

**Lesson 4.5**

**WHAT MAKES US FREE?: MAINE'S DECLARATION OF RIGHTS**

**Objective:** Students will create their own individual bills of rights after reading and evaluating Maine's Declaration of Rights.

**Materials:**

- **Sheet 4.5:** What Makes Us Free? Student Worksheet
- **Doc 4.5:** Constitution of the State of Maine: Article I, Declaration of Rights, cut into sections.

**Timing:** Three to four class periods

**Background Reading:** Chapter Four, Section Three

**Procedure:**

1. Review Chapter Four, Section Three with the class. Discuss the purpose of a state constitution and a state declaration of rights. Why are these documents important?
2. Brainstorm together what students anticipate should be in a declaration of rights. Ask them questions like the following to spark their ideas:
  - What kinds of rights do you have in your everyday life?
  - Which rights do you think are the most important? Are they rights that everyone should have?
  - Which of these rights do you expect will appear in Maine's Declaration of Rights?
3. Break students up into pairs. Give each pair 1-3 sections of the Declaration of Rights. Divide the sections up evenly among the class.
4. Give each pair enough time to read over their section(s), look up any words they don't know, and fill in their What Makes Us Free? worksheets. When students are finished, ask them to share their sections with the class. See the student worksheet for more details.
5. Debrief with the class, asking questions like the following:
  - What kinds of rights are represented in the in the Maine Declaration of Rights? (i.e. legal rights, civil rights, right to free speech, freedom of religion, etc.)
  - Which rights do you consider the most important?
  - Which rights seem less important?
  - Do any of the rights mentioned affect you on a daily basis?
  - Have any of the rights listed created any controversy, that you know of? Might any?
  - Do you believe any of the rights should be removed from the Declaration of Rights? Which one(s)? Why?
  - Are there any unmentioned rights you think should be added?
  - Do you think the Declaration of Rights does a good job of ensuring our freedom?

- Would we still be free if we did not have some of these rights?
- What do you think makes us free?

6. Homework and/or Portfolio Option: Have students create their own declarations of rights. What do they treasure about their own freedom? What rights do they feel every person should have? They should include at least 10 items.

**Evaluation:** Grade students based on their understanding of their assigned sections and their individual declarations of rights.

**Follow-up Activities:**

- Have students compare Maine's Declaration of Rights to the U.S. Bill of Rights. Is anything redundant? Is anything missing? Do they contradict each other in any way? What does the state provide that the federal government does not? Vice versa? Why do we have both?
- Have students conduct a school-wide survey, asking students and teachers the question: What do you believe are the most basic rights that every free person should have? Students should tally their results, create graphs illustrating the rights people consider the most important, and present their findings to the school. Are all those rights included in Maine's Declaration of Rights?

**Alignment with Learning Results:**

Grade Level: **SECONDARY GRADES**

Content Area: **CIVICS AND GOVERNMENT**

Standard: **FUNDAMENTAL PRINCIPLES OF GOVERNMENT AND**

**CONSTITUTIONS.** Students will understand the constitutional principles and the democratic foundations of the political institutions of the United States.

Performance Indicator: Demonstrate an understanding of the meaning and importance of traditional democratic assumptions such as individual rights, the common good, self-government, justice, equality, and patriotism.

Grade Level: **MIDDLE GRADES**

Content Area: **CIVICS AND GOVERNMENT**

Standard: **RIGHTS, RESPONSIBILITIES, AND PARTICIPATION.**

Students will understand the rights and responsibilities of civic life and will employ the skills of effective civic participation.

Performance Indicator: Evaluate and defend positions on current issues regarding individual rights and judicial protection.

Grade Level: **MIDDLE GRADES**

Content Area: **CIVICS AND GOVERNMENT**

Standard: **PURPOSE AND TYPES OF GOVERNMENT.**

Students will understand the types and purposes of governments, their evolution, and their relationships with the governed.

Performance Indicator: Explain the history and functions of Maine state government including the Constitution of Maine.

Grade Level: **MIDDLE GRADES**

Content Area: **CIVICS AND GOVERNMENT**

Standard: **FUNDAMENTAL PRINCIPLES OF GOVERNMENT AND CONSTITUTIONS.**

Students will understand the constitutional principles and the democratic foundations of the political institutions of the United States.

Performance Indicator: Explain the importance, in a pluralistic society, of having certain shared political values and principles.

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**WHAT MAKES US FREE?: MAINE'S DECLARATION OF RIGHTS**

Most of us consider ourselves to be free citizens living in a free state in a free country. We tend to take our freedom for granted. But have you ever stopped to think about what exactly makes us free? You have been assigned part of Maine's Declaration of Rights. Read your section carefully. Take your time--some of them are hard! Answer the following questions about your section(s).

Section Number(s): \_\_\_\_\_

1. List any words that are new to you. Look them up and write their definitions in the space below.

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2. Write the meaning of your section(s) in your own words. What is it really saying?

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3. Imagine that the rights in your section(s) were not listed in Maine's Declaration of Rights. What might happen? Would people's freedom be limited?

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4. Do you consider your section(s) of the Declaration of Rights to be an important basic right? Why or why not?

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## CONSTITUTION OF THE STATE OF MAINE

### Article I. Declaration of Rights.

**Section 1.** Natural Rights. All people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

**Section 2.** Power inherent in people. All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

**Section 3.** Religious freedom; sects equal; religious tests prohibited; religious teacher. All individuals have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no person shall be hurt, molested or restrained in that person's liberty or estate for worshipping God in the manner and season most agreeable to the dictates of that person's own conscience, nor for that person's religious professions or sentiments, provided that that person does not disturb the public peace, nor obstruct others in their religious worship;--and all persons demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws, and no subordination nor preference of any one sect of denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this State; and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.

**Section 4.** Freedom of speech and publication; libel; truth given in evidence; jury determines law and fact. Every citizen may freely speak, write and publish sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; and in prosecutions for any publication respecting the official conduct of people in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels, the jury, after having received the direction of the court, shall have a right to determine, at their discretion, the law and the fact.

**Section 5. Unreasonable searches prohibited.** The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized, not without probable cause--supported by oath or affirmation.

**Section 6. Rights of persons accused.** In all criminal prosecutions, the accused shall have a right to be heard by the accused and counsel to the accused, or either, at the election of the accused;

To demand the nature and cause of the accusation, and have a copy thereof;

To be confronted by the witnesses against the accused;

To have compulsory process for obtaining witnesses in favor of the accused;

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity. The accused shall not be compelled to furnish or give evidence against himself or herself, nor be deprived of life, liberty, property or privileges, but by judgment of that person's peers or the law of the land.

**Section 6-A<sup>1</sup>. Discrimination against persons prohibited.** No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of that person's civil rights or be discriminated against in the exercise thereof.

**Section 7. No person to answer to certain crimes but on indictment; exceptions; juries.** No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, or in such cases of offenses, as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger. The Legislature shall provide by law a suitable and impartial mode of selecting juries, and their usual number and unanimity, in indictments and convictions, shall be held indispensable.

**Section 8. No double jeopardy.** No person, for the same offense, shall be twice put in jeopardy of life or limb.

**Section 9. Sanguinary laws, excessive bail, cruel or unusual punishments prohibited.** Sanguinary laws shall not be passed; all penalties and punishments shall be proportioned to the offense; excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

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<sup>1</sup>This section was not part of the original Declaration of Rights in 1820.

**Section 10.** Bailable offenses; habeas corpus. No person before conviction shall be bailable for any of the crimes which now are, or have been denominated capital offenses since the adoption of the Constitution, when the proof is evident or the presumption great, whatever the punishment of the crimes may be. And the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

**Section 11.** Attainder, ex post facto and contract-impairment laws prohibited. The Legislature shall pass no bill of attainder, ex post facto law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate.

**Section 12.** Treason; testimony of 2 witnesses. Treason against this State shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of 2 witnesses to the same overt act, or confession in open court.

**Section 13.** Suspension of laws. The laws shall not be suspended but by the Legislature or its authority.

**Section 14.** Corporal punishment under military law. No person shall be subject to corporal punishment under military law, except such as are employed in the army or navy, or in the militia when in actual service in time of war or public danger.

**Section 15.** Right of petition. The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request, of either department of the government by petition or remonstrance, redress of their wrongs and grievances.

**Section 16.** To keep and bear arms. Every citizen has a right to keep and bear arms and this right shall never be questioned.

**Section 17.** Standing armies. No standing army shall be kept up in time of peace without the consent of the Legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

**Section 18.** Quartering of soldier on citizens. No soldier shall in time of peace be quartered in any house without the consent of the owner or occupant, nor in time of war, but in a manner to be prescribed by law.

**Section 19.** Right of redress for injuries. Every person, for an injury inflicted on the person or the person's reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay

**Section 20.** Trial by jury. In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practiced; the party claiming the right may be heard by himself or herself and with counsel, or either, at the election of the party.

**Section 21.** Private property, when to be taken. Private property shall not be taken for public uses without just compensation; nor unless the public exigencies require it.

**Section 22.** Taxes. No tax or duty shall be imposed without the consent of the people or of their representatives in the Legislature.

**Section 23.** Title of nobility prohibited; tenure of offices. No title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or confirmed, nor shall any office be created, the appointment to which shall be for a longer time than during good behavior.

**Section 24.** Other rights not impaired. The enumeration of certain rights shall not impair nor deny others retained by the people.