

CHECKING OUT OUR RIGHTS

Purpose: In this lesson students will use their background knowledge of the U.S. Bill of Rights and subsequent Amendments that have extended rights to compare to selected rights listed in the Costa Rican Constitution. This examination will be useful in determining what rights are valued most in each culture.

Learning Objective(s): The student will

Standards:

National	New Mexico	Texas
II. What are the Foundations of the American Political System? 1. The American idea of Constitutional Government. a. Explain the means of limiting powers of government under the US Constitution	Strand: Civics & Government Content Standard III: Students understand the ideals, rights, and responsibilities of citizenship and understand the content and history of the founding documents of the United States with particular emphasis on the United States and New Mexico constitutions and how governments function at local, state, tribal, and national levels. 5-8 Benchmark III-A: Understand the structure, functions, and powers of government (local, state, tribal and national).	6.13A; 6.13C; 6;14B; 8.20B; 8.20F

Materials Needed: copy of the U.S. Bill of Rights and subsequent Amendments that have extended rights; copies of the worksheet for each group

Time Frame: one to two class periods

Procedure:

1. Pass out a copy of the U.S. Bill of Rights and other Amendments to each student. Review and discuss the rights guaranteed in this document.

2. Divide the class into small groups of three or four and give each group a copy the worksheet. As they read each quote from the Costa Rican Articles, they should identify if it matches any of the amendments in the U.S. document. As they locate matches, they should record the number on the worksheet. Remind students some articles might not have a direct match in the U.S. document. Therefore, if they don't feel it is a close enough match, they should write, "No match."

3. To debrief the activity, ask the following questions:

- Why do you think some rights are in one Constitution, but not in the other?
- What can you conclude about the importance of individual rights in the U.S? in Costa Rica?
- What rights (if any) would you recommend we add to our document? To the Costa Rican?
- What rights (if any) would you recommend we exclude from our document and/or the Costa Rican?

Checking Out Our Rights

Read the following Articles from the Costa Rican Constitution. If there is a corresponding close match with a portion of the U.S. Bill of Rights and other Amendments, write the number in the blank. If there is no match, indicate that in the blank.

1. ARTICLE 20. All men are free within the Republic; no one under the protection of its laws can be a slave.

_____ U.S. document

2. ARTICLE 22. Every Costa Rican may move about and stay anywhere within the Republic or abroad, provided he is free from any liability, and return whenever it may be convenient to him. No requirements can be demanded to Costa Ricans in order to prevent their entrance into the country.

_____ U.S. document

3. ARTICLE 23. The domicile and any other private premises of the inhabitants of the Republic are inviolable. However, they may be searched with a written warrant issued by a competent Judge, either to prevent the commission of crimes or their impunity, or to prevent serious damages to persons or property, subject to the appropriate provisions of law.

_____ U.S. document

4. ARTICLE 25. The inhabitants of the Republic have the right of association for lawful purposes. No one may be compelled to form a part of any association whatsoever.

_____ U.S. document

5. ARTICLE 26. Everyone has the right to meet peacefully and unarmed, whether it is for private business or to discuss political affairs and examine the public conduct of officials.

_____ U.S. document

6. ARTICLE 27. The right to petition any public official or State entity, either individually or collectively and the right to obtain prompt resolution are guaranteed.

_____ U.S. document

7. ARTICLE 28. No one may be disturbed or persecuted for the expression of his opinions or for any act which does not infringe the law.

_____ U.S. document

8. However, clergymen or secular individuals cannot make political propaganda in any way invoking religious motives or making use of religious beliefs.

_____ U.S. document

9. ARTICLE 29. Every person may communicate his thoughts verbally or in writing and publish them without previous censorship; but he shall be liable for any abuses committed in the exercise of this right, in such cases and in the manner established by law.

_____ U.S. document

10. ARTICLE 31. The territory of Costa Rica shall be a shelter for all those persecuted for political reasons. If their expulsion is decreed on legal grounds, they can never be sent back to the country where they were persecuted.

_____ U.S. document

11. ARTICLE 33. All persons are equal before the law and there shall be no discrimination against human dignity.

_____ U.S. document

12. ARTICLE 36. In criminal matters, no one is obligated to testify against himself or against a spouse, ascendants, descendants or collateral relatives within the third degree inclusive of consanguinity or affinity.

_____ U.S. document

13. ARTICLE 38. No person may be imprisoned for debt.

_____ U.S. document

14. ARTICLE 40. No one may be subjected to cruel or degrading treatment or to life imprisonment, or to the penalty of confiscation. Any statement obtained by violent means shall be null and void.

_____ U.S. document

15. ARTICLE 46. Private monopolies, as well as any act, even if originated by virtue of law, which may threaten or restrict freedom of trade, agriculture or industry, are prohibited.

_____ U.S. document

KEY

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Read the following Articles from the Costa Rican Constitution. If there is a corresponding close match with a portion of the U.S. Bill of Rights and other Amendments, write the number in the blank. If there is no match, indicate that in the blank.

1. ARTICLE 20. All men are free within the Republic; no one under the protection of its laws can be a slave.

Amendment XIII

2. ARTICLE 22. Every Costa Rican may move about and stay anywhere within the Republic or abroad, provided he is free from any liability, and return whenever it may be convenient to him. No requirements can be demanded to Costa Ricans in order to prevent their entrance into the country.

No match in the U.S. document

3. ARTICLE 23. The domicile and any other private premises of the inhabitants of the Republic are inviolable. However, they may be searched with a written warrant issued by a competent Judge, either to prevent the commission of crimes or their impunity, or to prevent serious damages to persons or property, subject to the appropriate provisions of law.

Amendment IV

4. ARTICLE 25. The inhabitants of the Republic have the right of association for lawful purposes. No one may be compelled to form a part of any association whatsoever.

Amendment I (freedom of assembly)

5. ARTICLE 26. Everyone has the right to meet peacefully and unarmed, whether it is for private business or to discuss political affairs and examine the public conduct of officials.

Partially a match to Amendment I (freedom of assembly)

6. ARTICLE 27. The right to petition any public official or State entity, either individually or collectively and the right to obtain prompt resolution are guaranteed.

Amendment One (freedom of petition)

7. ARTICLE 28. No one may be disturbed or persecuted for the expression of his opinions or for any act which does not infringe the law.

Amendment One (freedom of speech)

8. However, clergymen or secular individuals cannot make political propaganda in any way invoking religious motives or making use of religious beliefs.

Close to Amendment I (separation of church and state)

9. ARTICLE 29. Every person may communicate his thoughts verbally or in writing and publish them without previous censorship; but he shall be liable for any abuses committed in the exercise of this right, in such cases and in the manner established by law.

Amendment I (freedom of the press)

10. ARTICLE 31. The territory of Costa Rica shall be a shelter for all those persecuted for political reasons. If their expulsion is decreed on legal grounds, they can never be sent back to the country where they were persecuted.

No match in the U.S. document

11. ARTICLE 33. All persons are equal before the law and there shall be no discrimination against human dignity.

Amendment XIV (equal protection of the law)

12. ARTICLE 36. In criminal matters, no one is obligated to testify against himself or against a spouse, ascendants, descendants or collateral relatives within the third degree inclusive of consanguinity or affinity.

Amendment V (right against self-incrimination)

13. ARTICLE 38. No person may be imprisoned for debt.

No match in the U.S. document

14. ARTICLE 40. No one may be subjected to cruel or degrading treatment or to life imprisonment, or to the penalty of confiscation. Any statement obtained by violent means shall be null and void.

Amendment VIII

15. ARTICLE 46. Private monopolies, as well as any act, even if originated by virtue of law, which may threaten or restrict freedom of trade, agriculture or industry, are prohibited.

No match in the U.S. document

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 offence 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.

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 defence.

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 reexamined 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.

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: The following text is a transcription of the first 10 amendments to the Constitution in their original form. These amendments were ratified December 15, 1791, and form what is known as the "Bill of Rights."

Amendments 13-15, and 19

Background: The Thirteenth Amendment was proposed and ratified in 1865 to end slavery. The Fourteenth Amendment was proposed in 1866 and ratified in 1868, defining citizenship, specifically for freed slaves after the Civil War. The Fifteenth Amendment was proposed in 1869 and ratified in 1870, giving all citizens the right to vote. The Nineteenth Amendment was proposed in 1919 and ratified in 1920, specifically giving women the right to vote.

Amendment XIII

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, (See Note 15) and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment XV

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XIX

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.