

Episode One: Student Guide

Developed by: **The National Constitution Center**, find more great resources at <http://constitutioncenter.org/learn>

Program Overview

The Constitution is all around us; it affects each of us, every day. We are told that it is the most important document to our daily lives, yet most people cannot remember what it says or the difference between the Constitution and the Declaration of Independence. Americans are known for standing up for their rights and insuring their voices are heard, but where does this almost instinctual aspect of the American psyche come from? It is almost a part of our genetic make-up as Americans to dissent, but where does this expectation of rights find its genesis? It can be found in the American people and in our founding document, the Constitution.

In this video series, we are going to travel across the United States and find out more about what our Founding Fathers were thinking when they wrote the Constitution, how everyday Americans help define the words that were written on that parchment so long ago, and how our system works to interpret and amend this supreme law of our land. The writing of the Constitution began as a conversation—and since then, the conversation continues to get richer only when your voice is added to the mix.

Key Concepts for Episode 1

Federalism: the system of shared power between national and state governments

States' rights: the doctrine that the states have sovereign powers equal to the national government

Nationalism: the supremacy of the federal government over the states

Federalism

This debate over federalism, the system of shared power between national and state governments, continued throughout American history. Some argued in favor of states' rights, saying that the states had sovereign powers equal to the federal government. Others defended nationalism, the supremacy of the federal government over the states.

<http://constitutioncenter.org/constitution/issues/states-rights>

<http://blog.constitutioncenter.org/?s=federalism>

Supremacy Clause

This provision in Article VI is known as the Supremacy Clause. It establishes the Constitution, federal statutes, and U.S. treaties as “the supreme law of the land.” The Constitution is the highest form of law in the American legal system. State judges are required to uphold the U.S. Constitution, even if state laws or constitutions conflict with it.

Treaties must comply with the Constitution. However, the treaty-making power of the U.S. government is broader than the lawmaking power of Congress. The Supreme Court ruled in *Missouri v. Holland* (1920) that pursuant to a treaty with Great Britain, the United States could regulate the hunting of migratory birds, even though Congress had no independent authority to pass such legislation.

<http://constitutioncenter.org/constitution/the-articles/article-vi-debts-supremacy-oaths>

<http://blog.constitutioncenter.org/?s=supremacy+clause>

Treaties

A contract in writing between two or more political authorities (as states or sovereigns) formally signed by representatives duly authorized and usually ratified by the lawmaking authority of the state

Commerce Clause

The Commerce Clause has become the greatest source of federal power under the Constitution. Congress had no power to regulate commerce under the Articles of Confederation, and the states acted in a variety of ways to restrict the flow of commerce between one another.

<http://constitutioncenter.org/constitution/the-articles/article-i-the-legislative-branch>

<http://blog.constitutioncenter.org/?s=commerce+clause>

The above information is reprinted from Linda R. Monk, "The Words We Live By: Your Annotated Guide to the Constitution," 2003. Explore more analysis of the Constitution at <http://constitutioncenter.org/constitution>.

Enduring Understandings

Students will understand that government powers are distributed and shared in order to meet the needs of citizens and protect the “general welfare” of the United States.

Pre-Viewing Questions

Explore these questions with your class and use the KWL method to engage your students in active thinking around the topics of the Constitution, federalism, and citizenship.

Using the attached KWLH Chart, answer the following questions (we have added H for How do you know this—what primary or secondary source was used?)

1. Do you think the Constitution affects your life? Look around your classroom and see if you can identify ways in which law has impacted it. (i.e. space regulations, class size, selection of class texts, desegregation, age determining compulsory education, mixed-ability classes, etc.)
2. How does federalism support a democracy?
3. How did the Founders delegate powers to the federal government in the Constitution to insure the general welfare of the United States?
4. Do you feel you have a voice in our country? Are there any people in this country who don't have a voice, who might feel like they don't have a voice in how things get done?
5. Why would somebody who runs a business care about the relationship between federal government and the states?
6. Why would a local company not want the federal government to make a law that applies to all states?
7. Why would it be important to us that the federal government can step in and make universal rules for all states?
8. Why did the Little Rock Nine need the federal government to step-in? Why did the states not protect the rights of the students?

KWL Method

What students **KNOW**

What students **WANT** to learn

What students **LEARN**

KWL charts assist teachers in activating students' prior knowledge of a subject or topic and encourage inquisition, active reading (listening), and research. KWL charts are especially helpful as a pre-reading or in this case a pre-viewing strategy. They can also serve as an assessment of what students have learned during a unit of study. The K stands for what students know, the W stands for what students want to learn, and the L stands for what the students learn as they read or research.

Attached at the end of this Guide is a blank KWL Worksheet for classroom use.

Assignment

Now it is time to watch *Constitution USA* and to encourage your students to be active viewers, listeners and thinkers. This student guide is designed to help you and your students engage with and gain a deeper understanding of the information presented in Episode 1 of the video series *Constitution USA*. As interesting as this episode is, it can be very difficult for students to retain information and learn from visual content, and students often have trouble organizing their thoughts into constructive arguments for a deeper deliberation. The intention here is to give you a tool to help your students pause and take a closer look at what is being presented in this episode, as well as retain more information through visual cues and written assignments. We have set up this guide to allow you, the educator, multiple options. The Student Handout section can be presented to the students and allow them to explore the episode in its entirety, while the video segments section allows students to focus in-depth on one section of video at a time with key questions that will be analyzed as a group after viewing each episode. We have also added classroom activities to allow the class to further explore the topic presented within the video.

You may print the following “Student Handout” for students to participate.

High School Student Guide

Finding the Constitution: A road map to our rights and responsibilities as citizens of the United States.

Welcome to Episode One of *Constitution USA*. In this episode, you will explore the delicate balance of federalism. Use this guide to help you pull key ideas from the video and help you build your understanding of, or “road map” to, the Constitution in your life. The questions will help guide you along the way but feel free to pause the video and re-watch when needed. Good luck and happy travels!

Birthplace of Federalism in the United States

Let’s head to the birthplace of federalism. Our trip takes us to which city in 1787? Here, the Framers of the Constitution gathered to try and build a strong new government. Below is a diagram of federalism. Label the two main components of our system and the roles of each.



How did the framers ensure a delicate balance between state and federal power? Not sure yet? Keep thinking—and here’s a hint: pay attention to the Commerce and Supremacy clauses that are coming up!



Constitutional Battleground States!

The Harborside Company in California can be seen as a respected business. In what realm is Harborside an unlawful business? How are the state and federal laws at odds?

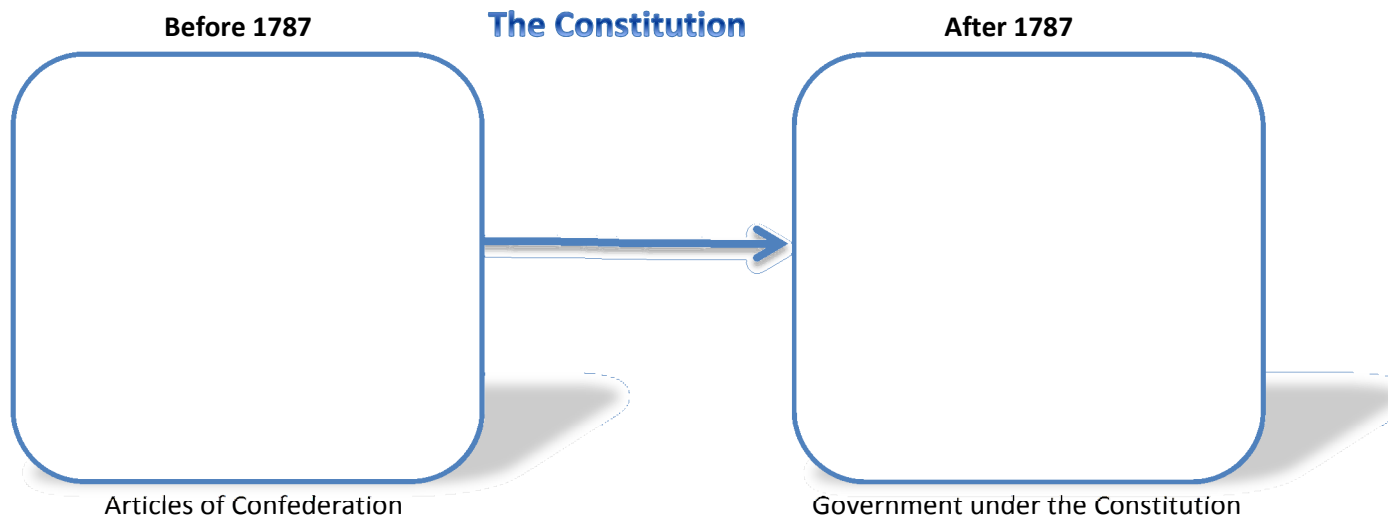


Stop and Think Question: What are some examples from history that show how state and federal laws have found a balance?

The Big Bang Theory...The United States Constitution

Why does Akhil Reed Amar consider the writing of the Constitution the “hinge of history?”

List some characteristics of our national government before and after the Constitution:



What was the real catalyst to drive the states to unite?

Philadelphia and the Constitutional Convention

Why did the delegates call the Convention? What was the danger looming for Americans at that time? List some of the symptoms that show our country was not doing so well.

✦

✦

✦

✦

Who are the main players who pushed for the Convention and who is the person who had the plan for a new government?

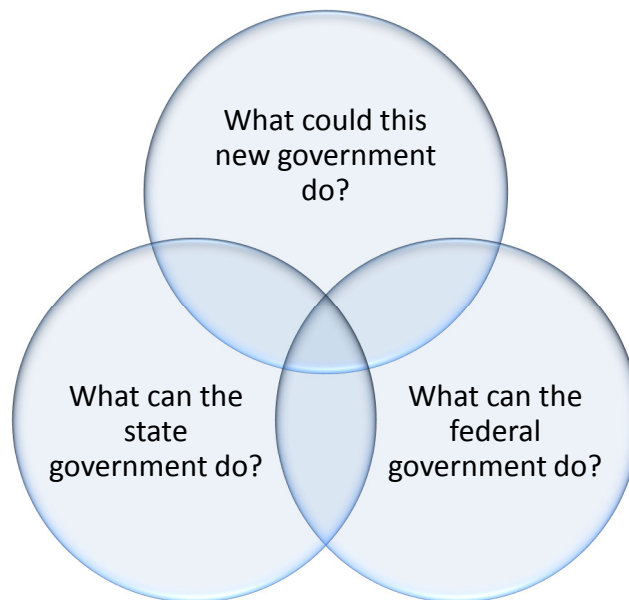
What was the goal of the Convention?

What were some of the issues the delegates found with creating a strong central government?

Why did they eventually decide to build a strong central government?

Stop and Think Question: What is the Commerce Clause and what does it really say?

Stop and Think Question: What is the Supremacy Clause and what does it really say?



Does this balance the power work or does it cause more issues? Why is such a balance necessary?

Slavery and Civil War-the big midterm test of the Constitution

Stop and Think Question: In 1861, was secession constitutional?

Stop and Think Question: What aspect of freedom do you think is essential to liberty?

Power Struggle: Tug of War

Why do we give power to the states at all? What is the reasoning behind state power? Do you agree with Gary?



Do you agree with the idea that states are “laboratories of democracy?” List some examples of when good ideas have risen up from the states. Can you think of some bad ideas that came from the states?

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Help Wanted: Looking for a Federal Government to Secure the Union

Why did the federal government build the Hoover Dam? How did building the Hoover Dam support the posterity of the Union?



What was the Great Depression? How many people were not working?

Stop and Think Question: Find the percentage of people not working today and compare it with the Great Depression.

What was the New Deal? What did it do? List some of the recovery projects.

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Why do some people think the New Deal had negative outcomes?

Separate is NOT Equal!

What federal body ruled that segregation in public education was illegal?

How did the state government push back against that decision?

What power (literally) does the president have?

Stop and Think Question: Why did the Army walk the kids up the front steps?



Commerce Clause and the Case of Feeding One's Cows

Stop and Think Question: Imagine you are hearing the case of Wickard v. Filburn. Where do you fall on the case? What is your argument and why?

Write a conclusion on your decision as if you are the judge.



What is your opinion on the issues below—who should have the final word, the state governments or the federal government? Discuss with your group why you believe this.

ISSUES:	STATE	FEDERAL
Marijuana		
Guns		
Toilets (Energy conservation)		
Coal Plants for Energy (Air Quality)		
Wheat Farmers		

Stop and Think Question: Have we struck the proper balance between the federal government protecting our rights and making laws effectively, or has the government overstepped its bounds?

Video Segments

<http://www.pbs.org/tpt/constitution-usa-peter-sagal/classroom/episode-1-federalism/>

Segment 1: Constitutional Battle Ground State

Is it fair that a local business owner has to be caught between the laws of the state and federal government? Whom should he listen to? Who wins—state or federal power? Why?

What did the Founding Fathers have in mind when they created a shared power system?

Why don't DEA agents shut down the Harborside Health Center in Oakland, CA?

How could the Commerce Clause of the Constitution apply to medical marijuana? Why does the owner believe it does not apply to Harborside?

Segment 2: The Big Bang Theory...The United States Constitution

Where is the Constitution? How does it affect you?

Do you feel like we govern ourselves?

After fighting a war to leave a strong government (Britain), why did the Founding Fathers want to create a strong government?

Segment 3: Philadelphia and the Constitutional Convention

What were the issues that were causing our new country to fall apart?

What plan laid the groundwork for our new government?

What did they create? What powers did the new government have? List some of them.

In this new system did they balance the power? What were some of the negative outcomes?

Segment 4: Power Struggle: Tug of War

In what ways does the federal government step on the rights of the states? Why?

What is the advantage of the state government making laws for the people?

What is the role of the federal government in dealing with state law?

Segment 5: *We Can't Go it Alone!*

Why would the government concern itself with building a dam in the middle of the desert?

How did the Great Depression put our nation in crisis? What actions did the federal government take to ensure the general welfare of the United States? Through what branch did the New Deal arise? What were seen as the negatives of the New Deal?

Segment 6: *Separate but NOT Equal*

Why did the students have to put themselves at risk for our country?

What federal branch ruled that the state laws were unconstitutional? Why did the federal government need to step in?

What was the reason the soldiers walked the students straight up the front steps rather than bring them in another entrance?

Resistance. That's the word that was used by Minnijean to describe what she felt that day. Why did she choose that word? Have you ever felt this way?

Segment 7: *The Commerce Clause*

Why did Wickard believe he was right? Why did he not win his case? How did his case affect other states?

Why might it be better for laws to be made by local government?

Why is it not always possible to vote with your feet?

Where do we fight these battles today?

Classroom Activity

Google Books Web Search:

Students have been given a lot of new information. By using Google Books the students are going to be able to define and provide examples of the key terms, people, and cases listed below. For each key term and court case have students write at least three discussion questions. Discussion questions are questions that you ponder while you are reading the supplemental material provided in Google Books or the Interactive Constitution. If the students get stuck on a key term or case, have them think of a why question—it will help them get started.

<u>Key Terms</u>		<u>People</u>	<u>Cases</u>
Federalism	Article VI	Rick Beeman	Brown v. Board of Education
Supremacy Clause	Amendment X	Akhil Amar	Wickard v Filburn
Nationalism	Great Depression	Minnijean Brown Trickey	
Commerce Clause	New Deal		
States' Rights	Segregation		
Article I			

1. Divide students into working groups. Ask students to build a reference manual of definitions or examples for each term or person from the list provided. Allow students to use Google Books and the Interactive Constitution to engage with primary and secondary resources. As students are researching their terms ask them to supply at least one discussion question for each term. If the students are having trouble with providing a question have them begin the sentence with the word WHY.
2. As a class discussion review the key terms, people and cases and begin to build a common understanding of each of the terms. If a term has multiple definitions begin to ask some provocative questions to engage students in a respectful dialog around the definition. Here are some questions that can get the dialogue started: What is the role of this item in our society? Does it affect your life? Ask students, when they can, to give an example of this item in America, past or present.
3. Collect from the class their lists of discussion questions for the key terms and court cases. Present them to the class as an-all class discussion or as daily Do Now Classroom Activities. Do Now activities are short prompting questions that are done at the start or end of the classroom period to engage students in content as well as evaluate student understanding.
4. Have students analyze which discussion questions inspire more debate with members of their class. Each group will choose one discussion question and create a Do Now poster around the question.
5. Have students work in teams to build a school-wide Do Now poster and present it in the school lunchroom or within the hallways. The school-wide Do Now should be poster size and be filled

with definitions, facts, court cases and information to give background information for the school. The Do Now poster should also provide a visual way for students to add their own opinion and thoughts to poster and to see and react to the opinions of others. I suggest Post-it notes as a simple way to encourage discussion and sharing. Each team will then collect school-wide opinions, and will present their school's findings on the topic as a final presentation.

Additional Classroom Activities

The Intention of the Framers: Have your students address constitutional interpretation by assessing the Founders' original intent. [Teachingamericanhistory.org/ratification](http://teachingamericanhistory.org/ratification) contains an accessible archive of the Federalist and Anti-Federalist papers. This archive has annotated key entries and outlines, as well as essays written by an expert in the field that discuss the Constitution's meaning and design. The primary and secondary sources presented in this site are excellent tools for deepening discussions about balancing federal, state, and individual rights.

Federalism, Marijuana, and the Commerce Clause: In the first leg of Sagal's trip, the conflict between state and federal power is highlighted in regards to California's new marijuana law. The National Constitution Center hosts a depot of articles, discussion questions (with answers), and court cases that highlight the many aspects of this discussion. These resources can be found at: <http://ratify.constitutioncenter.org/education/ForEducators/DiscussionStarters/FederalismMarijuanaandtheCommerceClause.shtml>

Slavery and the Civil War: President Abraham Lincoln was faced with some really tough choices before, during, and after the Civil War. How would you have fared? *Abraham Lincoln's Crossroads* is an on-line educational game that invites students to learn about Lincoln's leadership by exploring the political choices he made. An animated Lincoln introduces a situation, asks for advice and prompts players to decide the issue for themselves, before learning the actual outcome. At the end of the game, players discover how frequently they predicted Lincoln's actions. A Resources Page keyed to each chapter provides links to relevant websites on Lincoln and the Civil War, permitting students to explore issues in more depth.

This game can be found at: <http://constitutioncenter.org/lincoln/>

The Great Depression: The 1932 Presidential election represents a fundamental debate and shift in the relationship between the American people and their government. Election speeches given by President Herbert Hoover and Democratic Party challenger Franklin D. Roosevelt highlight this fundamental change—deliberations that still continue and are highlighted in this film. Have students read these speeches in order to analyze its message as well as evaluate its connections to present-day dialogues presented in this film.

Text of Hoover’s speech at New York City in Madison Square Garden:

<http://www.columbia.edu/~gju10/hover.newdeal.html>

Text of Roosevelt’s “Commonwealth Club Speech:”

http://wps.prenhall.com/wps/media/objects/173/177191/24_sanfr.HTM

The Legal Story of Desegregation: The story of *de facto* segregation highlights the struggle of aligning the aims of social justice movements with the laws and behaviors of federal, state, and local actors.

The Eisenhower Presidential Library & Museum houses primary sources that document this historic moment in which the 1954 ruling of *Brown vs. Topeka Board of Education* was put to the test. Students can investigate federal actions through these primary sources at:

http://www.eisenhower.archives.gov/research/online_documents/civil_rights_little_rock.html

The Commerce Clause: As noted in this series, the ruling of *Wickard v. Filburn* (1942) has strengthened the Federal government’s ability to regulate individual’s economic behavior in exchange for the greater good. This issue has more recently emerged in the Patient Protection and Affordable Care Act of 2010, a pivotal piece of legislation that expanded health care to cover uninsured Americans and that requires most Americans to purchase a minimum level of health insurance coverage by 2014. Thus, *Wickard v. Filburn* becomes an important legal precedent in determining how the Commerce Clause can function. Students can engage in a simulation-style activity in which they act as a Supreme Court Justice deciding in *United States Department of Health and Human Services. v. State of Florida* (2011) whether Congress had the power under Article I of the Constitution to enact the minimum coverage provision. Does Congress have the power to require that nearly all Americans purchase health insurance as part of a larger regulatory scheme to lower health care costs and expand health care coverage? This simulation can be found at: <http://fantasycotus.org/cases/united-states-dept-of-health-and-human-services-v-florida-the-health-care-case/lesson-plan/#cast>



This guide was developed by the National Constitution Center. The National Constitution Center is a one-stop civic education headquarters and Philadelphia’s premier field trip destination. The Center brings the story of “We the People” to life for students through a hands-on museum experience and innovative tools for teaching the Constitution in your classroom. Discover more at <http://constitutioncenter.org/learn>.

Please share your feedback by completing this survey: <http://www.surveymonkey.com/s/YND9LVY>

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KWL Worksheet



Question: _____

Name: _____

What I KNOW	What I WANT to know	What I LEARNED	HOW did I learn that new information?