

RIGHTS AUCTION

A Lesson Plan for Teachers



RIGHTS AUCTION

Content Framework: Civil Liberties and Civil Rights in a Democracy

Concept: What rights and liberties are fundamental to democracy? What rights and liberties are fundamental to humanity? Are some rights universal? Who is responsible to protect or guarantee these rights?

Goal: Students will examine the U.S. Bill of Rights and United Nations Universal Declaration of Human Rights

Objectives:

KNOWLEDGE:

Students will be able to:

- Identify rights in the Bill of Rights
- Identify rights in the UN Universal Declaration of Human Rights
- Analyze the importance of rights in light of humanitarian and democratic values
- Take and defend a position on the universality of rights and the obligations of government to protect those rights

Materials:

Prepared signs or slides with excerpts from Declaration of Independence, US Constitution Preamble, and UN Charter Preamble (Attachment 1A); Prepared signs or slides with chart of “Fundamental Principles” (Attachment 1B); Handouts of Expanded Bill of Rights (Attachment 3) and Selected UN Universal Declaration of Human Rights (Attachment 4); blank paper, markers, tape

Time: 60-75 minutes

Anticipation: 10 minutes

1. Whole group opening questions (3 min)

a.) Take a few responses to each of the following opening questions:

- What rights do you know or think you have as citizens of the US?
- What is the source of these rights?
- Should these rights be considered universal for all people everywhere or are they only rights of citizens of the US?

b.) Explain that the class will be spending the rest of its time looking more carefully at what constitutes human rights, where they come from, and who is responsible for providing or protecting them. To do that, since we typically look to governments to protect and provide peoples’ rights, we’ll have to first look at what we think the purpose of government is.

Founding principles of democracy (7 min)

a.) Ask students to briefly consider the following questions:

- Imagine you are designing a government to establish a democratic nation. What would you want the government to be held responsible for? What would you want the government to be prohibited from doing?

Take a few responses. (If students ask you to explain what you mean by “democratic nation” tell them you will give them only Lincoln’s quote to work with, and they will have to use their own judgment regarding the rest. Lincoln: “Government of, by, and for the people”)

- b.) Have posted the excerpts from the Declaration of Independence, the US Constitution, and the UN Charter (Attachment 1A). Ask students to identify the sources of the passages; explain that each is a document intended to establish fundamental principles for just institutions that will protect and promote human rights.
- c.) Have posted the Fundamental Principles Chart (Attachment 1B). Explain that each column lists the basic principles, responsibilities or purposes of the institutions each of the three documents established.
- d.) Think-Pair-Share: Which of the three documents’ provisions would create the kind of society they would most want to live in.

Main Learning Activities: 40 minutes

1. Drafting your own statement of principles (7 minutes)
 - a.) Break the students into groups of five or six and explain that each group is a nation. They should look over the three columns of principles and purposes and make their own list of basic purposes and principles that they think will best promote and protect a democratic society for their nation. Tell groups they can mix and match from any of the stated principles and purposes in the three documents and that they can also add anything they think of that isn’t listed.
 - b.) Instruct groups to list their principles on chart paper (the list should be written large enough to be viewed by all members of the class).
2. From principles to rights (3 min)
 - a.) Explain that when the Constitution was drafted it caused a debate over whether the Constitution should include a list of protected freedoms and rights. At the time, most of the states’ constitutions included explicit lists of citizens’ rights and many thought the US Constitution should do the same. Others, including James Madison, argued that the Constitution should not list rights. The new government would not invade citizens’ rights because the Constitution didn’t give the government any such powers; however, if certain rights were listed, the government would then assume it had the right to limit or control any rights that were not listed.
 - b.) Explain that by the time that the United Nations was chartered in 1945, it was well-accepted that rights should be protected by being specified, listed, and written into official charters. Everyone involved in establishing the UN agreed that it needed a statement of universal human rights, but long and bitter debates were held about what rights it should include. Because Cold War conflicts between the US and the USSR (and their respective allies) gained momentum just as the UN was working on this effort, no consensus could be achieved. The US wanted to focus on basic political and philosophical rights like those in the US Constitution and Bill of Rights; the USSR wanted to focus on economic rights. Both superpowers fought to curtail each other’s proposed list of rights. The compromise was made to include all the rights advocated by each, but to make the final document a non-binding declaration of rights, rather than a treaty binding to all member nations. Finally, in 1948, the UN passed the Universal Declaration of Human Rights.

- c.) Inform students that they will now have a chance to look at the rights encoded into the US Bill of Rights and in the UN Universal Declaration and determine which rights are most important to fulfill the principles each of their “nations” have developed to ensure democracy.

3. Rights Auction (30-40 min)

- a.) Tell students that in order to get the rights they need for their nation they will have to purchase them at auction. Distribute an equal amount of “Rights-Bux” (for a faster auction, distribute less than 400 dollars; if the auction is extended, distribute 600 dollars or more) to each nation. (Use Attachment 2 to print out and copy Rights-Bux.)
- b.) Distribute the Bill of Rights sheet (Attachment 3) and the UN UDHR sheet (Attachment 4). Explain that while the Bill of Rights contains only 10 Amendments it names 25 protections that they can choose from. Explain that the complete UDHR contains 30 Articles, but for our purposes we’ve selected 15; these 15 articles contain 28 of the Articles they can choose rights from.
- c.) Inform students that they will only have 7-10 minutes to work out a strategy; each nation should review the lists of rights and determine which of its provisions are most necessary to fulfill their nation’s principles of government. They can use the space provided on the sheets to rank the rights or determine the maximum amount they are willing to bid, etc.
- d.) Once time for strategizing has expired, tell them that each group must identify ONE student who will be the official bidder. Let them know you will auction each right one at a time, but will accept bids only from official bidders for each nation. Once a nation runs out of money, they’re done and the people of the nation will have to live with whatever rights they have obtained.
- e.) Hold the auction. “I have here an Article that...” (describe which right is granted or protected). “What am I bid?...” (You may want to start with some of the less obvious Articles – such as 24, 25, 26, etc.-- to see where the groups are headed; or in the interests of time, you may want to get the most obvious items up first.)

variation:

- Allow nations to create any rights they think they need but are not contained in either the BoR or the UN UDHR, but charge them a significant amount of Rights-Bux for each right they create.

Reflection: 10-20 minutes

The discussion points below can be mixed and matched to meet the constraints of time and the needs and interest level of different groups of students. Whatever discussion questions or approach are used, the reflection should bring out the concepts identified in the lesson plan heading:

What rights and liberties are fundamental to democracy? What rights and liberties are fundamental to humanity? Are some rights universal? Who is responsible to protect or guarantee these rights?

1. Shorter reflection: In small group structures, or in whole-group, discuss the following: (10 min)
 - a.) Review what sorts of rights the people of each nation will enjoy and which they will have to live without. Ask students in nations to characterize the kind of relation they could see having with their governing authority based on the rights they did or did not obtain.

- b.) Ask “nations” to report on how well the rights they secured fulfill the principles they defined for democracy. Ask for some students to explain what rights they thought were not worth bidding on and which they thought were most valuable. Ask for explanations and bring out differences of opinion.
 - c.) Are there any rights in the UN UDHR that should be added to the US Constitution? Are there any rights in the UN UDHR that students feel are not actually rights?
2. Longer version or higher level reflection; continue with the following discussion points: (10 min)
 - a.) As time permits, use the questions above as a springboard to a discussion of a current domestic situation in which a public debate is taking place about what rights should or should not be recognized. (Examples include: gay marriage, abortion, gun rights, students’ rights in school, etc.; also, issues like health care, minimum wage laws, the mortgage crisis, immigration, job outsourcing: Which of these issues involve constitutional rights and which should be seen as matters of public policy agendas?)
 - b.) Ask students to look back at the Declaration of Independence. Where does it claim rights come from? Ask students if they believe that the rights they secured for their nation are inherent in natural endowment of humanity, or are they created by societies?
 - c.) In this workshop, nations bought the rights they felt they needed. In reality, people don’t pay for the rights and protections of democracy, or do they? In nation groups, ask students to consider:
 - i.) How have actual people in the US and other countries paid for the rights their nation bought in the activity?
 - ii.) What about rights that were not actually enjoyed by all people in our nation’s history, even though they were listed in the Bill of Rights? Ask students to list some of the costs paid in US history, either to win or to protect some of the rights listed in the BoR, and to consider by whom they were paid.
 - iii.) What role does wealth play in rights? Do wealthier segments of society enjoy more rights than poorer segments?
 - d.) The Declaration claims that rights are “inalienable”; are they?
 - i.) Ask students to name historical or current situations in the US or in other nations in which people have been alienated (separated) from their rights.
 - Do people have the right to use revolutionary means to obtain or protect rights they have been separated from?
 - Does our government have the right or responsibility to force other governments to recognize rights we believe are fundamental?
 - ii.) What does Jefferson mean when he says that rights are inalienable? Are rights universal or does each society determine for itself what rights people should have?

Attachment 1A

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

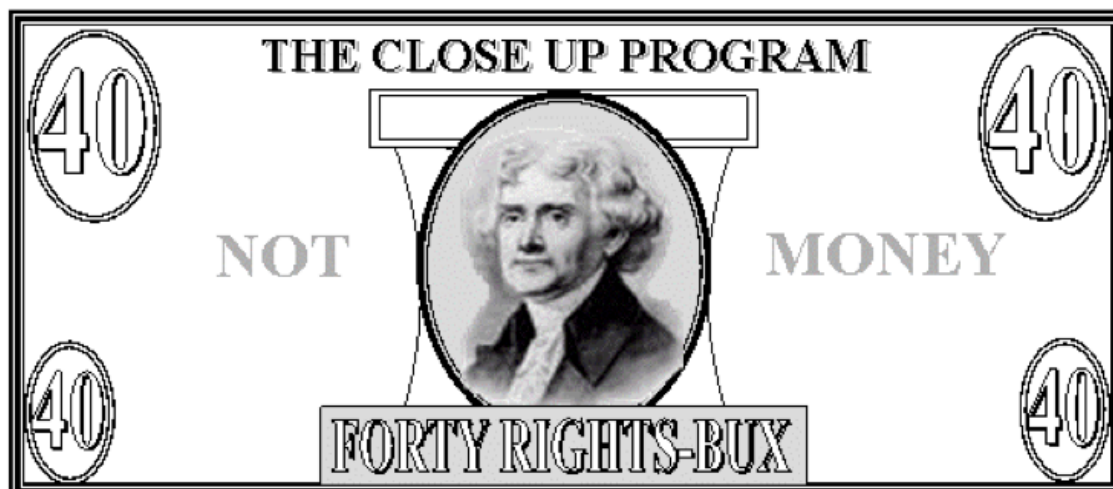
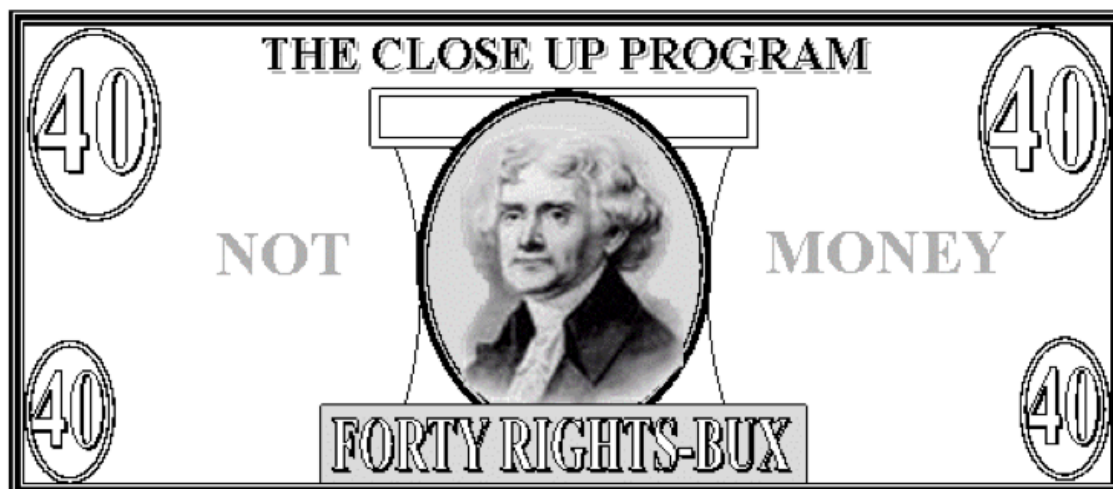
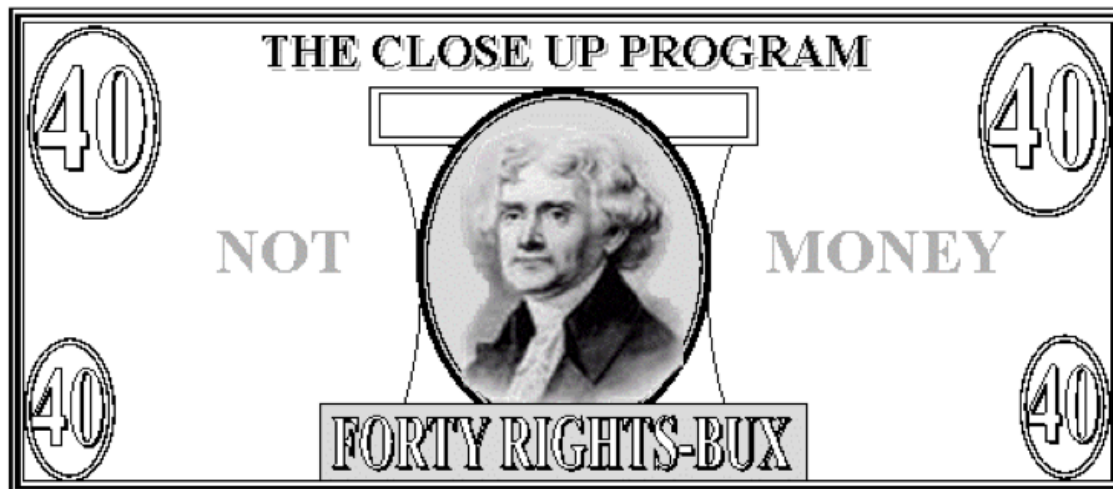
We the peoples of the United Nations, to save succeeding generations from the scourge of war...; and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small; and to establish conditions under which justice...can be maintained; and to promote social progress and better standards of life in larger freedom... have resolved to combine our efforts to accomplish these aims.

Attachment 1B

DECLARATION	CONSTITUTION	UN CHARTER
The fundamental principles of government are: • Equal status of all people • Inherent rights of all people • Rights include life, liberty, pursuit of happiness • Governments are instituted to secure the peoples rights • Government's power is derived from the consent of the people • The people have the right to change or abolish government that doesn't serve the rights of the people • The people have the right to found and organize their government in any form that seems most likely to bring them safety and happiness	The fundamental responsibilities of government are to: • establish justice • insure domestic tranquility • provide for the common defense • promote the general welfare • secure the blessing of liberty	The fundamental purposes and responsibilities of the United Nations are: • save future generations from the scourge of war • reaffirm fundamental human rights • reaffirm the dignity and worth of the human person • reaffirm the equal rights of men and women from nations large and small • establish the conditions for justice • promote social progress • promote better standards of life and greater freedom

Fundamental Principles

Attachment 2



Bill of Rights: Ten Amendments, 26 Protections

Attachment 3

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.

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 offense 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.

1. Right to exercise one's own religion 1. _____
2. Right to be free from an official religion established by government 2. _____
3. Right to free speech 3. _____
4. Right to a free press 4. _____
5. Right to peaceably assemble and petition government authorities to address public problems and concerns 5. _____
6. Right to keep and bear arms 6. _____
7. Right to refuse to provide room and board for military troops 7. _____
8. Right to be free from unreasonable searches and seizure of one's property 8. _____
9. Right not to be held by government without a proper criminal charge decided by a grand jury of citizens—not the government itself 9. _____
10. Right not to be tried for the same crime twice 10. _____
11. Right not to be forced to testify against yourself (right to "plead the fifth") 11. _____
12. Right not to be punished for a crime without a proper trial and proper procedures 12. _____
13. Right not to be forced to allow government to take away your property without proper compensation 13. _____

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 defense.

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.

NOTE: 9th Amendment says that just because something is not listed as a right in the Constitution doesn't mean that the right does not exist; any rights not listed are still retained by the people. Since the 9th Amendment provides no details nor defines any criteria for deciding what unlisted rights there might be, the meaning of the amendment has been a matter of long debate.

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.

NOTE: 10th Amendment limits the power of the federal government to usurp the authority of state governments. However, because other provisions of the Constitution also sought to ensure that the federal government would have sufficient power to carry out its responsibilities, the question of balancing the authority of federal government with the authority of state governments has been a continuous source of debate and tension.

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| 14. Right to a speedy trial by an impartial jury | 14. _____ |
| 15. Right to be tried where the crime was committed | 15. _____ |
| 16. Right to be told exactly what your are accused of | 16. _____ |
| 17. Right to face and question any witness against you | 17. _____ |
| 18. Right to compel testimony from any witness that may help you | 18. _____ |
| 19. Right to be represented by an attorney | 19. _____ |
| 20. Right to a jury trial in civil cases [The subject matter and amount have since been changed by law] | 20. _____ |
| 21. Right to have a jury's findings of fact stand without being overturned by a court (except under certain specific conditions). | 21. _____ |
| 22. Right to be free from cruel and unusual punishment for crimes | 22. _____ |
| 23. Right be free from excessive bails or fines | 23. _____ |
| 24. Other rights not listed in the Constitution: | 24. _____ |

Selected Articles of the UN Universal Declaration of Human Rights

Attachment 4

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.	Article 4 _____
Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.	Article 5 _____
Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him	Article 10 _____
Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.	Article 12 _____
Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.	Article 13.1 _____ Article 13.2 _____
Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.	Article 16.1 _____ Article 16.2 _____ Article 16.3 _____
Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.	Article 18 _____
Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.	Article 19 _____
Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.	Article 21.1 _____ Article 21.2 _____ Article 21.3 _____

FULL TEXT OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AVAILABLE AT: <http://www.un.org/Overview/rights.html>