

A COMPARISON OF RIGHTS:

A Look at the Constitution of the Russian Federation and the United States Bill of Rights

Learning Objective: The students will

1. Summarize rights guaranteed in the Russian Confederation Constitution
2. Compare rights in the Russian Confederation Constitution
3. Draw conclusions about rights guaranteed in the U.S. Constitution and the Russian Confederation Constitution

TEKS: WH.18B&C; Govt.13A&C

Materials Needed: Copies of the worksheet entitled, “A Comparison of Rights: A Look at the Constitution of the Russian Federation and the U.S. Bill of Rights” for each student

Teaching Strategy:

1. Begin the lesson by asking the students to brainstorm the rights they are guaranteed in the Bill of Rights. List their responses. Pass out the copy of the U.S. Bill of Rights and allow time to review the document for rights students might have missed.
2. Pass out the excerpts of rights listed from the Constitution of the Russian Federation adopted in 1993, after the break-up of the Soviet Union. Have them look at the rights listed to determine if there is a correlation between the experiences under the Soviet government and the rights included in the document.
3. After the students have analyzed the ten rights in the Russian document, have them locate a right in the U.S. Bill of Rights that is similar in its intent.
4. Finally, have the students draw conclusions about the similarities and differences between the rights in both documents.

KEY:

Article 19—corresponds to the Fourteenth Amendment

Article 2—Amendment Five

Article 15—Amendment Four

Article 18—Amendment One (freedom of religion)

Article 29—Amendment One (freedom of expression)

Article 31—Amendment One (freedom of assembly) and Amendment Two

Article 48—Amendment Six (right to an attorney)

Article 49—Amendment Six

Article 50—Amendment Five

Article 51—Amendment Five

5. After the students have completed analyzing of the two documents, ask the following questions to debrief the activity:
 - A. What were some common elements between the two documents?
 - B. What were some striking differences?
 - C. Which document do you feel best protects the rights of their citizens? Defend your answer.

NOTE: One of the biggest differences between the documents is the Russian document **REQUIRES** the rights be provided by the government, and the U.S. document does not allow the rights to be **PROHIBITED**. This is what we mean by “limited government.”

Below are excerpts from the Constitution of the Russian Federation, adopted in 1993. First, read each of the excerpts and summarize the key ideas and rights. Second, look at the U.S. Bill of Rights and locate the corresponding excerpt of that document and cite the location. Finally, draw a conclusion about the similarities or differences between the two **privileges**.

Article 19

1. All people shall be equal before the law and in the court of law.
2. The state shall guarantee the equality of rights and liberties regardless of sex, race, nationality, language, origin, property or employment status, residence, attitude to religion, convictions, membership of public associations or any other circumstance. Any restrictions of the rights of citizens on social, racial, national, linguistic or religious grounds shall be forbidden.
3. Man and woman shall have equal rights and liberties and equal opportunities for their pursuit.

Summary:

Corresponding U.S. Bill of Rights Citation:

Conclusion:

Article 22

1. Everyone shall have the right to freedom and personal inviolability.
2. Arrest, detention and keeping in custody shall be allowed only by an order of a court of law. No person may be detained for more than 48 hours without an order of a court of law.

Summary:

Corresponding U.S. Bill of Rights Citation:

Conclusion:

Article 25.

The home shall be inviolable. No one shall have the right to enter the home against the will of persons residing in it, except in cases stipulated by the federal law or under an order of a court of law.

Summary:

Corresponding U.S. Bill of Rights Citation:

Conclusion:

Article 28.

Everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship (including the right to profess), individually or jointly with others, any religion, or to profess no religion, to freely choose, possess and disseminate religious or other beliefs, and to act in conformity with them.

Summary:

Corresponding U.S. Bill of Rights Citation:

Conclusion:

Article 29.

1. Everyone shall have the right to freedom of thought and speech.
2. The freedom of the mass media shall be guaranteed. Censorship shall be prohibited.

Summary:

Corresponding U.S. Bill of Rights Citation:

Conclusion:

Article 31.

Citizens of the Russian Federation shall have the right to gather peacefully, without weapons, and to hold meetings, rallies, demonstrations, marches and pickets.

Summary:

Corresponding U.S. Bill of Rights Citation:

Conclusion:

Article 48.

1. Everyone shall be guaranteed the right to qualified legal counsel. Legal counsel shall be provided free of charge in cases stipulated by the law.
2. Every person who has been detained, taken into custody or charged with a crime shall have the right to legal counsel (defense attorney) from the moment of, respectively, detention or indictment.

Summary:

Corresponding U.S. Bill of Rights Citation:

Conclusion:

Article 49.

1. Everyone charged with a crime shall be considered not guilty until his or her guilt has been proven in conformity with the procedures stipulated by the federal law and established by the verdict of a court of law.
2. The defendant shall not be obliged to prove his or her innocence.
3. The benefit of doubt shall be interpreted in favor of the defendant

Summary:

Corresponding U.S. Bill of Rights Citation:

Conclusion:

Article 50.

1. No one may be repeatedly convicted for the same offense.
2. In the administration of justice no evidence obtained in violation of the federal law shall be allowed.
3. Everyone sentenced for a crime shall have the right to have the sentence reviewed by a higher court according to the procedure instituted by the federal law, and also the right to plea for clemency or mitigation of punishment.

Summary:

Corresponding U.S. Bill of Rights Citation:

Conclusion:

Article 51.

1. No one shall be obliged to give evidence against himself or herself, for his or her spouse and close relatives, the range of which shall be established by the federal law.
2. The federal law may stipulate other exemptions from the obligation to give evidence.

Summary:

Corresponding U.S. Bill of Rights Citation:

Conclusion:

THE FIRST 10 AMENDMENTS TO THE CONSTITUTION AS RATIFIED BY THE STATES

THE BILL OF RIGHTS – ratified December 15, 1791

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.

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 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.”

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.