

\$20.00

# *Making Rules & Laws*

LAWYERS HELPING  
YOUNG PEOPLE  
BECOME GOOD CITIZENS



Special Committee on Youth  
Education for Citizenship



# When You're a Lawyer in the Classroom . . .

**You may find the following tips helpful, especially if you're a novice at giving classroom presentations:**

- Work with the teacher before your session. Let her or him know what you plan to do and provide background materials. Ask what the class has been studying, and integrate your session with classroom studies.
- The first few minutes of a presentation may make or break it. Get the students involved immediately—either with a startling statement that grabs their attention or a question that they can't help but want to answer.
- Talk with the students, not at them. A lecture may work for a professor in a law class, but it is not the best way to approach elementary or even secondary students.
- Work the room. Don't stand in one place; move around. Get the students involved. Encourage participation by your own enthusiasm for the topic.
- Be prepared to vary from your lesson plan a bit. When you do generate interest and enthusiasm in the students, their questions and comments may lead you away from your plan. Encourage students' input and allow digression, but look for an opening to get back on track as soon as you can.
- Talk to the students in language they can understand, but don't feel you need to talk down to them. Use some jargon, but explain what each term means. And use examples from students' experiences and analogies they can relate to.
- Know your subject. But if asked a question that you cannot answer, don't try to hide the fact from the students. Say, "That's a good question. I don't know the answer to it."
- Be in control of the classroom. Some students may try to test you. If that happens, the teacher may intervene; then again, he or she may not. Try to handle the situation yourself. Let the students know you are in control of the classroom for the time you are there.
- Don't get involved in discussion of a school controversy, especially one that pits students against the administration. Stress responsibility as well as rights when talking about the law.
- Watch the clock. No matter how interesting you may be, most students' attention will still last no longer than the normal classroom period.

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## How to Use This Booklet

This booklet contains lesson plans and ancillary materials on the topic of Making Rules and Laws for four different levels of students: elementary grades K–3 (Level A), intermediate grades 4–6 (Level B), middle school grades 6–8 (Level C), and high school grades 9–12 (Level D). The grade level is identified near the page number. In addition, each grade level contains pages for the lawyer (marked by the scales of justice), the teacher (an apple), and the students (a pencil). At the beginning of each level, you'll find a chart of the materials it comprises, along with photocopying instructions. You might also want to make overhead transparencies of the main activity pages (marked by all three icons).



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August 1995

Improving the constitutional literacy of our young people is one of the foremost challenges facing our nation. I am honored to join Secretary of Education Richard W. Riley in introducing to you an American Bar Association program that allows lawyers and educators to work together to achieve an educated citizenry.

**I'm the People—It's About Citizenship and You** pairs bar associations and schools to provide students with real-life examples of the essential role of law in our society. The collaboration begins on Constitution Day, September 17, 1995, and culminates on Law Day, May 1, 1996.

Beginning in September and continuing on a bimonthly basis, participants will receive innovative instructional guides designed to help lawyers and teachers show students how to (1) make rules and laws under the Constitution, (2) resolve conflicts, (3) serve the community, and (4) influence public policy.

I hope that this project serves as the first step in encouraging young people to discuss issues of law and justice, and the rights and responsibilities incumbent upon each of us as citizens. The success of our democracy depends upon the full and knowledgeable participation of all citizens. Your efforts to promote civic literacy among our nation's students can make a difference. I welcome your participation.

A handwritten signature in dark ink, appearing to read "Roberta Cooper Ramo".

Roberta Cooper Ramo



UNITED STATES DEPARTMENT OF EDUCATION  
THE SECRETARY

August, 1995

As Secretary of Education and a member of the organized bar, I join ABA President Roberta Cooper Ramo in urging attorneys and teachers to focus their efforts on behalf of public education in this country.

Education today is at the center of our nation's future and of our future well-being, and education for citizenship is one of the most important goals of our educational system. While our states and communities have always taken the lead in public education at the local level, the access to and quality of education for all of America's citizens must be a clear national priority. We also must have the constant involvement of parents and families, teachers, other professionals, businesses, and entire communities to accomplish our nation's mission of achieving excellence in education.

Lawyers have an obligation to demonstrate to young people the value and benefits of living in a society that is ruled by law rather than by force or whim. As lawyers, our professional lives are dedicated to peaceful and law-abiding communities, in which individuals must practice public responsibility in order to enjoy individual freedom.

Attorneys, like teachers, must serve as examples of citizen participation in education. I encourage all attorneys and teachers to continue to join the American Bar Association in its year-long outreach initiative, **I'm the People—It's About Citizenship and You**, to teach young people good citizenship skills, including how to understand and respect the law, how to be actively involved in community service, and how to help build a more informed electorate.

As our nation's youth prepare to return to school, we must all reaffirm our commitment to the prospect that our children can gain the knowledge and attitudes they need to be responsible and productive citizens if we all assume personal responsibility and make the effort. In promoting the principles of good citizenship, integrity, and service, you are not only helping instill these qualities in your students, you are also helping to shape the lives of our nation's youth who benefit from your materials and program.

Yours sincerely,

Richard W. Riley

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Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.

# Making Rules and Laws

Level A (Grades K–3)



This level contains the following materials:



## Lawyer's Pages

*Before your visit, meet with the teacher to choose the activities that fit the instructional objectives and that are best suited to the group. Remember to ask the teacher what has already been covered in class. Together, decide which units you will present and when. Review the materials for your lessons and make copies as indicated.*

- ☐ **Lesson Plan** (pages A-6–7)
- ☐ **Rules: Purposes and Sources** (page A-8)
- ☐ **Good or Bad Rules?** (page A-9)
- ☐ **Think About Rights** (page A-10)
- ☐ **Lawyer's Evaluation Form** (page 57)



## Teacher's Pages

*Make one copy of each page marked with the teacher's icon and send to the teacher in a Teacher's Packet one week before the class session.*

- ☐ **Rules: Purposes and Sources** (page A-8)
- ☐ **Good or Bad Rules?** (page A-9)
- ☐ **Think About Rights** (page A-10)
- ☐ **Activity Guide** (page A-11)
  - Overview of the Lesson
  - Activity Sheet/Answer Keys
  - Extension Activities (Bulletin Board, Class Constitution, Green Backyard Skit)
- ☐ **Glossary** (page 53)
- ☐ **Bibliography** (pages 54–56)
- ☐ **Law-Related Education Essentials Matrix** (page 58)



## Student's Pages

*Make copies of the pages marked with the student icon for each student in class and distribute as part of a Student Packet.*

- ☐ **Rules: Purposes and Sources** (page A-8)
- ☐ **Good or Bad Rules?** (page A-9)
- ☐ **Think About Rights** (page A-10)
- ☐ **Activity Sheet** (page A-12)



## Objectives

During your sessions, students will—

- ✓ learn how laws and rules are based on needs and are fundamental to societies
- ✓ make and analyze rules and laws
- ✓ discuss how our government is based on a constitution and the consent of the governed
- ✓ identify some of our constitutional rights and discuss how rights relate to responsibilities
- ✓ participate in making decisions about a constitution

## Vocabulary

As the following terms come up in discussion, list them on the board and elicit definitions from students. Help the class define the terms, if necessary. Some of these terms appear on the Activity Sheet in the Student Packet, which students complete after your visits.

|              |                |
|--------------|----------------|
| authority    | property       |
| citizen      | responsibility |
| constitution | right          |
| government   | rule           |
| law          | vote           |

## Lesson Overview

These lessons explore the concepts of rules and laws and the making of a constitution codifying rules and laws. Students first participate in activities that demonstrate the need for rules and sources of authority. Then they participate in a simulation about a group of backyard animals who are in search of rules and government. Students decide what kind of rules are needed and who will make the rules, and learn about making good rules as they develop a constitution for the animals.



## Unit One—Rule: Purposes and Sources

**Time Needed:** 1–2 class periods

**Materials Needed:** Rules: Purposes and Sources Handout (2 copies for each student), large ball, two sets of signs

### Procedure

1. Begin by introducing yourself to students. Then hold up the ball and tell students that they are to make up a game with a ball. Discuss what they could do with the ball (for example, bounce, toss, roll, dodge, hand off, hide) and how the classroom limits using the ball. Perhaps students decide on a game to see who can roll the ball the farthest. Discuss what decisions will be needed: who and how many may play, number of turns for each player, who will decide disputes, and so on. Students should then try out the game, making other decisions as needed.

After the game, point out that students' decisions are actually rules. Ask them to define *rule*. Discuss the kinds of rules students make when they play with friends and how the rules work because everyone agrees to follow them.

2. Point out to students that people have rules for many things besides games. Ask them to give examples of family or classroom rules and reasons why these rules are needed. To help students generalize about the reasons for rules, read these situations:

- a. Two children paint not only their pictures but also tables and school walls.
- b. Three children want to swing on the same swing at the same time. One pushes the others away.
- c. After having a picnic, a family leaves trash on the ground.

After reading each situation, ask students these questions: What is the problem? What kind of rule(s) might deal with the problem? Why is the rule(s) needed? (a. Rule needed to protect property; b. Rule needed to protect people and keep order; c. Rule needed to protect property and health and keep order)

3. Prepare and place the following signs around the classroom: Keep People Safe, Keep People Healthy, Protect Property, Keep Order. Explain to students that property can be toys, clothes, pets, cars, buildings, and land and that property

can belong to students themselves, other people, or everyone. Explain that keeping order includes settling arguments, and that the need for order is different in different places (e.g., parks, courts).

Distribute the handout "Rules: Purposes and Sources." After students cut apart their strips, choose a student to read the first rule aloud. As a group, decide which sign(s) tell the purpose(s) of that rule. Then ask a volunteer or volunteers to place the first rule by the appropriate sign(s). Continue with the other rules. Possible placement of rules:

- (1.) property, order
- (2.) health
- (3.) safety, order
- (4.) safety, property
- (5.) safety, order
- (6.) health, property, order
- (7.) safety, order
- (8.) safety
- (9.) health
- (10.) property

4. Replace the set of signs with these signs: Family, School, Government. Give students another copy of the handout to cut apart. As a group, discuss who makes rules. Point out that whoever makes a rule usually sees that the rule is carried out (enforced). Again have students place the rules by the appropriate signs. Possible placement of rules:

- (1.) family, school, government
- (2.) family
- (3.) family, school, government
- (4.) family, school
- (5.) family, school
- (6.) family, school, government
- (7.) government
- (8.) government
- (9.) government
- (10.) family, school, government

5. Conclude by pointing out that for rules to work, they must have authority. Because parents have responsibility for children, parents have authority to make and enforce family rules. Because school officials and teachers have responsibility for education, they have authority to make rules for children in schools. Governments have authority to make rules for communities and nations. These rules are usually called laws. In the United States, the people have given the government authority to make and enforce laws.



## Unit Two—Good or Bad Rules?

**Time Needed:** 1–2 class periods

**Materials Needed:** Good or Bad Rules? Handout

1. Tell students the following story: In a place called the Green Backyard live 1 dog, 2 cats, 3 squirrel families, 4 bird families, 20 spiders, 100s of ants in 3 anthills, and 1 small snake. Rabbits, bees, butterflies, and mosquitoes visit the yard. It is not a peaceful place. The dog chases the cats and squirrels. The squirrels tease the dog. The bees and butterflies fight over pollen. The rabbits eat the leaves off the flowers. The mosquitoes bother everyone. There are arguments over nesting places and food.

One day, a wise owl says that the animals need some rules. “Where do we get them?” ask the animals. “You must make them,” says the owl. “That way they belong to you.” The animals decide that rules might be good if the rules make their lives safer and more peaceful. The owl says that they must all agree about (1) the need for some rules and (2) the way to make and keep the rules. The animals will need to sign this agreement, which they can call the Green Backyard Constitution. Remind students of rules and their purposes as discussed in Unit One.

Explain that long ago, the people of our states decided that they needed a government strong enough to make rules to protect them and their property and to keep order. So the people chose representatives to get together and write the United States Constitution. The Constitution explained how a government would be set up to make and carry out rules.

2. Remind students that the wise owl said that first the animals must decide why they need to have rules. Ask students to assume the roles of the different animals to discuss why they want rules. Encourage them to think of general reasons such as peace, fair treatment of all, settlement of arguments without fighting, and defense against enemies. Record students’ ideas on the board. Explain that the people who set up our government wrote their reasons for wanting rules at the beginning of the Constitution. Read aloud the preamble (see page 44), explaining the unfamiliar phrases as

you read. Then help students create similar phrases that describe the purposes of the Green Backyard Constitution. Save the phrases for later use.

3. Remind students that the wise owl said that next the animals must decide who will make the rules. Again have students assume the roles of the animals. Tell students that the animals want all Green Backyard citizens to vote on the rules. But who is a citizen? Are visitors such as the butterflies citizens? Does every animal, including every ant, have a vote? Have students as a group discuss and vote on these questions. The group should

- Make suggestions.
- Select the best suggestion.
- Discuss and possibly change (amend) the suggestion.
- Vote on the amended suggestion.

Record the decisions that students make and save them for later use. Point out that the people who wrote our Constitution had to decide how many representatives each state would have. Explain how the makeup of Congress reflects the compromises that were made on this issue. (Every state has two senators. A state’s number of representatives is based on the state’s population.) 4. Remind students that the wise owl also said that the animals must decide what kinds of rules they could make. The owl gave them some guidelines for making rules. Distribute the handout “Good or Bad Rules?” and review the guidelines in the box. Once again have students assume the roles of the animals as they examine and discuss each rule to see whether it meets each of the guidelines. Point out that the Constitution also regulates or limits the kinds of laws that may be made. Give some simple examples.

## Unit Three—Think About Rights

**Time Needed:** 1–2 class periods

**Materials Needed:** Think About Rights Handout

1. Explain that the last question that the Green Backyard animals have to consider is who will make sure the rules are enforced. Point out that our Constitution sets up a government in which an elected Congress makes laws, an elected president sees that the laws are carried

out, and the courts are responsible for settling arguments, trying people accused of breaking laws, and making sure laws are constitutional. Tell students that after the Constitution was written and before it was signed, many people in the states were worried that the government would ignore their rights, particularly their right to disagree with and criticize the government. So a Bill of Rights was added to the Constitution. Read aloud the Bill of Rights (see page 49), explaining the unfamiliar phrases as you read or rewording each amendment to simplify. Then discuss whether these rights mean that a person may do or say anything he or she wants. Explain that rights have limits and responsibilities. Distribute the handout “Think About Rights.” Students may respond to the questions individually or in small groups. Suggest that a general rule is not to say or do things that can hurt other people, regardless of whether the things may legally be said or done. Point out to students that certain laws (for example, those prohibiting slander, assaults, and false alarms) limit people and that rules of courtesy may limit them further. Remind students that they should consider what the law says and what they think is right as they evaluate each situation on the handout.

2. Bring out the phrases and decisions that students wrote in Unit Two. Have them review their ideas and make any amendments they might wish. Then put the parts together to make the Green Backyard Constitution. With students once again assuming the animals’ roles, have them sign the constitution in a formal ceremony. Then explain that the animals are concerned about protecting their rights. Have students, still in their animal roles, divide into small groups. Make sure that the members of each group include students portraying a cat or dog, a bird, a squirrel, an ant, and a spider. Ask each group to develop a list of five rights (similar to those in our Bill of Rights) to propose to all the animals. Then have the groups choose the ten most important rights from all the lists to vote on as a Bill of Rights to add to the Green Backyard Constitution.



## Rules: Purposes and Sources

1. Don't take anybody's things without getting permission.

2. Wash your hands before eating.

3. Don't hit other people.

4. Put toys away after playing.

5. Take turns on the slide.

6. Put your trash in trash containers.

7. A permit is needed to have a parade downtown.

8. Don't cross the street when the traffic light is red.

9. Stores may not sell cigarettes to children.

10. Don't color in school books.



Would these be good rules for the Green Backyard animals?

How would you change any of these rules to make them work for the animals?

Would any of these rules be good rules for your family?

**Remember:**

- a. Good rules have good reasons.
- b. Good rules are easy to understand.
- c. Good rules can be followed.
- d. Good rules are fair to all groups.
- e. Good rules can be carried out (enforced).

- 1. Wash your hands before lunch.
- 2. No biting.
- 3. No webmaking allowed.
- 4. No woggling of waggles.
- 5. No barking at night.
- 6. Everyone must wear hats.
- 7. No chasing.
- 8. No stealing of food from others.
- 9. No littering.
- 10. No walking on the grass.





You have rights. But do those rights allow you to say or do each of these things? Explain why or why not.

1. Tell someone you are angry at her or him.
2. Shout and make lots of noise in the library.
3. Talk back rudely to a teacher or parent.
4. Threaten to hit someone.
5. Use bad language.
6. Call 911 and report a fire when there isn't one.
7. Wear a button that says "Vote No."
8. Say you like something when you really don't.
9. Shout "Look out! There's a snake!" on a bus when there is no snake.
10. Say a prayer to yourself in school.



## OVERVIEW OF THE LESSON

### Objectives

During the class sessions, students will—

- ✓ learn how laws and rules are based on needs and are fundamental to societies
- ✓ make and analyze rules and laws
- ✓ discuss how our government is based on a Constitution and the consent of the governed
- ✓ identify some of our constitutional rights and discuss how rights relate to responsibilities
- ✓ participate in making decisions about a constitution

### Lesson Summary

In the class sessions conducted by your lawyer, students first participate in activities that demonstrate the need for rules and sources of authority. Then they participate in a simulation about a group of backyard animals who are in search of rules and government. While comparing the animals' processes with those of the U.S. Constitution makers, students decide what kind of rules are needed and who will make the rules, and learn limits for making good rules. The need for a bill of rights is also explored. Finally, students examine the relationships of rights, responsibilities, and rules as they develop a constitution for the animals.

Following your lawyer's visits, you might have students draw pictures for a bulletin board or write their own class constitution and bill of rights. You might also have students or groups of students create skits based on the story of the Green Backyard animals. These extension activities are explained in greater detail below. Share students' work with your lawyer, and make plans to include her or him as a participant in your civics instruction throughout the year.

### PORTFOLIO ASSESSMENT

As the units are completed, students may begin "Making Rules and Laws" portfolios. Have them place their activity sheets and any other work they did during the units in their portfolios. You may wish to encourage students to create pictures and stories about rules and laws. Suggest that they review their work and evaluate their understanding of rules and laws as they progress through the units.

### HOME CONNECTION

Discuss with students the kinds of rules that families might have. Encourage students to offer examples from their own family situations, if they wish, or talk about family rules in general. Focus on the idea of why such rules might be needed. Ask students to continue the discussion at home by asking family members about rules and why families, like countries, might need rules.

## ACTIVITY SHEET/ANSWER KEYS

In the Student Packet is an Activity Sheet with two activities that ask students to work with key concepts and vocabulary terms from the lesson. Students may use the activities to strengthen their concept and vocabulary knowledge after your lawyer's visits. The correct answers to the activities follow:

### Name a Rule

Answers will vary.

### Word Scramble

1. rule
2. law
3. right
4. citizen
5. vote
6. state
7. nation

## EXTENSION ACTIVITIES

**Bulletin Board:** Discuss classroom rules with students. Have them draw or paint a picture illustrating a classroom rule. Invite students to share their pictures with the class and talk about their interpretation of the particular rule. Arrange the pictures on a bulletin board titled "Classroom Rules."

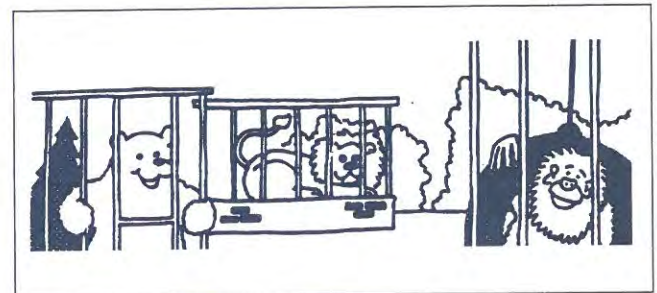
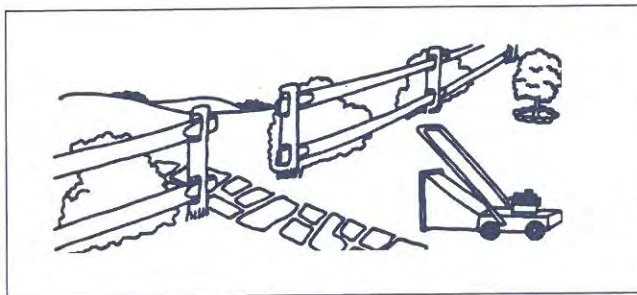
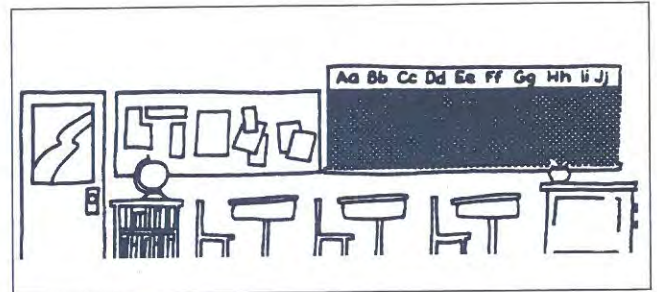
**Class Constitution:** Help students create a class constitution and bill of rights, adapting the procedures for constitution-making given in the lesson. Use the completed and approved class constitution as a basis for making class rules. Send a copy of the class constitution to your lawyer.

**Green Backyard Skit:** Ask students to plan a skit based on a scene from the story of the Green Backyard animals' quest for rules and government. The skits should include dialogue, actions, and props. Older students may work in small groups. Allow time for students to present their skits. If possible, invite your lawyer to attend the presentation or videotape the skits and send the videotape to your lawyer.



## Name a Rule

Look at the pictures. Tell or write a rule for the place in each picture.



## Word Scramble

Unscramble the words. Then write their letters in the blanks to finish the phrases.

1. l u e r      \_\_\_\_\_ of the game
2. a l w      \_\_\_\_\_ of the land
3. t h i r g      \_\_\_\_\_ to free speech
4. z i c t i n e      \_\_\_\_\_ of a nation
5. e o t v      \_\_\_\_\_ in an election
6. a t t e s      one \_\_\_\_\_ out of 50
7. t o i n n a      citizens of a \_\_\_\_\_

### Word List

citizen  
nation

rule  
law

vote  
state

right

# Making Rules and Laws

Level B (Grades 4–6)



This level contains the following materials:



## Lawyer's Pages

*Before your visit, meet with the teacher to choose the activities that fit the instructional objectives and that are best suited to the group. Remember to ask the teacher what has already been covered in class. Together, decide which units you will present and when. Review the materials for your lessons and make copies as indicated.*

- ☐ **Lesson Plan** (pages B-14–15)
- ☐ **Forms of Government** (page B-16)
- ☐ **Outline of the Constitution** (page B-17)
- ☐ **Is It Constitutional?** (page B-18)
- ☐ **Constitution** (pages 44–52)
- ☐ **Lawyer's Evaluation Form** (page 57)



## Teacher's Pages

*Make one copy of each page marked with the teacher's icon and send to the teacher in a Teacher's Packet one week before the class session.*

- ☐ **Forms of Government** (page B-16)
- ☐ **Outline of the Constitution** (page B-17)
- ☐ **Is It Constitutional?** (page B-18)
- ☐ **Activity Guide** (page B-19)
  - Overview of the Lesson
  - Activity Sheet/Answer Keys
  - Extension Activities (School Government Chart, Drafting an Amendment, School Rule Poster)
- ☐ **Glossary** (page 53)
- ☐ **Bibliography** (pages 54–56)
- ☐ **Law-Related Education Essentials Matrix** (page 58)



## Student's Pages

*Make copies of the pages marked with the student icon for each student in class and distribute as part of a Student Packet.*

- ☐ **Forms of Government** (page B-16)
- ☐ **Outline of the Constitution** (page B-17)
- ☐ **Is It Constitutional?** (page B-18)
- ☐ **Activity Sheet** (page B-20)
- ☐ **Constitution** (pages 44–52)
- ☐ **Glossary** (page 53)



## Objectives

During your sessions, students will—

- ✓ identify different forms of government
- ✓ describe different ways of ruling
- ✓ distinguish branches of government
- ✓ understand that a constitution is a set of basic laws for a government
- ✓ establish a form of government for a citizenship club

## Vocabulary

As these terms come up in discussion, list them on the board and ask students to define them. Many of these terms appear on the Activity Sheet in the Student Packet, which students may complete after your visits.

|              |          |
|--------------|----------|
| amendment    | empire   |
| article      | monarchy |
| constitution | preamble |
| dictator     | republic |
| democracy    | tyrant   |

## Lesson Overview

In these lessons, students explore forms of government and the power of the leader of a government. They determine the source of power and how power is used in different ways. They examine constitutions as basic structures for government and law. Based on this information, they then construct their own form of government for a citizenship organization and write a constitution.



## Unit One—Forms of Government

**Time Needed:** 1–2 class periods

**Materials Needed:** Forms of Government Handout, copies of Dr. Seuss's *Yertle the Turtle* and Hans Christian Andersen's "The Nightingale"

## Procedure

1. Ask students if they have ever read any Dr. Seuss stories. After a brief discussion about his books, tell students that you will read Seuss's *Yertle the Turtle* to them. Ask them not only to enjoy the rhyme and rhythm of the story but also to listen carefully to identify the kind of ruler Yertle is.

2. After reading the story, direct discussion by asking these questions: What was Yertle's position? How did he get this position? What kind of ruler was Yertle? Why do you think the other turtles obeyed Yertle? What rights do you think Mack thought the other turtles had? Do you think Yertle's kingdom would have collapsed even if Mack had not burped? Why or why not?

3. Introduce the terms *monarchy*, *tyrant*, and *dictator*. Explain that a monarchy is a form of government in which a monarch—a king, queen, emperor, or sultan—rules. The monarch inherits, or is elected to, the throne for life. The monarchy can be a limited monarchy in which the leader is only a figurehead or a constitutional monarchy in which the power is given to a prime minister and cabinet. Ask if Yertle's kingdom was a monarchy. (Yes.) Emphasize that Yertle was an absolute monarch, meaning he held all power. Explain that there are different types of monarchs, and the way Yertle ruled made him a tyrant. Other types of tyrants include dictators. Help students conclude that Yertle was a tyrant because he had absolute control over the other turtles and because his orders were cruel.

4. Write the term *sovereign* on the board. Explain that a monarch is an example of a *sovereign ruler*, or a ruler who holds the power and authority in the government. Hold up your copy of "The Nightingale," and tell students that this tale by Hans Christian Andersen describes another sovereign ruler. Ask the class to listen carefully to identify the ruler, his method of governing, and

characteristics of his behavior as you read the tale.

5. After reading the tale, lead the discussion by asking these questions: What kind of ruler was the emperor? Was he a dictator? A tyrant? Did he have absolute control of the country? How were emperors replaced?

6. Distribute the handout "Forms of Government" and together with the class complete the section of the chart for Yertle the Turtle and The Nightingale. Answers: Yertle the Turtle—pond, Yertle, monarchy, dictator/tyrant, unknown, burp; The Nightingale—China, Emperor, sovereign, dictator/tyrant, selected, death.

7. Direct students' attention to the column of the chart for the United States. Help students complete this section by discussing our form of government. Be sure to use the terms *democracy* and *republic* in the discussion, and distinguish the meanings of the terms for the students. Answers: United States of America, President; republic; elected; election; death, election, or two terms completed.

8. Help students complete the chart by discussing the government of the thirteen English colonies in North America. Students may also wish to include another country and its form of government on the chart. Answers: thirteen English colonies, King, monarchy, dictator/tyrant, inherited, revolution.

9. Read and paraphrase the excerpt from the Declaration of Independence on the handout. Define any terms, such as *endowed*, *unalienable*, and *instituted*, with which students are not familiar. Ask: According to the Declaration, where does the power to govern come from? How does this differ from the source of power of Yertle and the Emperor? Would the turtles support the Declaration of Independence? Why or why not? Do you think the stories of Yertle and the emperor would have been different if the power to govern had come from the governed? Explain. Conclude the session by emphasizing that our government was founded on the principle that its power comes from the people.



## Unit Two—Outline of the Constitution

**Time Needed:** 1–2 class periods

**Materials Needed:** Outline of the Constitution Handout or Transparency, Constitution (pages 44–52)

### Procedure

1. Write the term *Constitution of the United States* on the board. Ask students to tell you what the Constitution is. Emphasize that the Constitution is the foundation of the national government. Explain that the Constitution identifies how the government is organized, the powers of the government, the rights of the people, and changes or additions made to the Constitution.
2. Distribute copies of the Constitution. Tell students that the writers of the Constitution wrote a preamble, or introduction, to the Constitution. Read the preamble aloud and paraphrase it to help students understand terms that may be unfamiliar. Ask: According to the preamble, who is setting up the Constitution? Why?
3. Direct students' attention to the first article of the Constitution and display the transparency. Briefly discuss each article of the Constitution. As you do so, explain the role of each branch of government and how the Constitution is amended. Ask: Why do you suppose the Founders allowed for the Constitution to be changed? How has it changed? Why do you suppose these changes were made? What do we call a change in the Constitution?
4. Have students locate the Amendments on page 49 of the Constitution handout. Explain that the Bill of Rights is the first 10 Amendments of the Constitution. These Amendments identify the basic rights of Americans and note that Americans have other rights not listed and the states have powers not given to the national government.
5. Discuss each Amendment of the Bill of Rights and the possible limitations on those rights. For example, the right of free speech does not include libel or slander, that is, making false oral or written statements.
6. Distribute the handout "Outline of the Constitution." Work with students to

complete the outline based on the discussion. Explain that our Constitution sets up the organization and rules of one form of government, but there are other forms of government as well. Ask students if they can name one monarchy.

7. Conclude the discussion by stating that the Constitution of the United States could serve as a model for constitutions for other organizations.

## Unit Three—Is It Constitutional?

**Time Needed:** 1–2 class periods

**Materials Needed:** Is It Constitutional? Handout

### Procedure

1. Write "Citizenship Club" on the board, and explain to students that they are going to help you set up a student government for a good citizenship organization. The organization is to be a class club. Point out that every organization needs a structure and a set of rules, or laws, by which it operates. Inform students that this session is designed to create the structure and rules of the government of the citizenship club. Point out that the structure and basic rules of our national government are contained in the Constitution, which students can use as a model for writing a Constitution for the Good Citizenship Club.
2. Have the class decide on a form of government for the organization. Do they want to have a democracy in which everyone has a say in government, a dictatorship in which one person or group of persons rules, or ... ?
3. When students have determined the form of government, ask them to write a preamble that states the source of power and the purposes of writing the constitution (for example, to keep order) and of the organization itself (for example, to promote citizenship). Have the class review the preamble together. Then divide the class into two groups. Have one group devise the structure of the organization. The group should determine if the organization needs separate branches of government or if one branch of government is sufficient. This group should write information about the structure of the club's government, the duties and responsibilities of mem-

bers of the government, and the method for changing the constitution. The second group should develop a bill of rights for the members of the organization and be prepared to explain why the items are necessary. Circulate between the groups and provide guidance as needed.

4. Once the groups have completed their tasks, reconvene as a class. Each group should present its portion of the constitution. The class should discuss the elements and cooperate in amending them if necessary. After the editing process is complete, the class should vote on adopting each section. The completed constitution should be signed by the class members and dated.

5. Once the constitution is complete, you may wish to have students elect officers of the organization. If the constitution does not provide for a process of appointing or electing officers, students should amend the constitution to provide for the selection of officers. Photocopy and distribute copies of the constitution. Set up committees to address each purpose, or goal, of the club listed in the preamble.

6. Distribute the handout "Is It Constitutional?" Ask students to assess each situation based on whether or not it is constitutional. If a particular situation is important to the students but is not covered by any provision of their constitution, they may wish to amend the constitution to include such a provision.

7. Conclude the discussion by stressing the relationship of the organization of government and lawmaking to the constitution and its provisions.



Complete the chart.

|                           | Yertle<br>the Turtle | The<br>Nightingale | United<br>States | Thirteen<br>English<br>Colonies | Other:<br>Please<br>Identify |
|---------------------------|----------------------|--------------------|------------------|---------------------------------|------------------------------|
| Place or<br>Country       |                      |                    |                  |                                 |                              |
| Name of<br>Leader         |                      |                    |                  |                                 |                              |
| Type of<br>Government     |                      |                    |                  |                                 |                              |
| Type of<br>Leader         |                      |                    |                  |                                 |                              |
| How Leader<br>Gets Power  |                      |                    |                  |                                 |                              |
| How Leader<br>Loses Power |                      |                    |                  |                                 |                              |

### ***A Declaration of Rights from The Declaration of Independence***

*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. 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.*

# Outline of the Constitution



Add information to the outline.

## I. Article 1—Legislative Branch

A. Organization \_\_\_\_\_

B. Duties \_\_\_\_\_

## II. Article 2—Executive Branch

A. Organization \_\_\_\_\_

B. Duties \_\_\_\_\_

## III. Article 3—Judicial Branch

A. Organization \_\_\_\_\_

B. Duties \_\_\_\_\_

## IV. Article 4—States and the Nation

\_\_\_\_\_

\_\_\_\_\_

## V. Article 5—Amending the Constitution

\_\_\_\_\_

\_\_\_\_\_

## VI. Article 6—Constitution as the Supreme Law

\_\_\_\_\_

\_\_\_\_\_

## VII. Article 7—Adopting the Constitution

\_\_\_\_\_

\_\_\_\_\_

## VIII. Bill of Rights

A. Amendment 1 \_\_\_\_\_

B. Amendment 2 \_\_\_\_\_

C. Amendment 3 \_\_\_\_\_

D. Amendment 4 \_\_\_\_\_

E. Amendment 5 \_\_\_\_\_

F. Amendment 6 \_\_\_\_\_

G. Amendment 7 \_\_\_\_\_

H. Amendment 8 \_\_\_\_\_

I. Amendment 9 \_\_\_\_\_

J. Amendment 10 \_\_\_\_\_

Other Amendments \_\_\_\_\_



## Is It Constitutional?

Read each situation. Decide whether the situation is constitutional or not under your student constitution. If the situation is not covered by your constitution, you may wish to review your constitution and revise it as needed, following the process set up in your constitution.

1. Your club has restricted membership to only those people who organized it and will not accept new members. Is this permissible?

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2. A member of the club has spread false rumors about another member. As a result, no one is speaking to the accused member. May the club discipline the member?

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3. The club asks members to donate goods that could be sold at a garage sale to raise funds for the club. What can be done if members refuse the request?

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4. A group of members were unhappy with the officers of the club. They took over the government of the club and made themselves the officers. May they do that?

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5. Some club members are accused of disobeying a club rule, and they are forced to drop out of the club before they can answer the accusation. Is this result authorized?

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6. The club has passed a law that allows only members of the club who are in sixth grade to vote for officers. Is this law valid?

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7. The club decides to expand by asking students from another school to join the club. Is this action authorized?

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## OVERVIEW OF THE LESSON

### Objectives

During the class sessions, students will—

- ✓ identify different forms of government
- ✓ describe different ways of ruling
- ✓ distinguish branches of government
- ✓ understand that a constitution is a set of basic laws for a government
- ✓ establish a form of government for a citizenship club

### Lesson Summary

The Unit One class session focuses on forms of government and the power of the leader of a government. Students begin by defining the concepts *monarchy*, *republic*, and *democracy* and identifying the characteristics of each form of government. In Unit Two, students review the organization of the government under the Constitution, the powers of the government, the rights of the people, and changes and additions to the Constitution. In Unit Three, students choose a form of classroom government and write a constitution detailing the government's structure, and the rights and responsibilities of its people. The class can review the constitution and vote on its adoption.

You might ask students to identify their school's governmental structure and make a chart showing the division of authority. Students can review the school's constitution, usually in the form of a student handbook, and draft proposed amendments to rules that they feel are outdated or no longer pertinent. They can also create posters explaining school rules for display in the school. These extension activities are explained more fully below. Share students' work with your lawyer, and make plans to include her or him as a participant in your civics instruction throughout the year.

### PORTFOLIO ASSESSMENT

As the units are completed, students may place their handouts, activity sheets, and research on the topics in a "Making Rules and Laws" portfolio. Encourage students to review their work and evaluate their understanding of the Constitution as they progress through the units.

### HOME CONNECTION

Suggest that students work with family members to make a collage of either family pictures or magazine and newspaper pictures that show activities or events that are protected by the Constitution. Examples include a church picnic (freedom of religion); a school play (freedom of speech); and people attending a political rally or watching a parade (right to peaceably assemble).

### ACTIVITY SHEET/ANSWER KEYS

In each Student Packet is an Activity Sheet. Students may use the **Word Puzzle** exercise to strengthen vocabulary related to making rules and laws after your lawyer's visits.

### Word Puzzle

#### Across

2. article
3. monarchy
4. constitution
5. preamble
7. republic
8. dictator

#### Down

1. democracy
2. amendment
6. law

## EXTENSION ACTIVITIES

**School Government Chart:** Have students review the governmental organization of their school. Discuss the division of authority. Does the school board, superintendent, or principal have absolute authority, or is the power shared by several people? Why might the authority be divided this way? Does the community have a voice in school government? (Yes, through elected school board members.) Do students have a say in their school government? Ask students to make a chart outlining the delegation of authority in their school.

**Drafting an Amendment:** Review the school handbook with the students, and poll them to determine a school rule that they feel needs to be amended. Help students determine why the rule was made initially and how current conditions affect the rule as it is written.

Divide the class into small groups, and discuss possible changes that can be made to the rule. Have each group write a proposed amendment to the rule and present it to the class. Take a vote to determine the most popular amendment. Ask your lawyer to read and evaluate the amendment before a group of volunteers presents the amendment to the administration for possible adoption.

**School Rule Poster:** Review the concept that a rule or law must be posted and explained to the people in order for it to be enforced. Have each student make an informational poster about a school rule. Display the posters in appropriate places throughout the school.

### A LITERAL READING

As an active member of an Oklahoma County Bar education committee, William Burkett frequently speaks to school children about legal topics. On one recent occasion, he spoke to a class of fifth graders in Midwest City, Oklahoma, about the rights of criminal defendants. Burkett asked if any of the children knew the punishment for stealing in some countries.

"Yes," said one boy. "They cut off your hand."

"Could that happen here?" Burkett asked, and received a chorus of "nos" in reply.

"Why not?" he asked a girl in the front row.

"Because," she said, "the Constitution gives us the right to keep our arms."



## Word Puzzle

Read each clue. Then choose a word from the list to complete the crossword puzzle.

### ACROSS

2. section of a written document
3. government headed by a king or queen
4. basic document of government
5. introduction to the Constitution
7. government headed by elected representatives
8. ruler with absolute and complete authority

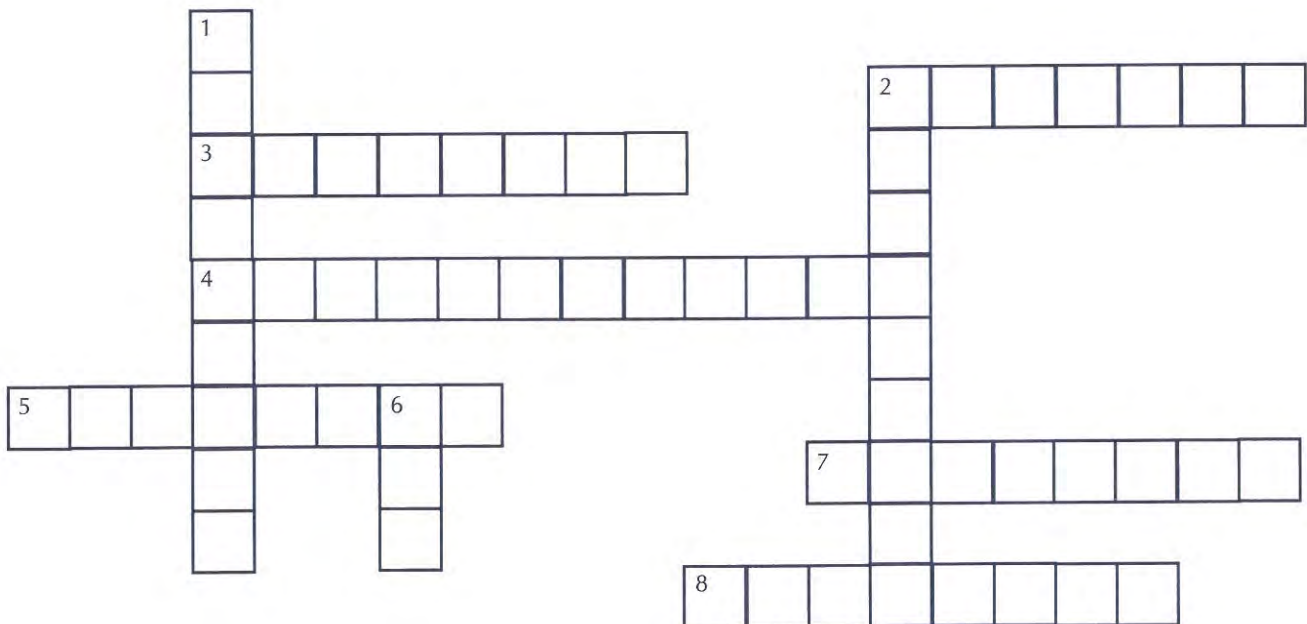
### DOWN

1. government by the people
2. change in a law
6. formal or written rule

preamble  
constitution  
democracy

republic  
monarchy  
amendment

article  
dictator  
law



# Making Rules and Laws

Level C (Grades 6–8)



This level contains the following materials:



## Lawyer's Pages

*Before your visit, meet with the teacher to choose the activities that fit the instructional objectives and that are best suited to the group. Remember to ask the teacher what has already been covered in class. Together, decide which units you will present and when. Review the materials for your lessons and make copies as indicated.*

- ☐ **Lesson Plan** (page C-22–23)
- ☐ **Rules and Laws** (page C-24)
- ☐ **Know Your Constitution** (page C-25)
- ☐ **Vernonia v. Acton** (pages C-26–27)
- ☐ **Constitution** (pages 44–52)
- ☐ **Lawyer's Evaluation Form** (page 57)



## Teacher's Pages

*Make one copy of each page marked with the teacher's icon and send to the teacher in a Teacher's Packet one week before the class session.*

- ☐ **Rules and Laws** (page C-24)
- ☐ **Know Your Constitution** (page C-25)
- ☐ **Vernonia v. Acton** (pages C-26–27)
- ☐ **Activity Guide** (page C-28)
  - Overview of the Lesson
  - Activity Sheet/Answer Keys
  - Extension Activities (Drafting Rules, Mock Trial, Rights and Responsibilities Chart)
- ☐ **Glossary** (page 53)
- ☐ **Bibliography** (pages 54–56)
- ☐ **Law-Related Education Essentials Matrix** (page 58)



## Student's Pages

*Make copies of the pages marked with the student icon for each student in class and distribute as part of a Student Packet.*

- ☐ **Rules and Laws** (page C-24)
- ☐ **Know Your Constitution** (page C-25)
- ☐ **Vernonia v. Acton** (pages C-26–27)
- ☐ **Activity Sheet** (page C-29)
- ☐ **Constitution** (pages 44–52)
- ☐ **Glossary** (page 53)



## Objectives

During your sessions, students will—

- ✓ define the terms *rule* and *law*
- ✓ identify several characteristics of a good rule or law
- ✓ compare rights and responsibilities under school rules and community laws
- ✓ identify differences and similarities between students' roles as students and as citizens

## Vocabulary

As the following terms come up in discussion, list them on the board and elicit definitions from students. Many of these terms appear on the Activity Sheet in the Student Packet, which students may complete after your visits.

|                |                  |
|----------------|------------------|
| Bill of Rights | petition         |
| Constitution   | Preamble         |
| imply          | responsibilities |
| law            | rights           |
| liberty        | rules            |

## Lesson Overview

These lessons explore the concepts of rules and laws in relation to constitutional rights and responsibilities. Students begin by defining *rules* and *laws*, identifying characteristics of rules and laws, and comparing school rules with laws in the community.

## Unit One—Rules and Laws

**Time Needed:** 1–2 class periods

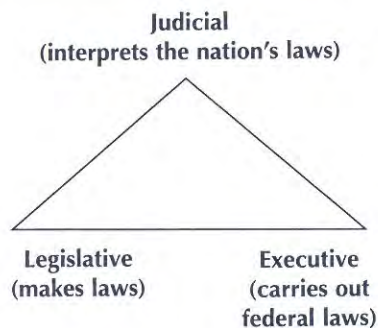
**Materials Needed:** Rules and Laws Handout

### Procedure

1. Begin by introducing yourself and telling students a little about yourself. Say you're glad to have been included in the class's plans for the day. Tell students that today you are going to talk about rules and laws. Ask students to identify some rules that affect the way they live. List the rules on the chalkboard. Answers might include getting to school on time, having a curfew set by parents, and doing one's homework.
2. Ask students to identify the differences between school rules and laws. Ask them to think of characteristics that rules and laws should have. Write student responses on the chalkboard. After the list is compiled, help students prior-

itize the characteristics. The list might include the following:

- a. Rules and laws should be enforceable.
  - b. Rules and laws should be fair.
  - c. People should know about the rules and laws.
  - d. There should be a consequence for breaking a rule or law.
3. Have students make a list of laws on the chalkboard. These might include attending school until age 16, state laws for the age to get a driver's license, or local laws for curfews. Point to the first example in the list, and ask students to tell what conditions or concerns led to the passage of the law or why they think the law originated. Then have students identify rights and responsibilities they may have that are the result of having rules and laws. Answers might include the right to go out with friends, the responsibility to be home by curfew, the right to take classes of interest, and the responsibility to pass the classes. Ask students to compare their rights and responsibilities in school and outside school, and discuss differences and similarities between their roles as students and as citizens.
4. Divide the class into small groups, and have the groups discuss the following questions for several of the items in the list on the chalkboard: What conditions or concerns have led to the passage of the law? What are your rights as a result of this law? What are your responsibilities as a result of this law?
5. Draw the following diagram on the chalkboard. Point out to students that the legislative branch, Congress, makes the laws; the executive branch enforces the laws; and the judicial branch interprets the laws.



6. Distribute the Student Packets and direct students to the handout "Rules and Laws." Ask them to read the first set of directions and answer the questions. Then ask them to read the second set of directions and the first example. Ask volunteers to tell about the conditions that might have led to making the law and their concerns about the law. Let students complete the activity. Then discuss their responses. Possible answers include
- a. This law was passed to protect people from creditors who were using unfair collection methods to scare people into paying their debts.
  - b. This law indicates a concern for the ability of the wife to support herself on her own, and makes minimal provisions for her well-being.
  - c. This law may have been passed to prevent people from posing as cowboys.
  - d. Because dueling was common at the time, this law was passed to make sure that people who tended to resolve matters through violence rather than reason were not hired as teachers.
  - e. This law was enacted to control the spread of disease.
  - f. People in this era had a very different sense of modesty.
  - g. State officials were concerned about the spread of forest fires.
  - h. This law discourages hungry babysitters from taking advantage of their employers.
  - i. A concern for public safety was the reason for this law.
  - j. This law may have been enacted to discourage children from using the phone.

## Unit Two—Know Your Constitution

**Time Needed:** 1–2 class periods

**Materials Needed:** Know Your Constitution Handout

### Procedure

1. Distribute copies of the Constitution and read the preamble aloud. Explain that the preamble is an introductory statement that gives the purpose for adopting the Constitution. Ask students why the Constitution was adopted. If necessary, define terms such as *general welfare*, *more perfect union*, *blessings of liberty*, and *our posterity*.
2. Provide general background information for each article and amendment of the Constitution. Encourage discussion. You may wish to create a topical out-



line for the constitutional articles and amendments on the chalkboard as you discuss the Constitution. Ask questions that will help students understand the Constitution as the framework of our government and the Supreme Law of the Land. Explain that Article 6 specifically makes the Constitution the Supreme Law of the Land. Ask students what the phrase *Supreme Law of the Land* means.

3. Distribute the handout "Know Your Constitution." Explain the directions and work through the first situation with students. (According to Article 1, Section 2, Clause 2 of the Constitution, a person must be at least 25 years old to serve as a representative. Therefore, someone who is 18 may not run for that office.) Divide the class into small groups and have the groups work to determine whether the situations for items 2–10 are constitutional.

4. After groups have completed the items, reconvene the entire class and discuss each item. (2.) No. The Fourth Amendment protects persons against unreasonable searches and seizures. (3.) No. Excessive bail is prohibited by the Eighth Amendment. (4.) Yes. The First Amendment gives people the right to peaceably assemble. (5.) No. The 22nd Amendment says no one can be elected president more than twice. (6.) Yes. Under the Seventh Amendment, if a civil suit involves more than \$20, the defendant has the right to a jury trial. (7.) No. Members of Congress cannot vote themselves a raise during their current term under the 27th Amendment. (8.) No. Article 3 says that the salaries of the Supreme Court justices may not be reduced while they are in office. (9.) No. The Sixth Amendment guarantees the accused the right to call favorable witnesses during a trial. (10.) No. The 26th Amendment gives eighteen-year-olds the right to vote in all elections.

5. Encourage students to write a constitutional law for their community. Suggest areas for which they may want to write a law; for example, they might write a law banning graffiti. Ask volunteers to share their laws with the class. Discuss the laws in terms of what they do and whether or not they can be challenged on a constitutional basis.

6. Conclude the activity by summarizing. Make sure that students understand that the Constitution is the Supreme Law of the Land, but all levels of government may make and enforce other laws as long as those laws are not in disagreement with the Constitution.

## Unit Three—Vernonia v. Acton

**Time Needed:** 1–2 class periods

**Materials Needed:** Vernonia v. Acton Handout

### Procedure

1. Review that all levels of government—federal, state, and local—may make and enforce laws as long as those laws are not in disagreement with the Constitution. Point out that the *Vernonia v. Acton* case involved drug-testing of student athletes who played interscholastic sports. Have students discuss interscholastic sports in their school. Ask them whether they think requiring drug testing is constitutional? Is it a good law? Why or why not?

2. Throughout the lesson, remember that vocabulary development is important. Write any words that cause difficulty on the chalkboard, and make sure students understand them. Don't emphasize technical aspects such as the *certiorari* process, but be prepared to give limited responses if questions come up.

3. Tell students that the case they are examining involves the Fourth Amendment. Read and discuss the Fourth Amendment to the Constitution.

4. Distribute both parts of the handout "Vernonia v. Acton." Ask students to explain the issue in this case and the decision that the Court had to make. (The issue is whether athletes who participate in interscholastic sports may legally be required to submit to drug tests to remain on the teams.)

5. Divide the class into groups of five or six. Give each group an opinion (either Opinion A or Opinion B) to support. Each group should assign a recorder to write down the group's ideas and a spokesperson to report the arguments to the class.

6. Ask the groups to identify each argument in the opinion they were given and to rank the arguments from most impor-

tant to least important. Tell students that they are free to add arguments supporting the position presented in the opinion. If some students in the group do not agree with the opinion, ask them to think as lawyers would and to help defend their opinion.

7. Tell students that they have 10 minutes to identify and list the arguments. Circulate and observe all groups to determine that they are on task. Don't take over any group, but do give any needed instruction or prompt discussion with questions.

8. Begin class discussion of the case by asking a spokesperson from a group supporting Opinion A to give its highest ranked argument. Next ask a spokesperson from a group supporting Opinion B to respond to the argument given for Opinion A, and so on. As the arguments are being elicited, write them on the board under the appropriate heading "Opinion A" or "Opinion B."

9. Continue the discussion, ensuring that students from each group have a chance to contribute.

10. When the arguments have been exhausted, congratulate students on their creativity and analysis and respond to the arguments that they made.

11. Explain that one of the opinions is the Supreme Court's majority decision in a case involving drug testing of student athletes. Ask students to identify which opinion they think is that of the majority of the Court. Tell students that the Supreme Court decided this case in 1995.

**Answer:** The Supreme Court disagreed with the Ninth Circuit on the Fourth Amendment issue and sent the case back to the appellate court to decide whether the district's testing program violates Oregon's constitutional search and seizure protection. While the appellate court is making that determination, James Acton will have to agree to be tested or give up playing football. The state court may find that the state's constitution provides him search and seizure protection.

12. Allow time for a question-and-answer wrap-up.



## Rules and Laws—What Are They?

**Directions:** Read the information in the “Rules About Rules” box and answer the questions.

1. Are rules necessary? Why?

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### *Rules About Rules*

Rules must be clear and easy to understand.  
People must be able to follow the rules.  
One rule must not conflict with another rule.  
There should be consequences for breaking rules.  
Rules must be posted or explained to people.  
Laws are enforced rules that govern society.

2. What is a law? \_\_\_\_\_

3. Are laws necessary? Why? \_\_\_\_\_

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## Funny Laws—Why Do We Have Them?

**Directions:** The following laws were once passed by lawmakers in the various states mentioned. Read the laws and write about conditions and/or concerns that may have led to their passage.

- a. In Massachusetts, it is a criminal offense to wear a costume while collecting a debt.
- b. A Tennessee law said that a man cannot divorce his wife unless he leaves her ten pounds of dried beans, five pounds of apples, one side of meat, and enough yarn to knot her own stockings for twelve months.
- c. A Blythe, California, city ordinance declares that a person must own at least two cows before he or she is permitted to wear cowboy boots in public.
- d. A teacher must swear that she or he has never taken part in a duel, either as a principal or as a second, before she or he is allowed to take a teaching position in Nevada.
- e. A Michigan public health law says that the failure to provide individual drinking utensils at public drinking fountains is a misdemeanor.
- f. A Portland, Oregon, ordinance forbids anyone to bathe in the rivers, lakes, or creeks within its corporate limits without wearing a dress that covers the body from the neck to the knees.
- g. Washington state law says that a driver of a car not equipped with ashtrays is liable for a \$200 fine.
- h. It is against the law in Altoona, Pennsylvania, for a babysitter to raid her or his employer’s refrigerator.
- i. In Forgan, Oklahoma, it is illegal to ride a bicycle backward down the main street.
- j. A Blue Earth, Minnesota, law says that no child under twelve may talk on the telephone unless accompanied by a parent.



## Constitutionally Speaking

Laws are the formal or written rules that govern our society. The Constitution of the United States states the basic laws of the nation. The Constitution tells the federal government what it may and may not do, identifies the organization of the government, and lists the rights guaranteed to the citizens and the states. The first ten amendments to the Constitution are called the Bill of Rights. Here are listed the specific rights of the people and the states. The Ninth Amendment states that the people have rights in addition to those listed. Local, state, and federal governments may make laws as long as the laws do not conflict with the Constitution.

**Directions:** Read each situation, identify the article or the amendment of the Constitution that applies to the situation, and answer the question. Write your answers on a separate sheet of paper.

1. You are an 18-year-old student who wants to run for a seat in the House of Representatives in next year's election. May you? Explain.
2. The police search your neighbor's house for drugs because there are three teenagers living there. Is the search constitutional? Explain.
3. The bail for a person accused of shoplifting a toothbrush is set at \$500,000. Is this constitutional? Explain.
4. A group of citizens gathers in front of the city hall in a silent protest to a new ordinance. Is it constitutional for people to gather this way? Explain.
5. A president who has just served two full terms decides to run for a third term. Does the Constitution permit this? Explain.
6. A state has a law that requires a civil case to involve more than \$1,000.00 before a jury trial is permitted. Is this constitutional? Explain.
7. In 1995 the House of Representatives votes to raise the salaries of representatives with the raise to take effect in February 1996. Is this constitutional? Explain.
8. The Congress votes to reduce the salaries of the sitting Supreme Court justices to help balance the budget. Is this constitutional? Explain.
9. A person being tried in criminal court was not allowed to call witnesses to support his alibi. Is this constitutional? Explain.
10. Your state passes a law that requires individuals to be at least 21 years old to vote for governor. Is this constitutional? Explain.



## YOU DECIDE

This case began in 1991 when James Acton was told he would be required to take a drug test in order to play football. James was a seventh-grade student athlete in Vernonia, Oregon. A majority of the school's seven hundred students participate in the district's athletic programs.

According to the district, student disciplinary problems more than doubled in the mid-to-late 1980s. Teachers witnessed students boasting about drug and alcohol use, and a small number of drug-using instances occurred near the schools. In an effort to curb drug use and disciplinary problems, the District held various antidrug educational programs, and the town assigned a police officer to patrol the areas near the high school.

Convinced that these measures were ineffective in curbing drug and disciplinary problems, the district then adopted a policy that required urine analysis for amphetamines, marijuana, and cocaine. All interscholastic athletes were required to take a drug test at the beginning of each sport season. Each week of each sports season, 10 percent of all participating athletes were randomly selected for testing. The urine samples were collected in the presence of a school official of the same sex as the student giving the sample.

Test results were 99.94 percent accurate and the results were sent only to top district officials. A positive test was followed by a retest. If the retest was positive, the student had two options. The student could continue participation in

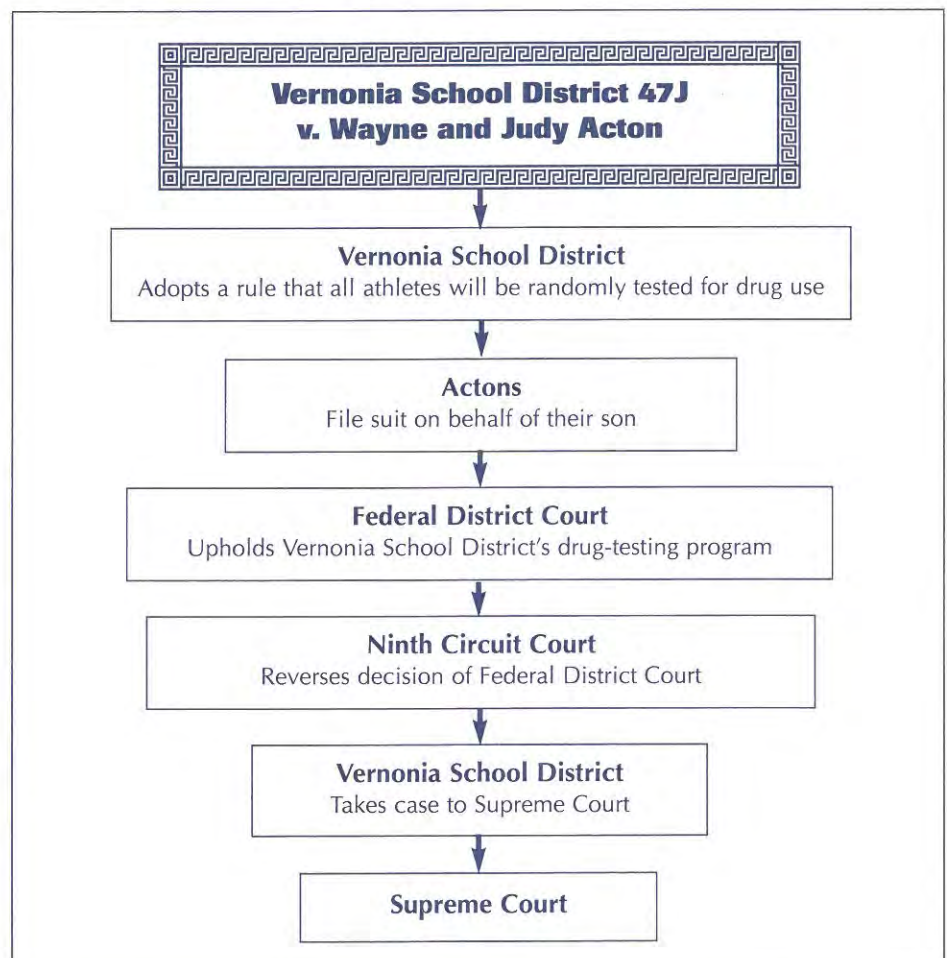
sports if she agreed to take part in a six-week drug-counseling program that included weekly drug testing. If the student refused to participate in the drug-counseling program, she or he was suspended from sports for the current and subsequent semesters. (The suspension was longer if the student was a second- or third-time violator.) The Vernonia police were not notified of positive test results.

According to the district, disciplinary problems dropped about 50 percent after the adoption of the drug-testing program. Teachers reported that student drug use and approval of drug use were also greatly reduced.

After James, supported by his parents, refused to take the drug test,

he was barred from participating in the district's football program. Wayne and Judy Acton, James's parents, filed suit in federal district court, claiming that the Vernonia School District's program violated the search and seizure protections of the Fourth Amendment and the Oregon constitution.

After a trial, the district court upheld Vernonia's testing program under both the federal and state constitutions. The Ninth Circuit reversed this decision on appeal, striking down the drug-testing program on Fourth Amendment grounds. The Vernonia School District then asked the Supreme Court to review the Ninth Circuit's decision.





## Opinion A

The Student Athlete Drug Policy adopted by School District 47J in Vernonia, Oregon, requires student athletes to agree to random urine testing for drug use. The purpose of the policy is to prevent athletes from using drugs, to protect their health and safety, and to provide help for drug users.

The Fourth Amendment to the United States Constitution states that the federal government may not violate "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. . . ." Whether a governmental search is constitutional depends on whether the search is considered reasonable. The test for reasonableness is to balance how much the search intrudes on Fourth Amendment rights, including the right to privacy, against how much the search helps promote legitimate government concerns.

The important facts in this case are that (1) the drug-testing policy is aimed at children and (2) these children are in the temporary care of the school. Fourth Amendment rights, as well as First and Fourteenth Amendment rights, are different in public schools than in other places. Some actions may be "reasonable" when they are part of schools' care of and responsibility for the children. For example, for health reasons, school children are required to have physical examinations and vaccinations against serious diseases. Therefore, schoolchildren are accorded less privacy than other members of the population. School athletes have even less expectation of privacy than most students. School sports are not for the bashful. They require "suiting up," showering, and changing, usually in locker rooms that are not noted for privacy. By choosing to participate in sports, athletes voluntarily agree to follow certain rules.

Preventing drug use by schoolchildren is certainly important: school years are the time when children are most likely to be affected by drugs. Given that students already have and expect less privacy in school, that the search does not demand much loss of privacy, and that the search is intended to prevent drug use, School District 47J's athlete drug policy is reasonable and therefore constitutional.

## Opinion B

It is not fair to search the millions of students who participate in school athletics when most of them have given school officials no reason to suspect they use drugs. Because such blanket, "suspicionless" searches involve thousands or millions of searches, they pose a greater threat to liberty than do searches based on actual suspicion. But whether blanket searches are "better" than searches based on individualized suspicion is not a question we should try to answer. It is not up to judges or government officials to decide which is better or worse. For most of our constitutional history, blanket, suspicionless searches have been generally considered "unreasonable" within the meaning of the Fourth Amendment. History and precedent establish that individualized suspicion is usually required under the Fourth Amendment.

Searches based on suspicion are less intrusive than searches not based on suspicion because they invade the privacy of fewer students (thousands rather than millions) and give the possible search targets a way to avoid searches (avoid acting suspiciously). The great irony of this case is that most of the evidence that School District 47J introduced in court to justify its program consisted of first- and secondhand stories of particular, identifiable students acting in ways that plainly led to reasonable suspicion of drug use. Clearly, this evidence would have justified suspicion-based drug testing. So why wouldn't suspicion-based testing work just as well in addressing Vernonia's school drug problem? With such alternatives available, the Fourth Amendment dictates that mass suspicionless searches are unreasonable.

It is true that a suspicion-based program may not be as effective in controlling drug use as a suspicionless program. But we have long recognized that Fourth Amendment protections come with a price: To avoid intrusive searches of many mostly innocent people, some guilty people will also not be searched. But we must show students that they do not shed their constitutional rights at the schoolhouse door. As James Acton's father said on the witness stand, "[Suspicionless testing] sends a message to children who are trying to be responsible citizens . . . that they have to prove that they're innocent . . . , and I think that kind of sets a bad tone for citizenship."

In this case, the district's suspicionless policy of drug testing all student athletes is both too broad and too imprecise to be considered reasonable under the Fourth Amendment.



## OVERVIEW OF THE LESSON

### Objectives

During the class sessions, students will—

- ✓ define the terms *rule* and *law*
- ✓ identify several characteristics of a good rule or law
- ✓ compare rights and responsibilities under school rules and community laws
- ✓ identify differences and similarities between students' roles as students and as citizens

### Lesson Summary

The Unit One class session focuses on the concepts of rules and laws in relation to the constitutional rights and responsibilities of citizens. Students begin by defining the concepts *rules* and *laws*, identifying their characteristics, and comparing school rules with laws in the community. The students review unusual laws and identify conditions and concerns that may have led to the passage of such laws. In Unit Two, students review the articles and amendments of the Constitution and demonstrate their understanding by explaining the constitutional implications for specific situations. In Unit Three, students review information about the *Vernonia v. Acton* Supreme Court case and make a decision about the aptness and constitutionality of a drug testing rule by choosing between two judicial opinions.

Following your lawyer's visits, you might ask students to draft a rule by having them do research on a school or local issue and draft legislation. A mock trial format can help involve students in the judicial process as they present arguments to support their views on constitutional issues. These extension activities are explained more fully below. Share students' work with your lawyer, and make plans to include her or him in your civics instruction throughout the year.

### PORTFOLIO ASSESSMENT

As the units are completed, students may place their handouts, activity sheets, and research on the topics in "Making Rules and Laws" portfolios. Encourage students to review their work and evaluate their understanding of the Constitution as they progress through the units.

### HOME CONNECTION

Ask students to discuss rights and responsibilities with family members. Students should ask each member to list what he or she thinks are his or her three most important rights and three most important responsibilities as members of the family. Encourage students to use the information to make a poster to display at home.

### ACTIVITY SHEET/ANSWER KEYS

In each Student Packet is an Activity Sheet. After your lawyer's visits, students may use the **Matching** and **Word Search** exercises to strengthen vocabulary related to making rules and laws. Note that the word search uses the same words as the matching activity.

### Matching

- |      |      |       |
|------|------|-------|
| 1. b | 5. l | 9. e  |
| 2. c | 6. k | 10. f |
| 3. a | 7. h | 11. i |
| 4. j | 8. d | 12. g |

### Word Search

[X (Col), Y (Row) Direction-Word]:

- (01,01) E-SEARCH AND SEIZURE
- (01,04) S-PREAMBLE
- (02,13) N-PETITION
- (03,13) E-SUPREME COURT
- (04,11) N-LAW
- (06,12) E-BILL OF RIGHTS
- (07,03) W-RULE
- (08,03) S-CITIZEN
- (10,13) N-CONSTITUTION
- (12,02) S-INTEREST
- (15,14) W-RESPONSIBILITY
- (17,03) W-RIGHT

### EXTENSION ACTIVITIES

**Drafting Rules:** Poll students to identify one school rule which they agree or disagree with. Have students write a letter to the administration stating their position on the school rule and the constitutional basis, if any, for their opinion. If necessary, students may then draft a new rule, or amend an existing school rule. Encourage students to send copies of their letters and rules to the lawyer.

**Mock Trial:** Conduct a mock trial of a student in your school who has refused to submit to the school drug-testing program and has consequently been suspended from participating in any sport. Assign students roles as lawyers for both sides of the argument and instruct them to research the facts and issues of the case. A student judge can preside over the trial. Student witnesses can testify, and counsel for both sides can present arguments. Suggested witnesses may include

- |                                   |                                 |
|-----------------------------------|---------------------------------|
| • school nurse                    | • law professor                 |
| • football coach                  | • other student athletes        |
| • parents of the student on trial | • student in drug-rehab program |
| • school superintendent           | • teachers                      |
| • community physician             | • community law officers        |

At the end of all presentations, the class, acting as a jury, can vote whether to reinstate the student, suspend drug testing of athletes, or support the school drug-testing program.

**Rights and Responsibilities Chart:** Review the concepts of rights and responsibilities with students. Point out to students that they are members of a family, community, and school, and that they have different and/or overlapping rights and responsibilities in each area. Have students make a chart listing their rights and responsibilities as members of each group.



## Matching

Draw a line to match each term on the left with the best definition on the right.

- |                       |                                                  |
|-----------------------|--------------------------------------------------|
| 1. Constitution       | a. introduction to the U.S. Constitution         |
| 2. rule               | b. basic document of U.S. government             |
| 3. Preamble           | c. guide for conduct                             |
| 4. search and seizure | d. formal or written rule                        |
| 5. responsibility     | e. highest court in the nation                   |
| 6. citizen            | f. legal entitlement                             |
| 7. Bill of Rights     | g. formal court request                          |
| 8. law                | h. first 10 Amendments                           |
| 9. Supreme Court      | i. benefit or advantage                          |
| 10. right             | j. protection guaranteed under the 4th Amendment |
| 11. interest          | k. member of a nation                            |
| 12. petition          | l. moral, social, and often legal accountability |

## Word Search

Find the terms from the left column above in the word-search puzzle.

Words may be spelled up, down, forward, or backward.

|   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| S | E | A | R | C | H | A | N | D | S | E | I | Z | U | R | E | Y |
| A | S | D | F | G | E | T | N | I | N | M | I | Y | T | R | E | H |
| Z | X | C | E | L | U | R | B | O | O | U | N | T | H | G | I | R |
| P | O | I | U | Y | H | G | C | F | I | H | T | P | L | M | N | B |
| R | F | G | H | J | B | Y | I | G | T | O | E | T | Q | W | D | C |
| E | N | H | U | J | I | K | T | N | U | Y | R | G | M | C | Q | O |
| A | O | R | W | V | L | D | I | H | T | V | E | N | P | K | F | D |
| M | I | K | V | O | P | U | Z | G | I | M | S | G | Y | U | N | L |
| B | T | P | W | J | M | W | E | Y | T | J | T | R | I | G | Y | I |
| L | I | H | A | H | N | P | N | G | S | P | L | M | N | C | X | W |
| E | T | L | L | P | I | Y | R | W | N | G | F | W | X | M | O | I |
| P | E | U | Y | N | B | I | L | L | O | F | R | I | G | H | T | S |
| S | P | S | U | P | R | E | M | E | C | O | U | R | T | I | O | M |
| L | Y | T | I | L | I | B | I | S | N | O | P | S | E | R | K | R |

# Making Rules and Laws

Level D (Grades 9–12)



This level contains the following materials:



## Lawyer's Pages

*Before your visit, meet with the teacher to choose the activities that fit the instructional objectives and that are best suited to the group. Remember to ask the teacher what has already been covered in class. Together, decide which units you will present and when. Review the materials for your lessons and make copies as indicated.*

- ☐ **Lesson Plan** (pages D-31–32)
- ☐ **Ways to Vote: Cumulative Voting** (page D-33)
- ☐ **Voting Rights** (pages D-34–36)
- ☐ **Student Forum** (pages D-37–41)
- ☐ **Constitution** (pages 44–52)
- ☐ **Lawyer's Evaluation Form** (page 57)



## Teacher's Pages

*Make one copy of each page marked with the teacher's icon and send to the teacher in a Teacher's Packet one week before the class session.*

- ☐ **Ways to Vote: Cumulative Voting** (page D-33)
- ☐ **Voting Rights** (pages D-34–36)
- ☐ **Student Forum** (pages D-37–41)
- ☐ **Activity Guide** (page D-42)
  - Overview of the Lesson
  - Activity Sheet/Answer Keys
  - Extension Activities (Supreme Court Opinion, Voter Registration Poster, Improving Voter Participation)
- ☐ **Glossary** (page 53)
- ☐ **Bibliography** (pages 54–56)
- ☐ **Law-Related Education Essentials Matrix** (page 58)



## Student's Pages

*Make copies of the pages marked with the student icon for each student in class and distribute as part of a Student Packet.*

- ☐ **Ways to Vote: Cumulative Voting** (page D-33)
- ☐ **Voting Rights** (pages D-34–36)
- ☐ **Student Forum** (pages D-37–41)
- ☐ **Activity Sheet** (page D-43)
- ☐ **Constitution** (pages 44–52)
- ☐ **Glossary** (page 53)



## Objectives

During your sessions, students will—

- ✓ discuss rights and responsibilities under the Constitution and Bill of Rights
- ✓ discuss voting laws and processes in the United States and in their state
- ✓ examine different methods of voting
- ✓ compare the one-person one-vote system with the cumulative-voting system
- ✓ discuss whether the voting laws in the United States should be changed

## Vocabulary

As these terms come up in discussion, list them on the board and elicit definitions from students. Some of these terms appear on the Activity Sheet in the Student Packet, which students may complete after your visits.

|                   |                  |
|-------------------|------------------|
| ballot            | issue            |
| Bill of Rights    | petition         |
| candidate         | preamble         |
| Constitution      | referendum       |
| cumulative voting | responsibilities |
| election          | rights           |

## Lesson Overview

These lessons explore voting laws in relation to constitutional rights and responsibilities. Students begin by using three methods to vote on a hypothetical issue. They examine how a change in voting laws can affect the outcome of an election and thus influence the adoption of other laws and the selection of elected officials. Based on this examination, they make recommendations about voting laws in the United States. In the forum, students examine the law-making process as exemplified by the ratification of the U.S. Constitution.

## Unit One—Ways to Vote

**Time Needed:** 1–2 class periods

**Materials Needed:** ballots, Ways to Vote: Cumulative Voting Handout, Constitution (pages 44–52)

### Procedure

1. Briefly explain the voting laws in the United States. Eligible citizens must register in order to vote. All citizens 18 years old or older are eligible to vote in local, state, and national elections. Each person has the right to one vote for each office or issue on the ballot. You may

want to discuss your state's specific voting requirements.

2. Remind students that in this country we have a system of one person, one vote. Explain that there are other methods of voting and that they will learn about two other methods. Point out to students that they will vote on an issue using all three methods. Present this hypothetical situation: Due to the increase in the number of traffic accidents involving student drivers, our state is considering a law that would reduce the number of student drivers by changing the qualifications for a driver's license. Several options have been presented and the state has decided to let the public vote on the proposed changes in the driver's license law. Write the proposed referendum question on the chalkboard: Should the state require the following as qualifications for obtaining a driver's license: (a) minimum age of 18; (b) part-time job; (c) B average in school; (d) negative drug test? Voters may choose one option.

3. Distribute small squares of paper to students to use as ballots. Explain that in the "one person, one vote" voting process, every person will have a single vote. Have students vote by writing *age*, *job*, *grades*, or *drug test* on their ballots. Collect the ballots, and appoint two students to count them. One student should read each vote aloud and the other should record the vote. Discuss the outcome. Which option did the voters select? What percentage of the voters voted for each option?

4. Distribute a second set of ballots to students. Explain that students now have three votes each and that they can distribute those votes among the four options any way they wish. This method is called *cumulative voting*. Have students vote by writing *age*, *job*, *grades*, or *drug test* and the number of votes they want to give each option. Collect and tally the votes. Discuss the outcome. Is the outcome different from that of the first vote?

5. To reinforce the concept of cumulative voting, distribute the handout "Ways to Vote: Cumulative Voting." Read and discuss the explanation of cumulative voting. Then have students use the one-person one-vote system to choose a menu. Collect the "ballots" and tally the

votes. Have students record the number of votes each menu receives on their handout.

6. Ask students to write the menus on a sheet of paper. Tell them that each person now has ten votes that can be used to select menus in a cumulative-voting system. Collect and tally the votes. Have students record the totals on their handout. After they write responses to the questions, have students discuss their answers. Do they think cumulative voting has advantages? Disadvantages?

7. To introduce the third voting method (block voting—often used by interest groups), divide the class into four "Interest Groups." One group represents students who are eighteen years old, another represents students with part-time jobs, another represents students with good grades, and the final group represents students who are actively involved in antidrug activities. Have students discuss the position their interest group might take on the driver's license referendum and explain why. Point out that this time the voting law is that each group has one vote per person, and each person must vote according to group consensus. Distribute a ballot to each group and have the group mark the ballot for age, job, grades, or drug test. Make sure the groups write the number of group members on the ballot. Announce and record the ballot results. What was the outcome? Does the vote change when everyone in an interest group agrees to vote the same way?

8. Analyze the three methods of voting. Which type of voting best represents the needs and wishes of the electorate? Which voting method would become a law that best represents the people and therefore derives its authority from them? (See the Constitution.) Why is it important in a democratic society for the law to represent the needs and wishes of "we the people?"

## Unit Two—Voting Rights

**Time Needed:** 1–2 class periods

**Materials Needed:** Voting Rights Handout

### Preparation

Assemble 4 sets of 100 index cards of four different colors (25 cards of each color in each set) and 16 pieces of string, each 3 feet long.



## Procedure

1. Begin class by introducing yourself and telling students a little about yourself.
2. Explain to students that the purpose of this session is to review the history of U.S. voting laws and discuss the issue of redistricting. Review the time line and pertinent amendments, and read the summary of the Voting Rights Act of 1965 and the Supreme Court case descriptions. Use any of these questions for class discussion:
  - a. In what ways do citizens benefit from participating in the voting process?
  - b. Are citizens harmed if laws prevent them from participating in the voting process? If so, in what ways?
  - c. Should the government try to make it more convenient by law for some groups to vote because the groups have experienced discrimination in the past?
  - d. Should race be considered when drawing voting district lines? To what extent? Why? Should ethnicity be considered?
3. Divide the class into four groups and give each group a set of cards. Have the groups mix the cards and randomly lay them out in ten rows of ten cards.
4. Tell students that the cards represent the population of a community of 100,000 people. Students are legislators who have the responsibility of creating ten voting districts of 10,000 voters each. The cards represent four different racial/ethnic groups. The community is proud of its diverse population and

wants a fair and equitable plan to divide the community into ten districts. Instruct students to use the string to make the boundary lines for each voting district.

**Note:** It is not necessary to give students sufficient time to complete the task. The goal of this exercise is make students aware of the difficulty of the task.

5. Tell students that now the legislators have decided that the only fair way to create districts is to be objective and divide the community solely by geographic boundaries. Instruct students to divide their community into ten equal parts without moving any of the cards. Ask students to count and analyze the data presented.

6. Assign students to represent the different racial/ethnic groups. Is the geographic division advantageous for their racial/ethnic group? Does any one group have a majority of voters in one or more districts? Is it reasonable to expect that all members of a racial or ethnic group will vote in the same way? How many districts are dominated by a majority of people of one race or ethnicity? Do these districts represent the size of that ethnic population in the community? Does the plan comply with Section 2 of the Voting Rights Act? Is the plan fair?

7. Have several student representatives propose a redistricting plan. Ask other students to assess the fairness of the plan from the perspective of their ethnic group by asking these questions: Is this plan fair to your group? Is this plan fair to other groups? Why do you support this plan? How would you change the

plan? Are you able to offer a plan that is fair to all?

8. After students have completed the Handout, review these decisions: *Johnson v. De Grandy*—affirmed the part that left the Florida Senate plan undisturbed and reversed the part that called for increasing the number of majority-Hispanic house districts; *United States and Louisiana v. Hays*—vacated the decision; *Miller v. Johnson*—affirmed the decision.

## Unit Three—Student Forum

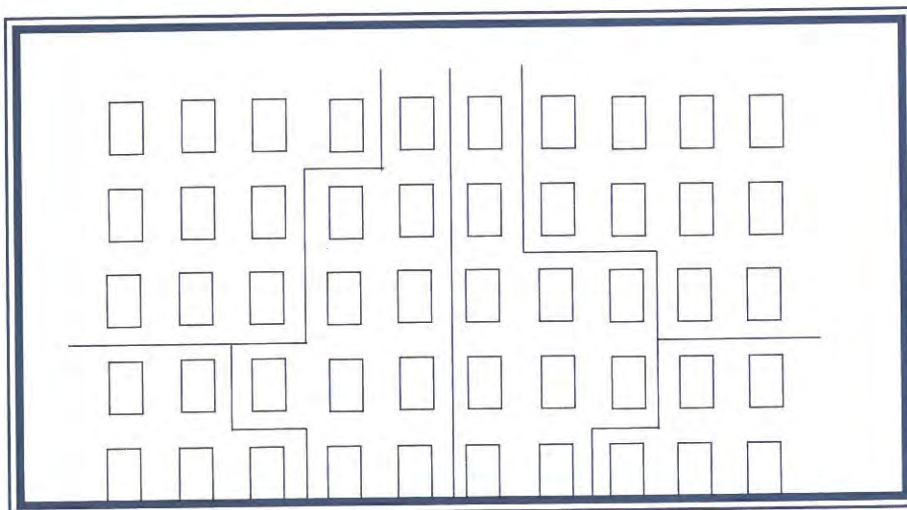
**Time Needed:** 3–6 class periods

**Materials Needed:** Student Forum Handout (2 copies of the ballot for each student), Constitution (pages 44–52)

## Procedure

1. The Student Forum provides students with the opportunity to research and discuss legal issues that have historical roots and contemporary applications. The subject is the law-making process, as exemplified by the ratification of the U.S. Constitution. In order for the Constitution to be approved by the Constitutional Convention in Philadelphia, a consensus had to be reached. Studying this topic is an excellent way to help students see how consensus about rules and laws is achieved through compromise. Students are responsible for the organization of the forum. Your role will be to serve as a consultant to the students. Since the forum can take from three to six class periods depending on the number of characters included and the amount of discussion involved, you may elect to participate in the initial session as time permits. Direct students to the handout "Student Forum."

2. After the initial review of the topic and the procedures, help students identify areas to research so that they can obtain background information to enhance the quality of their presentations and participation.



## Ways to Vote: Cumulative Voting



Imagine that your class is electing a class president. Of the three candidates, you really like one. Your friend thinks any of the three would make a good president. If you vote using a one-person one-vote system, you get one vote to support your candidate and your friend gets one vote. Your vote shows which candidate you like, but not how well you like that candidate.

Should you be able to indicate how much you prefer your candidate?  
How could you do this?

**Cumulative voting** is one way. In cumulative voting, each voter gets a set number of votes. Those votes can be divided among the candidates as the voter pleases. Think about the class election, for example. Since all class members should have the same voting power, each member gets three votes. Because you really like one candidate, you could give all three of your votes to that candidate. Since your friend likes all three candidates, she could divide her three votes among the candidates, giving each candidate one vote. Both of you have the same voting power, but you each use it differently.

Does cumulative voting change the outcome of an election? You can find out by holding mock elections for a school lunch menu. Here are five possible school lunch menus:

- a. cheese pizza and raw vegetables
- b. pasta and salad
- c. hamburger and coleslaw
- d. tuna sandwich and tomato soup
- e. chicken fingers and fruit

Vote for a menu using the one-person one-vote system. Write the menu you prefer.

Your Menu Choice \_\_\_\_\_

Record the total number of votes each menu received.

a. \_\_\_\_\_ b. \_\_\_\_\_ c. \_\_\_\_\_ d. \_\_\_\_\_ e. \_\_\_\_\_

Now use a cumulative-voting system. You have ten votes that you can divide however you wish. Write all menus and the number of votes you wish to give each menu on a sheet of paper. Remember, you can divide your votes as you wish, but your total number of votes may not exceed ten.

|                                    |       |                                  |       |
|------------------------------------|-------|----------------------------------|-------|
| a. cheese pizza and raw vegetables | _____ | d. tuna sandwich and tomato soup | _____ |
| b. pasta and salad                 | _____ | e. chicken fingers and fruit     | _____ |
| c. hamburger and coleslaw          | _____ |                                  |       |

Record the total number of votes each menu received.

a. \_\_\_\_\_ b. \_\_\_\_\_ c. \_\_\_\_\_ d. \_\_\_\_\_ e. \_\_\_\_\_

**Compare** Did the outcome of the voting process change? How?

Do you think the United States ought to adopt a cumulative-voting system? Why or why not?



Study the time line and read the summary of the Voting Rights Act of 1965.  
Answer the questions.

## History of U.S. Voting Laws

- 1776: Declaration of Independence signed
- 1788: U.S. Constitution in effect
- 1868: 14th Amendment ratified: made former slaves citizens and gave them full civil rights
- 1870: 15th Amendment ratified: prohibited using racial discrimination to deny anyone the right to vote
- 1920: 19th Amendment ratified: gave women the right to vote
- 1964: 24th Amendment ratified: barred the use of poll taxes in state and local elections
- 1965: Voting Rights Act passed: prohibited use of literacy tests in many southern states and gave federal government the power to ensure that minorities were not prevented from registering to vote
- 1970: Voting Rights Acts amended: made literacy tests illegal in all states
- 1971: 26th Amendment ratified: lowered the voting age to 18 for all state and national elections
- 1982: Voting Rights Act amended to include Section 2: discussed "proportional representation" and prohibited gerrymandering

## Voting Rights Act of 1965

The purpose of this act is to prevent racial discrimination in voting. It put an end to common racially biased practices such as literacy tests. Since the act's passage, efforts have been made to clearly interpret how to apply the act to certain situations.

In 1982, the act was amended to include Section 2, which prohibits rules and practices that result in minorities' having "less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." Section 2 discusses "proportional representation," which refers to the ideal of ensuring that voters have voting power in direct relation to the proportion of the population made up of their racial or ethnic group. Section 2 prohibits the government from enacting policies that will "dilute" the power of such a group through practices such as gerrymandering.

In the past ten years, the courts have been asked many times to determine whether certain voting policies are lawful under Section 2.

### Vocabulary

**Gerrymandering** refers to a practice that divides a state or city into voting districts in a way that gives unfair advantage to any group in elections.

A **poll tax** was a set amount of money each person had to pay to vote. Poll taxes were used to discourage poor people from voting.

A **literacy test** evaluates a person's ability to read and write. Literacy tests were used to prevent less educated people from voting.

## Questions

1. What changes in society may have led to the extensions of the right to vote to each group?
2. Does equal access to the polls ensure equal participation in the voting process? Why or why not?



Read the following Supreme Court cases and determine whether certain voting policies are lawful under the Fourteenth Amendment and the Voting Rights Act of 1965. Under this law, certain states are required to prove that any new redistricting plan is not racially discriminatory in purpose or effect.

## ***Johnson v. De Grandy*, 62 U.S.L.W. 4755 (1994)**

Between 1980 and 1990, Florida's population grew from 9,746,000 to 12,938,000. The addition of more than three million new residents meant that it was time to redraw voting districts in Florida.

At the beginning of the 1992 Florida legislative session, State Representative Miguel De Grandy filed a complaint in federal district court charging that Florida voting districts were unfairly drawn. After the state legislature failed to adopt a new redistricting plan in 1992, the governor called a special session to accomplish the task.

State law called for review of the legislature's redistricting plan by the Florida Supreme Court before the plan became final. De Grandy and others challenged the state plan, which created one majority African-American and three majority Hispanic state senate districts, and nine majority Hispanic state house districts. After making some changes, the Florida Supreme Court approved the plan.

Dissatisfied with the plan, De Grandy and the other plaintiffs amended the original complaint to allege that the plan violated Section 2 of the Voting Rights Act. The U.S. Justice Department also challenged the plan, as did several African-American groups, including the National Association for the Advancement of Colored People (NAACP). The complaints were consolidated into one.

The district court agreed that both the senate and house redistricting plans violated Section 2. It declared that the plan "diluted" both Hispanic and African-American votes; that is, the way in which the district lines were drawn in the plan limited rather than strengthened the impact of minority voting on the election process.

The district court then held hearings to gather information and establish new districts. It accepted a house redistricting plan devised by De Grandy and the other plaintiffs that created 11 majority-Hispanic house districts. It rejected senate redistricting plans offered by Hispanic and African-American voters, claiming that to rule in favor of one group

would unfairly handicap the other group. The state senate plan, which the district court had earlier suggested violated Section 2, was upheld and declared to be the fairest.

Three separate appeals were filed with the Supreme Court. The Court consolidated the cases. Each complainant alleged that the district court's ruling failed to interpret Section 2 of the Voting Rights Act properly, and that its method of arriving at a decision was incomplete.

## **Summaries of Appeals Filed with the Supreme Court**

### ***Bolley Johnson, et al. v. Miguel De Grandy, et al.* (Docket No. 92-519)**

In this case, the district court had ruled that, under the Voting Rights Act, lawmakers have a responsibility to establish voting districts that ensure the largest number of minority-dominant districts. The Florida lawmakers could have created even more minority districts than they did. The Supreme Court was asked whether the lower court correctly interpreted the Voting Rights Act. Do lawmakers have a legal responsibility to establish voting districts that ensure the largest number of minority-dominated districts possible?

### ***Miguel De Grandy, et al. v. Johnson, et al.* (Docket No. 92-593) and *United States of America v. State of Florida, et al.* (Docket No. 92-767)**

In both of these cases, the district court had ruled that it was impossible to strengthen the voting rights of both Hispanics and African Americans. The Supreme Court was asked whether the lower court failed to get enough information before so ruling. Should the lower court have considered more evidence before making its decision?



## Voting Rights: Supreme Court Cases

### ***United States and Louisiana v. Hays*, 63 U.S.L.W. 4679 (1995)**

In 1991, the Louisiana legislature adopted a new redistricting plan for the state senate and board of education, and sought approval of the plan from the U.S. Department of Justice. The Justice Department declined approval because it concluded that the redistricting plan dispersed African-American population concentrations and failed to create additional majority African-American districts.

In 1992, the legislature enacted a congressional redistricting plan, approved by the Justice Department, that contained two majority African-American districts out of a total of seven. One of the newly created districts—District 4—was a z-shaped area, 600 miles long, and at some places only 80 feet wide, that crossed the state to take in African-American concentrations. An African-American representative, Cleo Fields, was elected from the district.

Four voters, two white, one African-American, and one Asian (the Hays Group), filed suit in 1992 challenging the redistricting plan on the ground that it segregated voters into districts on the basis of race in violation of the Fourteenth Amendment and the Voting Rights Act.

A district court ruled that the plan was unconstitutional and held that the highly irregular shape of District 4 segregated voters by race. To comply with the district court's decision, the Louisiana legislature adopted a new redistricting plan, also approved by the Justice Department. Representative Fields was reelected in 1994. The 1994 plan modified the shape of District 4.

Again the district court ruled the redistricting plan unconstitutional. The district court then fashioned its

own redistricting plan that kept only one majority African-American district in New Orleans. Both Louisiana and the Justice Department appealed the district court's decision to the Supreme Court.

### ***Miller v. Johnson*, 63 U.S.L.W. 4726 (1995)**

In 1991, the Georgia legislature passed a redistricting plan that included two majority African-American districts and submitted the plan to the U.S. Department of Justice for review.

The Justice Department did not approve the plan because it limited African-American voting potential to two districts and failed to recognize African-American voting potential in other parts of the state.

In 1992, the state legislature and the Justice Department approved a redistricting plan that created three majority African-American districts. In 1992, African-American representatives were elected to represent all three of these districts.

In 1994, five white voters (the Johnson Group) filed suit challenging the state's redistricting plan on the basis that it segregated voters by race. They charged that the redistricting plan was a violation of the Equal Protection Clause of the Fourteenth Amendment.

A district court held Georgia's plan unconstitutional because of the irregular shape of the Eleventh District, which stretched 250 miles. Also, direct testimony of state officials showed that race was the predominant basis for drawing up the Eleventh District. Zell Miller, governor of the state of Georgia, the Justice Department, and affected African-American and white Georgia voters all filed direct appeals to the Supreme Court.

### **Questions**

1. Is our Constitution "color-blind" (as Justice John Marshall Harlan wrote in his dissent to the famous 1896 *Plessy v. Ferguson* case, 163 U.S. 537), or do we have a duty to consider race in applying the law, in order to remedy past discrimination?
2. Should race alone be considered in achieving fairly drawn voting districts?
3. Could this practice inadvertently discriminate against other protected groups, such as senior citizens?
4. In ruling on these complaints, how should courts measure populations that will be affected?
5. Should the measurement be based on the total population or on the voting-age population?



## MAKING LAWS THAT LAST: THE U.S. CONSTITUTION AND BILL OF RIGHTS

### To the Students

This is your chance to be an actor: Benjamin Franklin, Alexander Hamilton, a farmer, a pro- or anti-rights person, or Patrick Henry, among others. How you play your role, even as a member of the questioning audience, is up to you. The more you know about the subject to be discussed and debated, the more you and your classmates will learn.

The subject is the law-making process, as exemplified by the ratification of the U.S. Constitution. As approved by the Constitutional Convention in Philadelphia, the Constitution did not contain a bill of rights. The unamended document is silent on citizens' rights to free speech, a free press, and freedom of religion. It was not that the Framers of the Constitution dismissed those rights (eight of the original states represented had such features in their own constitutions). Rather, it became politically expedient to present to the people (as states) a document that could become the supreme law of the land. Some of the lawmakers of the time felt that this was a reasonable approach, while others thought it could lead to monarchy. In retrospect, the Framers appear to have done the right thing, but what would you have thought if you were a decision maker in 1787? Without over 200 years of American history to draw upon, would you have insisted then that a bill of rights should be appended to the Constitution prior to ratification? Or would you have risked the possibility of tyranny? These were the crucial questions at that time.

### Forum Objective

Enter your current opinions on a ballot furnished by your teacher. At the end of the forum, after you have done some research, heard the viewpoints presented by your classmates, and perhaps listened to some outside speakers on the subject, you will be asked to fill out the ballot again to

determine whether your opinions have changed.

The first ballot is for recording your first impressions; the second ballot will be used to prepare a final consensus position. The purpose of this forum is to reach a conclusion that virtually all participants can agree with, or at least tolerate. So further discussion may be necessary to determine the differences of opinion and areas of agreement. Explore compromises and other ways of reaching a consensus. A majority vote will be sufficient, but the bigger the majority the better, and a unanimous decision, while difficult to achieve, is desirable.

### How to Conduct a Forum

1. The class selects five students to serve as the review panel.
2. All students complete the preforum ballot and submit it to the panel.
3. Students form groups to develop character sketches for the forum, selecting volunteers for the roles.
4. If guest speakers are being considered, they should be contacted to find out when it would be convenient for them to address the class—and you should plan to suspend ongoing class activities if the guest speakers agree to do so.
5. From among volunteers, the review panel selects a moderator to manage the forum and a clerk to schedule the presentations of the characters and of any guest speakers.
6. The student-characters play out their assigned roles, followed by questions from the audience in a give-and-take session.
7. Students fill out the postforum ballot, which is submitted to the review panel to determine the class's tentative position on the issues.
8. The collated results are presented to the class, which reaches a consensus on each of the issues.

Source for all quoted material: *Miracle at Philadelphia: The Story of the Constitutional Convention May to September 1787*, by Catherine Drinker Bowen (Little, Brown, 1966).

### Getting Ready

To prepare for the forum, read the first 10 amendments to the Constitution and have several students research two or more articles about the framing of the Constitution, including a few of *The Federalist* letters (see your school librarian for assistance).

You may wish to interview persons knowledgeable in the subject or invite them as speakers for the forum. For example, a history professor, a local civil rights leader, or a member of the American Civil Liberties Union would all be appropriate sources.

Organize the class into groups to conduct the research necessary to provide support for one or more of the characters who will present the viewpoints you will develop. Make sure that all viewpoints are represented and that there is a reasonable balance among conflicting opinions.

Presented below are sample character sketches. You may use or adapt these characters or create your own. New or substituted characters should be given a name, a specific opinion, and background information to support their viewpoints. After developing a new character, select a member of the group to play the role, and give a copy of the character sketch to the review panel.

### Student Roles

#### Review Panel

The panel organizes the forum. Members tally and submit the results of the preforum ballots to the class. Later, they do the same with the postforum ballots. If appropriate, the panel invites community members to participate in the forum. It reviews new characters to be included in the discussions and selects student volunteers to serve as clerk and moderator. It provides a list of student and guest participants to the clerk, and determines the time limits for speakers and the timing of questions from the audience. During the forum, panel members will be members of the audience.



## Clerk

Once given the panel's list of characters and potential guest speakers, the clerk is in charge of scheduling. The clerk should schedule the speakers in a way that allows a balance of viewpoints to be presented. The schedule should be shared with the moderator.

## Moderator

The moderator controls the discussion, beginning with a brief opening statement on the topic to be debated and an introduction of the characters involved in the forum. Presentations should be limited to a specified time frame (three to five minutes). The moderator is responsible for seeing that speakers do not exceed their time allotments. Questions from the audience may be permitted either after each presentation or after the close of all presentations, depending upon the rules adopted by the review panel. In either case, students answering questions should continue in their character roles when responding to the audience. Intercharacter exchanges should also be permitted, but at the discretion of the moderator, who may also limit the length of time allowed for such exchanges.

## Audience

Students who have not assumed the roles of clerk, moderator, or characters participate by listening to the presentations, asking questions, and discussing the issues.

## Characters

Characters have an allotted amount of time to discuss their positions and viewpoints on the ratification of the Constitution and the inclusion of a bill of rights. As long as their responses are consistent with their roles, they may also respond to questions from the audience or challenges from other characters.

## Introduction

**Moderator** We have convened this town meeting to discuss law and the

making thereof. Not any run-of-the-mill laws, but the biggest of the big: the United States Constitution.

To put this meeting in perspective, we are at a time when the Constitutional Convention has completed its work (1787), and the states are—we hope—about to ratify the document that will become the supreme law of the land. As you know, the Constitution, as approved by the Convention, contains no explicit guarantees of individual freedom: no bill of rights. Why not? Is the Constitution, as it stands, good law?

Who wrote it? Not the people, surely, for the Framers were appointed by the legislatures of 12 states. (Rhode Island chose not to send delegates.) Those revolutionary leaders who might have best represented the people's rights—Thomas Jefferson, Thomas Paine, and Patrick Henry—were absent. The Convention was stacked in favor of the Federalists—who were, in fact, nationalists who favored a strong central government. The Federalists bolstered their edge after the Convention when three of their strongest spokesmen—Alexander Hamilton, James Madison, and John Jay—launched a public propaganda campaign in a series of letters that are now known as *The Federalist*.

The states-rights-minded Antifederalists (who opposed a strong federal government) were in the minority. At the insistence of the Federalists, the proceedings were held in secrecy—which in itself flies in the face of a democratic society. Was this the way to create law of such consequence? With no guarantee of the rights of the people and the states? Was this good law? We will now attempt to answer these questions.

**Character 1: Benjamin Franklin** My name is Benjamin Franklin, and I must first "confess that there are several parts of this Constitution which I do not at present approve,...[but] I agree with this Constitution and with its faults, if they are such."

Our moderator has mentioned what I believe is a condemnation of the secrecy in which we conducted our discussions. There are times when rational decisions are best made without outside interference, particularly when they involve the development of a national Constitution that foreign sovereigns would be delighted to see fail. This was no exercise in Star Chamber rulemaking that resulted in a binding decree. No, rather, we felt it was necessary to protect ourselves from the hostile influences of foreign governments. The Constitution now must be ratified in open debate by the state conventions, which are a product of their legislatures, which are in turn derived from the citizenry. Thus, the people make the law—including the Constitution—through their elected representatives.

That said, I would like to address the rights issue. Briefly stated, we Framers feel that the proposed Constitution is a bill of rights in itself. All its provisions are for a free and responsible people. Why, therefore, would we have wanted to list the things that Congress must not do?

No delegate was against the right of the people to speak, to write, or to worship. But the Constitution as it stands covers these matters. There was, of course, some controversy on the issue. Thomas Jefferson, for one, has written that the omission of a bill of rights is one of only two things he strongly dislikes about the new Constitution. The other is the absence of a limit on the term of the office of president.

George Mason also had reservations, saying that he wished for the Constitution to be prefaced by a bill of rights. "It would give great quiet to the people," he said. But the issue would have muddied the waters and, in order to develop a unifying document, we thought it better to leave the rights issue alone. As I indicated earlier, the rights of the people are included in the rule of law by their very omission. We obviously wrote nothing that



could be construed to infringe upon any rights that the people now have, as are already set out in many of our state constitutions.

## Character 2: Alexander Hamilton

Thank you, Ben, for your brevity. My name is Alexander Hamilton, and I think that a bill of rights is more than unnecessary—it would be dangerous. “Why declare that things shall not be done which there is no power to do?” Bills of rights are not needed in a free society; their purpose in the past was to reduce the absolute power of kings over their subjects. The Magna Carta, for example, was “obtained by barons, sword in hand, from King John.” Here we have no king from whom we need to wrest power.

Having surrendered nothing and retained everything in the American government, we have no need for particular reservations. The Preamble, “We the People of the United States...” offers a firmer recognition of people’s rights than the statements that make up most state constitutions’ bills of rights. To burden the Constitution with superfluous meanderings about rights would be demeaning.

What we need is a *strong* federal government, not some hydrated confederation that will leave us essentially without direction. We need leadership more than anything else. We need a standing army that is not subject to the whims of the state legislatures, which will ever advance the argument: “Let ‘them’ do it. Let others pay for the militia.” We need national taxation to support us, if we are to become that which we wish to become. We need a banking system that will permit us to grow, to counter the mercantile states of Europe. We must become a *nation*, not a loose alliance of local estates bound together with a glue that will dissipate with the first rain of disagreement. We need, first and foremost, a rule of law; we need this Constitution, unrestricted by bills of rights that are not necessary, counterproductive, and a threat to what will otherwise be a strong Union.

**Character 3: Roger Sherman** I’m Roger Sherman, and I was a Convention delegate representing the citizens of Connecticut. I respectfully submit that “no bill or rights ever yet bound the supreme power longer than the honeymoon of a newly married couple, unless the rulers were interested in preserving the rights; and in that case they have always been ready enough to declare the rights, and to preserve them when they were declared.” What is the point, I ask, in writing a list of rights that will be ignored, and thus make a mockery of the entire Constitution?

Did you see today’s paper? Noah Webster laughingly suggests that a rights bill should state “that everybody shall, in good weather, hunt on his own land, and catch fish in rivers that are public property . . . and that Congress shall never restrain any inhabitant of America from eating and drinking, at seasonable times, or prevent his lying on his left side, in a long winter’s night, or even on his back, when he is fatigued by lying on his right.” How about those for rights?

Down in South Carolina, General Charles Cotesworth Pinckney more seriously calls the concept of bills of rights pure hypocrisy. Statements of rights “generally begin with declaring that all men are by nature born free,” he said. “Now, we should make that declaration with a very bad grace, when a large part of our property consists in men who were actually born slaves.”

Slaves are “men,” whether the Framers recognize that fact or not. We have recognized them as three-fifths of a “man” for state representation purposes in the new Congress. Does that mean that they would be given three-fifths of the rights to be provided to free men? This is irresponsible law-making at its best, if based on people’s rights.

**Character 4: Samuel Adams** My name is Samuel Adams, a member of the Massachusetts convention that recently ratified the Constitution.

Before our vote, five states—Delaware, Pennsylvania, New Jersey, Georgia, and Connecticut—ratified, and we were next in line. Without some stand on rights, we knew that Massachusetts would be lost, thereby dooming the birth of our Union.

What I therefore did to enhance the likelihood of ratification was to offer a series of amendments—not as a condition for approval, but as recommendations to the new Congress—to make the Constitution more agreeable to its opponents. My nine amendments limit the federal power over taxation and also elections, and they prevent Congress from granting private companies monopoly powers in interstate commerce.

These, which I call the “Conciliatory Proposition” were handed to Governor John Hancock—whose support was crucial to Massachusetts’s ratification—to present on the convention floor. Hancock, by the way, opposed the Constitution but was brought into our camp by a promise not to oppose his bid for reelection as governor or, in the event that Virginia refused ratification, by a pledge to nominate him to be the first President of the United States. Hancock was, of course, still upset at losing the Commander in Chief position to George Washington in 1775, so he went along, and ratification was accomplished. Sometimes we make laws by making deals.

My Proposition is designed to assure the people that they have a “door” to justice. And such a proposal, coming from Massachusetts, is also intended to influence the remaining uncommitted states, particularly Virginia and New York.

I did, wrongly as it turned out, attempt to add provisions applicable to freedom of the press, rights of conscience, and prohibitions on standing armies, but those failed to gain the necessary support for passage in Massachusetts.

**Character 5: Amos Singletry** I am Amos Singletry, an old farmer with



none of your upper crust book learning. Now see here, "some gentlemen have called on them that were on the stage in the beginning of our troubles, in the year 1775. I was one of them. And I say that if anybody had proposed such a Constitution as this in that day, it would have been thrown away at once. It would not have been looked at.... Does not this Constitution...take away all we have—all our property? Does it not lay all taxes, duties, imposts, and excises?"

"And what more have we to give? These lawyers and men of learning, and moneyed men that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves. They expect to be the managers of the Constitution, and get all the power and all the money into their own hands. And then they will swallow up us little fellows, like the great Leviathan; yes, just as the whale swallowed up Jonah."

If we're going to make the laws, I say we make them right, make them so the people can live with them—not this Constitution that plants the seeds for an imperial Presidency supported by men of money.

**Character 6: Jonathan Smith** Like my fellow farmer, "I am a plain man, and get my living by the plow," and I'm called Jonathan Smith. But I am not so troubled by moneyed men and men of learning. "Brother farmers, let us suppose a case, now: Suppose you had a farm of 50 acres, and your title was disputed, and there was a farm of 5,000 acres joined to you, that belonged to a man of learning, and his title was involved in the same difficulty. Would you not be glad to have him for your friend, rather than stand alone in the dispute? Well, the case is the same. These lawyers, these moneyed men, these men of learning, are all embarked in the same cause with us, and we must all swim or sink together."

This Constitution welds together us plain folk and the aristocrats, the big

states and the little states. It gives us all a voice, one voice to speak out against those who would take our property. It will be the law that brings us together.

**Character 7: Patrick Henry** Most of you know me, by name, at least. My name is Henry—Patrick Henry—of Virginia, and I am not a farmer, a lawyer, or a rich man. I am, nevertheless, *of the people*, and *for the people*. And what is this language, "*We the people*," instead of "*We the States*" that prefaces the Constitution that we are supposed to ratify without a Bill of Rights? Who is making the rules here? The people? Not hardly: it is the states that are making these laws. This is no democratic process; this is a travesty of justice. The states have now taken it upon themselves to give up their authority to a national government without consulting the people!

It has been said that, if we fail to ratify this ill-conceived Constitution, Pennsylvania and Maryland are to fall upon Virginia from the north like the barbarians of old, that the Indians will invade us from the rear—and the Carolinians—mounted on alligators, I presume—will come from the South to destroy our cornfields and eat up our little children.

What manner of drivel is this? What nonsense! This is an argument for the Constitution? This is the best that the Federalists can come up with—a scare tactic intended to pressure Virginia into ratification?

I oppose the Constitution as a document that, without protections for the People, will lead to monarchy—to an all-powerful Executive that could create the need for a second Revolution. There is, nevertheless, a way to avoid such a happening. I have introduced a Declaration of Rights with 20 articles that I sincerely hope will be adopted by the Sovereign State of Virginia, and later by the Congress, if this Constitution is, indeed, ratified..

With our rights protected, we may yet become a nation of justice. Contrary to what has been reported, "I

wish not to go to violence, but will wait with hopes that the spirit which predominated in the Revolution is not yet gone, nor the cause of those who are attached to the Revolution not yet lost. I shall therefore wait in expectation of seeing that government changed, so as to be compatible with the safety, liberty and happiness of the people."

If we are to be a nation, then we must be a nation of laws—not men—that will protect the people. A bill of rights is a step in the right direction.

### Wrap-Up

**Moderator** New Hampshire became the ninth state to approve the Constitution in June 1788, completing the technical process of ratification, and the other states, of course, followed. James Madison, who played a leading role at the Constitution Convention, became known as the father of the Constitution. Elections to the new government were held in early 1789, and George Washington, who had silently presided over the Constitutional Convention, was elected President.

When he spoke at last—after the Convention but before ratification was completed, Washington said: "Upon the whole, I doubt whether the opposition to the Constitution will not ultimately be productive of more good than evil; it has called forth, in its defense, abilities which would not perhaps have been otherwise exerted that have thrown new light upon the science of government, they have given the rights of man a full and fair discussion, and explained them in so clear and forcible a manner, as cannot fail to make a lasting impression."

From Patrick Henry's 20-article Declaration of Rights, 10 were enacted by the first U.S. Congress, though in different, briefer form. In December 1791, the ratification of those first 10 amendments to the Constitution was completed. Henry's admirers claim he was probably more responsible than anyone for what is now our Bill of Rights.



## Making Law: Did the Framers Do It Right?

Circle the choice that best answers how you feel about the construction of the Constitution and the ratification of a bill of rights.

|                                                                                                              | Strongly Agree |   |   |   |   | Strongly Disagree |  |  |  |  |
|--------------------------------------------------------------------------------------------------------------|----------------|---|---|---|---|-------------------|--|--|--|--|
| 1. The Bill of Rights was an unnecessary addition to the Constitution.                                       | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 2. The Bill of Rights is unnecessary today.                                                                  | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 3. "We the people" is an appropriate beginning for the Constitution.                                         | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 4. The federal government has proved to be too powerful because the Bill of Rights is too weak.              | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 5. The Constitution is a "living" document, subject to change, so it cannot be right or wrong.               | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 6. We need more amendments to protect our rights.                                                            | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 7. States should have been given a greater role in all government affairs.                                   | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 8. Constitutional amendments should be made only by a popular vote or a convention of state representatives. | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 9. The states, not the people, ratified the Constitution.                                                    | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 10. Including a bill of rights actually limited our rights.                                                  | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 11. Slavery should have been specifically outlawed by the Bill of Rights.                                    | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 12. The Constitution should have been drafted in public, not in secret.                                      | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 13. The Constitution does not require Congress to listen to the people.                                      | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 14. Ratification would have been quicker if the Framers had included a bill of rights to begin with.         | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 15. The Constitution was written by a privileged class of office-seekers.                                    | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 16. The government is best that governs least; the Constitution and its amendments govern too much.          | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 17. From time to time, the Constitution should be rewritten in current English.                              | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |
| 18. Our nation would be a very different society without the Bill of Rights.                                 | 1              | 2 | 3 | 4 | 5 |                   |  |  |  |  |



## OVERVIEW OF THE LESSON

### Objectives

During the class sessions, students will—

- ✓ discuss rights and responsibilities under the Constitution and Bill of Rights
- ✓ discuss voting laws and processes in the United States and in their state
- ✓ examine different methods of voting
- ✓ compare the one-person one-vote system with the cumulative-voting system
- ✓ discuss whether the voting laws in the United States should be changed

### Lesson Summary

The Unit One class session focuses on the concept of voting in relation to constitutional rights and responsibilities.

Students begin by using three methods to vote on a hypothetical issue. In Unit Two, students examine how a change in voting laws can affect the outcome of an election, influencing the adoption of other laws and the selection of elected officials. In Unit Three, students participate in a student forum that uses ratification of the Constitution to focus on the law-making process.

Following your lawyer's visits, you might ask students to write their own opinions on *Miller v. Johnson*, 63 U.S.L.W. 4726. Additionally, consider having students create voter registration and election information posters or think of ways to improve voter participation. These extension activities are explained more fully below. Share students' work with your lawyer, and make plans to include her or him as a participant in your civics instruction throughout the year.

### PORTFOLIO ASSESSMENT

As the units are completed, students may place their handouts, activity sheets, and research on the topics in a "Making Rules and Laws" portfolio. Encourage students to review their work and evaluate their understanding of voting laws and rights as they progress through the units.

### HOME CONNECTION

Ask students to discuss an upcoming election with family members. Encourage them to share their viewpoints on the issues or candidates. Then have students take a poll of everyone's opinion, follow the election, and compare the actual results with the results of their family's election.

## ACTIVITY SHEET/ANSWER KEYS

In each Student Packet is an Activity Sheet. Students may use the puzzle activity to strengthen vocabulary after your lawyer's visits. The correct answers follow:

1. women
2. candidate
3. eighteen
4. referendum
5. cumulative
6. redistricting
7. elections
8. interest group
9. poll taxes
10. ballot
11. gerrymandering
12. racial

Unscrambled words: voting rights

## EXTENSION ACTIVITIES

**Supreme Court Opinion:** Divide students into small groups, and have them review *Miller v. Johnson* and determine how they would decide the case if they were Supreme Court justices. Students must support their decisions with both legal facts and arguments. After discussing the case, assign one student to write the majority opinion and one student to write the minority opinion for each group. Have students present their decisions to the class. Send copies of the decisions to your lawyer.

**Voter Registration Poster:** Review the basics of voting with the students. (The Constitution states that you must be at least 18 years old, a citizen of the United States, and a resident of the state in which you will vote. Prior to voting, you must register to vote.) Help students investigate the voter registration procedure in their state. Where can an eligible citizen register? Can registration be done by mail? What are the closing dates for registration? Where are the polling places in the community? Have students compile voter registration information and the dates of upcoming local, state, and federal elections on informational posters. Encourage students to get permission to display the posters in appropriate places throughout the community.

**Improving Voter Participation:** Have students investigate the voter participation rate in recent federal or state elections. Review the reasons that people may not vote. Discuss changing the registration procedure, redistricting, and the timing of the elections. Divide the class into small groups and have students discuss alternative voting procedures that might increase voter participation. Have a volunteer from each group present the group's suggestions to the class. When all the suggestions have been presented, have students vote for the one they think might work the best to improve voter participation.



In the appropriate boxes, write the term that completes each sentence. When you have finished, unscramble the letters in the circles to spell out a term that names something guaranteed to all eligible citizens.

1. The Nineteenth Amendment gave \_\_\_\_\_ the right to vote.
2. A \_\_\_\_\_ is a person who seeks or is proposed for an office.
3. The voting age for all state and national elections is \_\_\_\_\_.
4. A proposed law that is submitted to direct popular vote is called a \_\_\_\_\_.
5. \_\_\_\_\_ voting allows voters to indicate the intensity of their preference for different candidates.
6. When a state wants to change its voting districts, it draws up a \_\_\_\_\_ plan, which must be approved by the Justice Department.
7. All eligible citizens may vote in local, state, and national \_\_\_\_\_.
8. People who share a common concern may form an \_\_\_\_\_ and try to influence an election by all voting the same way.
9. Using \_\_\_\_\_ to discourage poor people from voting was barred by the Twenty-fourth Amendment.
10. A list of candidates and issues to vote for or against in an election is called a \_\_\_\_\_.
11. Dividing a state into voting districts in a way that gives unfair advantage to any group in elections is called \_\_\_\_\_.
12. The Voting Rights Act of 1965 was intended to prevent \_\_\_\_\_ discrimination in voting.

1.

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Write the circled letters here: \_\_\_\_\_

Unscrambled: \_\_\_\_\_ (two words)



## Preamble

*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.*

## 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 choose 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.

**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 of 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.

**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.

**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.

**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.

**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.

**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 an 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 build-



ings;—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.

**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 the 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 whatsoever, from any king, prince, or foreign state.

**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.

## 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."

**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.

**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.

**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.

### 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 behavior, 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. 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.]

**Section 3.** New states may be admitted by the Congress into this Union; but no new state 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.

**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.

#### 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.

#### 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.

#### 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,

GEORGE WASHINGTON—President  
and deputy from Virginia



## *The Bill of Rights*

### **Amendment 1**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

### **Amendment 2**

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

### **Amendment 3**

No soldier shall, in time of peace be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

### **Amendment 4**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### **Amendment 5**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

### **Amendment 6**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

### **Amendment 7**

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of a trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

### **Amendment 8**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

### **Amendment 9**

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

### **Amendment 10**

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

[The foregoing ten amendments were adopted at the first session of Congress and were declared to be in force on December 15, 1791.]

## *Other Amendments*

### **Amendment 11**

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state. [Adopted in 1795.]

### **Amendment 12**

The electors shall meet in their respective states and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists 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 for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, 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. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them,



[before the fourth day of March next following,] then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.—The person having the greatest number of votes as Vice President shall be the Vice President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States. [Adopted in 1804.]

#### **Amendment 13**

**Section 1.** Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

**Section 2.** Congress shall have power to enforce this article by appropriate legislation. [Adopted in 1865.]

#### **Amendment 14**

**Section 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Section 2.** Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, [excluding Indians not taxed]. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

**Section 3.** No person shall be a senator or representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the

Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

**Section 4.** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

**Section 5.** The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. [Adopted in 1868.]

#### **Amendment 15**

**Section 1.** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

**Section 2.** The Congress shall have power to enforce this article by appropriate legislation. [Adopted in 1870.]

#### **Amendment 16**

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration. [Adopted in 1913.]

#### **Amendment 17**

The Senate of the United States shall be composed of two senators from each state, elected by the people thereof for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies; *Provided*, That the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the Constitution. [Adopted in 1913.]



### **Amendment 18**

**Section 1.** After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

**Section 2.** The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

**Section 3.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress. [Adopted in 1919; repealed by Twenty-first Amendment.]

### **Amendment 19**

**Section 1.** The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

**Section 2.** Congress shall have power to enforce this article by appropriate legislation. [Adopted in 1920.]

### **Amendment 20**

**Section 1.** The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of senators and representatives at noon on the third day of January, of the year in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

**Section 2.** The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the third day of January, unless they shall by law appoint a different day.

**Section 3.** If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

**Section 4.** The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the

right of choice shall have devolved upon them.

**Section 5.** Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

**Section 6.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission. [Adopted in 1933.]

### **Amendment 21**

**Section 1.** The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

**Section 2.** The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

**Section 3.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress. [Adopted in 1933.]

### **Amendment 22**

**Section 1.** No person shall be elected to the office of President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this article shall not apply to any person holding the office of the President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

**Section 2.** This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the day of its submission to the states by the Congress. [Adopted in 1951.]

### **Amendment 23**

**Section 1.** The district constituting the seat of government of the United States shall appoint in such manner as the Congress may direct: A number of electors of President and Vice President equal to the whole number of senators and representatives in Congress to which the district would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the district and perform such duties as provided by the twelfth article of amendment.



**Section 2.** The Congress shall have power to enforce this article by appropriate legislation. [Adopted in 1961.]

#### **Amendment 24**

**Section 1.** The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for senator or representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

**Section 2.** The Congress shall have power to enforce this article by appropriate legislation. [Adopted in 1964.]

#### **Amendment 25**

**Section 1.** In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

**Section 2.** Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both houses of Congress.

**Section 3.** Whenever the President transmits to the president pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as acting President.

**Section 4.** Whenever the Vice President and majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the president pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as acting President.

Thereafter, when the President transmits to the president pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of the office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the president pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both houses that the President is unable to discharge the powers and

duties of his office, the Vice President shall continue to discharge the same as acting President; otherwise, the President shall resume the powers and duties of his office. [Adopted in 1967.]

#### **Amendment 26**

**Section 1.** The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age.

**Section 2.** The Congress shall have power to enforce this article by appropriate legislation. [Adopted in 1971.]

#### **Amendment 27**

No law varying the compensation for the services of the senators and representatives shall take effect, until an election of representatives shall have intervened. [Adopted in 1992.]



## A

**amendment:** a revision or change in the law

**article:** a particular section of the Constitution

**authority:** the power to enforce rules and laws

## B

**ballot:** a list of candidates and issues to vote for or against in an election

**Bill of Rights:** the first ten amendments to the Constitution

## C

**candidate:** a person running for public office

**citizen:** a native or naturalized person having the rights and responsibilities of a given country

**Constitution:** the basic law of the United States, consisting of the preamble, seven articles, and 27 amendments

**cumulative voting:** a method of voting in which a voter has multiple votes that can be used to indicate the intensity of preference for different candidates

## D

**democracy:** government through the people, either directly or through elected representatives

**dictator:** a ruler who has complete and absolute authority

## E

**election:** the selection of an official by vote

## G

**gerrymandering:** a practice that divides a state or city into voting districts in a way that gives unfair advantage to any group in elections

**government:** the ruling system of a community, state, or nation

## I

**inalienable:** not able to be given up or taken away

**issue:** a subject being discussed or debated

## L

**law:** a written rule enacted by a legislature

**liberty:** freedom of action, belief, or expression

**literacy test:** a test to determine a person's ability to read and write at a basic level

## M

**monarchy:** a government ruled by a king or queen

## P

**petition:** a formal request, typically directed to a court

**poll tax:** a set amount of money each person had to pay to vote

**preamble:** the introduction to a formal document that explains its purpose

**property:** land or goods owned by someone

## R

**referendum:** the submission of a proposed public measure or actual statute to a direct popular vote

**republic:** a country governed by its citizens, usually through representatives whom they elect; usually headed by a president

**responsibility:** a moral, social, and often legal accountability

**right:** a legal claim

**rule:** a guideline for behavior

## S

**sovereign:** whoever exercises supreme authority; often the chief of state in a monarchy, a king or queen

**Supreme Court:** the highest court in the United States

## T

**tyrant:** an absolute ruler who exercises power in a harsh, cruel manner

## U

**unalienable:** see *inalienable*

## V

**vote:** a formal expression of a person's choice made in an election



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# Lawyer's Evaluation Form



Your name \_\_\_\_\_

Teacher/school \_\_\_\_\_ Grade/class \_\_\_\_\_

School Address \_\_\_\_\_

## Participation

Did the program's organization and information make it easy for you to participate? ☐ yes ☐ no

Problems \_\_\_\_\_

## Topics and Class Sessions

Topics covered \_\_\_\_\_

How were the topics chosen? \_\_\_\_\_

## Materials

Was the booklet we furnished useful? \_\_\_\_\_

If not, what should have been included/changed? \_\_\_\_\_

The teacher and I discussed our plans in advance. ☐ yes ☐ no

We didn't because \_\_\_\_\_

The students were prepared. ☐ yes ☐ no

Comments? \_\_\_\_\_

The session went about as I thought it would. ☐ yes ☐ no

The unexpected was \_\_\_\_\_

I'm going to do something more with this teacher and class. ☐ yes ☐ no

If yes, what? \_\_\_\_\_

## Summary

On the whole, the experience was \_\_\_\_\_

Other comments? \_\_\_\_\_

**Please send this form to**

May Nash

American Bar Association/YEFC

541 N. Fairbanks Court 15th Floor

Chicago, IL 60611-3314



# Law-Related Education Essentials Matrix

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| SUBJECT MATTER                                                                                                                                                           | SECTION | A | B | C | D |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|---|---|---|---|
| How the role of law is fundamental in democratic and other societies                                                                                                     |         | X | X | X | X |
| How laws are made, enforced, and interpreted                                                                                                                             |         | X | X | X | X |
| How law and legal institutions have developed historically                                                                                                               |         | X | X |   | X |
| How governments are established (purpose, authority, and limits)                                                                                                         |         | X | X | X | X |
| What the similarities and differences are among different types of governance (historical, contemporary, ideal)                                                          |         |   | X |   | X |
| What key concepts and attributes are of U.S. constitutionalism                                                                                                           |         | X | X | X | X |
| ... rule of law ("government of laws, not men")                                                                                                                          |         |   | X | X | X |
| ... federalism (system of shared powers)                                                                                                                                 |         | X | X | X |   |
| ... separation of powers                                                                                                                                                 |         |   |   |   | X |
| ... balance of majority rule and minority rights                                                                                                                         |         | X |   | X | X |
| ... social contract and reciprocity of rights and responsibilities                                                                                                       |         | X |   |   | X |
| ... consent of the governed                                                                                                                                              |         | X | X | X | X |
| ... enumerated rights (Bill of Rights)                                                                                                                                   |         |   | X | X | X |
| ... capacity for and specific practices of constitutional amendment and change to reflect changing social conditions, values, and public priorities                      |         | X | X | X | X |
| Fundamental constitutional rights                                                                                                                                        |         |   |   |   | X |
| Civil rights                                                                                                                                                             |         |   |   |   | X |
| How the franchise (voting rights) has been extended to different social groups in American and other societies                                                           |         | X | X | X | X |
| U.S. Constitution and Bill of Rights                                                                                                                                     |         |   |   |   | X |
| Federalist Papers                                                                                                                                                        |         |   |   |   | X |
| <b>CONTEXTS AND PRACTICES OF INSTRUCTION</b>                                                                                                                             |         |   |   |   |   |
| Access to, and use of, community resource leaders                                                                                                                        |         | X | X | X | X |
| Provision of learning opportunities beyond the classroom                                                                                                                 |         | X | X | X | X |
| Parental involvement in school                                                                                                                                           |         | X | X | X | X |
| Developmentally appropriate instruction                                                                                                                                  |         | X | X | X | X |
| Instruct interactively                                                                                                                                                   |         | X | X | X | X |
| ... use cooperative learning strategies, simulations, and role plays                                                                                                     |         | X | X | X | X |
| ... use group work activities, including group research projects                                                                                                         |         | X | X | X | X |
| Develop curriculum                                                                                                                                                       |         | X | X | X | X |
| ... balanced                                                                                                                                                             |         | X | X | X | X |
| ... relevant                                                                                                                                                             |         | X | X | X | X |
| Use demonstrations/lectures to instruct students about the law and legal issues                                                                                          |         | X | X | X | X |
| Emphasizes "authentic" assessment (integrates assessment with instruction)                                                                                               |         | X | X | X | X |
| Bases assessment on performance and outcomes                                                                                                                             |         | X | X | X | X |
| Provides opportunities to apply what has been learned                                                                                                                    |         | X | X | X | X |
| <b>SKILLS</b>                                                                                                                                                            |         |   |   |   |   |
| Knowing how to acquire information related to the law and legal issues (e.g., court decisions, legislation, and constitutions) in libraries and other repositories       |         |   |   | X | X |
| Organizing information                                                                                                                                                   |         | X | X | X | X |
| Analyzing and interpreting judicial opinions and other legal documents or issues                                                                                         |         |   |   | X | X |
| Summarizing and synthesizing law-related information                                                                                                                     |         | X | X | X | X |
| Critically assessing laws and legal issues                                                                                                                               |         | X | X | X | X |
| Participating collectively in making rules and setting goals                                                                                                             |         | X | X | X | X |
| Building consensus through deliberation, negotiation, compromise, and conflict resolution                                                                                |         | X | X | X | X |
| Working cooperatively with others to make decisions and take actions concerning hypothetical or actual legal and law-related social issues                               |         | X | X | X | X |
| <b>ATTITUDES, BELIEFS, AND VALUES</b>                                                                                                                                    |         |   |   |   |   |
| Cultivating a commitment to constitutional democracy                                                                                                                     |         | X | X | X | X |
| Valuing informed, active, and responsible participation in civic life                                                                                                    |         | X | X | X | X |
| Fostering respect for fundamental human rights and dignity                                                                                                               |         | X | X | X | X |
| Understanding how law promotes social cohesion and effects social change (including practice of civil disobedience)                                                      |         | X | X | X | X |
| Understanding how attitudes, values, and beliefs essential to LRE are fostered through teaching of fundamental subject matter employing critical instructional practices |         | X | X | X | X |



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