# TABLE OF CONTENTS

## INTRODUCTION

## CHAPTER ONE: THE FIRST AMENDMENT
- **Lesson One:** You Be the Judge ................................................................. 1
- **Lesson Two:** What Does the First Amendment Say? ............................. 3
- **Lesson Three:** Some Past Decisions of the Supreme Court ................. 5
- **Lesson Four:** What Are the Origins of the Religion Clauses of the First Amendment? ................................................................. 8
- **Lesson Five:** The First Amendment Today – Religion ......................... 11
- **Lesson Six:** What Are the Origins of the Freedom of Expression Clauses in the First Amendment? .................................................. 19
- **Lesson Seven:** The First Amendment Today – Freedom of Expression .... 23
- **Lesson Eight:** Judge For Yourself ............................................................. 33

## CHAPTER TWO: THE FOURTH AMENDMENT
- **Lesson One:** You Be the Judge ................................................................. 39
- **Lesson Two:** What Does the Fourth Amendment Say? .......................... 40
- **Lesson Three:** Some Past Decisions of the Supreme Court ................ 42
- **Lesson Four:** What Are the Origins of the Fourth Amendment? ............. 45
- **Lesson Five:** The Fourth Amendment Today ......................................... 48
- **Lesson Six:** Judge For Yourself ................................................................. 54

## CHAPTER THREE: THE FIFTH & SIXTH AMENDMENTS
- **Lesson One:** You Be the Judge ................................................................. 67
- **Lesson Two:** What Does the Fifth Amendment Say? ............................. 69
- **Lesson Three:** What Does the Sixth Amendment Say? ........................ 72
- **Lesson Four:** Some Past Decisions of the Supreme Court .................... 74
- **Lesson Five:** What Are the Origins of Some of the Rights Guaranteed by the Fifth and Sixth Amendments? ................................. 77
- **Lesson Six:** The Fifth Amendment Today ............................................ 80
- **Lesson Seven:** The Sixth Amendment Today ........................................... 85
- **Lesson Eight:** Judge For Yourself ............................................................. 91

## CHAPTER FOUR: THE EIGHTH AMENDMENT
- **Lesson One:** You Be the Judge ................................................................. 97
- **Lesson Two:** What Does the Eighth Amendment Say? .......................... 99
- **Lesson Three:** What Are the Origins of the Eighth Amendment? .......... 101
- **Lesson Four:** The Eighth Amendment Today ......................................... 104
- **Lesson Five:** Judge For Yourself ................................................................. 111

## CHAPTER FIVE: THE SECOND, THIRD, & SEVENTH AMENDMENTS
- **Lesson One:** You Be the Judge – The Second Amendment .................... 115
- **Lesson Two:** What Does the Second Amendment Say? .......................... 117
- **Lesson Three:** What is the Purpose of the Second Amendment? .......... 119
- **Lesson Four:** You Be the Judge – The Third Amendment ....................... 121
- **Lesson Five:** What Does the Third Amendment Say? ............................ 122
- **Lesson Six:** What Is the Purpose of the Third Amendment? .......................... 123
- **Lesson Seven:** You Be the Judge – The Seventh Amendment ................ 125
- **Lesson Eight:** What Does the Seventh Amendment Say? ....................... 127
- **Lesson Nine:** What Is the Purpose of the Seventh Amendment? ............... 129

## CONCLUDING ACTIVITY

## SOURCES AND BIBLIOGRAPHY

## GUIDE FOR ANALYZING CASES

© 1992 The Critical Thinking Co.™ • www.CriticalThinking.com • 800-458-4849
Lesson One

YOU BE THE JUDGE

Case 1: Terry v. Ohio, 392 U.S. 1 (1968)

In Cleveland, Ohio, a police detective in plain clothes was assigned to patrol an area looking for shoplifters or pickpockets. One day he saw two men on a corner talking to each other. One man left the other and walked past several stores, looking carefully in one store window. The second man did the same thing. Each man repeated this walk five or six times. A third man joined the two and spoke with them briefly.

The detective feared that the men wanted to rob a store and that they might have guns. Since they might have guns, the detective also had reason to fear for his own safety. He approached the men and asked their names. They mumbled something. The detective spun one man around and frisked him (patted the outside of his clothing). He felt a gun in the left inside breast pocket of the overcoat. He removed the overcoat and found the gun. The detective frisked the second man and found a gun in the outer pocket of his overcoat. No weapon was found on the third man.

All three men were taken to a police station. The two men who had the guns were arrested and formally charged with carrying concealed weapons without a license, a violation of a state law.

Activity 1 for Lesson One

1. Do you believe that the three men were properly\(^1\) stopped by the police detective? Why or why not?

2. Do you believe that it was proper to frisk the men? Why or why not?

---

1. The terms properly and proper are often used in legal opinions. A definition might be “in accordance with legal principals.” A police officer’s proper actions follow correct police procedure which is based on rights guaranteed by the Bill of Rights. If a police officer follows improper procedure and violates a suspect’s rights, this may damage the ability to prosecute a case, but the officer’s improper actions are generally not something for which s/he would be prosecuted.
Lesson Two

WHAT DOES THE FOURTH AMENDMENT SAY?

“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.”

Activity for Lesson Two

WHAT DOES THE FOURTH AMENDMENT MEAN?

In the activity below, circle the words or phrases which you believe are the best substitutes for the words of the amendment that are in italics. If you prefer, write in words or phrases of your own.

1. The right of the people to be secure
   a. to be safe
   b. to have control over
   c. to decide
   d. ______________________

2. in their persons,
   a. relatives
   b. friends
   c. bodies
   d. ______________________

3. houses, papers, and effects,
   a. results
   b. belongings
   c. groceries
   d. ______________________

4. against unreasonable
   a. arbitrary
   b. suitable
   c. unthinking
   d. ______________________

5. searches and seizures,
   a. arrest
   b. forceful taking
   c. sentences
   d. ______________________

6. shall not be violated,
   a. abused
   b. limited
   c. dishonored
   d. ______________________