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We the People

Your Constitution in *Action*



by Pamela A. Marx, J.D.

Good Year Books

Acknowledgments

To Mark and to my parents

Many thanks and grateful acknowledgments go to Derek Steinorth, his class at Eagle Rock Junior High School, Roberta Dempsey, Suzanne Beason, Mary Wynton, Mark Goldstein, Megan Goldstein, and Holly Goldstein.

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Cover and Interior Design: Anne Ricigliano

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ISBN 978-0-673-59233-0
ISBN-eBook: 978-1-59647-244-0

1 2 3 4 5 6 7 8 9 06 05 04 03 02 01 00

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Table of Contents



Introduction	1
Exploring the Constitution	4
THE PREAMBLE	4
ARTICLE I—THE LEGISLATIVE BRANCH	
What Is the Legislative Branch and Who Can Serve?	6
When Congress Is in Session, Who Takes the Lead?	8
Membership in Congress—Conduct, Privileges, and Restrictions	10
How Congress Makes Law	12
Impeachment	14
The Express Powers of the Legislative Branch	16
The “Elastic Clause” and the Implied Powers of Congress	18
Prohibitions on the Powers of Congress and the States	20
ARTICLE II—EXECUTIVE DEPARTMENT	
Election and Term of Office	22
Presidential Qualifications and Vacancies	24
The Powers of the President	26
ARTICLE III—THE JUDICIAL BRANCH	
The “What” and “Who” of the Judicial Branch	28
All Kinds of Cases	30
The Power of Judicial Review	32
ARTICLE IV—STATE TO STATE	
How the States Relate	34
ARTICLES V AND VI—AMENDMENTS TO THE CONSTITUTION AND FEDERAL SUPREMACY	36
ARTICLE VII—RATIFICATION OF THE CONSTITUTION	38

THE FIRST AMENDMENT
 Freedom of Religion 40
 Freedom of Speech 42
 Freedom of the Press and Free Assembly 44

THE SECOND AND THIRD AMENDMENTS
 The Right to Bear Arms and More 46

THE FOURTH AMENDMENT
 Searches, Seizures, and Probable Cause 48

THE FIFTH AMENDMENT
 Double Jeopardy, Self-Incrimination, and More 50

THE SIXTH AMENDMENT
 Our Rights in a Criminal Trial 52

THE SEVENTH AND EIGHTH AMENDMENTS
 More About the Court System 54

THE 14TH AND 15TH AMENDMENTS
 After the Civil War: Equal Protection and Due Process 56

THE 19TH, 23RD, 24TH, AND 26TH AMENDMENTS
 More Voting Rights After the 15th Amendment 58

You Be the Judge 60

The Interrupted Lesson 60
 Nobody’s Using Room B-12 62
 If You Want to Play Sports, You’ve Got to Play Ball 64

A Guide to Cited Cases 66

Text of the Constitution 70

Constitutional Resources 86

Answer Key 88

About the Author 91

Introduction



The purpose of this book is to help students in grades five and up to discover that the Constitution can speak to them directly—that is, they can read it and understand it—and to provoke thoughtful responses to the issues the Constitution has raised and continues to raise today. While not every section of the Constitution is covered in detail, an effort has been made to provide activities for those important sections that a maturing student can grasp.

Teachers may choose to use this book in its entirety or on a piecemeal basis. Because the text often directly relates provisions of the Constitution to historical events, a teacher may choose from among various activities in order to integrate the study of the Constitution into the general history curriculum.

The Constitution sets forth the rules by which the federal government operates and the relationship between the federal government and the government of each state. It begins with the Preamble, which is followed by Articles I through VII. Each Article includes a number of sections. In longer articles, such as those that describe the function of each branch of the federal government, the sections are divided into clauses. The twenty-seven Amendments to the Constitution follow Article VII. The first ten Amendments are often referred to as the Bill of Rights. The subject matter of this book follows the general order of the Constitution itself, except that Amendments to the Constitution are often discussed in the context of the Article sections they were adopted to modify.

Articles I through III—which describe the powers and duties of the three branches of our government—form a significant portion of the book. Discussion of these three articles and the first ten Amendments is probably the most valuable aspect of this book in terms of providing students with an understanding of democratic thought and governance.

How This Book Is Set Up

This book provides students with opportunities to read and evaluate provisions of the Constitution, engage in analytical thinking about constitutional issues, and investigate additional research resources. When considering the activities suggested, it is important to remember that this book is a teaching tool that offers young minds a starting place for thinking about constitutional issues. As such, this book does not discuss the issues raised by the Constitution in precisely the same way a lawyer or court would. This does not minimize the value of the discussion for raising general issues for student consideration.

Read-and-Answer/Take Another Look Most of this book is devoted to a series of two-page activity sheets. The left-hand page is called “Read-and-Answer.” Here, the student is asked to read a portion of the Constitution and provide salient information from the text. Occasionally, there is a more open-ended or interpretive question on this page. The right-hand page is called “Take Another Look.” Here the student is offered two or three activities for more in-depth exploration of the constitutional sections under review. For example, an activity may ask a student to explore a specific part of the Constitution, or may identify historical situations in which the constitutional provision was at issue and ask the student to investigate it. An activity may also cite Supreme Court cases in which the constitutional section was interpreted, and then ask for the student’s viewpoint. Unless otherwise indicated, the activities on this page are intended as individual student endeavors. Activities geared for groups are identified as such.

The last activity on this page is identified as “Being a Citizen.” This activity helps the student develop the skills of a thinking and active citizen. It may ask the student to seek out current information about different leaders today and their constitutional roles. It may provide an opportunity to debate an important issue. Analysis and discussion of issues is ever important to an active, vibrant democratic government.

The subject matter of many of the activities suggested in “Take Another Look” may require the teacher to introduce the assignment with some explanation and discussion. Such discussion should motivate students and enable them to participate in the analytical process.

You Be the Judge These are three individual activities that offer students opportunities to consider the relevance of certain liberties guaranteed in the Bill of Rights. These activities encourage students to analyze factual situations similar to those reviewed by the Supreme Court. Each activity begins with a description of the facts of the case. Students are then given arguments that each side might present in a court of law. The students then perform their own

balancing test, weighing the rights of the individual against, for example, the interests of the government, to determine if any rights were violated. Students are invited to render decisions on the outcome of each case. Finally, they can compare their decisions with those of the Supreme Court. They have the opportunity to check whether their judgment in the case was similar to that of the nine justices.

These activities are designed to help students recognize that, as participants in a democratic society, each individual has rights and responsibilities. One individual's rights extend no further than another person's individual rights, and so rights must be exercised responsibly.

Guide to Cited Cases This section gives brief summary information about each of the Supreme Court cases cited in the activity pages. This background information may be useful to teachers and students in understanding the material.

Text of the Constitution The full text of the Constitution is included at the end of the book. It can be copied and given to students to keep in their notebooks. Those sections that have been modified by Amendment are italicized for easy identification.

Constitutional Resources—Books, the Internet, and Beyond This section provides a listing of constitutional materials, educational organizations, and Internet sites. Some of the books and Web sites may be useful resources for researching "Take Another Look" activities.

Answer Key This section provides answers to the questions from the "Read-and-Answer" pages.

The colonial leaders who wrote the Constitution were perhaps wiser than even they could have imagined. The governmental framework they designed has been flexible enough to adapt to the tremendous changes our country has undergone through the centuries. The Constitution has taken the United States from its infancy to a sprawling country of fifty diverse states. It has served the nation well as our population has grown and diversified, our technologies have been revolutionized, and world conditions have been drastically altered. The Constitution's simplicity has been fundamental to our nation's ability to meet the challenges of these changing conditions and will undoubtedly allow it to do so in the future. The more students know about the role the Constitution plays in their lives, the better prepared they will be as future voters and leaders. Being an educated citizen in a democratic country is a lifelong responsibility, and this book can provide a first step in that learning process.



Exploring the Constitution



The Preamble

The Constitution is a set of rules by which the United States is governed. It was written during the hot, muggy summer of 1787 by a group of men that included Benjamin Franklin, Alexander Hamilton, James Madison, and George Washington. There were many disagreements to be resolved concerning slavery and the power to be given to states of different sizes. However, the delegates generally favored a stronger federal government, and this helped to keep the discussions moving forward.

The Constitution begins with a statement of purpose called the *Preamble*. In the Preamble, the writers explain why the United States needs to be governed by the simple rules set forth in the Constitution.

☞ Read the Preamble (page 70).

In the blanks below, rewrite each phrase of the Preamble in your own words. Consult a dictionary if you need help with the vocabulary.

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:



Take Another Look

Who, What, Where, When, Why

Investigate the circumstances surrounding the writing of the Constitution at the Constitutional Convention. Where and when did the Constitutional Convention take place? Who wrote the Constitution? Why did these men want to write a new Constitution? What did they come up with—a revised Articles of Confederation or a whole new document?

Make a five W's wheel displaying the historical information you found in researching the answers to the *who*, *what*, *where*, *when*, and *why* questions.

Many Leaders, Many Talents

We all know about Benjamin Franklin and George Washington. We probably know a little about Alexander Hamilton and James Madison, too. But there were other colonial leaders at the Constitutional Convention about whom we have a lot to learn.

Identify another leader who was there and research him. Now pretend that it is 1787 and you are a reporter on the local paper. You have been hired to write a story about that leader. The Constitution has just been written, and the country is looking to newspapers to inform it about the writers of the Constitution. What will you write? What was this leader's role at the convention? Was he from a large state or a small state? How did that affect his views? What did he want included in the Constitution? What did he want excluded? How did his presence at the convention make a difference to the document as finally written?

Being a Citizen

Now that you have identified what the Preamble means, think about how its words relate to you as an individual. Think of yourself as a citizen at the time of the writing of the Constitution. In 1787, you were glad to be finished with the war against England and tired of bickering colonies, each concerned with losing power to a common union. You were also hopeful of a good life without unfair English taxes and laws.

Which of the stated purposes in the Preamble might have been most important to you then? Now, as a citizen today, which of the stated purposes seems most important?

Write a short essay explaining your thoughts about which Preamble purpose might have seemed the most important then and now.

ARTICLE I

The Legislative Branch



What Is the Legislative Branch and Who Can Serve?

The legislative branch is made up of the Congress, which has the power to make new laws and to change old ones. This power to make laws is given to the two groups of lawmakers that make up the Congress, the Senate and the House of Representatives.

The Senate

The Senate is made up of two senators from each state, regardless of the number of people living in that state. Senators serve for a period of years called a *term*.

- ☞ Read Article I, Section III, Clause 1 (page 71). The senators' terms are staggered so that every two years only one-third of the senators are up for election.

How long is the term of a senator? Why is staggering terms a good idea?

- ☞ Read the 17th Amendment (pages 82–83). Under the 17th Amendment, which is still in effect today, who selects senators to represent states in the Senate?
-

The House of Representatives

The number of representatives each state has in the House of Representatives is based on the state's population. States that have more people living in them elect more representatives to serve in the House. Representatives serve for ____ years.

- ☞ Read Article I, Section II, Clause 3 (page 70). When the Constitution was written, the writers argued about how to count slaves for tax and representation purposes. They agreed on the "three-fifths compromise." How did they count the slaves?
-

- ☞ Read the 13th Amendment (page 81). How did this amendment affect the three-fifths compromise?
-