



AMERICAN
CONSTITUTION
SOCIETY FOR
LAW AND POLICY

**CONSTITUTION IN THE CLASSROOM
SPRING 2008**

**TEACHING MODULE:
CONSTITUTION BASICS
JUNIOR HIGH/ MIDDLE SCHOOL VERSION**

OVERVIEW OF LESSON PLAN

Introduction: Brief introduction to the Constitution

Part One: “We the People” – Democracy and the Constitution

Part Two: Constitutional Structure

- Why a Constitution
- The Legislative Branch
- Limits on Legislative Power
- The Executive Branch
- The Judicial Branch
- The Need for an Independent Judiciary
- Separation of Powers/ Federalism

Part Three: Individual Liberty & the Bill of Rights

Part Four: The Fourth Amendment

The lesson plan can be taught in one class, or sections can be highlighted depending on the time and interest of the students.

Handouts are included at the end of the lesson to focus on portions of the constitutional text and cases for class discussion.

Quick Constitution Quiz

Let's take a quick quiz on the Constitution. Raise your hands yes or no.

- Yes or no – At the age of 18, will you have the same voting power as the President, Donald Trump, and Jay-Z?
- Yes or no – Will you automatically get a free lawyer if you are charged with a crime?
- Yes or no – Can you peacefully criticize the government – by writing, speaking, or organizing?
- Yes or no – Can the police search your house without a very good reason?

Did you know that all of those rights come from one document? -- They all come from the United States Constitution.





A Constitutional Gift

How many of you know that the Constitution gave you a very special gift? Each one of you sitting here in class today shares the same gift – the gift of a democratic system of government that respects individual liberty.

How many of you know that this “gift” comes with one requirement? Does anyone know the requirement? – **The requirement is that you learn about it.**

To be a good citizen, you need to know the Constitution. Today's class is to understand the Constitution.

The Constitution is the founding document for our nation. It created the federal government we have today and it guarantees your most important rights and freedoms.

Today's class is to understand the basics of the Constitution. We are going to learn about the type of democratic/republican form of government. We are going to learn about how the power is split between different branches of government and the fifty states. We are going to learn about your constitutional rights and responsibilities.



Part I – We the People & Democracy

The Constitution begins with the words “We the People.” Look around the class right now Who are the “People” the Constitution is talking about? The answer is you!

Preamble – Handout 1

“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 of the United States of America.”

Quick Quiz – Handout 2

Who are the “We” in We the People?

- High school students
- Middle school students
- Rock Stars
- Property Owners
- Immigrants
- Lawyers
- Parents
- Politicians

The answer is all Americans.

THE POWER OF THE PEOPLE = OUR DEMOCRACY

The Issue – Democratic Power

Where does the power of government come from?

Right now you are sitting in class together. You are each individuals with your own rights, personalities, and goals. If you decided you wanted to form a group to run the School – if you wanted to create a set of rules for the School – a “School Constitution,” you know that you would have to begin with you.

It sounds obvious, but the power of the rules comes from you. If you help create the School rules, you give them legitimacy. By legitimacy we mean that you are more likely to follow the rules if you help create them and also that those rules are more likely to reflect you values and beliefs than if someone else made them.

Discussion on Democratic Legitimacy – Quick Quiz – Handout 3

Let’s say someone had to make rules about how to run the class. Which type of rules or ways of creating rules would you most want to follow?

- Rules that were developed by a single person without getting advice from anyone else?
- Rules that were developed by a single person from a different country?
- Rules that were randomly picked out of a hat?
- Rules that were determined by the students themselves who all voted on the best rules?

Why is your answer number four? Why does it seem most fair?

The simple lesson – that the power of government starts with you – is the central lesson of the Constitution. “We the People” means you.

The History

Our government was founded on principles of democratic self-rule – that the people would govern themselves. The American Revolution and the Declaration of Independence were responses to the concern that citizens could not rule themselves. Our War of Independence was a war for democratic self-determination.

Part II – THE NEED FOR A CONSTITUTION

The Issue – Why a Constitution

Why do we need a Constitution? As you sat and discussed the need for rules, how would you maintain those rules? Would you write them down? Would you agree on an organizing structure? Who would decide within the democracy? How would they decide? These were the questions that led to the formation of a Constitution.

The Discussion – Creating a School Constitution

Imagine that your class is a state in the larger country of the entire school. Just like America has 50 States, your school has numerous classes making up the school. Consider each class group is its own State – so Ms. Smith's homeroom is the Smith State, and Third Period History is History State. The school is its own country.

- How many classes are there in your school?
- That means there are __ number of states in your School Country.

Who gets to make the rules? Should each class get one vote in the running of the school? Should the class with the oldest students get more votes? Should the biggest or the smartest class get more votes? How would you decide?

The History

At the time of the founding of the Constitution, America was made up of separate states held together in a loose alliance. Each State had its own government, and they were of different sizes and different levels of development. In coming together to create a federal government under the United States Constitution the states had the same problem you did in deciding on the rules of who gets to decide the rules.

Some States thought they should have more power because they were bigger, or had more people, or had developed a smarter and more developed economy. Other States thought everyone should have the same power no matter their size or smarts. They all agreed, however that it was necessary to have set rules, written down and agreed on by all parties. It was necessary to figure out who would make the rules, who would enforce the rules, and who would interpret them.

This was the reason why they needed a Constitution.

THE LEGISLATIVE BRANCH

The Issue – How do you distribute power to make the rules?

In deciding how to distribute power among the classes, the first question is how do you do it? Power in this case means who can vote on the rules of the school.

The Discussion – Creating a School Congress

Imagine that your classroom is asked to be part of the process of deciding the rules of the school.

Should a class with twice as many students have twice as much power?

You probably could understand why the smaller class would be worried about this arrangement. They want their own power. The question is – how do you develop a rule-making group that can balance these different interests?

The History

This was the dilemma of a young America. Bigger states that had lots of people thought they should have more power and more votes. Smaller states that fewer people did not want to give up their own power. A compromise was required.

The compromise was to have a legislature that had two places of decision. In one part, everyone would have an equal vote. In the other part, the votes would be divided up by population. This is our United States Congress which has a Senate and House of Representatives.

The compromise is embodied in Article I of the United States Constitution.

Article 1 – Handout 4

“All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

Article I of the Constitution deals with who gets to make the rules. The Constitution includes the United States Congress with a Senate made up of 100 Senators (two from every state), and the House of Representatives (435 divided based on the population). In order to write a federal law, both the Senate and the House have to agree on it.

LIMITS ON LEGISLATIVE POWER

The Issue – How do You Limit Legislative Power

Now the question is what sort of power should this School Congress have?

The Discussion – Why Limit Power

Remember before you had a School Congress you each had your own power as an individual class. You could decide things the way you wanted to decide them.

Should the new School Congress have all the power? Should they be able to do whatever they want, or should they only be able to act in ways that you allow? For example, should the new School Congress be able to vote themselves A+ grades? Should they get double recess periods? Or should they only be allowed to vote on rules that benefit the whole school?

The History

This was the problem of the young States and young Congress in early America. Most States had been happy being States. They passed their own laws, collected taxes from citizens, and did not want to give up all of their power to a federal government. Thus, when they wrote the Constitution they were clear only to give the new federal government certain limited powers. The reason for this was they wanted to leave the States with enough power to protect the individuals who lived there. As we will discuss later, the citizen is protected by a double protection of federal and state governments.

Article I lists some of the powers that were granted to the new federal Congress. You will see that they are the types of power that make running a large country with a lot of people a lot easier.

For example, in terms of an economy, Article 1 allows Congress “to coin money,” “to regulate commerce” and collect taxes. In terms of communication over a large area, Article 1 establishes “Post Offices and post roads.” In terms of national defense, Article 1 allows Congress to declare War, and creates an army and navy.

THE EXECUTIVE BRANCH

The Issue – Who Executes the Laws?

It is hard enough to create the laws of a school or country, but who administers them?

The Discussion – Why a President?

For example, let say that as a School Congress you create a new rule – NEW RULE **In order to leave any class for any reason, you need to raise your hand and then get written permission from the teacher.** (handout 5) The rule is agreed to by both your school Senate and school House of Representatives.

Who then should administer the rule – who should make sure that people are following the rules?

The History

The writers of the Constitution thought that the person who administers the rules should be separate from the person who writes the rules. Coming out of the British tradition of Kings and tyranny, the Founders did not want there to be a king who could both write the rules and administer them. Instead, they wanted a leader who would execute (follow though) the rules created by the legislative branch. That leader is the President.

Article II of the Constitution creates the Executive Branch headed by the President of the United States.

Article II – Handout 6

“The executive Power shall be vested in a President of the United States of America.” Article II, United States Constitution

The President is elected by the people through a group of representatives called the Electoral College. The President is the head of the executive branch. The Constitution gives the President the power over the military, to make treaties (agreements) with other countries, and with the advice and consent of the Senate to appoint ambassadors, public ministers, and judges of the Supreme Court. In addition, he is the head of the executive branch of government, overseeing all of the various federal government agencies. The President has to sign the laws passed by the Congress for it to become law.

Quick Quiz

- How many U.S. Presidents helped create and signed the Constitution?

○ Answer: Two. George Washington and James Madison.

THE JUDICIAL BRANCH

The Issue – Why an Independent Judiciary

If the legislature makes the rules, and the executive enforces the rules, who interprets what the rules/laws mean? What if someone does not know how the law should be applied? Or even whether the legislature was empowered to make the rule?

Discussion – the Case of Joe Citizen

So your School Congress created a rule about raising your hand and then getting written permission from the teacher to leave class. You have all elected one person to be the President of the School to enforce that rule and all the other rules decided by your “representative” class government.

Now as you sit here, imagine that one of the students in the back row – Joe Citizen – decides they have to leave class right now. Maybe Joe leaves because he cannot stand another word about the Constitution, or maybe he wants to go to the nurse, or bathroom, or get a drink of water. Joe raises his hand, and after the teacher tells Joe he can “leave quickly, but come right back” he runs out of the class. There is no written note.

Remember you were part of the school legislature that created the law that Joe just broke. Your President is responsible for punishing Joe for breaking the rule. Does it make sense for either of you to be the judge? Or should there be a third party – an independent person to make the decision about whether the rule was broken, who had not written the rules and whose job it was not to enforce the rules.

The History

The Founders believed that there needed to be an independent third branch of government. That third branch is called the judiciary and is composed of the Supreme Court and other federal courts. The federal court system is expected to interpret what the law and even what the Constitution means.

Further Discussion on the Judiciary – the Defense of Joe Citizen

Why is an independent judiciary important?

For example, Joe might argue that because he got permission from the teacher after raising his hand he did not need written permission because he was only going out quickly and would be right back. Joe might seek to persuade a court that the purpose of the law was to make sure that the teacher gave permission to the student, and that the writing was just a formality. Since, Joe did raise his hand and get permission, he might argue that he complied with the rule.

Or, Joe might challenge the law itself. Joe might say that the School Constitution did not provide any power to make rules about when and how one left for the bathroom and that YOUR rule violated the School Constitution because you were acting without power.

Think again about the role of an independent decision maker and why it is so important. Imagine Joe telling you – the very writer of the law – that you didn't have the power to write it. You can imagine that if you were also the interpreter of the law, you might disagree with Joe and tell him he is guilty of breaking the rule. But what if you really didn't have power? Isn't it safer to have someone independent make the decision?

Our Founders thought so, and thus wrote Article III that gives power the judiciary to interpret the law.

Article III – Handout 7

**“The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.”
Article III, United States Constitution**

Quick Quiz

- Who is the Chief Justice of the Supreme Court? John Roberts
- Name the other Justices? John Paul Stevens, Antonin Scalia, Anthony Kennedy, David Souter, Clarence Thomas, Ruth Bader Ginsburg, Stephen Breyer, Samuel Alito

SEPARATION OF POWERS

As you can see there are three branches of government: the legislative, the executive, and the judiciary.

Let's review why the Founding Fathers thought it necessary to divide power among three separate branches of government.

One of the principles of our government is that power should be split to prevent a single person or group from controlling things. The Founders were concerned that a single person or group might take all the power, so they made sure there were checks and balances on each branch of government.

FEDERALISM

In addition to dividing the power of government between three separate branches, the Constitution also divided power between the federal government and the States.

Every State in America has its own state legislature, Governor, and court system. States also have their own Constitutions. Thus there are parallel state and federal systems.

The reason for this division is similar in practice to the division between the three Branches of government. As someone living in a State in the United States you have two sets of constitutional protections from your government. You have your state protections and your federal protections. In terms of sharing power, the United States Constitution creates a limited federal government with specific written powers. All other power is retained by the States and the citizens in those states – this is called “federalism.”

Part III – INDIVIDUAL LIBERTY

What are your constitutional rights? Where do they come from? How are they protected?

Let's go back to the beginning. When you walked into the class, before the School Constitution, before you elected a President or anything, you walked in as yourself. You had your own thoughts, you could express yourself, you were free, no one was searching your bag, or throwing you in jail, you were not compelled to say things that you did not want to say, you could believe in God or not, you could write what you wanted to, and read what you wanted to, and you could live your own life happy and free.

Joining in the creation of the Constitution did not change your right to keep "the Blessings of Liberty." But it could. What if your new Class Congress decided that from this day forward no one could ever say the word "democracy" again? What if the new Class Congress required the President to review and sanction everything you wrote? The freedoms you walked into class with would be lessened.

This fear of government interference with individual freedom was central to the Constitution. The Founding Fathers wanted to guarantee that the government could not invade the liberty and privacy of the people.

To protect the people they built in the limitations of government power in the Constitution, and they passed the Bill of Rights. The Bill of Rights consists of the first 10 Amendments to the Constitution. With the Fourteenth Amendment, passed after the Civil War, they exist as the source of our constitutional protections.

BILL OF RIGHTS

The First 10 Amendments cover all sorts of freedoms.

- Freedom of religion.
- Freedom of speech.
- Freedom of the press.
- Freedom to assemble.
- Freedom to petition the government.
- Right to bear arms.
- Right to be free from unreasonable searches and seizures.
- Right against self-incrimination.
- Right to a jury.
- Right to counsel.
- Right to be free from cruel and unusual punishment.

Exercise:

- What do you think are the most important protections for individuals? The right to be free? The right to think freely? The right to believe in God? The right to be treated fairly?
- If you were going to create a Bill of Rights, what would you include?
- How would you prevent a government from interfering with those freedoms?

* Created by Andrew G. Ferguson, co-author Youth Justice in America (CQ Press 2005) and ACS Member.

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- Politicians

Quick Quiz – Handout 3

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Article I – Handout 4

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Handout 5

NEW SCHOOL RULE

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Article II – Handout 6

“The executive Power shall be vested in a President of the United States of America.”
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Article III – Handout 7

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