

KIDS' COURT

S.J. Quinney College of Law
University of Utah



FOUNDATIONS UNIT

Lesson 2. The Constitution: Our Guiding Document

Teacher Materials

U.S. Constitution Simple Summary Packet
Preamble Scramble card deck
School House Rock Video
Constitution Game card decks
Poster board
Sharpie
Feather pen

Student Materials

U.S. Constitution Simple Summary Packet
Understanding the Amendments worksheet
Paper
Pencils

OBJECTIVE

Students will understand the significance of the Constitution as the primary body of rules for the United States through analysis of the Preamble, the Articles and the Amendments (focusing on the Bill of Rights). Students will be able to extrapolate this knowledge of the Constitution and create a cohesive classroom constitution.

Introduction

Last session the students learned about the importance of rules. Remind the students of that lesson, and ask if any of them can identify the most important set of rules in the United States? After identifying the Constitution, inform the students that the Constitution is a fairly simple document that outlines the major rules and structures in the United States. Tell the students that they are going to study the Constitution by looking at the three parts of the Constitution: the Preamble, the Articles and the Amendments.

TEACHER BACKGROUND INFORMATION

The Constitution is the primary rule book for the United States. The U.S. Constitution consists of three parts: the Preamble, the Articles, and the Amendments. The Preamble introduces the Constitution and describes its purposes. The Articles describe create the structure of United States government, distributing power into three branches the judicial, executive and legislative. The Articles also create the boundaries between states and the federal government. Finally, the Amendments section consists of some of the most important rules for American people. Twenty-seven Amendments have been added on to the Constitution in the years since the founding fathers passed the Preamble and Articles into law.

Adaptation

This activity is really ambitious, the mini – activities centered around each of the three parts of the Constitution can easily be broken out into small activities over a series of sessions. Breaking this activity into smaller parts would allow more in depth discussion of each of the different sections of the Constitution.

Alternatively, the mini-activities associated with each section of the Constitution could also be broken down into stations. After a brief introduction of the entire Constitution, break students into three groups. Send each of the groups to different areas of the room, and go through the mini-activities attached to each section. After the mini-activities are completed for each section, have the groups rotate allowing each group a chance to learn about each different section of the Constitution.

Activity: 2-2.5 hours

Begin by introducing the Preamble as the introduction to the Constitution. Pass out the “U.S. Constitution Simple Summary Packet” and read the preamble as a class. Then get the students moving with the “Preamble Scramble”. After the game, sit down with the students and discuss what the Preamble means by breaking down each clause, and defining any unknown words. Follow up by showing students the School House Rock video entitled “Preamble”.

After watching this video, allow time for questions before moving on to describe the Articles of the Constitution. Then, using the “U.S. Constitution Simple Summary Packet”, provide students with an oral description of the overall purpose of the articles and the topics that each article covers. As a class, figure out different ways to categorize and organize the classroom rules from the previous lesson, using the Articles of the Constitution as an organizational model. These rules will become the Classroom Constitution.

Finally, move on to a discussion of the Constitutional Amendments. Begin by playing the “Constitution Game” with the students. After finishing the game, instruct students to use the “Amendments” section of the “U.S. Constitution Simple Summary” to complete the “Understanding Amendments” worksheets. Have students complete the worksheet either in teams, as partners, or individually.

Extension

Any discussion about the creation and signing of the Constitution naturally lends itself to a discussion of the original thirteen colonies, and specifically the Northeast portion of the nation. However, understanding the bigger picture of the United States at that stage in the nation's development can be an essential part of giving students a sense of their place in history. If time allows, pause at some point in this activity and ask the students, "What about the west, what was going on there?" or "What about the rest of the nation, who lived in all the states that weren't represented at the Constitutional Convention?". This extension can be as simple as a brief talking point among the class, or as drawn out as a mini research project either sent home with the students, or achieved in class with books provided by the teacher.

Closure

Finish this lesson by conducting a signing ceremony. Use a feather pen and have each of the students sign their name to the Classroom Constitution to acknowledge that they agree to this document.

Standard: 5th Grade Social Studies Standards 3.1.b & 3.2.a

Standard 3: Students will understand the rights and responsibilities guaranteed in the United States Constitution and Bill of Rights.

Objective 1: Assess the underlying principles of the US Constitution.

b. Analyze goals outlined in the Preamble.

Objective 2: Assess how the US Constitution has been amended and interpreted over time, and the impact these amendments have had on the rights and responsibilities of citizens of the United States.

a. Explain the significance of the Bill of Rights.

Brain Break!

Kids seem a bit antsy? Have they been sitting for more than 15-20 minutes? Give their brain, and yours, a break with one of these activities. Afterward, they'll be more focused on the next activity.

Preamble Scramble

This game can be used to either introduce students to the preamble of the Constitution, or to test their knowledge of it. Split students into two groups. Have each group form a line. Hand out clauses of preamble (in order) written on different index cards to each student. Students take turns reading their section of the preamble in order. Collect all of the cards, then unexpectedly throw them in the air, and tell students they have only two minutes to put the preamble in order, laying clauses in order across a table. The team who is closest wins.

Materials: two decks of preamble clause cards

The Wiggles

Participants jog in place while doing the following activities.

Call out:

- Wiggle your fingers.
- Wiggle your fingers and wrists.
- Wiggle your fingers, wrists, and forearms.
- Wiggle your fingers, wrists, forearms, and elbows.
- Wiggle your fingers, wrists, forearms, elbows, and shoulders.
- Wiggle your fingers, wrists, forearms, elbows, shoulders, and rib cage.
- Wiggle your fingers, wrists, forearms, elbows, shoulders, rib cage, and hips.
- Wiggle your fingers, wrists, forearms, elbows, shoulders, rib cage, hips, and knees.
- Wiggle your fingers, wrists, forearms, elbows, shoulders, rib cage, hips, knees, and head.

Constitution Game

This game is similar to duck-duck-goose, and is effective in introducing participants to a new topic, or for helping to familiarize with a set of information. Participants each get a card with an amendment on it then go sit in a circle on the floor or in chairs, but one participant is left standing. There is a stack of identical cards on a nearby table. The first person standing picks up a card from the stack and reads the amendment out loud; then the person who has the amendment has to stand up and run around the circle. Whoever is left standing has to draw another card from the deck. Play until all cards are read.

Materials: two matching sets of amendment index cards

THE UNITED STATES CONSTITUTION SUMMARY PACKET

Modified from a summary by Gloria Skanchy and Carol Lear

PREAMBLE:

Description- a brief introductory statement of the fundamental purposes and guiding principles which the Constitution is meant to serve; it states, in general terms, the Founding Fathers' intentions regarding the Constitution's meaning and what they hoped it would achieve

Text: We, the people of the United States, have written this Constitution and will obey it because we want to make our government better than it is now and to be sure that everyone is treated fairly. We also want to make sure our country is peaceful and protected from our enemies. We want to make sure that the people who live in our country are comfortable and well and are free to choose now and in the future.

ARTICLES:

Description: the articles are the foundation and source of the legal authority underlying the existence of the United States of America and the federal government of the United States; they provide the framework for the organization of the United States government and for the relationship of the federal government to the states, to citizens, and to all people within the United States; define the three main branches of government: a legislature, bicameral Congress; an executive branch led by the President; and a judicial branch headed by the Supreme Court; outline the powers and duties of each branch; reserves numerous powers for the states

ARTICLE I LEGISLATIVE BRANCH

Section 1

The power to make laws for our country is given to the legislative branch called Congress. It is made of two parts called the Senate and the House of Representatives.

Section 2 - House of Representatives

The members of the House of Representatives are chosen or elected by the people of their state every two years. The representative must be 25 years or older and have been a citizen of the state that elected him/her for seven years. The number of Representatives is one for every 30,000 people. Each state has at least one. Every ten years the people in the state are counted, and the number of Representatives figured out. If there is a vacancy, the leader of the state chooses a new Representative. The members of the House of Representatives choose a speaker to be their leader and other officers. They are the only group that has the power to remove the President from office.

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Section 3 - The Senate

The Senate is made up of two senators from each state who are elected every six years. They have one vote each. The Senate is set up so that one-third of the senators' terms end every two years. If vacancies happen, the state legislatures choose a new Senator. Senators must be 30 years old or older, a citizen of the country for at least nine years, and live in the state that chooses him/her. The Vice-President of the United States is the leader of the Senate, but does not vote unless there is a tie. The Senate chooses other officers and a temporary president who takes the place of the Vice-President while he/she is performing other duties. If the President of the United States is removed from office by the House of Representatives, the Senate conducts the trial to see if the President has done something wrong. The Chief Justice of the Supreme Court is in charge, and two-thirds of the senators must be present to have the trial. If the President is guilty, the punishment is to remove him from office.

Section 4

The state legislatures decide when, where, and how to elect senators and representatives. Congress can make a law to change when and how, but not where. Congress meets once every year beginning the first Monday of December, unless they make a law to change the day.

Section 5

Each house judges the elections to make sure they are fair and the members meet the rules to be present. If more than half the members are there, the House may do business. If not, the House must stop working. The members may penalize those who do not attend. Each house decides on its own rules. They may punish any member who behaves badly, and if two-thirds vote to do so, they may ask a member to leave. Each house writes down the things that happen and publishes it for the people to read. The parts that need to be kept secret do not need to be published. If one-fifth of the members want to publish how each voted on any question, it may also be done. Neither House may quit working for more than three days to move to another place unless the other House agrees.

Section 6

The Senators and Representatives are paid for their work. They cannot be arrested, except for certain listed crimes, while attending a session or traveling to or from the session. No Senator or Representative may have another job working for the government while he/she is a member of Congress.

Section 7

When a bill passes the House and the Senate, it goes to the President before it becomes a law. He can sign it if he wants to or send it back to be changed if he doesn't like it. The Senate and the House may talk about why the President didn't like the bill. They may then vote to make it a law if two-thirds of the members in each house agree. The names of those voting for and against each bill are recorded. If the President does not return the bill within ten days, it becomes a law. If the session of Congress ends before the ten days are up, the bill does not become a law.

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Section 8

Congress has the power to:

1. Collect taxes to pay the country's bills. Taxes must be the same throughout the country.
2. Borrow money.
3. Be in charge of trading goods with other countries.
4. Manufacture money and decide how much it is worth; also, decide the correct way to measure things.
5. Punish people who try to make and use money that is not real.
6. Create the post office and map roads.
7. Help writers and inventors keep ownership of their work for a period of time.
8. Organize courts having less power than the Supreme Court.
9. Punish pirates.
10. Declare war, give permission to people to attack the enemy, and decide what to do with whatever it captured in a war.
11. Raise money for and give money to an army and a navy.
12. Make rules for the government, army, and navy.
13. Call a militia to solve problems and enforce the law.
14. Organize, train, and provide weapons for the militia; the states choose the officers.
15. Make the laws for the national seat of the government and any other buildings, forts, or lands bought by Congress. The seat of the government cannot be bigger than ten miles square.
16. Make any other laws that would be needed to carry out the duties given to Congress.

Section 9 - What Congress Can't Do

Congress cannot:

1. Stop people from moving from state to state, but may charge them \$10 to do so.
2. Take away the right to appear before a judge.
3. Pass a law to punish a person if there weren't a law before the person did something wrong.
4. Charge unequal taxes from the states.
5. Tax things moved from state to state.
6. Give favor to seaports in one state over another. Ships do not pay taxes to go from one state to another.
7. Take money from the treasury, unless by law. Congress must publish a statement telling where and how the money was spent.
8. Give titles of nobility (king, prince, etc.).

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Section 10 - What States Can't Do

States cannot:

1. Agree to a treaty with another country or give people the right to attack the enemy.
2. Make money, give credit, pay bills with anything but gold and silver coin.
3. Pass laws after the act has happened (Section 9, Number 3), or that weaken promises made in contracts.
4. Give anyone a title of nobility.
5. Put taxes on goods coming in or out of their states except to cover the cost of inspection. The money made must go to the Federal Government, and Congress may change the law.
6. Keep an army or war ships during times of peace.
7. Start a war unless attacked or in immediate danger.

ARTICLE II- EXECUTIVE BRANCH**Section 1**

The executive power is given to a President who is in power for four years. He has a Vice-President for the same amount of time. State legislatures decide the way electors are chosen, but an elector may not hold a position of "trust or profit" in government. Each state has the same number of electors as the total number of Senators and Representatives. The electors meet and vote for two people for President, one of whom may not live in their state. They make a list of the number of votes for each person, sign it, and send it to the President of the Senate. He/she opens and counts them with all the Senators and Representatives present. The person with the most votes becomes the President, if he has more than one-half the total. If there is a tie, the House of Representatives decides. Each state has one vote. The person who has the next highest number of votes becomes the Vice-President. If there is a tie, the

Senate votes to decide. Congress decides the day and time of the election which is the same throughout the country. The person wanting to become President must have been born in this country, lived here for 14 years, and be 35 years old. If the President is removed from office, dies, quits, or can't do his job, the Vice-President takes over. If both the President and Vice-President cannot do the job, Congress chooses someone to do it until a new President can be elected. The President is paid for his work, but that salary cannot be changed while he has the job. He cannot be given any other payments by the United States. He must take an oath that says, "I do solemnly swear 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."

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Section 2 - Duties of the President

The President is the Commander of the army and navy and the state militia. He may ask for advice from other department leaders anytime, and he may excuse wrong doings against the country except Impeachment. He may make treaties if the Senate agrees to them. He may choose representatives to go to other countries, public officials, Justices of the Supreme Court, and any other officials that the law requires. The Senate must agree to those chosen. The Congress may choose lower officers and workers. If the Congress is not working, the President may fill vacancies that occur.

Section 3

The President gives the Congress information on the condition of the country and ideas and advice on what to do to solve problems. If emergencies occur, the President may tell the Congress to come back to work. He visits with important people from other countries, and he makes sure the laws of the country are carried out.

Section 4

If the President or Vice-President do wrong things against the country, they may be removed from office.

ARTICLE III- JUDICIAL BRANCH**Section 1**

The power to judge the people is given to one Supreme Court and to any other courts with less power that are created by Congress. The Supreme Court and certain other judges are chosen by the President and agreed upon by Congress. The judges keep their offices unless they do something wrong and are paid, but the amount cannot decrease during the time they are in office.

Section 2

The Court decides all questions about the law and fairness under the Constitution, the laws and treaties, anything having to do with ministers, ambassadors or officials, military law, problems between two states, problems between a state and people of another state (11th Amendment) and between people of different states. In questions involving public officials, or states, the Supreme Court is the first to hear the problem. In any other questions, the Supreme Court may hear the problems after lower courts have heard them. All problems may be decided by a group of people called a jury except when the President has done something wrong. The trial is held in the state where the problem happened.

Section 3

Treason against the country means helping our enemies when we are at war with them. Two people must say they saw the person commit treason, or the person must confess. Congress decides the punishment for a person guilty of treason.

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ARTICLE IV- THE STATES**Section 1**

All states must accept Acts, Records, and Laws of any other state.

Section 2

The citizens of one state must be given the same rights as citizens of another state. A citizen of a certain state may be sent back for punishment when he/she is found in a different state.

Section 3

New states may join our country, but the new state cannot be formed inside another state or made of land from two states unless the legislatures agree.

Section 4

The United States Government protects the states from any enemies and if the state asks for help, to curb violence within the state.

ARTICLE V- AMENDING THE CONSTITUTION

The Congress can change the Constitution or amend it if asked to do so by two-thirds of both Houses or two-thirds of the state legislatures. The change passes and becomes law if three-fourths of the states agree to it. No amendments passed before 1808 can affect importation or migration of people or direct taxation.

ARTICLE VI- HIGHEST LAW

Any debts of the country before this government was set up will be paid by the new government. The Constitution, laws made because of it, and treaties are the Supreme Law of the land. Judges in every state must use the Constitution to solve questions. Senators, Representatives, State Legislators, and all other executive officers must take an oath to support the Constitution. No religious test may be given to a public official.

ARTICLE VII- PASSING THE CONSTITUTION

The Constitution becomes law when nine of the thirteen states approve it or ratify it. Agreed upon by all delegates present at the Convention. Signed on September 17, 1787.

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AMENDMENTS

Description: the Constitution has twenty-seven amendments, the first ten, collectively known as the Bill of Rights, were ratified simultaneously in 1791, the following seventeen were ratified separately over the next two centuries; amendments to the Constitution cover many subjects; the amendment system exists so that any principles or rules that the founding fathers may have left out can be added to the constitution when necessary; most of the amendments came out of the need for expanded individual civil or political liberties, but a few are concerned with modifying the basic governmental structure laid out in the constitution

The Bill of Rights

1. Congress may not make laws about creating new churches or change the freedom of the people to choose which church they will attend. They cannot change our freedom to speak, or to write and publish news, or the right of the people to meet together peacefully or to send suggestions or ideas to the government.
2. A militia is necessary to protect our freedoms, and the people also have the right to own guns and keep them in their homes.
3. The government may not make the people keep soldiers in their homes during peace time or war time, unless a law is passed.
4. People, their homes, and the things they own may not be searched or taken unreasonably. If the police need to search or take things, they usually must get a warrant from a judge describing the place to be searched and the people or things to be taken.
5. People who commit serious crimes must be indicted by a Grand Jury unless they are in the army, navy, or militia during war. No one has to give evidence against himself/herself or have his/her life, freedom, or property taken away without a trial. If the government takes someone's land to be used by all people, the government must pay the person for it.
6. People who have been accused of committing serious crimes have the right to a prompt trial with members of the community in which they live deciding if they committed the crime or not. They are to be told what they did wrong and have the people who said they did it tell what happened. They also may find people who will say good things about them, and these people may be brought to court. They also may have a lawyer help them.
7. Parties to a lawsuit may demand a jury trial when more than twenty dollars' value is involved. A case once tried by a jury cannot be tried again in any court in a way that would set aside a person's legal rights.

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8. The government may not demand a large amount of money from a person accused of a crime to be released from jail or as a punishment for the crime. The government may not order cruel or unusual punishment for crimes, either.
9. Just because the Constitution does not list all rights does not mean that other rights are taken away from the people.
10. Any power not given to our country by the Constitution or forbidden by the states is given to the states for their people.

FURTHER AMENDMENTS TO THE CONSTITUTION (PASSED AFTER 1791)

11. Citizens must sue a State in that State's own court, not in federal or other out of state courts. (1795)
12. When electors vote for candidates in the election, they vote separately for the President and the Vice-President and make two different lists. The President of the Senate opens the votes, and the candidate with the most votes wins. If there isn't a majority, the House of Representatives decides, with each state having one vote. If the House cannot decide on a President before the following 4th of March, then the Vice-President becomes the President. The person with the greatest number of electoral votes becomes Vice- President. If there isn't a majority, then the Senate chooses. The requirements to become Vice-President are the same as those to become President. (1804)
13. Abolition of slavery! (1865)
14. All citizens have the right to equal protection under the Constitution, and the right to the due process of the law! (1868)
15. Citizens have the right to vote no matter what color their skin is! (1870)
16. Congress may put a tax on people's income. (1913)
17. The Senate is composed of two senators from each state, elected by the people every six years. (1913)
18. Alcohol is illegal in the United States. (1919)
19. Women get the right to vote (the right to vote cannot be abridged based on gender)! (1920)
20. The presidential term begins on January 20, following the November election (this date moved the start date up from March 4). (1933)

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21. The 18th Amendment is repealed. Alcohol is allowed in the U.S. again. (1933)
22. A president may only serve two terms, a total of 8 years. However, it is possible that the president may be in office for up to ten years, if they were a vice-president who took over a partial term for another president. (1961)
23. The District of Columbia can have its own Electors in the Electoral College, but it does not get to have Representatives in Congress, nor is it a state. (1961)
24. The right of a citizen to vote cannot be abridged by poll taxes or literacy tests or residency requirements. (1964)
25. If the president cannot govern the U.S. then the vice-president is authorized to step in as president. (1971)
26. Citizens who are 18 years or older have the right to vote. (1971)
27. No pay raises for congress can go into effect until after one election cycle. (1992)

Understanding Amendments Worksheet

Directions:

Using the Amendments portion of U.S. Simple Constitution Summary, evaluate the following scenarios.

1. ARMY MOVES IN

When you get home from school, there are ten army men in your home. They tell you they need to stay in your home until they are transferred. They have put their bags and equipment in your room and have moved your computer and clothes out on the back lawn.

Can this happen in the United States?

Amendment Number:

2. ONE CHURCH

Senator Snoot thinks that if everyone in the United States went to the same church, we would be more united in this country. He wants Congress to pass a law making everyone go to the same church.

Can this happen in the United States?

Amendment Number:

3. KNOCK KNOCK

You hear a knock at your door, and you answer it. There are five police officers standing there. They tell you they need to come in and look around your house to see if you are hiding anything illegal.

Can this happen in the United States?

Amendment Number:

4. CAR THEFT

Bill Bully is caught stealing a car parked in front of a 7-eleven. He is put in jail for two years before he has a trial.

Can this happen in the United States?

Amendment Number:

5. CHILDREN VOTE

Your parents go to vote in the election, and you go with them. The person handing out the ballots gives you one and tells you to vote.

Can this happen in the United States?

Amendment Number:

6. RE-ELECTION?

The President of the United States has already had two terms. Can he run again?

Can this happen in the United States?

Amendment Number:

Understanding Amendments Worksheet – Continued

7. SHOCKING!

The President of the United States cannot do his job because of an accident. The Vice- President starts taking over the duties of the President.

Can this happen in the United States?

Amendment Number:

8. VOTE FOR ANDY

Thirty-year-old Handy Andy decides to run for the United States Senate. He lives in Utah but wants to be a Senator from Wyoming because he has a better chance of winning there.

Can this happen in the United States?

Amendment Number:

9. SLAVE LABOR?

Wheat farmers sneaked into Mexico and purchased some nine- and ten-year-old boys. They brought the boys back to their farms to help harvest the crops.

Can this happen in the United States?

Amendment Number:

10. HAPPY HARRY

Eighteen-year-old Happy Harry wants to vote in the next election.

Can this happen in the United States?

Amendment Number:

11. WOMEN CAN'T VOTE

Mr. and Mrs. Anybody went to vote last week. Mr. Anybody was allowed to vote, but Mrs. Anybody was told that women can't vote in this election.

Can this happen in the United States?

Amendment Number:

12. STUDENTS MARCH

Some fifth grade students decided to march on Capitol Hill to ask Congress to put more money into education.

Do they have this right?

Amendment Number:

13. BAR IS CLOSED

The new elected mayor of Sometown decided she had a great idea. She closed all the bars in town and arrested the owners for selling alcohol.

Can this happen in the United States?

Amendment Number: