

The Bill of Rights: Debating the Amendments

Lesson Overview

In this lesson, students will examine a copy of twelve possible amendments to the United States Constitution as originally sent to the states for their ratification in September of 1789. Students will debate and vote on which of these amendments they would ratify and compare their resulting “Bill of Rights” to the ten amendments ratified by ten states that have since been known by this name.

Objectives

Students will:

- Analyze a document as a primary source;
- Develop persuasive arguments;
- Gain insight into the process by which the Bill of Rights came to be.

Time Required

- One to two classes

Recommended Grade Level

- 9-12

Topic

- Government, Law & Politics

Era

- The New Nation, 1783-1815

Lesson Preparation

This lesson is meant to be an introduction to primary source analysis, but is best used with students who have a basic understanding of the Bill of Rights and the amendment process.

Materials

Have the requisite materials ready before the activity:

- John Beckley’s copy of the Bill of Rights, 1789 as sent to the states (PDF, 9.54 MB)
 - one assembled copy per student or per group
- The first ten amendments to the U.S. Constitution, later known as the Bill of Rights (PDF, 245 KB)
 - one copy per student or per group

Resources

Brief background to the lesson: In September 1789, under the direction of John James Beckley, clerk of the United States House of Representatives and the first Librarian of Congress, twelve possible amendments to the Constitution were sent to the states for their ratification. By December 15, 1791, ten of these amendments were ratified by ten states and have since been known as the Bill of Rights. (*Note: Do not share this information with students until after lesson step 3.*)

Before leading students through the exploration process, teachers should make themselves familiar with the drafting and ratification of the Bill of Rights by reading the following Library of Congress resources:

- Primary Documents in American History: The Bill of Rights
 - <http://www.loc.gov/rr/program/bib/ourdocs/billofrights.html>

Material provided without charge by St. Mary's University School of Law, <https://law.stmarytx.edu/>.

Source: the Library of Congress Lesson Plan for the Bill of Rights: Debating the Amendments, <http://www.loc.gov/teachers/classroommaterials/lessons/bill-of-rights/index.html>

Lesson Procedure

1. Working with the entire class, discuss students' understanding of a document. Ask the following questions to frame the discussion:
 - What is a document? (e.g., a record of information)
 - What are examples of common documents? (e.g., letter, diploma, passport, driver's license)
2. Explain that in this lesson, students will take a close look at an important historical document. Distribute copies and engage students with John Beckley's copy of the Bill of Rights 1789 as sent to the states (Note: Do not identify the document).
 - Ask students to examine the document. Possible questions include:
 - Where does your eye go first?
 - How would you describe what you're seeing? What do you notice about the physical condition?
 - Which words or phrases can you read? Has the document been altered in any way?
 - Encourage students to speculate about the document, its creator, and its context. Possible questions include:
 - Are there any indications (e.g., names, dates) of ownership or time period?
 - Who do you think wrote this?
 - What do you think this document is about? What words or phrases give clues?
 - What about language, its tone and style? Type of print?
 - Do you think this is a public or private document? What might have been the author's purpose in writing this?
 - Who might have been the intended readers?
 - Do you think this is the complete document or are pages missing?
 - Help students to think about their personal responses to the document. Possible questions include:
 - What surprises you about what you're seeing?
 - What do you want to know about this document?
3. Ask students to draw conclusions about what this document was for, who created it, and why. Reveal (or confirm) the document's identity as John Beckley's copy of the Bill of Rights 1789 as sent to the states. Probe students about their prior knowledge.
 - Ask students to summarize what they know about the Bill of Rights. Possible questions include:
 - Why do you think Congress felt the need for specific rights to be clearly articulated?
 - Why attach these rights as appendages rather than incorporate them into the body of the Constitution?
 - How many amendments did the states ratify of these twelve sent to them in 1789? How many amendments to the Constitution do we have now?
 - Encourage students to think about the ratification of the Bill of Rights.
 - How might states have determined which amendments to ratify?
 - What debates might have taken place regarding each amendment?
 - Ask students how they would select which amendments to ratify. Discuss how an analysis and debate of each amendment should inform their decisions.
4. Model the analysis process using one of the twelve amendments from John Beckley's copy of the Bill of Rights 1789 as sent to the states. (See step five below for process.)
5. Assign students (working in pairs or groups) specific amendments to analyze and present to their classmates for ratification.
 - Ask students to first identify unfamiliar vocabulary.

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- Encourage students to analyze the amendment’s wording by making notes on a separate piece of paper.
 - Ask students to respond to the following questions on another piece of paper:
 - What is the specific right articulated in this amendment in your own words?
 - Do you think this amendment should be included in the Bill of Rights? Why or why not?
6. Working with the entire class, have students present and debate their analyses, by amendment, to the questions above. Conclude by holding a secret ballot on which of the twelve amendments should be ratified. Compare the students’ “Bill of Rights” to the Bill of Rights.

Lesson Evaluation

- Teacher observation of collaborative work.
- Teacher observation of critical thinking.
- Evaluate the written and oral presentation of amendments.

Extension

- Review Thomas Jefferson’s Letter to James Madison for Jefferson’s concern regarding the failure to include a Bill of Rights. Have students write a letter in response that explains how the adopted Bill of Rights addresses Jefferson’s specific concerns.
 - <http://www.loc.gov/teachers/classroommaterials/lessons/continuity-change/madison.html>
- Examine the seventeen amendments in the House of Representatives’ Resolution and Articles of Amendment passed on August 24, 1789. How do these seventeen amendments differ from the twelve approved by the Senate on September 14, 1789?
 - <http://hdl.loc.gov/loc.rbc/rbpe.21200200>

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