

Topic:

The Constitution's
Ancestors

Time:

2-4 class periods
(with some
outside research)

**Historical
Period:**

1200-1791

Core:

US I 6120-0601
US II 6250-0102
Gov. 6210-0102

Objectives:

1. Students will see that the U. S. Constitution was not created from scratch by the framers.
2. Students will have greater knowledge of our heritage of government by laws and self-government.

Procedure:

1. Reproduce Handouts 1-7 and set up seven learning stations throughout the room in random historical order.
2. Divide students into pairs and assign them to visit each learning station, read the assigned text, and complete each assignment.
3. When students are finished, have them put the selections in chronological order so they can see the progress of Constitutional ideas from 1200-1791.
4. Discuss each of the assignments as an introduction or a culminating review for a unit on the Constitution.
5. A different pair could be assigned to orally summarize each learning station for further review.

Handouts/Worksheets:

1. Magna Carta
2. Mayflower Compact
3. Articles of Confederation
4. Annapolis Convention
5. Constitutional Convention
6. Compromises of the Constitutional Convention
7. Ratification of the Constitution

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INTRODUCTION

The United States Constitution, written in 1787, and finally ratified by New Hampshire, the ninth state in 1788, has been praised as divinely inspired and flexible. It has endured several world wars, internal upheaval and the deaths of those who wrote, criticized, praised, and tried to distort it. But the document owes a great debt to the charters and plans of representatives and self-government which preceded it. This lesson provides a learning station approach for exploring some of the U. S. Constitution's ancestors. Each learning station suggests an activity. This lesson is effective as a review or as an introduction to a more thorough Constitution unit.

Also, following this lesson are many diverse (in both style and time) activities to enrich each teacher's own procedure for teaching and discussing the United States Constitution.

HANDOUT 1

MAGNA CARTA

The Magna Carta or The Great Charter has been called the cornerstone of English liberty. From this document came many of the principles that were later incorporated into the Constitution of the United States. It marked the beginning of English democracy even though it was designed by the barons only to protect their interests.

The Magna Carta was the result of a long struggle between the king and the barons over the issues of taxation and individual rights. King John (of Robin Hood fame) demanded increased taxes from the barons and used the funds for his own purposes. In 1213, Englishmen met at St. Albans, near London, and drew up a list of rights they wanted the king to promise them. They presented their demands to the king twice, and twice he refused to sign them. At the second refusal, the barons raised an army to force the granting of rights. King John placed his seal on the Magna Carta at Runnymede, on the bank of the Thames River, on June 15, 1215.

Some of the important ideals contained in the Constitution of the United States were first written in the Magna Carta. This document guaranteed that justice should not be sold or denied to free men. This was the basis of the concept of habeas corpus. The Magna Carta provided that taxes should only be collected by legal means. That was the beginning of the concept so important to United States' history--no taxation without representation. The document also provided that no man should be held in prison or have his property taken from him without a trial.

The Magna Carta was the first time that anyone had challenged the absolute power of the king. It also was the first document to promise certain rights to all free men.

Assignment

1. The king signed the Magna Carta because he wanted all his subjects to have equal rights. (T/F)
2. What does "Magna Carta" mean in English?
3. Where was the Magna Carta signed?
4. On what date was it signed?
5. What does Robin Hood have to do with the Magna Carta?
6. The Magna Carta was the first document to promise certain rights to all _____.

7. List three provisions of the United States Constitution that were influenced by the Magna Carta.
8. What were the major issues about which the barons were upset?
9. Where was the Magna Carta written?
10. Go to the library and find one other interesting and important fact about King John or the Magna Carta.

HANDOUT 2

MAYFLOWER COMPACT

On November 21, 1620, the Pilgrims arrived at Plymouth, Massachusetts, to settle their colony in the New World. Before going ashore, they drew up a plan for governing themselves in their new land. They gathered aboard the ship, and most of the Pilgrims signed what was to be known as the Mayflower Compact.

The Mayflower Compact was the first plan for self-determining government in the Americas. The signers agreed to set up a government that would make “just and equal laws.” They also promised to obey those laws when they were passed by the colonial leaders.

This is the text of the document:

In ye name of God, Amen. We whose names are underwritten, the loayall subjects of our dread soveraigne Lord James, by ye Grace of God, of Great Britaine, Franc & Ireland King, Defender of ye Faith, etc. Haveing undertaken for ye first Colonie in ye Northerne parts of Virginia, Doe by these Presents solemnly and mutualy in ye Presence of God, and one of another, covenant & combin ourselves togeather into a Civill body Politick; for our better ordering and preservation & Furtherance of ye ends aforesaid: and by Vertue hereof to enacte, constitute, and frams such just and equall Lawes, ordinances, Acts, Constitutions & Officer, from time to time, as shall be thought most meete & convenient for ye Generall Good of ye Colonie, unto which we promise all die submission and obedience.

Assignment

Rewrite the Mayflower Compact in modern English as it might be written today.

HANDOUT 3

ARTICLES OF CONFEDERATION

The Articles of Confederation was the first plan of government for the United States of America. It was under this plan that the United States came into being as a “separate and equal nation.” These Articles were the supreme law of the land from March, 1781, until 1789 when the Constitution was finally adopted.

Richard Henry Lee of Virginia proposed a resolution to the Second Continental Congress in 1776 calling for a declaration of independence and for a committee to draw up a new plan of government. The Declaration of Independence passed, but the committee was distracted by the progress of the Revolutionary War. The plan of government was finally presented to the states for ratification in 1777. But the protests of Maryland over the issue of western land holdings delayed the final ratification.

The new government had some successes under the Articles of Confederation. It signed a peace treaty with Great Britain. It dealt effectively with the issue of western lands. It dealt with slavery in the Northwest Territory.

There were, however, some major problems with the Articles that severely hampered the new nation. The most troublesome was the fact that the government could not levy taxes. To collect funds needed to operate the government and to pay its war debts, the Congress could only request money from the states. Less than one-fourth of the \$10,000,000 request was ever paid.

A second major problem was the lack of control over interstate and foreign trade. Serious disputes arose between the states, and the national government had no way to settle them.

Under the Articles, the United States had no executive head of government. Foreign nations could not take seriously a government with no leader.

The lack of a national court also was a problem for the young nation. State courts often disagreed in their rulings, just as they do today. The national government had no means to deal with these differences.

Several attempts were made to amend the Articles, but this could only be done with a unanimous vote of all the state legislatures. So, obviously, the attempts failed.

Many of the leaders of the United States recognized the problems with this new government and called for a convention to change the Articles. This led to the Constitutional Convention in 1787.

Assignment

1. Describe several ways that the Articles of Confederation could have been changed to provide a more effective form of government.
2. Research the Northwest Ordinance of 1787 that was passed under the Articles of Confederation. Summarize its provisions.

HANDOUT 4

ANNAPOLIS CONVENTION

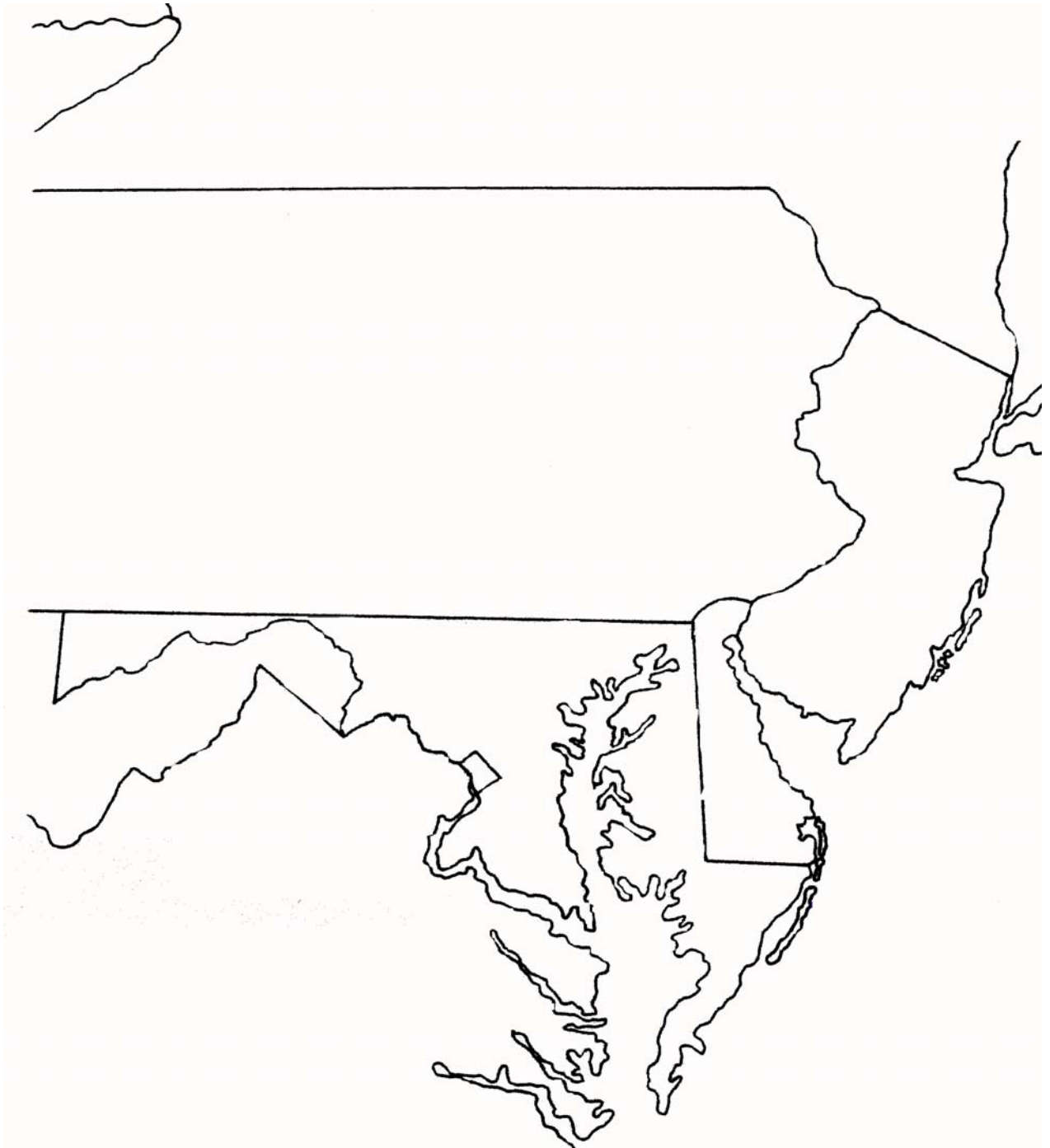
Under the Articles of Confederation, the states of the United States had become involved in several disagreements over trade and commerce. The national government was powerless to solve these problems. In 1785, Maryland and Virginia arranged to send delegates to a meeting to discuss navigation of the Potomac River and Chesapeake Bay. Virginia proposed a convention in which all the states should be represented. The meeting was held in Annapolis, Maryland, in September, 1786, to discuss changes in the Articles of Confederation. Specific topics to consider for change were matters of currency and commerce. Although all states were invited, only New York, New Jersey, Pennsylvania, Delaware, and Virginia attended.

Alexander Hamilton, James Madison, and other leaders urged that all the states send delegates to a Constitutional Convention in Philadelphia in the spring. Congress seconded the call for a Constitutional Convention, and on May 25, 1787, delegates from all states except Rhode Island met in Philadelphia.

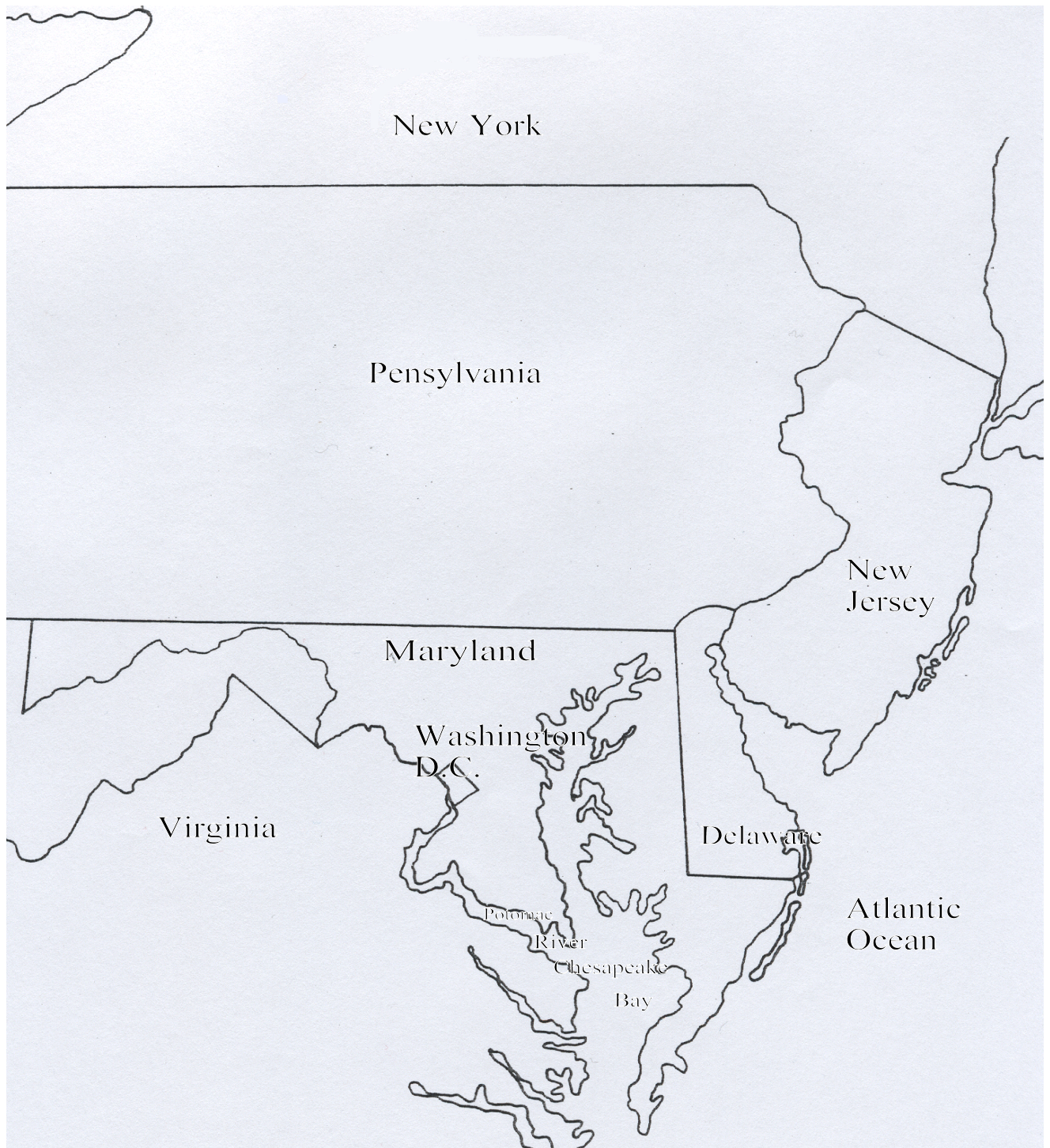
Assignment

1. In what state did the Annapolis Convention take place?
2. What was the original purpose of the Convention?
3. Name two leaders who called for a constitutional convention.
4. Look at a U. S. map. Why do you suppose Maryland and Virginia should be concerned about the Potomac River and the Chesapeake Bay?
5. Label, on the map provided, the following:
 - a. Potomac River
 - b. Chesapeake Bay
 - c. Atlantic Ocean
 - d. Virginia
 - e. Maryland
 - f. New York
 - g. New Jersey
 - h. Pennsylvania
 - i. Delaware
 - j. Annapolis

STUDENT MAP



TEACHER'S KEY



HANDOUT 5

CONSTITUTIONAL CONVENTION

Following the Annapolis Convention in the fall of 1786, Alexander Hamilton and others called for a Constitutional Convention to be held the next spring. The call was seconded by the Continental Congress. On May 25, 1787, 55 delegates from 12 states (Rhode Island stayed home) met at Independence Hall in Philadelphia, Pennsylvania. A more capable or outstanding group of people has probably seldom been seen in the world. George Washington was elected President of the Convention. Other delegates included James Madison, Edmund Randolph, Benjamin Franklin, Gouverneur Morris, Alexander Hamilton, and Charles Pinckney.

Most of the delegates to the Constitutional Convention were of the wealthier classes, such as merchants, bankers, professional men, and plantation owners. Many of the delegates disliked democracy, and some would have preferred a limited monarchy and the establishment of an aristocracy.

The workings of the Convention were kept secret with the delegates deliberating behind closed doors and windows throughout the heat of the summer. What we do know of the Convention comes from James Madison who kept a diary of the proceedings and has been called “The Father of the Constitution.”

Finally, on September 17, 1787, the completed Constitution was revealed and sent to the states for ratification. Of the 55 men at the convention, only 39 actually signed the Constitution. A story is told of a woman who stood outside the hall waiting for news of the new government. As Benjamin Franklin walked by, she said, “What have we got, Mr. Franklin, a republic or a monarchy?” To which Franklin replied, “A republic, if you can keep it.”

Assignment

1. What do you suppose Benjamin Franklin meant by his reply to the curious woman?
2. Do your own research to find out why Thomas Jefferson was not at the Constitutional Convention.
3. Choose one of the 39 signers of the Constitution other than those named on this page. Write a two to three page report on your chosen person.

HANDOUT 6

COMPROMISES OF THE CONSTITUTIONAL CONVENTION

THE GREAT COMPROMISE

One of the basic struggles facing the delegates to the Constitutional Convention was the one between the large states and the small states. The large states feared allowing the smaller states to have equal voting status in the new Congress. They felt it would give the people of the smaller states unfair advantages and greater political power, thus discriminating against the citizens of the large states. The small states, on the other hand, knew that if voting in Congress were based on population, their interests would constantly be outvoted by the more populous, larger states. Each side presented a plan for a Congress with the large states backing the Virginia Plan which would determine representation by population. The small states favored the New Jersey Plan, providing for equal representation.

The impasse over this issue was broken by a compromise, proposed by Roger Sherman of Connecticut. It provided for two houses of Congress (bi-cameral). Membership of one house (the House of Representatives) was to be determined by population. Membership of the other house (the Senate) was to be equal--two from each state. This plan has been called the Great Compromise or the Connecticut Compromise.

THE 3/5 COMPROMISE

Another major conflict arose between the northern and southern states over the issue of counting slaves. The southern delegates wanted slaves to be counted in determining population for membership in the House of Representatives (thus increasing the number of representatives their state would receive). Obviously, the northern delegates opposed this plan and did not want the slaves counted at all. This dilemma was solved by a compromise that we today would consider inhumane. The southern states could count $\frac{3}{5}$ of their slaves. Or to put it another way, a slave counted as $\frac{3}{5}$ of a person.

These two compromises cleared the way for the acceptance of the Constitution by most of the delegates to the Constitutional Convention. The first compromise worked well and is still in effect today. The second compromise obviously could not stand for long and was finally nullified by the Civil War and the Fourteenth Amendment to the Constitution.

Assignment

1. Assume you are a supporter of the Constitution in 1787. How would you defend each of these compromises? Create a newspaper advertisement or political cartoon to convince people that these compromises are good ones and will work.
2. Assume you are opposed to the Constitution in 1787. What arguments would you find against each of these compromises. Create a newspaper advertisement or political cartoon to convince people that these compromises are bad ones and will not work.

HANDOUT 7

RATIFICATION OF THE CONSTITUTION

Once the Constitution was signed on September 17, 1787, it then had to be ratified, or approved, by nine of the thirteen states before it would become the new government for the United States. Much of the Constitution was the result of compromise, and few were entirely satisfied with the entire document. Many of the popular leaders of each state were bitterly opposed to this new plan of government. Patrick Henry, Richard Lee, and Samuel Adams felt that the new government was not democratic enough, and that it gave too much power to the national government. Even some of the delegates to the Constitutional Convention, such as Luther Martin, Edmund Randolph, George Mason, and Elbridge Gerry refused to sign the document.

One of the major obstacles to passage of the Constitution was the lack of a list of the rights guaranteed to the people. A country that had just fought a war for its independence and the protection of individual rights was not anxious to embrace a new government that was not specifically sworn to protect those rights. To overcome this obstacle, supporters of the Constitution promised that the passage of a Bill of Rights would be the first order of business for the new government once the Constitution went into effect. It is a monumental tribute to the integrity and reputation of men such as Washington, Franklin, Hamilton, and others that they were trusted. The American people did, in fact, trust their rights to the word of their leaders and voted for the Constitution. True to their word, the new government did immediately take up the writing of the Bill of Rights, which was passed as the first ten amendments to the Constitution in 1791.

Three of the foremost leaders in the fight to ratify the Constitution were Alexander Hamilton, James Madison, and John Jay. They wrote a series of 85 essays supporting the Constitution. All but eight of these essays were published in the *Independent Journal*, a New York newspaper, and appeared during 1787 and 1788. They were later collected and published in a book form under the title, *The Federalist*. Hamilton wrote about 2/3 of the essays, Madison about 1/3, and Jay wrote five, but all were published under the name "Publius."

The authors relied both on logical arguments and appeals to prejudice in their essays. They stressed the need for law and order, the dangers in British sea power, the threats of Spanish intrigue, the possibility of anarchy under the Articles of Confederation, and the desire for a stronger spirit of nationalism. They also stressed the need of the public good and private rights as well as the need to preserve the spirit and form of popular government which would best be secured through the checks and balance system of the Constitution.

Delaware was the first state to ratify the constitution on December 7, 1787. On June 21, 1788, New Hampshire became the ninth, and on that day the Constitution became the Supreme Law of the Land. Virginia, New York, and North Carolina signed later. Rhode Island was the last of the 13 states to ratify the Constitution in 1790.

Assignment

1. Choose one of the men who opposed the Constitution and write a 2-3 page summary of his life.
2. Read one of the essays in *The Federalist* and summarize it.
3. Write an eighty-sixth (86th) essay for *The Federalist*.

ENRICHMENT ACTIVITIES

NATIONAL SOCIALIST PARTY v. VILLAGE OF SKOKIE

FREEDOM OF SPEECH?

“I WILL NEVER PLEDGE MY ALLEGIANCE TO THAT FLAG.”

STAR-SPANGLED QUIZ AND ANSWER SHEET

KING GEORGE AND THE PRESIDENT

FINDING YOUR RIGHTS IN THE BILL OF RIGHTS

WHAT’S WRONG?

REWRITE THE FIRST AMENDMENT

CONSTITUTIONAL EXERCISE

CONSTITUTIONAL AMENDMENT LOTTERY

NATIONAL SOCIALIST PARTY v. VILLAGE OF SKOKIE
432US 531 Ed 2nd

The right to assemble covers all sorts of occasions, from Saint Patrick's Day parades through outdoor concerts to political rallies in public parks. But what happens when a group considered noxious by an undoubted majority of the nation's populace expresses a desire to parade through an area whose inhabitants have a special reason to find them particularly loathsome? Such was the situation when the American Nazi organization, the National Socialist Party, adulating Adolf Hitler and all he stood for, announced its desire to hold a rally in a Chicago park. The park was quickly declared off limits for such purposes, and the Nazis then declared they would, instead, hold a march through the streets of the Chicago suburb of Skokie. They could hardly have made a more inflammatory decision — which was, of course, their intention. Skokie is inhabited primarily by Jews, a large percentage of whom are survivors of the Nazi Holocaust. Here, indeed, was an issue to test the mettle of the most dedicated civil libertarian!

Historically, the institution most zealous in its efforts to safeguard constitutional rights has been the American Civil Liberties Union (ACLU). Historically, too, the ACLU has had a large percentage of Jewish members — witness perhaps to the proposition that those who have known persecution are among the first to rally against it. Obviously, the Nazi/Skokie situation presented the organization with a cruel dilemma. In the end, the ACLU defended the Nazis' right to march. As it turned out, the Nazis were allowed to hold their rally in two small Chicago parks and consequently called off — or postponed — their Skokie march, but the constitutional question remains vividly alive.

This was in spite of the fact that the trial court granted an injunction (a temporary court order to not do something) forbidding the Nazis to march and when the ACLU appealed to the Illinois Supreme Court to lift the injunction and allow the march, the State Supreme Court refused. The U. S. Supreme Court, in a per curiam opinion, said that to deny the Nazis their right to march, parade, display symbols and distribute pamphlets in an orderly manner would deprive them of their First Amendment rights.

FREEDOM OF SPEECH?

Bill, a college student, received national attention after he organized a highly controversial meeting. At this meeting, Bill called the President of the United States a criminal pervert. He referred to soldiers as legalized murderers and to boy scout troops as the schools in which soldiers are trained to be deadly agents. He insulted the mayor of the town by referring to him with profane expressions. He urged those oppressed by the American system to get guns and to fight to secure their rights.

Bill's speech made many of the people who attended the meeting quite angry. When police officers assigned to the meeting believed that Bill might be in the process of creating a violent and explosive situation, they ordered Bill to stop speaking. Bill refused.

When Bill attempted to resume his speech, police officers arrested and jailed him. The charge was disorderly conduct. Bill was tried and convicted and served 30 days in jail.

After his release, Bill argued that he had been denied his Constitutional right to practice free speech. Those who believed that his arrest was proper and his punishment just argued that Bill was not using, but abusing, free speech.

Questions for Discussion

Discuss this situation using the following questions:

1. Why do you believe Bill behaved as he did?
2. Why did the police arrest Bill?
3. In your opinion, was Bill guilty or not guilty? Why?
4. Should freedom of speech ever be limited? Why or why not? Explain your answers.
5. Should people who want to destroy the American system of government be given the same freedom as anyone else? Explain your reasons.

NOTE: This activity and discussion closely follows the *Feiner* case (*Feiner v. New York*). A videotape is available from the Utah Law-Related Education Project (801-322-1802).

“I WILL NEVER PLEDGE ALLEGIANCE TO THAT FLAG.”

Taken from *Freedom of Expression*
Sponsored by the Constitutional Rights Foundation

The following story is based on events which actually took place in a southern California community. After you have read what happened, be prepared to give your opinion of what the people in the story said and did.

The school year had just begun. The first football rally of the season was about to start in the school gym. Because the Washington High Minutemen had won the league championship last year, everybody hoped the team would do it again this year. The gym was full of excited students.

The principal, Mr. Stokes, stepped up to the microphone and announced: “Please stand for the Flag Salute.” Slowly, the students stood up, placed hands over hearts, and stopped talking. Then they recited: “I pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.”

One student did not say these words. Robin Hall, the student body president, turned her back to the flag, kept her hands at her sides, and remained silent. Since Robin was standing next to the principal, nearly everyone saw what she did. After the salute to the flag, the cheerleaders rushed on to the gym floor and began the first rally cheer. Mr. Stokes turned to Robin and asked, “Why didn’t you salute the flag?” Robin replied, “I will never pledge my allegiance to that flag.” Then she walked away.

In the next edition of the school newspaper, *The Washington Patriot*, Robin explained why she refused to take part in the Flag Salute. She said that the Flag Salute “is meaningless and phony.” The flag itself, she wrote, “is only a piece of cloth.” She went on to say that the government “doesn’t have much faith in young people if it has to require that they pledge their loyalty to the flag every day in school.” According to Robin, the United States described in the Flag Salute does not exist. Rather, she said, this nation is one of “violence, racism, and lies.” Robin finished by saying, “I could never pledge myself to a nation like that.”

Although some students supported Robin’s actions and words, others wanted Mr. Stokes to remove her as student body president. They called Robin unpatriotic for “tearing down our country” and “insulting the flag.” During lunch one day, a student called her a “traitor.” Some of Robin’s friends started to argue with the student who said this, and a fist fight broke out. As a result, two students were suspended from school for five days. The majority of the students, however, seemed not to care one way or the other.

A week after Robin's article appeared in the school newspaper, John Stokes was interviewed. When asked what his opinion was, Mr. Stokes replied that he disagreed strongly with Robin's actions and words. "All young people," he said, "should be proud of their flag." He pointed out that a returned Vietnam P.O.W. who lived in the community had recently given a flag to the school. "This was the flag," Mr. Stokes said, "that Robin turned her back to." When asked if he were going to remove Robin from office as student body president, the principal replied that he was "looking into it." He explained that the student constitution provides two grounds for dismissing a student officer: "neglecting the duties of office" and "misconduct." "Certainly," Mr. Stokes went on to say, "Robin's refusal to follow the school rule requiring students to salute the flag before all assemblies is a serious matter."

At this point, the parents in the community began to react. Most said that they were shocked by the student body president's refusal to salute the flag and also by what she said in the student newspaper. They said Robin set a very poor example for the other students.

One well-organized group of parents, the Pride in America Committee, sent a letter to Mr. Stokes demanding that Robin be removed from office immediately. The letter ended by saying, "It is a shame that our boys who have been in North Vietnamese prison camps have to come home and see the flag insulted right in our own high school."

In her defense, Robin argued that the United States is supposed to be a place where people are free. "I was just expressing my ideas by not saluting the flag," she said. "Don't I have a right to do that?"

Questions for Discussion

1. What do you think about this case? Do you think the principal should remove Robin from office? Or do you think Robin has a right to refuse to salute the flag? How do you feel about Robin's turning her back to the flag?
2. One of the school rules at Washington High states: "All students shall pledge their allegiance to the American flag before all school assemblies, rallies, and other meetings involving the student body. In addition, students shall, at all times, be respectful to the flag." Do you think this school rule is reasonable?
3. The Pledge of Allegiance to the flag was first issued at the opening of the World's Fair in Chicago in 1882. The words were changed in 1923 and 1924. Congress approved the wording in 1945. Nine years later, the words *under God* were added after the words *one nation*. Suppose you had to write a new Pledge of Allegiance. What do you think it should say?

STAR SPANGLED QUIZ*

1. The best information about how to correctly display the flag of the United States can be found in (choose the best answer):
 - a. The *Boy Scout Handbook*.
 - b. Any major encyclopedia.
 - c. The current edition of Title 36, the United States Code.
 - d. A copy of Public Law 829, "The Flag Code," found in the vertical file of the library.
2. True or false. If the flag on the United States touches the ground, it must be burned.
3. True or false. The first Flag Resolution adopted by Congress on June 14, 1777, specified that the thirteen white stars be placed in a circle.
4. True or false. The flag of the United States may not be flown in stormy weather.
5. Francis Scott Key wrote our National Anthem after he was inspired by the sight of the flag flying over Ft. McHenry in Baltimore Harbor. How many stars are there on the flag?
6. If a flag pole is 100 feet tall, how far will the flag of the United States travel along the pole when it is raised to half-staff one morning and lowered that evening?
7. Two unsung heroes responsible for a major concept in the American flag's legal design are (choose two):

a. John Claypoole	e. Betsy Ross
b. Captain Samuel Reid	f. Joseph Ashburn
c. Captain John Paul Jones	g. Peter Wendover
d. Francis Hopkins	
8. True or false. The army has carried the Stars and Stripes as a national Color since its adoption in 1777.
9. True or false. The United States flag can be washed.

*This quiz was researched and prepared by John M. Hartvigsen, the Flagman.

STAR-SPANGLED QUIZ
Answer Sheet

1. The best information about how to correctly display the flag of the United States can be found in (choose the best answer):
 - a. The *Boy Scout Handbook*.
 - b. Any major encyclopedia
 - c. The current edition of Title 36, the United States Code.
 - d. A copy of Public Law 829, "The Flag Code," found in the vertical file of the library.
 1. *c. Although the sources listed are generally good references, you may find old editions or the new editions may not be properly up-dated.*
2. True or false. If the flag on the United State touches the ground, it must be burned.
 2. *False. Burning is only specified in the Flag Code for flags that are no longer in good condition.*
3. True or false. The first Flag Resolution adopted by Congress on June 14, 1777, specified that the thirteen white stars be placed in a circle.
 3. *False. Many patterns were used to display the stars in our first flag.*
4. True or false. The flag of the United States may not be flown in stormy weather.
 4. *False. According to the amended Flag Code, an all weather flag may be displayed in inclement weather.*
5. Francis Scott Key wrote our National Anthem after he was inspired by the sight of the flag flying over Ft. McHenry in Baltimore Harbor. How many trucks are there at Ft. McHenry?
 5. *One. This is a trick question. A truck is the pulley at the top of a flag pole.*
6. If a flag pole is 100 feet tall, how far will the flag of the United States travel along the pole when it is raised to half-staff one morning and lowered that evening?
 6. *300 feet. The flag is raised to full-staff before lowering it to half staff. It also is raised to full-staff before lowering it in the evening.*

7. Two unsung heroes responsible for a major concept in the American flag's legal design are (choose two):
- | | |
|----------------------------|-------------------|
| a. John Claypoole | e. Betsy Ross |
| b. Captain Samuel Reid | f. Joseph Ashburn |
| c. Captain John Paul Jones | g. Peter Wendover |
| d. Francis Hopkins | |
7. *b. Captain Samuel Reid and*
7. *g. Peter Wendover. Wendover is responsible for bringing the number of stars back to 13.*
- (Interesting trivia: "a" and "f" were husbands of Betsy Ross.)
8. True or false. The army has carried the Stars and Stripes as a national Color since its adoption in 1777.
8. *False. The Army carried a blue flag with the national coat of arms as a national color until the 1840's.*
9. True or false. The United States flag can be washed.
9. *True. A flag should be cleaned according to the type of material that it is made of.*

KING GEORGE AND THE PRESIDENT

Although the Constitutional Convention met almost eleven years after the signing of the Declaration of Independence, the injustices suffered by the colonists under George III were still remembered. How did the men at the Constitutional Convention, through the new Constitution, limit the authority of the head of the new government to insure that the grievances against the King cited in the Declaration of Independence would not be repeated?

Directions: Read the grievance and the problem for the Constitution makers. Then, referring to the Constitution, explain each solution in your own words.

1. He has refused his assent to laws the most wholesome and necessary for the public good.

*Problem: How to prevent the President from denying representation in the legislature.

*Solution in Constitution: Article 1, Section 7, Clause 2.
2. He has refused to pass other laws . . . unless those people would relinquish the right of representation in the legislature.

*Problem: How to prevent the President from denying representation in the legislature.

*Solution in Constitution: Article 1, Section 2, Clause 3.
3. He has called together legislative bodies at places unusual, uncomfortable and distant from records.

*Problem: How to prevent the President from calling a session of Congress in an out-of-the-way place.

*Solution in Constitution: Article 1, Section 8, Clause 17.
4. He has refused to cause others to be elected

*Problem: How to prevent the President from preventing elections.

*Solution in Constitution: Article 1, Sections 2, 3, and 4, and Amendment 17.

5. He has made judges dependent on his will alone, for the tenure of their offices and the amount of payment of their salaries.

*Problem: How to prevent the President from placing the judges under his control.

*Solution in Constitution: Article 3, Section 1.
6. He has kept among us in times of peace, standing armies without the consent of our legislatures.

*Problem: How to prevent the President from increasing standing armies without the consent of Congress.

*Solution in the Constitution: Article 1, Section 8, Clause 12.
7. . . . for quartering large bodies of troops among us.

*Problem: How to prevent the President from stationing troops where he pleases.

*Solution in the Constitution: Amendment 3.
8. He has combined with others . . . for cutting off our trade with all parts of the world.

*Problem: How to prevent the President from interfering with trade.

*Solution in Constitution: Article 1, Section 8, Clause 3.
9. He has combined with others . . . for imposing taxes on us without our consent.

*Problem: How to prevent the President from passing additional taxes without the consent of the legislature.

*Solution in Constitution: Article 1, Section 7, Clause 1;
Article 1, Section 8, Clause 1; Amendment 16.
10. He has combined with others . . . for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our government.

*Problem: How to prevent the President from changing our system of government.

*Solution in Constitution: Article 5.

FINDING YOUR RIGHTS IN THE BILL OF RIGHTS

Amendment 1. Guarantees freedom of religion, of speech, and of the press.

Amendment 2. Guarantees the right to organize state militia and to bear arms.

Amendment 3. Prohibits forcing homeowners to house soldiers in peacetime; in wartime, only by emergency laws.

Amendment 4. Prohibits government searches without a warrant.

Amendment 5. Requires a grand jury for serious criminal charges; prohibits forcing accused persons to testify against themselves; guarantees that no one may be deprived of life, liberty, or property without due process of law.

Amendment 6. Guarantees a speedy trial by jury in criminal cases.

Amendment 7. Guarantees a jury trial in most civil cases.

Amendment 8. Prohibits excessive bail and fines; prohibits cruel and unusual punishment.

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1. The police suspect you are hiding stolen goods. Which Amendment requires them to get a court warrant before they search your home?
 2. You think the mayor has made a poor decision. Which Amendment guarantees you the right to say so in your local newspaper?
 3. The state plans to build a highway through your property. Your home must be torn to the ground. What Amendment requires the state to give you a fair price for your house and property?
 4. Some people say gun-control laws are unconstitutional. They say that citizens may have any kind of weapons they choose. On what Amendment do these people base their reasoning?
 5. A year goes by and a date for your trial for manslaughter has not been set. Which Amendment says this is unconstitutional?
 6. A friend of your family's is arrested for shoplifting a loaf of bread. He is being held on \$10,000 bail. He demands his constitutional rights. On the basis of which Amendment?

WHAT'S WRONG?

Below is a part of an imaginary speech explaining how the United States system of government works. Every statement in the speech is wrong. In a phrase or sentence, explain what is wrong with each statement.

1. The Congress alone has the power to make laws for the United States. No other government officials need to approve the actions of these lawmakers.
2. Congress also is given the job of enforcing the Bill of Rights. In other words, Congress may hire police officers to arrest you in case you break the Bill of Rights.
3. The Bill of Rights, of course, greatly increases the government's power to control your life.
4. For example, the Bill of Rights gives the government the right to punish you if you fail to worship the proper way.
5. The Bill of Rights was recently added to the Constitution by former President John F. Kennedy.

REWRITE THE FIRST AMENDMENT

Introduction

Since the First Amendment provides for a number of interrelated yet different rights, having students look closely at the language will help them better understand its meaning. This brief exercise asks student to interpret and rewrite the amendment. It can be used when studying the Bill of Rights or rights prior to First Amendment case studies.

Procedure

1. Distribute the handout. As a homework assignment or in class, have students rewrite each phrase of the First Amendment in the right-hand column.
2. Discuss student interpretations of each phrase.
3. For additional discussion, introduce the notion of possible limitations of these rights. Suggested discussion questions:
 - a. Can you think of any situations in which these rights would not be guaranteed?
 - b. Are there any laws or rules you know of that do limit these rights?

REWRITE THE FIRST AMENDMENT

The Amendment	Its Interpretation
<p>Congress shall make no law</p> <p>respecting an Establishment of Religion,</p> <p>or prohibiting the free exercise thereof;</p> <p>or of the press</p> <p>or the right of the people peacefully to</p> <p>and to petition the government for redress of grievances.</p>	

CONSTITUTIONAL EXERCISE

To each of the following problems, cite the Article, Section and correct answer. One point possible for each item identified.

1. President U. R. Able is the President of the United States. He feels that the income tax is too low and has asked Congress to raise it by legislative action. Congress has refused to act on his request, so Able announced that by his direct control over the Internal Revenue Office (falling in the Executive Department), he is by Executive Order going to raise the rate of income tax three percent (3%) with or without Congress. Can he do it?
2. The State of Confusion has decided that to elect Representatives every two years is expensive. The State Legislature passed a resolution to the effect that their Representatives to Congress would serve four year terms instead of two. Is it legal?
3. The State of Shock has been totally dependant on mining for its income. Since the mines have been worked out, or otherwise closed because of the low demand for their minerals, people have left the state by the thousands. The State of Shock has two Representatives in Congress, but now the state's population is down to 30,000. Are they entitled to any representation? If so, how many and what kind?
4. John Oldtimer has served in the Senate for many years. He was elected in 1992 and died two months later. Governor Grafton appointed his brother-in-law, Daniel Donothing, to fill the vacancy until the next election in 1998. Sam Sharp felt that he had enough support that he could win an election before that time and petitioned the court to order a special election. The Governor answered that Sam would have to wait and run in the next election when the original term of office expires. Who is right?
5. After a heated debate in the Senate, Senator Blowhard called Senator Phoghorn a "dishonest jackass." Phoghorn then said that he would sue Blowhard for slander, libel, and character assassination. Would such a suit hold up in court?
6. Senator Skeen decided to run for the governorship of his state even though he still had two years to serve in the Senate. He has not resigned his Senate seat because he feels that he can serve well in both jobs. Is that legal?
7. Senator Thriftee introduced a bill in the Senate proposing an income tax cut. Representative Munny introduced a similar bill in the House. Which bill will come up for final consideration?
8. The city of Portsville in the State of Shock on the West Coast was dying because so many people were leaving the area. The mining and lumber industry was just about gone. It was a great port and had great connections with the rest of the country. It was

the best port on the coast, and it seemed that it would be good if something were done to keep it as a thriving area. Representative I. Deah, from Shock, came up with a way to save the port without spending government money. He proposed that all customs, duties, and import taxes usually imposed, be cut in half if Portsville were used by shippers. Will the plan work?

9. Most of the world is on the metric system of weights and measures (meters, grams, liters, etc.). The U. S. is on the less effective and less popular English system (feet, quarts, pounds, etc.). If the U. S. wanted to adopt the metric system, what would have to happen?
10. The small country of North Coastvania boarded and seized the U. S. aircraft carrier “Interpiece” in the mid-Pacific. President U. R. Able announced that if the ship and crew were not released without further incident, he would declare war. Can he do it?
11. The aircraft carrier was not released, and so the President sent the Marines to attack the coast of North Coastvania without a declaration of war. Senator Phoghorn announced to the press that we had learned a lesson in Vietnam and would not interfere with the problems of another country. Able then announced that through his position as commander-in-chief of the armed forces, he was moving ahead without the approval of Congress. Phoghorn retorted that through Congressional control of the budget, the President would get no money for this action. Is this possible?
12. Edison Graham Ford invented the “thimble dumper.” Unfortunately, he neglected to have it patented, and a neighbor who saw one stole it and had it patented. Ford was certain that he was the real inventor, and he wrote to the President of the United States asking for his help in obtaining a patent. Ford received a very nice letter back from the President asking for Ford’s vote in the next election, but stating that Ford should write to Congress. Ford felt that the President was passing the buck and shirking his responsibility. Who is right?
13. Representative Mossback made a speech in Congress in which he said that our national capital was far too vulnerable to attack as it was near the East coast. He proposed that the federal government purchase 20 square miles in the State of Outback for a new national capital. Not only would this save money, but the government would be safer. Why was his speech ignored in Congress?
14. Because so many young men were protesting the draft by burning their draft cards, Congress passed a law that said anyone who could not show his draft card to his local draft board would automatically be jailed without a trial--the absence of the card would serve as proof of guilt. Is this legal?
15. Sam Trash owns a junkyard in Washington, D. C. For years he has been burning junk and polluting the air even though he has been asked several times to stop this practice as

a public service. Sam said there was no law that he could not burn trash, and he burned as much as he could find. Finally, Congress passed a law forbidding the burning of trash in Washington D. C. and even provided a penalty for those who had previously polluted. Sam was arrested and brought to trial. He was convicted. Sam appealed the conviction. What will the decision of the court be?

16. Vice President Taft Hartley traveled to New Guinea where the country had just suffered a devastating earthquake. Taft Hartley promised the natives \$10 million for relief. The Chairman of the Foreign Affairs Committee, Senator Emptydull, announced that the U. S. was involved enough in giving money to other countries, and it was about time this sort of thing came to a halt. Taft Hartley countered by saying that if the money were not appropriated by Congress, he would take it from the Space Agency's budget. Can that be done?
17. Representative Offenrong made a speech before Congress in which he said that we do not honor our national heroes enough. He then proposed that because he was the first man to set foot on the moon, Neil Armstrong be given the title of "Sir" Neil Armstrong. What would have to happen before this could be done?
18. George Runabout was born in Mexico to parents who had moved from the United States to avoid being prosecuted for breaking a law. None of the family ever became citizens of Mexico and when George was five, they moved back into the States. Today, George is mentioned as a possible candidate for the Presidency. Is he eligible to serve if elected?
19. After a heated debate, the Senate passed a resolution to the effect that if both the President and Vice-President were to die, the Senator who had the most years of service would become "acting President." *Time* magazine asked Senator Offenrong if the measure would pass. Offenrong said he was right this time--it would not pass as it was obviously unconstitutional. Is he correct?
20. General Bullright was the Commander of the Army in South Korenum. The General had long urged that he invade Slobovia as a means of ending the war because most of the equipment used by the Korenums came from Slobovia. In view of many recommendations to that effect, the President ignored General Bullright. In an interview on the SBC Evening News with Walter Krankcase, General Bullright said that we could win this war if it weren't for the disloyal and unpatriotic people in Washington. Upon hearing this, President Trucolor announced that General Bullright had been relieved of his command. The General was furious and said that the President should have gone through the Joint Chiefs of Staff. Who is right?
21. Ex-judge Grafton, having been impeached and removed from his federal judgeship, was dissatisfied. He enjoyed his old job, the pay and fringe benefits, and wanted it back. He read where it was possible for the President to grant pardons. He discussed the matter with his attorney, Wheeler Deeler, and wanted him to appeal to the President for a pardon. Deeler refused. On what grounds did he refuse?

22. China and the United States agreed to a treaty of mutual disarmament. The treaty included some language that was agreed upon by both sides, but was very sensitive and somewhat controversial. President Trucolor asked the Senate to confirm the Treaty and to trust him that the secret language was in our best interest. The final vote was 60 in favor and 40 against. Is it a valid treaty?
23. Shag Longhair was arrested for spitting on the post office wall. When arrested and ordered to appear in district court, Shag yelled and screamed and said that he would not go to a lower court, but wanted to go right to the Supreme Court. Sheriff Catch told him he could only do that after he had been convicted. Shag told Catch where he could go and insisted that the case be heard directly by the Supreme Court. Who is right?
24. Joe Traveler from Old York was visiting an Army buddy in the State of Westernscenia. Both Joe and his buddy wanted to go fishing. Joe was charged \$500 dollars when he and his buddy were caught fishing without a license. Joe's buddy was fined \$10. Joe appealed the verdict saying that because both of them were committing the same crime, they should be treated equally. Who is right?
25. Since it was settled by Tree-Worshippers, the State of Forest Glen added provisions to their constitution that all representatives the people elected to the Federal Government had to be Tree-Worshippers. Is this legal?
26. President Ima Klutz is accused of organizing a break-in at an apartment complex in Middletown, the nation's capital. It is later revealed that a tape exists discussing the break-in and the President's cover-up. The House Judiciary Committee wants to hear the tape. The President ignores them saying that "executive privilege" precludes them from hearing the tape. The House says that executive privilege does not appear in the Constitution--so hand over the tape. Who wins the battle?
27. Because the item of education is not specifically mentioned in the Constitution, the states have always assumed they have the right to set regulations. In 1954, the case of *Brown v. The Board of Education of Topeka* ruled that blacks and whites had to be integrated in the public schools. The State of Throwback, really believing that this is not a federal prerogative, refuses to obey the court. President Eisenhower sends the Marines in to escort five black students into Big Rock High School. When the state takes the case to court, what does the President use as constitutional support for his case?
28. Marvin Frebush and his wife, Freda, go to the local polling place on election day to vote. They are surprised that due to budget cutbacks by the county, there is now a charge of \$1 each to vote to help pay for the ballots, etc. Freda has left her wallet home, and Marvin is out of work; so they cannot vote. Freda really gets bent out of shape over the whole situation and sues the county. Who will win?

29. Clara Highpitch has been working as a dispatcher for the Sheriff's Department along with Marvin Monotone. Both were hired about the same time. After 10 years on the job, Clara suddenly finds out that Marvin has been paid twice the amount she has received for essentially the same type of work. She then goes to the State Board of Discrimination and files suit to have the case heard. How will Judge Biggot rule?
30. Ricky Love has been in love with Horace Right for the past several years. At this time, Ricky is a teacher of the fifth grade students in Blueball, Pennsylvania. Upon hearing of this affair, the school board promptly fires Ricky who appeals the case. What will be the Constitutional grounds for his defense?
31. Mary Runover has been in serious condition since being hit by a tank on the test track of the Dubway Proving Grounds. Her condition has not changed in the past three years, and her parents have asked the court's permission to "pull the plug" and let her die with dignity. The lower court refused. What will the decision of the higher court be?
32. Fernando Valenzula was born in Mexico in 1970. He recently came to Los Angeles to find a job with a local baseball team. He became so popular that he thought he could be elected to the House of Representatives. Can he run (pitch or hit)?
33. War has suddenly broken out between the United States and Monaco. Monaco is winning and has invaded the West Coast and soon will get to the Mississippi River. Congress orders all residents of the country to house the troops and hope we win the war. Joe Stubborn objects. Is he right?
34. Edward Pure hates minorities. One night in Chinatown, California, he guns down two Polish-Americans. He is later caught and tried on federal charges of violating the Civil Rights of the Polish-Americans. He is convicted, and one week later is scheduled to be tried on a charge of first degree murder. The same testimony and same witnesses are scheduled to appear. Pure yells, "double jeopardy." Will the second trial be held?
35. President Rightwing orders that all guns owned by anyone in the country be turned in. He claims it is specified in the Constitution that the National Guard and regular armed forces are the only people allowed to have guns. Is he right?
36. Sarah Spacecase is very upset that a bar is going to open in her neighborhood. She stays up late at night reading law books trying to find a way to prevent the bar from opening. She finally read where it is illegal to make, sell, or ship liquor, and goes to court. Will she win?
37. Bill Blockhead has a house that sits on property the city wants to use to build a runway so the new Federal Express night flights can land and get the mail delivered before the post office. Bill refuses to give up his land. Does the City have the right to take it?

38. The Congress makes a law dictating to the states what a person has to do in order to get married: resident for five years, blood tests, letters of recommendation, and other formalities. They also prescribe what must be done before a divorce can be granted: five years of family counseling, no credit references, etc. The states take the matter to court. Who will win?
39. The federal government has been spending more money than it takes in. Congress refuses to initiate a Constitutional Amendment that says it can only spend what it collects. The states get together and initiate the same amendment. Is it legal?
40. In Utah, because of the high teenage death rate, the legal age is raised to 25. This means that the age to obtain a driver license also is 25. A kid moves from Georgia where the legal age to drive is 14. Can he drive in Utah?
41. A small town in the northern part of the State of Yesteryear is suddenly alarmed when it discovers that the "Oh Thank Heaven" store is selling a certain magazine that has a controversial picture on the centerfold. The citizens gather together and go to court to prevent the sale of the magazine. Will they win?
42. Stanley Scudd has just turned 18 and has decided that the best thing he can do to serve his country is to run for Congress. Last year he was too young to vote, but now is registered and can vote. Can he also run?
43. The Ku Klux Klan and the American Nazi Party want to hold parades through the Jewish and black parts of town. These sections of the town go nuts when the parade permits are granted. Do they have the right to go to court to stop the demonstrations?
44. The State of Shock, in an effort to improve mail delivery, wants to build a road from Hither to Yon. They apply to the federal government and get funds to help with the road--guaranteeing that it will be used for the movement of the mail. When the workers go on strike and blockade the road from being used, President Klutz calls out the Army to open the road. Can he do that?
45. Congress is very upset with the grain sales that have been made by the United States to the Chinese who don't do what we would like them to do all the time. In an effort to get even, Congress passed a resolution that we will sell no more grain to them. President Billy, in an effort to get more money for his budget, ignores Congress and sells the wheat anyway. Can he do this?
46. During a recent war, President Perfect suspended the right to Habeas Corpus and decided on his own who would go to jail and who wouldn't. After being in jail for six years, Sam Slow figures that he should have been charged and tried by this time. He asks the court to let him out. What will happen?

CONSTITUTIONAL EXERCISE

Answer Sheet

To each of the following problems, cite the Article, Section, and correct answer. One point possible for each item identified.

1. No. Article 1, Section 7 and 8.
2. No. Article 1, Section 2a.
3. Yes. Article 1, Section 2c.
4. Governor. Article 1, Section 2d.
5. No. Article 1, Section 6a.
6. No. Article 1, Section 6b.
7. House. Article 1, Section 7 and 8a.
8. No. Article 1, Section 8a.
9. Action of Congress. Article 1, Section 8a.
10. No. Article 1, Section 8k.
11. Yes. Article 1, Section 8l.
12. No. Article 1, Section 8h
13. Size. Article 1, Section 8g.
14. No. Amendment 6.
15. Innocent. Article 1, Section 9.
16. No. Article 1, Section 8a and 9g.
17. Amendment. Article 1, Section 9h.
18. Yes. Article 2, Section 1d.
19. Yes. Article 2, Section 1f.
20. President. Article 2, Section 2a.
21. Yes. Article 2, Section 2a.
22. No. Article 2, Section 2b.
23. Sheriff. Article 3, Section 2b.
24. Joe. Article 4, Section 2a, Amendment 14.
25. No. Article 6, Amendment 1.
26. House. Court Decision: *Nixon v. United States*. Article 3, Section 2.
27. Amendment 14.
28. Freda. Amendment 24.
29. Amendment 14.
30. Due Process. Amendment 14.
31. Articles 9 and 10, Amendment 14.
32. No. Article 1, Section 2.
33. No. Amendment 2.
34. Yes. Amendment 5.
35. No. Amendment 2.
36. No. Amendment 21.
37. Yes. Amendment 10.
38. States. Amendment 10.

- 39. Yes. Article 5.
- 40. Article 4.
- 41. No. Amendments 9 and 10.
- 42. No. Article 1, Section 2.
- 43. Yes. Amendment 1.
- 44. Yes. Article 1, Section 8.
- 45. Yes. Executive Order. Article 2, Section 3.
- 46. Let him out. Amendment 6.

CONSTITUTIONAL AMENDMENT LOTTERY

Take a number of slips of paper equal to the number of amendments to the Constitution. Write a different one of those numbers on each of the slips of paper. Fold the papers and shuffle them in a container. Divide the class into two teams and let the teams stand facing each other in the classroom. Let individual students, chosen alternately from the two teams, take turns drawing numbered slips from the container. When an individual draws a slip, he or she must open it and declare aloud the number he/she bears and identify the amendment to the constitution which bears the same number. If the contestant correctly identifies the amendment, his or her team receives a number of points equal to the number of the amendment. If the contestant makes an incorrect identification, the next member of the opposing team has an opportunity to make the identification. If the identification is correct this time, the successful team receives a number of points equal to the number of the amendment minus one. If this identification also is incorrect, the next member of the original team now has an opportunity. If the new player correctly identifies the amendment, the successful team receives a number of points equal to the number of the amendment.