

# Interpreting the Bill of Rights: Thinking Critically about a Living Symbol of Freedom

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How many times have you heard children utter these words or some variation of them? “It’s a free country. I can say what I want...” Or, perhaps, as a child arguing with siblings, you said them, yourself. I know I did. We said them because they represented something basic to us—that our ideas, however silly or offensive, could not be censored. As we got a little older, we learned that the freedom of expression is found in the Bill of Rights, among the first ten amendments to the United States Constitution. We also discovered that our understanding of that freedom and others was probably a bit simplistic. We must exercise a right responsibly, or we might violate someone else’s right. In short, there are real-world limits to any and every right. Happily, exploring the complexities of interpreting these freedoms only deepens our appreciation of the Bill of Rights as a living symbol of the American democratic experiment.

That the symbol is “living” is an important part of teaching about it. The rights outlined in the document are not merely to be read and committed to memory; they are to be interpreted and debated.<sup>1</sup> Fifth grade is an apt time to begin an exploration of the Bill of Rights; ten and eleven year olds are eager to exercise their reasoning skills and are beginning to be comfortable with some level of ambiguity. In addition, the intermediate grades are often where students encounter American history for the first time.

My fifth grade unit of study on the Bill of Rights begins with some combination of three different activities that motivate students to read, interpret, and explore real-life applications of the amendments.

1. Small groups of students imagine what life would be like without the protections described in Amendments 1, 4, 5, and 6 (**HANDOUT 1: What if the Bill of Rights were Not Part of Our Constitution?** in the following Pullout). These amendments can be understood through actual and hypothetical situations more easily than can some of the other amendments.
2. Pairs of students read summaries of events that led to landmark U.S. Supreme Court cases and match them to different amendments in the Bill of Rights that are displayed around the room. They also write down what they believe should be the Court’s ruling (**HANDOUT 2: You Be the Justice! Landmark Supreme Court Cases**). The class then discusses the actual outcome of each case (Answer Key on Pullout page 3).

In addition, students select a political cartoon on the Bill of Rights (provided by the teacher) and connect it to an amendment in the Bill of Rights. Find cartoons by searching with Google for “Bill of Rights cartoons,” or with Google images for cartoons about specific amendments or rights described in those amendments. The First Amendment

Cartoon Contest website<sup>2</sup> has student-created cartoons. The most easily understood cartoons are often found in old history and government textbooks—at both the elementary and secondary levels. (A particularly memorable and useful one for the 6th Amendment had a convict in jailbird garb in a cell, uttering, sadly, “I was my own lawyer.” An old textbook provided the best cartoon I’ve ever seen to explain the purpose of the Bill of Rights, depicted as a bulwark holding back the tide of “possible misuse of government power” from engulfing the “American people.”) After major Supreme Court decisions, I clip favorite newspaper cartoons and save them in a Bill of Rights file. (Following the 1985 ruling in *New Jersey v. T.L.O.*, I clipped a Doug Marlette cartoon that’s all too relevant today. It showed a line-up of kids spread-eagled against the blackboard, with one child saying to another who has just walked up, “No, you want the lunch line—this is the search and seizure line.”)

3. Students read five “mock” scenarios (some based on recent cases, some hypothetical) and assess their constitutionality, identifying the relevant amendment (**HANDOUT 3: You Be the Justice! “Mock” Scenarios**, on Pullout page 4, followed by an Answer Key). Encourage students to refer back to rulings in landmark cases.

After these lessons, I invite a guest speaker from the local Civil Liberties Union to talk with my students. The ACLU has, in effect, one client: the Bill of Rights. I also make available two different simulations about privacy rights:

- **Ordering Pizza.** In this simulation by the ACLU, a customer orders a pizza and discovers just how much information about him (e.g. health, library, shopping, and credit card records) has been recorded, compiled, and stored away for easy access by the pizza parlor employee.<sup>3</sup>

- **Are They Watching You?** In this game by the Bill of Rights Institute, players click on items in different scenes (e.g., airport, street, stadium, bedroom) that they think might provide information about them.<sup>4</sup>

- Can government limit your right to freedom of belief?
- Can government put limits on how you practice your beliefs?
- What is the conflict about the establishment of religion?

Sources for court cases that revolve around Bill of Rights freedoms are not hard to find on the Internet; however, they are not generally written for upper elementary students. There are some exceptions. The ACLU has created a cartoon character, “Sybil Liberty,” who discusses answers to upper level questions about the meanings of different civil liberties found in the Bill of Rights and in other amendments. For example, the questions on freedom of expression include:<sup>5</sup>

When this text was first published 25 years ago, you could request a free class set from your federal representative; the book was seen as a vital resource for civic education. Heck, in the days before NCLB and Race to the Top, civic education was seen as vital.

- What does freedom of expression actually mean?
- Do I have a right to express my opinions and beliefs in school?
- What are we allowed to say in a school paper?
- Is my school allowed to have a dress code?
- Do I have to say the pledge of allegiance?
- Can the school library refuse to stock certain books?

Perhaps it’s appropriate to close this article with a suggestion for some First Amendment action of our own. Let’s all call our representatives and request a class set of this resource, explaining that it used to be available free and should be so again. The civic education of the next generation is no less important than it was 25 years ago. 🌐

The best printed resource I’ve seen for challenging upper elementary students to think critically about the extent of each of the freedoms in the Bill of Rights is *We the People: The Citizen and the Constitution*. Be sure to get Level 1—the elementary edition.<sup>6</sup> For example, in the chapter, “How Does the Constitution Protect Your Right to Freedom of Religion?”, these questions are discussed:

#### Notes

1. A survey conducted several years ago found that, while only one in a thousand American adults were able to name all five freedoms contained in the First Amendment, one out of five Americans could name all five of the main characters on *The Simpsons*. Fifth graders ought to be able to memorize and give examples of these five freedoms: *speech, press, religion, petition, and assembly*. See McCormick Tribune Freedom Museum, “Americans’ Awareness of First Amendment Freedoms” (2006), [usgovinfo.about.com/b/2006/03/03/five-freedoms-americans-know-simpsons-better-than-their-rights.htm](http://usgovinfo.about.com/b/2006/03/03/five-freedoms-americans-know-simpsons-better-than-their-rights.htm).
2. Judges, Courts and the Law, “First Amendment Cartoon Contest,” [www.courtsed.org/cartoon\\_contest.htm](http://www.courtsed.org/cartoon_contest.htm).
3. American Civil Liberties Union, “Ordering Pizza,” [www.aclu.org/ordering-pizza](http://www.aclu.org/ordering-pizza).
4. The Bill of Rights Institute, “Are They Watching You?” (2012), [billofrights.institute.org](http://billofrights.institute.org).
5. American Civil Liberties Union, “Ask Sybil Liberty Fact Sheets,” [www.aclu-em.org/issues/studentyouthrights/asksybilliberty.htm](http://www.aclu-em.org/issues/studentyouthrights/asksybilliberty.htm).
6. Center for Civic Education, *We the People: The Citizen & the Constitution* (Calabasas, CA: Center for Civic Education, 2003), [new.civiced.org/wtp-the-program](http://new.civiced.org/wtp-the-program).

- How does the First Amendment protect freedom of religion?
- Why was freedom of religion so important to the colonists?
- Why was freedom of religion so important to the founders?

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Preserving the founding documents of the United States (the “Charters of Freedom”) at the National Archives and Records Administration.