

Episode Three: 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 Fourteenth Amendment and examine why it was written after a long and deadly Civil War, as well as how this amendment was attempting to make up for the sin of slavery. Let's take a closer look and see how equality is defined for "We the People" in this episode.

Key Concepts for Episode 3

Fundamental Right: a generally regarded set of legal protections

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

- ✦ The Fourteenth Amendment was established to ensure all citizens are treated equally under the law.
- ✦ The Fourteenth Amendment was written in an attempt to guarantee civil rights to newly freed slaves.
- ✦ The promise of the Fourteenth Amendment was not realized until civil rights movement in the 1960's.
- ✦ Individual and collective action is effective for bringing about social change.

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, (we have added H for How do you know this—what primary or secondary source was used?)

1. How has the Fourteenth Amendment extended civil rights?
2. Why does the Fourteenth Amendment get used more in court cases than any other amendment?
3. Have you ever felt that you were being treated unfairly because of your race or sex?
4. What are some of the rights the Fourteenth Amendment protects?
5. Why do you think the Fourteenth Amendment was originally included as part of the Reconstruction amendments? (Along with the 13th and 15th amendments?)
6. Based on your understanding of the Fourteenth Amendment, do you think we have established equality?

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 3 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 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.

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

The phrase “...all men are created equal...” is not present in the original Constitution. Why was this very notable section of the Declaration of Independence left out of the Constitution?

If you want to become a citizen of the United States, what do you have to do?

Listen quickly. What is an amendment? How many have we had?

Becoming Part of We the People...

Stop and Think Question: “We the People?” is a very complicated concept. In 1787 women did not have the right to vote, but they were clearly citizens and represented by the phrase, “We the People.” So, arguably, were free blacks, though not slaves. What do these words mean to you today?

Stop and Think Question: The Fourteenth Amendment attempts to establish inclusion into the Constitution. How is this Amendment used in court?

Akhil Amar believes that the 14th Amendment does what for our country?

Stop and Think Question: Do you feel that all men (and women) are created equal in our country? Explain your answer.

Who brought about the 14th Amendment? What was its goal and when was it established?

Stop and Think Question: How did a country with so much freedom allow slavery for so long?

Who might be considered the NEW Founding Fathers? Why?

Who did not gain rights they were fighting for via the 14th Amendment?

The Dred Scott case stated what? How was the 14th Amendment used to fix this decision?

Stop and Think Question: Break down the 14th Amendment into its segments.

Write an explanation for each section of text in the 14th Amendment. Need some help?

www.ConstitutionCenter.org/constitution

Gay Marriage

What exactly is Proposition 8? And what does it amend?

Do you agree with Chris's statement that the majority should not have the ability to make decisions about another group's right simply because there are more of them?

Stop and Think Question: Read the Preamble. Do you feel like you are included in the "We?" Explain your answer.

Equal Protection

What does the equal protection clause in the Constitution say? In *Loving V. Virginia* in 1967, what did the court base their ruling on?

How do you think this ruling applies to gay marriage?

What was the purpose of the Fourteenth Amendment and exactly what does it mean? Does it say you have to be equal with all people?

List a few examples: Are they all fair? Explain why or why not.

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Stop and Think Question: Robert George makes a very interesting point about why the 14th Amendment applied to the *Loving* case and not to the same sex marriage case. He explains that the 14th Amendment is set-up to stop racial discrimination. In the *Loving* case it protects marriage because race is being used to discriminate but the courts will decide if it will protect gay marriage. What types of inequality will the 14th amendment allow? Do you agree with this? Where should those limits be?

Stop and Think Question: The right to vote for various groups of citizens was established by amendments. Fill in which group was given the right to vote and in which year.

Amendment:	Who was given the right to vote:	Year
14 th		
15 th		
19 th		
26 th		

What laws prohibited the rights of African Americans for years after the 14th Amendment?

What event fulfilled the promise of those rights?

Stop and Think Question: What does this say about the power of the law versus the power of public opinion?

Today there are still lots of people who cannot vote. Why not?

Stop and Think Question: Laws vary from state to state on the rights of a felon. Where do you stand on the issue?

Look it Up!: What rights would you lose if you were convicted of a felon? Is there an established path for convicted felons in your state to regain their rights? Do you believe this to be fair? Explain why or why not.

Stop and Think Question: Why is the right to vote such an important part of our identity as a citizen?



Affirmative Action

When did affirmative action begin and for what reason?

Why did the New Haven fire fighters sue?

What extra work does a firefighter need to do to score well in the test? Where do you side on the lawsuit—is it equal treatment?

Stop and Think Question: Do you think affirmative action still has a place in our society?

Football and Education

Stop and Think Question: In your opinion, should the children of illegal immigrants be allowed to attend public school?

What part of the Fourteenth Amendment was used in this court decision to rule the law was unconstitutional? Do you agree with the court’s interpretation of the Fourteenth Amendment?

Why does the Bill of Rights put limits on the federal government?

The Reconstruction Amendments, 13th, 14th, and 15th, protect the people from which level of government? Why is this important?

Look up and define the 13th and 15th amendments.

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What does the term ‘fundamental freedom’ mean? What do you consider to be some fundamental freedoms?”

Rights of Privacy...in the bedroom or any room

What is considered the fundamental freedom when it comes to contraceptives?

In what case did the Supreme Court legalize abortions? How did they explain their decision?

The expert in the video talks about two ways to decide liberty. Explain them both.

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Stop and Think: Do you think the Constitution should be interpreted based on the Founders' original intent, or based on our own understanding of society's needs?

Do you think expansions of liberty through judicial review can be a bad thing? Explain why or why not.

Economic Liberty

Why is economic liberty so important?

How were the monks of Saint Joseph's in violation? How does this fall under the 14th Amendment?

What is the constitutional issue?

What is the great gift of the 14th Amendment? What other country offers this?

Look it Up!: Could you pass the Naturalization test? Try it:

<http://www.uscis.gov/portal/site/uscis/menuitem.749cabd81f5ffc8fba713d10526e0aa0/?vgnextoid=982a309186e89210VgnVCM10000025e6a00aRCRD&vgnnextchannel=c242df6bdd42a210VgnVCM100000b92ca60aRCRD>

Do you see America as a work in progress? What other things will you fix?

Video Segments

<http://www.pbs.org/tpt/constitution-usa-peter-sagal/classroom/episode-3-equality/>

Segment 1: *Becoming part of We the People...part I*

“We the People?” is a very complicated concept. In 1787 women did not have the right to vote, but they were clearly citizens and represented by the phrase, “We the People.” So, arguably, were free blacks, though not slaves. What do these words mean to you today?

The 14th Amendment tries to incorporate the words of the Declaration into the Constitution. Compare and analyze the two documents, side by side. Highlight their similarities and differences. Do we have more to incorporate?

	Similarities	Differences
Declaration of Independence		
14 th Amendment		

Segment 2: *Becoming part of We the People...part II*

In this segment you will be introduced to the new founding fathers and the three Amendments they added to the Constitution.

Use Google books to investigate these three men and explore if there are more people who contributed to the story of the Reconstruction Era.

List out each of the three amendments, then write what they say and what they mean. List below what rights they have granted and what new rights are people using them for in current constitutional struggles.

	Amendment 13	Amendment 14	Amendment 15
What it says:			
What it means:			
Rights it guarantees:			
What is a current struggle?			

Segment 3: Equal Protection...part I

Robert George explains that the 14th Amendment is set-up to stop racial discrimination. In the *Loving* case it protects marriage because race is being used to discriminate but the courts will decide if it will protect gay marriage. What types of inequality will the 14th amendment allow? Do you agree with this? Where should those limits be?

Segment 4: Equal Protection...part II

Who gets to vote depends on which amendment was passed. This is a think fast assignment. Listen to this clip and spell out the three votes that expand voting rights. Write down the amendment, what year it was passed, and the citizens who gains the voting rights.

Segment 5: Equal Protection...part III

The right to vote can be taken away. Take a closer look at the 14th Amendment while watching this clip. Why would the 14th Amendment take away someone's rights, when it was meant to protect them? Do you think that this is fair?

Segment 6: Affirmative Action

What is the reason for Affirmative Action? Why was it established and how does it protect the rights of the minority? In this clip examine the unintended consequence of Affirmative Action. Insuring freedom is always an active balancing act, how would you suggest insuring the needs of fair employment move forward?

Segment 7: Football and Education

The 14th Amendment protects any persons in America, not just citizens. Where are the limits on the 14th Amendment? Should there be any? Does the 14th Amendment apply outside the country?

Segment 8: Rights of Privacy...in the bedroom or any room.

Where does the right to privacy begin and end? Think about all the possible places you have an expectation of privacy. Your body, phone, email, inside your home, in your car, etc...

Examine each location and take a poll of your friends and adults in your neighborhood. Is there an expectation of privacy or not?

Segment 9: Economic Liberty

Is economic liberty essential to the pursuit of happiness in America? Examine the case of the monks. Where in the 14th amendment is economic liberty spelled out?

Classroom Activity

The American experience, when told as a story, is filled with historical information, yet delivered in a natural and understandable manner that students enjoy as well as retain. The *Constitution USA* episodes are using the tactic of telling history through storytelling. Now we are going to ask your students to do the same. This next assignment will have your students researching a 14th Amendment event in history and asking them to become the “Peter Sagal” of their classroom and present their story holistically, filled with fact, and to examine not only the social conflict but the resolution of this episode of American history.

1. After completing the student guides and activities, have the class engage in a discussion around the 14th Amendment. Use large white boards or pieces of paper to break the 14th Amendment up into its segmented pieces. For help on how to break it out, see constitutioncenter.org/constitution
2. Divide your class into groups and assign each group a section of the 14th Amendment to research. Each group will research a story about a court case or person who tested that section of the 14th Amendment. A part of the research will be to explore both sides of the story.
3. Each group will then be asked to present a formal paper on the point and counterpoint of the case or person they have researched.
4. Teams will then be asked to find photographs, films, musical examples, and relevant interviews and use them to create a 3-5 minute storytelling video segment on their research project. Videos need to portray both sides of the argument and can use reenactments as well as students to host and to play roles.
5. The final project will be compiled into one full episode on the 14th amendment and submitted to the Constitution Happened Here project. Find at more at: <http://chh.constitutioncenter.org/>

Additional Classroom Activities

Compare the sentences of the Declaration and the United States Constitution. How are they similar?

Declaration of Independence

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.--Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

US Constitution (1787)

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Extension Activity: Download [The Exchange Town Hall Wall: Is the Constitution Color Blind?](#) This is a research and deliberation activity that is designed to encourage students to look at the issue of affirmative action from a variety of perspectives. How did the Supreme Court rule in this case? Does this ruling follow the Fourteenth Amendment? Do you agree or disagree with the court's ruling?

Can you pass the citizenship test?

<http://todaynews.today.com/news/2012/11/16/15214989-could-you-pass-the-us-citizenship-test?lite>

Do you think that passing a citizenship test should be required in order for immigrants to become citizens?

The Dred Scott Decision: The Dred Scott Supreme Court case undermined African Americans' fight for equality. What exactly was this decision, and why was this decision so detrimental to African Americans?

<http://www.pbs.org/wgbh/aia/part4/4p2932.html>

Examining Race: Does race matter? Does race exist? Have student investigate stories of what it is like to be black in America. <http://inamerica.blogs.cnn.com/2012/12/09/black-in-america-its-not-just-about-the-color-of-your-skin/>. In addition, students can look at the social construct of race at PBS' *Race: The Power of an Illusion* website. In particular, there is a wonderful interactive in "Sorting People" that illustrates how race is misunderstood. Try it with your students. http://www.pbs.org/race/000_General/000_00-Home.htm

Originalism vs. Living Constitution: Which interpretation of the Constitution do you adhere to?
Originalism: <http://www.heritage.org/research/reports/2009/09/the-originalist-perspective>
Living Constitution: <http://www.law.uchicago.edu/alumni/magazine/fall10/strauss>

Other Resources

High Quality Resolution of Fourteenth Amendment:
<http://www.ourdocuments.gov/doc.php?flash=true&doc=43>

Legal Analysis of Fourteenth Amendment
<http://www.law.cornell.edu/constitution/amendmentxiv>



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?