

# AMERICAN CONSTITUTION SOCIETY (ACS) CONSTITUTION IN THE CLASSROOM THE RIGHT TO VOTE

ELEMENTARY (2-5) SCHOOL CURRICULUM — SPRING 2016

## Lesson Plan Overview

The purpose of this lesson plan is to provide elementary school students with a basic understanding of the Constitution and the right to vote. Topics include what it means to vote, the history of voting rights in the United States, which types of votes are constitutionally protected, and certain efforts to restrict people's right to vote.

Note: times are approximate. You may or may not be able to complete this lesson within the class period.

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## Introduction (3-5 minutes)

Briefly introduce yourself and explain what you do as an attorney in an age-appropriate way (for example, a public defender may say, *I defend people who are accused of breaking the law to make sure that they get a fair trial*; a prosecutor may say, *I make sure that people are safe by putting lawbreakers in prison*). Go around the room and have the students introduce themselves.

## Background (10 minutes)

### **What is voting?**

Are you ever with a group of your friends and you all want to play together, but people want to do different things (e.g. tea party, house, kickball, dodgeball, tag, etc.)? Let's say your teacher said you could have recess for the whole day, but everyone in the class had to agree to only play one game. How would you decide what to play?

### Exercise: Recess Game Vote

Ask students what they'd want to play and write the answers on the board and put a number next to each answer. Pass out slips of paper and ask students to write the number of the game they'd like to play. Ask them to place it in a box/bowl/hat. Tally the votes and announce the winner.

This is voting. It is a fair way to decide what groups should do.

### Optional Exercise - Alternative Ways to Vote:

Explain that there are other ways to vote (scream the loudest, raise hands) and ask why you asked them to write down their answers and put them in the box.

Explain that screaming wouldn't necessarily be fair because some people may be louder and some may be quieter. Raising hands could work, but what if a bully said she'd beat up anyone that didn't vote for her favorite game?

By writing down your vote and putting it in a box with all the others, no one knows who you voted for unless you tell them.

## **What is the Constitution?**

The Constitution sets up the government of the United States and guarantees certain freedoms, called rights. It is the highest law in the land. It is illegal to pass a law that conflicts with the constitution.

The first part of the constitution created the Congress. *Does anyone know what Congress is and what it does?* [Congress is the Senate and the House of representatives. It is called the "legislative branch" because Congress creates the laws.]

The second part of the constitution created the President. *Who is the President? What does he do?* [The President carries out the laws. (S)he is part of the "executive branch" because (s)he executes the laws.]

The third part of the constitution created the Supreme Court. *What is the Supreme Court and what does it do?* [The Supreme Court is made up of nine people who decide whether the laws that Congress passes and the actions the President takes are allowed by the Constitution].

*Can you name some of the rights/freedoms guaranteed by the Constitution?* [freedom of speech, freedom of religion, right to vote].

### Voting Rights in the Constitution (30 minutes)

The right to vote is at the core of a democratic government. It ensures that the people get to choose their leaders. Therefore, it is no surprise that more of the Constitution is dedicated to the right to vote than any other topic.

#### Exercise: Voting Rights History

Ask the students to self-segregate into five, evenly numbered groups (ideally with as many of their friends as possible). Pass out one color card to each student and each self-segregated group should receive the same color. Explain that there are five different color cards: red, white, blue, green, and gold. Red cards stand for white, landowning, men. White cards stand for all men, regardless of race, color, or land holdings. Blue cards stand for women. Green cards stand for people who are 18 years old. We will get to gold cards in a moment.

Explain that, when the Constitution was written, only white landowning men could vote. Go back to the list of games from the introduction and only allow students with red cards to vote (for expediency, you can allow students to raise hands this time).

Explain that in 1870, after the Civil War, the 15th Amendment was passed protecting the right to vote for all men, regardless of race or color. Repeat the voting exercise allowing red and white cardholders to vote.

Explain that in 1920, after a long fight, the 19th Amendment was passed, protecting the right to vote for women. Repeat the voting exercise allowing red, white, and blue cardholders to vote.

Explain that in 1971, the 26th Amendment was passed, protecting the right to vote for anyone who was 18 years old or older. Repeat the voting exercise allowing red, white, blue, and green cardholders to vote.

INSERT GOLD CARDS HERE

Did the results change as more people were allowed to vote? Why do you think that is?

#### Exercise: Who Can You Vote For

The Constitution only protects the right to vote in certain elections, but not all elections. First, let's explore some examples of things you can vote for that may or may not be protected by the Constitution. [Draw two columns on the board: "Guaranteed/Protected by the Constitution" and "Not Guaranteed/Protected by the Constitution"]. Go around the

room and ask students which column the following should be in (encourage them to guess if they don't know):

NOTE: these are provided in appropriate columns, but mix it up for the class! Also, feel free to supplement this list with your own ideas.

<b>Guaranteed/Protected by the Constitution</b>	<b>NOT Guaranteed/Protected by the Constitution</b>
<ul style="list-style-type: none"> <li>● President of the United States</li> <li>● US Senators from your state</li> <li>● Congressional representatives from your state</li> <li>● Candidates for President</li> </ul>	<ul style="list-style-type: none"> <li>● President of Mexico</li> <li>● US Senators from another state</li> <li>● Congressional representatives from another state</li> <li>● Contestants on American Idol</li> <li>● Class president</li> <li>● Major League Baseball All-Stars</li> <li>● Supreme Court Justices</li> <li>● Laws</li> </ul>

Now, let's explore why you don't have the right to vote for everything. Let's think back to the exercise about what game to play during recess. Let's say five of your classmates were out sick that day and wouldn't be able to play in the game. Should they be allowed to vote? Why or why not? It doesn't make sense to allow people to vote for things that won't affect them. With that in mind, let's go through this list again and see if it makes more sense. *Alternatively, you can discuss this before the exercise and ask that students explain their answers, like "the right to vote for President of the US is guaranteed by the constitution because I do have a stake in the outcome," or "the right to vote for President of Mexico is not guaranteed by the constitution because I do not have a stake in the outcome" and discuss after each one.*

#### Restrictions on Voting (15-20 minutes)

Even though the Constitution protects the right to vote, some people have tried to control the outcome of elections by stopping certain people from voting, or by making their vote count less than other people.

#### **Poll tax**

One way that people have tried to control the outcome of elections is by passing laws that make it harder for a certain group of people to vote.

Until the 1960s, Virginia required people to pay money (a "poll tax") in order to vote. What group of people do you think this would keep from voting? Can you think of a good reason why this group shouldn't be allowed to vote? Think back to the voting exercise with the colored cards. Would it be fair if we asked you to pay money before we allowed you to vote?

In 1964, the 24th Amendment to the Constitution was passed. It made it illegal to force people to pay a poll tax in order to vote in federal elections. Two years later, the Supreme Court, in a case called *Harper v. Virginia Board of Elections*, said that even in state elections it is illegal to require a poll tax. As the Court stated, "Voter qualifications have no relation to wealth."

### **Literacy test**

Another way that people tried to stop a group of people from voting was to require them to pass a "literacy test" before they could vote. What group of people do you think this would keep from voting? Can you think of a good reason why this group shouldn't be allowed to vote? Think back to the voting exercise with the colored cards. Would it be fair if we asked you to read something before you could vote?

In 1965, Congress passed the Voting Rights Act, which made it illegal to require people to pass a literacy test in order to vote.

### **Voter ID**

Recently, some states have started to require that a person has a valid identification card (like a driver's license) in order to vote. What group of people do you think this would keep from voting? Can you think of a good reason why this group shouldn't be allowed to vote? Think back to the voting exercise with the colored cards. Would it be fair if we asked you to provide identification before you could vote? Could valid identification requirement help prevent voter fraud?

### **Gerrymandering**

A third way that people tried to limit people's right to vote is by controlling the size and shape of the areas, or "districts," from which members of the House of Representatives are elected. This is a pretty complicated idea, but we have an exercise that will make it easy to understand.

In the beginning of class, we talked about how the Constitution sets up what the government looks like, including the House of Representatives, which is part of Congress. Does anyone remember what Congress does? That's right, Congress *creates* the laws. Each member of the House of Representatives "represents" the people from his/her district in Congress. Remember earlier, in the "who can you vote for" exercise when we said that you can't vote on laws? That's because the people we elect to Congress get to vote on the laws. That's what we mean when we say Congress makes the laws. So it is very important that every person's vote counts the same as everyone else's.

For that reason, when states draw districts there are six things they have to look at:

1. Whether the district is *compact* (districts should be small in size)
2. Whether the district is *contiguous* (a district should be connected - no islands)
3. Whether the district has an *equal population* (each district should have as close to the same number of people as possible)
4. Whether the district *preserves existing political communities* (when changing district lines, try not to change too much)

5. Whether the district has *partisan fairness* (don't draw district lines to favor one political party)
6. Whether the district has *racial fairness* (don't draw district lines to group together people of a certain race)

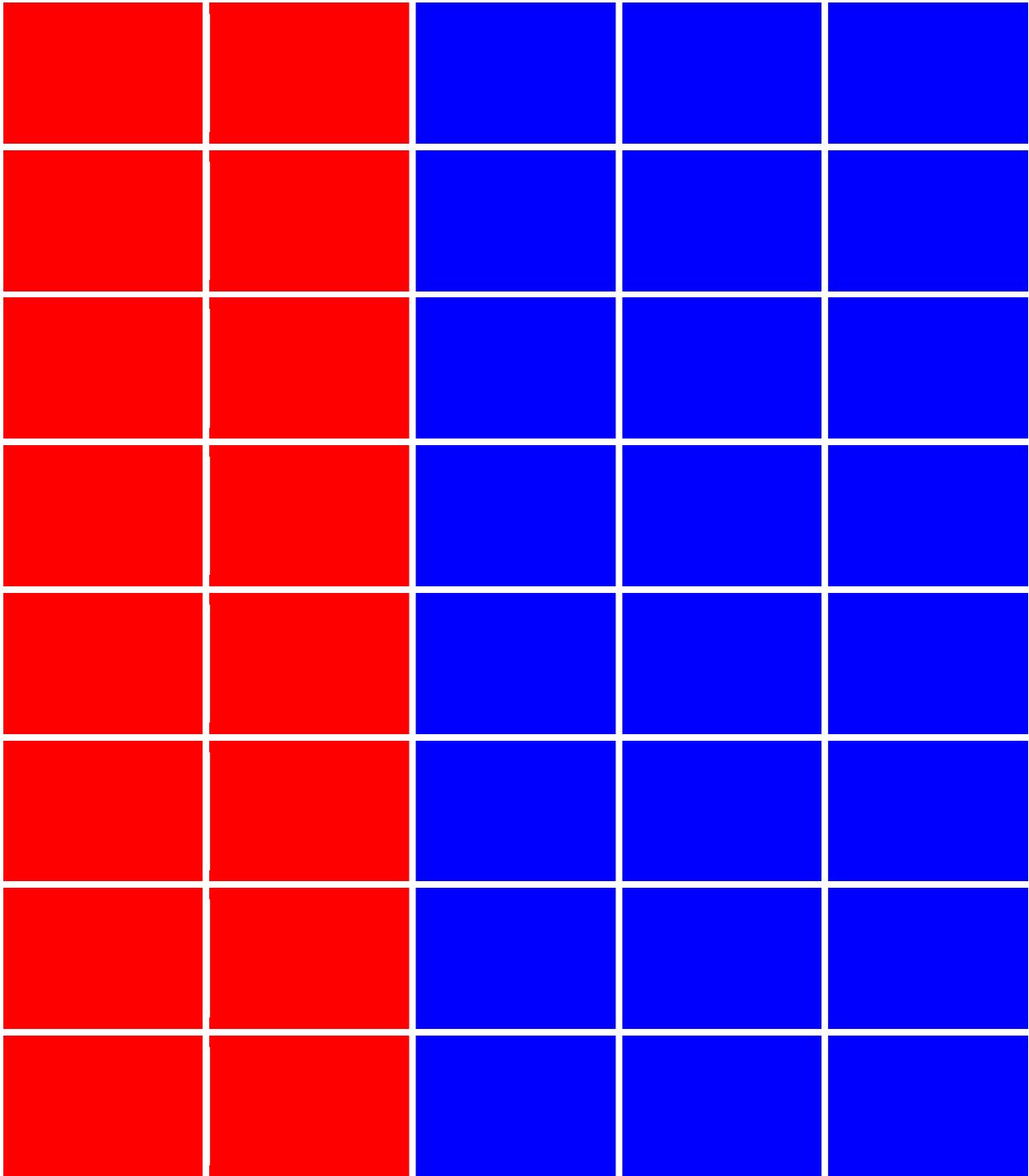
Gerrymandering Exercise (can be done individually or in groups):

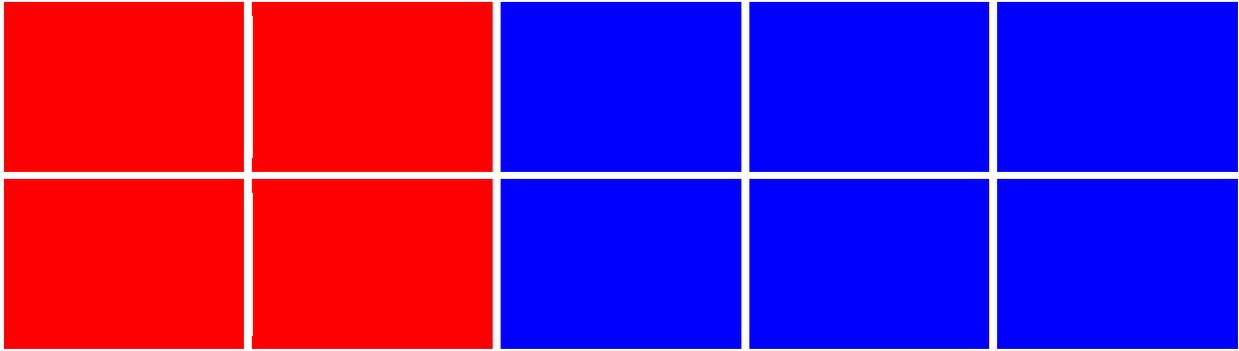
Hand out three Gerrymandering Worksheets to each student or group. Explain that each red and blue rectangle represents an equal population. Ask the students to draw five districts according to the above principles (so that the number of representatives is proportional to the total population).

*Bonus 1:* ask the students to draw five districts so that the blue team is a majority in all five districts.

*Bonus 2:* ask the students to draw five districts so that the red team is a majority in three districts.

# Gerrymandering Worksheet

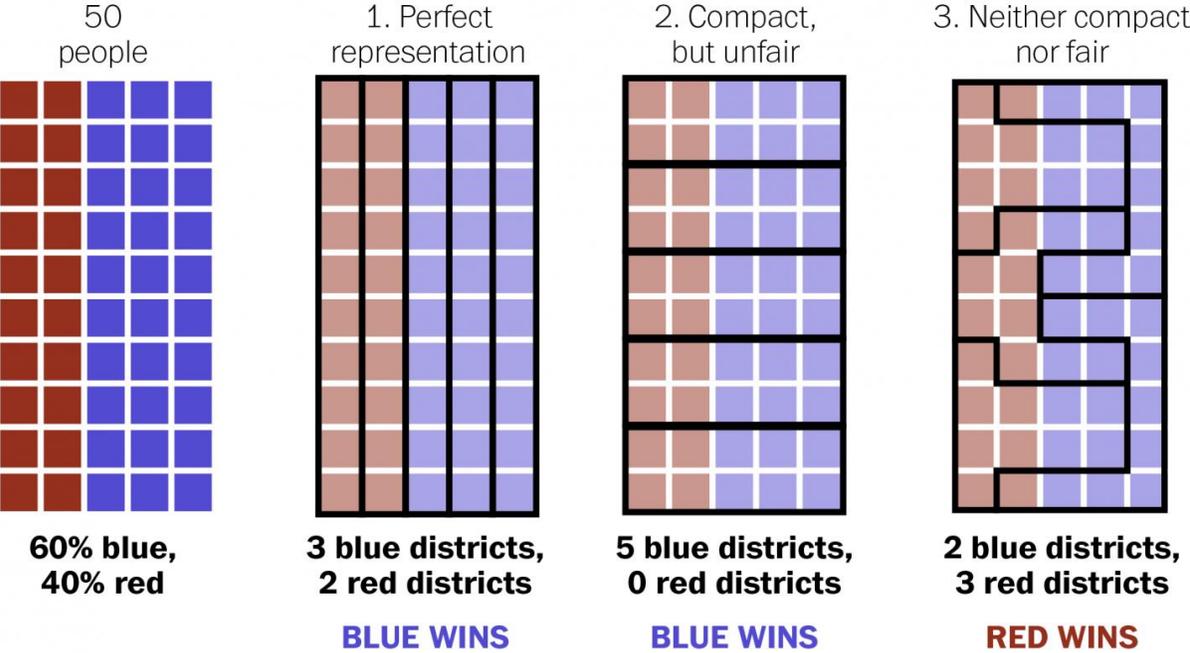




**Gerrymandering Answer Key**

# Gerrymandering, explained

Three different ways to divide 50 people into five districts



## Conclusion

“Nobody will ever deprive the American people of the right to vote except the American people themselves and the only way they could do this is by not voting.” Franklin D. Roosevelt.

Voting remains the most basic and most important method by which people participate in democracy. It allows citizens to pick who represents them in government. That representative then writes, passes, and enforces the laws which influence all our lives. The Constitution, the blueprint for America’s government, guarantees and protects many rights, including the right to vote. In the beginning, only a small, privileged number of people were able to vote. Over the years, the right to vote has expanded from white, land-owning men to all adult citizens, regardless of race, gender, wealth or education. For many, the right to vote was given to them within the lifetime of themselves or their parents.

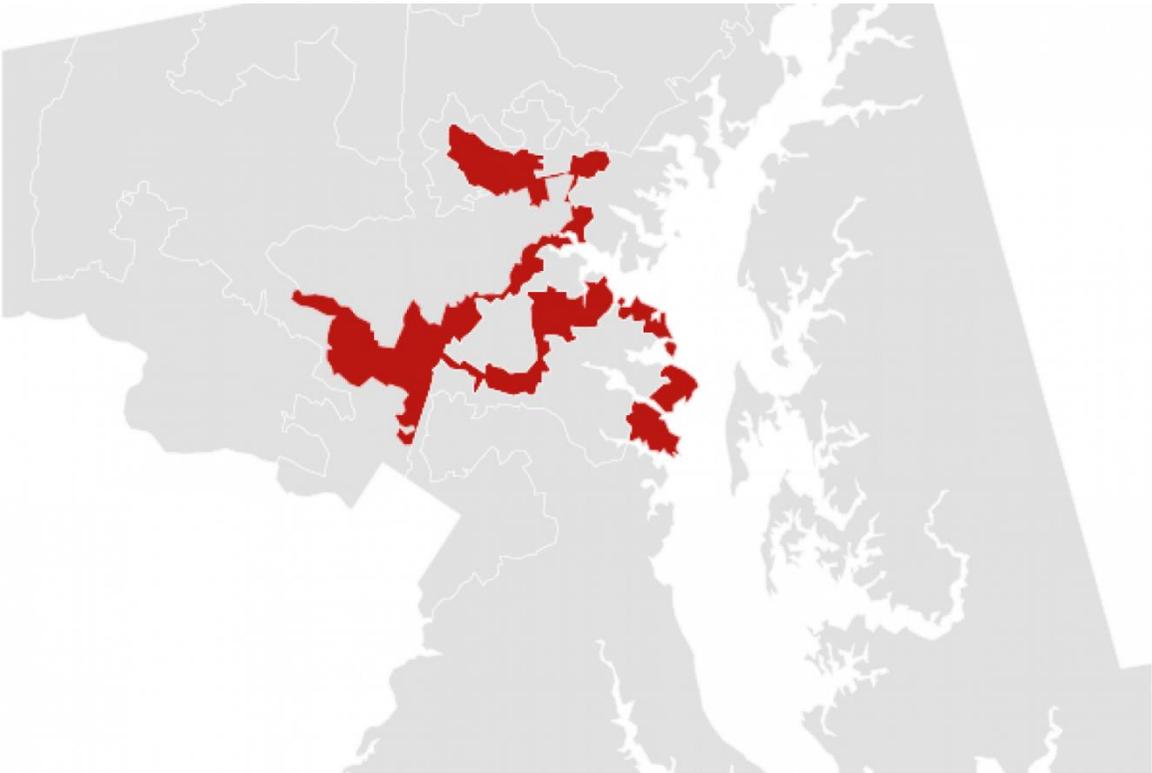
The most important concept to take away from today’s presentation is the right to vote is sacred. Remember when the United States was founded only land owning white men could vote. Since that time, a multitude of people have desperately fought to secure the right for all people to vote. Please vote in every election in your lifetime. Voting matters and your vote counts!

All students who are not currently eligible to vote should encourage their parents to vote in the 2016 elections and should accompany their parents to the voting booths!

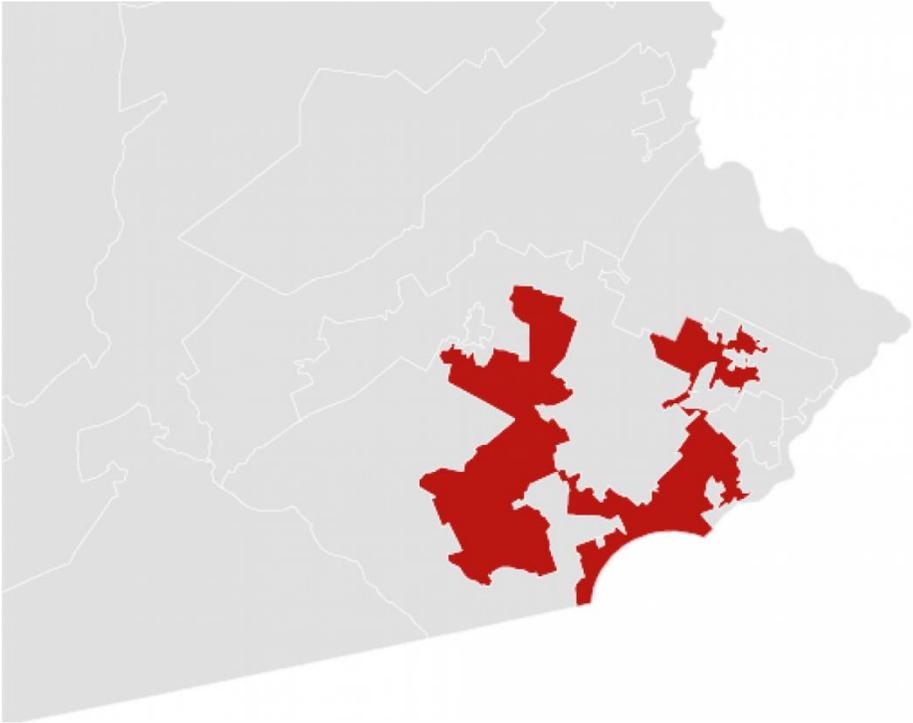
## Appendix

Please use the following three actual Congressional districts and corresponding pictures to supplement your discussion in a manner of your choosing. These materials serve as a stark visual of Congressional gerrymandering in the extreme. As the United States Supreme Court has repeatedly held, these maps are terrific examples of “bizarre” or “Rorschach test” shaped districts. You may lead or conclude the redistricting section of your presentation with the appendix materials. You may choose to provide the appendix materials as a handout for students to take home to serve as a reminder of the complexities of election law.

Maryland 3<sup>rd</sup> Congressional map: Praying Mantis



Pennsylvania 7<sup>th</sup> Congressional map: Goofy Kicking Donald Duck



Texas 35<sup>th</sup> Congressional map: The upside-down elephant

