

American Democracy Now

Chapter 2: The Constitution

Chapter Summary:

Chapter 2 describes and charts the basic constitutional evolution of the United States, including:

- The components of constitutional documents—description of missions, foundational structures, and essential procedures
- The political, economic, and social factors leading to the creation of the United States of America
- The core components of the Constitution of the United States of America
- The Constitution today as an amendable document for change

Chapter Learning Objectives:

Having studied this chapter, students should be able to do each of the following:

1. Define the term *constitution*; identify its three basic components.
2. Identify concepts found in the Articles of Confederation.
3. Recall key events that led to the U.S. Constitution.
4. Identify influences on Jefferson’s understanding of government.
5. Compare the U.S. Constitution with state constitutions and the Articles of Confederation.
6. List the key issues and compromises reflected in the Constitution.
7. Identify passages in the Constitution outlining foundational structures of government.
8. Identify the Federalist and the Anti-Federalist positions.
9. Demonstrate knowledge of the formal amendment process.

Chapter Outline:

- I. What Is a Constitution?
- II. The Creation of the United States of America
 - a. Colonization and Governance of America
 - b. British Policy Incites a Rebellion
 - i. A “Massacre” and a Tea Party
 - ii. The Continental Congress’s Demands for Political Rights
 - c. The Common Sense of Declaring Independence
 - d. The State Constitutions
 - e. The Articles of Confederation (1781–1789)
 - i. Structure and Authority of the Confederation
 - ii. Weaknesses of the Confederation

- iii. Calls to Remedy Defects of the Federal Government
- III. Crafting the Constitution: Compromise, Ratification, and Quick Amendment
 - a. Consensus
 - i. Dual Sovereignty
 - ii. National Supremacy
 - iii. Separation of Powers with Integrated Checks and Balances
 - b. Conflict and Compromise over Representative Democracy
 - i. The Connecticut Compromise
 - ii. The Constitution's Checks on Representative Democracy
 - c. Conflict and Compromise over Slavery
 - d. What About a Bill of Rights?
 - e. Congress Sends the Constitution to the States for Ratification
 - i. Article I: The Legislative Branch
 - ii. Article II: The Executive Branch
 - iii. Article III: The Judicial Branch
 - iv. Article IV: State-to-State Relations
 - v. Article V: The Amendment Process
 - vi. Article VI: Supremacy of the Constitution
 - vii. Article VII: The Constitutional Ratification Process
 - f. The Federalist–Anti-Federalist Debate
 - i. *The Federalist Papers*: In Support of a Strong National Government
 - ii. The Anti-Federalist Response: In Opposition to a Strong National Government
 - g. The Bill of Rights (1791): Establishing Civil Liberties
- IV. The Constitution as a Living, Evolving Document
 - a. Formal Amendment of the Constitution
 - b. Interpretation by the U.S. Supreme Court

Complementary Lecture Topics:

- The Constitution is designed to preserve liberty. Americans have traditionally distrusted their perception of big government, and the American system puts a variety of limits on governmental authority and safeguards personal rights. Given the present-day international and domestic environment, is this emphasis still practical and workable?
- The U.S. Constitution restricts political power in a number of ways—grants of power, denials of power, a separation of institutions, and the Bill of Rights. Evaluate the effectiveness of these various mechanisms.
- The limited efficacy of constitutional constraints on political power is widely acknowledged. Some of the world's most repressive regimes are governed by constitutions that solemnly provide for individual rights in theory. What are the social, economic, and cultural conditions that promote limited or repressive government?

- How would politics in America operate differently if the nation adopted a British-style parliamentary system? Do you believe such a change would be for the better or not, in terms of overall government performance and leadership effectiveness? Explain in intricate detail.

Class Discussion Topics:

- Using the text content as a guide, encourage students to make a case, collectively, for the continuing importance and relevance of the United States Constitution. After they have completed this exercise, ask them to identify key strengths and limitations of the Constitution within a twenty-first-century context—for example, how adequately the Constitution addresses issues such as online privacy. Finally, encourage students to propose amendments, and get them to justify their choices.
- Discuss the question of a Second Constitutional Convention mentioned in the text. Is it needed, and if so, what measures should the delegates consider?
- Discuss the reasons behind the relatively small number of constitutional amendments passed since the ratification of the Constitution, and ask students to consider and identify what types of contemporary and future issues are likely to prompt amendment proposals in the future.

Chapter Activities:

I. THEN, NOW, NEXT Discussion Activity

Participants: entire class in small-group or large-group discussion

Time: 10–15 minutes

Directions

Utilize the “Then, Now, Next” questions from the beginning of the chapter as a basis for class discussion.

- **Then**—The Constitution’s framers distributed government power between the federal and the state governments, and divided power and created checks and balances among the three branches of the national government to ensure a representative democracy that protected individual liberties.
- **Now**—The courts continue to probe and interpret the Constitution’s meaning, and members of Congress introduce proposed constitutional amendments annually.
- **Next**—
 - How will the courts resolve the continuing tensions between individual liberties and majority rule?
 - Will Congress call for a second constitutional convention?

- Will the Constitution’s third century witness a greater volume of ratified constitutional amendments as the people’s efforts to create “a more perfect union” intensify?

II. YouTube & Discussion Activity

Participants: entire class

Time: varied, few-minute short clips, 2–10 minutes

What to Expect

This easy activity allows the entire class to participate. You will project for the students a chapter-related online video from YouTube.

What Students Will Learn

In this activity, you are engaging students in effective critical thinking via audiovisuals and the World Wide Web. For optimal results, brief students in the chapter of study first. Then, administer the clip. Next, prompt a class discussion about the video.

Videos for Chapter 2 on YouTube:

1. The Declaration of Independence

Time: 9:18 min.

This is a reading of The Declaration of Independence of the United States of America by a variety of well-known actors.

<http://www.youtube.com/watch?v=ZxTvS-kyHzs>

2. Wood on the U.S. Constitution

Time: 1:18 min.

Historian Gordon S. Wood answers the question, “Why has the U.S. Constitution endured for more than 200 years?”

<http://www.youtube.com/watch?v=dc9kSg4JMTo>

III. Blog/Forum Activity

Participants: entire class

Time: 5–10 minutes

What to Expect

This easy activity allows the entire class to participate. You will make a blog or forum posting, and later may delegate this function to random students. Suggested writing topics are chapter-specific for *American Democracy Now*.

What Students Will Learn

In this activity, you are engaging students in effective critical thinking via writing. For optimal results, first brief students in the subject matter. Then, follow up with a posting

online for discussion on the class blog/forum. Next, allow students to share their ideas with their class members and other classrooms.

Topic: Chapter 2

Blog Posting #1: Discuss the effect the Declaration of Independence had on the current U.S. Constitution.

How to Create a Blog Online

If you do not already have a blog or forum/message board tool provided by your institution, several free blogging utilities are available online. Options such as Blogger (<http://www.blogger.com>) and WordPress (<http://wordpress.com/>) are used by many, and it is relatively easy to get set up and start blogging. A Web search will turn up other choices; it may even be possible to use popular social networking sites such as Facebook. If any of your students blog, what do they currently use?

IV. Online & Library Out-of-Class Research

Participants: entire class

What to Expect

This easy activity allows the entire class to participate outside of class. You will direct students to conduct research about topics covered in the chapter. Suggested research topics are chapter-specific for *American Democracy Now*.

Topics for Research: Chapter 2 – The Constitution

Prompt students to read the U.S. Constitution. Next, have them compare and contrast their own constitutional interpretations with those interpretations issued by the U.S. Supreme Court.

Suggested reading and sites:

Breyer, Stephen. *Active Liberty: Interpreting Our Democratic Constitution*. Random House. 2005. This is a short, readable book in which Supreme Court justice Stephen Breyer argues that constitutional interpretation must be guided by the foundational principle of government by the people and that the courts must ensure that they protect and facilitate citizens' participation in government.

<http://www.USConstitution.net>: This interesting website helps to place the U.S. Constitution in a contemporary context. Its "Today in History" section focuses on key events in constitutional history.

<http://www.constitutionfacts.com>: This site includes all kinds of information about the U.S. Constitution and the constitutions of the states and other nations. Included here are great

quotes, interesting facts, a glossary of constitution-related terms, and even crosswords testing your knowledge of these documents!

V. **Points of Discussion Activity**

Participants: entire class

Time: 3–7 minutes

What to Expect

This easy activity allows the entire class to participate. You will issue chapter-specific critical thinking questions to the class. Then, prompt students to participate in a lively oral discussion on these questions.

What Students Will Learn

In this activity, you are engaging students in effective critical thinking in the process of voicing their opinions. For example:

Comparison Chart Chapter 2:
The Declaration of Independence and the U.S. Constitution

Then	Now	Next

Topics: Chapter 2

Explain/discuss your understanding of the U.S. Declaration of Independence and the Constitution, referring to the textbook's *Then, Now, Next* feature.

VI. **Peer Quiz Activity**

Participants: 2-person teams

Time: 3–5 minutes

What to Expect

This easy activity allows the entire class to participate in 2-person teams. First, the students will be quizzed on questions from the practice quiz at the end of the chapter.

Next, the students will exchange quizzes, and mark the correct answers with the help of the textbook. Finally, the students will provide each other with constructive and positive feedback for enhanced exam performance.

What Students Will Learn

In this activity, instructors help students exercise effective study skills for important examinations based on textbook material. The students become familiarized with textbook material and/or exam material. This activity can be done at the end of a lecture to determine comprehension. Also, it can be administered at the beginning of a lecture after finishing the chapter evaluation, to determine retention.

Internet Resources:

<http://www.findlaw.com> – Supreme Court decisions.

<http://www.USConstitution.net> – Places the Constitution in a current context with current events.

<http://www.constitutionfacts.com> – Includes information about the U.S. Constitution, as well as the constitutions of other states and nations.