

Day 1: Introduction/Preamble

Overview

Students will introduce themselves, demonstrate their prior knowledge about the Constitution, and learn about the Preamble.

Materials

Slideshow, Jamboard, Preamble Read Aloud, *Schoolhouse Rock* “Preamble”

Teacher Preparation

Look over the slideshow. Prepare an Introductory Jamboard—here is a template.

Plans

- Students will give introductions: name, grade, their favorite aspect of the play *Hamilton* (song, character, costume, actor, etc) and why they are interested in this course.
 - This light hearted *Hamilton* analysis nevertheless gets students to start interpreting historical sources.
 - The teacher can edit this introductory activity as they see fit.
- Introductory Jamboard activity in small groups: Students will write down everything that they think of when someone says “Constitution”
 - Template
- Jamboard Discussion: Have students share what they wrote, similarities/differences that they notice with other groups, etc.
- Preamble Discussion: Play this video straight through. After, explain that the preamble is an introduction to the Constitution— it’s generally not legally enforceable but it lays out the Founders’ goals and intentions. Advance through the slideshow provided above that contains more information and discussion questions.
- End by playing *Schoolhouse Rock*’s Preamble song. Note that there are some flaws in the show’s videos—this is a theme that is focused on during Day 2.

Homework

Read pgs 27-41 in *The United States Constitution: A Graphic Adaptation*. The teacher should explain that this book will be the basis of the course’s constitutional explorations, as reading the document itself can be confusing for beginners. This section focuses on the mechanics of Congress.

Day 2: Article I, Part I

Overview

Students will look at the first of the three branches of the federal government: the legislature. Students will learn about the mechanics of Congress by discussing the homework reading, learning about the legislative process and the basic structure of the House of Representatives and Senate, and using the website Congress.gov to research current bills.

Materials

Slideshow, *Schoolhouse Rock* “I’m Just a Bill.” Congress.gov

Teacher Preparation

Look over the slideshow. Familiarize yourself with the Congress.gov website. These two videos might be helpful: one shows [how to find a bill on the website](#), the other shows [how to learn more about a bill](#).

Plans

- Introduce the concept of the 3 branches of the federal government in a combined lecture/class discussion format.
- Lead a general class discussion of the homework reading.
- Discussion Questions
 - What did you think about the graphic novel format?
 - What caught your attention?
 - What surprised you?
 - What confused you?
- Lead a lecture/discussion on the House of Representatives and the Senate
 - The House of Representatives has 435 members. They each represent a “district.” Districts are allocated based on population figures from the annual Census.
 - Each representative faces election every two years.
 - It is considered the “lower chamber.”
 - It is led by the Speaker of the House, who is typically the leader of the majority party.
 - The Senate has 100 members. Each state elects 2 Senators.
 - Senators have staggered six-year terms.
 - It is considered the “upper chamber.”
 - It is technically led by the Vice President (presiding officer who can only cast a tie-breaking vote) and the President Pro Tempore (longest serving Senator in the majority party, presides in the absence of the Vice President), but in practice, for the past century or so, it has been led by a Senate Majority Leader, who is the head of the majority party.

- Watch “I’m Just a Bill” from Schoolhouse Rock. There are three comprehension questions on the following slide that can be discussed or given as a quick “check-in” assignment. After these comprehension questions, click on the slide and you will see three discussion questions that are focused on personal opinion.
 - Comprehension Questions
 - What is a Bill?
 - What is a Congressional Committee?
 - True or False: As soon as Congress passes a bill it automatically becomes a law.
 - Discussion Questions
 - Do you see problems with the video’s depiction of Congress? Is it too idealistic?
 - Does the video (which was made in the ‘70s) still reflect the Congress of today?
 - Do you think there are problems with the legislative process?
- Activity: Have each student do some research on the website congress.gov. Show students how they can use the search function to find bills. (See “Teacher Preparation.”) Have students find one or two bills that they think should be passed by Congress. Tell them to look at sponsors, cosponsors, if it has advanced out of committee, etc. The teacher may want to have their students share their bill(s) with the class and explain why they think their legislation is important.

Homework

None

Day 3: Article I, Part II

Overview

This lesson focuses on the powers of Congress as laid out in Article I sections VII and IX and the limitations on states as laid out in Section X. Key aspects are bolded in the slide presentation. The class will read pages 42-52 in *The United States Constitution: A Graphic Adaptation* together in class. The teacher will pause at different sections and discuss certain key points bolded in the slideshow.

Materials

Slideshow

Teacher Preparation

Look over the slideshow. Familiarize yourself with pages 42-52 in *The United States Constitution: A Graphic Adaptation*. This is mostly a lecture day. Be ready to pause and ask if students have questions.

Plans

- As a class, read pages 42-43
 - Key Quotes from Article I Section VIII
 - Finance
 - The Congress shall have Power To lay and collect Taxes
 - To borrow Money
 - To regulate Commerce
 - To coin Money
 - Commerce
 - To regulate Commerce
- As a class, read pages 44-47
 - Key Quotes from Article I Section VIII
 - Defense
 - Provide for the common Defence and general Welfare of the United States
 - To declare War
 - To make Rules for the Government and Regulation of the land and naval Forces
 - suppress Insurrections and repel Invasions
- As a class, read page 48
 - Key Quote from Article I Section VIII
 - Elastic Clause
 - To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other

Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof

- As a class, read pages 49-52.
 - Key Quote from Article I Section IX
 - “The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.”
 - In translation: Congress was not allowed to ban the international slave trade until 1808
 - Discussion Question: What does the Drafters’ avoidance of using the word “slave” reveal about their attitude towards slavery?
- When the lecture is over, students will play online games that reinforce aspects of Article I (bill writing, gerrymandering, redistricting). These three games are also linked on slide 15 of the presentation.
 - Note: The gerrymandering and redistricting games may be locked behind a paywall—if this is the case, students can still play the bill writing game from iCivics.

Homework

Read pages 53-59 in *The United States Constitution: A Graphic Adaptation*.

Day 4: Article II, Part I

Overview

Students will explore how a president is elected through a discussion of the homework reading and an in depth look at presidential debates.

Materials

Slideshow, Road to the White House Video, Debate #1, Debate #2, Debate #3

Teacher Preparation

Look over the slideshow. Familiarize yourself with the context of the four debates—more information is provided below.

Plans

- Explain to the class that the executive branch is the largest branch of the federal government, with millions of employees who work for federal agencies.
- Lead a discussion of the homework reading (pages 53-59 in *The United States Constitution: A Graphic Adaptation*). Structure the discussion in a “KLQ” format: What did students know before the reading? What did they learn during the reading? Q- What questions do they still have?
- Watch the “Road to the White House Video” that takes the constitutional principles described in the homework reading (eligibility requirements, the Electoral College, etc.) and shows how they applied in recent presidential elections. After the video, ask students if they have any questions or comments.
- Students will watch clips from two presidential debates (1960 and 2020) and one vice presidential debate (1988) to better understand these particular aspects of the presidential elections—ones that are not prescribed in the Constitution but have nevertheless become an important part of the campaign.
 - 1960 (start at 0:28, stop at 5:25). Context: This was the first ever televised presidential debate. In this clip, John F. Kennedy and Richard Nixon debate their leadership experiences—Republicans had been suggesting that Kennedy was not qualified and Democrats had retorted that President Dwight Eisenhower did not trust Nixon, his Vice President.
 - 1988. Context: This is the vice presidential debate of 1988. The candidates were debating their leadership experiences and qualifications for the role. Dan Quayle, a young Republican Senator, claimed that he had as much experience as Kennedy had in 1960. Lloyd Bentsen, a longtime Democratic Senator, replied that Quayle “was no Jack Kennedy.”
 - 2020. Context: Students are probably familiar with this one, but this was an explosive debate between Donald Trump and Joe Biden.
- Discussion Questions
 - What was similar across these debates?

- What aspects of the debates evolved over time?
- Which debate clip taught you the most about the candidates who were running?
- Was there a moment where a candidate who you might not necessarily agree with said something that you liked?
- Was there a moment where a candidate who you do agree with said something that you disliked?
- Do you think presidential debates were a good idea in 1960? Are they a good idea today?

Homework

Read pages 60-64 in *The United States Constitution: A Graphic Adaptation*.

Day 5: Article II, Part II

Overview

Students will learn about the Electoral College. They will focus on its structure, its history, and calls for reform.

Materials

Slideshow, National Popular Vote Interstate Compact Video

Teacher Preparation

Review the slideshow and National Popular Vote Interstate Compact Video beforehand. If you need to familiarize yourself with Maine and Nebraska's Electoral Process, [here](#) is an article from *Smithsonian*.

Plans

- Introduce the Electoral College to students by showing a map of the current distribution of electoral votes. Discuss the origin of the Electoral College with students (Article II, Section I of the Constitution) and its mechanisms.
- Homework Discussion Questions: Lead a class discussion on each of the following questions related to *The United States Constitution: A Graphic Adaptation*
 - Why were the Framers worried about giving everyday people too much power?
 - They believed that the general population could not be trusted to make informed decisions on national affairs (i.e. the election of the president). They were also concerned that news about an election would travel too slowly to be practical.
 - How do the “Gears Panels” on page 55 represent the philosophy behind the Electoral College?
 - Sample Answer: They show the relationship between the people, the electoral college, and the presidential election. The people vote for electors and the electors vote for the president.
 - Who are electors?
 - They are typically political party officials.
 - If Connecticut has 5 Representatives and 2 Senators, how many electoral votes does it get? If Florida has 28 Representatives and 2 Senators, how many electoral votes does it get?
 - Connecticut: 7 Electoral Votes; Florida: 30 Electoral Votes
 - How is the way that Maine and Nebraska choose electors different from the rest of the country?
 - These states allocate two electoral votes to the winner of the statewide popular vote. They then split their remaining electoral votes between their congressional districts. The winner of a congressional district

receives one electoral vote. This can cause “split” voting if, for example, the state as a whole votes for one candidate but a congressional district votes for another candidate.

- What are “faithless electors”? Do you think they should be allowed to do what they do?
 - Faithless electors are electors who do not vote for the candidate who won the popular vote in their state.
- Faithless Electors: Discuss the discrepancy between the projected Electoral College Vote and the actual Electoral College Vote in 2016. Ask your students if they find this discrepancy troubling or beneficial to democracy.
- Split-Congressional District Voting: In 2020, both Nebraska and Maine split their electoral votes. Discuss this split with your students. Do they agree with Split-Congressional District Voting? Do they think it could be used in all states to reform the Electoral College?
- National Popular Vote Interstate Compact Video: Play this video to your students. This Interstate Compact would allow a bloc of states to award the Electoral College to the winner of the national popular vote.
 - Discussion Questions
 - Do the cartoon Framers have a valid point that the Constitution is a success because it has lasted so long even as the country expanded from 13 to 50 states?
 - Should states give their electoral votes to the winner of the national popular vote even if the state’s inhabitants voted for the loser of the national popular vote? Imagine that you are a state legislator considering this Compact. Would you vote to enter into this Compact, knowing that it might go against the wishes of your constituents?
 - Do you think that the Compact is a feasible solution? Do you think it is a good solution?
- Students will apply their knowledge and express their opinion on this question: Should the Electoral College be abolished? (Teachers Note: You may wish to modify these assessments in terms of time limits; individual work vs group work; no grades, participation grades, substantive grades; in-class vs homework, etc.)
 - Writers will write a one page journal entry explaining why they think the electoral college is fair or unfair. They will use their knowledge from the homework readings, faithless electors, the Maine/Nebraska Split and what they just learned from the National Popular Vote Interstate Compact video.
 - Teacher Note: Explain that the focus will be on displaying their knowledge rather than perfect grammar and other conventions. Consider having the writers hand write their essays so you know that they are only using their ideas.
 - Debaters will deliver their argument verbally. The teacher will split them into two teams: pro-electoral college and anti-electoral college.

- Each student will give a 3 minute speech defending their position. They will use their knowledge from the homework readings, faithless electors, the Maine/Nebraska Split and what they just learned from the NaPoVoInterCo video. Give each student ten minutes to jot down ideas on an index card before they start—they can use this index card as a reference when they present. Encourage students to react to what their classmates have said before them.
 - Teacher Note: You could also let students choose which side they will argue, but this may result in a lopsided majority in the anti-Electoral College group.

Homework

Finish Journal/Speech. Read Read pgs 65-73 in *The United States Constitution: A Graphic Adaptation*

Day 6: Article III

Overview

Students will learn about the federal judiciary's structure and history, and will discuss matters of modern day debate.

Materials

Slideshow, *Marbury v. Madison*, Justice Thomas Recusal, Court Packing, Shadow Docket

Teacher Preparation

Familiarize yourself with the slideshow and the matters of modern day debate. This is mostly a lecture day. Be ready to pause and ask if students have questions.

Plans

- Introduce the federal judiciary. Discuss the idea of “original” vs “appellate” jurisdiction. Explain the three basic types of federal courts: District Courts, Circuit Courts, and the Supreme Court.
- Play this 5 minute video about *Marbury v Madison*. Preface the video by explaining that, in the beginning of United States History, the Supreme Court had very little power, but through this case they established the principle of “judicial review.”
 - Note: The video is from the conservative Federalist Society but shows no clear ideological bias.
- Slide #4 demonstrates how judicial review is relevant today. It contains a long list of some of the laws, statues, and regulations that the Supreme Court has held unconstitutional in whole or in part over the course of the past decade. This may be helpful for students to visualize the connection between *Marbury* in the early-19th century and the present day.
- On Slide #5, ask students if they can identify any of the nine Supreme Court justices. Afterwards, explain the basic working mechanisms of the Court.
- Slide #6 explains the basics of judicial philosophy.
- The last slide contains 4 modern day matters of debate around the Supreme Court. The first three have videos that you can watch with students. After you watch each video, ask students to share their thoughts on the controversy. The final matter of controversy, Senate confirmation, will be examined in more depth later in the curriculum.
 - Teacher’s Note: You may want to skip this portion if you feel that your students will not be able to handle or should not be discussing these matters.
 - Justice Thomas Recusal: Many liberals are calling on Justice Clarence Thomas to recuse himself from cases involving the 2020 election after the January 6 Committee released text messages from Thomas’ wife, Ginni Thomas, to the White House urging them to overturn the election.

- Court Packing: Throughout the course of American history, there have been calls for Congress to pass legislation to increase the number of seats on the Supreme Court. This idea is known as “Court Packing” because it would give the president an opportunity to appoint more justices who share similar ideological persuasions.
- Shadow Docket: The nickname for the Supreme Court’s Emergency Docket that allows it to issue decisions in so-called “emergency cases” from lower courts without needing to go through full briefing, oral argument, and opinion writing.

Homework

Read pgs 74-84 in *The United States Constitution: A Graphic Adaptation*

Day 7: Articles IV-VII

Overview

Students will discuss several of the important aspects of Articles IV-VII of the Constitution.

Materials

Slideshow, Federal Land, Territories, *Martin v. Hunter's Lessee* Reading

Teacher Preparation

Familiarize yourself with the slideshow. Preview the videos on Federal Land and Territories. Read the handout on *Martin v. Hunter's Lessee*.

Plans

- Slide #2 discusses Article IV. The bullet points summarize aspects of the Homework reading on pages 74-84: Right to transportation between states, Extradition, Fugitive Slave Clause, Admitting States, Federal Land, and Territories. There are also two videos that go in depth on specific topics of Article IV that students might find relevant today. One video is on federal land, the other is on Territories.
- Slide #3 discusses Article V and the amendment process. You may wish to give a quick overview of the ratification process (generally $\frac{2}{3}$ of Congress, and $\frac{3}{4}$ of state legislatures need to ratify an amendment before it becomes law) and how this process represents the "more perfect" aspect of the Preamble. Amendments will be discussed in greater detail later in the curriculum, so a broad overview should suffice here.
- Slide #4 discusses Article VI. There are three main components. Again, a broad overview should suffice here.
- Slide #5 discusses Article VII, which sets out the ratification process. Again, you should only need to give a quick overview. This article isn't particularly important for the modern day.
- Finally, students will do an in depth analysis of the Supremacy Clause by reading a paper that discusses the case *Martin v Hunter's Lessee*. This activity will help students practice historical analysis skills. Students should focus on a) the role of politics in the case and b) the importance of the Supremacy Clause. There are questions at the bottom of the reading (pg 11) that students should complete in preparation for a discussion during the next class period. If there is enough time left in class, you may wish to start the reading with students in a popcorn reading format (a student reads a paragraph and popcorns another student to read the next paragraph and so on)
 - Reading Questions:
 - What was the question presented before the Court in this case?
 - Was Section 25 of the Judiciary Act constitutional? In other words, did the Supreme Court have the authority to review state court decisions?

- What is Judge Roane's argument?
 - "Roane argued that if state courts were part of state governments, then the Supreme Court had dealt with a legal dispute of another government. ... Roane warned that assertion of federal authority over state courts would lead to drastic consequences. Congress could try to exercise greater control over states."
- What tone does Judge Roane use in his opinion?
 - Sample Answers: Snarky, hyperbolic, skeptical
- What tone does Justice Story use in his opinion?
 - Sample Answers: Methodical, textualist, slightly mocking
- Briefly summarize Justice Story's argument with respect to the Supremacy Clause (hint—it's on pages 8-9 of the reading)
 - Answers will vary; Story's reasoning is explained on pages 8-9 of the reading.
- Do you agree with Judge Roane or Justice Story?
 - Answers will vary.
- What do you think about the role that politics played in this decision? Was Marshall right to recuse himself? Do you agree with the author's conclusion that Marshall was trying to grab power? What role does politics play in the Supreme Court today? Think about Senate confirmation, court packing, judicial recusal, judicial impeachment, or anything else that you know.
 - Answers will vary.

Homework

Finish the *Martin v. Hunter's Lessee* reading and complete the questions on pg 11.

Day 8: *Martin v. Hunter's Lessee* and the Articles Converge

Overview

In the first half of class, students will continue their study of *Martin v. Hunter's Lessee* and the Supremacy Clause. In the second half of class, students will begin their examination of the connections in between the seven Articles.

Materials

Slideshow, *Martin v. Hunter's Lessee* Reading, Impeachment Video

Teacher Preparation

Familiarize yourself with the slideshow and the impeachment video.

Plans

- Ask students if they have any questions or general comments about the reading.
- Break students into groups. In their groups, students will discuss their answers to the homework questions. Afterwards, hold a class discussion on the homework reading. Questions #1, 2, and 5 are fact-based, so you should simply have students volunteer to answer them. Questions #3-4 and 6-7 are opinion-based, so have a representative from each group summarize their group's discussions.
- After the homework discussion, transition to the slideshow and begin the second half of class.
 - There is a slide on congressional oversight. Use this moment to explain the concept of congressional oversight to students—Congressional committees have the power to call hearings to investigate, regulate, and generally provide “oversight” on the executive and, more infrequently, the judicial branch.
 - The next slide links to this [video](#) which gives an overview of the impeachment process. Impeachment is another instance when the three branches of government interact with each other. (Note: the video is from the left-leaning outlet Vox, and it was published before both of President Donald Trump's impeachments.) If time permits and if you feel that your students will be able to handle a politically controversial topic, have a class discussion on the impeachment process. In particular, students will probably be most familiar with the two impeachments of Donald Trump.
 - Discussion Questions
 - What are the three grounds for impeachment that the Constitution provides?
 - Answer, Treason, Bribery, other High Crimes and Misdemeanors
 - Where must impeachment proceedings start?
 - Answer: The House of Representatives

- If a majority of the House of Representatives votes to impeach a president, does that mean that the president is automatically removed from office?
 - Answer: No, the Senate must first convict the president
- What body holds a conviction trial?
 - Answer: The Senate
- What is the threshold for conviction?
 - Answer: 67% of the Senate
- Do you think that impeachment is a political process?
- Is it too hard to impeach a president? Is it too easy?
- In your opinion, when should a president be impeached?
- Do you think Bill Clinton's impeachment was justified?
- Do you think Donald Trump's first impeachment was justified?
- Do you think Donald Trump's second impeachment was justified?
- Introduce students to the concept of Senate confirmation of Supreme Court Justices. This will be the focus of Day 9's documentary.

Homework

None

Day 9: Supreme Court Confirmation

Overview

Students will watch a documentary on the escalating partisanship in Supreme Court confirmations in recent decades to better understand how constitutional processes can be affected by politics.

Materials

Documentary

Teacher Preparation

Familiarize yourself with the documentary.

Plans

- Students will watch a FRONTLINE Documentary titled “Supreme Revenge: Battle for the Court.” This documentary traces the escalating partisanship in Supreme Court confirmations. It primarily focuses on the effort by conservative politicians to appoint originalist justices.
 - Teacher’s note: Make sure you are watching the updated episode. It was released on November 24, 2020 and is 53 minutes and 53 seconds long. If the documentary does not start with Justice Amy Coney Barrett’s voice, then you are most likely on the older version.
- Content warning: The documentary discusses the sexual assault allegations against Clarence Thomas and Brett Kavanaugh—some of the scenes from the Thomas confirmation in particular contain graphic details. You may wish to skip these sections and/or deliver a content warning beforehand.

Homework

None

Day 10: Introduction to the Amendments

Overview

Students will review the mechanics of the amendment process and Article V of the Constitution before discussing some of the “failed amendments” from American history. They will also discuss whether it is too difficult to pass a constitutional amendment.

Materials

Slideshow, ERA Video, ERA Opinion Article

Preparation

Familiarize yourself with the slideshow. Preview the video on the Equal Rights Amendment and the pro-ERA opinion piece.

Plans

- Slide 2 is a quick refresher of Article V. Ask students to explain specific sections of Article V.
 - The Congress ... shall propose Amendments to this Constitution
 - In Track #1 of the Amendment Process, Congress must propose Amendments
 - whenever two thirds of both Houses shall deem it necessary
 - At least $\frac{2}{3}$ of both Houses of Congress (=House of Representatives and the Senate) need to pass an amendment
 - or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution,
 - In Track #2 of the Amendment Process, a national Convention can be called after a vote from $\frac{2}{3}$ of the state legislatures
 - when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress;
 - Two modes of ratification: $\frac{3}{4}$ of state legislatures OR $\frac{3}{4}$ of special state Conventions (different from the proposing convention)
 - Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article
 - Translation: Article I Section IX Clauses I and IV prohibited Congress from banning the international slave trade with legislation until 1808. This section says that the slave trade can not be banned via constitutional amendment until 1808.

- and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.
 - No amendment can reduce or eliminate the number of a particular state's Senators without the consent of that state
- There is also a question at the bottom of the slide—"Why would we need to amend the Constitution?" that alludes to the concept of a "more perfect Union."
- Slide 3 has a fun guessing game that asks students to guess the total number of amendments that have been proposed in Congress since 1789. The answer to this question is 11,848. The second question asks students how many amendments have successfully been added to the Constitution (fully gone through the ratification process). The correct answer to this question is 27.
- Slide 4 visualizes this extraordinary discrepancy as a pie chart. Use this time to ask students about their immediate reaction to the chart and the tiny percentage of successful amendments.
- Slides 5-9 look at some failed amendments. Hopefully this process demonstrates to students that amendments can address a wide variety of subjects. As you work through the amendments, ask students to consider how these amendments might reflect the prevailing attitudes of the time period when they were proposed. Also ask students to consider why these amendments may have failed. (The Slavery Amendment was passed by Congress but was only ratified by two states; Marriage Protection was voted on several times in Congress but never passed; ERA was passed by Congress but the ratification process got tangled up and is still uncertain.)
 - Slide 5 discusses the "Slavery Amendment" that was proposed in 1861 to try to avoid a civil war
 - Slide 6 looks at the "Marriage Protection Amendment" which attempted to define marriage at the federal level as between a man and a woman.
 - Slides 7-9 examines the Equal Rights Amendment. Slide 7 is the text of the amendment. Slide 8 has a link to a [video](#) describing the history of the ERA as told through a television series *Mrs. America*. The second link is a New York Times [opinion piece](#) that details the legal history and outstanding questions of the amendment. The opinion piece is written by a left-leaning commentator who takes a pro-ERA position but does a good job at describing the issues. Slide 9 contains some discussion questions. It asks students what they think about the ERA on the merits and what they think about the outstanding legal debates over its ratification. This exercise encourages students to begin to separate their moral/ legal opinions on an issue. The final question takes an overall approach and asks students if they think it should be this difficult to ratify an amendment.

Homework

Read pgs 85-88 in *The United States Constitution: A Graphic Adaptation*.

Day 11: Introduction to Bill of Rights + First Amendment

Overview

Students will begin their study of the Bill of Rights. They will start with an overview of the Bill of Rights before focusing on the First Amendment

Materials

Slideshow, *West Virginia v. Barnette* video, *Mahanoy v. B.L.* video

Preparation

Familiarize yourself with the slideshow and the two videos. In particular, you may need to do extra research on the history of violence against Jehovah's Witnesses, since this is a history that students may be unfamiliar with.

Plans

- Page 88 from the homework reading in *The United States Constitution: A Graphic Adaptation* has a good explainer of the Bill of Rights. Read this out loud with students and ask them to analyze it. You may wish to use these discussion questions.
 - What does the dragon represent?
 - What does the red Bill of Rights chain/ribbon represent?
 - How does the Bill of Rights relate to the idea of popular sovereignty?
 - Do we need a Bill of Rights?
- The rest of the day will focus on the First Amendment. You can do a quick read aloud of it on Slide 3. Slide 4 discusses the two religion clauses- Establishment and Free Exercise. You should provide a broad overview of what these clauses mean. The slide links to an 11 minute video that talks about Jehovah's Witnesses and the Pledge of Allegiance. It is a good way to use a modern example to relate the ideas of Free Exercise. After the video there is a quote from *West Virginia v Barnette* that you can discuss with your students. The wording is fairly clear so they should be able to pick up on it pretty easily, especially after watching the video.
- Slide 5 focuses on the Free Speech clause. There is an excerpt from the *Mahanoy v B.L* student-speech/Snapchat case. Students may find Justice Breyer's explanations of Snapchat's "story" and "friends" functions amusing so have them read this excerpt aloud. There is also a 5 minute video that gives an overview of the case and includes an interview with B.L, sans anonymity. Out of all of the cases studied in this course, students will probably find this one to be the most relatable since they most likely use Snapchat on a frequent basis.
- Slide 5 also mentions the Press, Assembly and Petition clauses. You may wish to give these a quick rundown if there is time remaining in class. If there is still time left, you can show these well-done videos from the Constitution Center on the First Amendment.

Homework
None

Day 12: First Amendment, Part II

Overview

To better understand the First Amendment, students will conduct research on one of its six clauses.

Materials

[Slideshow](#)

Preparation

Familiarize yourself with the parameters of the project and modify it as you see fit.

Plans

- Day 12 is an independent/group assignment day.
 - Students will research on one of the six clauses of the First Amendment
 - Establishment
 - Free Exercise
 - Speech
 - Press
 - Assembly
 - Petition
 - By the end of class, students will submit a Google Doc with 10 interesting facts that they have found about their clause. Each fact should be about 2-3 sentences long. 1 fact must explain what the clause means. 1 fact should say something about the history of the clause—has its meaning changed over time? 1 fact should discuss a recent or upcoming Supreme Court case on the clause. (Ex: With the Establishment Clause, one might talk about *Carson v Makin*.) 1 fact should discuss one way that the clause is applicable to the modern day. The other 6 facts must be interesting and must relate to their clause. Students should keep a running list of all sources that they consult—URLs are fine. Wikipedia, History.com, and Encyclopedia Britannica are not acceptable sources, but they may use them as aggregators of scholarly sources. They may work in groups but they should bear in mind that the 10 facts are due at the end of class.
 - Teachers may change the parameters of the project: (limiting group work, lowering/raising the total number of facts that students need to research, due date, etc.)

Homework

Read pgs 93-95 in *The United States Constitution: A Graphic Adaptation*.

Day 13: Second Amendment

Overview

Due to the controversial nature of this subject, students will investigate the 2nd Amendment through both a constitutional and a political lens, in that order. The lesson flows from strict constitutionalism to a political debate. Students will examine the text of the 2nd Amendment, areas where scholars agree about the amendment, and political debates over the amendment.

Materials

Slideshow, Reading, *District of Columbia v. Heller* opinion announcement, Debate Clip

Preparation

Familiarize yourself with the materials beforehand. Be prepared to answer questions about the reading and the opinion announcement.

Plans

- Students will start by reading the actual text of the 2nd Amendment. Teachers should highlight the weird and confusing structure of the amendment. Note that generally it is thought to refer to both a right to bear arms in the context of a militia and an individual right to bear arms. Students will learn how the focus has shifted over time to the individual rights part of the amendment.
- Remind students to put aside their personal political opinions as they explore the amendment. Go through this 1,000 word essay on the amendment. This essay is part of an initiative from the National Constitution Center to explain areas of agreement and controversy within constitutional law. This essay is jointly written by two legal scholars, one conservative and one liberal, and focuses on areas of agreement. Go through the essay section-by-section with your class using a preferred discussion method.
- Slides 4-7 examine specific parts of the essay. Return to the presentation and ask the two discussion questions on Slide 4. These questions should be fairly easy because the answers are in the excerpt on the slide.
 - What does the modern debate focus on?
 - Does today's 2nd Amendment debate exactly mirror that of the 1780s
- Slide 5 expands on the essay's discussion of *District of Columbia v Heller*. Students will answer some basic questions as they listen to the oral announcement of the opinion. Justice Antonin Scalia provides the reasoning behind the Court's opinion, while Justice John Paul Stevens provides the reasoning behind his dissent. Slide 5 also contains basic comprehension discussions that focus on the most important parts of the case and ensure that students remain engaged with the material.
 - Logistical notes

- The link included above and in the slideshow will take you to the Oyez page for the entire case. You will need to look on the left hand side and click on “Opinion Announcement - June 26, 2008” to access the audio.
- You will most likely want to stop the video at around 5:12 and fast forward to 13:33. These 8 minutes contain a lengthy description of some history that is not particularly important for students to understand.
- Answers for the questions:
 - What did DC say when Heller applied to register a handgun he wished to keep at home? **DC denied Heller the permit.**
 - “We hold that the Second Amendment guarantees an **individual** right to have unused arms for **self defense** in the home and that the District's handgun ban as well as its requirement that firearms in the home be rendered inoperative, violates that right.”
 - Justice Scalia examines the **text** and **history** of the Second Amendment
 - True or false: Justice Scalia held that the DC prohibition on handguns was constitutional. **False**
 - Choose the correct answer to finish the quote from Justice Stevens: “The Second Amendment plainly (does/does not) protect the right to use a gun to rob a bank.” **does not**
 - Choose the correct answer: Justice Stevens focused on the (militia/operative) clause of the Second Amendment. **militia**
 - What did Justice Stevens say about “the political thicket?” **He claimed that the Court had gotten itself involved in a debate that should have been left to the political branches.**
- Slide 6 and 7 go back to the 1,000 word essay and include more excerpts and discussion questions.
- Slides 8-10 focus on the political debate surrounding the Second Amendment. Students will watch a 5 minute excerpt from the 3rd 2016 presidential debate between Donald Trump and Hillary Clinton (Surprisingly, this is one of the least heated debates over gun control.) Slides 9-10 contain excerpts with bolded phrases that are important to each candidate’s argument and more discussion questions that switch between asking students for personal opinions and connections to *Heller*.
- Slide 11 asks students to form an opinion by combining the legal and political arguments that they have heard.
 - “Now that we have looked at the legal and political sides, where do you stand? Has hearing the constitutional arguments affected your opinion?”

Homework

Read pgs 97-109, 112-114 (stop at the gray box) in *The United States Constitution: A Graphic Adaptation*.

Day 14: The Criminal Amendments (4, 5, 6, 8)

Overview

Students will examine the “Criminal Amendments,” 4, 5, 6, and 8, by focusing on the text of the amendments and matters of debate and controversy.

Materials

Slideshow; Fourth Amendment: Reasonable Suspicion, Probable Cause and Warrants; Fifth Amendment: Eminent Domain and *Kelo v. City of New London*; Sixth Amendment: Yellowstone Park; Eighth Amendment: The Death Penalty

Preparation

Familiarize yourself with the materials and the text of the amendments.

Plans

- Slide 2 breaks down the 4th Amendment into different sections so that students can understand each component. Go through the sections with students and explain what each one means.
- As a class, read the excerpts that discuss reasonable suspicion, probable cause, and warrants.
- Slide 5 contains a list of exceptions when warrants are not needed. Go through these exceptions and ask students if they agree or disagree with them.
 - Logistical note: Each bullet point is animated so that teachers can highlight them one at a time
- Slide 6 breaks the 5th Amendment into different sections. Again, go through these sections with students and explain what each one means.
- Slide 7 contains a video on *Kelo v New London* and eminent domain. There are also a few brief questions that students can respond to in written or verbal form.
 - What is eminent domain?
 - A government’s ability to seize private property for the public good.
 - Why did New London want to take over Kelo’s property?
 - They wanted to demolish it as part of an effort to develop the neighborhood in anticipation of a new Pfizer facility.
 - Give a 1-2 sentence summary of Kelo’s argument. (Hint: Starts at 3:50 in the video)
 - Because the city government wanted to take over the property to benefit a private company, the seizure would not benefit the public as a whole. Thus, the city government could not have used the principle of eminent domain as a justification.
 - Give a 1-2 sentence summary of Justice John Paul Stevens’ opinion (Hint: Starts at 5:18 in the video)

- He argued that the seizure would have benefited the public as a whole because it would have created jobs. Thus, the city government could have used the principle of eminent domain as a justification.
- Do you agree or disagree with the decision?
 - Answers will vary.
- Slide 8 breaks the Sixth Amendment into sections. It also contains a link to a video that details a constitutional quirk that allows “Legal Murder” in an area of Yellowstone National Park. Students may find this to be a useful way to visualize abstract concepts of criminal procedure
 - If students are interested in learning more about this legal loophole, direct them to this podcast from *The Atlantic* titled “The 50-Square-Mile Zone Where the Constitution Doesn’t Apply.”
- Slide 9 breaks the Eighth Amendment into different sections.
- Slides 10-12 are excerpted from a discussion of the legal history of the death penalty on the Legal Information Institute. Students can read these slides individually or as a class. These slides will prepare students for the homework assignment.

Homework

Students will write an argument that addresses the merits of the death penalty. They may briefly include your moral view on the death penalty but otherwise you should focus on the legal aspects. They may wish to conduct external research. They should reference at least 5 of the following terms: *Furman v Georgia*, *Gregg v Georgia*, Proportionality Test, religious liberty/free exercise clause (note: this comes from the 1st Amendment, not the 8th), *Ramirez v. Collier*, judicial activism, shadow docket, Justice Stephen Breyer, Justice Antonin Scalia, Justice Thurgood Marshall. It should only be a 1-2 paragraph response.

Day 15: 6th Amendment and *Gideon v. Wainwright*

Overview

Students will learn more about the 6th Amendment by examining the case *Gideon v. Wainwright*.

Materials

Slideshow, Podcast

Preparation

Listen to the podcast.

Plans

- During this lesson, students will listen to this podcast from the *Washington Post* on *Gideon v. Wainwright*, a case that addresses the right to legal representation.
 - In-Class Assignment: As students listen to this podcast, they will take notes on what they find interesting. It could be the facts of Gideon's story, it could be a production decision that the *Washington Post* takes, or any other thing that they find interesting. They should have a minimum of ten bullet points.
 - Technological Note: If the podcast link does not work, you will find the episode—titled “Fair trials,” published on October 9, 2017—on Apple Podcasts, Spotify, Google Podcasts, etc.

Homework

Read pgs. 114-118 in *The United States Constitution: A Graphic Adaptation*.

Day 16: 9th and 10th Amendments

Overview

Students will learn about the last two Amendments in the Bill of Rights by examining their text, their history, and matters of modern debate.

Materials

Slideshow, The STATES Act, *Murphy v. NCAA* video, *Griswold v. Connecticut* video, Excerpted version of Justice Arthur Goldberg's *Griswold* concurrence

Preparation

Familiarize yourself with the slideshow and the videos. If you need to brush up on your knowledge of the 9th and 10th Amendments, these lessons from the Annenberg Classroom may be helpful.

Plans

- Slide 2 discusses the Tenth Amendment. Read the text of the amendment and guide a brief opening discussion with students to hear their initial thoughts. Discuss the meaning of the term “federalism.” Mention examples of rights that are generally reserved to the states like the operation of federal elections (Article II Section 1) before discussing examples of rights that are reserved to the states under the Tenth Amendment like marriage, divorce, and adoption
- Slide 3 links to a bill that was introduced in Congress that attempted to regulate marijuana through the Tenth Amendment. Students may be familiar with the “marijuana debate” so have a discussion on the moral and legal issues surrounding marijuana legalization. Potential Discussion Questions:
 - Morally speaking, do you think medical marijuana should be criminalized, decriminalized, or legalized?
 - Morally speaking, do you think recreational marijuana should be criminalized, decriminalized, or legalized?
 - Legally speaking, do you think the federal government should regulate marijuana, as it currently does? Or should it be a power left to the states through the Tenth Amendment?
- Slide 4 contains a video that discusses another Tenth Amendment case study. This example relates to sports betting. Potential Discussion Questions
 - Morally speaking, do you think sports betting should be legal?
 - What was the Court’s ruling in the case?
 - Do you agree with the Court’s decision? Why or why not?
- Slide 5 introduces the Ninth Amendment. Teachers should start with the text before discussing the history and controversy surrounding this amendment.
 - The Ninth Amendment is a confusing part of the Constitution, so be prepared to move slowly.

- Slide 6 examines the Ninth Amendment through the lens of *Griswold v Connecticut*. Students will watch a brief video to get some background on the case. They will then read an edited version of Justice Arthur Goldberg's concurrence that focuses on the Ninth Amendment.
 - Teachers may have to remind students what a concurrence is.
 - It will probably be best to read Goldberg's opinion as a class since this will most likely be students' first time reading a Supreme Court opinion.

Homework

If time runs out in class, students should finish reading Goldberg's concurrence. If students are interested, they can also read *Griswold's* majority/dissenting opinions since they are all relatively short.

Day 17: Introduction to the Reconstruction Amendments

Overview

Students will explore some of the historical context surrounding the Reconstruction Amendments to form a foundation of knowledge before studying the Amendments themselves.

Materials

Slideshow, *Dred Scott* video, *The Supreme Court: Revised and Updated* (2002) by William Rehnquist

Preparation

Familiarize yourself with the slideshow and pages 53-65 in *The Supreme Court: Revised and Updated*

Plans

- Today's class provides some historical context to Amendments 13-15, which are also known as the "Reconstruction" Amendments. The focus will be on *Dred Scott v Sandford*. Show students this quick introductory video to provide the basic facts of the case. It is from the National Constitution Center and includes a discussion with Neil Gorsuch, a current Supreme Court Justice.
 - Teacher's note: There are a lot of videos on *Dred Scott* to choose from, so feel free to use another one.
- The main portion of this class will be devoted to an excerpt from William Rehnquist's history book on the Supreme Court (pgs 53-65 in *The Supreme Court: Revised and Updated*). It provides a unique perspective on the *Dred Scott* case and contains some thoughtful historical analysis.
 - Brief biographical information on Rehnquist (from Slide 3):
 - A note on the author- Rehnquist was an Associate Justice of the Supreme Court appointed by Richard Nixon. Ronald Reagan promoted him to Chief Justice, and he served until the early 2000's. His book, *The Supreme Court*, provides a basic history of the Court. This excerpt on *Dred Scott v Sandford* offers a unique perspective. Pay special attention to Rehnquist's discussion of the geographical balance of the Supreme Court justices who decided *Dred Scott*.
 - You may wish to read pgs 53-65 as a class. After the reading, students should answer the reading questions on Slide 4.
 - Who was Dred Scott? Briefly summarize his biography.
 - What was the Missouri Compromise?
 - Briefly summarize the legal history of slavery from the Constitutional Convention to 1857. In your answer, you may wish to use the following terms: euphemism, Missouri Compromise, William Lloyd

Garrison/“covenant with hell”, Compromise of 1850, Kansas-Nebraska Act.

- Summarize Rehnquist’s discussion on the geographical balance of the court. (pgs 58-59) Do you think this was the main factor that contributed to the *Dred Scott* decision, or were there other factors at play?
- How did President James Buchanan influence the Court’s decision?
- Summarize the key parts of Chief Justice Taney’s decision (pgs 61-62).
- Do you find Senator Wade’s comment (pg 65) humorous? In a book with few citations to outside sources, why do you think Rehnquist chose to include this particular comment?
- Every historian and judge/justice has some kind of perspective on their material. In this instance, Rehnquist is both a historian and a justice. Through what kind of lens/lenses do you think Rehnquist writes about *Dred Scott*? Conservatism, liberalism, impartiality, textualism, originalism, institutionalism, revisionism, pragmatism, and/or something else?
- Write down 3 brief quotes from the text that you find interesting. Explain why you find them interesting: Do you agree or disagree with them? Do they surprise you? Do they offer a new perspective? etc.

Homework

Students should finish their answers to the Reading Questions. They should also read pgs 120-126 in *The United States Constitution: A Graphic Adaptation*.

Day 18: Reconstruction Amendments

Overview

Students will conduct an in-depth examination of the text of the Reconstruction Amendments to better understand the wide variety of subjects they cover.

Materials

Slideshow, Video, Reconstruction Exhibit

Preparation

Familiarize yourself with the slideshow and the various components of the Reconstruction Amendments.

Plans

- As a class, discuss answers to the Reading Questions from *The Supreme Court: Revised and Updated*.
- Slides 7-10 contain the text of the 13th, 14th, and 15th Amendments along with sidebars that explain the most important provisions. Teachers should explain these sidebars to students.
- Slide 10 contains a link to a video that discusses the suffrage movement's response to the 15th Amendment.
 - Technical Note: Teachers may have to scroll down and click on the video on the right as the URL may not bring them directly there. The title of the video is "The Fifteenth Amendment: A Split Between Allies," and it is 10 minutes and 14 seconds long.
- If there is time remaining, teachers may provide the link to an interactive website of the National Constitution Center's Reconstruction Exhibit that provides more information on the time period, including on the 13th-15th Amendments.

Homework

None

Day 19: 14th Amendment, Part I

Overview

Students will learn more about the 14th Amendment by watching a film PBS's *Constitution USA* series

Materials

Slideshow, 14th Amendment Film

Preparation

Familiarize yourself with the contents of the film ahead of time.

Plans

- Students will watch this program from Peter Sagal and PBS on the 14th Amendment. It provides a broad overview of a few of the amendment's key components.
 - Teacher's Note: The program was broadcast in 2013, so it contains outdated information on the issue of same-sex marriage. You may wish to skip 9:45-16:36, 47:23-48:30 and/or explain to students that these sections were filmed before the decision in *Obergefell v Hodges*. If there is time remaining, you may wish to show this brief video (also linked in the slideshow) on *Obergefell* so students gain a full understanding of current Equal Protection jurisprudence in that area.

Homework

None

Day 20: 14th Amendment, Part II

Overview

Students will learn about Justice Ruth Bader Ginsburg and will pay particular attention to the connection between her legal career, the Equal Protection Clause, and sex-based discrimination.

Materials

Slideshow, *RBG* Movie (The movie is available on a variety of platforms, including YouTube, Hulu, and Amazon Prime.)

Preparation

Familiarize yourself with the contents of the movies beforehand.

Plans

- Students will begin to watch *RBG*, a 2018 movie that details the life of Justice Ruth Bader Ginsburg. They should pay particular attention to the sections that describe legal battles against sex-based discrimination. (21:55-43:11, 59:28-1:05:45, 1:11:50-1:14:24). After they watch the movie they will do further research on a particular aspect of sex-based discrimination.
 - Teacher's Note: If you are pressed for time, it may be useful to only watch the sections highlighted above

Homework

None

Day 21: 14th Amendment, Part III

Overview

Students will finish watching *RBG* and begin to conduct research on a topic related to sex-based discrimination.

Materials

Slideshow, *RBG* Movie

Preparation

Familiarize yourself with the research project outlined on Slide 17 of the slideshow.

Plans

- Students will finish watching *RBG*.
- Students will begin their research on the history of sex-based discrimination. They will focus on one of the following topics.
 - Pregnancy Discrimination
 - Pregnancy Discrimination Act
 - Age Restrictions
 - *Stanton v. Stanton*
 - *Craig v. Boren*
 - Jury Service
 - *Duren v. Missouri*
 - Peremptory Strikes in Jury Selection
 - *J.E.B. v. Alabama ex rel. T.B.*
 - Benefits
 - *Frontiero v. Richardson*
 - *Weinberger v. Wiesenfeld*
 - *Geduldig v. Aiello*
 - The Draft
 - *Rostker v. Goldberg*
 - College Admissions
 - *United States v. Virginia*
 - Misc.
 - *Reed v. Reed*
 - Equal Rights Amendment
 - Lilly Ledbetter Fair Pay Act
 - Ruth Bader Ginsburg
 - Pauli Murray
- By the next class meeting, students should be able to answer the following questions about their topic.
 - Briefly summarize the key facts of your person/law/case.
 - What is the significance of your person/law/case in the movement against sex-based discrimination?

Homework

Research your topic and come prepared ready to answer the two key questions: “Briefly summarize the key facts of your person/law/case” and “What is the significance of your person/law/case in the movement against sex-based discrimination?”

Day 22: 14th Amendment, Part IV

Overview

Students will expand on their research by collaborating with peers to present their information in the form of a digital poster.

Materials

Slideshow

Preparation

Familiarize yourself with the guidelines for the poster.

Plans

- Students will get into groups and discuss their research findings. Teachers should make sure that every student is participating in a discussion. This portion of the class should last between 10-15 minutes.
- Afterwards, each group should create a digital poster in Google Slides (Google Slides > File > Page Setup > Custom > 48 by 36 Inches).
 - The poster should be divided evenly so that each group member has the same sized section.
 - Each group member should input their answers to the 2 homework questions into their section of the poster.
 - Together the group will answer a third question: What is the overall significance of the Equal Protection Clause of the 14th Amendment in the fight against sex-based discrimination?
 - The group should make their poster look nice by adding something unexpected, some images, etc.

Homework

Finish the poster. Students who are interested in learning more about the Reconstruction Amendments can listen to an episode from the “Mobituaries” Podcast on the Black Congressmen of Reconstruction. [Here is a link](#), but they can also find the episode on their preferred podcast platform. (It’s Season 2, Episode 3.)

Day 23: Abortion, Part I

Overview

Students will begin to unpack the thorny moral and legal issues surrounding abortion by discussing their personal views on abortion. This is to ensure that they can separate the moral and constitutional aspects of abortion.

Materials

Slideshow, National Overview Video

Preparation

Familiarize yourself with the slideshow, the discussion activity, and The University of Michigan's Center for Research on Learning and Teaching (CRLT)'s "Guidelines for Discussing Difficult or High-Stakes Topics."

Plans

- Begin today's class by showing student's this video that provides an overview of the current status of abortion in the United States. Note: this video was released soon after the *Dobbs* opinion. If you find a more up-to-date video, feel free to use that one instead.
- Slide 3 contains examples of many, but not all, combinations of personal and constitutional views on abortion. Explain to students that it is important to separate these two facets of their views on abortion. Today's class focuses on personal views.
- Slide 4 contains some important guidelines for discussing controversial issues. Feel free to modify these guidelines as a class if needed.
- There are two options for discussion activities. Option 1 involves the use of two axes. One axis represents a spectrum from agree/disagree. The other axis represents a spectrum from passionate/not passionate. See Slide 5 for the exact layout. Slide 7 contains a list of discussion statements. The teacher/facilitator will read a statement aloud. Students will move along the axes to demonstrate their level of agreement and passion for the statement. After every student moves, the teacher/facilitator will moderate a discussion on the statement. Alternatively, the teacher/facilitator can wait to moderate discussion until all statements have been read.
 - Option 2 allows for more anonymity. The teacher/facilitator will read a statement expressing an opinion. The student will write down "SD" (Strongly Disagree), "D" (Disagree), "N" (Neutral), "A" (Agree), "SA" (Strongly Agree), or "U" (Unsure). Additionally, the student will show whether they have a passionate opinion about the statement by writing "VP" (Very Passionate), "SP" (Somewhat Passionate), "N" (Neutral), "NVP" (Not Very Passionate) or "NAAP" (Not At All Passionate). Afterward, the teacher/facilitator will collect the notes. They will choose a note at random and ask, "Why do you think

someone feels this way?” The class will discuss. After, if the author of the note wants to identify themselves and explain their reasoning, then they can.

- In either activity, if the discussion gets too heated, the teacher/facilitator may wish to pause the discussion and either take a moment of silence, move onto the next statement, or, in drastic cases, end the discussion.
- At the end of either activity, the teacher should thank students for their willingness to participate and respect others.
- Optional: If there is time remaining, the teacher may wish to share these links with interested students who wish to further develop their personal views on abortion.
 - [A discussion on *The View* that focuses on the role of religion](#)
 - [Interview with the President of Students for Life of America](#)
 - [The 2016 presidential candidates on abortion](#)
 - [Discussion offering reactions to the overturning of *Roe v. Wade*](#)
 - [48 Hours in a Kansas Abortion Clinic \(filmed before the overturning of *Roe*\)](#)
 - [History of abortion in the United States](#)
 - [This American Life episode on the Jackson Women’s Health Organization and the reaction to *Dobbs v Jackson Women’s Health Organization* opinion that overturned *Roe*](#)

Homework

None

Day 24: Abortion, Part II

Overview

Students will focus on the legal aspects of abortion by examining American abortion jurisprudence and summaries of and excerpts from key cases. Students will also practice “comparative law” by comparing recent events in the American legal fight over abortion to those of Ireland.

Materials

Slideshow, Ireland’s battle over abortion video, Key terms for the Ireland video

Preparation

Familiarize yourself with the slideshow and the video. Be prepared to stop and ask students if they have any questions.

Plans

- Go through Slides 9-22 with students.
- Begin the lesson by advancing through Slides 9 and 10, which contain images that represent major abortion cases in US legal history. Briefly summarize the following cases for students: *Griswold v Connecticut*, *Roe v Wade*, *Planned Parenthood v Casey*, and *Dobbs v Jackson Women’s Health Organization*.
- Slide 11 discusses *Griswold* by breaking the case into these categories: The Law, The Case, The Constitution, The Decision, and The Impact.
- Slide 12 discusses *Roe* by breaking the case into the same five categories.
- Slide 13 discusses the Ninth and Fourteenth Amendments’ applications to *Roe*. Guide students through the excerpt from Justice Blackmun’s opinion.
 - Discussion Questions
 - Which do you think makes the more compelling argument: the 9th or 14th Amendment?
 - Are either of them a sufficient justification, or is Justice Blackmun, as his critics claim, grasping at straws?
- Slides 14-17 contain excerpts from Justice Blackmun’s *Roe* opinion that discuss the idea of “fetal personhood.” Explain this idea to students and guide them through the excerpts. Ask students if they agree with Justice Blackmun’s reasoning, and why or why not.
- Slide 18 breaks down the complicated Pennsylvania law at issue in *Planned Parenthood v Casey*.
- Slides 19-20 break down the remaining four categories for *Planned Parenthood*: Case, Constitution, Decision, and Impact.
- Slide 21 breaks down the five categories for *Dobbs v Jackson Women’s Health Organization*.

- At this point, it may be useful to stop and ask students if they have questions on the material covered so far.
- Slide 22 introduces one definition of comparative law from the University of Michigan Law School: “The scholarly study of the similarities and differences between the legal systems of different jurisdictions.”
 - Explain to students that they will now use the process of comparative law to compare American and Irish abortion laws in order to better understand the former.
 - Explain that as the USA gets stricter with abortion laws, Ireland has been going in a more liberal direction. Ask students to consider: Should we keep going in opposite paths? In the US, should there be a national constitutional amendment to ban abortion? What are the pros and cons of such an approach?
 - Explain to students that it is much easier to amend the Irish constitution (through a referendum) than it is to amend the USA’s constitution.
- Play this video from *The Irish Times* for students. It depicts the events leading up to the campaign to repeal the Eighth Amendment in the Irish Constitution, which had resulted in a near total ban on abortion, as well as the campaign itself.
 - You may wish to hand out this sheet, which contains helpful “Key Terms” for the video.
- After the video, show students Slide 24, which contains a map of the referendum result. The referendum passed overwhelmingly, and the Eighth Amendment was repealed.
- Students should answer the following discussion questions.
 - What is your initial reaction to the video?
 - What is the most memorable moment in the video?
 - What similarities do you see between Ireland’s recent history with abortion and the USA’s recent history with abortion?
 - What differences do you see between Ireland’s recent history with abortion and the USA’s recent history with abortion?
 - The video discusses the importance of the Catholic Church in the 1983 debate over the amendment and how its decline in influence shaped the 2018 Repeal debate. Do you think organized religion plays as big of a role in the abortion debate in the USA as it does in Ireland?
 - Cast aside your personal views on abortion. Should pro-life advocates in the United States push for a constitutional amendment that would regulate and/or ban abortion? What are the pros and cons to such a strategy?
 - Should pro-choice advocates push for a constitutional amendment that would protect abortion?
 - In this course, we have considered both the amendment process and abortion jurisprudence here in the USA. How would these two things look different if

we operated under a referendum system? What are the pros and cons of a referendum system? Overall, do you think it's a good system?

- What are some lessons that pro-choice and pro-life activists here in the USA should learn from their Irish counterparts?
- Did looking at Ireland's abortion history and jurisprudence help you draw connections with and/or better understand America's abortion history and jurisprudence?

Homework

Students should finish answering the discussion questions. Students who are interested in learning more can listen to Harry Blackmun giving a lengthy discussion on *Roe v Wade* and/or listen to Justices O'Connor, Kennedy, and Souter explaining their opinion in *Planned Parenthood v Casey* and/or read *The New York Times'* annotation of *Dobbs v Jackson Women's Health Organization*.

Day 25: The Progressive Amendments (16, 17, 18, 19, 21)

Overview

Students will examine the “Progressive Amendments” by considering the following key question “How do these amendments exemplify the idea of a ‘More Perfect’ Union?”

Materials

[Slideshow](#), [Senator Sasse op-ed](#), [Prohibition Historical Context](#), [Modern Prohibition?](#), [How to Lead a Movement](#)

Preparation

Familiarize yourself with the slideshow, videos, and article.

Plans

- Teachers may wish to provide students with brief historical context on the Progressive Era.
- Students will examine the text of each of the “Progressive Amendments.”
- Slide 3 discusses the 16th Amendment and the idea of an income tax. A brief overview should suffice here. Students who are interested in taxes and tax law can pursue, among other sources, the [Tax Policy Center’s website](#).
- Slide 4 discusses the 17th Amendment and the idea of the direct election of Senators. After discussing the amendment’s text, students should read Senator Ben Sasse’s op-ed calling for the repeal of the 17th Amendment. One key section of the op-ed is highlighted on the slideshow. After reading the op-ed, students should answer the question “Do you agree or disagree with the Senator? Why?”
- Slide 5 discusses the 18th and 21st Amendments, which prohibited and repealed said prohibition on alcohol, respectively. After reading the text of the amendments, students should watch this brief video from PBS on the historical context surrounding the Prohibition Era. Afterwards, students should read this article from France 24 on the liquor laws in Ocean City, New Jersey.
 - After reading the article, students should answer the following questions.
 - How do the liquor laws in Ocean City relate to Prohibition?
 - Would it be accurate to call Ocean City an example of “Modern Prohibition”?
 - Why do you think Ocean City kept their liquor ban after watching Prohibition implode?
 - As a matter of policy, do you agree with Ocean City’s liquor ban? Why or why not?
 - Chances are that you don’t live in a beach resort town. Do you think Ocean’s City’s laws should be in place in your community?
 - Does the Constitution represent our society’s values? Should it be a document of morals?
- Slide 6 contains the text of the 19th Amendment, which states that the “right ... to vote shall not be denied or abridged ... on account of sex.” Make sure to highlight to

students the fact that, while on paper, this amendment granted the right to vote to all women, in reality, women of color were often still denied the right to vote. After discussing the amendment, watch Part 1 of [this film](#) from PBS that discusses the structure and tactics of the women's suffrage movement (Start at 1:18:20).

Homework

Read pgs 132-138 in *The United States Constitution: A Graphic Adaptation*.

Day 26: “Expanding Democracy”: 23rd-27th Amendments

Overview

Students will examine the 5 most recent Amendments by considering the Key Question “How do these amendments represent the continuation of the Civil Rights Movement and the idea of a ‘More Perfect’ Union?”

Materials

[Slideshow](#), [DC’s “Shadow Senators” Article](#), [Poll Taxes Article](#), [25th Amendment Reading](#), [25th Amendment Video](#), [26th Amendment Video](#), [27th Amendment Radio Clip](#)

Preparation

Familiarize yourself with the text of the amendments and the various supplementary materials listed above.

Plans

- Explain that these amendments represent the spirit of the Civil Rights movement. You may wish to provide some brief historical context on the Civil Rights movement.
- Slide 3 contains the text of the 23rd Amendment, which gave Washington DC 3 Electoral Votes in the Electoral College.
 - Left Unsaid: The District did not receive voting representation in Congress. (They have a non-voting delegate in the House.)
 - Ask students to read this article on Washington DC’s “Shadow Delegation.” After reading the article, have students answer the following questions.
 - How did the fight for Civil Rights affect the fight for DC representation in Congress?
 - Do you think “Shadow Senator” is an appropriate term?
 - Should Congress admit DC as a new state?
 - Consider the effects of the 23rd Amendment. [According to Derek Muller](#), the “District constituting the seat of Government” would be reduced to a small plot of land where only around 30 people live. The 23rd Amendment grants these people three electoral votes. Should 30 people have that much power?
- Slide 4 contains the text of the 24th Amendment, which banned the use of poll taxes. After discussing the amendment’s text and the Voting Rights Act with students, go through this [article](#) from *Forbes* on the history of poll taxes.
- Slide 5 contains the text of the 25th Amendment, which deals with unexpected changes in presidential power. Since this amendment is rather long, you may wish to play this [guided reading](#) instead of having students read it.
 - After reading this amendment, have students watch [this video](#), which discusses the history of attempts to regulate unexpected presidential successions.
- Slide 6 contains the text of the 26th Amendment, which lowered the minimum voting age from 21 to 18. After discussing the text of the amendment, watch this [short video](#) and have students answer the following questions. Note that the video comes from a left-leaning news organization.

- Why was the 26th Amendment ratified?
- How fast was the amendment ratified?
- Do you think 18 is the right minimum voting age? Should it be lower? Higher? Explain your reasoning.
- Slide 7 contains the text of the 27th Amendment, which prohibits any congressional salary raises from taking effect until the following congressional session. After discussing the text, listen to this [radio clip](#) on the long and interesting ratification process behind the 27th Amendment.
- Introduce the Amendments Mini-Project to students.
 - Students will be proposing 3 amendments to the Constitution. For today's homework, they will begin some initial research on failed and/or proposed amendments. Some resources:
 - [Amending the U.S. Constitution](#)
 - [Article V: Mode of Amendment](#)
 - [Proposed Amendments not Ratified by the States](#)
 - [The Man Who Changed the Constitution, Twice](#)
 - [Justice Stevens: Six Little Ways To Change The Constitution](#)
 - [Add These Amendments to the U.S. Constitution](#)
 - [Five items Congress deleted from Madison's original Bill of Rights](#)
 - Students may not propose the Equal Rights Amendment or the Federal Marriage Amendment since these are both well-known "failed" amendments.
 - Each of their 3 proposed amendments should contain the following
 - The text
 - Will it be broken into sections? Will Congress have enforcement powers?
 - A Strategy for Ratification (3-10 sentences)
 - How will they convince Democrats and Republicans to unite on your amendment? What pathway to ratification do they see? They should remember that there are two paths to ratification.
 - A PowerPoint/Google Slide (at least one slide per amendment) explaining its key features, some applications, and relevant history
 - Students can refer back to the class presentations from this course for inspiration, but they should also feel free to branch out into another direction.
 - List of sources that students consulted when drafting the amendment (prior amendments, scholarly articles, congressional statements, etc)

Homework

Work on Amendments Mini-Project.

Day 27: Amendments Mini-Project

Plans

- Students will continue to work on their amendments mini-project. Teachers should make themselves available to meet with students who have questions or concerns with their project.

Homework

Finish the mini-project.

Day 28: *More Perfect* Project, Part I

Overview

Students will use the audio medium (*Radiolab*'s "More Perfect Album" Series) to explore amendments that they are interested in.

Materials

Slideshow (The relevant podcast episodes are linked on Slide 2.)

Preparation

Familiarize yourself with Part I of the project requirements (located on Slide 2).

Plans

- Show students where to find the podcast episodes; [here](#) is one option.
- Outline the first part of the project requirements with students and answer any questions.
 - Students should choose one of the 9 episodes and listen to it.
 - Episodes
 - Episode 1: Amendments 1-3
 - Episode 2: Amendments 4-8
 - Episode 3: Amendments 9-11
 - Episode 4: Amendments 19, 24
 - Episode 5: Amendments 13-15
 - Episode 6: Amendments 16, 22
 - Episode 7: Amendments 25-26
 - Episode 8: Amendments 12, 17, 20
 - Episode 9: Amendments 23, 27
 - Students should take notes on what interests them in the podcast, what is new, what is familiar, and any questions they have.
 - After students listen to the episode, they should listen to the songs associated with your amendments. The songs can be found [here](#). Students should take notes on each song. How did the artist interpret the amendment? Did you like the lyrics? Did it feel corny or genuine? Give it a rating out of 5 stars.

Homework

Finish Part 1 of the *More Perfect* project.

Day 29: *More Perfect Project*, Part II

Overview

Students will discuss Part I of their project in small groups before creating a poster that displays important information from their podcast episodes.

Materials

[Slideshow](#)

Preparation

Familiarize yourself with Part II of the project requirements (located on Slide 4).

Plans

- Outline the second part of the project requirements with students and answer any questions.
 - Students will pair into small groups with their peers and discuss the questions from Part I
 - Interests
 - New Information
 - Familiar Information
 - Questions
 - The Song: Interpretations, Lyrics, Rating (out of 5 stars)
 - After, each student will create a poster (physical or digital) that displays information from their podcast interview. Each student will choose 1 of the amendments featured in their episode to display on their poster. The poster should include the following:
 - Text of the Amendment
 - A summary of the main point(s) is fine, especially for the longer ones (12, 14, etc)
 - 3-5 interesting facts from the episode
 - The Song
 - Who sang it
 - What aspect(s) of the amendment the artist focused on
 - A few lyrics that stand out
 - Rating
 - If there is more than one song for their amendment, a student can just choose one

Homework

Finish Part II of the *More Perfect Project*

Day 30: Final Project Introduction

Overview

Students will utilize the knowledge and skills they have developed throughout the entire course in one final, multi-part, culminating project.

Materials

Slideshow

Preparation

Familiarize yourself with the project guidelines

Plans

- Introduce the final project to students. The project contains three components: Supreme Court Confirmation, Moot Court, and Round Table. Every student will participate in the Moot Court. Half will also participate in the Confirmation, half will also participate in the Round Table. If you do not have 9 days available to devote to all three components of the Final Project, then you can choose to focus on just the Moot Court. Alternatively, if the class shows a strong interest in the Confirmation Process, then it would also be easy to just concentrate on that portion of the Final Project. The Round Table can also be done by itself; instead of reacting to the class Moot Court you would react to current events at the real Supreme Court.
- Part 1: Supreme Court Confirmation: Students will simulate a Supreme Court confirmation in order to confirm a Chief Justice for the Moot Court activity.
- Roles
 - 1 Chief Justice: “John/Jane Doe”
 - 5 Democratic Senators
 - 1 Chair, 4 regular members
 - 5 Republican Senators
 - 1 Ranking Member, 4 regular members
- Materials
 - Chief Justice Background Sheet
 - Senators Background Sheet
- Process
 - Each senator will give a 2-3 minute opening statement.
 - Welcome the nominee.
 - If the senator is ideologically opposed to the nominee, then you may offer an antagonistic opening. If they are ideologically aligned with the nominee, then they would be sympathetic. If they are moderate, then it could be a combination of both.
 - Sympathetic example
 - The nominee will give a 2-3 minute opening statement.
 - Thank senators, thank family, give a brief overview of your biography,

give a brief overview of your experience and general judicial philosophy

■ Example

- The Chair will ask the nominee 1 question. The Ranking member will ask the nominee 1 question. The remaining members will each ask 1 question, alternating between sides. Each Senator will also submit 1 additional question in writing.
 - A Senator could ask a variety of questions, having to do with the nominee's experience, background, and/or philosophy, the Senator's own legislative/political agenda, or any general matters of judicial concern
 - Example 1 (stop at 3:30); Example 2
- The nominee's goal is to say nothing that will cause a Senator to vote against him or her.
- Once each Senator has asked their question, the Chair will lead the committee in a vote: "yay," "nay," or "not voting." The nominee needs a majority of votes to win confirmation.
- Initial Tasks
 - Everyone participating in this stage should read both background sheets to learn about the characters in this committee. Pay particular attention to the cases and organizations that the nominee has participated in and the ideology of each Senator. Senators should begin to draft their 2 questions, while the nominee should begin to prepare to answer questions.

Homework

Work on Initial Tasks and prepare for the confirmation.

Day 31: Confirmation Preparation

Plans

- Students will continue to prepare for the Supreme Court Confirmation.

Homework

Finish preparing for the Confirmation.

Day 32: Supreme Court Confirmation

Plans

- Participating students will stage the Supreme Court Confirmation of John/Jane Doe. Follow the outline detailed above and in Slides 2-3 of this slideshow.
- After the Confirmation, the whole class will choose one of the cases from Street Law's website. The class will use this case for the Moot Court Activity.
 - Option 2: Allow the Chief Justice to select the case.

Homework

Read through the case summary that the class has chosen.

Day 33: Moot Court Introduction

Overview

The entire class will begin to work on the Moot Court case.

Materials

Slideshow, Street Law Case Summaries

Preparation

Familiarize yourself with Part 2's project guidelines and the case that the class/Chief Justice has selected.

Plans

- Part 2: Moot Court. Students will reenact an oral argument of the case that they have chosen.
- Roles
 - Supreme Court Justices
 - Lawyers for the Petitioner
 - Lawyers for the Respondent
- Materials
 - Brief Template
 - Brief Example
- Process
 - Every student should have already read the Case Summary Handout.
 - Each group of lawyers will write a 800+ word brief that outlines their argument.
 - Template
 - Real Example [Note that a) all briefs are formatted slightly differently and b) students will not be writing anything nearly as long as this is.]
 - Before the oral argument, the Supreme Court will review both briefs and prepare questions.
 - Both sides will deliver an oral argument.
 - Petitioner
 - 1 minute opening statement
 - 20-25 minute “free-for-all” where any Justice can ask questions
 - 2 minutes to allow each Justice to ask 1 final question if they wish
 - Respondent
 - 1 minute opening statement
 - An equal amount of time dedicated to a “free-for-all” where any Justice can ask questions
 - 2 minutes to allow each Justice to ask 1 final question if they

wish

- 1 minute for a closing statement/summary of argument
- Petitioner
 - 1 minute for rebuttal
 - The Supreme Court will write a 800+ word opinion. This can be composed of EITHER one unanimous opinion OR a combination of a majority opinion, [a] concurrence[s], and/or [a] dissent[s]
 - The Chief Justice will verbally summarize the opinion to the class.
- Initial Tasks
 - Lawyers should begin to write their briefs. Justices should continue to research the case and begin to formulate some potential questions to ask in oral argument.

Homework

Work on Initial Tasks and prepare for Oral Argument

Day 34: Moot Court Preparation

Plans

- Students will continue to prepare for the Moot Court.

Homework

Finalize Moot Court Preparations

Day 35: Moot Court

Plans

- Students will stage the oral argument aspect of the Moot Court. The process is described above and in Slide 4 of this [slideshow](#).

Homework

After hearing oral arguments, the Supreme Court Justices should begin to write their opinion(s).

Day 36: Round Table Preparation

Overview

Students will prepare for Part 3 of the project, a roundtable discussion analyzing the events of Parts 1 and 2.

Materials

Slideshow

Preparation

Familiarize yourself with Part 3's Project Guidelines.

Plans

- Part 3: Roundtable. Students who did not participate in Part 1 will partake in a Sunday news show-style Roundtable Discussion on the Confirmation and Oral Arguments
- Roles
 - 1 moderator
 - 8 panelists
 - 2 legal journalists
 - 2 political journalists
 - 2 liberal commentators
 - 2 conservative commentators
- Materials
 - Example
 - In this example, the panel discusses *Dobbs v. Jackson Women's Health Organization* and *Roe v. Wade*. Note that they discuss the legal/political history of *Roe*, the legal/political history of *Dobbs*, and the legal/policy/political implications of *Dobbs* (not necessarily in that order).
- Process
 - During the round table, students will discuss the legal/policy/political history of the case argued at Moot Court and the legal/policy/political implications of the Court's decision, as well as any concurrences/dissents issued. Students should be prepared to cite specific aspects of the decision. Each panelist should expect to speak for 3-5 minutes.
 - Remember the values of "ethos, pathos, and logos." Make sure to utilize all three when crafting your verbal arguments.
 - Don't be afraid to verbally disagree with your fellow panelists.
- Initial Work

- The moderator should draft some guiding questions to ask. The panelists should draft some talking points from the perspective of your character on the case.

Homework

Supreme Court Justices should finalize their opinion(s). Roundtable participants should work on their questions/talking points.

Day 37: Roundtable Preparation

Plans

- The Chief Justice will verbally summarize the Court's majority opinion to the class. The author(s) of any concurring/dissenting opinions should summarize those opinion(s), too.
- Roundtable participants will continue to draft their points. They should be prepared to quote from the Court's opinion(s), too.

Homework

Finalize Roundtable Preparations.

Day 38: Roundtable and Conclusion of Course

Plans

- The moderator and panelists will stage the Roundtable Discussion using the process described above and in Slide 5 of this [slideshow](#).
- Conclusion of the course: The teacher should thank students for taking the course and ask them if they have any feedback on how it could be improved in the future.