

North Carolina's State Constitution: Exploring Its Relevance

Overview

Students will learn how the North Carolina Constitution is relevant in today's world. They will view and take guided notes from a Power Point that explains the changes made to the state Constitution since its ratification in 1776, helping students understand that the state Constitution is a "living document" and that it can be updated to reflect the times while keeping its core principals the same. Students will then complete a "Comparing Constitutions Scavenger Hunt" where they will examine the NC and US Constitutions and compare the differences and similarities. The lesson culminates in a "You Be the NC Supreme Court Justice" activity where students examine a scenario and determine its constitutionality.

Grade

8

North Carolina Essential Standards

- 8.H.1.2 - Summarize the literal meaning of historical documents in order to establish context.
- 8.H.1.4 - Use historical inquiry to evaluate the validity of sources used to construct historical narratives (e.g. formulate historical questions, gather data from a variety of sources, evaluate and interpret data and support interpretations with historical evidence).
- 8.H.1.5 - Analyze the relationship between historical context and decision-making.
- 8.C&G.1.1 - Summarize democratic ideals expressed in local, state, and national government (e.g. limited government, popular sovereignty, separation of powers, republicanism, federalism and individual rights).
- 8.C&G.1.2 - Evaluate the degree to which democratic ideals are evident in historical documents from North Carolina and the United States (e.g. the Mecklenburg Resolves, the Halifax Resolves, the Declaration of Independence, the Articles of Confederation, the Bill of Rights and the principles outlined in the US Constitution and North Carolina Constitutions of 1776, 1868 and 1971).
- 8.C&G.1.4 - Analyze access to democratic rights and freedoms among various groups in North Carolina and the United States (e.g. enslaved people, women, wage earners, landless farmers, American Indians, African Americans and other ethnic groups).

Materials

- Computer with Power Point & projector
- N.C. History Project's Troy Kickler discusses the importance of the N.C. Constitution Video: <http://www.youtube.com/watch?v=-erl3SPJZKo>
 - Many school districts block the YouTube site. If you are unable to access the site at school, access the video from your home computer and download and save it onto a memory stick/disk on key. Instructions for downloading a YouTube video can be retrieved via numerous Internet sites; simply search "how to download and save YouTube video."
- Accompanying Power Point, available in the Carolina K-12's Database of K-12 Resources (in PDF format)
 - 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"
 - To request an editable PPT version of this presentation, send a request to CarolinaK12@unc.edu
- North Carolina's Constitution-A Living Document, guided notes (attached)
- Optional: "Comparing Constitutions Scavenger Hunt" worksheet and answer key(attached)
 - A class set of the *North Carolina Pocket Constitution* and the *United States Pocket Constitution* are needed if conducting this activity. Both are available through the Civic Education Carolina K-12:

http://www.sog.unc.edu/programs/civiced/publications/classroom_resources.php (Source link not working, however, it can be found here <https://k12database.unc.edu/files/2017/04/NC-Pocket-Constitution-Color.pdf>).

- “You Be the NC Supreme Court Justice”- Directions, Writing the Court’s Opinion, Scenario Strips, and Answer Key (attached)
 - “You Be the Justice” Scenario Hints (these can optionally be provided with students who may struggle finding the correct constitutional amendment involved)

Essential Questions

- How is the North Carolina Constitution relevant to each of us?
- What are the similarities and differences between the US Constitution and NC Constitution?
- How has the NC Constitution reacted to changes in society?

Duration

- 60-90 minutes
- Activities can be split up over multiple class periods or condensed into one.

Student Preparation

Students should have a basic understanding of the US Constitution.

Procedure

Why is the State Constitution Important?

1. Prior to student arrival, post the below discussion questions on the board and instruct students to write them down:
 - Why is the NC Constitution often overlooked?
 - What can state constitutions guarantee? Why?
 - According to Troy Kickler, what is being eroded in the United States?
 - What does Kickler mean by this?
 - Did Dr. Kickler share any of the opinions we initially noted regarding why the state constitution is important? Do you agree with Troy Kickler’s point of view? Why or why not?

Also have the following You Tube video, NC History Project’s Troy Kickler discusses the importance of the N.C. Constitution.” cued up: <http://www.youtube.com/watch?v=-erl3SPJZKo>. (Most school districts block the use of Youth Tube on campus; if this is the case, download the file from a home computer.)

2. Once they have written down the questions, lead an opening discussion:
 - Today we are going to be examining our North Carolina State Constitution. Often, as a society, we seem much more interested and knowledgeable about our US Constitution, sometimes forgetting we even have state constitutions. What do you already know about our state constitution? Why do you think it is important to each of us? (As students share facts and opinions regarding the NC State Constitution, note these on the board or chart paper.)
3. Once students have shared their thoughts, play the video, which is a little over a minute long. Once students have had time to write their preliminary thoughts on paper, discuss their answers:
 - Why is the NC Constitution often overlooked?
 - Change in mindset of American people, look more to DC to solve problems than to their state governments
 - What can state constitutions guarantee? Why?
 - They guarantee more individual rights because they’re more specific
 - According to Troy Kickler, what is being eroded in the United States?
 - Federalism

- What does Kickler mean by this?
 - Federalism: the distribution of power between the National and State governments.
 - Kickler says in the interview that there is a “chipping away of states’ rights,” meaning he feels that more power is being given to the federal government rather than the states
- Did Dr. Kickler share any of the opinions we initially noted regarding why the state constitution is important? Do you agree with Troy Kickler’s point of view? Why or why not?

History of North Carolina Constitution - Power Point & Discussion

4. Explain to students that they are going to be further exploring the importance and relevance of the NC State Constitution. Pass out the guided notes handouts (attached). Ask the students if they know what a “living document” is and if they can give any examples. Explain that a “living document” is one that is continually updated, edited, and interpreted. Some examples include a Wikipedia article, the US Constitution, and State Constitutions. Explain to students that North Carolina’s Constitution is no exception; there have been revisions and updates since the first state constitution of 1776.

5. The accompanying presentation is intended as a quick overview of some major changes made to North Carolina’s Constitution. It is not intended as a comprehensive study of the subject. Each slide includes a discussion question (noted below) that the class should think about and answer before moving on.

6. Go to the first slide and ask students, “What is the purpose of the North Carolina Constitution?” Allow them some time to think and respond before revealing the answer. Continue throughout the PPT, using it as a basis for discussion rather than lecture as much as possible:
 - Why do you think the framers were afraid of the giving the governor too much power? (Slide 4)
 - Answers can include distrust of central authority, did not want to recreate a monarchy, limit the power that one person can have.
 - Why do you think all African American voting rights were abolished? (Slide 5)
 - Answers can include fear of African Americans gaining too many rights, upsetting the established status quo, getting African Americans elected to public office
 - Why do you think the governor was given more power? (Slide 5)
 - Less fear of a central authority as time passed, more efficient government, more balance between three branches of government
 - What major event in US history did this change precede? (Slide 6)
 - The Civil War
 - How did this Constitution make North Carolina more democratic? (Slide 8)
 - Voting rights were expanded, everyone has an equal opportunity for education, the people were able to elect more government officials thus giving them stronger control over the government
 - How does this Constitution affect your life today? Why is this document relevant to each of you? (Slide 8)
 - They go to public school for free, when they reach voting age there are no property requirements, they are taxed on their wages, article I protects their individual rights
 - Why do you think racial segregation was added in 1875? (Slide 9)
 - Conservatives regained power and wanted to undo the changes made by the 1868 Constitution.
 - What group of North Carolinians was being disenfranchised by the changes to voting rights? (Slide 10)
 - African Americans; It would probably be beneficial to provide some historical context while presenting the slides. Below is a simple summary of some of the slides. It is not intended to be a comprehensive view of US history.
 - 1776 – Post Declaration of Independence. Colonies breaking away from England and King George. Distrustful of central governments. Societal attitudes towards slaves and women lead them to be viewed as second class citizens.

- 1835 – Rise of abolitionism in the North frightened many Southern states. Taking away free African American voting rights ensured that the North Carolina plantation system would remain unaffected.
 - 1861-62 – Tensions between the North and South over slavery, states’ rights and economics leads to the secession of seven Southern states. After the Battle at Fort Sumter, four more states seceded including North Carolina.
 - 1868 – Reconstruction: Southern states were forced to renounce secession, end slavery, and allow African Americans the right to vote. All state constitutions must be approved by Congress before being enacted. All Southern states must ratify the 14th Amendment – equal protection. Carpet baggers, Northerners that came down to the South after the War and Republicans helped to write the new Constitution. Remind the students that the South was solidly Democratic at this time and Republicans were not widely accepted by most Southerners.
 - 1875 – Reconstruction is winding down and Conservative elements regain control of the government from Republicans and moderate Democrats. Try to “redeem” the South to its antebellum roots.
- Earlier we discussed the concept of a “living document.” What changes to the NC Constitution did we discuss that reflect this? Meaning, what changes occurred in the constitution that reflect changes in the attitudes of North Carolina’s people and society? Answers may include:
 - Outlawing of slavery
 - Extension of voting rights
 - Changes in requirements for voting

Optional: Comparing Constitutions Scavenger Hunt

7. After completing the Power Point and discussion, answer any questions students may have. Tell students that they will further deepen their understanding of our state constitution by comparing it to the United States Constitution in their next activity. Tell students they should pay special attention to the rights that the NC Constitution protects compared to the rights that the US Constitution protects.
8. Pass out the following to students: a copy of the “North Carolina Pocket Constitution,” a copy of the “United States Pocket Constitution,” and a “Comparing Constitutions” worksheet (attached), for student completion individually or in partners. Review the instructions and answer any questions that may arise. After allowing students ample time to answer the questions, review the answers as a class using the attached answer sheet.

You Be the NC Supreme Court Justice

9. After students have finished their scavenger hunt, bring the class back together and explain that now that they are familiar with both the US Constitution and NC Constitution, they are going to put themselves in the shoes of a NC Supreme Court Justice to apply what they have learned regarding constitutional law. Tell students that in groups of three “justices,” they will be given a scenario. It is their job to read, discuss, and debate the scenario while using their knowledge of the NC Constitution to issue a ruling about the constitutionality of the scenario. Give students a copy of the attached “You Be the Justice” directions and “Writing the Court’s Opinion” handouts and go through the instructions. Once students understand what is expected of them, review expectations for respectful group work, break students up into groups of three, give each group a scenario to work on, and instruct them to get started.

➤ **Teacher Notes:**

- A handout of additional information on the Voting Rights Act of 1965 is attached for distribution to students working on Scenario 4.

- If working with students who may struggle with finding the Constitutional amendments involved in the scenarios, teachers can optionally provide the attached “Scenario Hints” to students as well, which designate specifically which amendments are involved.
 - Teachers may want to explain to the students that when NC Supreme Court Justices make rulings they not only use the NC Constitution but also previous NC and US Supreme Court rulings for guidance. Including an existing NC Supreme Court case or US Supreme Court case that deals with the issue presented in each group’s scenario may help students gain a better understanding of the judicial process. (See the links under “Additional Activities” as examples.)
8. Give the students approximately 20-30 minutes to discuss, research, and write. Once all the groups have finished writing their opinion briefs, have each group present. After each group’s presentation, allow the class to ask questions about how the group came to a decision regarding their scenario.
9. After all the groups have finished their presentations, culminate the lesson with a discussion:
- What are the differences between the NC Constitution and the US Constitution? What are the similarities?
 - How is the NC Constitution a “living document?”
 - What are some changes our society has undergone? How were both Constitutions adapted to fit these changes?
 - How does the NC Constitution impact your daily life? Why is it important to each of you?

Additional Activities

- One of the main ways the NC State Constitution affects young people is through its establishment of “general and uniform system of free public schools.” (Article IX, Section 2) To explore issues of education as they relate to the State Constitution further, see the Carolina K-12’s lesson “Deliberation on School Funding in North Carolina: *Leandro v. State of North Carolina*,” available in the Database of Civic Resources.
- Compare the imaginary scenarios from “You be the Justice” activity to actual court cases dealing with the same issue.
 - Right to Bear Arms - <http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/beararms.htm>
 - The Death Penalty - <http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/deathpenalty.htm>
 - Gay Rights - <http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/gayrights.htm>
 - Supremacy Clause - <http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/preemption.htm>
 - First Amendment, Freedom of Speech
 - <http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/incitement.htm>
 - <http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/firstaminto.htm>
 - <http://www.law.umkc.edu/faculty/projects/ftrials/conlaw/hatespeech.htm>

Resources

- “Our Constitutions: A Historical Perspective” (source link not working)
<http://statelibrary.ncdcr.gov/nc/stgovt/preconst.htm#1776>
- Class set of the *United States and North Carolina Pocket Constitution*; both are available through the Civic Education Carolina K-12: <https://k12database.unc.edu/files/2017/04/NC-Pocket-Constitution-Color.pdf>
- Orth, John. *North Carolina State Constitution with History and Commentary*. 1. Chapel Hill, NC: The University of North Carolina Press, 1995. Print.

North Carolina's Constitution: A Living Document

I) What is the purpose of the North Carolina Constitution?

- The purpose is twofold:
 - To _____ the _____ of the _____ from encroachment by the _____.
 - To provide a _____ for the State and its subdivisions. It is not a function of a Constitution to deal with _____, but to lay down general principles of government which must be observed _____.

II) History of the Constitution

- There have been _____ Constitutions in NC History:
 - _____
 - _____
- There have been numerous alterations to the Constitution:

<ul style="list-style-type: none"> ○ _____ ○ _____ ○ 1861 – 62 ○ 1865 – 1866 	<ul style="list-style-type: none"> ○ _____ ○ 1875 ○ _____ ○ _____
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III) Constitution of 1776

- Major sections and impact:
 - Declaration of Rights: _____
 - Separation of Powers: _____, _____, and _____.
 - _____ held most of the power
 - _____ was chose by legislature for _____ year terms.
 - _____ and _____ chosen by legislature.
 - Voting rights belonged to:
 - _____
 - _____ who meet the above qualifications
 - Only voted for _____

➤ Why do you think the framers were afraid of giving the governor too much power?

IV) Convention of 1835

- Major changes and impact:
 - _____ became _____, to a _____ year term.
 - _____
 - Abolished all _____ rights.
 - Fixed number of representatives in the House (____) and Senate (____).
- Why do you think all African American voting rights were abolished?

- Why do you think the governor was given more power?

V) Convention of 1861 – 1862

- Major impact and changes:
 - Removed North Carolina from the _____ and made them part of the _____.
- What major event in US history did this change precede?
_____.

VI) Constitution of 1868

- Drafted by NC _____ and _____ and was highly unpopular with conservative elements of the state.
- Major impact and changes:
 - 1776 Declaration of Rights becomes _____
 - _____ now elected all _____ (judges, county officials, etc)
 - African Americans were given _____
 - Abolished _____ for voting
 - Governor was now given _____ year terms
 - Free _____ were established
 - A detailed system of _____ was established
 - _____ and _____ court system was created
- How did this Constitution make North Carolina more democratic?

- How does this Constitution affect your life today?

VII) Convention of 1875

- Major impact and changes:
 - Fixed _____ salaries
 - Established _____ in public schools
 - _____
 - Abandoned 1868 court system
 - NC Supreme Court reduced to _____ judges
 - _____ could create new courts lower than the Supreme Court as they _____
 - Legislature could _____ or _____
- Why do you think racial segregation was added in 1875?

VIII) 1900 Amendments

- Suffrage Amendments added were:
 - _____
 - _____
 - _____
- What group of North Carolinian’s was being disenfranchised by the changes to voting rights? _____

IX) 1971 Constitution

- In 1967 a study was done on the NC Constitution. They found that:
 - Due to the many amendments and provisions, the constitution became antiquated, obsolete and ambiguous.
 - It became difficult to _____ and _____.
- They drafted a new Constitution that:
 - Logically organized topics and omitted _____ sections
 - Updated language and syntax
- Since the Constitution of 1971, there have been over _____ amendments. The majority of these amendments extends the rights of citizens and extends the government the ability to issue bond. The following are significant amendments made since the 1971 constitution:
 - Prohibiting all capitation and _____.
 - Creating a state income tax to be computed on the same basis as the federal income tax
 - Allowing the Governor and Lieutenant Governor to serve _____ (previously, office holders were limited to one term).
 - Requiring the state run a _____.

- Requiring _____ to be _____.
- Adding _____ to the Declaration of Rights.
- Giving the Governor the _____

Name _____

Date _____

Comparing Constitutions Scavenger Hunt

Directions: Your job is to read through the *North Carolina Pocket Constitution* and the *United States Pocket Constitution* and then answer the following questions comparing the two. You may work on this alone or with a partner.

1) How many articles does the North Carolina Constitution have? _____

How many articles does the US Constitution have? _____

2) What part of North Carolina's Constitution deals with individual rights? _____

➤ How many sections are there? _____

➤ What part of the US Constitution deals with individual rights? _____

➤ How many amendments are there? _____

➤ What is an individual right guaranteed by the NC Constitution but not the US Constitution?

3) What is different about the amendments in the US Constitution and the amendments in the NC Constitution? Think of where they are in the actual document.

4) List three similarities between Article I of the US Constitution and Article II of the NC Constitution.

1. _____
2. _____
3. _____

List three differences between Article I of the US Constitution and Article II of the NC Constitution.

1. _____
2. _____
3. _____

5) List two similarities between Article II of the US Constitution and Article III of the NC Constitution.

1. _____
2. _____

List two differences between Article II of the US Constitution and Article III of the NC Constitution.

1. _____
2. _____

6) List one similarity between Article III of the US Constitution and Article IV of the NC Constitution.

1. _____

List one difference between Article III of the US Constitution and Article IV of the NC Constitution.

1. _____

7) List three articles that are in the NC Constitution but not in the US Constitution.

1. _____
2. _____
3. _____

8) Article VI section 8 of the NC Constitution disqualifies from office "any person who shall deny the being of Almighty God." Under what article of the US Constitution is this invalid?

What is this clause called?

Comparing Constitutions Scavenger Hunt Answer Key

- 1) How many articles does the North Carolina Constitution have? **14**
How many articles does the US Constitution have? **7**
- 2) What part of North Carolina's Constitution deals with individual rights? **Article I**
1. How many sections are there? **37**
What part of the US Constitution deals with individual rights? **Bill of Rights – 1st 10 Amendments**
2. How many amendments are there? **10.**
What is an individual right guaranteed by the NC Constitution but not the US Constitution?
 - **Education**
 - **Jury Service**
- 3) What is different about the amendments in the US Constitution and the amendments in the NC Constitution? Think of where they are in the actual document. **Amendments for the US Constitution are appended, or added to the end, while the NC Constitution incorporates new amendments into the document.**
- 4) List three similarities between Article I of the US Constitution and Article II of the NC Constitution.
 - **Both deal with the Legislative Branch**
 - **Both make laws**
 - **Both receive a salary**
 - **Both keep journals**
 - **Both can override executive's veto**
 - **Both are the Senate and House of Representatives**
 - **Both House of Reps impeach executives**
 - **Both Senates try executives**List three differences between Article I of the US Constitution and Article II of the NC Constitution.

US

- **Called Congress**
- **House has membership based on population**
- **Senate has two members for each state**
- **Requirements for office**
 - **Senate: 30 years old, at least 9 years of US citizenship**
 - **House: 25 years old, at least 7 years of US citizenship**

NC

- **Called General Assembly**
- **Fixed number of members for House and Senate – 120 House/50 Senate**
- **Requirements for office**
 - **Senate: 25 years old, live in state for 2 years**
 - **House: voting age (18), live in state/district for one year**

- 5) List two similarities between Article II of the US Constitution and Article III of the NC Constitution.
- **Executive Branch**
 - **Commander in Chief of Armed Forces/National Guard**
 - **4 year terms**
 - **Have to take an oath of office**
 - **Can grant pardons/commute sentences**
 - **Nominate and appoint state officers**

List two differences between Article II of the US Constitution and Article III of the NC Constitution.

US

- **President**
- **US President can make treaties**
- **Can only serve two terms total**
- **Qualifications: 35 years old, 14 year resident of US, must be born in US**

NC

- **Governor**
- **Can serve more than two terms if not consecutive**
- **Proposes a state budget**
- **Qualifications: 30 years old, US citizen for 5 years, NC resident for 2 years**

- 6) List one similarity between Article III of the US Constitution and Article IV of the NC Constitution.
- **Interpret the law**
 - **Judicial Branch**

List one difference between Article III of the US Constitution and Article IV of the NC Constitution.

- **US Supreme Court Judges serve for life**
- **US Supreme Court deals with treason**

7) List three articles that are in the NC Constitution but not in the US Constitution.

- **Article I – Declaration of Rights**
- **Article V – Finance**
- **Article VI – Suffrage and Elections**
- **Article VII – Local Government**
- **Article VIII – Corporations**
- **Article IX – Education**
- **Article X – Homesteads and Exemptions**
- **Article XI – Punishment, Correction, and Charities**
- **Article XII: Military Force**
- **Article XIV: Miscellaneous**

8) Article VI section 8 of the NC Constitution disqualifies from office “any person who shall deny the being of Almighty God.” Under what article of the US Constitution is this invalid? **Article VI**
The Federal Constitution is the top law of the land, what is this clause called? **Supremacy Clause**

You Be the Justice - Scenarios

Scenario 1

A same sex couple applies for a marriage license in Chatham County, North Carolina. They are told that they cannot apply for a license because state laws define marriage as a union between a man and a woman. This couple, Tim Smith and John Doe, sue the state of North Carolina saying that banning same sex marriage is unconstitutional. They argue that it is a right that should be enjoyed by all North Carolinians regardless of sexual orientation. The state argues that marriage is not a “right” and therefore isn’t protected. It is up to the North Carolina Supreme Court to decide if the same sex marriage laws are constitutional or not.



Scenario 2

The state of North Carolina legislature passes a measure that shuts down all public schools for five years. The state intends to take the money saved from schools and use it towards building new cancer research hospitals, homeless shelters, elderly care centers, as well as repaving damaged roads. A group of parents calling themselves the “Coalition for Public Education” sue the state arguing that it is unconstitutional to eliminate public schools. The state argues that parents still have access to education through private schools and home schooling. It is up to the North Carolina Supreme Court to decide if the state should provide universal public schooling for all children.



Scenario 3

Jim Norton, a man who was convicted of first degree assault, battery, and false imprisonment for kidnapping and beating someone into a coma, is sentenced to die by lethal injection. He sues the state arguing that waiting for his injection is causing him “mental torture.” He also argues that this is unconstitutional because it is “cruel and unusual punishment.” The state argues that it is well within their authority to execute convicted criminals. They also argue that he was convicted in a fair trial where his guilt was proved beyond a reasonable doubt with video recordings and eyewitness testimony. It is up to the North Carolina Supreme Court to decide if the state should overturn the death penalty conviction.



Scenario 4

Gordon Harper, a Quebecker who grew up speaking French, just became a citizen of the United States and North Carolina after living here for 2 years. On Election Day he goes to the polls to vote and when he gets there he is forced to read and write a section of the North Carolina Constitution chosen by an election worker. Although fluent in speaking English, he has difficulty reading and writing and is unable to pass the test. As a result he is unable to vote. Gordon sues the state for disenfranchisement arguing that he meets all of the requirements to vote in North Carolina. The state argues that it is reasonable to test someone’s literacy skills before voting. It is up to the North Carolina Supreme Court to decide if the state can require a literacy test before voting.



Scenario 5

North Carolina’s General Assembly passes a law banning all private ownership of guns inside and outside of the home, with the exception of police officers. All guns, regardless of what type, must be turned into the local police station 60 days after the passing of the law. Scottie Carroll, a high school teacher and avid hunter, sues the state claiming that the new law is an infringement on her natural rights. The state argues that it is allowed to place restrictions on firearms in the interests of safety. They also argue that if people want to keep firearms they can become police officers and undergo a rigorous training program for firearm safety. It is up to the North Carolina Supreme Court to decide if the state can ban all private ownership of firearms.



Scenario 6

Undergoing tough economic times, Hoke County is having trouble paying for the local education system. In an attempt to increase revenue to fund schools, the town council passes a law called the "Voting Appropriations Supplemental Act (VASA)." It states that, "one must pay an appropriation of no less than one dollar but no more than five dollars to the polling precinct where there ballot is being cast. Appropriation levels are to be determined the Hoke County Board of Elections." Gregg Hughes, a Hoke County bus driver, sues the county for inhibiting his natural right of voting by forcing him to pay to vote. The state argues that it is allowed to place a miniscule fee for voting if it has the intention of benefiting the public good. It is the job of the North Carolina Supreme Court to determine if Hoke County is allowed to pass and enforce VASA.



Scenario 7

When North Carolina's governor, Mike Weippert, suddenly passes away, a power struggle breaks out between the Lieutenant Governor, Daphne Tucker, and the Secretary of State, Simon Bell, over who will take the role of governor. Bell claims that the previous governor promised him the position, while Tucker claims that assuming the governorship is her right. Bell sues Tucker and the issue is taken to the court. In court, Bell produces an executive order from Governor Weippert that states "In the event that I'm unable to attend to my duties as Governor I, Mike Weippert, appoint Simon Bell as my successor." It is the job of the North Carolina Supreme Court to determine who the next governor of North Carolina is.



Scenario 8

Due to a recent rise in the number of crimes being committed in North Carolina, the General Assembly passes a law that allows people to be put in stockades in the center of town. While in stockades, people are allowed to throw rotten food, pebbles, and cat litter at the convicted offender. One convicted offender, Jared Harrison, sues the state arguing that his punishment is "cruel and unusual." The state argues that it is allowed to make laws concerning punishment of crimes and that by being convicted of a crime, Mr. Harrison gives up any rights he once had. It is the job of the North Carolina Supreme Court to determine if the new law concerning punishment of convicted felons is allowed or not.



Scenario 9

In order to increase revenue to build more roads and schools, the state of North Carolina passes a law that increases the income tax rate from 6.5% to 9%. A group of citizens calling themselves, "Carolinians Against Taxes (CATs)" sue the state saying "the tax rate is way too high and the state government is trying to raise taxes without our approval." The state argues that as long as they use the money for its stated purpose, schools and roads, they are legally allowed to raise income taxes to 9%. It is the job of the North Carolina Supreme Court to determine if the tax increase is within the bounds of the law.



Scenario 10

A group, called "We Hate America BeCause Offensive (WHACO)" is going around the country to funerals and celebrating Americans' deaths . They claim that death is rightful punishment for all of "America's offenses," which include polluting the earth, watching Sesame Street, inventing baseball, and breaking away from Great Britain. This group peacefully protests by holding signs that say "The Only Good American Is a Dead One," or "Death To America." As a result of numerous protests throughout North Carolina, the General Assembly passes a law that bans WHACO. WHACO sues the state saying that the government is infringing on their rights. The state argues that WHACO is offensive, ignorant, and hurtful towards people. It is the job of the North Carolina Supreme Court to determine if the state is allowed to pass a law that can ban WHACO.

You Be the Justice – Scenario “Hints”

Scenario 1

Issue: Same Sex Marriage
Articles/Amendments Dealing With Issue:
US Constitution: Tenth Amendment, Fourteenth Amendment



Scenario 2

Issue: State’s Responsibility to Provide Public Education
Articles/Amendments Dealing With Issue:
NC Constitution: Article I, Article IX



Scenario 3

Issue: Crime and Punishment – Is the Death Penalty Warranted in This Case?
Articles/Amendments Dealing With Issue:
NC Constitution: Article XI



Scenario 4

Issue: Literacy Tests and Voting Rights
Articles/Amendments Dealing With Issue:
NC Constitution: Article VI
US Law: Voting Rights Act of 1965



Scenario 5

Issue: Right to Bear Arms
Articles/Amendments Dealing With Issue:
NC Constitution: Article I
US Constitution: Second Amendment



Scenario 6

Issue: Voting Rights and Poll Taxes
Articles/Amendments Dealing With Issue:
NC Constitution: Article V
US Constitution: Twenty-Fourth Amendment



Scenario 7

Issue: Succession of Governor
Articles/Amendments Dealing With Issue:
NC Constitution: Article III



Scenario 8

Issue: Crime and Punishment
Articles/Amendments Dealing With Issue:
NC Constitution: Article XI
US Constitution: Eighth Amendment

Scenario 9

Issue: Is the Government Allowed to Issue Tax Increases?

Articles/Amendments Dealing With Issue:

NC Constitution: Article V



Scenario 10

Issue: Freedom of Speech Rights

Articles/Amendments Dealing With Issue:

NC Constitution: Article I

US Constitution: First Amendment



You Be the Justice!

Directions: Now that you're familiar with both the US Constitution and NC Constitution, you're going to put yourself in the shoes of a NC Supreme Court Justice. Each group, consisting of three justices, will be given a scenario. It is your group's job to debate the scenario, examine the NC & US Constitution, and to issue a majority ruling about the Constitutionality of the scenario. Use the questions below as guides.

After breaking up into your groups assign the following roles:

- **Researcher:** It is your job to examine both Constitutions for any mention of your scenario. You should provide evidence to support your group's ruling. Use your pocket Constitutions for research.
- **Recorder:** It is your job to write the decision on a piece of paper. Use the outline on the back of the page.
- **Presenter:** It is your job to present your decision to the class. You can help the researcher and recorder with their jobs before presenting.

Step 1: Read your scenario out loud as a group.

Step 2: Discuss how you feel about the scenario. Which side do you agree with? Why?

Step 3: The researcher should now examine your NC and US Pocket Constitutions. (If you have Scenario 4 you will also be getting an additional document.)

- Does your scenario violate either Constitution?
- If it violates the NC Constitution but not the US Constitution, which one should you follow?
- If it violates or is supported by either Constitution, what Articles and/or Amendments does it violate or is supported by?

Step 4: The recorder should begin writing the group's majority decision. Remember to put yourselves into the shoes of a Justice; do not include your personal feelings. It is OK to address the dissenting viewpoint; however, you should make a ruling based upon the Constitutions. It is important to include the Articles/Amendments that support your decision. Use the outline on the back of this page to guide your writings.

Step 5: After writing your group's decision, the presenter should read your scenario to the class and present your ruling.

You Be the NC Supreme Court Justice! – Writing the Court’s Opinion



Case Name:

Use information from your scenario to create a case name. For example: *Marbury v. Madison*, *Mapp v. Ohio*, *Brown v. Board of Ed.*

Summarize Your Scenario:

Legal Issue Involved:

Start with a question (Is it legal for police to enter your house without a warrant?) Then summarize the issue being decided in a sentence or two.

Court’s Decision:

Include your decision and the reasoning for reaching that decision. Be sure to include the Amendments or Articles from the NC or US Constitution that relate to your scenario.

The Voting Rights Act of 1965 Handout

(Additional Resource for Scenario 4)

The **National Voting Rights Act of 1965** (42 U.S.C. § 1973–1973aa-6)^[1] outlawed discriminatory voting practices that had been responsible for the widespread disenfranchisement of African Americans in the United States. Echoing the language of the 15th Amendment, the Act prohibited states from imposing any "voting qualification or prerequisite to voting, or standard, practice, or procedure ... to deny or abridge the right of any citizen of the United States to vote on account of race or color."^[2] Specifically, Congress intended the Act to outlaw the practice of requiring otherwise qualified voters to pass literacy tests in order to register to vote, a principal means by which Southern states had prevented African-Americans from exercising the franchise.^[3] The Act was signed into law by President Lyndon B. Johnson, a Democrat, who had earlier signed the landmark Civil Rights Act of 1964 into law.

The Act established extensive federal oversight of elections administration, providing that states with a history of discriminatory voting practices (so-called "covered jurisdictions") could not implement any change affecting voting without first obtaining the approval of the Department of Justice, a process known as preclearance. These enforcement provisions applied to states and political subdivisions (mostly in the South) that had used a "device" to limit voting and in which less than 50 percent of the population was registered to vote in 1964. Congress has amended and extended the Act several times since its original passage, the most recent being the 25-year extension signed by President George W. Bush.

The Act is widely considered a landmark in civil-rights legislation, though some of its provisions have sparked political controversy. During the debate over the 2006 extension, some Republican members of Congress objected to renewing the preclearance requirement (the Act's primary enforcement provision), arguing that it represents an overreach of federal power and places unwarranted bureaucratic demands on Southern states that have long since abandoned the discriminatory practices the Act was meant to eradicate.^[4] Conservative legislators also opposed requiring states with large Spanish-speaking populations to provide bilingual ballots.^[5] Congress nonetheless voted to extend the Act for twenty-five years with its original enforcement provisions left intact.^[6]

You Be the Justice - Possible Answer Key

Scenario 1 – Same Sex Marriage.

This decision could be decided either way – constitutional or unconstitutional.

- Constitutional argument – States are allowed to ban same sex marriage because of the 10th Amendment to the US Constitution. “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.” There is nothing in the Constitution concerning marriage, so it is a power reserved for the States. There is also nothing in the NC Constitution concerning marriages.
- Unconstitutional argument – Under the 14th Amendment of the US Constitution citizens are guaranteed “equal protection under the law.” Students could argue that same sex couples deserve the same marriage protections and rights as heterosexual couples.
- Note: You can point out that there is a movement within North Carolina called the “Defense of Marriage Act.” Their goal is to get the NC Constitution amended to include the definition of marriage as being between a man and woman only. This will make same sex marriages unconstitutional under NC law.

Scenario 2 – Public Education

This law is clearly unconstitutional according to the NC Constitution:

- Article I, Sec 15 – “Citizens of NC have the right to an education.”
- Article IX – “NC provides for a general and uniform system of free public schools. NC Schools must provide equal opportunities for all students.”

Scenario 3 – Crime and Punishment

Jim Norton’s conviction should be overturned according to the NC Constitution:

- Article XI: “Murder, arson, burglary, and rape are the only crimes punishable by death in NC.” The assault and kidnapping charges are not punishable by the death penalty.

Scenario 4 – Literacy Tests and Voting Rights

Gordon Harper should be allowed to vote without having to take a literacy test. It is allowed under the NC Constitution (Article VI), but outlawed by the Federal Government because of the *Voting Rights Act of 1965*. Under Article VI of the US Constitution, Federal law is supreme regardless of state constitutions.

Scenario 5 – Right to Bear Arms

Scottie Carroll should be allowed to own fire arms for private use according to the US Constitution:

- Second Amendment: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”
- **Note: The right to bear arms is included in the NC Constitution, Article I Sec 30. However, this is not included in the NC Pocket Constitution.**

Scenario 6 – Poll Taxes and Voting Rights

It is unconstitutional for Hoke County to pass a poll tax law regardless of the intent or amount of the fee according to the US and NC Constitution.

- NC Constitution: Article V: “No poll tax can be levied by the General Assembly, a county, a city, or a town.”

- US Constitution: 24th Amendment: “The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.”

Scenario 7 – Succession of Governorship

The court should rule in favor of the Lt. Governor, Daphne Tucker. Regardless of who the Governor chose for succession, the NC Constitution clearly outlines succession.

- Article III: “If the Governor leaves or is removed from office, the Lt. Governor becomes Governor.”

Scenario 8 – Cruel and Unusual Punishment

It is unconstitutional for North Carolina to allow stockades as a form of punishment, both the NC and US Constitutions prohibit such a practice.

- NC Constitution: Article XI: “Death, imprisonment, fines, suspension of a jail or prison term, restitution, community service, restraints on liberty, work programs, removal from office, and disqualification to hold office are the only acceptable punishments in North Carolina.”
- US Constitution: Eighth Amendment: “nor cruel and unusual punishments inflicted.” Students could argue that stockades are “cruel and unusual.”

Scenario 9 – Income Taxes

The state is well within their rights to raise the income tax rate to 9% according to the NC Constitution:

- Article V: “The income tax rate cannot exceed 10 percent.”

Scenario 10 – Free Speech

The state cannot ban WHACKO from exercising their rights to free speech, expression, etc. under both the NC and US Constitutions:

- NC Constitution: Article I, Sec 14. “Freedom of speech and of the press are two of the great bulwarks of liberty and therefore shall never be restrained [..]”
- US Constitution: First Amendment. “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”