

LESSON TWO

THE CONSTITUTION OF THE UNITED STATES

Overview

In this lesson, students will study the Constitution from three perspectives, examining its structure, content, and underlying principles. After skimming and making inferences about the Constitution, students will focus on the separate articles: their purpose, content, and underlying ideas. Next, they will jigsaw into new groups and brief each other on their articles. Finally, they will work individually to analyze constitutional principles and locate relevant sections within the Constitution.

“The Constitution is not an instrument for the government to restrain the people, it is an instrument for the people to restrain the government – lest it come to dominate our lives and interests.”

–Patrick Henry

Founding Principles Found in this Lesson

Consent of the Governed
Federalism
Inalienable Rights
Limited Government
Representative Government
Separation of Powers

Critical Engagement Question

What is the purpose of the national government?

Objectives

Students will:

- List the purposes of the seven articles of the Constitution.
- Identify the powers of the legislative, executive, and judicial branches.
- Understand the ways the Constitution protects liberty through:
 - Representative government
 - Limited government
 - Separation of powers and checks and balances
 - Protections of individual rights
 - Federalism
 - Consent of the governed
- Appreciate the ways in which the United States Constitution protects liberty.

Materials

Handouts may have two versions. Version 1 is at a higher level than Version 2.

- **Handout A:** United States Constitution
- **Handout B:** Constitution Cube
- **Handout C:** First Impressions (Versions 1 and 2)
- **Handout D:** Constitutional Connection Cards
- **Handout E:** A Second Study (Versions 1 and 2)
- **Handout F:** Looking Deeper At Philosophy (Version 1 and 2)
- **Handout G:** Governments Around the World
- **Handout H:** Glossary

Time

Two fifty-minute class periods

Background/Homework

10 minutes the day before

- A. Distribute **Handout B: Constitution Cube**. Ask students to assemble it at home and bring it to class next time.
- B. Distribute individual copies of **Handout A: United States Constitution** and **Handout C: First Impressions (Versions 1 or 2)**. Tell students not to read the document, but to answer the questions based only on what they can infer from the way the Constitution is structured on paper.

Warm-Up

20 minutes

- A. Divide your class in half. If you have an odd number of students, you can participate in the activity. Have one half of the class form a circle and face outward. Have the other half of the class form another circle around the first circle facing inward. Make sure that each outer student has an inner student as a partner.
- B. Have the inner student explain their answer to question 1 on **Handout C** to their outer circle partner in 30 seconds to 1 minute.
 1. After time is up, have the outer student share their answer with their partner.
 2. After both students have spoken, have the outer circle shift one student to the right. Repeat the activity for question 2.
 3. Continue shifting until all of the questions have been discussed.
- C. Optional: When the activity is complete, have a brief class discussion about the questions from **Handout C**.

Activity I

30 minutes

- A. Before class, copy and cut out the cards on **Handout D: Constitutional Connection Cards**. (Laminating the cards in advance is recommended.) Make sure there are enough cards for all students. Pass out one card to each student.
- B. Have each student read his/her quotation and assemble into groups with other students who have the same quotation. Each group should have approximately five members.
- C. Distribute **Handout E: A Second Study (Version 1 or 2)**. Have students locate their quotation in the Constitution and then work in their groups to carefully read and explain their sections of the Constitution.

- A. Distribute **Handout F: Looking Deeper at Philosophy (Version 1 or 2)**. Have students read and discuss the quotations taken from their article(s) of the Constitution and decide which Founding principles they reflect. Allow about five minutes for discussion.

Founding Principles:

- Consent of the Governed
 - Federalism
 - Inalienable Rights
 - Limited Government
 - Representative Government
 - Separation of Powers
- B. Next, have students from each original group jigsaw into new groups with one “expert” representing each section of the Constitution. Have students brief each other on the purposes and content of their articles and complete all columns of **Handout E: A Second Study (Version 1 or 2)** from the previous activity.
- C. When **Handout E** is completed, have each group member in turn roll the **Constitution Cube** like a die. Each student should then locate a quotation from any section of the Constitution that reflects the constitutional principle that s/he “rolled.” Have students share their quotations with their group members.
- D. Reconvene the class and ask individual students to share their quotations, making sure to discuss at least one reflecting each of the constitutional principles: limited government, representative government, consent of the governed, inalienable rights, separation of powers/checks and balances, and federalism.

- A. Have each student choose one statement from **Handout F: Looking Deeper at Philosophy (Version 1 or 2)** and write a paragraph explaining how it reveals one or more of the principles of the Constitution.
- B. Have each student find a news story reflecting a constitutional principle and write one paragraph analyzing how it relates to that principle and, specifically, Articles I-VII of the Constitution. Have students find their article from Teaching with Current Events at www.BillofRightsInstitute.org.
- C. Have students find a newspaper editorial or letter to the editor in which the writer claims that a branch of government has exceeded its power under the Constitution. Have students consult the Constitution and write one paragraph explaining whether they believe the author of the editorial/letter is correct.
- D. Have students discuss the Constitution with their families and write a paragraph about the discussion.

Extensions

- A. Have students read the following quotations and explain how they fit into the larger Federalist/Anti-Federalist debate about adding a bill of rights to the Constitution.

I ... affirm that bills of rights, in the sense and to the extent in which they are contended for, are not only unnecessary in the proposed Constitution, but would even be dangerous. They would contain various exceptions to powers not granted; and, on this very account, would afford a colorable pretext to claim more than were granted. For why declare that things shall not be done which there is no power to do? Why, for instance, should it be said that the liberty of the press shall not be restrained, when no power is given by which restrictions may be imposed? I will not contend that such a provision would confer a regulating power; but it is evident that it would furnish, to men disposed to usurp, a plausible pretense for claiming that power.

–Alexander Hamilton, *Federalist 84*, 1788

When the people of England got together, at the time they formed *Magna Charta*, they did not consider it sufficient, that they were indisputably entitled to certain natural and inalienable rights, not depending on silent titles, they, by a declaratory act, expressly recognized them, and explicitly declared to all the world, that they were entitled to enjoy those rights; they made an instrument in writing, and enumerated those they then thought essential, or in danger, and this wise men saw was not sufficient; and therefore, that the people might not forget these rights...Men, in some countries do not remain free, merely because they are entitled to natural and inalienable rights; men in all countries are entitled to them, not because their ancestors once got together and enumerated them on paper, but because, by repeated negotiations and declarations, all parties are brought to realize them, and of course to believe them to be sacred.

– *The Federal Farmer*, 1788

- B. Have students conduct research on at least four other countries to compare their government's structure to that of the United States. See **Handout G: Governments Around the World** for a sample matrix. Constitutions from around the world can be found at <http://www.servat.unibe.ch/icl>.

THE UNITED STATES CONSTITUTION

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 for the United States of America.

The Legislative Branch

Bicameral (two-house) Congress

Election of Representatives

Article I

Section 1. 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.

Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

Election of Senators

Section 3. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Elections and assembly of Congress

Section 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Responsibilities of each house of Congress

Section 5. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Protections for Congress

Section 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office.

The passage of bills

Section 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be

sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Powers of Congress

Section 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules

concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Powers denied to Congress

Section 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

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.

No bill of attainder or ex post facto Law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall

vessels bound to, or from, one state, be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Powers denied to the states

Section 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

The Executive Branch

*Rules for who can be President;
Election of the President and Vice
President*

Article II

Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant

of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each state having one vote; A quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty five years, and been fourteen Years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Powers of the President

Section 2. The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Communication with Congress and other responsibilities of the President

Section 3. He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Removal from office

Section 4. The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

The Judicial Branch

Composition of the Judicial Branch

Jurisdiction (reach) of the Judicial Branch

Definition of treason

Relationship among states

States accept laws and contracts of other states

Article III

Section 1. 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. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more states;—between a state and citizens of another state;— between citizens of different states;—between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Section 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

Article IV

Section 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state.

The rights and responsibilities of U.S. citizenship are the same in all states

And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Admission of new states

Section 3. New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Protection of state governments

Section 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

Constitutional amendments

Article V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which

may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

***Supremacy of the Constitution,
No religious tests for federal
office***

Article VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Ratification of the Constitution

Article VII

The ratification of the conventions of nine states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty seven and of the independence of the United States of America the twelfth. In witness whereof We have hereunto subscribed our Names,

Signatures

G. Washington-Presidt. and
deputy from Virginia

New Hampshire:
John Langdon, Nicholas
Gilman

Massachusetts:
Nathaniel Gorham,
Rufus King

Connecticut:
Wm: Saml. Johnson,
Roger Sherman

New York:
Alexander Hamilton

New Jersey:
Wil: Livingston, David
Brearly, Wm. Paterson,
Jona: Dayton

Pennsylvania:
B. Franklin, Thomas
Mifflin, Robt. Morris, Geo.
Clymer, Thos. FitzSimons,
Jared Ingersoll, James
Wilson, Gouv Morris

Delaware:
Geo: Read, Gunning
Bedford jun, John
Dickinson, Richard Bassett,
Jaco: Broom

Maryland:
James McHenry, Dan of St
Thos. Jenifer, Danl Carroll

Virginia:
John Blair-,
James Madison Jr.

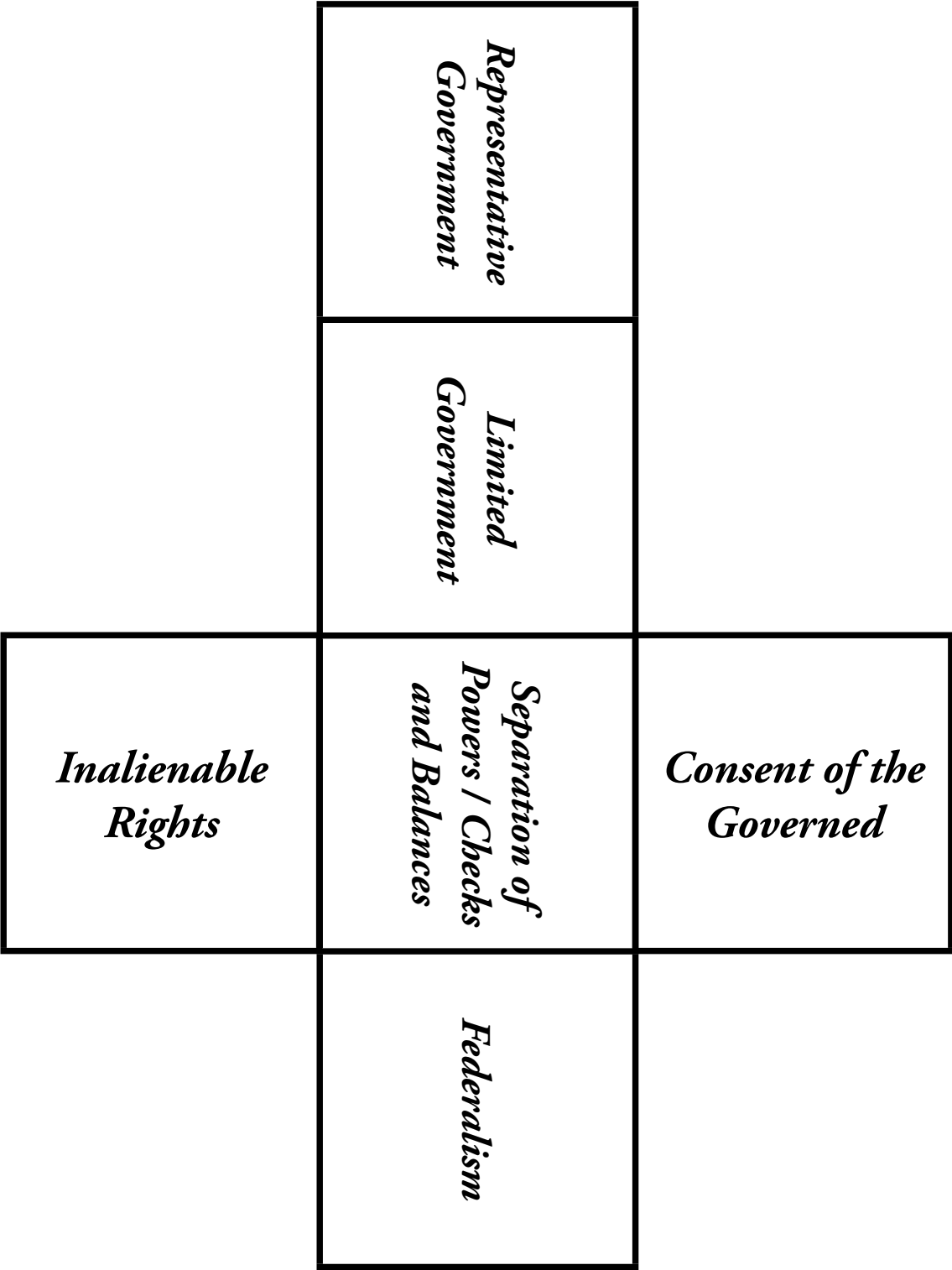
North Carolina:
Wm. Blount, Richd. Dobbs
Spaight, Hu Williamson

South Carolina:
J. Rutledge, Charles
Cotesworth Pinckney,
Charles Pinckney,
Pierce Butler

Georgia:
William Few, Abr Baldwin

HANDOUT B
CONSTITUTION CUBE

Directions: Cut out the cube and tape it together.



FIRST IMPRESSIONS 1

Directions: Using a copy of the Constitution, answer the following questions. Do NOT read the document—just *look* at it.

1. How many separate sections (called Articles) does the Constitution have?
2. How many pages is the Constitution? Is it longer or shorter than you expected? How does the length compare to your school's student handbook?
3. The first article is about the Legislative Branch, the second article is about the Executive Branch, and the third article deals with the Judicial Branch. Without reading the Articles themselves, what can you infer about how the Founders viewed these three branches of government?
4. What can you tell about the Constitution based on the way it is organized?
5. How many people signed the Constitution? Is this number higher or lower than you expected? What do you notice about the makeup of the list of signers?

FIRST IMPRESSIONS **2**

Directions: Look at your copy of the Constitution. Do NOT read the Constitution—just look at it. Then, answer the questions below.

1. How many main sections (Articles) does the Constitution have?
2. How many pages is the Constitution? Did you think it would be longer or shorter? Why?
3. Article I is about the Legislative Branch. Article II is about the Executive Branch. Article III is about the Judicial Branch. Which article is the longest? Does this give you a clue as to which branch the authors believed should be most powerful?
4. What does the organization of the Constitution tell you?
5. How many people signed the Constitution? Did you think the number would be higher or lower? What do you notice about the names?

CONSTITUTIONAL CONNECTION CARDS

Note: Article I is divided into three separate cards.

ARTICLE ONE

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

ARTICLE ONE

“Each House shall be the judge of the elections, returns and qualifications of its own members....”

ARTICLE ONE

“The Congress shall have the power to lay and collected taxes, duties, imposts and excises....”

ARTICLE TWO

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

CONSTITUTIONAL CONNECTION CARDS (CONT.)

ARTICLE THREE

“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 FOUR

“Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other state.”

ARTICLE FIVE

“The Congress, whenever two thirds of both Houses deem it necessary, shall propose amendments to this Constitution....”

ARTICLE SIX

“This Constitution ... shall be the supreme law of the land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the contrary notwithstanding.”

A SECOND STUDY 1

Directions: Read your quotation and locate it within your assigned sections of the Constitution. Read the sections carefully and fill in the chart with a five to six word summary. Then, in your next group, complete the chart.

Article I, A	Article I, B	Article I, C	Article II	Article III	Articles IV and V	Articles VI and VII
Purpose:	Purpose:	Purpose:	Purpose:	Purpose:	Purpose:	Purpose:
Content: Section 1	Content: Section 5	Content: Section 8	Content: Section 1	Content: Section 1	Content: ARTICLE IV Section 1	Content: ARTICLE VI
Section 2	Section 6	Section 9	Section 2	Section 2	Section 2	
Section 3			Section 3		Section 3	ARTICLE VII
Section 4	Section 7	Section 10	Section 4	Section 3	ARTICLE V	

A SECOND STUDY 2

Directions: Read your quotation from the Constitution. Find it in your section of the Constitution. Read your article and sections, then fill in the chart with a short description. In your next group, you will complete the chart.

Article I, A	Article I, B	Article I, C	Article II	Article III	Articles IV and V	Articles VI and VII
Purpose: The powers and responsibilities of legislative branch	Purpose: The powers and responsibilities of executive branch	Purpose: The powers and responsibilities of executive branch	Purpose: The powers and responsibilities of executive branch	Purpose: The powers and responsibilities of executive branch	Purpose: The relationship between states and between federal and state governments.	Purpose: The Constitution is the highest law of the land
Content: Section 1 Rules for how Congress is run Section 2 Section 3	Content: Section 5 Rules for how Congress is run Section 6 Section 7	Content: Section 8 Section 9 Things that Congress can't do Section 10	Content: Section 1 Rules for who can be President; Election of President and Vice President Section 2 Section 3	Content: Section 1 Section 2 Section 3 The definition of treason	Content: ARTICLE IV Section 1 States accept laws and contracts of other states Section 2 Section 3 Section 4 ARTICLE V How to amend or change the Constitution	Content: ARTICLE VI ARTICLE VII

LOOKING DEEPER AT PHILOSOPHY 1

ARTICLE I, A

- a. 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.
- b. The House of Representatives shall be composed of members chosen every second year by the people of the several states...
- c. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

ARTICLE I, C

- a. Congress shall have the power ... To regulate commerce with foreign nations, and among the several states, and with the Indian tribes....
- b. 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. ...No bill of attainder or *ex post facto* Law shall be passed.
- c. No title of nobility shall be granted by the United States...

ARTICLE I, B

- a. ...and for any speech and debate in either House, they (Senators and Representatives) shall not be questioned in any other place.
- b. Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States...
- c. [If the President vetoes a law, it] shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

ARTICLE II

- a. The executive power shall be vested in a President of the United States of America.
- b. Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress...
- c. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States....

LOOKING DEEPER AT PHILOSOPHY (CONT.) 1

ARTICLE III

- a. 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.
- b. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, ... to controversies between two or more states.
- c. The trial of all crimes, except in cases of impeachment, shall be by jury.

ARTICLE VI AND VII

- a. This Constitution ... shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.
- b. ...no religious test shall ever be required as a qualification to any office or public trust under the United States.
- c. The ratification of the conventions of nine states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

ARTICLE IV AND V

- a. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.
- b. The United States shall guarantee to every state in this union a republican form of government....
- c. The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution ... or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments....

LOOKING DEEPER AT PHILOSOPHY **2**

ARTICLE I, A

- a. Legislative powers shall rest in the Congress of the United States, including a Senate and a House of Representatives.
- b. The House of Representatives shall be elected every two years by the states they represent.
- c. The Senate shall be elected every six years, and there will be two Senators for each state.

ARTICLE I, B

- a. The Representatives and Senators cannot be arrested for any speech or debate made during House or Senate sessions.
- b. Every law shall pass both the House of Representatives and the Senate, and then be presented to the President of the United States.
- c. If the President vetoes a law, it must be re-passed by two-thirds of the Senate and House of Representatives.

ARTICLE I, C

- a. Congress shall have the powers to regulate commerce (trade) with foreign nations, between the states, and with Indian tribes.
- b. An arrested person must be brought to court unless there is a rebellion or an invasion that hurts public safety.
- c. No titles of nobility shall be granted by the United States.

ARTICLE II

- a. The executive power shall be held by a President of the United States.
- b. Each state shall appoint electors equal to the members of both houses of Congress to elect the President.
- c. The president shall have the power to make treaties, nominate and appoint ambassadors and other public ministers, Supreme Court Justices, and all other offices of the United States with the advice and consent of the Senate (passed by a two-thirds vote).

LOOKING DEEPER AT PHILOSOPHY (CONT.) **2**

ARTICLE III

- a. The judicial power of the United States shall be held by the Supreme Court and other inferior courts that Congress establishes.
- b. The judicial power shall extend to all cases under the Constitution and in controversies between two or more states.
- c. The trial of all crimes, except impeachment, shall be by a jury.

ARTICLE VI AND VII

- a. The Constitution shall be the supreme law of the land.
- b. No religious tests shall be required to hold public office.
- c. The Constitution will be established when approved by nine states.

ARTICLE IV AND V

- a. The rights and responsibilities of U.S. citizenship are the same in all states.
- b. Each state shall have a republican form of government.
- c. Two-thirds of each house of Congress or two-thirds of the states can propose amendments to the Constitution.

GOVERNMENTS AROUND THE WORLD

	United States of America	_____	_____	_____	_____
What form of government exists in this country?					
Does the government have a written constitution?					
How long has the government structure been in place?					
Does the constitution include a bill of rights?					
Who wrote this constitution?					
What is unusual or interesting about this constitution?					
Does the constitution protect individual rights?					

GOVERNMENTS AROUND THE WORLD (CONT.)

	United States of America	_____	_____	_____	_____
Does the constitution limit the power of government?					
Does the constitution create a republican government?					
Does the constitution separate the powers of government?					
Does the constitution permit one part of government to check or balance another?					
Does the constitution guarantee popular sovereignty?					
Does the constitution create a federal system?					

HANDOUT H
GLOSSARY

Amendment: A change or an addition (to the Constitution).

Article of the Constitution: The seven different parts or sections of the Constitution.

Consent of the Governed: The power of the government comes from the people.

Constitution: The document that explains the plan of government and rules it follows.

Executive Branch: The part of government that enforces the laws, headed by the president.

Federalism: The people delegate certain powers to the national government, while the states retain other powers.

Inalienable Rights: Rights which belong to us by nature and can never be justly taken away.

Judicial Branch: The part of government that interprets the law and decides cases under the Constitution.

Legislative Branch: The part of government that makes laws.

Limited Government: Citizens are best able to pursue happiness when government is confined to those powers which protect their life, liberty, and property.

Ratify: To pass or approve a law.

Representative Government: Form of government in which the people are sovereign (the ultimate source of power) and authorize representatives to make and carry out laws.

Republic: A system of government where citizens freely elect representatives to make and carry out laws.

Separation of Powers/Checks and Balances: A system of distinct powers built into the Constitution to prevent accumulation of power in one branch.

**CONSENT OF THE
GOVERNED**

The power of government comes from the people.

**EL CONSENTIMIENTO
DE LOS GOBERNADOS**

El poder del gobierno viene del pueblo.

Put this principle in your own words using **Spanish**:

Put this principle in your own words using **English**:

Challenge words

poder:

Challenge words

power:

gobierno:

government:

EXTENDING

1. Why is it important that the government gets its power from the people?
2. Discuss the idea of consent of the governed with your family. What does it mean in their experience?

“That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

–DECLARATION OF INDEPENDENCE, JULY 4, 1776

FEDERALISM

The people delegate certain powers to the national government, while the states retain other powers.

EL FEDERALISMO

El pueblo delega ciertos poderes al gobierno nacional, mientras los estados mantienen los poderes no delegados.

Put this principle in your own words using **Spanish**:

Put this principle in your own words using **English**:

Challenge words

soberanía:

Challenge words

sovereignty:

delegados:

delegated:

EXTENDING

1. What powers do only state governments hold?
2. What powers does only the national government hold?

“But as the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had, and which were not, by that act, EXCLUSIVELY delegated to the United States.”

—ALEXANDER HAMILTON: FEDERALIST NO. 32, 1788

INALIENABLE RIGHTS

Rights which belong to us by nature and can never be justly taken away.

DERECHOS INALIENABLES

Derechos inalienables son los derechos que nos pertenecen por naturaleza y nunca puede ser quitados ser quitado con justicia.

Put this principle in your own words using **Spanish**:

Put this principle in your own words using **English**:

Challenge words

derechos:

Challenge words

rights:

propiedad:

property:

EXTENDING

1. List five inalienable rights.
2. How are these rights protected by the Declaration of Independence, the Constitution, and the Bill of Rights?

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

–DECLARATION OF INDEPENDENCE, 1776

LIMITED GOVERNMENT

Citizens are best able to pursue happiness when government is confined to those powers which protect their life, liberty, and property.

GOBIERNO LIMITADO

Los ciudadanos son los mejores capacitados para buscar su felicidad propia cuando el gobierno está limitado a esos poderes que protegen su vida, libertad y propiedad.

Put this principle in your own words using **Spanish**:

Put this principle in your own words using **English**:

Challenge words

limitado:

Challenge words

limited:

protegen:

protect:

EXTENDING

1. Discuss with your family: How is government limited in the United States?
2. How is government not limited in other countries?

“Good constitutions are formed upon a comparison of the liberty of the individual with the strength of government: If the tone of either be too high, the other will be weakened too much. It is the happiest possible mode of conciliating these objects, to institute one branch peculiarly endowed with sensibility, another with knowledge and firmness. Through the opposition and mutual control of these bodies, the government will reach, in its regular operations, the perfect balance between liberty and power.”

–ALEXANDER HAMILTON: SPEECH TO THE NEW YORK RATIFYING CONVENTION, 1788

REPRESENTATIVE GOVERNMENT

Form of government in which the people are sovereign (ultimate source of power) and authorize representatives to make and carry out laws.

EL GOBIERNO REPRESENTATIVO

El sistema republicano donde el pueblo elige oficiales que representan sus intereses en el proceso de crear y hacer las leyes.

Put this principle in your own words using **Spanish**:

Put this principle in your own words using **English**:

Challenge words

republicano:

Challenge words

republican:

intereses:

interests:

EXTENDING

1. Why is it important that the people are sovereign in the United States?
2. What role do representatives play in the government?

“The effect of [establishing a republic rather than a democracy] is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose.”

–JAMES MADISON, FEDERALIST #10, 1787

SEPARATION OF POWERS/CHECKS AND BALANCES

A system of distinct powers built into the Constitution, to prevent an accumulation of power in one branch.

SEPARACIÓN DE PODERES/ PESOS Y CONTRA PESOS

Separación de Poderes/Pesos y Contra Pesos está integrado en la Constitución para prevenir la acumulación de mucho poder en una sola rama del gobierno.

Put this principle in your own words using **Spanish**:

Put this principle in your own words using **English**:

Challenge words
integrado:

Challenge words
integrated:

acumulación:

accumulation:

EXTENDING

1. List three ways in which the branches of government are separate.
2. Discuss the checks and balances found in the Constitution with your family.

“The regular distribution of power into distinct departments; the introduction of legislative balances and checks; the institution of courts composed of judges holding their offices during good behavior; the representation of the people in the legislature by deputies of their own election... They are means, and powerful means, by which the excellences of republican government may be retained and its imperfections lessened or avoided.”

—ALEXANDER HAMILTON: FEDERALIST NO. 9, 1787

ANSWER KEY

LESSON 2

The Constitution

Handout C: First Impressions Version 1 and 2

1. The Constitution contains seven articles.
2. Answers will vary according to the margins and type size. Students may believe it is longer or shorter than their handbook.
3. Students may suggest that because the section about the legislative branch is so much longer, the Founders saw it as the most powerful and significant branch of government.
4. Students may suggest that the Constitution is organized in a linear and orderly way, divided into clear sections and subsections.
5. Thirty-nine people signed the Constitution. The signers were all men, and their names are associated with twelve states. Rhode Island is not represented.

Handout D: A Second Study Versions 1 and 2

Article I - Purpose: explains the powers and responsibilities of the legislative branch

Content:

1. bicameral (two-house) system
2. eligibility, election, and basis of representation for the House of Representatives
3. eligibility, election, and basis of representation for the Senate
4. elections and meetings of Congress
5. rules for Congressional proceedings
6. compensation, privileges, and rules for members of Congress
7. procedures for passing legislation
8. powers granted to Congress
9. powers denied to Congress
10. powers denied to the States

Article II - Purpose: explains the powers and responsibilities of the executive branch

Content:

1. eligibility and election of president and vice president
2. powers of the president
3. other duties of the president
4. reasons for impeachment

Article III - Purpose: explains the powers and responsibilities of the judicial branch

Content:

1. establishes Supreme Court, other courts established by Congress
2. powers of the judiciary
3. definition of treason

Article IV - Purpose: explains the relationships among states and between the federal government and states

Content:

1. states recognize the laws and contracts of other states
2. duties of states to states
3. procedures for adding new states and territories
4. federal government responsibility to states.

Article V - Purpose: explains how to amend the Constitution

Content: procedures for amending the Constitution

Article VI - Purpose: establishes the Constitution's supremacy

Content:

1. new government will honor all contracts of old government
2. Constitution is the supreme law of the land
3. no religious test for office

Article VII - Purpose: explains criteria for ratification

Content: the Constitution will be established when nine states have approved it. The delegates to the Constitutional Convention from the various states sign their names to it.

Handout F: Looking Deeper at Philosophy Versions 1 and 2

Article I, A

- limited government, separation of powers
- consent of the governed, republican government, federalism
- republican government, federalism

Article I, B

- limited government, individual rights
- separation of powers/checks and balances, limited government
- separation of powers/checks and balances

Article I, C

- federalism
- limited government, individual rights
- republican government, consent of the governed

Article II

- limited government, representative government
- representative government, consent of the governed, federalism
- limited government, separation of powers/checks and balances

Article III

- limited government, representative government, separation of powers/checks and balances
- federalism
- separation of powers/checks and balances, individual rights

Article IV and V

- limited government, individual rights, federalism
- republican government, federalism
- separation of powers/checks and balances, consent of the governed, federalism

Article VI and VII

- limited government, federalism
- limited government, individual rights
- consent of the governed, federalism

LESSON 3

The United States Bill of Rights

Handout B: What Rights Are Protected by the Bill of Rights

Rights protected:

- Amendment I: no established religion; free exercise of religion; freedom of speech; freedom of the press; right to assemble peaceably; right to petition the government for a redress of grievances
- Amendment II: right to a militia; right to keep and bear arms
- Amendment III: no quartering of soldiers without consent of owner
- Amendment IV: no unreasonable searches or seizures; no searches or seizures without warrants
- Amendment V: must have indictment by grand jury for capital crimes; cannot be tried for the same offense twice; cannot be forced to be a witness against yourself; cannot be deprived of life, limb, or property without due process; private property cannot be taken for public use without just compensation
- Amendment VI: speedy and public trial; impartial jury in state and district where crime committed; informed of nature and cause of accusation; confronted with witnesses; obtain witnesses in your favor; have assistance of counsel for defense
- Amendment VII: trial by jury preserved
- Amendment VIII: no excessive bail or fines; no cruel or unusual punishments
- Amendment IX: these rights cannot deny or infringe rights to others
- Amendment X: the powers not delegated in the Constitution are reserved for the states or to the people

Because:

Accepted reasoned answers