

# I PLEAD THE FIFTH!

Understanding Loose and Strict Interpretations of the US Constitution

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# Tennessee 4-H Youth Development

## *I Plead the Fifth!*

*Understanding Loose and Strict Interpretations of the US Constitution*

### **Skill Level**

Intermediate, 8<sup>th</sup> Grade

### **Learner Outcomes**

*The learner will be able to:*

- Understand the meaning of the 5<sup>th</sup> Amendment
- Categorize historic examples of loose and strict interpretations of the Constitution
- Form and state personal opinion of the 5<sup>th</sup> amendment
- Classify interpretations of the 5<sup>th</sup> amendment as strict or loose

### **Educational Standard(s) Supported**

*8<sup>th</sup> Grade Social Studies*

8.36

### **Success Indicator**

*Learners will be successful if they:*

- Form an interpretation of the 5<sup>th</sup> amendment
- Classify classmates' opinions as a strict or loose interpretation of the amendment

### **Time Needed**

35 Minutes

### **Materials List**

Student handouts (one per student)  
Flip chart paper OR PowerPoint slide for students to construct  
Copies of the 5<sup>th</sup> amendment (one per group)

### **Introduction to Content**

This lesson presents the concept of loose and strict interpretations of the US Constitution. The Constitution is a living document that can be interpreted in a variety of ways. This lesson shows students that concept by allowing them to form their own opinion of an amendment of the Constitution.

### **Introduction to Methodology**

This lesson introduces students to the text of the 5<sup>th</sup> amendment of the US Constitution and allows them to read and interpret what they think it means. Students work in groups to form this opinion and then justify it to the class. The class then classifies the opinions as either loose or strict and completes a modified Frayer Model as an assessment.

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## Terms and Concepts Introduction

**Strict Interpretation:** The Constitution states that the government of the United States holds only those powers specifically granted to it by the Constitution.

**Loose Interpretation:** The Constitution implies that the government of the United States holds all powers that are not specifically denied to it by the Constitution.

## Setting the Stage and Opening Questions

Begin the lesson by showing the following video clip.

[https://www.youtube.com/watch?v=ERm\\_WNxGs1U](https://www.youtube.com/watch?v=ERm_WNxGs1U). After the video has finished, say to the students, **“Today, we are going to be talking about the Constitution, more specifically, the 5<sup>th</sup> amendment.”** Show text of the 5<sup>th</sup> amendment on the white board. **“By the end of today’s lesson, I hope that you will gain an understanding of the 5<sup>th</sup> amendment by stating your interpretation of it, as well as understand that the Constitution can be interpreted in either a strict or loose manner. You also should be able to read other examples of people’s interpretations of amendments and classify those as loose or strict. To get started, take out a piece of paper and write down everything you can think of that is related to the 5<sup>th</sup> amendment. If you aren’t sure what the Fifth Amendment is, I’ve displayed it on the board. You also saw some examples of this amendment in action in the video.”** Allow students to write their information, and then have students share what they wrote with the class.

## Experience

After the students have shared what they know about the 5<sup>th</sup> amendment, pass out their handout and say: **“Before we go any further, we need to understand the difference between a loose interpretation and a strict interpretation of the Constitution. To do this, we are going to watch another short video clip. On the top of your handout, there is a place to take notes on what each interpretation means. As you watch, take notes so you can refer back to them later.”**

Show this video clip: [https://www.youtube.com/watch?v=nvHcWmC4\\_eM](https://www.youtube.com/watch?v=nvHcWmC4_eM)

After students have watched the clips, ask a few students to share what they wrote down for their definition of each. Correct students as needed.

After students have shared their definitions, break the students into groups of 4 and say, **“Now it’s your turn to take a stab at interpreting an amendment of the Constitution. Within your group, read and discuss the 5<sup>th</sup> amendment, and then work as a group to come up with an interpretation of that amendment. Once you have consensus among your group members, design a PowerPoint slide and prepare a short 30 second explanation as to why you formed that opinion.”**

Allow students to work among their group to form an opinion and design their slide and justification.

## Tips for Engagement

When working in groups, some students may have differing points of view. If you notice this, explain to the groups that this often happens outside of the classroom as well, and they should all respectfully discuss the issues and try to reach an agreement.

## Share

As students are finishing their slides, say **“As you finish your slide design, move to your handout and fill out the top two sections of the organizer. In the top section, write your group’s opinion on the amendment, and in the middle section, identify whether or not it is a strict or loose interpretation and why you feel that way.”**

As students complete their slides, compile them and prepare them for presentation.

## Process

Say to the students, **“Now that everyone has the slide completed, each group will come up and present their interpretation and give their explanation as to why they chose that interpretation.”**

Allow groups to present their slide.

\*\* For this lesson, the process and generalize portions will be completed at the same time.

## Generalize

Say to the students, **“After each group has presented their slide, we will classify that group’s opinion as either strict or loose. If you think it is a strict interpretation, you’ll give a thumbs up. If you think it is a loose interpretation, you’ll give a thumbs down.”**

After each group, select students to explain their justification for their classification and correct any misconceptions.

## Apply

Say, **“Now that you have formed your own opinions, you’ll have a chance to read another amendment of the Constitution and write your own interpretation. In the bottom section of your handout, you’ll write a brief description of the interpretation you wrote and state whether or not it is loose or strict.”**

Allow students to read the 2<sup>nd</sup> amendment and interpret it. Select a few students to share how they interpreted it with the class.

## Life Skill(s)

Communicate accurate information on a given topic to someone else (Head, Thinking)

Select information to include when recording information relevant to a project or task (Head, Managing)

Have positive experiences with those who are different from oneself (Heart, Relating)

## ***Supplemental Information***

### ***Educational Standards Met***

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8<sup>th</sup> Grade Social Studies 8.36- Explain the strict versus loose interpretation of the Constitution and how the conflicts between Thomas Jefferson and Alexander Hamilton resulted in the emergence of two political parties by analyzing their views of foreign policy, economic policy (including the National Bank), funding and assumption of the revolutionary debt.



# Tennessee 4-H Youth Development



Define:

Loose Interpretation

Strict Interpretation

## Interpretation of the 5<sup>th</sup> Amendment

My Opinion

Strict or Loose Interpretation

Other Interpretation

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.

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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.

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