

Lesson Title: The Long Life of the U.S. Constitution

Subjects

U.S. History, U.S. Government, Civics, Economics

Suggested Time

One 50-minute class period + homework assignment

Grade Level

7-12

Essential Question

How do our courts address modern issues in relation to the Constitution?

Objective

This lesson uses multiple Supreme Court cases to illustrate the advancing interpretations of the U.S. Constitution as they have evolved over the past 229 years. Extension activities introduce students to Alexander Hamilton and some of his prophetic observations, and ask students to evaluate freedom of speech and religion, as well as limits to search and seizure, as they affect the schools they attend.

Overview

Students watch the *We The Voters* film “#FoundingFathers,” which presents a visit to heaven by a current teenager, who meets James Madison (played by a woman), Thomas Jefferson (an African American actor), and Ben Franklin (much younger than we usually see as Franklin). There is a conscious effort to make reference to the casting of Lin Manuel Miranda's *Hamilton – An American Musical*. The Founding Fathers engage in semi-serious patter about the nature of the Constitution. Students then meet in jigsaw groups of four, where each student reads a different famous Supreme Court decision by a noted Justice of the Court—decisions which required extensions of the literal words of the original Constitution. The groups report out to each other. The teacher reviews the facts of each case with a “Numbered Heads Together” review exercise.

Materials

- *We The Voters* film “#FoundingFathers”
- Copies of Student Handouts
 - Handout #1: Loving v. Virginia
 - Handout #2: Miranda v. Arizona
 - Handout #3: Schechter Poultry Corp. v. United States
 - Handout #4: Brown v. Board of Education of Topeka
- Handout #5: Student Rights Cases (Extension Activity)
- Teacher-led Activity: Hamilton! (Extension Activity)

Procedure

Prepare the classroom by clustering groups of four desks and labeling desks within each cluster with number stickers: desk 1, desk 2, desk 3, and desk 4.

Warm-up Activity: Write “1787” on your whiteboard/blackboard. Ask the students to calculate how many years have elapsed since the Constitution was written (229 years). Call on every one of the students to name an aspect of American life that its authors could never have predicted 229 years ago—for example, telephones and public schools. Ask, “How is it possible that our modern lives could be governed by a document written 229 years ago? Courts have applied the Constitution’s original principles to new situations as they come up.”

Film Viewing: Tell students that they will be watching the *We The Voters* film “#FoundingFathers,” and instruct them to look for disagreements among the three Founding Fathers about the task of the courts to interpret the Constitution and the Bill of Rights as they watch. Explain the terms “elastic clauses” and “strict constructionism.” Then, show “#FoundingFathers,” twice if desired. Afterwards, discuss with students the central issue in it, i.e. why the Constitution has been “elastic” enough to remain effective as time marches on.

Supreme Court Case Investigation: Divide students into groups of four. Distribute the four Supreme Court cases (Handouts #1, #2, #3, and #4) with Supreme Court decisions and recording notes, so that each table has four different cases. Give students 15 minutes to read and record, and then 10 minutes to share out into their groups.

Review as a class with “Numbered Heads Together,” a Kagan cooperative learning activity. (Spencer and Miguel Kagan, *Kagan Cooperative Learning*, 1994) Ask a question about one of the Supreme Court cases, and give the groups of four 10 seconds to share the answer with tablemates (led by the student who read that case). Tell all “number 3’s” (or 1’s, 2’s, 4’s) to stand. Call on one of the standing students to give the answer to the following questions. Start with recall questions and move on to higher-order learning questions:

- Who were Richard and Mildred Loving?
- What do all these cases have in common?
- What issues in the future do you think will be addressed as these were?
- Why do gun rights advocates call themselves “strict constructionists”?
- The Bill of Rights is a strong protector of the rights of privacy. How has this right been restricted lately? How has it been expanded?

Extension Activities

1. Handout #5: Cases on Student Rights. Public schools did not exist when the Constitution and the Bill of Rights were adopted, as the only schools at that time were private and therefore unregulated. These Supreme Court cases would be particularly interesting to students to investigate in more detail.

2. Teacher-led Activity Sheet: Hamilton!

Standards

Common Core State Standards

CCSS.ELA-LITERACY.SL.7.4 Present claims and findings, emphasizing salient points in a focused, coherent manner with pertinent descriptions, facts, details, and examples; use appropriate eye contact, adequate volume, and clear pronunciation.

CCSS.ELA-LITERACY.SL.8.4 Present claims and findings, emphasizing salient points in a focused, coherent manner with relevant evidence, sound valid reasoning, and well-chosen details; use appropriate eye contact, adequate volume, and clear pronunciation.

CCSS.ELA-LITERACY.SL.9-10.4 Present information, findings, and supporting evidence clearly, concisely, and logically such that listeners can follow the line of reasoning and the organization, development, substance, and style are appropriate to purpose, audience, and task.

CCSS.ELA-LITERACY.SL.11-12.4 Present information, findings, and supporting evidence, conveying a clear and distinct perspective, such that listeners can follow the line of reasoning, alternative or opposing perspectives are addressed, and the organization, development, substance, and style are appropriate to purpose, audience, and a range of formal and informal tasks.

College, Career, and Civic Life (C3) Framework for Social Studies State Standards

D2Civ.4.9-12 Explain how the U.S. Constitution establishes a system of government that has powers, responsibilities, and limits that have changed over time and that are still contested.

D2Civ.5.9-12 Evaluate citizens' and institutions' effectiveness in addressing social and political problems at the local, state, tribal, national, and/or international level.

D2Civ.14.9-12 Analyze historical, contemporary, and emerging means of changing societies, promoting the common good, and protecting rights.

National Standards for Civics and Government (Center for Civic Education)

The place of law in American society: (1) Students should be able to evaluate, take, and defend positions on the role and importance of law in the American political system. (2) Students should be able to describe historical and contemporary events and practices that illustrate the central place of the rule of law, e.g., **events**, e.g., U.S. Supreme Court cases such as *Marbury v. Madison*, *Brown v. Board of Education*, *U.S. v. Nixon*; **practices**, e.g., submitting bills to legal counsel to insure congressional compliance with constitutional limitations, higher court review of lower court compliance with the law, executive branch compliance with laws enacted by Congress