

A Note to Educators:

Thank you for your interest in The Bill of Rights Protects You for grades 6–12!

Program Objectives: After completing the Bill of Rights Protects You program with the National Archives, students will be better able to:

- Understand that the Bill of Rights guarantees rights to the people and places limitations on what the government can do.
- Understand that one can take action if they feel their rights have been violated.
- Explain how the Bill of Rights is relevant to their lives.

Program Documents: You can access all the documents and images included in this teacher guide and the National Archives presentation in this [folder](#) on DocsTeach.

How To Use This Guide: There are no required pre-program activities for this distance learning program. Instead, we've assembled a collection of activities that you can select from to share with students before or after their program with the National Archives or throughout your unit on the Bill of Rights as you see fit. Get started with the optional pre-program activities here or use the table of contents on the next page to navigate this guide.

Pre-Program Activities: Optional activities to prepare students for their National Archives program.

[Rights of the People and Limits on Government](#) (30 minutes) *Textual Analysis and Worksheet*
Identify the rights of the people and limits on government in the Bill of Rights. **Materials:**
Handout on [pages 6–9](#).

[Case Studies](#) (60 minutes) *Primary Source Analysis Activity*
Working in small groups-explore examples of government actions that overstepped the Bill of Rights. These case studies will be featured during the program with the National Archives.

Materials: Case Study Handouts

- Case Study 1: Legislative Branch ([pages 10–13](#))
- Case Study 2: Executive Branch ([pages 14–18](#))
- Case Study 3: Judicial Branch ([pages 19–27](#))

Program Materials: During the program with the National Archives, it may be helpful for students to have a copy of the Bill of Rights ([pages 6–7](#)) available for reference and any completed materials from the optional Case Studies activity.

Post-Program Materials: Post-Program Activities: Keep the conversation going after the program with post-program activities that start on [page 4](#). Explore the [Bill of Rights in the News](#) or have students [Design a Bill of Rights Poster](#).

We want to hear from you!

Twitter: [@USNatArchives](#) **Facebook:** <https://www.facebook.com/usnationalarchives/> **Email:** civics@nara.gov



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Pre-Program Activities

The following pre-program activities are designed to support student learning about the Bill of Rights. These activities are not required. Feel free to facilitate only the activities that you think would be most helpful for your students. The live program will reinforce the concepts learned in the pre-program activities. Handouts and answer keys are located at the end of this Teacher Guide.

Rights of the People and Limits on Government

Students will highlight the text of the Bill of Rights to differentiate between the rights of the people and limits on government as outlined in the document.

Estimated time: 30 minutes

Materials:

- Rights of the People and Limits on Government handout ([pages 6–9](#))
- 2 different colored highlighters, pens, or colored pencils

Distribute the handout “Rights of the People and Limits on Government.” This will instruct students to read through the provided text of the Bill of Rights and highlight each phrase that identifies a protected right of the people in one color, and limits on the government in another color. Provide guidance as students work since many of the rights and limits will overlap. Next, pair up students to organize the parts they highlighted into the provided table of rights and limits. Students should then answer the questions on the last page of the handout. Conduct a class discussion based on students’ responses.

Case Studies

Students will analyze primary sources to understand how each document shows a government action (by one of the three branches of government) that overstepped the Bill of Rights. During the program with the National Archives students will discuss the case study documents and discover how citizens responded to each government action.

Estimated time: 60 minutes

Materials:

- Case Study Handouts, to be divided and distributed to each group or student as:
 - Legislative Branch ([pages 10–13](#))
 - Executive Branch ([pages 14–18](#))
 - Judicial Branch ([pages 19–27](#))
- The Bill of Rights text: Students can use the same copy from the “Rights of the People and Limits on Government” activity on [pages 6–7](#).

Divide the class into 3 groups; each will review a different case study. (For larger classes assign 2 groups to each case study.) Modification: Have all students examine the first case study.

Each case study includes one primary source document and transcript, a worksheet, and background information. An [answer key](#) for each case study is included at the end of this teacher guide. Students will explore a second document of each case study during the distance learning program with the National Archives. For your reference, excerpts from documents 1–3 are included in this teacher guide. Excerpts from documents 4–6 will be shared during the program with the National Archives.



Case Studies by Branch of Government

Legislative: The Gag Rule	Executive: Executive Order 9066	Judicial: Gideon v. Wainwright
Document 1: The "Gag Rule" Resolution	Document 2: Executive Order 9066	Document 3: Gideon's Request for a Lawyer
Document 4: Petition to Rescind the Gag Rule	Document 5: United States v. Korematsu Demurrer	Document 6: Gideon's Petition for a Writ of Certiorari

Optional Program Materials

During the live program, students will take a closer look at the three case studies in this guide. If students have done the (optional) pre-program activities, they should bring their copy of the Bill of Rights and completed case study to the program.

Post-Program Activities

The following optional post-program activities provide students with the opportunity to review key ideas from the program and connect their knowledge of the Bill of Rights with current events.

The Bill of Rights in the News

Students will find a newspaper article or post about a recent Bill of Rights issue.

Estimated time: 45 minutes

Materials:

- The Bill of Rights in the News worksheet ([page 28](#))

Distribute the “The Bill of Rights in the News” worksheet. Students should conduct a search in an online version of a national, state, or local newspaper for a recent article or post related to an amendment in the Bill of Rights. After filling out the worksheet about their article, students can share their discoveries and discuss how the Bill of Rights is relevant today.

Design a Bill of Rights Poster

Students will create a poster to convey why knowing the Bill of Rights is important.

Estimated time: 30 minutes

Materials:

- Art supplies (poster board, markers, glue sticks, etc.) or a computer design program

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

Examples from the National Archives:

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



Additional Online Resources from the National Archives

[Congress Creates the Bill of Rights](#)

Congress Creates the Bill of Rights consists of three elements: an eBook, a mobile app for tablets, and online resources for teachers and students. Each provides a distinct way of exploring how the First Congress proposed amendments to the Constitution in 1789.

[Putting the Bill of Rights to the Test: A Primary Source-Based Workbook](#)

This workbook includes primary sources to help students explore some of the core concepts, or protections, found in the Bill of Rights, and how they've been tested throughout American history.

[Amending America Resources](#)

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

Online resources associated with this exhibit include:

- [National Conversations on Rights and Justice](#): A series of presentations held across the country that explore a range of contemporary issues, addressing the tension between individual rights and collective responsibilities, a process that began with the Bill of Rights
- Online exhibits featuring documents from the holdings of the National Archives

[DocsTeach](#)

Primary Sources and Teaching Activities for Teaching the [Amendments and the Bill of Rights](#) on DocsTeach, the online tool for teaching with documents from the National Archives.

[Records of Rights](#)

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

College, Career, and Civic Life (C3) Framework Alignment

- D2.Civ.2.6–8. Explain specific roles played by citizens (such as voters, jurors, taxpayers, members of the armed forces, petitioners, protesters, and office-holders).
- D2.Civ.4.6–8. Explain the powers and limits of the three branches of government, public officials, and bureaucracies at different levels in the United States and in other countries.
- D2.Civ.4.8–12. Explain how the U.S. Constitution establishes a system of government that has powers, responsibilities, and limits that have changed over time and that are still contested.
- D2.Civ.5.9–12. Evaluate citizens' and institutions' effectiveness in addressing social and political problems at the local, state, tribal, national, and/or international level.
- D2.Civ.8.6–8. Analyze ideas and principles contained in the founding documents of the United States, and explain how they influence the social and political system.



The Bill of Rights Protects You: Rights of the People and Limits on Government Activity

Handouts

Rights of the People and Limits on Government

The Bill of Rights consists of the first 10 amendments to the Constitution. They originated as 17 proposed amendments James Madison introduced in the House of Representatives in June of 1789. When he introduced his proposed changes, Madison encouraged Congress to amend the Constitution to increase public support for the new government then being established. The proposed amendments were debated and amended in both Houses of Congress. Twelve articles of amendment were passed by both houses and sent to the states for ratification on October 2, 1789. Ten of these proposed amendments were ratified by three-fourths of the states on December 15, 1791, making them officially part of the Constitution.

Instructions:

1. On your own, read through the text of the Bill of Rights that follows these instructions. Highlight each phrase that identifies a protected “right” of the people in one color.
2. Then, read through the Bill of Rights again, using a different color to highlight the phrases that identify limits on the government.
(Note: your highlighted colors will probably overlap a lot! Rights and limits on government often overlap because protecting rights limits the power of government and limiting government power creates rights.)
3. Work in pairs to select examples of rights and limits to complete the table found below the text of the Bill of Rights. Then draw from your completed table to answer the questions on the last page of this activity.

The Bill of Rights

*Note: The following text is a transcription of the first 10 amendments to the Constitution in their **original form and spelling**.*

Amendment I

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

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

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



The Bill of Rights Protects You: Rights of the People and Limits on Government Activity

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.



The Bill of Rights Protects You: Rights of the People and Limits on Government Activity

List all of the parts you highlighted in one of the two columns below.

Rights of the People <i>The people can:</i>	Limits on the Government <i>The government can't:</i>



The Bill of Rights Protects You: Rights of the People and Limits on Government Activity

Questions

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

2. Next, review the different places where you highlighted phrases identifying limits on government. What, in your opinion, are the three most important of these limits? (Think broadly, but you can also list specific examples from the document.)

3. Phrases limiting government power also protect rights. Choose one limitation and explain how it protects a right. For example, the Fifth Amendment states “nor shall private property be taken for public use, without just compensation.” This can also be read as people have a right to be fairly compensated for private property taken by the government. Can you find another example like this?

4. Think about how this document applies to you. If one of your rights was violated or denied through an action by the government, how could you use language from the Bill of Rights to protect your right?



The Bill of Rights Protects You: Case Studies

Case Study 1: The Legislative Branch

Introduction:

This activity will help you prepare for your upcoming program with the National Archives. You will use this information to answer the question, **how does the Bill of Rights empower people to safeguard their rights?**

In this Case Study you will find:

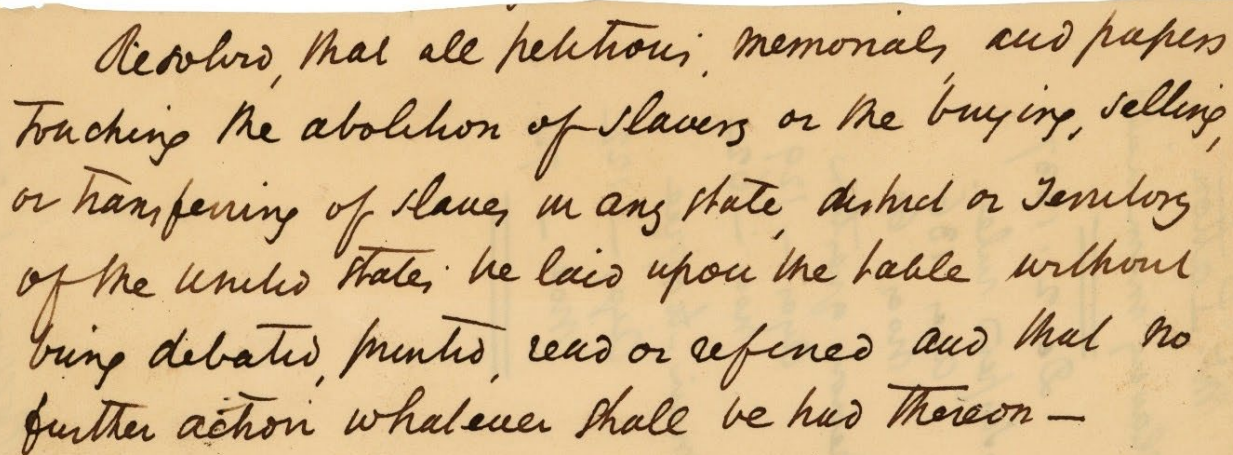
- Document 1 Questions
- Document 1: *Gag Rule Resolution, December 21, 1837*
- Document 1 Transcript
- Document 1 Background Information

The Bill of Rights Protects You: Case Studies

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

2. Answer the following questions. *Need additional information? After you have read your document at least once, check out the background information for Document 1.*

Type of document:	
Unique physical characteristics of the document (circle one or more):	
Interesting letterhead	Notations
Handwritten	"RECEIVED" stamp
Typed	Other
Seals	
Date of document:	
Author (or creator) of the document:	
For what audience was the document written?	
Describe the action taken by the government in the document.	
Refer to your copy of the Bill of Rights. Which amendment(s) has the government violated with this action? (List up to three amendments, and use the document to explain your choices)	
What actions could you take if you were citizens impacted by this decision? Discuss as a group.	

Document 1: Gag Rule Resolution, December 21, 1837A photograph of a torn, aged piece of paper with handwritten text in cursive. The text is a resolution regarding petitions about slavery.

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

Transcript: Gag Rule Resolution, December 21, 1837

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

The Bill of Rights Protects You: Case Studies

Document 1 Background Information:

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

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



The Bill of Rights Protects You: Case Studies

Case Study 2: The Executive Branch

Introduction:

This activity will help you prepare for your upcoming program with the National Archives. You will use this information to answer the question, **how does the Bill of Rights empower people to safeguard their rights?**

In this Case Study you will find:

- Document 2 Questions
- Document 2: *Executive Order 9066, February 19, 1942*
- Document 2 Transcript
- Document 2 Background Information

The Bill of Rights Protects You: Case Studies

1. Read Document 2: *Executive Order 9066, February 19, 1942*

2. Answer the following questions. *Need additional information? After you have read your document at least once, check out the Background Information for Document 2.*

Type of document:	
Unique physical characteristics of the document (circle one or more):	
Interesting letterhead	Notations
Handwritten	"RECEIVED" stamp
Typed	Other
Seals	
Date of document:	
Author (or creator) of the document:	
For what audience was the document written?	
Describe the action taken by the government in the document.	
Refer to your copy of the Bill of Rights. Which amendment(s) has the government violated with this action? (List up to three amendments and use the document to explain your choices.)	
What actions could you take if you were citizens impacted by this decision? Discuss as a group.	



The Bill of Rights Protects You: Case Studies

Document 2: Excerpt from Executive Order 9066, February 19, 1942

EXECUTIVE ORDER

- - - - -

AUTHORIZING THE SECRETARY OF WAR TO PRESCRIBE
MILITARY AREAS

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

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

The Bill of Rights Protects You: Case Studies

Transcript: Full Executive Order 9066, February 19, 1942

Page 1

The President

Executive Order

Authorizing the Secretary of War to Prescribe Military Areas

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

Now, therefore, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military

Pages 2–3 (images of pages 2–3 of Executive Order 9066 not included in this case study)

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

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

I hereby further authorize and direct all Executive Departments, independent establishments and other



The Bill of Rights Protects You: Case Studies

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

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

Franklin D. Roosevelt
The White House,
February 19, 1942.

Document 2 Background Information:

Executive Order 9066, February 19, 1942

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



The Bill of Rights Protects You: Case Studies

Case Study 3: The Judicial Branch

Introduction:

This activity will help you prepare for your upcoming program with the National Archives. You will use this information to answer the question, **how does the Bill of Rights empower people to safeguard their rights?**

In this Case Study you will find:

- Document 3 Questions
- Document 3: *Excerpt from the Reporter's Transcript of State of Florida v. Clarence Earl Gideon in the Circuit Court, Fourteenth Judicial Circuit of the State of Florida, August 4, 1962*
- Document 3 Transcript
- Document 3 Background Information

The Bill of Rights Protects You: Case Studies

1. Read Document 3: *Excerpt from the Reporter's Transcript of State of Florida v. Clarence Earl Gideon in the Circuit Court, Fourteenth Judicial Circuit of the State of Florida, August 4, 1962.*

2. Answer the following questions. *Need additional information? After you have read your document at least once, check out the Background Information for Document 3.*

Type of document:	
Unique physical characteristics of the document (circle one or more):	
Interesting letterhead	Notations
Handwritten	"RECEIVED" stamp
Typed	Other
Seals	
Date of document:	
Author (or creator) of the document:	
For what audience was the document written?	
Describe the action taken by the government in the document.	
Refer to your copy of the Bill of Rights. Which amendment(s) has the government violated with this action? (List up to three amendments and use the document to explain your choices.)	
What actions could you take if you were citizens impacted by this decision? Discuss as a group.	



The Bill of Rights Protects You: Case Studies

Document 3: Excerpt from the Reporter's Transcript of State of Florida v. Clarence Earl Gideon in the Circuit Court, Fourteenth Judicial Circuit of the State of Florida, August 4, 1962

NEW PAGE

4473-5

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

STATE OF FLORIDA,
PLAINTIFF,

VS.

CLARENCE EARL GIDEON,
DEFENDANT.

--- X Reporter's Transcript of Trial / Mont case

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

all case room

APPEARANCES

FOR THE PLAINTIFF, STATE OF FLORIDA,

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

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

fal-1-3

The Bill of Rights Protects You: Case Studies

4473-5

✓ Colloquy Between Court and Counsel

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

GILBERT.

HIS HONOR, JUDGE MCCRARY, SEATED ON THE BENCH.

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

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

THE COURT:

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

MR. HARRIS:

THE STATE IS READY, YOUR HONOR.

THE COURT:

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

THE DEFENDANT:

I AM NOT READY, YOUR HONOR.

THE COURT:

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

THE DEFENDANT:

No, SIR.

THE COURT:

WHY AREN'T YOU READY?

THE DEFENDANT:

I HAVE NO COUNSEL.

[fol. 2]

-2-



The Bill of Rights Protects You: Case Studies

4473-5

THE COURT:

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

THE DEFENDANT:

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

THE COURT:

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

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

THE COURT:

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

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

THE COURT:

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

THE DEFENDANT:

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

THE COURT:

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

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The Bill of Rights Protects You: Case Studies

4473-5

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

THE DEFENDANT:

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

THE COURT: (ADDRESSING THE REPORTER)

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

(ADDRESSING THE DEFENDANT)

ARE YOU NOW READY TO GO TO TRIAL?

THE DEFENDANT:

YES, SIR.

THE COURT:

CALL A JURY, MR. SHERIFF.

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

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The Bill of Rights Protects You: Case Studies

Transcript: Excerpt from the Reporter's Transcript of State of Florida v. Clarence Earl Gideon in the Circuit Court, Fourteenth Judicial Circuit of the State of Florida, August 4, 1961

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In the Circuit Court, Fourteenth Judicial Circuit of the State of Florida, in and for Bay County.

State of Florida,

Plaintiff,

vs.

Clarence Earl Gideon,

Defendant

[Handwritten Note] Reporter's Transcript of Trial

Be It Remembered That this case came on for trial in the regular Spring Term of Circuit Court in and for Bay County, Florida, on the 4th day of August. 1961, before the Honorable Robert L. McCrary, Jr., one of the Circuit Judges of the above styled Court, Presiding, and a Jury drawn from the Regular Venire.

Appearances

For the Plaintiff, State of Florida,

William E. Harris, Esquire,

Assistant State Attorney

In and for the Fourteenth

Judicial Circuit of the

State of Florida,

201 East 4th Street

Panama City, Florida.

For the Defendant, Clarence Earl Gideon,

The Defendant in Pro Per.

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[Handwritten Note] Colloquy Between Court and Counsel

Court was called to Order by Deputy Sheriff, J.C. Gilbert

His Honor, Judge McCrary, seated on the Bench. Counsel for the State, Honorable William E. Harris, Assistant State Attorney, and the Defendant, Clarence Earl Gideon, seated the Counsel Table.

Immediately following the formal opening of the Court the following transpired:



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The Court: The next case on the Docket is the case of the State of Florida, Plaintiff, Vs Clarence Earl Gideon, Defendant. What says the State, are you ready to go to trial in this case?

Mr. Harris: The State is ready, your Honor.

The Court: What says the Defendant? Are you ready to go to trial?

The Defendant: I am not ready, your Honor.

The Court: Did you plead not guilty to this charge by reason of insanity?

The Defendant: No, sir.

The Court: Why aren't you ready?

The Defendant: I have no Counsel.

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The Court: Why do you not have Counsel? Did you not know that your case was set for trial today?

The Defendant: Yes sir, I knew that it was set for trial today.

The Court: Why, then did you not secure Counsel and be prepared to go to trial?

The Defendant answered the Court's question, but spoke in such low tones that it was not audible.

The Court: Come closer Mr. Gideon, I can't understand you, I don't know what you said, and the Reporter didn't understand either.

At this point the Defendant arose from his chair where he was seated at the Counsel Table, and walked up and stood directly in front of the Bench, facing his Honor, Judge McCrary.

The Court: Now, tell us what you said again, so we can understand you, please.

The Defendant: Your Honor, I said: I request this Court to appoint Counsel to represent me in this trial.

The Court: Mr. Gideon, I am sorry, but I cannot appoint Counsel



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to represent you in this case. Under the laws of the State of Florida, the only time the Court can appoint Counsel to represent a Defendant is when that person is charged with a capital offense. I am sorry, but I will have to deny your request to appoint Counsel to defend you in this case.

The Defendant: The United States Supreme Court says I am entitled to be represented by Counsel.

The Court: (Addressing the Reporter) Let the record show that the Defendant has asked the Court to appoint Counsel to represent him in this trial and the Court denied the request, and informed the Defendant that the only time the Court could appoint Counsel to represent a Defendant was in cases where the Defendant was charged with a capital offense. The Defendant stated to the Court that the United States Supreme Court said he was entitled to it. (Addressing the Defendant) Are you now ready to go to trial?

The Defendant: Yes, sir.

The Court: Call a Jury, Mr. Sheriff.

Thereupon, a venire of six men were called as prospective Jurors to try this case. These six men were examined

Document 3 Background Information:

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

Originally, the Bill of Rights only applied to the federal government, but in 1868 the 14th Amendment extended the protections of the Bill of Rights to the states. This happened not at once, but rather through a process known as selective incorporation, in which the Supreme Court decided over time which aspects of the Bill of Rights also apply to the states. For example, in 1932, the Supreme Court ruled that for death penalty cases, the states must provide counsel for people who cannot afford lawyers. However, in 1942, in the case *Betts v. Brady*, the Supreme Court ruled that states are not required to provide a lawyer for poor defendants in *all* criminal cases. These cases set the stage for the case of Clarence Earl Gideon. In 1961 Gideon was charged with breaking and entering the Bay Harbor Pool Room with an intent to commit a misdemeanor. Gideon, a 50-year-old man with an eighth-grade education and prior criminal history, could not afford a lawyer for the trial. He pleaded not guilty and requested a court-appointed lawyer for his trial.



The Bill of Rights Protects You: The Bill of Rights in the News Activity

The Bill of Rights in the News

Instructions

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

Amendment #			
Title of article			
Date of article		Author	
Source (news organization)			
Website			
Summarize the Bill of Rights issue addressed in this article.			
Do you detect the author's bias in this article? Pay attention to word choice, the type of article, and the source. Record examples of the author's perspective on the issue.			
How can you connect your article to the discussion we had with the National Archives?			



The Bill of Rights Protects You: Answer Keys

Answer Keys

Pre-Program Activity: Rights of the People and Limits on Government Answer Key

Examples of rights and limits:

Rights of the People <i>The people can:</i>	Limits on the Government <i>The government can't:</i>
Assemble	Establish religion or prohibit religious practice
Petition the government	Limit freedom of speech or the press
Keep and bear arms	Station soldiers in people's houses
Have a speedy and public trial with a jury of one's peers	Search you or seize property without a warrant based on probable cause and an oath
To be secure in houses papers and effects from unreasonable search and seizure	Hold you for a crime without bringing charges from a grand jury
Have a lawyer in a trial	Deprive you of life, liberty or property without due process of law
To be informed of the specific nature and cause of accusations	Try you for the same offense twice
To be confronted by witnesses	Convict you without a fair trial
To compel defense witnesses to appear	Take property without just compensation
Have a trial by a jury in civil cases	Inflict cruel and unusual punishment
Know that facts established by a jury can't be re-examined except according to common law	Impose excessive bail or fines
	Say these are the only rights you have
	Take powers that belong to the states or the people



The Bill of Rights Protects You: Answer Keys

Rights of the People and Limits on Government Answer Key

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

The people

Additional answers: Homeowners (Third Amendment), the accused (Sixth Amendment), the 10th Amendment talks about powers reserved to the States

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

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

The federal government

Additional answers: Congress (First Amendment), the military (Third Amendment), federal law enforcement (Fourth Amendment) Federal Courts (Fifth–Eighth Amendments)

3. Limitations in the first 10 amendments also protect rights. Choose one limitation and explain the right it protects. For example, the Fifth Amendment states “nor shall private property be taken for public use, without just compensation.” This can also be read as people have a right to be fairly compensated for private property taken by the government.

Student examples could include:

- *The First Amendment protects the right to free exercise of religion, speech, and the press.*
- *The Third Amendment gives homeowners the right to not quarter soldiers during peacetime.*
- *The Fifth Amendment protects the right of people to only be tried once for an offence, to not be a witness against themselves, and the right to due process of law when facing the denial of life, liberty, or property.*
- *The Eighth Amendment secures the right of an individual to reasonable bail, fines, and punishments.*

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

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

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

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



The Bill of Rights Protects You: Answer Keys

Pre-Program Activity: Case Study – Legislative Branch Answer Key

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

Unique physical characteristics of the document (circle one or more): Handwritten, Other: torn corner

Date of document: December 21, 1837 **Author (or creator) of the document:** U.S. House of Representatives

For what audience was the document written?

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

Describe the action taken by the government in the document.

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

Refer to your copy of the Bill of Rights. Which amendment(s) has the government violated with this action? (List up to three amendments, and use the document to explain your choices) First Amendment:

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

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

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

Pre-Program Activity: Case Study – Executive Branch Answer Key

Type of document: Executive Order

Unique physical characteristics of the document (circle one or more): Typed, “RECEIVED” stamp-National Archives “Filed” Stamp

Date of document: February 19, 1942 **Author (or creator) of the document:** President Franklin Roosevelt

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

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

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

Refer to your copy of the Bill of Rights. Which amendment(s) has the government violated with this action? (List up to three amendments and use the document to explain your choices) Answers may include:

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

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



The Bill of Rights Protects You: Answer Keys

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

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

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

Pre-Program Activity: Case Study – Judicial Branch Answer Key

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

Unique physical characteristics of the document (circle one or more): Handwritten notes, Typed, Other: Each page is stamped with 4473-5

Date of document: August 4, 1961

Author (or creator) of the document: Court Reporter—this transcription of the proceedings of this case includes the words of the people involved in this trial (the judge, the witnesses, Clarence Gideon, etc.

For what audience was the document written?

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

Describe the action taken by the government in the document.

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

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

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

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

