

North Carolina's State Constitution: The Declaration of Rights

Overview

Students will explore Article I of the North Carolina Constitution, the Declaration of Rights, by examining different legal scenarios and identifying how they relate to the North Carolina Declaration of Rights. Through student interpretation of the Declaration and its relationship to modern situations, students will gain an understanding of the importance of Article I of the North Carolina Constitution and its relevance to their own lives.

Grades

8-10

Essential Questions

- What is Article I of the North Carolina Constitution?
- Why is the North Carolina Declaration of Rights important?
- How does the North Carolina Declaration of Rights influence individual rights?

Materials

- Quotation Strips from the Declaration of Rights, attached
- Copy of Declaration of Rights (if unavailable in student text book), attached
- Comparing US Constitutional Amendments and the NC Declaration of Rights, graphic organizer and key attached (optional)
- 10 Group Scenarios, attached
- The Declaration of Rights worksheet, attached

Duration

60-90 minutes

Procedure

Introduction to the Declaration of Rights

1. As a warm-up, have students break into 10 different sets of partners or groups. Assign each partner/group one of the 10 attached quote strips and questions taken from the North Carolina Constitution's Declaration of Rights. (Teachers should cut these into strips prior to class.) Give students around 5 minutes to read their statement and discuss the following questions:
 - What do you think the source of this statement is and why?
 - What do you think this statement means?
 - Why is this statement important?
 - How might this statement impact you specifically?
 - What questions do you have about this statement?

As students begin, tell them to elect a note-taker and a spokesperson that will report their findings back to class.

2. Once partners/groups have had ample discussion time, bring the class back together. First, explain that the source for each of these statements is the same. Ask for student volunteers to share what they noted the

source to be and why. Once students have come to the understanding that the source is the North Carolina Constitution, further encourage them to note where specifically these statements are found (Article I of the NC Constitution, the Declaration of Rights.)

3. Next, have each partner/group read their section to the class and take 1-2 minutes to share their thoughts on the discussion questions. Teachers should ask additional questions of the class to ensure student understanding of each quoted statement. Once all groups have reported back, explain that these statements represent only a few of the rights outlined in Article I of the North Carolina Constitution, known as the Declaration of Rights.
4. If student textbooks contain a copy of the North Carolina Constitution, have them turn to that section and take 1-2 minutes to do a visual scan of the document. (A copy of the entire Declaration of Rights is also attached should teachers need to make class sets to be shared by partners.) Further discuss:
 - Why do you think the framers of the North Carolina Constitution started the document with the “Declaration of Rights?”
 - Upon skimming the Declaration of Rights, which part do you think is most important and why?
5. Give students some background and facts regarding the Declaration of Rights, such as:
 - The *Declaration of Rights* recognizes the “essential principles of liberty and free government,” many of which are identified in the Bill of Rights. It was included as a separate but accompanying document in 1776 when the first NC Constitution was adopted.
 - The Constitution of 1868 incorporated the 1776 Declaration of Rights into the Constitution as Article I and added several important guarantees:
 - To the people was given the power to elect all significant state executive officers, all judges, and all county officials, as well as legislators.
 - All property qualifications for voting and office holding were abolished.
 - The plan of representation in the Senate was changed from a property to a popular basis.
 - The 1835 House apportionment plan was retained. Annual legislative sessions were restored (The House apportionment formula then devised gave one seat to each county and distributed the remainder of the seats--nearly half of them at that time--according to a mathematical formula favoring the more populous counties).
 - Annual legislative sessions were restored.
 - In the 1971 North Carolina Constitution, The Declaration of Rights (or Article I) was retained with a few additions. The organization of the article was improved and the frequently used subjunctive mood was replaced by the imperative in order to make clear that the provisions of that article are commands and not mere admonitions. (For example, "All elections ought to be free" became "All elections shall be free.") To the article were added a guarantee of freedom of speech, a guarantee of equal protection of the laws, and a prohibition against exclusion from jury service or other discrimination by the State on the basis of race or religion. Since all of the rights newly expressed in the Constitution of 1971 were already guaranteed by the United States Constitution, their inclusion simply constituted an explicit recognition by the State of their importance. (*Source:* <http://statelibrary.dcr.state.nc.us/nc/stgovt/Preconst.htm>)
6. **Optional:** Use the attached graphic organizer to help students identify where US Constitutional Amendments and the NC Declaration of Rights overlap. These are important to relate to one another, and can lead into a fruitful conversation about federalism and the rights given to states compared to those that lie with the federal government. Another item to note is that the U.S. Constitutional Amendments deal mostly with individual rights (especially the Bill of Rights). The Declaration of Rights is similar in that it also deals with the rights of individuals.

Becoming Group Sleuths on the NC Constitution

7. Tell students they will be “group sleuths” on the NC Constitution as they examine scenarios provided to

them and attempt to figure out how their scenario relates to the North Carolina Declaration of Rights. Break students up into small groups and give each group a copy of one of the 10 attached scenarios. Students should also have a copy of the Declaration of Rights. (If one is not available in student textbooks, make copies of the attached version.)

Go over the instructions with students as noted on the scenario handouts and let students know how much time they have to work on the assignment (15-20 minutes is recommended). Remind students to record their answers on notebook paper and to be prepared to present their case and findings to the class in a brief 2-3 minute presentation.

➤ *Optional:* Teachers can make the group scenario assignments more detailed if time permits. For example, students can be told to role play the scenario before summarizing their thoughts on it.

8. After the class has presented on and discussed each scenario, culminate the activity with a closing discussion:

- Why is the North Carolina Declaration of Rights important?
- How could this document and the rights it professes affect you, as an individual?
- Why is it important to know the rights outlined in the NC Constitution?

9. As a closing assignment, pass out the attached worksheet, *The Declaration of Rights*, to be completed as an end-of-class review or as homework.

Additional Activities

- Have students further explore the North Carolina Constitution and use it as a model for creating their own Class Constitutions. See the Consortium’s lesson “The North Carolina Constitution,” available in the Database of Civic Resources.
- Assign the “North Carolina Constitution Word Quest!,” available in the Database of Civic Resources

Differentiation

Students with special needs

- Ensure mixed ability groups when working on the scenarios.

AIG Students

- Have students research court cases and/or current event articles that relate to the North Carolina Constitution, and present their findings to class.

Resources

- Downloadable version of Carolina K-12’s NC Pocket Constitution: <https://k12database.unc.edu/wp-content/uploads/sites/31/2017/04/NC-Pocket-Constitution-Color.pdf>

Quotation Strips – Declaration of Rights

"The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right."

Discuss:

- What do you think the source of this statement is and why?
- What do you think this statement means?
- Why is this statement important?
- How might this statement impact you specifically?
- What questions do you have about this statement?



"All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole."

Discuss:

- What do you think the source of this statement is and why?
- What do you think this statement means?
- Why is this statement important?
- How might this statement impact you specifically?
- What questions do you have about this statement?



"As political rights and privileges are not dependent upon or modified by property, no property qualification shall affect the right to vote or hold office."

Discuss:

- What do you think the source of this statement is and why?
- What do you think this statement means?
- Why is this statement important?
- How might this statement impact you specifically?
- What questions do you have about this statement?



"We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the enjoyment of the fruits of their own labor, and the pursuit of happiness"

Discuss:

- What do you think the source of this statement is and why?
- What do you think this statement means?
- Why is this statement important?
- How might this statement impact you specifically?
- What questions do you have about this statement?



"The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other."

Discuss:

- What do you think the source of this statement is and why?
- What do you think this statement means?
- Why is this statement important?
- How might this statement impact you specifically?
- What questions do you have about this statement?



“This state shall ever remain a member of the American Union; the people thereof are part of the American nation; there is no right on the part of this State to secede; and all attempts, from whatever source or upon whatever pretext, to dissolve this Union or to sever this Nation, shall be resisted with the whole power of the State.”

Discuss:

- What do you think the source of this statement is and why?
- What do you think this statement means?
- Why is this statement important?
- How might this statement impact you specifically?
- What questions do you have about this statement?



“All elections shall be free.”

Discuss:

- What do you think the source of this statement is and why?
- What do you think this statement means?
- Why is this statement important?
- How might this statement impact you specifically?
- What questions do you have about this statement?



“All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay.”

Discuss:

- What do you think the source of this statement is and why?
- What do you think this statement means?
- Why is this statement important?
- How might this statement impact you specifically?
- What questions do you have about this statement?



“No person shall be excluded from jury service on account of sex, race, color, religion, or national origin.”

Discuss:

- What do you think the source of this statement is and why?
- What do you think this statement means?
- Why is this statement important?
- How might this statement impact you specifically?
- What questions do you have about this statement?



“No hereditary emoluments, privileges, or honors shall be granted or conferred in this State.”

Discuss:

- What do you think the source of this statement is and why?
- What do you think this statement means?
- Why is this statement important?
- How might this statement impact you specifically?
- What questions do you have about this statement?

ARTICLE I ~ DECLARATION OF RIGHTS

That the great, general, and essential principles of liberty and free government may be recognized and established, and that the relations of this State to the Union and government of the United States and those of the people of this State to the rest of the American people may be defined and affirmed, we do declare that:

Section 1. The equality and rights of persons.

We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Sec. 2. Sovereignty of the people.

All political power is vested in and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec. 3. Internal government of the State.

The people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering or abolishing their Constitution and form of government whenever it may be necessary to their safety and happiness; but every such right shall be exercised in pursuance of law and consistently with the Constitution of the United States.

Sec. 4. Secession prohibited.

This State shall ever remain a member of the American Union; the people thereof are part of the American nation; there is no right on the part of this State to secede; and all attempts, from whatever source or upon whatever pretext, to dissolve this Union or to sever this Nation, shall be resisted with the whole power of the State.

Sec. 5. Allegiance to the United States.

Every citizen of this State owes paramount allegiance to the Constitution and government of the United States, and no law or ordinance of the State in contravention or subversion thereof can have any binding force.

Sec. 6. Separation of powers.

The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.

Sec. 7. Suspending laws.

All power of suspending laws or the execution of laws by any authority, without the consent of the representatives of the people, is injurious to their rights and shall not be exercised.

Sec. 8. Representation and taxation.

The people of this State shall not be taxed or made subject to the payment of any impost or duty without the consent of themselves or their representatives in the General Assembly, freely given.

Sec. 9. Frequent elections.

For redress of grievances and for amending and strengthening the laws, elections shall be often held.

Sec. 10. Free elections.

All elections shall be free.

Sec. 11. Property qualifications.

As political rights and privileges are not dependent upon or modified by property, no property qualification shall affect the right to vote or hold office.

Sec. 12. Right of assembly and petition.

The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances; but secret political societies are dangerous to the liberties of a free people and shall not be tolerated.

Sec. 13. Religious liberty.

All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority shall, control or interfere with the rights of conscience

Sec. 14. Freedom of speech and press.

Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained, but every person shall be held responsible for their abuse.

Sec. 15. Education.

The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Sec. 16. Ex post facto laws.

Retrospective laws, punishing acts committed before the existence of such laws and by them only declared criminal, are oppressive, unjust, and incompatible with liberty, and therefore no ex post facto law shall be enacted. No law taxing retrospectively sales, purchases, or other acts previously done shall be enacted.

Sec. 17. Slavery and involuntary servitude.

Slavery is forever prohibited. Involuntary servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is forever prohibited.

Sec. 18. Court shall be open.

All courts shall be open; every person for an injury done him in his lands, goods, person, or reputation shall have remedy by due course of law; and right and justice shall be administered without favor, denial, or delay.

Sec. 19. Law of the land; equal protection of the laws.

No person shall be taken, imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land. No person shall be denied the equal protection of the laws; nor shall any person be subjected to discrimination by the State because of race, color, religion, or national origin.

Sec. 20. General warrants.

General warrants, whereby any officer or other person may be commanded to search suspected places without evidence of the act committed, or to seize any person or persons not named, whose offense is not particularly described and supported by evidence, are dangerous to liberty and shall not be granted.

Sec. 21. Inquiry into restraints on liberty.

Every person restrained of his liberty is entitled to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and that remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not be suspended.

Sec. 22. Modes of prosecution.

Except in misdemeanor cases initiated in the District Court Division, no person shall be put to answer any criminal charge but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the General Assembly shall prescribe, waive indictment in noncapital cases.

Sec. 23. Rights of accused.

In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 24. Right of jury trial in criminal cases.

No person shall be convicted of any crime but by the unanimous verdict of a jury in open court. The General Assembly may, however, provide for other means of trial for misdemeanors, with the right of appeal for trial de novo.

Sec. 25. Right of jury trial in civil cases.

In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and shall remain sacred and inviolable.

Sec. 26. Jury service.

No person shall be excluded from jury service on account of sex, race, color, religion, or national origin.

Sec. 27. Bail, fines, and punishments.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 28. Imprisonment for debt.

There shall be no imprisonment for debt in this State, except in cases of fraud.

Sec. 29. Treason against the State.

Treason against the State shall consist only of levying war against it or adhering to its enemies by giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 30. Militia and the right to bear arms.

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; and, as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and the military shall be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General Assembly from enacting penal statutes against that practice.

Sec. 31. Quartering of soldiers.

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 prescribed by law.

Sec. 32. Exclusive emoluments.

No person or set of persons is entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

Sec. 33. Hereditary emoluments and honors.

No hereditary emoluments, privileges, or honors shall be granted or conferred in this State.

Sec. 34. Perpetuities and monopolies.

Perpetuities and monopolies are contrary to the genius of a free state and shall not be allowed.

Sec. 35. Recurrence to fundamental principles.

A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 36. Other rights of the people.

The enumeration of rights in this Article shall not be construed to impair or deny others retained by the people.

Sec. 37. Rights of victims of crime.

(1) Basic rights. Victims of crime, as prescribed by law, shall be entitled to the following basic rights:

(a) The right as prescribed by law to be informed of and to be present at court proceedings of the accused.

(b) The right to be heard at sentencing of the accused in a manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court.

(c) The right as prescribed by law to receive restitution.

(d) The right as prescribed by law to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims.

(e) The right as prescribed by law to receive information about the conviction or final disposition and sentence of the accused.

(f) The right as prescribed by law to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence.

(g) The right as prescribed by law to present their views and concerns to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective.

(h) The right as prescribed by law to confer with the prosecution.

(2) No money damages; other enforcement. Nothing in this section shall be construed as creating a claim for money damages against the State, a county, a municipality, or any of the agencies, instrumentalities, or employees thereof. The General Assembly may provide for other remedies to ensure adequate enforcement of this section.

(3) No ground for relief in criminal case. The failure or inability of any person to provide a right or service provided under this section may not be used by a defendant in a criminal case, an inmate, or any other accused as a ground for relief in any trial, appeal, postconviction litigation, habeas corpus, civil action, or any similar criminal or civil proceeding. (1995, c. 438, s. 1.)

Group Scenario 1

Instructions:

1. Assign the following roles in your group:
 - **Recorder:** This student should write down the answers to the below questions on notebook paper, while also offering opinions on the scenario.
 - **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario.
 - **Facilitator:** This student should keep track of time, as well as ensure the group stays on-task and is producing the desired product. This student should also offer his or her own opinions on the scenario.
2. Carefully read the scenario below then discuss the questions that follow.
3. Your group will have 15-20 minutes to complete this activity.

Scenario:

A person is arrested by a police officer after running a red light. After being pulled over, the driver is asked to submit to a sobriety test. He agrees to the test and fails. The person is charged with driving while intoxicated and running a red light.

The person is held in prison until his trial date. The judge sets a bail of \$2 million dollars. When the case comes before the judge, he says he wants to "make an example out of this driver," and sentences him to seven years in prison. This is the driver's first DWI offense and there are no prior convictions.

The defendant appeals the case, saying the bail and sentence were unfair according to principles laid out in the North Carolina Declaration of Rights.

Answer these questions and be prepared to present your findings to the class:

1. Which section(s) of the Declaration of Rights address this scenario? List and summarize the section(s).
2. Specifically explain how the section(s) you identified address the scenario. According to the NC Constitution, was a right violated?
3. Based on what is stated in the Declaration of Rights, how do you think a jury would rule on this situation if this case was taken to trial?
4. What is your personal opinion of this situation? (For example, does the Declaration of Rights offer appropriate protection of rights in this scenario, or is it enabling criminal activity?) Explain.
5. What should determine the bail a judge sets?

Group Scenario 2

Instructions:

1. Assign the following roles in your group:
 - **Recorder:** This student should write down the answers to the below questions on notebook paper, while also offering opinions on the scenario.
 - **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario.
 - **Facilitator:** This student should keep track of time, as well as ensure the group stays on-task and is producing the desired product. This student should also offer his or her own opinions on the scenario.
2. Carefully read the scenario below then discuss the questions that follow.
3. Your group will have 15-20 minutes to complete this activity.

Scenario:

A man is accused of murdering a woman in the first degree. The prosecutors and defense attorneys in the case are going through the process of jury selection. In this process, the attorneys are given a pool of jurors. They select members of the pool they do not want to be on the jury. When the final jurors are announced, there are 11 female jurors and one male juror.

The defense attorneys object to the jury that was selected. The judge does not sustain the objection, and the trial moves forward. The defendant is found guilty. The defendant's attorneys appeal the decision, claiming that the jury selection process went against the principles established in the Declaration of Rights.

Answer these questions and be prepared to present your findings to the class:

1. Which section(s) of the Declaration of Rights address this scenario? List and summarize the section(s).
2. Specifically explain how the section(s) you identified address the scenario. According to the NC Constitution, was a right violated?
3. Based on what is stated in the Declaration of Rights, how do you think a jury would rule on this situation if this case was taken to trial?
4. What is your personal opinion of this situation? (For example, does the Declaration of Rights offer appropriate protection of rights in this scenario, or is it enabling criminal activity?) Explain.
5. Why does the makeup of a jury matter in a court case? Explain.

Group Scenario 3

Instructions:

1. Assign the following roles in your group:
 - **Recorder:** This student should write down the answers to the below questions on notebook paper, while also offering opinions on the scenario.
 - **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario.
 - **Facilitator:** This student should keep track of time, as well as ensure the group stays on-task and is producing the desired product. This student should also offer his or her own opinions on the scenario.
2. Carefully read the scenario below then discuss the questions that follow.
3. Your group will have 15-20 minutes to complete this activity.

Scenario:

A group of poorer rural and urban counties in North Carolina are bringing a lawsuit against the state. The counties argue that, despite higher than average tax rates, schools in these counties end up with lower than average tax revenues. Other than teacher salaries, schools are funded locally. Thus, these school districts did not have enough money to provide an equal education for their children. They were unable to compete with wealthier school districts in terms of educational materials, building renovations, and other special services.

The counties argue that the quality of a child's education should not be dependent upon the wealth of the family and community into which that child was born. The counties sued for a higher level of stable funding for these low-wealth counties from the state.

Answer these questions and be prepared to present your findings to the class:

1. Which section(s) of the Declaration of Rights address this scenario? List and summarize the section(s).
2. Specifically explain how the section(s) you identified address the scenario. According to the NC Constitution, was a right violated?
3. Based on what is said in the Declaration of Rights, how do you think a jury would rule on this situation if this case was taken to trial?
4. What is your personal opinion of this situation? (For example, does the Declaration of Rights offer appropriate protection of rights in this scenario, or is it enabling criminal activity?) Explain.
5. Do you agree or disagree that all counties should have equal funding for educating their students? Explain.

Group Scenario 4

Instructions:

1. Assign the following roles in your group:
 - **Recorder:** This student should write down the answers to the below questions on notebook paper, while also offering opinions on the scenario.
 - **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario.
 - **Facilitator:** This student should keep track of time, as well as ensure the group stays on-task and is producing the desired product. This student should also offer his or her own opinions on the scenario.
2. Carefully read the scenario below then discuss the questions that follow.
3. Your group will have 15-20 minutes to complete this activity.

Scenario:

Walter Durham is a huge fan of Abraham Lincoln. He has grown a beard to look more like Abraham Lincoln, he consistently wears a large hat like Abraham Lincoln, and he has started a business where he gives speeches to classrooms impersonating Abraham Lincoln. Walter doesn't have a lot of money, but he decides to have a party celebrating the grand opening of his Lincoln impersonation business. He invites his entire community and he even has a 19 foot tall Jello mold of Abraham Lincoln made for the party.

Some months go by, and Walter's business isn't going well. He owes \$10,000 to the desert business that made his Lincoln Jello mold. The business files a lawsuit against Walter, and he stands trial. The judge sees a clear case against Walter. Walter ordered a 19 foot Jello mold which he has failed to pay for. The judge thinks the case is so silly, he decides to sentence Walter to a year in prison for not paying his debt. Walter appeals his sentence, claiming it is unfair according to the North Carolina Declaration of Rights.

Answer these questions and be prepared to present your findings to the class:

1. Which section(s) of the Declaration of Rights address this scenario? List and summarize the section(s).
2. Specifically explain how the section(s) you identified address the scenario. According to the NC Constitution, was a right violated?
3. Based on what is said in the Declaration of Rights, how do you think a jury would rule on this situation if this case was taken to trial?
4. What is your personal opinion of this situation? (For example, does the Declaration of Rights offer appropriate protection of rights in this scenario, or is it enabling criminal activity?) Explain.
5. Should someone be imprisoned when they don't pay a debt? Explain.

Group Scenario 5

Instructions:

1. Assign the following roles in your group:
 - **Recorder:** This student should write down the answers to the below questions on notebook paper, while also offering opinions on the scenario.
 - **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario.
 - **Facilitator:** This student should keep track of time, as well as ensure the group stays on-task and is producing the desired product. This student should also offer his or her own opinions on the scenario.
2. Carefully read the scenario below then discuss the questions that follow.
3. Your group will have 15-20 minutes to complete this activity.

Scenario:

A high school sophomore in North Carolina was charged with sexual harassment of another student. The student was suspended for ten days, with a recommendation that he be suspended for the rest of school semester. The student was not granted a preliminary hearing for the suspension by the Principal. Normally, written notice must be provided to the student's parents or guardians informing them of the charges and the opportunity to request a hearing. The parents made this request, but the Principal denied their request. The School Board agreed that the student should be suspended for the remainder of the school semester and the Superintendent concurred. The student was unable to attend the high school for the remainder of the school year.

The student's family sued the school district, claiming the student's rights had been violated.

Answer these questions and be prepared to present your findings to the class:

1. Which section(s) of the Declaration of Rights address this scenario? List and summarize the section(s).
2. Specifically explain how the section(s) you identified address the scenario. According to the NC Constitution, was a right violated?
3. Based on what is said in the Declaration of Rights, how do you think a jury would rule on this situation if this case was taken to trial?
4. What is your personal opinion of this situation? (For example, does the Declaration of Rights offer appropriate protection of rights in this scenario, or is it enabling criminal activity?) Explain.
5. Should students always have a right to a hearing before they are suspended? Why or why not?

Group Scenario 6

Instructions:

1. Assign the following roles in your group:
 - **Recorder:** This student should write down the answers to the below questions on notebook paper, while also offering opinions on the scenario.
 - **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario.
 - **Facilitator:** This student should keep track of time, as well as ensure the group stays on-task and is producing the desired product. This student should also offer his or her own opinions on the scenario.
2. Carefully read the scenario below then discuss the questions that follow.
3. Your group will have 15-20 minutes to complete this activity.

Scenario:

Elections are becoming more costly to conduct. Voting machines are more expensive than ever, and North Carolina lawmakers are facing a budget crisis. A legislator decides that the General Assembly needs to reduce its expenses and raise more money when conducting elections.

The legislator proposes a bill that requires a voting fee to cast a vote. The legislator figures that this will help to pay for the expense associated with voting. The legislator also proposes that elections are held once every ten years to cut back on costs.

The bill is passed and signed into law. A voting rights group sues the state, claiming that the law "fundamentally violates the principles laid forth in the Declaration of Rights."

Answer these questions and be prepared to present to the class:

1. Which section(s) of the Declaration of Rights address this scenario? List and summarize the section(s).
2. Specifically explain how the section(s) you identified address the scenario. According to the NC Constitution, was a right violated?
3. Based on what is said in the Declaration of Rights, how do you think a jury would rule on this situation if this case was taken to trial?
4. What is your personal opinion of this situation? (For example, does the Declaration of Rights offer appropriate protection of rights in this scenario, or is it enabling criminal activity?) Explain.
5. What other restrictions on voting have there been in North Carolina's history? Do you believe there are any restrictions that SHOULD be placed on voting? Explain.

Group Scenario 7

Instructions:

1. Assign the following roles in your group:
 - **Recorder:** This student should write down the answers to the below questions on notebook paper, while also offering opinions on the scenario.
 - **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario.
 - **Facilitator:** This student should keep track of time, as well as ensure the group stays on-task and is producing the desired product. This student should also offer his or her own opinions on the scenario.
2. Carefully read the scenario below then discuss the questions that follow.
3. Your group will have 15-20 minutes to complete this activity.

Scenario:

Two police officers are on duty. They see a young man who is walking nervously down the street at 3:00 AM. Their car slowly approaches the young man, who looks over his shoulder, then bursts into a full sprint away from their police vehicle. The police officers turn on their sirens and begin pursuit of the young man. They are able to apprehend, search and arrest him. In the squad car on the way to the station, the young man asks why he has been put under arrest. The police officers do not answer and bring him to a holding cell.

After being held for a night, the young man is released. He contacts a lawyer, who files suit against the police department. The lawyer says the police officers did not act in accordance with the principles set forth in the North Carolina Declaration of Rights and the United States Constitution.

Answer these questions and be prepared to present to the class:

1. Which section(s) of the Declaration of Rights address this scenario? List and summarize the section(s).
2. Specifically explain how the section(s) you identified address the scenario. According to the NC Constitution, was a right violated?
3. Based on what is said in the Declaration of Rights, how do you think a jury would rule on this situation if this case was taken to trial?
4. What is your personal opinion of this situation? (For example, does the Declaration of Rights offer appropriate protection of rights in this scenario, or is it enabling criminal activity?) Explain.
5. If the young man was found to have an illegal firearm after the arrest, does that change the scenario? If so, why?

Group Scenario 8

Instructions:

1. Assign the following roles in your group:
 - **Recorder:** This student should write down the answers to the below questions on notebook paper, while also offering opinions on the scenario.
 - **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario.
 - **Facilitator:** This student should keep track of time, as well as ensure the group stays on-task and is producing the desired product. This student should also offer his or her own opinions on the scenario.
2. Carefully read the scenario below then discuss the questions that follow.
3. Your group will have 15-20 minutes to complete this activity.

Scenario:

A high school paper is published as part of a journalism class. The principal, who always reviews the paper before it is published, decided to delete two pages of the current issue. The deleted article covered the issue of teenage pregnancy and included interviews with three students who had been personally impacted by teenage pregnancy. To keep the students' identity secret, the staff changed the names of the students in the article. The principal said the anonymity of the students was not sufficiently protected and that the article's content was inappropriate for some of the younger students at the high school.

The student author of the article sued the principal and the school district, saying that freedom of speech concerns were violated by deleting the pregnancy article.

Answer these questions and be prepared to present your findings to the class:

1. Which section(s) of the Declaration of Rights address this scenario? List and summarize the section(s).
2. Specifically explain how the section(s) you identified address the scenario. According to the NC Constitution, was a right violated?
3. Based on what is said in the Declaration of Rights, how do you think a jury would rule on this situation if this case was taken to trial?
4. What is your personal opinion of this situation? (For example, does the Declaration of Rights offer appropriate protection of rights in this scenario, or is it enabling criminal activity?) Explain.
5. Does the fact that this is a student newspaper instead of a circulated newspaper (such as your local paper) change the situation? Explain.

Group Scenario 9

Instructions:

1. Assign the following roles in your group:
 - **Recorder:** This student should write down the answers to the below questions on notebook paper, while also offering opinions on the scenario.
 - **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario.
 - **Facilitator:** This student should keep track of time, as well as ensure the group stays on-task and is producing the desired product. This student should also offer his or her own opinions on the scenario.
2. Carefully read the scenario below then discuss the questions that follow.
3. Your group will have 15-20 minutes to complete this activity.

Scenario:

A job has recently opened up at a North Carolina governmental agency. This agency has conducted a hiring search for the position. Recently, the head of the agency was contacted by a legislator who has often advocated for additional funding for the governmental agency. The legislator strongly recommended his nephew for the position. Even though his nephew is missing a key requirement of the job description, the legislator's nephew is offered the job.

George Jefferson, another candidate for the position who met all of the qualifications, is not hired. He happens to know the legislator's nephew and is angered that someone less qualified was given the job. Jefferson sues the state, alleging that the nephew was hired only because he was related to the legislator.

Answer these questions and be prepared to present your findings to the class:

1. Which section(s) of the Declaration of Rights address this scenario? List and summarize the section(s).
2. Specifically explain how the section(s) you identified address the scenario. According to the NC Constitution, was a right violated?
3. Based on what is said in the Declaration of Rights, how do you think a jury would rule on this situation if this case was taken to trial?
4. What is your personal opinion of this situation? (For example, does the Declaration of Rights offer appropriate protection of rights in this scenario, or is it enabling criminal activity?) Explain.
5. Should elected officials be able to offer jobs to their friends and family? Why or why not?

Group Scenario 10

Instructions:

1. Assign the following roles in your group:
 - **Recorder:** This student should write down the answers to the below questions on notebook paper, while also offering opinions on the scenario.
 - **Presenter:** This student will give a brief (2-3 minute) presentation summarizing the scenario and your findings to the class. This person can take advantage of the notes taken by the recorder, as well as using pre-prepared comments your group decides upon. This student should also offer opinions on the scenario.
 - **Facilitator:** This student should keep track of time, as well as ensure the group stays on-task and is producing the desired product. This student should also offer his or her own opinions on the scenario.
2. Carefully read the scenario below then discuss the questions that follow.
3. Your group will have 15-20 minutes to complete this activity.

Scenario:

A city council in North Carolina sees a rise in violent crime involving handguns in their city. They decide to pass an ordinance outlawing handguns citywide. A person from another county is driving through the city. The person has a concealed weapons permit, but has a broken taillight. A city police officer stops the person for the taillight and asks to search the vehicle. The person agrees, and the city police officer finds the handgun. The police seize the weapon and issue the person a fine.

The person files suit against the city, claiming that his or her rights established under the United States Constitution and the North Carolina Declaration of Rights have been violated.

Answer these questions and be prepared to present your findings to the class:

1. Which section(s) of the Declaration of Rights address this scenario? List and summarize the section(s).
2. Specifically explain how the section(s) you identified address the scenario. According to the NC Constitution, was a right violated?
3. Based on what is said in the Declaration of Rights, how do you think a jury would rule on this situation if this case was taken to trial?
4. What is your personal opinion of this situation? (For example, does the Declaration of Rights offer appropriate protection of rights in this scenario, or is it enabling criminal activity?) Explain.
5. Discuss the balance between public safety and an individual's right to arms. What is an appropriate balance between the two?

Instructor Scenario Guide

This is not an exhaustive guide for discussions that can be implemented based on each scenario. Students may offer additional relevant interpretations. Encourage their opinions, but make sure they identify the correct sections of the Declaration of Rights for each scenario.

Scenario 1: This scenario deals with excessive bail, found in **Section 27** of the Declaration of Rights. It states that “excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

Scenario 2: This scenario speaks directly to **Section 26**, which states that no person shall be excluded from jury service on account of sex, race, color, religion, or national origin. The students may argue that a fair trial will be difficult on the basis of gender in this case. The person murdered was female, and 11 of the 12 jurors are also female.

Scenario 3: Inform students that this scenario is based on the *Leandro v. State of North Carolina* case. In the 1997 Leandro decision, a fundamental constitutional right to a “basic sound education” was established. In a 2004 decision, Judge Howard Manning was given authority by the North Carolina Supreme Court to distribute funds to communities so that every child might have access to a sound education. The major sections in the Declaration of Rights that are implicated are **Section 1 & Section 15**. (For a more detailed lesson on *Leandro v. State of North Carolina*, see “*Leandro v. State of North Carolina: A Deliberation on School Funding*,” available in our Database of K-12 Resources: <http://database.civics.unc.edu/>.)

Scenario 4: In this silly scenario, **Section 28** is implicated. Someone can’t be imprisoned for debt, except in cases of fraud.

Scenario 5: This case mirrors a United States Supreme Court case, *Goss v. Lopez* 419 U.S. 565 (1975). The main question in this case was whether the imposition of the suspension without preliminary hearings violate the students' Due Process rights guaranteed by the Fourteenth Amendment. The court ruled that a state could not withdraw that right "on grounds of misconduct absent fundamentally fair procedures to determine whether the misconduct ha[d] occurred." The case took place in Ohio, and a law was made ensuring at least a hearing would be granted by a principal prior to any suspension being issued. **Sections 15 and 1 of the Declaration of Rights** can be applied to this scenario. This scenario can also be connected to a Buncombe County Case, *In the Matter of Roberts*. This case involved a Buncombe County student who was not given representation at a hearing by a principal and who was suspended for the remainder of the year. The superintendent upheld the case, and it was reversed by the NC Supreme Court, citing *Goss v. Lopez*.

Scenario 6: This scenario is designed to invoke discussion of the poll taxes implemented during the Jim Crow era. This can also lead to a fruitful discussion about the literacy test that was previously required to vote. **Sections 10 and 11** are associated with this scenario.

Scenario 7: This is a difficult scenario, and it brings up many questions of social justice if considered carefully. Because the person was held without knowing his crime, the major section connected is **Section 23**. **Sections 20 and 21** are also relevant. Other arguments could be made, such as using **Section 27** under the argument that this was an “unusual” punishment.

Scenario 8: This scenario closely mirrors a case from the U.S. Supreme Court called *Hazelwood School District et al. v. Kuhlmeier et al.*, [484 U.S. 260](#) (1988). In a 5-to-3 decision, the Court held that the First Amendment did not require schools to affirmatively promote particular types of student speech. The Court held that schools must be able to set high standards for student speech disseminated under their auspices, and that schools retained the right to refuse to sponsor speech that was "inconsistent with 'the shared values of a civilized social order.'" Educators did not offend the First Amendment by exercising editorial control over the content of student speech so long as their actions were "reasonably related to legitimate pedagogical concerns." The actions of principal Reynolds, the Court held, met this test. The Declaration of Rights section implicated in this scenario is **Section 14**.

Scenario 9: This case should bring about a discussion of the spoils system, or the unfairness of giving a relative a job if he or she is not qualified. The major section that is implicated is **Section 33**.

Scenario 10: This scenario involves elements of the DC Handgun Ban case. The question in that case was whether provisions of the D.C. Code, generally barring the registration of handguns, violated the Second Amendment rights of individuals who are not affiliated with any state-regulated militia, but who wish to keep handguns and other firearms for private use in their homes. In North Carolina's Declaration of Rights, **Section 30** states that a person has the right to keep and bear arms, but it also states that "nothing herein shall justify the practice of carrying concealed weapons, or enacting the General Assembly from enacting penal statutes against the practice."

This scenario in particular can help to describe how difficult forming a law can be. There is a right to bear arms, but there is also specific language that doesn't justify a concealed weapon. The statute gives the General Assembly the right to regulate the practice. Does that give a city council the right to regulate the concealment of weapons? This could likely be a contentious and unresolved issue.

Name: _____



The Declaration of Rights

Complete the following worksheet on North Carolina's Declaration of Rights. Please answer in complete sentences.

Which section do you think is most important in the Declaration of Rights? Why?

What impact do you think section 15 has had on North Carolina? How does section 15 impact North Carolina's university system specifically?

If you were to add a section to the Declaration of Rights, what would it be and why?

Law	US Const. Amendment	Declaration of Rights
Ban on slavery		
Ban on Monopolies		
A right to education		
Ban on unreasonable searches/seizures		
Ban on cruel and unusual punishment		
Prohibition on secession from United States		
Freedom of Speech and of the Press		
"All persons are created equal" ...		
No member of a jury excluded because of race, gender, etc.		
No property qualification for voting/holding office		
"All elections shall be free"		
Right to bear arms		
Ban on excessive bail for a crime		
Ban on housing soldiers without owner's consent		

Law	US Const. Amendment	Declaration of Rights
Ban on slavery	13th Amendment	Section 17
Ban on Monopolies	Not clearly established in constitutional amendments. Has been fought against in Court.	Section 34
A right to education	This is a state issue. This can lead to other state laws (abortion, other controversial issues)	Section 15
Ban on unreasonable searches/seizures	4th Amendment	Section 20
Ban on cruel and unusual punishment	8th Amendment	Section 27
Prohibition on secession from United States	U.S. can't succeed from itself	Section 4
Freedom of Speech and of the Press	1st Amendment	Section 14
"All persons are created equal"...	This is noted in the Declaration of Independent, but not specifically in the Const. (Equal protect. - 14 th)	Section 1
No member of a jury excluded because of race, gender, etc.	Not present. Although a trial by jury is given precedence.	Section 26
No property qualification for voting/holding office	Not prescribed for in constitution. Discussion can occur here about literacy tests, other items	Section 11
"All elections shall be free"	This is also a state issue. States provide for elections. (Although you can discuss Bush v. Gore)	Section 10
Right to bear arms	2nd Amendment	Section 30
Ban on excessive bail for a crime	8th Amendment	Section 27
Ban on housing soldiers without owner's consent	3rd Amendment	Section 31