program. It discusses what the 3Rs program is all about and the importance of thinking about career goals and how to achieve them [show DVD/Video — which is about eight minutes in length — on class monitor or volunteer computers, depending on the arrangement made prior to class].

We will now break into small groups for the rest of today’s lesson. All future 3Rs lessons will be conducted in small groups, hopefully with the same attorney and same students in each group each month [break into small groups].”

## SMALL GROUP DISCUSSION (25 MINUTES OR TIME REMAINING):

Attorney in Small Group: “Again, my name is \_\_\_\_\_. Here is my business card [pass it out to each student]. Feel free to contact me if you have any questions related to law, careers, or otherwise.

What are your names? [Have each tell his/her name and consider having each wear a name tag or create a name tent by folding a piece of paper lengthwise so it is visible to you.]

In the 3Rs video, the attorney for the Cleveland Browns, Fred Nance, said, ‘you cannot play the game [of life] if you do not know the rules.’

As attorneys, we are experts in the law, the ‘rules of the game’ for our society. During our visits we will share our knowledge with you so that you have a better understanding and appreciation of the laws.

We will also be discussing career goals, and that will be our focus for the remainder of today’s lesson.

I am handing out your 3Rs Folder with today’s Student Worksheet inside it. You will receive a new Student Worksheet during each of our visits. You should keep each Student Worksheet in your 3Rs Folder and bring it to each 3Rs class. There is a schedule of our visits in your 3Rs Folder along with a copy of the U.S. Constitution and a glossary. Because our time with you is very limited and there is so much we cannot cover, we will include in each Student Worksheet optional additional activities you can work on during your free time. Ask your teacher if you can get class credit for completing any of the optional activities. Completing the optional activities will help you to pass the Ohio Graduation Test in March, 2010 [applies to tenth grade students only].

Now let’s get to know each other a little better. First, let me share with you about the career path I took to get where I am today. [Share with the students what you do, where you work, why you chose law as a career, and something you might find inspiring and/or encouraging to them in thinking about their career possibilities, including obstacles you overcame to reach your career goal and/or assistance or guidance someone provided to help you].

Please turn to your Student Worksheet and complete the sections asking you questions about your career goals.



[Have the students complete the three Career Goals questions: What are your career goals? Why did you choose the goal(s)? What education/training is needed for you to achieve your goal(s)?]

Let's discuss your responses to the Career Goals questions [discuss each question one at a time with the group, offering encouragement and noting where possible the importance of training/education in achieving career success in today's world].

[If you have additional time, you may add a Career Goal question for further discussion, e.g. potential people, groups, activities etc. that may be of assistance to the students in achieving their stated career goals.]

I want to conclude today's 3Rs program by telling you how much I enjoyed talking with you, and I am looking forward to my return visit next month."



# LESSON ONE STUDENT WORKSHEET: CAREER GOALS

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Student Name \_\_\_\_\_ Teacher/Class Period \_\_\_\_\_

**What are your career goals (rank in order of importance to you)?**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**Why did you choose the goal(s) listed above?**

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_

**What training/education is needed for you to achieve your goal(s)?**

1. \_\_\_\_\_  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_





# LESSON TWO: FREEDOM OF SPEECH/EXPRESSION

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## INTRODUCTION TO LESSON (2 MINUTES):

Team Captain: “Today’s lesson is about freedom of speech and other forms of expression. As we mentioned last week, all of the 3Rs instruction will be in small groups, so let’s get back into the same small groups we had last month with the same attorney volunteer in each group. If you were not in a group last month or for whatever reason do not know which group you should be in, see me. [Be sure all students are in a small group and try to have each group have the same students and volunteer teacher as last month, if possible. If there is a new volunteer attorney with a group, have the attorney introduce him/herself to the group.]”

## SMALL GROUP DISCUSSION (33 MINUTES):

Attorney in Small Group: “I am handing out your Student Worksheets for today’s lesson [pass them out]. Please look at the Loyalty Oath on the first page. Raise your right hand and repeat its words out loud as I read it:

‘I, [say your name here], swear or affirm upon penalty of law that I will preserve, protect and defend the United States of America against all enemies foreign and domestic. I will not say or do anything to undermine, impede, or in any way harm or negatively impact the United States’ War on Terror, including the current war in Afghanistan.’

Any questions about any of the words used in the Oath [you may have to explain the meaning of some of the words, such as ‘undermine, impede, etc.’]? Would you sign the Oath? Why or why not?

In fact, no such Loyalty Oath is required of citizens in the United States today; however, Loyalty Oaths have been an issue during other time periods in American history. Two such periods are referenced in your Student Worksheets. One was during the Red Scare of World War I and the other was during the McCarthy Era just after World War II. [Read the Student Worksheet Red Scare and McCarthy Era sections of the Worksheets with the students, asking for volunteers to read aloud.]

How could we know whether Loyalty Oaths, such as the one we read together at the start of today’s class, are legal? A good start would be the language of the United States Constitution. As we noted last month, you have a copy of it in your 3Rs Folder.

The Constitution is the document that sets forth our form of government. It identifies who has the power to govern us and how that power is to be exercised. No law can conflict with the Constitution, which is the ‘supreme law of the land.’

In your Student Worksheet for today’s lesson, after your Optional Activities, is a chart showing some of the powers granted under the Constitution to each branch of the national government and how each branch can check the power of the other, and another chart showing our National and State court systems, which courts form the Judicial Branch of government. [Do not review the charts with the students at this time. Feel free to do so if you have extra time at the end of the lesson.]

The Constitution also identifies certain individual liberties that we have as citizens that governments cannot take from us. Many of these rights are contained in the Bill of Rights, which are the first ten amendments added to the Constitution in 1791.

All Constitutional rights are not absolute (without limits or conditions). Rather, they must be carefully balanced against the rights of others and the common good of society as a whole. The Judicial Branch defines the limits of our individual rights by interpreting the language of the Constitution as it applies to the case before them, keeping in mind how the



courts have interpreted those words in similar circumstances over the years.

Part of the First Amendment is reprinted in your Student Worksheet. Let's read it together [have a student read the language to the group: 'Congress shall make no law ... abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.'].]

The First Amendment protects the rights of citizens against government (not private individuals or companies) efforts to limit or abridge free speech, a free press, the right to assemble and protest peaceably, and the right to ask the government to correct wrongs (redress of grievances). These rights are sometimes collectively referenced as 'freedom of expression.'

Does the Loyalty Oath we read violate the First Amendment? Why or why not?

If such an Oath did exist today and the government punished someone for being critical of the Iraq War, it is unlikely the Oath would be upheld in court because it would conflict with our free speech, press, assembly and petition rights.

Let's now read from your Student Worksheet about a speech given by Eugene Debs in Canton, Ohio in 1918. [Have a student read the 'Eugene V. Debs Fact Pattern' and 'Issue' portions of the Worksheet.]

Now, let's read the ruling by the United States Supreme Court (the highest court in the Judicial System) in the Debs case, as it is printed in your Student Worksheets [have a student volunteer read from the 'Debs Court Ruling' section of the Worksheet].

In 1969 another Ohio case was decided by the Supreme Court. The legal standard established by that court broadened free speech and expression protections, and it is still the standard used today. [Have a student volunteer read the *Brandenburg v. Ohio* section of the Worksheet.]

Let's review some of the other limits that the courts have placed on freedom of speech and other forms of expression. They are also listed in your Student Worksheet [have a student volunteer read 'Other Ways To Limit Free Speech and Expression,' which is in the Worksheet]."

## **LARGE GROUP JEOPARDY REVIEW (5 MINUTES):**

Team Captain: "In the time remaining, we will play Jeopardy Review. Before we do so, let me encourage you all to look at the optional activities of your Student Worksheets and ask your teacher whether you can do them for extra credit on your own time.

Let me briefly explain how we play Jeopardy Review [review the rules, which are provided in the User's Manual section at the front of the 3Rs Instructor's Guide, then play the game in the time remaining.]"



# JEOPARDY!

<b>10</b>	<b>10</b>	<b>10</b>
The first ten amendments to the U.S. Constitution are called the _____.	This amendment to the Constitution protects Freedom of Speech.	The national and state court systems form this branch of government.
[ Bill of Rights ]	[ First Amendment ]	[ Judicial ]
<b>20</b>	<b>20</b>	<b>20</b>
Name of fear of socialists and communists during World War I.	The second Red Scare was led by Senator Joseph _____.	The First Amendment protects the right to _____ the government for a redress of grievances.
[ Red Scare ]	[ McCarthy ]	[ Petition ]
<b>30</b>	<b>30</b>	<b>30</b>
The First Amendment freedom that protects newspapers and other print media from government censorship.	This document sets forth our form of government and is the supreme law of the land.	The First Amendment protects the right of the people to peaceably _____.
[ Freedom of the Press ]	[ U.S. Constitution or The Constitution ]	[ Assemble ]
<b>40</b>	<b>40</b>	<b>40</b>
Last name of socialist arrested in Canton, Ohio during WWI for creating a “clear and present danger.”	The First Amendment says this legislative body shall make no laws abridging freedom of expression.	When the U.S. Supreme Court finds that a law conflicts with a right guaranteed in the U.S. Constitution, the law is held to be _____.
[ Debs ]	[ Congress ]	[ Unconstitutional ]
<b>50</b>	<b>50</b>	<b>50</b>
Time, place and date restrictions on Freedom of Expression are generally upheld because they are “content-_____” laws.	Laws that limit Freedom of Expression based on what is said or who says it are usually held to be unconstitutional. Such laws are called “content-_____” laws.	Name of the 1969 Supreme Court case involving a KKK rally in Ohio such and in which the “imminent lawless action” test was adopted.
[ Neutral ]	[ Based ]	[ <i>Brandenburg v. Ohio</i> or <i>Brandenburg</i> ]

# LESSON TWO: STUDENT WORKSHEET

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## LESSON FACTS/TERMS/CONCEPTS:

Freedom of Expression; Freedom of Speech; Freedom of Press; Right to Peaceable Assembly; Right to Petition for a Redress of Grievances; Bill of Rights; Constitution; Loyalty Oaths; Supreme Court; Supreme Law of the Land; Interpret the Law/Judicial Interpretation; Red Scare; McCarthyism/McCarthy Era/Joseph McCarthy; Eugene Debs; Clear and Present Danger; Constitutional Amendment; Congress; Abridge; Espionage Act of 1917; Socialist/Socialism; Subpoena; Content-Neutral Laws; Content-Based Laws; Time/Place/Manner Restrictions; Communism/Communist; Bolshevik; Russian Revolution; Sacco & Vanzetti Trial; Blacklisting; *Brandenburg v. Ohio*; Imminent Lawless Action Test; Unconstitutional; First Amendment; Libel; Slander; National Security; Individual Rights v. Rights of Others/the Common Good; Precedent.

### LOYALTY OATH:

I, \_\_\_\_\_ [say your name here], swear or affirm upon penalty of law that I will preserve, protect, and defend the United States of America against all enemies foreign and domestic. I will not say or do anything to undermine, impede, or in any way harm or negatively impact the United States' War on Terror, including the current war in Afghanistan.

\_\_\_\_\_  
Print your name here

\_\_\_\_\_  
Sign your name and today's date here



## RED SCARE:

After World War I, the people in the United States became suspicious of radicals, especially those from foreign nations. The Russian Revolution where the Bolshevik Party (communists) seized power in 1917 led to fear of similar uprisings in the United States. In short, the Red Scare became associated with fear of communism, political violence, and labor unrest.

After World War I, factories that manufactured war supplies closed, throwing many people, including newly arrived immigrants, out of work. As labor unrest increased, some people began to see immigrants, labor activists, and political radicals as troublemakers or threats. They believed that government should respond forcefully and harshly to strikers and workers who demonstrated against labor conditions. Because some unions were influenced by the Socialist Workers Party, the general public blamed union leaders for any violence or lawlessness. Consequently, many union leaders were arrested, and many aliens suspected of radical views were deported. The Red Scare finally ended with the trial of Sacco and Vanzetti, two immigrant workers convicted of murdering a company payroll master. Despite weak evidence, both were executed in 1927.

## MCCARTHY ERA:

The second Red Scare (1948-1956) is referred to as the McCarthy era, named after Senator Joseph McCarthy of Wisconsin. As was evident after World War I, where national hysteria centered on communism, the years after World War II had similar outbreaks of violence. During this time Senator McCarthy led a crusade to get rid of communists who he believed had infiltrated the government. He chaired a committee that threatened and bullied many witnesses subpoenaed to give testimony. Some government officials resigned under pressure from McCarthy's attacks. Finally, McCarthy's downfall came in 1954 during televised hearings when he claimed that the United States Army was being infiltrated by communists. His claims were baseless and challenged by Jack Welch, the army's lawyer. Since that time, the term "McCarthyism" has been associated with the use of harassment, false accusations, appeals to fear, and blacklisting to force conformity to an official position.

## THE FIRST AMENDMENT/FREEDOM OF EXPRESSION:

"Congress shall make no law ... abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

## EUGENE V. DEBS FACT PATTERN:

Eugene V. Debs, a well-known socialist, gave a public speech to an assembly of people in Canton, Ohio. The speech was about the growth of socialism and contained statements that the government claimed, and a jury agreed, were intended to interfere with soldier recruiting and encouraged insubordination, disloyalty, and mutiny in the armed forces during World War I, in violation of the Espionage Act of 1917. Debs appealed his arrest and conviction to the United States Supreme Court.

## ISSUE:

Did the U.S. deny Debs' right to free speech under the First Amendment to the United States Constitution?

## DEBS V. U.S. COURT RULING:

The Supreme Court of the United States upheld the lower court's decision in favor of the government. The Court said that free speech is not absolute and that Debs had actually planned to discourage people from enlisting in the armed forces. The Court refused to grant him protection under the First Amendment freedom of speech clause, stating that Debs "used words [in his speech] with the purpose of obstructing the recruiting service." Debs' conviction under the Espionage Act would stand because his speech represented a "**clear and present danger**" to the safety of the United States as it could influence soldiers to disobey their commanders and therefore endanger the lives of other soldiers.



## **BRANDENBURG V. OHIO:**

Another Ohio case heard by the Supreme Court was *Brandenburg v. Ohio* (1969). Brandenburg was a KKK member who was arrested after speaking at a KKK rally where he referenced the possibility of revenge against blacks, Jews, and “their supporters.” The Supreme Court held his arrest and conviction violated the First Amendment’s freedom of speech provision. The Court’s ruling broadened the limits of the “clear and present danger” rule to permit even inflammatory speech unless such speech created a danger of “**imminent** (immediate) **lawless action.**” Brandenburg’s speech did not create such a danger because there was no immediate threat of violence.

## **OTHER WAYS TO LIMIT FREE SPEECH AND EXPRESSION:**

There are many ways in which the government might regulate speech, and not all of them are off limits, or even bad ideas. A town, for example, might prohibit picketing on city streets between midnight and dawn, or prevent people from using bullhorns to deliver a speech at night. These are examples of what we call “**content-neutral**” limitations on speech. They apply equally to everyone, and are usually designed to protect peace and order by governing where, when and how speech may be delivered: lawyers sometimes call them “**time, place and manner restrictions.**”

Laws that single out speech for regulation based on what the speaker has to say are generally prohibited by the First Amendment. So while a town can ban the use of bullhorns at three in the morning, it cannot ban the use of bullhorns only when they are used in a speech which criticizes the mayor. There are very few exceptions to this rule. If a law singles out speech for harsher treatment based on its message, it is almost always unconstitutional. Many controversial cases involve efforts by the government to make “**content-based**” laws look content-neutral in an effort to get around this rule.

The government also limits free speech by outlawing libel and slander. **Libel** is a falsehood that someone writes to deliberately hurt another person and **slander** is speaking a falsehood to deliberately hurt another. A victim of libel or slander can sue the person making the falsehoods for the injury caused, such as spreading a false rumor that someone has a sexually transmitted disease.

National security is another reason the government can limit free speech. If information is top secret and would endanger national security, courts have permitted limits or bars to the communication of such information. Communication of troop movements to the public that could fall into enemy hands would be an example of such information that a court might limit or bar.



## LESSON TWO: OPTIONAL STUDENT ACTIVITIES

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### JUDICIAL INTERPRETATION:

A local town has a nice public park with a big problem: vehicles are using roads in the park as a shortcut between two busy highways. This is causing problems with visitors to the park who complain of the noise, congestion and danger created by the fast-moving vehicles. Several citizens complained of almost being run over by speeding vehicles, and one child was injured by a vehicle that did not stop at a crosswalk. In response to many citizen complaints, the city council (legislative branch of local government) passed a law stating that there shall be no vehicles in the park and signs stating it were posted all around the park.

The local police have been busy arresting people who violated the law. They include:

- 1) An ambulance driver who cut through the park in an emergency because it was the quickest way to the local hospital for the heart attack victim the ambulance was carrying.
- 2) A van driver hauling new playground equipment to the children's playground which was being renovated by the city government.
- 3) A city garbage truck driver who was picking up garbage from the park's trash bins.
- 4) A bicyclist exercising by riding through the park.
- 5) A mother pushing a baby stroller across the street.

All of those arrested have challenged their arrest under the law in the local courts (judicial branch). You are the judge and must decide whether to uphold the law as it applies to each of the people arrested.

Before deciding, consider that in interpreting the law courts usually look first to the actual language of the law and the words used to determine what they mean and what was intended by their use. Courts also see how other courts have ruled on similar issues. Such prior rulings serve as "**precedent**" for other courts considering the same issue. Here, you are to assume there is no precedent. Consider the intended meaning of the term "vehicle" (for example, combustion engines only?) and the intent of the law (to reduce traffic hazard to pedestrians using the park). By interpreting the law, you give the law new meaning that other courts and branches of government (including the police) will then follow. Of course, the city council could, after you rule, revise the law to clarify its meaning (by defining the terms used and stating their intent). Laws are often rewritten after courts interpret them.

State how you would rule as to each of the five people arrested and fully explain your reasoning.

### FREEDOM OF EXPRESSION HYPOTHETICAL:

Consider the following hypothetical situation and answer the questions that follow:

Jan is a member of a religious group called the "True Believers" (TBs). The TBs believe that God controls all aspects of human existence and that when a society fails to abide by God's word, it will be punished.

The TBs believe that God is punishing the United States because it has not outlawed homosexual conduct. This punishment, they believe, includes the deaths of U.S. servicemen and women in Iraq and Afghanistan.

To draw attention to their beliefs and to get the U.S. to "get right with God," they engage in demonstrations at the funerals of servicemen and women killed in those two conflicts. At such demonstrations they pass out literature, carry signs and yell, all of which includes statements like "God punished your child for permitting homosexual conduct," "Your child died for our sins," and "Your child deserved to die."

As you would expect, this has caused the families great anguish and at some funerals violence has broken out when family members have attacked the TBs.

Recently, a citizen of Pleasantville, Ohio died in Iraq. The TBs announced plans to appear and protest at the



funeral. To avoid problems, the Pleasantville City Council passed a law that there shall be no protesting of any issue by the TBs within the city limits. The TBs ignored the law and during their protest at the funeral, which had not become violent at that point, they were all arrested for violating the law.

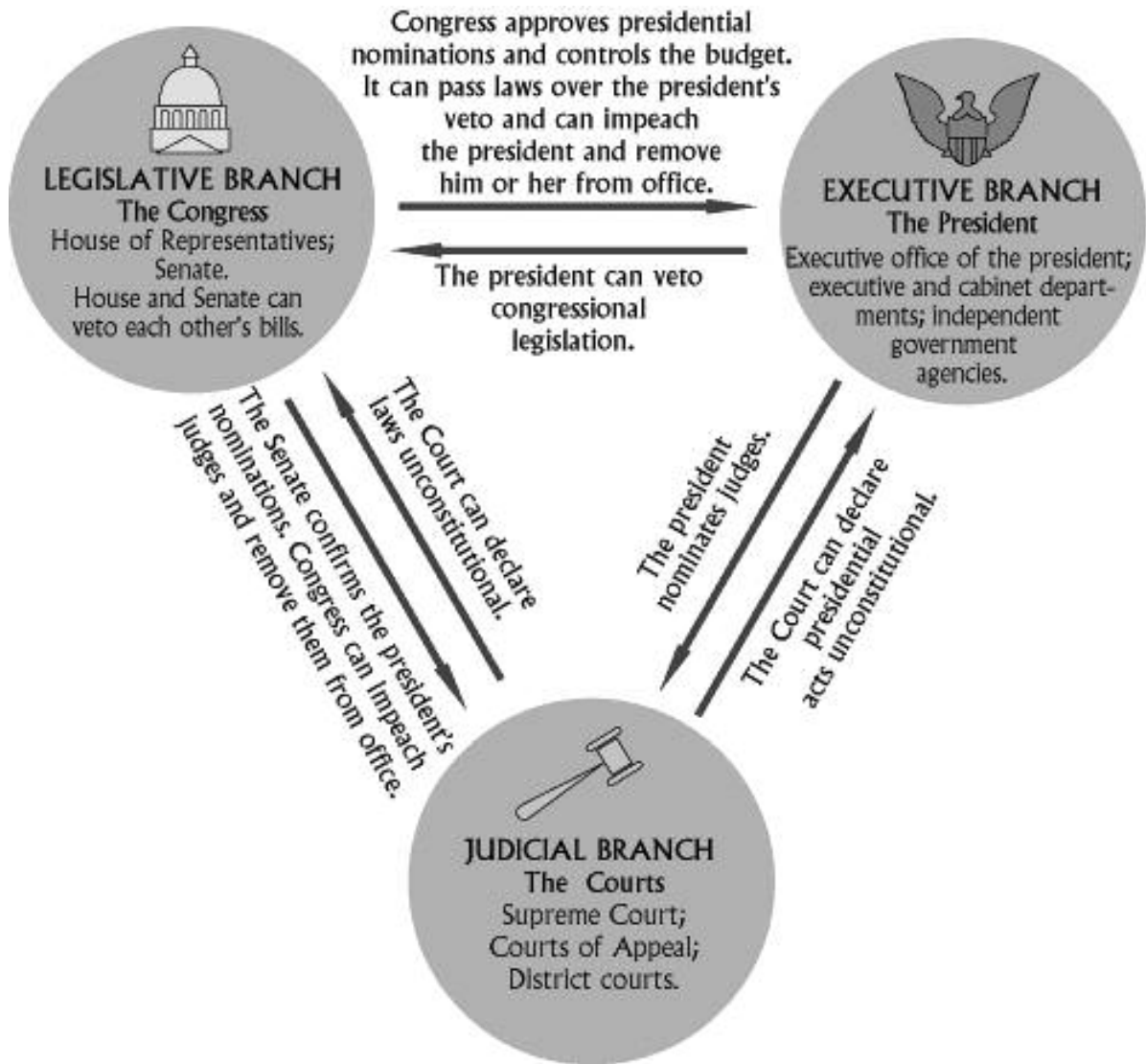
- 1) What arguments might you make as an attorney for the TBs supporting an argument that their First Amendment rights were violated?
- 2) What arguments might you make as an attorney for Pleasantville supporting an argument that the Pleasantville law was not in violation of the First Amendment and should be upheld?
- 3) As the judge hearing and deciding this case, how would you rule and why?

### **SHORT ESSAY/CONSTRUCTED RESPONSES:**

1. The First Amendment guarantees every American freedom of speech. However, this right can be restricted if it creates the danger of “imminent lawless action.” Explain the meaning of the term “imminent lawless action,” provide an example, and compare and contrast it to the “clear and present danger” rule set forth in the *Debs v. U.S.*
  
2. Using freedom of expression as an example, explain how individual rights are relative, not absolute, and describe the balance between individual rights, the rights of others, and “the common good.”
  
3. Thomas Jefferson said “[t]he Constitution ... is a mere thing of wax in the hands of the judiciary [Courts], which they may twist and shape into any form they please.” What did Jefferson mean? Do you agree? Disagree? State why and provide examples supporting your position.
  
3. G. Norman Collie, a 19th century social and political activist, said “[i]n free countries, every man is entitled to express his opinions and every other is entitled not to listen.” What did Collie mean? Do you agree? Disagree? State why and provide examples supporting your position.
  
4. Author Norman Cousins said “[i]n a democracy, the individual enjoys not only the ultimate power but carries the ultimate responsibility.” What did Cousins mean? Do you agree? Disagree? State why and provide examples supporting your position.



This is what creates our system of “checks and balances”



# FEDERAL AND STATE COURTS

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Article III of the Constitution establishes the judicial branch of government. In the United States, we have two separate judicial systems – the federal court system and the state court system. The charts below provide a brief overview of the systems.

## FEDERAL COURT SYSTEM

### UNITED STATES SUPREME COURT

Cases usually involve important questions about the Constitution or federal law  
Cases may come from state or federal court  
Original jurisdiction in some instances



### UNITED STATES CIRCUIT COURTS OF APPEAL

Hear appeals from the district courts located within the circuit  
Twelve Regional Courts of Appeal  
One U.S. Court of Appeal for Federal Circuit



### UNITED STATES DISTRICT COURTS

*(Trial Courts, U.S. Bankruptcy Courts)*  
Criminal and civil matters



# OHIO STATE COURT SYSTEM

## OHIO SUPREME COURT

Original jurisdiction in select cases; court of last resort on state constitutional questions and questions of public or great general interest



## COURTS OF APPEAL

Original jurisdiction in select cases; appellate review of judgments from common pleas, municipal, county courts



## COURTS OF COMMON PLEAS

Civil (above \$15,000), criminal, domestic relations, probate and juvenile matters



## LOWER COURTS

*(Municipal, Mayors, Court of Claims)*

Misdemeanors, civil actions up to \$15,000 and suits against the state





# LESSON THREE: FOURTH AMENDMENT/SEARCH & SEIZURE

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## INTRODUCTION TO LESSON (2 MINUTES):

Captain: “Today we are going to talk about one of the most interesting and controversial areas of law: the right to be free from unreasonable searches and seizures as guaranteed in the Fourth Amendment to the U.S. Constitution. As we did the last two lessons, let’s break into our small groups, and if you do not know which group to go to, let me know.” [Break into small groups.]

## SMALL GROUP DISCUSSION (33 MINUTES):

Attorney in Small Group: “I’m handing out your Student Worksheets for today. [Pass out the Student Worksheets.] Please look at the first page, which is an Affidavit for Search Warrant. Let’s read it. [Have the students take turns reading the affidavit out loud, beginning with ‘The undersigned being duly sworn...’ through the establishing facts.]

You’re going to play the role of a judge and will have to decide whether you would issue a search warrant as requested in the Affidavit we just read. An affidavit is a legal document in which someone swears or affirms that the information in the document is true and accurate.

Before you decide, we need to review the Fourth Amendment to see what it says about the issuance of search warrants. The language of the Fourth Amendment is at the top of the second page of your Student Worksheet. Let’s read it. [Have a student read the Fourth Amendment.]

So, what does the Fourth Amendment require before a warrant can be issued? [Answers: probable cause, supported by oath/affirmation, particularly describing the person, place or things to be searched.]

What is the meaning of the term ‘probable cause’? [Answer: a reasonable belief that a crime has been or is being committed and that the person, place or thing is involved in the crime.]

What is the meaning of the term ‘oath or affirmation’? [Answer: testimony given subject to perjury.]

How specific does the description have to be of the ‘persons,’ ‘places,’ or ‘things to be searched’? [Answer: the description of each must be provided in sufficient detail that confusion is unlikely.]

As the judge, you must consider whether the information in the Affidavit for Search Warrant is credible (believable) and reliable (trustworthy). Statements not supported by any specific facts (unsupported generalizations) are insufficient for issuance of a warrant.

Have all the search warrant requirements been met and would you as the judge issue a search warrant based on the Affidavit? Decide this by supporting one of the two thesis statements in your Student Worksheets. A thesis statement is a position taken that is then supported by facts. As the Worksheet directions note, include at least four of the ‘Ohio



Graduation Test (OGT) terms in your response. [They are: credible, reliable, affidavit, and unsupported generalizations]. You can start now and let me know when you're finished. [Give students time to complete their responses, offering help if needed.]

Now that you're done, let's discuss the thesis statements. [Review their statements, having each student be as specific as possible about why he/she would rule as he/she would.]

On the third page in your Student Worksheets is the search warrant actually issued by a judge in response to the Affidavit. [Review it with the students.]

The Search Warrant and Affidavit for Search Warrant are 'primary source' documents: records or written accounts created by a person taking part in the event. 'Secondary source' documents, records or accounts, by contrast, are created by someone not a participant in or eyewitness to the event. Thus, a newspaper article about the issuance of the search warrant would be a secondary source about the warrant. Primary and secondary sources are also OGT terms.

Now let's take a brief look at the origins of the Fourth Amendment. Turn to the section in your Student Worksheet titled 'Fourth Amendment History.' Let's read it. [Have a student or students read it out loud.]

Interestingly, the majority of search and seizures in the United States do not involve search warrants. They are warrantless searches but are still allowed by the courts. Let's quickly review the list of nine searches of this type. [Have students take turns reading each one, and though time is an issue, feel free to add your comments about any of them.]

Our last item is perhaps the most controversial. What happens when police obtain evidence without a proper warrant? Courts may, depending on the situation, exclude the evidence from use by the government in prosecution of the defendant. Let's read the section of your Student Worksheet titled 'Exclusionary Rule.' [Again, have students read it out loud.]

We are done with the small group lesson. Be sure to review the Optional Activities section of your Student Worksheet for homework you might do as extra credit (ask your teacher). We will now play Jeopardy Review."

## **LARGE GROUP JEOPARDY REVIEW (5 MINUTES)**

Captain: "Let's play Jeopardy Review in the time remaining." [Ask the questions in the Fourth Amendment Jeopardy Review section of the Instructor's Guide. If additional time is left, feel free to discuss any topic covered or any of the materials in the Optional Activities section for this lesson.]



# JEOPARDY!

<b>10</b>	<b>10</b>	<b>10</b>
No search warrant shall be issued except upon _____ cause.	British soldiers used “_____ of assistance” to search for contraband goods in the American colonies.	This famous Ohio case is one in which the U.S. Supreme Court held that illegally gathered evidence could not be used against the accused.
[ Probable ]	[ Writs ]	[ <i>Mapp v. Ohio</i> ]
<b>20</b>	<b>20</b>	<b>20</b>
A search warrant must specify the place to be searched and the person and/or _____ to be seized.	Warrantless search permitted when someone is arrested.	Search warrant exception that permits search of your garbage left on your tree lawn.
[ Things ]	[ Search incident to arrest ]	[ Plain view ]
<b>30</b>	<b>30</b>	<b>30</b>
Case originating in Cleveland in which the U.S. Supreme Court upheld a frisk/pat-down search without an arrest or warrant.	A frisk/pat-down requires a showing of _____ suspicion of criminal activity.	No search warrant shall be issued unless the information provided with the request is based on oath or _____.
[ <i>Terry v. Ohio</i> ]	[ Reasonable ]	[ Affirmation ]
<b>40</b>	<b>40</b>	<b>40</b>
Search permitted without a warrant when the police impound a vehicle.	A key element often considered in Fourth Amendment cases is whether there is a reasonable expectation of _____.	Search warrant exception that exists when you permit a search without a warrant.
[ Inventory ]	[ Privacy ]	[ Consent ]
<b>50</b>	<b>50</b>	<b>50</b>
Rule that limits or bars the use of illegally gathered evidence against an accused.	Writs of assistance were considered by colonists to be a violation of the Enlightenment idea of _____ law.	Search warrant exception arising from an emergency situation such as overhearing someone in a home scream “Don’t shoot me!”
[ Exclusionary ]	[ Natural ]	[ Exigent circumstances ]



## THE FOURTH AMENDMENT

“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.”

## THESIS STATEMENT

Use at least four of the OGT vocabulary terms (credible, reliable, affidavit and unsupported generalizations) in your statement. Select one of the thesis statements and fully explain your response.

A search warrant **should** be issued for 935 Bay Street, St. Louis, MO., because

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A search warrant **should not** be issued for 935 Bay Street, St. Louis, MO., because

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SEARCH WARRANT ISSUED

United States District Court

FOR THE

Eastern District of Missouri

UNITED STATES OF AMERICA

vs.

John Doe

Docket No. A

Case No. 11246

SEARCH WARRANT

To Any sheriff, constable, marshall, police officer, or investigative officer of the United States of America.

Affidavit(s) having been made before me by Special Agent, Barry I. Cunningham

that he has reason to believe that { on the person of on the premises known as }

on the occupants of, and on the premises known as 935 Bay Street, St. Louis, Missouri described as a two story, residential dwelling, white in color and of wood frame construction .....

in the Eastern District of Missouri

there is now being concealed certain property, namely Counterfeit bank notes, money orders, and securities, and Plates, stones, and other paraphernalia used in counterfeiting and forgery

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the person or premises above described and that the foregoing grounds for application for issuance of the search warrant exist.

You are hereby commanded to search within a period of ...10... (not to exceed 10 days) the person or place named for the property specified, serving this warrant and making the search { at anytime in the day or night' } and if the property be found there to seize it, leaving a copy of this warrant and a receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant and bring the property before me as required by law.

Dated this 3rd day of December

, 19 94

Michael J. Thiel Judge or Federal Magistrate

The Federal Rules of Criminal Procedure provide: "The warrant shall be served in the daytime, unless the issuing authority, by appropriate provision in the warrant, and for reasonable cause shown, authorizes its execution at times other than daytime." (Rule 41(C))



## FOURTH AMENDMENT HISTORY

During the American Revolution, British officials used “**writs of assistance**” (a legal document that served as a general search warrant) to conduct searches in the colonies. The writs could be easily obtained. No particular suspicion needed be shown to obtain a writ and the search was not limited to any specific location.

Writs were seen by the colonists as a violation of “**natural law**” principles (an idea from the Enlightenment period that held people had certain “natural rights” that government should not be able to violate, including personal freedom and property rights).

Colonial opposition to writs led to the inclusion of the Fourth Amendment in the U.S. Constitution.

## WARRANTLESS SEARCHES

**No search warrant is required for the following searches:**

1. **Search incident to an arrest:** Police can search you without a warrant after you have been arrested.
2. **Consent search:** If you consent to a search (voluntarily), no warrant is needed (example: police request that you let them search your home, and you permit it).
3. **Plain view:** Contraband is in plain view, so it can be seized. The Fourth Amendment is applicable where there is a “reasonable expectation of privacy,” and items placed in plain view cannot be said to be items intended to be kept private (example: your trash).
4. **Stop and frisk/pat-down/Terry search:** If police have a reasonable suspicion of criminal activity, they can conduct a limited search for weapons to protect the officer and others from possible harm. The U.S. Supreme Court case giving rise to this warrant exception was *Terry v. Ohio*, where a Cleveland policeman did a stop and frisk/pat-down of a suspect outside a jewelry store in the Playhouse Square area (there is a plaque marking the spot).
5. **Hot pursuit:** If in hot pursuit of a criminal, the police can enter without a warrant (example: murder suspect running from police goes into his home and shuts the door behind him).
6. **Automobile search:** There is less of an expectation of privacy in a moving vehicle than in a home and vehicles can quickly leave the scene, so a warrant is not required if the officer has probable cause to believe drugs or other evidence of criminal activity are in the vehicle. The police can search the entire area that reasonably could contain the contraband (example: driver is stopped for swerving and as the officer approaches the car, the police dog, trained to detect drugs, gives its signal that drugs are in the vehicle).
7. **Inventory search:** Once a vehicle is taken into possession by the police, they are permitted to conduct an inventory of its contents to determine what is in it so that there is no claim later that something was removed (example: car towed because driver/owner had no license or car registration and when inventory search is performed, drugs are located in the trunk).
8. **Government agency/administrative searches:** Certain government agencies can conduct searches without warrants (examples: school officials can search student lockers without a warrant; border guards can search vehicles and people without a warrant when they attempt to enter the country).
9. **Exigent circumstances:** Emergency situations that make it reasonable to enter without obtaining a warrant (example: policeman walking his beat hears someone in a home scream “Don’t kill me!”).

## EXCLUSIONARY RULE

There are situations where courts have held that a search was illegal. There has been a longstanding debate about whether any **contraband** (items illegal to possess, such as heroin) from such a search should still be allowed to be used as evidence against the defendant. The U.S. Constitution does not directly address the issue.

Two landmark U.S. Supreme Court cases on this issue are *Mapp v. Ohio* (1961) and *Miranda v. Arizona* (1966). In *Mapp*, the Court ruled that Cleveland police illegally obtained evidence, which consisted of pornographic materials seized from a home without a warrant or valid exception to the warrant requirement. The court held that the evidence must be excluded from use at trial against the defendant. Doing so, the court reasoned, would serve to deter the police from conducting improper searches, though it may result in some criminals going free.

In *Miranda*, the Supreme Court extended the exclusionary rule to statements obtained from a suspect prior to being informed of his right to not incriminate himself (“Miranda Warnings”).

## LESSON THREE: OPTIONAL STUDENT ACTIVITIES

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### HYPOTHETICAL CASE

One evening just as the stores in Tower City were preparing to close, Officer Steve, a 28-year veteran with the Cleveland Police Department, notices a young man and young woman standing in front of some of the stores. Officer Steve sits on a bench and observes the couple. The couple talks for several minutes and then the young man walks to the entrance of the Bling Bling Jewelers store, pauses, looks inside, and returns to the young woman. The couple has another conversation and then the young woman slowly walks by the Bling Bling Jewelers' windows. As the young woman is returning to the young man, a second young man approaches the couple and speaks to them while gesturing toward the exit. As the second young man walks toward the exit, the young woman again approaches the Bling Bling Jewelers store, looks in the entrance, and returns to the first young man. She and the young man repeat this behavior several times over the next ten minutes. After ten minutes, the second young man returns and again speaks to the couple.

Officer Steve decides that he does not like the behavior of the group. He approaches the group and asks their names. After receiving mumbled responses, Officer Steve turns around the first young man, whom he later learned was named Danny King, and pats down the outside of his clothes. As he is patting down the pocket area of the young man's hooded sweatshirt, Officer Steve feels a hard object. He reaches inside and pulls out a loaded 9mm gun. Officer Steve orders the group into a nearby store and radios for backup. Officer Steve orders the two young men and young woman to face the wall. Officer Steve pats down the young woman, who states her name is Denise Anderson, and feels a hard object in her pocket. He removes the object, which turns out to be a loaded revolver. Officer Steve pats down the second young man, David Turner, and finds nothing. Once backup arrives, the three are taken to the police station. Danny King and Denise Anderson are charged with carrying concealed weapons.

Was Officer Steve's pat-down of the suspects and seizure of the guns a violation of the defendants' Fourth Amendment rights? Why or why not?

Should the guns be admissible at trial against the defendants? Why or why not?

What is and what should be required before an officer can do a pat-down search? Explain your answers.



## SHORT ESSAY

Do you agree that there should be an exclusionary rule? Never? Sometimes? Always? Provide examples of when you think it should or should not be permitted, if you believe the rule should ever be permitted. If you believe there should never be such a rule, what do you believe would deter improper police behavior in its absence?

## HYPOTHETICAL CASE

Read this hypothetical case and draft an opinion as to the legality of the arrest and use of the evidence obtained:

Police Officer John Smith notices a van driving east on I-90 in Cleveland. It is going within the speed limit, but slowing, then speeding up, and swerving right and left, but staying within its lane. A bumper sticker says "Legalize Drugs."

Officer Smith pulls up in his lane to further observe the driver and van. He sees a young, long-haired driver who is startled at seeing the officer and looks very nervous, then begins looking over his right shoulder into the back of the van.

Officer Smith pulls the van over. He suspects the van is carrying drugs. He approaches the van and asks for identification. He has already run the plates through the computer and found nothing suspicious. The driver's license and registration are also ok. The officer has with him a police dog, trained to find drugs. The dog begins to sniff around the van and begins to scratch at the back door, which is the sign that it smells drugs. Based on the dog's action, the policeman takes the driver into custody (handcuffs him) and searches the van. He finds no drugs but does find the van is full of pirated DVDs, which the police confiscate. Charges are filed relating to the DVDs. The defendant contests the search as illegal and asks that the DVD evidence be excluded.

Were Officer Smith's actions in pulling over the defendant and searching his van a violation of the defendant's Fourth Amendment rights? Give your opinion and reasoning.



## LESSON FOUR: DUE PROCESS

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### INTRODUCTION TO LESSON (2 MINUTES):

Captain: “Today’s lesson is about due process, one of our most important constitutional rights. As we have with our prior visits, we will break into small groups to discuss the lesson.” [Break into small groups.]

### SMALL GROUP DISCUSSION – DUE PROCESS (33 MINUTES):

Attorney in Small Group: “I am handing you your Student Worksheets for today’s lesson [pass worksheets out]. Now let’s read the selected text of the Fifth Amendment to the U.S. Constitution that is reprinted on the first page of your Worksheet [have a student read it out loud].

The Fifth Amendment was part of the Bill of Rights (first ten amendments to the Constitution) that became part of the Constitution in 1791.

Now let’s look at the 14th Amendment, which as we will also discuss in the next lesson was a post-Civil War amendment. We will spend more time on it next month, but you should know for now that the Equal Protection Clause addresses issues related to treating groups differently based on race and other factors. The 14th Amendment also contains a Due Process Clause which is also reprinted on page one of your Worksheet [have a student read the selected portion of the 14th Amendment].

Why did the 14th Amendment guarantee Due Process when the Fifth Amendment had already done so almost a century earlier? Answer: Look at the difference in the language of both amendments. The 14th Amendment says ‘no state shall’ deny due process. It was intended to prevent state governments from denying this right. The Fifth Amendment had only applied to the federal (national) government.

So, what is ‘Due Process?’ There are two types listed in your Student Worksheet: Procedural and Substantive. Let’s read them [have a student read them out loud].

There is great debate today about procedural and substantive due process. Some believe these due process rights should be expanded and others believe they should be narrowed.

The remainder of today’s lesson will focus on procedural due process. There is a case in your Student Worksheet. Let’s read it [have one or more students read it out loud].

You are the judge assigned to decide this case. How would you rule and why? [Have the students state how they would rule and why.] Which Amendment is at issue?

This was in fact a real case heard by the U.S. Supreme Court: *Goss v. Lopez* (1975). In *Goss*, the Court held that students are required by law to attend school, and as a result, they have a ‘property interest’ in school. Because there is ‘property interest’ as issue (remember that ‘life, liberty, and property’ are the protected due process rights), suspension from school without any due process violates the 14th Amendment’s due process clause. The Court held that at the very least students must be notified of the charges against them and provided the opportunity to contest them before they are pun-

ished (with some exception for the timing of that process where the student presents an immediate danger to other). The hearing may be simply an informal one with a school administrator. Also note that *Goss* applies only to public schools: the Constitution only protects against government action.

What if the suspensions in *Goss* were in-school rather than out-of-school? Would that be considered a denial of a 'property interest' such that procedural due process is required? Recently in *Laney v. Farley*, the Sixth Circuit Court of Appeals held that a student who was given and served a one day in-school suspension for possession of a cell phone in class was not deprived of her procedural due process rights even though she was provided no hearing prior to the suspension. The court held that the in-school suspension, unlike the out-of-school suspension in *Goss*, did not result in the student missing any school. Thus, there was not denial of any 'property interest.'

Before we conclude with Jeopardy Review, I want to encourage you to look at the optional activities in your Student Worksheet. Doing them will help you better understand what we discussed today and you may be able to get extra credit if you ask your teacher."

### **LARGE GROUP JEOPARDY REVIEW (5 MINUTES):**

Captain: "Let's play Jeopardy Review in the time remaining." [Ask the questions in the Due Process Jeopardy Review section of the Instructor's Notebook. If additional time is left, feel free to discuss any topic covered or any of the materials in the Optional Activities section for this lesson.]



# JEOPARDY!

<b>10</b>	<b>10</b>	<b>10</b>
The two types of due process are procedural and _____ due process.	The two amendments that set forth due process rights are _____.	Due Process protects against deprivation of life, liberty, and _____.
[ Substantive ]	[ The Fifth and the 14th ]	[ Property ]
<b>20</b>	<b>20</b>	<b>20</b>
The 14th Amendment was enacted after the _____.	The Fifth Amendment applies due process rights to the _____ government.	The amendment that applies due process rights to the states is _____.
[ Civil War ]	[ Federal ]	[ The 14th Amendment ]
<b>30</b>	<b>30</b>	<b>30</b>
In the <i>Laney</i> case, the appeals court held that this type of suspension is not a sufficient denial of a property interest to be protected by the due process clause of the 14th Amendment.	Substantive Due Process rights aren't listed but can be _____ from other rights in the Constitution	The Supreme Court has determined that students have the right at least to a _____ before being suspended or expelled.
[ In-school ]	[ Inferred ]	[ Hearing ]
<b>40</b>	<b>40</b>	<b>40</b>
The right to privacy is an example of this type of due process.	Hearings, trials, and appeals are examples of _____ due process.	The Supreme Court case establishing students' due process rights is called _____.
[ Substantive ]	[ Procedural ]	[ <i>Goss v. Lopez</i> ]
<b>50</b>	<b>50</b>	<b>50</b>
Procedural due process for an out-of-school suspension from a public school requires, at a minimum, a student be provided notice of the charges and an opportunity to _____ them.	In this case, the U.S. Supreme Court held that states cannot outlaw all abortions.	Substantive Due Process infers certain _____ not specifically written in the Constitution.
[ Challenge or dispute ]	[ <i>Roe or Roe v. Wade</i> ]	[ Rights or liberties ]

# LESSON FOUR: STUDENT WORKSHEET

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## LESSONS FACTS/TERMS/CONCEPTS:

Fifth Amendment; 14th Amendment; Procedural Due Process; Substantive Due Process; Fundamental Rights; Right to Privacy; Life, Liberty or Property; *Goss v. Lopez*; *Roe v. Wade*; *Griswold v. Connecticut*; Right to Notice; Right to Hearing/Contest Charges; Private v. Public; National v. State Governments; In-School v. Out-of-School Suspensions; Infer; *Laney v. Farley*; Nomination of Judges.

## DUE PROCESS CLAUSES:

**The Fifth Amendment:** "No person shall... be deprived of life, liberty, or property, without due process of the law ... ."

**The 14th Amendment:** "No State shall... deprive any person of life, liberty, or property, without due process of law ... ."

## TWO TYPES OF DUE PROCESS:

1) **Procedural Due Process** -- The protections provided to those accused of a crime or other offense are procedural due process. At a minimum, it means the accused is to be provided notice of the charges and a right to contest or challenge them. The amount of procedural due process to be provided depends on the seriousness of the offense (the degree to which "life, liberty, or property" may be denied if the accused is found guilty). More due process (hearings, right to appeal, etc.) is required for someone accused of murder than for a minor offense such as jaywalking.

2) **Substantive Due Process** -- The U.S. Supreme Court has determined that there are some individual rights that are not specifically identified/referenced in the Constitution, but exist as **fundamental rights** because they can be inferred from other rights stated in the Constitution. One example is the "**right to privacy**." In *Griswold v. Connecticut* (1965) the Court held that state laws that ban the sale of contraceptive devices violate this right, and in *Roe v. Wade* (1973) the Court held that state laws that ban all abortions violate this right.

## SCHOOL SUSPENSION CASE:

Ann Instigator and Billy Bystander, students at George Washington High School, are in the school cafeteria when there is a disturbance. Food is thrown, students start fighting, and school property is ultimately damaged before the situation is brought to an end by some teachers. Following the incident several students, including Ann and Billy, are taken to the principal's office by one of the teachers on lunch duty. The teacher informs the principal that the students, including Ann and Billy, were involved in the disturbance. The principal suspends all of the students for ten days. Ann was in fact involved in a small part of the disturbance, but Billy was not involved at all. The students were not permitted to explain this to the principal. The students sued, challenging their suspension and claiming that their due process rights were violated because they were not given a chance to present their side of the situation. The school argued that it must have broad authority over student behavior and that it would be too much of a burden to require a hearing each time a student is suspended.



## LESSON FOUR: OPTIONAL STUDENT ACTIVITIES

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### ROE V. WADE:

The Supreme Court's holding that there are certain "fundamental rights" that are not specifically set forth in the Constitution (such as freedom of speech) but nevertheless are granted protection as if they were, is controversial. In fact, much of the debate between the political left and right has been over such rulings, particularly the 1973 *Roe v. Wade* decision that ruled that certain state laws prohibiting abortion violated the "fundamental right" of a woman's right to privacy. While many people support the Court's decision, many would like to see the decision overruled or restricted.

Research the *Roe* decision, and state whether you agree or disagree with the Court's ruling.

Research the major Supreme Court rulings on abortion since *Roe* and state whether you agree or disagree, including the Court's recent ruling in *Gonzales v. Carhart* (2007) that allowed a federal ban on partial birth abortion. Do you believe there is a fundamental right to privacy? If so, do you believe it includes the right to an abortion?

### PROCEDURAL DUE PROCESS IN THE NEWS: ESSAY

In June of 2008, the Supreme Court ruled that foreign terrorism suspects held at the U.S. prison at Guantánamo Bay in Cuba have the right to challenge their imprisonment in civilian (non-military) courts (*Boumediene v. Bush*). The Court ruled in 2004 that a U.S. citizen captured in Afghanistan during a military conflict with the Taliban was entitled to a hearing in court, reasoning that although Congress authorized the detention (imprisonment) of combatants in the circumstances alleged in this case, due process demands that a citizen held in the United States as an enemy combatant be given the opportunity to present his case at a hearing to challenge his confinement (*Hamdi v. Rumsfeld*). Do you think there should be a difference made between U.S. citizens' and non-citizens' rights to challenge their imprisonment by U.S. agencies? Should it make a difference whether they are accused of terrorist activities during a time of war? What interests do you think should be balanced when determining what sort of process detainees have a right to? Others have said that civil liberties such as due process rights are even more important during times of war – do you agree? Why or why not?

### SUBSTANTIVE DUE PROCESS: ESSAY

In *Meyer v. Nebraska* (1923), the Supreme Court wrote that liberty "denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men."

State whether you agree or disagree with this statement and why. Consider the balance courts try to reach between individual rights, the rights of others, and the responsibility of the law to govern society and provide order. If too many activities are considered fundamental and constitutionally protected, where should the law draw the line between protected activities and actions that should be made illegal?

What other controversial "hot button" topics related to individual liberty are currently being debated in society today? Do you feel they should be included with this list from *Meyer*? Why or why not?



# LESSON FIVE: EQUAL PROTECTION/14TH AMENDMENT

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## INTRODUCTION TO LESSON (2 MINUTES):

Captain: “Today’s lesson is about the Equal Protection Clause of the 14th Amendment to the U.S. Constitution. It became part of the Constitution in 1866. However, as you will discuss in your small groups, it has been and remains controversial.”

## SMALL GROUP DISCUSSION (33 MINUTES):

Attorney in Small Group: “As noted, we are going to talk about the 14th Amendment’s Equal Protection Clause. I am passing out your Student Worksheet for today’s lesson [pass it out to the students in your small group]. Let’s start by reading the language of the 14th Amendment’s Equal Protection Clause. [Have a student read the language from the Student Worksheet.]

What was going on in the U.S. in 1866 that caused this amendment to be adopted? [See if anyone knows the answer, then be sure to share it with them if no one knows the correct answer.]

The answer is that after the Civil War, former Confederate states were enacting state laws that denied former slaves the same rights and freedoms as whites. These laws were called Black Codes or Jim Crow laws. So, race-based classifications were created and enforced through the laws.

The adoption of the Equal Protection Clause led to Court challenges of the Black Codes/Jim Crow laws:

*Plessy v. Ferguson* (1896): Plessy, who was black, challenged laws requiring segregated areas of passenger trains and other forms of transportation. The Supreme Court upheld the laws, stating that ‘separate but equal’ treatment based on race does not violate the 14th Amendment.

*Brown v. Bd. of Education* (1954): Brown and other black students and parents challenged the Topeka, Kansas school system’s policy of assigning students to its schools based solely on race. The Supreme Court held that ‘separate but equal’ based on race is ‘inherently’ (by nature) unequal, reversing *Plessy* [if necessary, briefly explain what it means when a court reverses a prior decision].

The 14th Amendment’s Equal Protection Clause has been raised by other racial and ethnic groups as well. In *Korematsu v. U.S.* (1944), the U.S. Supreme Court was asked to find that a Presidential order requiring Japanese-Americans to be interned in camps during World War II violated the Equal Protection Clause. Korematsu noted that other ethnic/racial groups from countries the U.S. was fighting, such as Germans and Italians, were not similarly treated. The Supreme Court held that the order was a valid wartime measure in light of the presence of many Japanese on the West Coast and the fear of an invasion in that area at that time.

Generally, most laws that make distinctions are upheld when challenged because the government need only show there is some ‘rational basis’ connecting the law to the goal sought by the law. For example, Ohio’s driving age discriminates (treats groups differently) between those below and above a certain age. Because there is no constitutional right to drive, a challenge to the law by a 14-year-old would likely fail. The government would only need to show it is ‘rational’ to not permit 14-year-olds to drive.

However, laws that impact a right guaranteed in the U.S. Constitution, including those in the 14th Amendment, will not be upheld unless the government can prove a ‘compelling governmental interest.’ It will have to prove the law’s goal is extremely important (compelling) and that there is no other way to accomplish that goal. Such burden of proof is seldom met (though it was in *Korematsu*).

You should be aware of the legal difference between two types of discrimination, because the type of discrimination is important in how the court has determined whether there is a 14th Amendment violation.

‘De jure’ (meaning ‘by law’) segregation is segregation directly intended or mandated by law. This is the type seen in the *Brown* case, and it is illegal. ‘De facto’ (meaning ‘in fact’) segregation is segregation that is inadvertent and not ordered by law, such as that which results from social, economic or other causes. ‘De facto’ segregation is not a 14th Amendment violation because there has been no law directly causing it.

Let’s now turn to the ‘Small Group Case/You Decide’ section of the worksheet and read and discuss today’s case. [Have a student read it or you do so if necessary. Have the students state whether or not they would rule to allow the university’s

affirmative action program and why.]

The case you ruled on was a real case: *University of California Regents v. Bakke* (1978). In a two-part ruling, the Court ordered Bakke to be admitted to medical school. The Court ruled that Bakke had, in fact, been discriminated against in violation of the Equal Protection Clause. However, the Court upheld the legality of affirmative action programs, citing with approval Harvard University's affirmative action program that created guidelines for admission that permitted consideration of race as a factor but did not create a strict quota for minority students. Race, the Court held, can be a factor but not the only factor.

In 2003 two Equal Protection cases were decided by the U.S. Supreme Court, both of which involved the University of Michigan's admission policies. The court held that the University of Michigan's undergraduate point-based admission policy which assigned additional points to minority members was a violation of the Equal Protection Clause. Assigning admission points solely based on race was too much like a quota system. However, it held that the University of Michigan Law School's admission policy that permits consideration of race as a factor, but does not use a quota or point system, was not a violation of the Equal Protection Clause.

In 2007, the Court held that promotion of diversity alone was not a good enough justification for a public school system policy that assigned students to schools based on race. The Court found that while this reason was valid, other reasons were necessary in addition to promoting diversity to meet Equal Protection requirements, such as correcting the effects of past segregation. Whether this means affirmative action programs will be later found to be entirely unconstitutional remains to be seen.

We've finished with the small group session. Be sure to review the Optional Activities section of your Student Worksheet for activities you might do for extra credit (ask your teacher). We're going to play Jeopardy Review now to help you remember today's lesson."

### **LARGE GROUP JEOPARDY REVIEW (5 MINUTES):**

Captain: "We will now play or Jeopardy Review in the time remaining." [Ask the questions in the 14th Amendment Jeopardy Review section of the Instructor's Guide. If additional time is left, feel free to discuss any topic covered or any of the materials in the Optional Activities section for this lesson.]



# JEOPARDY!

<b>10</b>	<b>10</b>
Latin term that references racial segregation mandated by law.	1954 case holding that segregation by race mandated by law is illegal.
[ De jure ]	[ <i>Brown v. Board of Education</i> ]
<b>20</b>	<b>20</b>
Latin term that references racial segregation not mandated by law.	The 14th Amendment was passed to bar these discriminatory laws.
[ De facto ]	[ Black Codes or Jim Crow Laws ]
<b>30</b>	<b>30</b>
The 14th Amendment targeted this level of government and its discriminatory laws.	Names of programs that assist certain minorities in school admission and employment that have faced challenge as “reverse discrimination.”
[ States ]	[ Affirmative action ]
<b>40</b>	<b>40</b>
This 1896 case upheld the “separate but equal” doctrine.	In <i>University of California Regents v. Bakke</i> , the Supreme Court barred racial _____ in public school admissions.
[ <i>Plessy v. Ferguson</i> ]	[ Quotas ]
<b>50</b>	<b>50</b>
This 1944 case upheld the wartime internment of Japanese-Americans during World War II.	In 2003, cases challenging this school’s undergraduate and law school admission policies were heard by the Supreme Court.
[ <i>Korematsu v. U.S.</i> ]	[ University of Michigan ]

# LESSON FIVE: STUDENT WORKSHEET

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## LESSON FACTS/TERMS/CONCEPTS:

Equal Protection Clause of the 14th Amendment to the U.S. Constitution; Jim Crow/Black Codes; *Plessy v. Ferguson*; Separate but Equal; *Brown v. Bd. of Education*; Separate but Equal is Inherently Unequal; *Korematsu v. U.S.*; Japanese-American Internment; Affirmative Action; Quota; *Univ. of Calif. v. Bakke*; Rational Basis; Compelling Government Interest; Burden of Proof; De Facto; De Jure.

## EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT:

“No state shall ... deny any person within its jurisdiction the equal protection of the laws.”

## SMALL GROUP CASE/YOU DECIDE:

Alan Bakke, an engineer with high grades, applied to several medical schools with the hope of one day becoming a doctor. Bakke was rejected by all of the schools he applied to, but the University of California at Davis encouraged him to apply again. The next year Bakke reapplied and was again rejected. Bakke then discovered that the university's affirmative action program reserved 17 places for minority candidates regardless of qualifications. Bakke sued the university, claiming that he was the victim of “reverse discrimination” and that the university's admission policy was a violation of the 14th Amendment's Equal Protection Clause. The university argued that the creation of quotas (the 17 places set aside) for minorities was needed to ensure such students were admitted to the university under its affirmative action program.

How would you rule and why?

### Majority Opinion:

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### Minority Opinion:

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## LESSON FIVE: OPTIONAL STUDENT ACTIVITIES

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### EQUAL PROTECTION ESSAYS:

Write an essay setting forth your view of whether laws that classify based on race should ever be permitted to help promote integration/diversity. Why or why not? If they should be permitted, what limits would you place on them? If not, how should the government help promote integration/diversity instead?

Write an essay setting forth your view on how you would rule on the following hypothetical situation and why (whether it was a violation of the 14th Amendment's Equal Protection Clause). Consider the varying interests and rights at stake here, including prison officials, guards, prisoners, and the government. Would the prison be able to prove a "compelling government interest" (the law's goal is extremely important and that there is no other way to accomplish that goal)?

There is a weeklong series of race riots at a prison. In order to calm things down and avoid further bloodshed, the prison reassigns housing at the prison based on race until it determines that things have calmed down sufficiently to permit a return to integrated housing.



## LESSON SIX: COUNSELING

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### INTRODUCTION TO LESSON (2 MINUTES):

Team Captain: “The next two sessions will be devoted solely to counseling. The sessions will be conducted in small groups, as were the Constitution-related 3Rs lessons. So, let’s break into our small groups and begin today’s program.”

### SMALL GROUP DISCUSSION (38 MINUTES):

Attorney in Small Group: “Previously we talked about goal setting as part of planning your career path. We also talked about potential roadblocks to reaching your goals and assets you might tap to assist you achieve them. Today we will further explore some of those assets.

Sometimes money becomes a big issue when trying to achieve a career goal. School and training are expensive. However, as the 3Rs video said, there is a huge difference in lifetime earnings between those who get additional education and training after high school and those who don’t. In the end, you come out ahead if you get the additional education and training. But, paying off later does not answer the question of how you pay for it when you incur those costs. Fortunately, there is a tremendous amount of money available to help with school and training costs, much of which goes untapped every year because people don’t take the time and make the effort to find out about it. We’re going to help address that problem.

First, I want you to share with us what education and training would be required after high school for you to achieve your career goal. Then, I want you to estimate what it costs now for that education and training and what it will cost when you actually begin it, being as specific as you can to break out every cost you can for each year (such as room, board, tuition, clothing, books, etc.). You will then share that information with us.

[Have each student write down a primary career goal, then list the education and training required to achieve it and what it will cost each year (now and how that will increase by the time they begin it). Be sure they identify costs such as room, board, tuition, transportation, clothing, books, etc. Then have each share with the group their estimated costs. As they are discussed, be sure to point out where you think something is missing or inaccurate.]

Now, I have an assignment for you. Between now and next month, I want you to research how much it would actually cost for you to obtain the school and training programs that you need to achieve your goals if you were attending this fall. That information will be reported back to us in small group. Where and how would you find such information? [Suggested answers: library at school or public library, internet check of school’s web site, through counselor’s office]

Now, back to the issue of how to pay for your education and training. Let’s brainstorm some potential sources. [Have someone in the group keep a list of the group’s ideas.] What are the advantages or disadvantages of any source you listed?” [Discuss in small group. Example: military service as a way to later pay for education and training requires a military commitment or service.]

However you decide to pay for your education and training, it’s important to understand how financial aid works and the terms used. For that reason, we have an attachment titled ‘How Financial Aid Works and How it Makes College Affordable for You’ and ‘Financing Options.’ While it references college, it is also applicable to non-college training programs as well. Let’s review the sheet. [Have students take turns volunteering to read the information, stopping to discuss each point with the students and seeing if they have any questions.]”

### OPTIONAL ADDITIONAL ACTIVITY:

If time permits, share with the students how you or someone you know used loans, grants, scholarships, and other aid to pay for post-high school education and training.



# LESSON SIX: STUDENT WORKSHEET

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## HOW FINANCIAL AID WORKS AND HOW IT MAKES COLLEGE AFFORDABLE FOR YOU

Financial aid is intended to make up the difference between what your family can afford to pay and what college costs. Over half of the students currently enrolled in college receive some sort of financial aid to help pay college costs.

Financial aid is any type of assistance used to pay college costs (grants/scholarships, loans and work) that are based on financial need. There are three main types of financial aid:

- **Grants and Scholarships**

Also called gift aid, grants don't have to be repaid and you don't need to work to earn them. Grant aid comes from federal and state governments and from individual colleges. Scholarships are usually awarded based on merit.

- **Loans**

Most financial aid comes in the form of loans, aid that must be repaid. Most loans that are awarded based on financial need are low-interest loans sponsored by the federal government. These loans are subsidized by the government so no interest accrues until you begin repayment after you graduate.

- **Work**

Student employment and work-study aid helps students pay for education costs such as books, supplies, and personal expenses. Work-study is a federal program which provides students with part-time employment to help meet their financial needs and gives them work experience while serving their campuses and surrounding communities.

## FINANCING OPTIONS

There are a variety of financing options available for families who are concerned about their ability to meet their family share of costs. These alternative sources of aid, most often in the form of loans, can help families cover financial aid "gaps," or unmet need in a financial aid package. See your school counselor visit [www.collegeboard.com](http://www.collegeboard.com), [www.fafsa.ed.gov](http://www.fafsa.ed.gov) or [www.act.org](http://www.act.org).

- **Tuition Tax Credits**

A tax credit is an amount of money you can subtract from your federal tax bill. It is a dollar-for-dollar reduction of the amount you owe. If you have family members in college, and your income doesn't exceed certain limits, you may apply for a credit of up to \$1,500 per year. For more information, go to Tuition Tax Credits. Visit [collegeboard.com](http://collegeboard.com) or see your counselor.

- **In a Nutshell**

The financial aid system is based on the goal of equal access — that anyone should be able to attend college, regardless of financial circumstances



# LESSON SEVEN: COUNSELING

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## INTRODUCTION TO LESSON (2 MINUTES):

Team Captain: “Today is our last day with you. We want to thank you and let you know how much we enjoyed our time together. Our final program is the completion of the discussion began last month about resources you can tap into to help achieve your career goals, including how to find money to get post-high school education and training. We will end by having you evaluate this year’s 3Rs program. Let’s break into our small groups to discuss it further.”

## SMALL GROUP DISCUSSION (38 MINUTES):

Attorney in Small Group: “Last month I gave you a homework assignment: you were to find out how much it would actually cost you to obtain the education and training needed for you achieve your career goals. Let’s review what you found. [Have students who completed the assignment share their results. If none did the assignment, then you provide the information as best you can, estimating where necessary and letting them know how and where they can find the correct answers.]

Now, let’s turn to the attachment to today’s lesson, which addresses financial aid. We discussed financial aid last month, but we’re going to explore the subject again today. Remember, while the attachments reference college only, the information is applicable as well to training programs. [Review the articles ‘How Financial Aid Works and How It Makes College Affordable for You’ and ‘Financing Options’ for students who missed last month’s lesson, then review ‘Ten Questions for the Aid Office’ and ‘Financial Aid Myths.’ You can do so by having the students take turns reading them. If any of the questions or answers raises questions or concerns, feel free to stop and discuss them.]

Another way to prepare for post-high school education and training (other than those we’ve discussed) is to engage in activities while in high school that will help you better understand the world of work and careers.

Internships are one option. What is an internship? [Answer: work-based learning opportunities between a student and employer designed to give the student direct practical experience in a particular career.]

Has anyone done an internship? [If so, discuss it.]

Internships may be paid or unpaid, but they are usually unpaid. In your Student Worksheets is a document titled ‘Student Internships’ discussing internships and listing those available through the Cleveland Public Schools. Some law firms in Cleveland are participating in the Cleveland Metropolitan Bar Association’s Summer Internship program. Under it, Cleveland high school students are paid to work at the law firms during the summer. Contact your school guidance counselor for more information and applications for internships.

A valuable asset in your career journey may be your school counselor. Also included in the Student Worksheets for today’s lesson is a handout titled ‘Tools for Post-Secondary Education Planning,’ which includes ‘Questions to Ask Your School Counselors’ and ‘Reality Check.’ Let’s review each section. [Have students take turns reading out loud from the articles.]

For the ‘Questions to Ask Your School Counselors,’ who would you ask those questions of at your school? How would you get in to see that person? Have you ever discussed your career with your counselor at school? Why not, if that is the case? Do you plan on doing so? Why or why not? If you don’t have a counselor or don’t want to use one at the school, are other people available to play that role, such as teachers and/or administrators? [Raise and discuss each question with your group. To the extent counselors may be available, be sure the students know that they need to take the initiative to meet with them and possibly have other counseling resources (such as teachers or administrators) they can utilize.]



Are there questions that you would add to the list of 'Questions to Ask Your School Counselors,' and if so what?

We'll conclude our program this year by having you evaluate our 3Rs program. Included in your Student Worksheets is a survey form for you to complete. If we have time left today, we will discuss your responses if you want to share them. [Have students complete the evaluation form and discuss their opinions if time permits. Collect the forms and turn them into your Team Captain, who will return them to the Cleveland Metropolitan Bar Association]."

### **OPTIONAL ADDITIONAL ACTIVITY:**

In addition to a discussion of the survey results, if time permits you might discuss the students' plans for the summer and ways they might make the summer more educationally interesting (such as summer school, camps, etc.).

*Optional but strongly encouraged:* Instructors can, if they wish, give their contact information to the students if they would like help or have questions after lessons have ended.



# LESSON SEVEN: STUDENT WORKSHEET

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## HOW FINANCIAL AID WORKS AND HOW IT MAKES COLLEGE AFFORDABLE FOR YOU

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## FINANCING OPTIONS

There are a variety of financing options available for families who are concerned about their ability to meet their family share of costs. These alternative sources of aid, most often in the form of loans, can help families cover financial aid "gaps," or unmet need in a financial aid package. See your school counselor visit [www.collegeboard.com](http://www.collegeboard.com), [www.fafsa.ed.gov](http://www.fafsa.ed.gov) or [www.act.org](http://www.act.org).

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- **In a Nutshell**

The financial aid system is based on the goal of equal access — that anyone should be able to attend college, regardless of financial circumstances



## TEN QUESTIONS FOR THE AID OFFICE: TO GET THE RIGHT ANSWERS, ASK THE RIGHT QUESTIONS

Each college has its own financial aid policies—how outside scholarships are treated, whether aid awards can be appealed, etc.—information that may or may not appear in materials they send you. Make the most of your next campus visit and schedule an interview with a member of the financial aid staff. He or she will be able to answer specific questions about costs, the financial aid process, and options for financing your education. Here are ten questions to get you started:

- What's the average total cost- including tuition and fees, books and supplies, room and board, travel, and other personal expenses for the first year?
- By how much will total costs increase each year? How much has tuition, fees, room and board increased over the last three to five years?
- Does financial need have an impact on admission decisions? How is financial aid affected if I apply via an early decision or early action program?
- Does the school offer need-based and merit-based financial aid? Are there other scholarships available that aren't based on financial need? Do I need to complete a separate application for merit-based scholarships?
- What is the priority deadline to apply for financial aid?
- When will I be notified about financial aid award decisions?
- If the financial aid package isn't enough, under what conditions, if any, will the aid office reconsider the offer?
- How will the aid package change from year to year? What will happen if my family's financial situation changes? What will happen if my enrollment status (or that of a family member) changes?
- What are the terms and conditions of the aid programs included in the aid package? What are the academic requirements or other conditions for the renewal of financial aid, including scholarships?
- When can I expect to receive bills from the college? Is there an option to spread the yearly payment over equal monthly installments?



# FINANCIAL AID MYTHS

## **Don't believe everything you hear.**

Literally billions of dollars in financial aid is available to those who need help paying for college. Yet lots of misinformation clouds the facts about what type of aid is available and who is eligible. Here are some myths dispelled for students confronting the process of securing financial aid.

### **1. College is just too expensive for our family.**

Despite the media hype about rising college costs, a college education is more affordable than most people think, especially when you consider college graduates earn an average of \$1 million more over their careers than high-school graduates. The average yearly cost of a four-year public school in 2005-2006 is just \$5,491. There are some expensive schools, but high tuition is not a requirement for a good education.

### **2. There's less aid available than there used to be.**

In fact, student financial aid in 2004-2005 rose to a record level of more than \$129 billion. Most students receive some form of aid. Less of this aid now comes in the form of grants, however; most aid is awarded through low-interest loans, institutional and other grants. Consider carefully the financing packages you've been offered by each college to determine which makes the most financial sense.

### **3. My parents' income is too high to qualify for aid.**

Aid is intended to make a college education available for students of families in many financial situations. College FA administrators often take into account not only income but also other family members in college, home mortgage costs, and other factors. Aid is awarded to many families with incomes they thought would disqualify them.

### **4. My parents saved for college, so we won't qualify for aid.**

Saving for college is always a good idea. Since most financial aid comes in the form of loans, the aid you are likely to receive will need to be repaid. Tucking away money could mean you have fewer loans to repay, and it won't mean you're not eligible for aid if you need it. A family's share of college costs is calculated based mostly on income, not assets such as savings.

### **5. I'm not a straight "A" student, so I won't get aid.**

It's true that many scholarships reward merit, but the vast majority of federal aid is based on financial need and many do not consider grades.

### **6. If I apply for a loan, I have to take it.**

Families are not obligated to accept a low-interest loan if it is awarded to them. "In my opinion, everybody should apply for financial aid," says Tally Hart, Director of Student Financial Aid at The Ohio State University. "Student loans are at all-time low interest rates." She recommends applying and comparing the loan awards with other debt instruments and assets to determine the best financial deal.

### **7. Working will hurt my academic success.**

Students who attempt to juggle full-time work and full-time studies do struggle. But research shows that students who work a moderate amount often do better academically. Securing an on-campus job related to career goals is a good way for you to help pay college costs, get experience, and create new ties with the university.

### **8. I should live at home to cut costs.**

It's wise to study every avenue for reducing college costs, but living at home may not be the best way. Be sure to consider commuting and parking costs when you do this calculation. Living on campus may create more opportunities for work

and other benefits.

### **9. Private schools are out of reach for my family.**

Experts recommend deferring cost considerations until late in the college-selection process. Most important is finding a school that meets your academic, career, and personal needs. In fact, you might have a better chance of receiving aid from a private school. Private colleges often offer more financial aid to attract students from every income level. Higher college expenses also mean a better chance of demonstrating financial need.

### **10. Millions of dollars in scholarships go unused every year.**

Professional scholarship search services often tout this statistic. In fact, most unclaimed money is slated for a few eligible candidates, such as employees of a specific corporation or members of a certain organization. Most financial aid comes from the federal government, though it's also a good idea to research nonfederal sources of aid. See your counselor for local scholarship opportunities and resources.

### **11. My folks will have to sell their house to pay for college.**

Home value is not considered in calculations for federal financial aid. Colleges may take home equity into account when determining how much you are expected to contribute to college costs, but income is a far greater factor in this determination. No college will expect your parents to sell their house to pay for your education.

### **12. We can negotiate a better deal.**

Many colleges will be sensitive to a family's specific financial situation, especially if certain nondiscretionary costs, such as unusually high medical bills, have been overlooked. But most colleges adhere to specific financial aid-award guidelines and will not adjust an award for a family that feels it got a better deal at another school. "We won't bargain, but we want to make sure we know the family's full financial picture," says Tally Hart, Director of Student Financial Aid at The Ohio State University. (resource: [www.fsfsa.ed.gov](http://www.fsfsa.ed.gov))

## **HELPFUL WEBSITES**

- [www.collegeboard.com](http://www.collegeboard.com)  
**College and career planning, SAT, PSAT/NMSQT testing info**
- [www.csp.org](http://www.csp.org)  
**Cleveland Scholarship program site**
- [www.actstudent.org/](http://www.actstudent.org/)  
**Student site includes test dates and deadlines, registration help, costs, information for students with disabilities, and score information**
- [www.fafsa.ed.gov](http://www.fafsa.ed.gov)  
**Federal student aid website with educational and college planning resource tools**
- [www.cmsdnet.net/jfk](http://www.cmsdnet.net/jfk)  
**Provides latest scholarship and guidance information for the district**
- [www.ncaa.org](http://www.ncaa.org)  
**National Collegiate Athletic Association site has up to date materials for college bound athletes including eligibility**



## Student Intern Requirements

Student eligibility criteria for the internship experience include:

- Good academic standing (minimum cumulative G.P.A.)
- 90% attendance or higher
- Approval from the principal
- Parental permission
- Completed application
- Completion of an internship orientation, prior to participating in the internship experience

## Internship Advantages

### Advantages for Employers:

- Ensure Greater Cleveland's future business and management workforce demands are met with qualified employees
- An opportunity to train highly motivated students
- Benefit from an introduction of fresh, new ideas
- An opportunity to develop an efficient training program

### Advantages for Students:

- Gain a rich understanding of the relationship between classroom theory and practical application
- Develop professional work habits
- Have a broader base for interpersonal relations
- Become acquainted with people employed in professional occupations
- Improve the transition into full-time employment

### Interested in becoming an internship provider?

- Contact 216-858-1224 or 216-348-3647 and indicate the career field(s) in which you can provide opportunities

Cleveland Municipal School District



# Student Internships

Helping Students Make The Transition From School To A Career

**For More Information Contact:**

The Department of Post-Secondary Education

216-858-1224 or 216-348-3647

Cleveland Municipal School District 

[www.cmsdnet.net](http://www.cmsdnet.net)

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**Cleveland Metropolitan School District**

13880 East Sixth Street ■ Cleveland, Ohio 44114

216.574.8000 ■ [www.cmsdnet.net](http://www.cmsdnet.net)

The Cleveland Board of Education does not discriminate in educational programs, activities or employment on the basis of race, color, national origin, sex, sexual orientation, religion or disability.





## Our Mission:

- To develop a sustainable system that effectively aligns community resources to support educational priorities
- To develop strong academic and workplace knowledge that provides all students with choices, skills, experiences, incentives and opportunities to be successful in post-secondary education and/or a career.

## Examples of Careers by Fields

In accordance with the Ohio Department of Education, listed below are the sixteen Career Fields, along with examples of specific careers to which our students aspire.



## What is an Internship?

Internships are extended work-based learning opportunities outside the school between a student and employer designed to give the student direct practical experience in a particular occupational role. The experience is generally 6-9 weeks in duration, wherein a student spends time at a worksite performing many actual tasks and duties required for the job. Internship employers/ providers have the final hiring decision in the selection of a student intern. A full time mentor or supervisor is appointed to guide the student through the experience and to serve as a model.

### Agriculture and Environmental Systems

- Florist, Landscaper, Forest Ranger, Turf Manager and Veterinary Technician

### Arts and Communication

- Photographer, Journalist, Graphic Designer and Radio/Television Producer

### Business and Administrative Services

- File/ Retail Clerk, Administrative Assistant, Entrepreneur and Realtor

### Construction and Technologies

- Architectural Engineer, HVAC Technician, Construction Manager and Electrician

### Education and Training

- Teacher Aide, Teacher, Education Consultant and Guidance Counselor

### Engineering and Science Technologies

- Aerospace, Chemical, Electrical, Civil and Mechanical Engineer

### Finance

- Customer Relations, Investment Broker and Accountant/CPA

### Government and Public Administration

- Council Person, Urban Planner, Legislative Aide and Mayor

### Health Science

- Medical Assistant, LPN, Radiologist, Pharmacist, Dentist and Doctor

### Hospitality and Tourism

- Hotel Manager, Hotel Clerk, Travel Agent and Executive Chef/Caterer

### Human Services

- Barber/Cosmetologist, Recreation Worker and Social Worker

### Information Technology

- Database Administrator, Computer Software Designer and Web Designer

### Law & Public Safety

- Fire Inspector, Firefighter, Paralegal, Lawyer and Judge

### Manufacturing and Technologies

- Precision Machinist, Welder and Tool and Die Maker

### Marketing

- Fashion Designer, Advertising Executive, Sports Management Executive and Marketing Director

### Transportation Systems

- Auto Technician, Marine Maintenance Technician, Auto Collision Technician and Air Traffic Controller

# TOOLS FOR POST-SECONDARY EDUCATION PLANNING\*

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## QUESTIONS TO ASK YOUR SCHOOL COUNSELORS

Your school counselor is one of your best resources as you plan for college. She or he has information about admission tests, college preparation, and your education and career options.

**Here are some basic questions to help get your conversation started with an adult:**

- What are the required and recommended courses for graduation and for college prep?
- How should I plan my schedule so I'll complete them?
- Which elective courses do you recommend?
- Which AP courses are available at our school? (Honors, etc)
- When is the PSAT going to be given at my school?
- Is this school a testing center for the SAT, or will I need to go somewhere nearby?
- Do you have any after-school or evening sessions available for college planning, or the SAT?
- Do you have college handbooks or other guides that I can browse or borrow?
- Do you have a copy of the free Taking the SAT booklet or ACT materials, which has a practice test in it?
- Are there any college fairs at this school, or nearby?
- What are the requirements or standards for the honor society?
- Do you have any information to help me start exploring my interests and related careers?
- Are there any special scholarships or awards that I should know about now, so I can work toward them?
- Can I see my transcript as it stands now, to see if everything is as I think it should be?
- Do you have any forms I need to apply for financial aid?
- How does our school compare to others, in terms of test scores and reputation?

## REALITY CHECK

Your school counselor may be the most wonderful and accessible person on the planet, or she or he may be juggling a thousand students and barely know your name. So remember that the person who has the biggest stake in your academics is you. It's up to you to stay on top of opportunities and deadlines, to take control of your future.

(resource: [www.collegeboard.com](http://www.collegeboard.com))

\*Postsecondary Education Connections Materials provided by the Cleveland Metropolitan School Districts and Collegeboard.com.



# 3RS PROGRAM EVALUATION

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## LESSONS:

If 10 was the highest score you could give for a lesson, and 0 the lowest, which score would you give for the following lessons:

1. 3Rs Introduction \_\_\_\_\_
2. First Amendment (Freedom of Expression) \_\_\_\_\_
3. Fourth Amendment (Search and Seizure) \_\_\_\_\_
4. Fifth and 14th Amendments (Due Process) \_\_\_\_\_
5. 14th Amendment (Equal Protection) \_\_\_\_\_

## COUNSELING:

Same scoring as above:

1. April Counseling Program \_\_\_\_\_
2. May Counseling Program \_\_\_\_\_

## OPINION:

If time remains, share your thoughts about why you scored the lessons and counseling as you did and state what changes you think might make the 3Rs program even better next year.

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# U.S. CONSTITUTION

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We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I

### Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### Section 2

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

### Section 3

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.



The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

#### **Section 4**

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

#### **Section 5**

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

#### **Section 6**

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

#### **Section 7**

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.



Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

## **Section 8**

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;



To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;--And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

### **Section 9**

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

### **Section 10**

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.



## ARTICLE II

### Section 1

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

### Section 2

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.



He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

### **Section 3**

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

### **Section 4**

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

## **ARTICLE III**

### **Section 1**

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

### **Section 2**

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;--to Controversies between two or more States;-- between a State and Citizens of another State;--between Citizens of different States;--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

### **Section 3**

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.



The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

## **ARTICLE IV**

### **Section 1**

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

### **Section 2**

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

### **Section 3**

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

### **Section 4**

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

## **ARTICLE V**

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.



## **ARTICLE VI**

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

## **ARTICLE VII**

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.



# AMENDMENTS TO THE U.S. CONSTITUTION

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Congress of the United States begun and held at the City of New-York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all, or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

## 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.

## AMENDMENT XI

Passed by Congress March 4, 1794. Ratified February 7, 1795. Note: Article III, section 2, of the Constitution was modified by amendment 11.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

## AMENDMENT XII

Passed by Congress December 9, 1803. Ratified June 15, 1804. Note: A portion of Article II, section 1 of the Constitution was superseded by the 12th amendment.

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; -- the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; -- The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the



President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President. --]\* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

*\*Superseded by section 3 of the 20th amendment.*

## **AMENDMENT XIII**

Passed by Congress January 31, 1865. Ratified December 6, 1865. Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

### **Section 1**

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

### **Section 2**

Congress shall have power to enforce this article by appropriate legislation.

## **AMENDMENT XIV**

Passed by Congress June 13, 1866. Ratified July 9, 1868. Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

### **Section 1**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### **Section 2**

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,\* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

### **Section 3**

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an



executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

#### **Section 4**

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

#### **Section 5**

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

\*Changed by section 1 of the 26th amendment.

### **AMENDMENT XV**

Passed by Congress February 26, 1869. Ratified February 3, 1870.

#### **Section 1**

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude--

#### **Section 2**

The Congress shall have the power to enforce this article by appropriate legislation.

### **AMENDMENT XVI**

Passed by Congress July 2, 1909. Ratified February 3, 1913. Note: Article I, section 9, of the Constitution was modified by amendment 16.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

### **AMENDMENT XVII**

Passed by Congress May 13, 1912. Ratified April 8, 1913.

Note: Article I, section 3, of the Constitution was modified by the 17th amendment.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.



## **AMENDMENT XVIII**

Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by amendment 21.

### **Section 1**

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

### **Section 2**

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

### **Section 3**

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

## **AMENDMENT XIX**

Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex. Congress shall have power to enforce this article by appropriate legislation.

## **AMENDMENT XX**

Passed by Congress March 2, 1932. Ratified January 23, 1933. Note: Article I, section 4, of the Constitution was modified by section 2 of this amendment. In addition, a portion of the 12th amendment was superseded by section 3.

### **Section 1**

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

### **Section 2**

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

### **Section 3**

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

### **Section 4**

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for



the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

### **Section 5**

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

### **Section 6**

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

## **AMENDMENT XXI**

Passed by Congress February 20, 1933. Ratified December 5, 1933.

### **Section 1**

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

### **Section 2**

The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

### **Section 3**

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

## **AMENDMENT XXII**

Passed by Congress March 21, 1947. Ratified February 27, 1951.

### **Section 1**

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

### **Section 2**

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.



## **AMENDMENT XXIII**

Passed by Congress June 16, 1960. Ratified March 29, 1961.

### **Section 1**

The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

### **Section 2**

The Congress shall have power to enforce this article by appropriate legislation.

## **AMENDMENT XXIV**

Passed by Congress August 27, 1962. Ratified January 23, 1964.

### **Section 1**

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

### **Section 2**

The Congress shall have power to enforce this article by appropriate legislation.

## **AMENDMENT XXV**

Passed by Congress July 6, 1965. Ratified February 10, 1967. Note: Article II, section 1, of the Constitution was affected by the 25th amendment.

### **Section 1**

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

### **Section 2**

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

### **Section 3**

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.



## **Section 4**

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

## **AMENDMENT XXVI**

Passed by Congress March 23, 1971. Ratified July 1, 1971. Note: Amendment 14, section 2, of the Constitution was modified by section 1 of the 26th amendment.

### **Section 1**

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

### **Section 2**

The Congress shall have power to enforce this article by appropriate legislation.

## **AMENDMENT XXVII**

Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.



# 3RS GLOSSARY

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## **Fifth Amendment to the U.S. Constitution**

Guarantees certain due process rights and prohibits the national government from denying such rights.

## **First Amendment to the U.S. Constitution**

Protects the rights of citizens against government efforts to limit free speech, a free press, the right to assemble and protest peaceably, and the right to petition for redress of grievances, sometimes collectively referenced as “freedom of expression.”

## **Fourteenth Amendment to the U.S. Constitution**

Guarantees certain due process rights and prohibits the state governments from denying such rights; also forbids the state government from denying citizens equal protection under the law (discrimination).

## **Fourth Amendment to the U.S. Constitution**

Protects the rights of citizens to be free from unreasonable searches and seizures.

## **Affidavit**

Written declaration upon oath made before an authorized official.

## **Affirmative Action**

Name of programs designed to assist minorities in obtaining jobs, school admission, promotions, etc.

## **Automobile Search**

Search warrant exception where a police officer is permitted to search a vehicle if he or she has probable cause to believe there is contraband in the vehicle.

## **Bill of Rights**

First ten Amendments to the U.S. Constitution that sets forth certain individual rights.

## **Black Codes/Jim Crow Laws**

Racially discriminatory laws adopted after the Civil War with the intent to limit African-American/Black participation in elections and other aspects of life.

## ***Brandenburg v. Ohio* (1969)**

U.S. Supreme Court case in which the Court broadened the limits of the “clear and present danger” test to allow even inflammatory speech unless such speech creates a danger of “imminent (immediate) lawless action.”

## ***Brown v. Board of Education* (1954)**

U.S. Supreme Court case that overruled *Plessy v. Ferguson* and held that “separate but equal” racial segregation is “inherently” unequal.

## **Case Law**

Law that develops as a result of how the courts rule.

## **Checks and Balances**

Powers each branch of government (legislative, executive and judicial) has to limit the power of the others.

## **Clear and Present Danger**

Limit on First Amendment freedoms that permits the government to limit or curtail such freedoms when the exercise of them creates a danger that is clear (apparent) and present (close in time); first established in *Debs v. U.S.*

## **Compelling (Important) Government Interest**

High level of proof the government must show for the courts to uphold a law affecting fundamental rights.

## **Consent Search**

Search warrant exception where a person gives permission for a search.



**Content-Based Laws**

Laws that limit constitutional rights based on the content of what is said or who is saying it and are almost always held to be unconstitutional.

**Content-Neutral Laws**

Laws that limit constitutional rights equally to everyone and are usually designed to protect rights by controlling where, when and how they may be exercised (“time, place and manner restrictions”) and are generally held to be constitutional.

**Contraband**

Items illegal to possess (example: heroin).

**De Facto Segregation**

Segregation not mandated by law, such as that which may result from where people choose to reside.

**De Jure Segregation**

Segregation mandated by law.

***Debs v. U.S. (1919)***

U.S. Supreme Court case in which the Court refused to grant First Amendment protection to Debs’ anti-war speech because it represented a “clear and present danger” to the safety of the U.S.

**Democracy**

Form of government in which the people choose their leaders through elections and the government’s power to rule is limited by recognition of certain individual rights.

**Enemy Combatant**

Prisoners accused of taking up arms against the United States, whose possession of certain due process rights is under dispute.

**Espionage Act of 1917**

Federal law passed during World War I making it a crime to interfere with the operation or success of the U.S. armed forces.

**Equal Protection Clause**

Clause in the 14th Amendment of the U.S. Constitution passed in 1866 to outlaw racially discriminatory laws, and that provides that no state shall deny people the equal protection of the laws.

**Establishment Clause**

First Amendment freedom that bars too close of a tie between government and religion, such as the establishment of an official government church or religion.

**Exclusionary Rule**

Court rule that certain illegally obtained evidence may not be used against the accused; established in *Mapp v. Ohio*.

**Executive Branch**

Branch of government that carries out/enforces the laws.

**Exigent Circumstances**

Search warrant exception permitted where circumstances create a reasonable belief that the officer must enter an area to prevent a crime.

**Federalism**

System of government that divides governing power between the national government and the 50 state governments.

**Freedom of Expression**

Another term that applies to the First Amendment freedoms that involve expression of an opinion or belief.



**Free Exercise Clause**

First Amendment freedom that protects citizens' rights to exercise their religious beliefs.

**Free Press**

First Amendment freedom of newspapers and others to express their beliefs and opinions in publications.

**Free Speech**

First Amendment freedom that permits citizens to state their beliefs.

**Fighting Words**

Face-to-face insults not protected by the First Amendment because they are addressed to a specific person and likely to cause an imminent fight.

**Fundamental Rights**

Rights guaranteed specifically or expressly in the U.S. Constitution or inferred from it as an individual right.

***Goss v. Lopez* (1975)**

U.S. Supreme Court case holding that students in effect have a property interest in attending school and must be provided a hearing before they can be expelled.

**Government Agency/Administrative Searches**

Search warrant exception extended to certain government agencies such as border patrol, school administrators, airport security, etc.

**Hot Pursuit**

Search warrant exception where a police officer is permitted to enter and search a structure if he or she is in close pursuit of a suspected criminal.

**Inventory Search**

Search warrant exception where the police tow a vehicle and inventory its contents.

**Jim Crow Laws/Black Codes**

Racially discriminatory laws adopted after the Civil War with the intent to limit African-American/Black participation in elections and other aspects of life.

**Judicial Branch**

Branch of government that interprets the laws.

**Judicial Interpretation**

Power of the judicial branch to determine the meaning of laws.

***Korematsu v. U. S.* (1944)**

U.S. Supreme Court case that upheld the internment of Japanese-Americans during World War II.

**Legislative Branch**

Branch of government that makes the laws.

**Libel**

Knowingly false statement of fact in a printed form, and as such is not protected under the First Amendment.

**Loyalty Oaths**

Sworn statement declaring allegiance to a nation, group or belief system, required of citizens during the Red Scare of World War I and during the McCarthy era after World War II.

**Magna Carta**

British charter adopted in 1215 in which the U.S. Constitution's due process language has its roots.



**Majority Rule**

Democratic government principle in which control of the government ultimately rests with the people who decide who represents them through elections in which the person and/or issue on the ballot that gets the most votes wins.

***Mapp v. Ohio (1961)***

U.S. Supreme Court ruling that illegally obtained evidence must be excluded as evidence (exclusionary rule) against the accused in state court.

**McCarthyism/McCarthy Era**

Period immediately following World War II during a second Red Scare, led by Senator Joseph McCarthy in a crusade against the spread of communism in the U.S.

**Minority Rights**

Democratic government principle in which certain constitutional rights are guaranteed to individuals and are not subject to majority rule.

***Miranda v. Arizona (1966)***

U.S. Supreme Court ruling that held that an accused must be told of certain rights, including his/her right to an attorney and to not make incriminating statements, and that if the rights are not communicated, any information obtained may not be used against the accused.

**National Security**

A threat to the security of the United States that rises to a level that it is not protected by the First Amendment, such as giving troop movement information to the enemy.

**Natural Law/Rights**

Philosophical idea that holds people have certain inherent rights that the government should not be allowed to violate (examples: personal freedom or property rights).

**Oath or Affirmation**

Testimony given subject to perjury (criminal charges for lying under oath).

**Obscenity**

Limit on First Amendment freedom where the pornographic material is shown to be well outside community standards of decency, though determining what is or is not obscene has been controversial and difficult in some cases.

**Pat-Down**

Search warrant exception where a policeman has reasonable suspicion that a suspect may be armed and permits the officer to stop and frisk the suspect for a weapon.

**Peaceable Assembly**

First Amendment freedom to gather and protest peacefully.

**Petition**

First Amendment freedom that permits citizens to request in writing that government take certain action.

**Plain View**

Search warrant exception where an item is in plain view and thus there is no reasonable expectation of privacy.

***Plessy v. Ferguson (1896)***

U.S. Supreme Court case that upheld laws segregating the races under the principle of "separate but equal."

**Precedent**

Legal decision serving as an authoritative rule or pattern in future similar cases.

**Primary Source Documents**

Records or written accounts created by a person taking part in the event (example: diary entry).

**Probable Cause**

Required showing by the government that there is reason to believe that a crime has been or is about to be committed.

**Procedural Due Process**

Right to a fair process, including notice and an opportunity to be heard at a minimum, once a life, liberty or property interest is at issue.

**Quota**

System that allots positions among various groups based on numbers instead of merit or other factors; racial quotas when used as the sole factor in college admissions were found unconstitutional in *University of California v. Bakke* and a series of lawsuits involving the University of Michigan.

**Rational Basis Test**

Test adopted by the courts to determine whether certain laws are legal that do not impact a constitutional right, under which the law will be upheld upon a showing that there is any rational connection between the law and the goal sought by the law.

**Reasonable Expectation of Privacy**

Court looks to whether one has a reasonable expectation of privacy in making a determination of whether a search warrant was required to search/seize.

**Reasonable Suspicion**

Reason to believe that criminal activity is at hand.

**Red Scare**

Fear of communism, political violence, and labor unrest during World War I.

**Right to Privacy**

Fundamental substantive due process right inferred by the courts from the U.S. Constitution, which right was the basis for overruling certain laws banning abortion and the use of contraception.

**Sacco and Vanzetti Trial (1927)**

Trial of two immigrant workers convicted of murdering a company payroll master despite weak evidence toward the end of the first Red Scare.

**Search Incident to Arrest**

Search warrant exception where a person is searched after arrest.

**Secondary Source Documents**

Records or accounts created by someone not a participant or eyewitness to the event (example: newspaper article).

**Separation of Powers**

Division of governing power between the three branches of government (legislative, executive and judicial).

**Separate but Equal**

System of racial division in public services, such as schools or public restrooms; upheld in *Plessy v. Ferguson* but later overturned in *Brown v. Board of Education*.

**Slander**

Knowingly false statement of fact in a spoken form, and as such is not protected under the First Amendment.

**Stop and Frisk**

Search warrant exception where a policeman has reasonable suspicion that a suspect may be armed and permits the officer to stop the suspect and conduct a pat-down or frisk for a weapon.

**Strict Scrutiny Test**

Where a law affects a fundamental right, the courts will not uphold the law unless the government can prove a compelling governmental interest and that there is no other way to accomplish that goal.

**Substantive Due Process**

Protects certain fundamental rights that are not specifically or expressly set forth in the U.S. Constitution but which the U.S. Supreme Court has inferred are fundamental rights, such as privacy.



**Terry Search**

Search warrant exception where a policeman has reasonable suspicion that a suspect may be armed and permits the officer to stop the suspect and conduct a pat-down or frisk for a weapon.

***Terry v. Ohio (1968)***

U.S. Supreme Court ruling that upheld the pat-down/frisk of a suspect based on the officer's reasonable belief that a crime was being committed and that he needed to check for weapons.

**United States Constitution**

Document adopted in 1798 as our form of national government and includes amendments, including the Bill of Rights (the first ten amendments); also known as the "supreme law of the land."

***University of California v. Bakke (1978)***

U.S. Supreme Court case in which the court upheld affirmative action plans based on guidelines but ruled those based on quotas were unconstitutional.

**Warrant**

Legal document to be obtained from the court permitting the search and seizure of persons and/or property.

**Warrantless Searches**

Searches that are permitted without first obtaining a search warrant.

**Writs of Assistance**

British documents used against the American colonists to search for contraband and which permitted very broad searches with no particular suspicion needed to obtain the writs.

