

## Episode Four: 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 in our daily lives, yet most people cannot even remember what it really says, or explain the difference between the Constitution and the Declaration of Independence. Americans are known for standing up for their rights and ensuring that their voices are heard—but where do these almost instinctual aspects 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 explore the rule of law and the rights of the people. Have we struck the right balance in our country? Have we established a strong government while ensuring that our individual freedoms are safe and secure from tyranny?

In this episode we explore the separation of powers in the federal government and how we are represented in our country today. Does our Constitution stand up to the 21<sup>st</sup> Century? Have we lost the art of democratic deliberation? How are you represented – and does your voice get heard?

### **Enduring Understandings**

Students will understand that our government works in a complex relationship among the three branches of government.

- ✦ Students will understand that the United States government is divided into executive, legislative, and judicial branches, each with specific responsibilities and powers.
- ✦ Students will understand that the U.S. Constitution can be amended and how that process works.
- ✦ Students will understand that the principle of “due process” means that the government must follow its own rules when taking actions against a citizen.
- ✦ Students will understand that respect for others, their opinions, and their property is a foundation of civil society in the United States.
- ✦ Students will understand that leaders are sometimes chosen by election, and that elected officials are expected to represent the interests of the people who elected them.
- ✦ Students will understand that groups outside the government structure have essential roles in how government functions.

## 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 separation of powers, the amendment process, democratic deliberation, political parties, and gerrymandering.

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. Why should the responsibilities and powers of government be divided?
2. Why is it important to amend the Constitution?
3. What is the amendment process and why is it difficult or complex?
4. What is the goal of the principles and ideals underlying American democracy?
5. How should an elected official represent the interests of the people?
6. Why should I respect others?
7. Why should a government obey the laws it makes?
8. Should there be limits on the influence of the interest groups?
9. How should interest groups most effectively communicate with government?

## 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 4 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, and multiple options. The student guide section can be presented to the students in order to 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.**

### 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.*

## High School Student Guide

**Stop and Think Question:** We begin this episode with a question: was our Constitution built to last for over 225 years? Is it up to the challenges of the 21<sup>st</sup> Century? Are you amazed that we use a document that old? Before you watch this episode, answer this question...How is our Constitution holding up?

### Crowd-sourcing Iceland

**Stop and Think Question:** Iceland is in the middle of building a new constitution. The tactic they are using to keep this document as much by the people as for the people is crowd-sourcing their national charter. What are the pros of writing their constitution in this manner? Are there cons as well? Did our Founding Fathers crowd-source in 1787?

**Stop and Think Question:** Do you think we should start from scratch?

### The Long View

How long did our Founding Fathers think the Constitution would last?

The Founding Fathers knew that as our country grew it would change, so instead of creating steadfast rules, they created a framework to follow which we call the United States Constitution. What was the key attribute that they knew it had to have? Why?

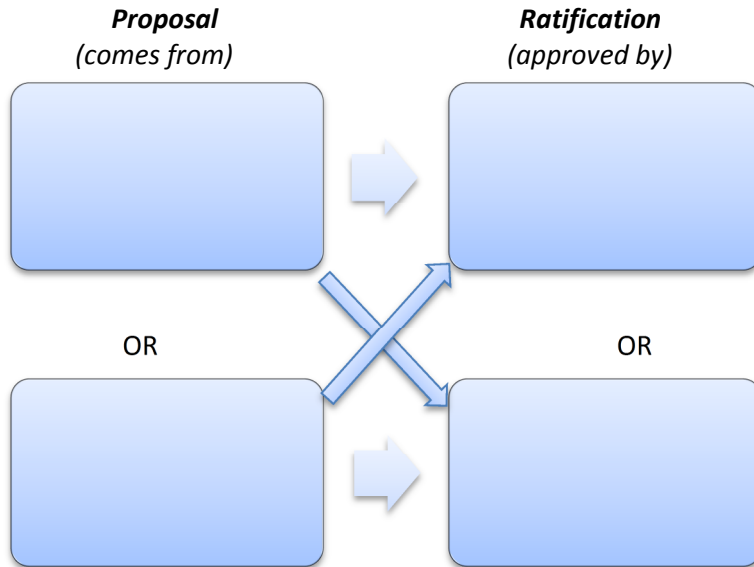
How did the Founders give the Constitution the ability to change? What are these changes called and what do they do?

Which part of the Constitution spells out how to change the Constitution? Is change easy? Why would you want to change the Constitution?

**Stop and Think Question:** How is your generation going to fill in the white space after the Constitution?

**Look it Up!** Article V spells out the amendment process. Using the graph below, show how changes are made to the Constitution.

*Amendment Process Flow Chart*



**Look it Up!** How many amendments have we had so far?

**Change does not always mean you need an Amendment...**

Amendments are not the only way to change rights. What other ways can rights change?

In what year was the 19<sup>th</sup> Amendment added and what did it do?

What other amendment was proposed to protect women’s rights? Where is it in the process now?

**Look it Up!** How else can changes in rights happen?

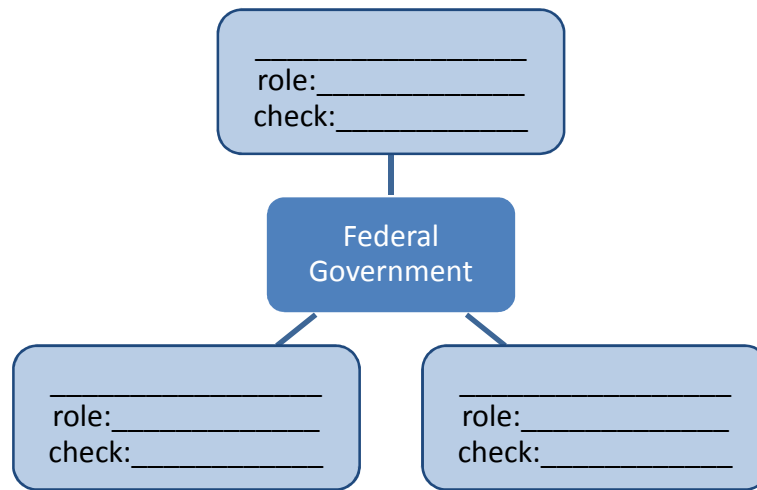
There have been lots of changes to women’s rights by other means. Fill out the examples below.

|   |  |
|---|--|
| How did the President change the law to support women’s rights? |  |
| How did Congress change the law to protect women’s rights?      |  |
| How did the courts change the law to protect women’s rights?    |  |

## Separation of Powers

Our system of government is set up to control power. The Founders controlled the power by dividing it. By doing this, they created a *balance of powers*.

**Look it Up!** Below, diagram the three branches of government and list out each branch's role, as well as how they check another branch.



Separation of powers is not about fighting each other; instead, it is about working together for a compromise that fits everyone. How does this make them work together? Why would we want this type of respect and consent?

**Stop and Think Question:** What happens when this respect for each other's roles falls apart? How does the system get fixed?

## Too Much Power

**Stop and Think Question:** How can our country ensure that one branch does not gain too much power?

What happened in the Watergate scandal?

Which organization helped find out the facts of Watergate?

Congress set up an investigation on the president, but who ordered Richard Nixon to turn over the full transcripts of his secret taping system?

**Stop and Think Question:** What do you think would have happened if Nixon did not follow those orders?

**Look it Up!:** What is impeachment? Who has the power to impeach? Who has the power to decide an impeachment trial?

**Stop and Think Question:** Watergate was a test of the balance of powers. This happened without bloodshed. Can you name another time in history where a conflict was resolved in the courts and not in the streets? When are the streets a valid and positive method of dissent? (Hint: think about Dr. Martin Luther King, Jr.)

**Framework**

Everyone in our country has to obey the rules, even the government. When do we run into conflict in the government?

Who are the referees in these disputes? What is the role of the justice system?

What are the steps of understanding the law, as described by Supreme Court Justice Sandra Day O'Connor? She spells out three basic steps:

|                  |
|------------------|
| <b>To Be</b>     |
| <b>To Read</b>   |
| <b>To Follow</b> |

**Look it Up!:** What does “original intent” mean?

Justices don't always agree with each other either. They have lots of information to read about how past courts have interpreted the law, but there are two ways current justices interpret the Constitution.

Describe the two styles below:

- ✦
- ✦

The bottom line is that we all follow the rule of law and the decisions of the courts have the same power as law.

**Stop and Think Question:** So what can you do if you feel the courts have made an unfair ruling?

### **Balance does not always hold-Wartime**

In the past we have found that there is a delicate balance between safety and freedom when our country is at war.

Why do some people believe Lincoln upset the balance during the Civil War?

Why do some believe Roosevelt upset the balance during World War II?

Why do some people believe that George W. Bush upset the balance after the September 11 attacks?

Can you give other examples? Should the idea of a “balance” or “separation” of powers change during wartime?

- ✦
- ✦
- ✦

**Stop and Think Question:** In situations involving war or grave national crisis, who is checking the president?

Why would the government suspect a young student of being a terrorist? Do you feel what happened to Adama Bah was fair? Were her rights protected?

**Look it Up!:** Do you have rights when you are outside United States?

In times of war, the executive branch has sometimes been accused of going too far and upsetting the balance between civil liberties and national security.

**Stop and Think Question:** Do you think that this is okay in wartime?

### **River Battles**

**Stop and Think Question:** Why would the branches not want to step into the battle over how to fix this fish situation?

Where does each branch play a role in this dispute among the states?

Our government is polarized and people believe that it is no longer working. Do you agree?

Deliberation is how Congress is supposed to work through their disagreements, but do they really do this?

**Stop and Think Question:** How do you ensure that a representative is doing what is best for the public good?

List below the pros and cons of political parties:

| <u>Pros</u> | <u>Cons</u> |
|-------------|-------------|
| ✦           | ✦           |
| ✦           | ✦           |
| ✦           | ✦           |
| ✦           | ✦           |

How does the political party system function within the setup of Congress?

Barney Frank believes Madison and the voters are at fault. Do you agree with this statement?

Can very different people work together to get a job done?

Is it a good thing to make big decisions harder to accomplish? Is it good to make lawmakers stop and think twice before they can make a law?



**Redistricting and the incumbent party**

How does redistricting work? Why is it called gerrymandering? Why was it established?

How does it diminish democracy?



**Stop and Think Question:** How can gerrymandering be avoided?

**Private Money into Political Campaigns**

How can the system be corrupted because of money? Is Congress dependent upon the people or upon someone else?

How could we have an intervention with Congress?

**Stop and Think Question:** What tools does the Constitution provide to fix its problems? How will these tools keep the Constitution working?

**Interpreting ancient text—and it still works!**

The Rabbi states that the Torah is a living document; do you feel that way about the Constitution?

Why has it endured? People keep growing and deepening the meaning in which ways?

You must play the game to ensure the health of the republic. What actions can you take to keep the Constitution working and keep our country a healthy republic?

- ✦
- ✦
- ✦

The Constitution is the story of then to now. How do we make it a more perfect union? What do we need to add or remove?

**Stop and Think Question:** So is our Constitution built to last? Let's ask this question again...How is our Constitution holding up?

## Video Segments

<http://www.pbs.org/tpt/constitution-usa-peter-sagal/classroom/episode-4-we-the-people/>

### Segment 1: Crowd-sourcing Iceland

Iceland is in the middle of building a new constitution. The tactic they are using to keep this document as much by the people as for the people is crowd-sourcing their national charter. What are the pros of writing their constitution in this manner?

Are there cons as well?

Did our Founding Fathers crowd-source in 1787?

### Segment 2: The Long View

How did the Founders give the Constitution the ability to change? What are these changes called and what do they do?

What part of the Constitution spell out how to change the Constitution? Is change easy? Why would you want to change the Constitution? How is your generation going to fill in the white space after the Constitution?

### Segment 3: Change does not always mean you need an Amendment...

Amendments are not the only way to change rights. What other ways can rights change?

How else has equality for women changed?

There have been lots of changes to women's rights by other means. Explain the examples below.

How did the President change the law to support women's rights?

How did Congress change the law to protect women's rights?

How did the courts change the law to protect women's rights?

### Segment 4: Separation of Powers

Our system of government is set up to control power. The Founders controlled the power by dividing it. By doing this, they created a *balance of powers*. Diagram the three branches of government and list out each branch's role, as well as how they check another branch.

### Segment 5: Too Much Power

How can our country ensure that one branch does not gain too much power?

Congress set up an investigation on the president, but who ordered Richard Nixon to turn over the full transcripts of his secret taping system?

What do you think would have happened if Nixon did not follow those orders?

Watergate was a test of the balance of powers. This happened without bloodshed. Can you name another time in history where a conflict was resolved in the courts and not in the streets? When are the streets a valid and positive method of dissent? (Hint: think about Dr. Martin Luther King, Jr.)

### Segment 6: Framework

What are the steps of understanding the law, as described by Supreme Court Justice Sandra Day O'Connor? She spells out three basic steps.

To Be \_\_\_\_\_

To Read \_\_\_\_\_

To Follow \_\_\_\_\_

What does "original intent" mean?

Justices don't always agree with each other either. They have lots of information to read about how past courts have interpreted the law, but there are two ways current justices interpret the Constitution. Describe the two styles.

The bottom line is that we all follow the rule of law and the decisions of the courts have the same power as law. So what can you do if you feel the courts have made an unfair ruling?

### Segment 7: Balance does not always hold—Wartime

In times of war, the executive branch has sometimes been accused of going too far and upsetting the balance between civil liberties and national security. Do you think that this is okay in wartime?

## Classroom Activity

The Constitution is the document that establishes the law of the land, but it does much more than that. It helps us live together and gives us a voice, and it established the foundation of our rights as well as our responsibilities. It is defined and redefined through every action and story of we the people.

This final assignment is a summative project from all four episodes. Your classroom is responsible for mapping the Constitution USA series. In what ways does the Constitution impact you and your community and/or others'? In what ways have individuals or groups from your or others' communities impacted law? Begin with episode 4 and add in location stops as you watch all four episodes.

1. As students explore each episode, have them fill out the Location and Issues sections of the Constitution USA Storyboard Template (attached). This will allow them to begin to build their site-map for the Google Mapping project. The class can be broken down into four groups with each group taking a particular episode.
2. Students will watch each episode and as they watch fill in their Constitution USA storyboard.
3. When complete, the storyboard is presented to teacher for review and edits.
4. Begin by getting yourself familiar with Google Maps and Google Earth. They are really simple and fun ways to incorporate technology, geography, and storytelling into a wonderful social studies curriculum.
5. The teacher will model how to use Google Maps.
6. Students will use Google Maps to find places within the episodes and begin to build their Constitution USA Google Map.
7. Students will use Google Maps to plot the events of each episode. They will use the pop-up window feature to write descriptions of the different events and add supportive information such as court case locations and outcomes.
8. As a culminating activity, the students will present a visual tour of Constitution USA from episode 1 through episode 4, taking the entire class on a national journey looking for the Constitution.

## Additional Classroom Activities

- ✦ Philosophical Roots of the Constitution: The argument that the U.S. Constitution is set up to control power is rooted in Western philosophy. Use the [Founder's Library lesson](#) to see if you can make the connections between Western philosophy and the Constitution.  
<http://constitutioncenter.org/learn/educational-resources/lesson-plans/the-founders-library-thinking-as-a-founding-father>
- ✦ War Making Power during the Korean "Conflict." All three branches of government clashed over President' Truman's warmaking powers post-WWII when government took control of the steel mills during a labor strike. What followed was a pivotal Supreme Court case that has since helped illuminate to what extent is the President's war making powers in times of conflict. Annenberg Classroom's [Key Constitutional Concepts](#) on-line video (start at 41:55) and "Checks and Balances: Presidential Power" lesson plan provides an interactive experience to help

students gain a deeper appreciation of checks and balances and its use when expanding and contracting the President’s war-making powers.

<http://www.annenbergclassroom.org/%28X%281%29S%28obppet55hrwpc045kmfr5zfz%29%29/pages.aspx?name=key-constitutional-concepts&AspxAutoDetectCookieSupport=1>

✦ Campaign Financing: The cost of running a campaign on the national level has skyrocketed in the last thirty years. The Center for Responsive Politics reported that \$4 billion was spent in the 2003-04 election cycle. Yet, money is an essential component for the success of a national election and provides a mechanism for citizens to influence the outcome. Ask students: Would you contribute money to a Presidential election? Why? Why not? How can you ensure that the candidate understands the purpose of your contribution? Have students explore campaign financing from the last election at [Opensecrets.org](http://Opensecrets.org). Have students investigate where each candidate’s campaign financing comes from. Which industries and interests groups contribute the most? Of what political agenda are they advocates? Use [this webpage](#) to attain basic language to begin this investigation. Larger questions to answer could be: Does money affect the outcome of an election?

- Should campaign financing continue to be a constitutional right?
- Does the average citizen have the same opportunity to influence the election as millionaires?
- Should soft money be banned?
- Should PAC contributions be eliminated or reduced?



**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? |
|-------------|---------------------|----------------|---------------------------------------|
|             |                     |                |                                       |

Constitution USA Storyboard Template

TITLE of Project: \_\_\_\_\_

SUBJECT: \_\_\_\_\_

| Map Point #              | Episode #                     |
|--------------------------|-------------------------------|
| Location of the event    | Date of the event             |
| Description of the event | Issues presented at the event |

# Storyboard Template



| Map Point #              | Episode #                     |
|--------------------------|-------------------------------|
| Location of the event    | Date of the event             |
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