

Whose Rights Are Violated?
by Tom Idstrom

Students will:

1. Learn the meaning and application of Amendments 1, 4, 5, 6, 8, and 14.

Materials needed: Copies of **Student Handouts 1-8:**
Student Handout: ANSWERSHEET
1st, 4th, 5th, 6th, 8th and 14th Amendments
(See Appended Materials)

Time needed: 1 1/2 to 2 class periods

Grade level: 9th - 12th grades

Procedure:

1. Students will have studied Amendments 1, 4, 5, 6, 8, and 14 through lecture and a case study approach prior to this assignment/test.
2. Students will be paired into cooperative learning groups. Each student will read the assigned narrative and then consult with his/her partner as to which amendments have been violated in the narrative. These will be recorded on the **Student Handout: ANSWERSHEET** and an explanation given as to how the amendment or amendments were violated. (See **ANSWERSHEET**)

**RIGHTS OF THE ACCUSED
WHOSE RIGHTS ARE VIOLATED?**

Student Handout 1: BILLY BUD'S GIRLS

Billy Bud is a two bit pimp and gangster. Billy is a 23 year-old drop out of Evanston Township High School.

Billy found his true calling by soliciting some young lasses to work a call girl service for him. Billy was a successful pimp who drove a big Lincoln, wore Brooks Brothers suits and alligator shoes. However, Billy was a brutal little monster. He beat his girls if they didn't produce enough money for their services.

Finally, Tasha Tinwell decided she had had enough from Billy Bud. She went to the Vice Squad and the Vice Squad planned a sting against Billy Bud. The Vice Squad, using the wiretap evidence, picked up Billy Bud and arrested him. The Miranda warning was read to Billy, and he agreed to answer some questions voluntarily. Suddenly during the questioning, Billy Bud decided he no longer would answer any questions. The police ignored Billy's request to stop and relentlessly pursued their questioning.

During Billy Bud's trial, the newspapers printed the names of the jurors in the newspaper with their addresses. The news people also interviewed the jurors while the trial was in progress.

Billy Bud was convicted of solicitation of prostitutes and assault and battery.

Student Handout 2: THE FLAG SALUTE

Burdsville High School instituted a policy of having all students stand and say the Pledge of Allegiance to start class on Mondays. Some students failed to stand and say the Pledge, and Principal J.J. Brandywine ordered them to his office.

J.J. admonished the young people saying, *"You little scum bags are unpatriotic, no good, insipid, trivial, inane, little hypocrites. Either love the flag or you will face immediate suspension from school."*

The good citizens of the area supported J.J. and called for the suspension of the students. The parents committee stated, *"The failure of these un-American and unpatriotic students to revere the flag is a symbol of Satan at work in our schools."*

The students responded by wearing red arm bands in protest of the decision of J.J. and the school committee. The students then spoke out in their school newspaper with these comments. *"J.J. Brandywine should be brought before the school board and have to account for his remarks condemning us as unpatriotic little hypocrites. Furthermore, J.J. is an insensitive and bigoted individual. He is not qualified to lead this school and should be removed."*

The school board, after following due process, suspended the students for staging an illegal protest and failing to salute the flag.

The school board also shut down the school newspaper.

Student Handout 3: THE CONFRONTATION

The City of Salisbury has had a continuing problem with racial violence in its low income housing projects. In order to rectify the problem, the Housing Authority has proposed the following building ordinance: *"Henceforth in the city of Salisbury the following zoning laws will apply: 1) All single family homes must of at least \$105,000 in value with a minimum lot size of one third of an acre, 2) all townhomes and condominiums must have a minimum value of \$95,000. We will allow no trailer homes, duplexes, manor homes or any such multiple dwellings in the city of Salisbury."*

The Poor People's Council responded with a torchlight parade through downtown Salisbury. The police met the peaceful protest march on Fifth and Monroe and arrested them for a breach of the peace. They were read their rights and booked on the charge of Breach of the Peace.

Judge P.J. Windbag, upon conviction of the jury, sentenced the protestors to three years in the state prison at Monrovin with no parole. The prisoners were housed in bunk beds in an old abandoned warehouse. They were given two meals a day. One meal consisted of bread and water. The second meal was lime drab soup mixed with carrots.

Student Handout 4: JOCK STRAP JOHNNY

Johnny was an outstanding athlete at Shady Grove Senior High. Johnny considered himself a big man on campus. He fancied himself as a ladies's man and felt he was God's gift to women. One of the most delightful young ladies at Shady Grove Senior High was Ginger who was gorgeous.

Johnny finally convinced Ginger to go out with him. Ginger was somewhat apprehensive because Johnny had the reputation of trying to seduce his dates. Johnny fancied himself a real lady killer, and few had refused his advances.

On this particular evening, Johnny drove Ginger to High Bluffs overlooking the ocean. Johnny tried all his smooth moves on Ginger, but to no avail. Frustrated beyond belief and suffering from a severely bruised ego, Johnny finally forced himself upon her.

Ginger finally managed to escape Johnny and flagged a passing motorist. Ginger asked to be driven directly to the police station. Upon arrival, Ginger sought out Sergeant Big Bear Williams, a personal friend of the family, who upon hearing her terrible story rushed from the police station to find Johnny.

Big Bear caught up with Johnny at TEX-MEX Pool and Beer Garden. Big Bear rushed at Johnny and secured him with a double arm bar and chicken wing hold. Big Bear said, "*Your coming with me, you no good*"

Johnny tried to get away, but Big Bear was much too much for Johnny. Big Bear, upon getting back to the police station, hauled Johnny into an interrogation room and bellowed, "*Confess, you lousy son of a cockroach.*" Johnny refused to answer and Big Bear whacked Johnny on the side of the head with his night stick and delivered a powerful kick into Johnny's kidneys. Johnny rolled over with blood spewing from the side of his head, still refusing to acknowledge the dirty deed. Big Bear then took out a rubber hose and smacked Johnny across the ribs, doubling him over like a sack of flour.

Johnny finally signed a confession and was promptly booked and held over for trial. The District Attorney decided to prosecute Johnny as an adult.

Johnny was convicted by a jury of sexual misconduct in the first degree. Judge Danforth then ordered Johnny deported to the Island of Melba for the rest of his days.

Student Handout 5: BAD BEER BENNIE

Bennie was a carefree devil-may-care kind of a guy. He loved the night lights and his beer. Bennie boasted that he could kill a six pack of beer and still balance a quarter on his nose.

Bennie hated school and particularly Woody Winesome, who was Bennie's government teacher. Woody got on Bennie's case about not doing his work and falling far behind in his classes. Bennie slumped in his seat and tried to tune out Woody Winesome. "*Man,*" thought Bennie, "*if I can only get through the day!*" Bennie had a lot of those thoughts! Bennie wasn't exactly Phi Beta Kappa.

It was Friday night, Bennie's night to howl. On this particular evening, Bennie, Freddie and Jack the Snake decided to have a few boilermakers and then head for Tank's Tavern. As the boys were driving in I-94, they saw a long line of cars slowing down. The patrolmen were stopping every tenth car and asking the drivers to step out. Bennie realized that he was in the middle of a sobriety check. To Bennie's consternation, his car was stopped. The officer asked Bennie a few questions and then after smelling alcohol on Bennie's breath, asked him to step out. Bennie had to walk the line and pick up a coin off the ground. Bennie took the field test voluntarily and on the basis of the field test Bennie was arrested. Bennie's rights were read to him and the officer then search Bennie's car, including the trunk. Cocaine was found in the trunk. Bennie was taken to police headquarters and told to take the chemical testing for blood alcohol. Bennie registered .17 after the test.

Bennie was subsequently found guilty of drunken driving and possession of cocaine.

Student Handout 6: CHEVROLET, BASEBALL AND APPLE PIE

The Gulf War between Iraq and the U.S. was supported by 80% of the American public. In every city and hamlet across the country patriotic Americans rallied around the flag. There is nothing like a good and just war to bring out the best in Americans.

However, Missy Peacenik and her friends felt the U.S. lured Saddam Hussein into the war to solve economic problems at home and to dispose of Saddam once and for all. Missy obtained approval from the city of Minneapolis to march on a prescribed route through the city protesting the war. The march started in downtown Minneapolis and was met by signs of *"Love America or leave it."* The peace protesters responded with *"No blood for oil."* *"Down with that war monger, Bush."*

The crowd grew ugly, and suddenly a fight broke out between the peace protesters and the supporters of the war. No one quite knew who was responsible for the fracas, and the fur began to fly. Soon the city was a mass scene of mayhem and destruction. Blood flowed freely. Rocks and bottles were flying everywhere. A riot was in progress, and soon sirens sounded and the riot squad was on the way.

The police arrested only the protesters who were dressed in shabby clothes and looked like the homeless. They were a motely collection of bearded wonders and bandanna beauties who resembled the hippies of the 60's and 70's.

Upon arrest, the police informed the defendants of their rights. The defendants were convicted of a breach of the peace and sentenced to 30 days in the county jail.

Student Handout 7: THE RELIGIOUS DEBATE

John and Mary despaired about the secular humanism being taught in the public schools of Tarreytown. They objected to the teaching of evolution at Tarreytown High. They felt the school was a cesspool of sin and debauchery. John and Mary wanted to teach their two youngsters, Samuel, age 16, and Sara, age 15, in the ways of their religion. John and Mary also objected to the drugs, foul language, and sex education program at the school.

John and Mary petitioned the school board to teach Samuel and Sara at home in the ways of their religion. They argued that the school officials failed to teach the morals and values that they felt were important in their religion.

The school board turned down their request. The board argued that John and Mary were not certified as teachers and therefore were not competent to instruct their children in the curriculum. The school board further argued that John and Mary could not possibly offer the broad range of courses in their home.

John and Mary countered with the argument that they would be willing to have Samuel and Sara tested by the school district in Math, English, Science, and Social Studies.

The school board rejected their plan and ordered John and Mary to send their children to public school.

Student Handout 8: ESPIONAGE AND HONOR

Three government workers, Joe Brady, Jim Stillwell and Maggie Wonderlust were accused by the government of un-American activities. The three workers attended a rally of "*The Young Socialist Workers of American.*" The three government workers, Brady, Stillwell and Wonderlust called for the overthrow of the U.S. government and for replacement with a new world order.

Brady, Stillwell and Wonderlust proceeded to publish "*The Socialist Review,*" a newspaper that was extremely critical of the United States. This paper denounced the government of the U.S. as a bunch of greed imperialists bent on enhancing the wealthy class of Americans at the expense of minorities and poor whites.

The F.B.I. had been following the activities of Brady, Stillwell and Wonderlust for over two years. The director of the F.B.I., J.P. Snodgrass, III, ordered his agents to apprehend Brady, Stillwell and Wonderlust. Furthermore, J.P. ordered the newspaper shut down and all the assets of Brady, Stillwell and Wonderlust seized.

On Friday the 13th of October, federal agents seized Brady, Stillwell and Wonderlust. They whisked them off to what is known as Uncle Sam's Charm School, a remote compound in the Alaskan wilderness.

Brady, Stillwell and Wonderlust were never heard from again. They vanished into the labyrinth of the government's maze.

The official government version of the case is that Stillwell, Brady and Wonderlust were prosecuted under the Subversive Security Act.

**RIGHTS OF THE ACCUSED
WHOSE RIGHTS ARE VIOLATED?**

Student Handout: ANSWER SHEET

Amendment Violated	How Amendment was violated
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Student Handout 1: BILLY BUD'S GIRLS

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| 1) | 1) |
| 2) | 2) |

Student Handout 2: THE FLAG SALUTE

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|----|----|
| 1) | 1) |
| | 2) |

Student Handout 3: THE CONFRONTATION

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| 1) | 1) |
| 2) | 2) |
| 3) | 3) |

Student Handout 4: JOCK STRAP JOHNNY

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|----|----|
| 1) | 1) |
| 2) | 2) |
| 3) | 3) |

Student Handout 5: BAD BEER BENNIE

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|----|----|
| 1) | 1) |
| 2) | 2) |

Student Handout 6: CHEVROLET, BASEBALL AND APPLE PIE

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| 1) | 1) |
| 2) | 2) |

Student Handout 7: THE RELIGIOUS DEBATE

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|----|----|
| 1) | 1) |
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Student Handout 8: ESPIONAGE AND HONOR

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|----|----|
| 1) | 1) |
| 2) | 2) |
| 3) | 3) |
| 4) | 4) |
| 5) | 5) |
| 6) | 6) |

**RIGHTS OF THE ACCUSED
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ANSWER KEY

Amendment Violated

How Amendment was violated

Student Handout 1: BILLY BUD'S GIRLS

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|-------|---------------------------------|
| 1) #5 | 1) failed to follow due process |
| 2) #6 | 2) trial was prejudiced |

Student Handout 2: THE FLAG SALUTE

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| 1) #1 | 1) flag salute is voluntary |
| | 2) freedom of expression denied |

Student Handout 3: THE CONFRONTATION

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| 1) 1st | 1) peaceful assembly not protected |
| 2) 8th | 2) punishment is excessive |
| 3) 14th | 3) equal protection clause violated |

Student Handout 4: JOCK STRAP JOHNNY

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| 1) 5th | 1) no Miranda warning, coerced confession |
| 2) 8th | 2) cruel & unusual punishment |
| 3) 14th | 3) denial of citizenship |

Student Handout 5: BAD BEER BENNIE

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| 1) 4th | 1) illegal search |
| 2) 6th | 2) right to counsel |

Student Handout 6: CHEVROLET, BASEBALL AND APPLE PIE

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|---------|-------------------------------------|
| 1) 1st | 1) protest incited riot |
| 2) 14th | 2) equal protection clause violated |

Student Handout 7: THE RELIGIOUS DEBATE

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|--------|----------------------------------|
| 1) 1st | 1) denial of freedom of religion |
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Student Handout 8: ESPIONAGE AND HONOR

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| 1) 1st | 1) freedom of speech denied, freedom of press denied |
| 2) 4th | 2) no warrant to impound assets |
| 3) 5th | 3) no Miranda warning |
| 4) 6th | 4) denial of fair trial |
| 5) 8th | 5) cruel & unusual punishment |
| 6) 14th | 6) equal protection clause violated |