Principles of the US Constitution

Overview
Students will receive an introduction/overview of the US Constitution through reading, an optional PowerPoint presentation and class discussion. Focusing on the underlying principles of the US Constitution, students will create public service announcements on the Constitution, its relevance, and the principle assigned to their group. In presenting their PSAs to classmates, students will review and learn additional details regarding how the US Constitution defines the framework and organization of our national government.

Grade
5

North Carolina Essential Standards
• 5.C&G.1.1- Explain how ideas of various governments influenced the development of the United States government (Roman, Greek, Iroquois, European and British).
• 5.C&G.1.2- Summarize the organizational structures and powers of the United States government (legislative, judicial and executive branches of government).
• 5.C&G.2.1- Understand the values and principles of a democratic republic.
• 5.C&G.2.2- Analyze the rights and responsibilities of United States citizens in relation to the concept of "common good" according to the United States Constitution (Bill of Rights).
• 5.C&G.2.3- Exemplify ways in which the rights, responsibilities and privileges of citizens are protected under the United States Constitution.

Essential Questions
• What is the primary purpose of the United States Constitution?
• What are the major principles in the US Constitution?
• Why is the amendment process for the Constitution important?
• How does the US Constitution organize and serve as a framework for the government?

Materials
• Clip from Andy Griffith Show-Barney Fife reciting the Preamble; available at http://www.youtube.com/watch?v=oBuPQgVByBM
  o If your school blocks YouTube, download the clip from home prior to class
• Constitution 101 Power Point, available in the Database of K-12 Resources in PDF format
  o To view this PDF as a projectable presentation, save the file, click “View” in the top menu bar of the file, and select “Full Screen Mode”
  o To request an editable PPT version of this presentation, send a request to CarolinaK12@unc.edu
• Create a Public Service Announcement on a Principle of the US Constitution, assignment sheet attached
• Underlying Principals of the Constitution handouts, attached (cut into six sections)
  o Teachers may also want to allow students to do further research on their principle via textbooks, Internet, etc.
• Constitutional Principles – PSA Evaluation Sheet, attached

Duration
• 60+ minutes
• Time will vary based on length of student PSA presentations; time can be split between two class periods if desired

Procedure

“When You Learn Something, You Learn It”

1. Begin class by showing students the 3 minute clip of the Andy Griffith Show, where character Barney Fife attempts to recite the Preamble to the Constitution. (The clip can be found at http://www.youtube.com/watch?v=oBuPQgV8yBM. Since most schools block YouTube, teachers should download the clip prior to the lesson.) After viewing the clip, open class with a discussion:
   • How would you characterize Barney and why? Would you classify him as being educated in regards to the Constitution? Why or why not?
   • Did any of you have to learn the Preamble in elementary or middle school? Why do you think your teachers, or Barney’s teacher, had students do this?
   • The clip ended with Barney saying, “When you learn something, you learn it.” Had he “learned something?” Even if he had been able to recite the Preamble word for word, would that necessarily mean that he understood its importance, or that of the Constitution? Explain.

2. Discuss with students how the Constitution of the United States of America is important to each of us. But more important than memorizing various pieces for recitation, it is most important to understand how this document serves as a framework for our nation’s government and is relevant to each of our lives. Tell students that to ensure none of them become “Barneys,” today’s lesson will be focused on learning about the Constitution.

   Introduction to the Constitution

3. Write the word constitution on the board or on chart paper and ask students to share their understanding of the word. Note student thoughts on the board or paper then further discuss:
   • “Constitutions, including that of the United States, are a special kind of law that set down basic rules for governments and the people who run them. A constitution grants powers—some of them explicitly spelled out and others implied or assumed—to public officials. A constitution also prohibits officials from conduct or actions that are considered harmful to citizens of a nation or a state. In addition, a constitution distributes powers between different parts of a government, often so that one part is not more powerful than any other. People who live in a nation or state with a constitution, whether they are citizens going about their daily business or individuals who choose to help run the government, live under what is called constitutional government.

   A constitution, then, is a set of laws that people accept as fundamental and basic to the structure and operation of their government. The most successful constitutions are not long or overly detailed; rather, they set out the broad powers (and limitations on power) of public officials and leave the details to elected persons to complete. And because they are accepted as basic and long-lasting, the best constitutions are seldom changed and then only for the most convincing reasons.

   It might seem, as a result, that writing the Constitution of the United States would have been a fairly easy job. In fact, it was anything but easy. It was done by fifty-five men (no women participated) who met in Philadelphia in May 1787 to solve some problems experienced by the new nation that had emerged after winning its independence from Great Britain. In fact, the Philadelphia gathering, known as the Constitutional Convention, started with the modest goal of just “fixing” the existing form of government.”
   (Source: http://cqpress.com/incontext/constitution/docs/evolving_constitution.html...link not working)

4. Next, see Carolina K-12’s “Constitution 101 Power Point,” available in the Database of K-12 Resources, to provide an overview of the Constitution.
Create a PSA on the Principles of the Constitution

5. Focus students on the fact that the Constitution is framed around major principles by which our government is to operate. Briefly introduce (or review) the following concepts to students:
   - Popular sovereignty
   - Separation of powers
   - Checks and balances
   - Federalism
   - Judicial review
   - Limited government

6. Tell students that they are going to be exploring these principles closely in a group activity. Divide students into six groups, assigning each group one of the above six concepts and provide them with the corresponding reading on that principle (attached.) Hand out the attached PSA instructions and tell students to imagine that they are no longer high school students; rather they are very talented executives in the TV and advertising industry. Explain that the State Department of Public Instruction has found that elementary and middle school students are scoring poorly on questions regarding the Constitution when taking their End of Course tests. They have partnered with WUNC-TV to create and air Public Service Announcements that will educate young citizens about the US Constitution, its principles, and its relevance to every citizen young and old. Six PSA’s will be produced and aired – and each of their groups has been hired to produce one of the PSAs. Tell students it is their job to ensure our state’s elementary and middle school students aren’t ending up like Barney Fife!

7. Go over the attached assignment in detail, allow students to ask questions, and let them know how much time they will have to create and practice their PSAs. (At least 20 minutes is recommended. Teachers may also choose to have students present the following day so that they can bring costume and prop pieces from home.) Review group work expectations and allow students to get started.

8. Once students are ready to present, hand out the attached PSA Evaluation worksheet. Instruct students to fill out the sheet while viewing each performance. Review respectful audience member expectations and allow groups to volunteer to perform. After each infomercial, encourage students to clap loudly and offer feedback:
   - What did you like and/or learn from that PSA?
   - What key ideas and themes did this group point out? Explain what you learned about the Constitutional principle their PSA focused on.
   - Do you have any questions for this group?

9. Make sure that students gain an accurate understanding of each principle throughout the discussion and further their understanding of the importance of the Constitution throughout.

10. After all presentations, close with a culminating discussion:
    - What do you think is most important about the US Constitution? How might our country be different without it?
    - Imagine you have been tasked with teaching at least one person or group about the US Constitution. Who would you teach and why?
    - How would you characterize the citizens that drafted the Constitution?
    - How do you think citizen involvement in politics and government today compares to citizen involvement during the 1780s? Explain.
    - How did the Constitution affect the formation of our nation?
**Additional Activities**

- As a review activity, divide students into six groups. Give each group a stack of note cards with the one of the following vocabulary words written on each: popular sovereignty; federalism; separation of powers; checks and balances; limited government; and judicial review.

As a group competition, tell groups that you will call out and project a statement that they will have 20 seconds to discuss. During the discussion, each group must figure out what principle of the Constitution is being illustrated by the statement. When time is called, one assigned group member must hold up the card that indicates the correct principle. Teachers will give each group holding the correct card up a point; at the end of the game, teachers may want to offer the group with the most points a prize.

Example statements:
- Neither a state nor the national government may prevent people from expressing their opinions.
- Most criminal laws are passed by the states.
- The president is elected every four years.
- The Senate confirms presidential appointments.
- The national government provides the rules for bankruptcy.
- The Supreme Court has no executive power to carry out its rulings.
- Freedom of religion is guaranteed by the First Amendment.
- The national government prints our money.
- The president signs or vetoes bills passed by Congress.
- You may leave the country to visit relatives in Asia

Teachers can also expand the concepts reviewed by making cards with alternate vocabulary (i.e. executive branch, judicial branch, etc.)

- Project that attached piece of art, which denotes the Preamble to the Constitution in license plate tags, one from each of the 50 states. Without telling students anything about the image, discuss:
  - What do you see here?
  - Why do you think the artist created this work? What message is he trying to convey?
  - Why do you think the artist chose this medium of license plates? What do you notice about the license plates? (Discuss that there are 50 plates, one from each of the states, and discuss why students think the artist made this choice.)

Have students create their own piece of art based on the Preamble, the entire Constitution, or a particular Constitutional principle or theme.
Create a Public Service Announcement on a Principle of the US Constitution

The State Department of Public Instruction has found that elementary and middle school students are scoring poorly on questions regarding the Constitution when taking their End of Course tests. They have partnered with WUNC-TV to create and air Public Service Announcements that will educate young citizens about the US Constitution, its principles, and its relevance to every citizen young and old. Six PSA’s will be produced and aired – each of your groups has been hired to produce a PSA.

As a group, read and discuss the Constitutional principle assigned to your group then:

• As a group, discuss what you feel is most important about the Constitution. What are the key ideas and themes? Why are these ideas and themes important? Why should young people care and make sure they educate themselves about the Constitution?

• How can you explain the Constitutional principle assigned to your group in a clear and creative way? How can you ensure young people understand the principle and why it is important?

• Finally, brainstorm your PSA. Remember, it must educate youth about the Constitution and your assigned principle, convince them why they should care about the Constitution and your assigned principle, and grab their attention.

• Your final PSA...
  o Must be at least 2 minutes in length when aired on television
  o Should contain an overview of the Constitution (what it is and why it is important)
  o Must discuss the key principle of the Constitution assigned to your group in detail
  o Should convince young people to care about the Constitution and this principle (Why is it relevant to every citizen, young and old?)
  o Should be creative! (While the facts shared must be accurate and educational, make it interesting! Feel free to use props, costumes, music, etc.)
  o Will be performed in front of the class, with all group members taking active, committed roles in the presentation

Your assigned Constitutional principle is: ________________________________
Underlying Principles of the Constitution

**Popular Sovereignty**

**Popular sovereignty** is the belief that the power of the government is granted by the consent of its people, who are the source of all political power. It is closely associated with the social contract philosophers, among whom are Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. Popular sovereignty expresses a concept well summed up by Benjamin Franklin when he wrote, "In free governments the rulers are the servants and the people their superiors and sovereigns."

The United States Constitution is based on the concept of popular sovereignty, with references to the concept of power lying with the people throughout its articles. For example, the first three words of the Constitution---"We, the people"---imply popular sovereignty. Article I creates the legislative branch and requires that representatives to Congress are elected by the people that are being represented. Article 5 of the Constitution provides for ways to amend the Constitution. Amendments are made through elected representatives of the people, another form of popular sovereignty. Article 7 of the Constitution requires that nine states (the people of those states via the ballot box and representatives) approve/ratify the new Constitution before it goes into effect. Thus, the concept of popular sovereignty is a fundamental principle in the US Constitution.

**Separation of Powers**

One of the fundamental weaknesses of the Articles of Confederation was its failure to establish a strong federal government. It created a national legislature, but that body had few powers that were very limited. The new Constitution overcame this deficiency by creating a national government with three branches—the legislature, the executive, and the judiciary—and by providing each with significant power and authority within its sphere. This separation of powers remains a fundamental constitutional principle. Articles I through III of the Constitution of the United States place each of the following basic powers of government in a separate branch: Article I vests legislative power in Congress; Article II vests the executive power in the president, and Article III vests the judicial power in the Supreme Court and other federal courts.

An important aspect of the separation of powers is that the power of one branch should not be exercised by anyone who also holds a position in another branch. Under Article I, Section 6, no one elected to Congress may simultaneously serve as a member of the executive branch. In other words, a lawmaker may not also administer the laws. Another important feature of the separation of powers in the United States is judicial review. The courts, not Congress or the president, say what the law means when a case is before them. In appropriate cases, the courts may even strike down a law enacted by Congress, or order the executive branch to halt enforcement of a law or government policy, if they determine that the law or policy conflicts with the Constitution.

But the three branches are not completely sealed off from each other. For example, the president shares the lawmaking power with Congress because the president can veto any law, although Congress may then override the veto with a two-thirds vote in each house. The major exceptions to separation of powers are federal regulatory agencies, such as the Securities and Exchange Commission, which can write regulations, bring lawsuits, and decide certain kinds of cases. The president’s power to issue executive orders in some areas is another major exception to the separation of powers because the orders do not need congressional consent, and they have the same effect as laws.

Thus, the Framers not only endowed each branch with distinct power, but also provided explicit checks on the exercise of those powers such that each branch can impose limits on the primary functions of the others. The Framers also made the institutions responsible to different sets of constituencies. They took these steps—
creating an intricate system of **checks and balances**—because they feared the concentration of powers in a single branch.

### Judicial Review-

**Judicial review** refers to the power of courts to review statutes and governmental actions to determine whether they conform to rules and principles laid down in the Constitution. Judicial review is based on the idea that a constitution—which dictates the nature, functions, and limits of a government—is the supreme law. Consequently, any actions by a government that violate the principles of its constitution are invalid.

In the United States the most important exercise of judicial review is by the **Supreme Court**. The Court has used its power to invalidate hundreds of federal, state, and local laws that it found to conflict with the Constitution of the United States. The Supreme Court also has used judicial review to order federal, state, and local officials to refrain from behaving unconstitutionally. However, the power of judicial review does not belong exclusively to the Supreme Court. In appropriate cases every court in the United States may strike down laws that violate the Constitution. State courts have the power to review state government actions for compatibility with both state constitutions and the federal Constitution.

The power of judicial review is essential to the political system of **checks and balances** established by the U.S. Constitution, adopted in 1789. The United States would have a vastly different political system if the courts did not possess the power of judicial review. Without judicial oversight of government actions, the legislative branch would be legally supreme, and the fundamental protections included in the Constitution, such as freedom of speech, would be ineffective. The inclusion of fundamental rights in the Constitution, combined with the power of judicial review, serves to protect the minority from laws created by a slim majority because a supermajority (two-thirds of each house of Congress plus ratification by three-fourths of the states) is required to modify the Constitution.

### Limited Government-

Our Constitution sets forth the concept of a **limited government**, meaning that our government is not “all powerful” and should have minimal intervention in personal liberties and the economy. Thomas Jefferson spoke of the importance of limited government: “With all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens—a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned.”

The U.S. Constitution limits the power of the federal government in several ways. It prohibits the government from directly interfering with certain key areas: conscience, expression and association. Other actions are forbidden to the federal government and are reserved to state or local governments. Specifically, the Ninth and Tenth Amendments to the US Constitution clarify the differences between the written (as well as unwritten) rights of the people versus the expressly delegated powers of the federal government. The Ninth Amendment codified that the rights of the people do not have to be expressly written in the Constitution (i.e., do not have to be enumerated) to still be retained by the people. In the reverse, though, the Tenth Amendment codified that any delegated powers of the federal government are only authorized if specifically noted by the U.S. Constitution.

- **Amendment IX**
  The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

- **Amendment X**
The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

**Checks and Balances**

Checks and Balances is the practice of dispersing political power and creating mutual accountability among political entities such as the courts, the president, the legislature, and the citizens. The diffusion of power and the mutual accountability are designed to prevent any single group or individual from dominating the political system. The US Constitution ensures checks and balances by having a separation of powers—that is, an allocation of different political and legal functions to separate and independent branches of the government (executive, legislative, & judicial).

A basic feature of the United States government, the mechanism of checks can be seen through five basic institutional features of the system.

The first check comes from the fact that different branches of the government have overlapping authority, so each branch can act as a limit on the other. For example, the president can veto an act of Congress. A two-thirds majority in Congress can then override the president’s veto. The president appoints major federal officials, but only if the Senate by majority vote agrees. The president administers the affairs of the federal government, but Congress controls the federal budget. Congress enacts laws, but the United States courts interpret their meaning and may even strike down a particular law if it violates the Constitution. However, Congress may propose amendments to the Constitution to overturn a court’s rulings; these amendments must then be ratified by the states. In addition, court decisions can be overruled by higher courts and, later, by judges who might choose to reconsider the issues. Furthermore, the president appoints the judges, subject to the Senate’s approval. However, federal judges have lifetime appointments, so the next president and Congress cannot simply remove them from office. But if the judges (or certain other officials, including the president) commit crimes, Congress may impeach them and then remove them from office.

A second check comes from the division of power within the legislative branch. Each house of Congress provides a check against the other, because both must agree on the exact wording in a bill in order to pass it into law. This check forces legislators to consider issues and constituencies that do not affect them directly.

Third, Congress can regulate many local and state activities, especially when there are conflicts between one state and another. But Congress has limited powers and is made up of representatives elected from the states, so the states in turn have a check on national affairs.

The fourth check is on the power of lawmakers themselves. They are accountable to the people through elections; their power is not based on a birthright or social status, as it is in monarchical or aristocratic political systems. In the United States system, if lawmakers take actions that are unpopular, they can be removed from office in the next election. Moreover, lawmakers are elected in different ways. A member of the House of Representatives is elected from a single district within a state, while a member of the Senate is elected by all the voters in a state. The president is elected by all the nation’s voters, and this national election requires a winning candidate to address diverse constituencies. The varied methods of electing political leaders bring assorted political perspectives and interests into the government, and these can be a check on each other.

The fifth check on the government emerges from the civil liberties (see Civil Rights and Civil Liberties) protected by the Constitution, including freedom of speech, freedom of the press, and the freedoms of association and assembly. These rights ensure that if the government takes improper or unpopular actions, newspapers and other media can bring the actions to public attention. Citizens can speak out against the government and try to effect change. This check on government power is informal but spread throughout the population.

**Federalism**

The U.S. Constitution establishes a government based on federalism - the sharing of power between the national, and state (and local) governments. Our power-sharing form of government is the opposite of “centralized” governments, such as those in England and France, under which national government maintains total power.
While each of the 50 states has its own constitution, all provisions of state constitutions must comply with the U.S. Constitution. For example, a state constitution cannot deny accused criminals the right to a trial by jury, as assured by the U.S. Constitution's 6th Amendment.

Under the U.S. Constitution, both the national and state governments are granted certain exclusive powers and share other powers. By spreading the powers throughout the different states the Framers of the constitution built a stronger, more effective national government while preserving certain rights of the existing states.

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<thead>
<tr>
<th>Exclusive Powers of the National Government</th>
<th>Exclusive Powers of State Governments</th>
<th>Powers Shared by National and State Government</th>
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<tbody>
<tr>
<td>Under the Constitution, powers reserved to the national government include:</td>
<td>Powers reserved to state governments include:</td>
<td>Shared, or &quot;concurrent&quot; powers include:</td>
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<td>• Print money (bills and coins)</td>
<td>• Establish local governments</td>
<td>• Setting up courts</td>
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<td>• Declare war</td>
<td>• Issue licenses (driver, hunting, marriage, etc.)</td>
<td>• Creating and collecting taxes</td>
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<td>• Establish an army and navy</td>
<td>• Regulate intrastate (within the state) commerce</td>
<td>• Building highways</td>
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<td>• Enter into treaties with foreign governments</td>
<td>• Conduct elections</td>
<td>• Borrowing money</td>
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<tr>
<td>• Regulate commerce between states and international trade</td>
<td>• Ratify amendments to the U.S. Constitution</td>
<td>• Making and enforcing laws</td>
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<td>• Establish post offices and issue postage</td>
<td>• Provide for public health and safety</td>
<td>• Chartering banks and corporations</td>
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<tr>
<td>• Make laws necessary to enforce the Constitution</td>
<td>• Exercise powers neither delegated to the national government or prohibited from the states by the U.S.</td>
<td>• Spending money for the betterment of the general welfare</td>
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<td></td>
<td>• Constitution (For example, setting legal drinking and smoking ages.)</td>
<td>• Taking (condemning) private property with just compensation</td>
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## Constitutional Principles – PSA Evaluation Sheet

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<thead>
<tr>
<th>Constitutional Principle</th>
<th>Summary of Principle</th>
<th>What you liked about or learned from the PSA</th>
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<tbody>
<tr>
<td>Popular sovereignty</td>
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<td>Separation of powers</td>
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<td>Checks and balances</td>
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<td>Federalism</td>
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<td>Judicial review</td>
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<td>Limited government</td>
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