

Teacher's Guide: *Constitution Translated for*

Note to teachers and other educators:

Constitution Translated for Kids was written entirely with you, and the children you teach, in mind. This Teacher's Guide highlights questions and answers about the essence of the Constitution, and it tracks through each section of the book.

I hope this effort makes it easier for you to teach – and for students to learn – about the United States Constitution. If the next generation doesn't know what's in our national birthright, our nation will be poorer for it.

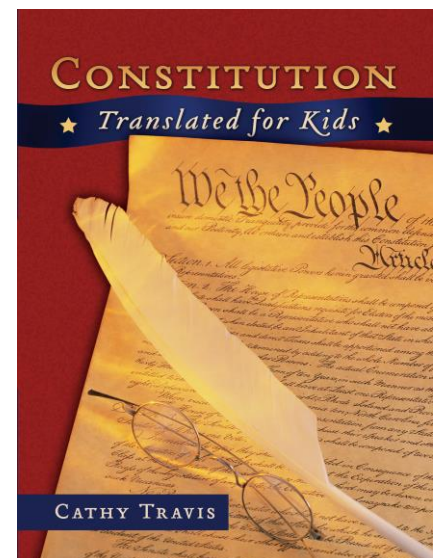
Following is a guide to navigate material in the book and relate the concepts and ideas in the classroom. This is downloadable and is free to anybody wanting to teach the lofty values enshrined in the Constitution.

I'm not an educator, so don't claim to have any insight about what works for teachers in classrooms. I cherish and appreciate your thoughts/comments/criticism/direction regarding the presentation of this information.

So please share with me what will make teaching about the Constitution easier for your work in the classroom. Love to hear from you ... (author.travis@gmail.com).

Please forward this to any interested teachers/educators.

Cathy Travis



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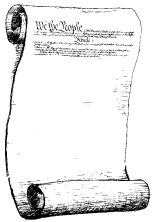
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Overview – Introduction

When the United States began, there was a group of men called the “Founders.” The Founders came to the modern day mid-Atlantic coast of North America in the United States from Europe almost one hundred years before. They formed colonies and liked this place more than Europe. They had a war to be independent.

A small group of patriots wanted to write down the rules and directions for a new and fair government, so they wrote the United States Constitution. This is the sacred birthright of every American. The Constitution has been our guideline (rules) for how to run the country for over two centuries. Just like we have rules for football, basketball or soccer, we have rules for running the government.

The U.S. Constitution has seven parts called Articles, plus twenty-seven additions called Amendments. Some of the Articles and amendments are long and hard to understand, even as translated. The Constitution lays out a government that has three branches: the Legislative branch (Congress), the Executive branch (President), and the Judicial branch (Supreme Court and other federal courts).



Very important: It also lays out the individual rights for all the people in the United States.

In the book, on the left-hand side of the page are the actual words of the U.S. Constitution from 1787. There may still be some hard words in the translation on the right hand side; they are listed in the back to tell you what they mean.

This is a wonderful country, and it is important for everyone to know what the rules are. If more people know these rules, our country will be a better place. And the more people understand these rules, the more likely they are to participate in our government. If you know your rights, the Constitution will always work for you.

The first three words of the Constitution – “We the people” – means the Constitution belongs to – and governs – everyone in the country.

REVIEW:

Who does the Constitution belong to, and who does it govern?

“We the people” – everyone in the country

The Constitution sets up the U.S. government. How many branches of government do we have? List them.

Three branches of government:

Legislative (Congress),

Executive (President),

The Judiciary (Supreme Court and other federal courts)



Article I: Congress

Congress consists of two Houses (or two parts) – what are they?

House and Senate

Which part of Congress has the most members? Why?

The House of Representatives has 435 members because membership is based on the nation's population.

Is there still one representative for every 30,000 people?

No, in fact, if that were still the case, we would have more than 8,000 Representatives in the House of Representatives.

How many Senators are there? How many per state?

100 Senators – two per state

Who serves as President of the Senate?

Vice President of the United States

Who is the top officer for the House of Representatives?

The Speaker of the House

Can the House of Representatives or the Senate leave (adjourn) while the other one is still meeting? (Adjourn means to finish the legislative business and dismiss the members.)

No – neither one can leave (adjourn) unless they both agree to do so.

Bills that raise taxes ALWAYS begin where?

House of Representatives

There are two ways for a bill to become a law; what are they?

- 1. Congress must pass it, and the President must sign it, or**
- 2. Congress must pass it, and if the President vetoes it (basically says “no”), Congress has to override the veto with two-thirds of the members voting to override.**

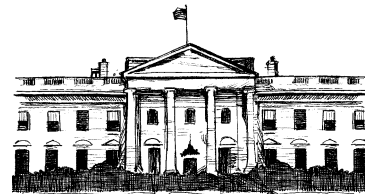
Congress generally makes laws, but what are some of the specific powers the Constitution gives to Congress? (Complete listing in Article I, Section 8)

- ✓ **Raise/spend money**
- ✓ **Print/establish worth of money**
- ✓ **Fix a system of weights, measurements**
- ✓ **Promote science, unique works by issuing copyrights**
- ✓ **Make war**
- ✓ **Make all the rules for the army and navy (but the President is the Commander-in-Chief)**
- ✓ **Make laws for the entire country, for fairness and commerce**

How old do you have to be to serve in the House? In the Senate?

House, 25; Senate 30

Article II: Presidency



Who is the one person who is ultimately in charge of the country?

President (Chief Executive)

When people vote for president, they aren't really voting for a person running for president; who do they vote for?

Electors, the people who make up the Electoral College

What are electors? (Further discussion of the modern Electoral College (electors) falls under the 12th Amendment, which expands on it.)

Electors are the small group of people from all the states that cast the official votes for the

President and Vice-President in an election.

If something happens to the President, who becomes the President then?

Vice-President

If somebody was born in another country, and moved here when that person was still a baby, could they still grow up to be President? Why, why not?

Depends – Presidents must be born to citizens of the United States, so if U.S. citizens were in another country, and had their baby there, the child could grow up to be President of the United States. But if two people from another country moved here with their baby after the baby was born, that child could not serve as President.

Besides generally running the country, what other responsibilities does the Constitution give the President? (Listing is in Article II, Section 2)

- ✓ **Work with Congress to make laws**
- ✓ **Commander-in-Chief of the armed forces**
- ✓ **Makes treaties (but needs advice and permission from the Senate)**
- ✓ **Appoints Supreme Court Justices, U.S. Ambassadors (but needs advice and permission from the Senate)**
- ✓ **Offers a State of the Union (An update on where the country is and ideas for making it better)**
- ✓ **Ensures laws and commerce are carried out equally; for everyone, and among the states**

If the House of Representatives impeaches a President, does the President have to leave office?

No, an impeachment only begins the process; two-thirds of the Senate must vote to remove a President from office after the House impeaches them.



Article III: Judiciary

How long can a Justice (Supreme or Federal Court Judge) serve?

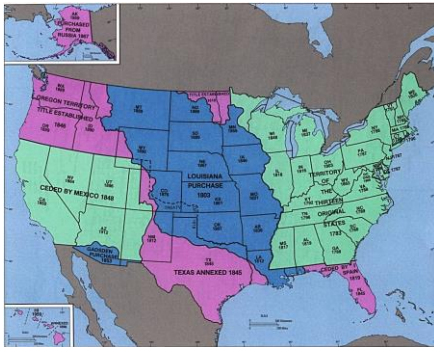
Lifetime (barring impeachment)

What is the main thing the Supreme Court does?

Settle arguments that cannot be solved in lower courts across the nation.

How does the Constitution define treason (the act of a traitor)?

Making war against the United States, working with our enemies, or giving our enemies “aid and comfort.” It is a very high standard; it is not something to say about somebody.



Article IV: States

The Founders wanted the States to have a good deal of power. Each State has to honor the other states' acts, records and legal reports. Who judges these records and laws in case they conflict?

Congress

If somebody commits a crime in one state, can they just go to another state and forget about it?

No, each state's justice reaches into all the other states.

How can new states join the United States?

Congress must decide.

Can states just leave the United States after they join?

No, we fought a Civil War over just that Constitutional question. A state could get the permission of other states to leave ... or fight a war over it, but that's unlikely.



Article V: housekeeping

Is the Constitution finished? Can we add something to it? If so, how?

No it is not finished ... it is called a “living document.” It can be changed, or perfected, by amendment; and has already been amended 27 times. To amend the Constitution, an amendment must be passed by two-thirds of the House of Representatives, two-thirds of the Senate, and must be ratified (accepted) by three-fourths the states.

What is considered the “supreme law of the land?”

The Constitution

How do we bind elected or appointed officers of our government to support the Constitution?

Their word or oath ... it is the only oath allowed under the Constitution.

What religious test must people pass to serve in office?

None – and none may ever be used.



Bill of Rights: (Amendments 1-10)

The first 10 amendments to the Constitution speak to individual liberties for each person who lives in the country. What are the first 10 amendments generally called?

The “Bill of Rights” – it protects the most personal, individual rights of citizens. These individual rights were so important to our Founders that they put them in writing as the first 10 amendments to guarantee people would forever understand their importance. In fact, some states didn't want to sign the Constitution until the Bill of Rights was added.

Interestingly, the Bill of Rights was originally meant to apply only to federal laws, but most of the Bill of Rights has been adopted by all the states in their State Constitutions.

1st Amendment: Individual freedoms

What are the individual freedoms listed in the 1st Amendment?

Religion, speech, press, assembly, and the right to take protests to Congress

According to the Constitution, how do we pick religions or how to worship – or not worship – God?

We don't, and we never can.

What if a TV reporter or a newspaper says something untrue about someone or something very important and scares everybody?

They are free to do that, and they sometimes do. Democracy demands that people use good sense to tell the difference between those who rarely get it right and those who generally get it right more often. We should always question what we read and what we see on TV.

Remember that people who write for newspapers or put stories on TV are human and their business demands speed (particularly TV), which can sacrifice accuracy. That often leads to mistakes and bad information. The same 1st Amendment that protects respected news organizations like the *New York Times* and the *Wall Street Journal* also protects hate speech that has found a wider audience on the Internet.

We have laws for “libel” and “slander” that prevent people from saying and printing things they know are wrong and things they intentionally say or write to hurt somebody, but there is a very high standard for finding a news organization guilty of libel, or someone of slander. To successfully show that libel or slander has occurred, you have to prove a news organization (libel) or a person (slander) maliciously planned to say something untrue that hurt you. So it is rarely brought to court. It is even rarer for a court to find those charges proven true.

If people can say anything, anywhere, anytime ... can you yell “fire” in a crowded theater ... or “shark” on a crowded beach ... or “bomb” at your school?

No, in these examples the freedom of one person's speech must be measured against the safety of people who would be hurt in the panic to get out of the buildings or the water.

People are free to assemble freely. Can a bunch of people assemble in the middle of a busy highway?

No, again, that presents a danger to the public health – as well as an interruption of the public transportation system and commerce. But you could probably assemble alongside the highway.

The freedom to assemble means people can gather to express ideas or join together in a common purpose – it doesn't mean small groups of people can affect what the rest of us do.

If a million people asked Congress to change something or do something that Congress didn't want to do, can Congress make people stop asking?

Never – but if enough people agree about something and Congress won't do what the people ask, Members of Congress risk losing their elections for office. In a democracy, that is the great equalizer, the structure to elect or defeat people in Congress. Even with the hurdle of big money or pre-determined partisan congressional districts, that structure remains.

2nd Amendment: Gun ownership



When the U.S. was formed, the founders were very concerned about the possibility of another war. Citizen soldiers played a pivotal role in the American Revolution, and to be ready for another war, the Founders wanted to make sure we could always preserve a citizen militia.

Can Congress make laws to regulate guns?

Yes, they began making laws in the early part of the 20th Century to keep really dangerous guns away from criminals and the public at large, but these laws are always really unpopular. The Supreme Court has overturned many laws that were passed restricting gun ownership.

How come everybody says there is a Constitutional right to own a gun?

There is; that's the essence of it, it's just not worded that way. The Founders included the 2nd Amendment to keep a ready militia (or armed National Guard) throughout the states in case we needed to go to war quickly.... and the citizens needed guns to be prepared for a militia (or armed National Guard).

The word "militias" here does not mean the anti-government radicals, who became visible in the 1990s. In 1939, the Supreme Court said Congress could make laws restricting gun ownership, and said the Second Amendment was to preserve states' National Guard. In 2008, the Court declared anyone can own guns, and began overturning local laws addressing gun ownership.

3rd Amendment: housing of soldiers

Has there ever been a time when soldiers stayed in people's homes?

Not since the Constitution. But before that, the British stayed in peoples' homes when they were in charge. Also, during the American Revolution, British soldiers stayed in peoples' homes; that was one of the reasons that the Founders included this amendment in our Bill of Rights.

During the Civil War, U.S. troops in the South often took peoples' homes to use or stay in — but remember the southern states were in rebellion so the Army treated them as if they were no longer part of the U.S.

There's a soldier in my family, can they stay in my house?

Of course, the 3rd Amendment is to keep the military from forcing your family to let soldiers you don't know, or don't want there, stay in your house.

4th Amendment: Privacy for people, property, papers

This amendment guarantees the privacy of U.S. residents in terms of their person, their home, their papers and their affects. That's a pretty complete list of what a privacy right entails: the Founders wanted to be sure that we didn't trip over what the word "privacy" meant. The Founders wanted their definition of "privacy" to be universal and constant.

My mother is always coming in my room and going through my things. Does she have a right to do that?

Yes, first she's your parent ... and secondly, the 4th Amendment is supposed to keep the government out of your personal property, not your parents, who own or rent that place. When you own your own place, you get to say who comes in.



5th Amendment: Rights of the accused

What are the rights the 5th Amendment gives citizens accused of crimes?

- ✓ **Criminal charges must be brought by a grand jury.**
- ✓ **People cannot be held responsible for the same crime twice.**
- ✓ **People don't have to testify against themselves.**
- ✓ **No one can take away a citizen's life, liberty, or property without applying the law.**
- ✓ **Private property cannot be taken for public use without a fair payment.**

What if somebody was tried and found guilty for killing somebody, but they really didn't do it.... then to get even, they actually did kill the person they were supposed to have killed.

Can they be tried again?

No, lawyers call this "double jeopardy." Once someone is tried for a crime, they cannot be tried for the same crime again.

What if somebody was tried for a crime, but was found innocent, then wrote a book saying they did it, could they be tried again?

No matter what other evidence is found, even if the accused admits guilt, if they have already been tried for that crime and found innocent, they cannot be tried again. The Constitution says they can only be tried once.

What does it mean when someone "takes the fifth?"

It means when someone is arrested, or while on trial, the person does not have to tell the police or the courts what happened. The person does not have to explain himself/herself.

If the Army wanted to build an Army base on land my family owns, can they just do it?

Yes, if they wanted to badly enough, and it was in the best interest of the national defense, but they will have to pay you a fair price for the land.

What if they wanted to build a road?

Roads or streets are usually a local priority, not national ones. Whoever built the road would still have to pay for the land. People whose property becomes the place for development will always believe that is unfair, as do most people. So taking land like this is very rare.

6th Amendment: Rights for a fair trial

This Amendment is the basis for the idea of justice in our courts and systems of courts, that criminal justice should be guided by the fact that people are “innocent until proven guilty.”

What are the criminal protections the Constitution offers citizens?

- ✓ **A speedy, public trial, fair jury in the place where the crime was committed.**
- ✓ **The accused must be advised of the charges and be able to face witnesses against them.**
- ✓ **The accused is allowed to bring forward their own witnesses.**
- ✓ **The accused must have a lawyer.**

Can police make up stuff and arrest people?

No, and if they try, THEY are committing a crime. But remember, police are human too, and they can make mistakes or get carried away.

What if the person on trial can't find any witnesses to tell the court his or her side of the story?

As long as a judge says there was a fair and reasonable attempt to find all witnesses, the trial can still go forward. The person can also choose to tell his or her side of the story, but then he or she gives up the right to protection from testifying against oneself.

7th Amendment: Rights in civil cases

The Founders thought that trial by jury was real important to a democracy, and they made sure in the 6th Amendment that people had a jury for criminal trials, and the 7th Amendment makes sure they have one for civil trials in excess of \$20 in federal court. There are two kinds of civil punishments: money or an injunction (an injunction is an order to make somebody do something or stop doing something).

Since \$20 means something entirely different today than it did when they wrote the Constitution, nearly all civil cases have a jury now.

What's the difference between criminal trials and civil trials?

Criminal trials are held for crimes that people commit against each other like stealing, killing, or hurting others.

Civil trials concern property; for instance, if two people think a farm is theirs and they take it to court, it is decided in a civil trial.

8th Amendment: Bails, fines, punishments

If somebody poor commits a crime, what's a reasonable fine or bail for them?

Fines and bail are not generally decided based on ability to pay. "Reasonable" means what most people could afford if they needed to pay bail or a fine. "Reasonable" nearly always means that the fine or bail must be in proportion to the crime, not necessarily to the ability to pay.

What if somebody really rich commits a crime, can pay the "reasonable" bail, but everybody figures he/she will just leave before the trial?

If a judge says somebody is a "flight risk," bail could be very high. The judge does not have to allow bail if it seems like the accused will run away before the trial. The judge can also demand somebody turn over their passport, so they cannot leave the country.

How can a punishment be kind, or not cruel and unusual?

Punishment under the Constitution cannot be "cruel and unusual." It is society that decides over time which punishments are cruel and unusual.

We used to hang people in public for many crimes. Now we reserve killing people for only the most horrible crimes, and we give people chances to appeal that punishment. People still disagree about whether killing people, for whatever crime they commit, is “cruel and unusual.”

9th Amendment: Rights retained by the people

The Constitution stipulates that the document cannot deny or abuse other rights of the people.

Why were the Founders worried that what they had written could be used against people?
No matter how well intentioned the ideals of anything, you cannot dictate decency to people. The Founders knew many people worried about losing some rights not listed that existed before the Constitution, even from England. These were called “common law.”

They also believed people had certain rights granted by God. These were called “natural law.” They wanted to make sure everyone knew that just because they listed some rights in the Bill of Rights, they weren’t getting rid of the “natural law” or “common law” that were so important to many people when the country began.

10th Amendment: Powers retained by states and the people

Were the Founders worried that the Bill of Rights would be interpreted in a way that could deprive people of their rights?
Yes, the Founders wanted to be real specific that the Constitution should protect rights, not infringe on them in some way.

But the 9th Amendment made it clear that the Constitution couldn’t be used against anyone, why the need for the 10th Amendment?
The Founders wanted to express their support for the states by saying the states can make any law not forbidden under the Constitution. Some people were worried that under the Constitution the states would have no power, so they included this in the Bill of Rights.



11th Amendment: Lawsuits against states

This amendment kept citizens of one state from suing another state in the federal courts. It came about when a man from one state sued another state over an inheritance. When the Supreme Court decided that states could be sued, this amendment was passed to clarify the legal powers of the Supreme Court. But people can still sue state officials in federal courts, so the effect is not that great.

If I felt I was wronged by another state, could I sue them?

No, but you could sue officials in the state that you felt wronged you.

12th Amendment: Election of President, Vice President

NOTE: There is also a federal law that goes into more detail about how this operates; obviously that is outside the Constitution itself. These questions are only about what is in the Constitution's 12th Amendment.

What is an elector?

A person (or group of people) for whom voters actually cast their vote when they vote for President and Vice President.

How do electors get picked?

State legislatures make rules to select electors, but their party nominates them. They are loyal to the people in the party that they represent.

How many electors does each state get?

It is based on population; each state has a number of electors that equals the number of Representatives and Senators for that state.

What are electors generally called today when they meet to elect the President and Vice President?

The Electoral College

How do electors elect the President and Vice President?

They go to a place in their states, write down their choice for President and their choice for Vice President. Then they make a list of their selections for both offices, and the

number of votes for each candidate. The electors sign and approve the list, seal the list, and send it to Washington, D.C. Then they cease to exist for another four years.

What happens when the electoral votes get to Washington?

The President of the Senate (also the Vice President of the country, whose service will have just been completed) opens the votes before members of the House of Representatives and the Senate (whose service will have just started) and counts all the votes. The person who has a majority of Electoral votes will be the President. (Right now, there are a total of 538 Electoral College votes, and 270 are a majority.)

What if nobody gets a majority?

The House of Representatives will pick the President, by ballot, from the Presidential candidates who got the most Electoral votes. If it happens this way, each state has a vote, so (currently) there will be no more than 50 votes.

The delegation of each state will determine how their states will vote. At least two-thirds of representatives in each state delegation must participate in the decision for how their state will cast a vote in this “contingent election.” A majority of states (50% + one) of all the states (currently that would be 26 states) will be required to make this decision.

What happens if the Representatives fool around and do not make a decision at all? Who is the president then?

If there is not a decision before January 20 (the day the next president is supposed to take the oath of office) the Speaker of the House will serve as President.

Who picks the Vice President? How?

The Senate picks the Vice President in the same fashion as the House of Representatives picks the President.

Has the House of Representatives ever had to choose the President before in a “contingent election?”

Yes, in 1801 (before the 12th Amendment) Thomas Jefferson was elected by the House of Representatives; in 1825 (after the 12th Amendment), Andrew Jackson was elected by the House; and in 1837 (also after the 12th Amendment), Martin Van Buren’s Vice President, Richard Mentor Johnson, was selected by the Senate.

Why do we still pick the President this way? Why can’t people just vote for a presidential ticket directly?

The Electoral College has worked relatively well for more than 200 years, with the notable exceptions of the 1801, 1825, 1837, 1876, 1888, and the 2000 elections. Congress has tried several times to consider bills to eliminate the Electoral College, but none have gone very far. Over the years, the Electoral College evolved into a tradition that conveys legitimacy upon an elected candidate. It began as an institution to include the states in the election of the President and Vice President, and to ease the fears of our founders who worried that the general population was not quite smart enough to directly elect the President.

Some people think that the Electoral College protects the interests of smaller states since their populations are so small. However, Presidential candidates who seek votes to win an election always will be drawn to where they can get the most votes, either in a state with a larger number of Electoral votes (if we keep the Electoral College) or states with a large population (if we get rid of the Electoral College).

So the argument that small states with their small populations have more influence under the Electoral College system is mathematically flawed. Remember, electoral votes are based on population, so either way, large states always will be courted by candidates the most, and needed by candidates the most, to win an election ... either with the Electoral College or without it.

Is it possible for the person who got the most votes in the election to lose the vote in the Electoral College?

Yes, the most recent example of that happening is the 2000 election. Democrat Al Gore won the popular vote by more than 500,000 votes in the election but lost the Electoral College by five votes. Before that, in 1824 John Quincy Adams won the Electoral College by 15 votes, although Andrew Jackson won the popular vote by 37,237 votes (both men were in the same political party); in 1876, Republican Rutherford B. Hayes won the Electoral College vote by one vote, although Democrat Samuel J. Tilden won the election by 251,746 votes; in 1888, Republican Benjamin Harrison won the Electoral College vote by 65 votes, although Democrat Grover Cleveland won the election by 95,096 votes.

13th Amendment: Abolishment of slavery



Why did we have to include an amendment actually abolishing slavery when we fought the Civil War over that question?

The South maintained that the Civil War was over “states rights,” a principle that states can choose their own practices. But the thing that the South most wanted to do differently from the North was hold slaves, so calling it “states rights” was just their way of disguising it.

While we clearly fought the Civil War over the institution of slavery, the South did not agree with that prospect, and would continue to hide behind the fantasy of “states rights,” while treating some voters unfairly well into the 20th Century.

Was it really necessary to write down that slavery didn't exist anymore? Isn't it enough that Congress could pass a law about it?

No, it wasn't enough for Congress to just pass a law about it. Another Congress and

another President can easily overturn a law. The Constitution is far harder to change or amend, and after a bloody Civil War, those in Congress and in the states never wanted the question to be in doubt again – ever.

What about prisoners who get locked up? Is that considered slavery?
Anyone convicted of a crime under our laws can be punished by imprisonment.



14th Amendment: Equal protection for all

The most fundamental thing this amendment put in the Constitution was the concept of equal protection under the law for every person living in the United States. It also emphasized that anyone born in the United States was a citizen, entitled to the liberties of citizens.

Weren't people who lived here already, even if they were slaves once, already citizens? The Constitution even originally counted them in the population, although they were counted as three-fifths of a person.

Not everyone who lived here when the 14th Amendment was ratified was considered a citizen, with all the protections the Constitution offered our citizens. Slaves were never considered full people (they would not have been counted at all, but for purposes of maximizing the population in southern states), much less citizens whose liberties were protected by the Constitution.

What if states still did not want to let some people, like former slaves or their children, vote?

Then the congressional representation for that state was to have been reduced but frankly, nearly all Southern states found ways to limit the voting freedoms of black citizens, and their representation was never decreased. The shadow of slavery, and how we reacted to it, haunts us still.

If somebody owned a slave, and the slave was freed by the 13th Amendment, could he get a refund?

No, the 14th Amendment specifically denies that.

Does it deny anything?

It denies money from a state or the government for any bills (payment) the South owed from their war against the U.S. But it did make sure that money for pensions or debts of the people who fought to save the union would be paid.

15th Amendment: Voting rights

If the 14th Amendment offered equal protection under the law for all citizens, why would we need an amendment saying former slaves could vote?

Slavery has been such a red-hot issue since the beginning of our nation. In fact the Founders fought mightily over the institution of slavery as they wrote the Constitution, with some Founders calling slavery the weak spot in our democracy and our Constitution. History proved them right, and the Civil War very nearly killed the United States, as it existed. Slavery disguised as “states rights” was at the core of the war.

So in that atmosphere, Congress felt strongly that we needed Constitutional protection for people who were once slaves, or whose ancestors were slaves, for their right to vote.

16th Amendment: Congress' power to tax

Is it fairer for Congress to get money this way, or the original way, where taxes were determined by the population?

The question of taxes has always split the population between those with higher incomes and those with lower incomes. There's an old saying, “Where you stand depends on where you sit.” People who pay more taxes will always feel like the system is less fair.

Why did they need to change it?

As the United States found the need to repay debts and to wage the Civil War, Congress passed bills to create income taxes. The Supreme Court first found those laws Constitutional (during the Civil War), then later found a similar law unconstitutional. Since they didn't want the question to hang, as the nation's economic foundation was at stake, they passed the 16th Amendment.

17th Amendment: Direct election of U.S. Senators

How come it took so long for us to actually vote for our Senators?

The Constitution is very hard to change. But as the population became more aware of who served them in the Senate, and how they were chosen, people wanted to choose their own Senators.

How many Senators does each state get?

Two

How long do they serve?

Six years

VOTE

How many votes does each Senator get?

One

What happens if a Senator dies while in office or leaves office?

The Governor of the State can appoint a temporary Senator until a new election is held.

18th Amendment: Prohibition of alcohol

Why did they think we needed a Constitutional Amendment to get rid of alcohol?

Supporters said alcohol-related deaths and crime were a problem, perhaps even a larger problem than today, when this amendment was ratified.

So, how come we still sell alcohol?

See the 21st Amendment.

19th Amendment: Women get the right to vote



How come women didn't vote from the beginning of the country?

Misconceptions about what women can do were much worse when the country was founded. Women generally couldn't own property, couldn't vote, and couldn't participate in government. Even the thought of women voting would upset the traditional power structure, and that was very intimidating to most men. Men who owned property did vote and effectively controlled who could participate in our democracy. Nobody ever wants to give up power.

20th Amendment: Terms of Federal service

When do the terms of the President and the Vice-President begin and end?

The terms for the incoming President and Vice-President begin at noon on January 20 of the year following their election. The terms of service for the outgoing President and Vice-President end at that same moment providing a continuous, seamless service of a President.

When do the terms of Congress (Senators and Representatives) begin and end?

Terms of new Senators and Representatives begin at noon on January 3rd of the year following their election. Terms of the former Senators and Representatives officially end at the same moment, but it is generally less important that there be a continuous service of members of Congress.

How often does Congress have to meet?

Congress must meet at least once every year (on January 3rd), unless they pass a law to pick another day (which they usually do if January 3rd falls on a weekend).

What if the new President (called a President-elect) dies after he gets elected, but before January 20, when he is officially the country's president?

Then the new Vice President (called a Vice President-elect) will become President.

What if something gets really messed up and the President-elect cannot act as President?
If, for some reason, a President is not chosen before January 20, or if the President-Elect does not meet the rules laid out in the Constitution, then the Vice President-Elect will act as President until someone is chosen as President. If neither the President-Elect nor the

Vice President-Elect meets the rules laid out in the Constitution, the Congress can decide by law who will act as President, and how a President should then be picked. That person will act as President until the Constitutional rules can be followed.

What happens if the House of Representatives has to choose a President and the person they pick dies before they enter office?

Congress can make a law to deal with that.

21st Amendment: Repeal of 18th Amendment

Are there any other amendments that got repealed (cancelled)?

No

How come it got repealed?

Prohibiting alcohol came to be seen as a violation of personal liberties and police began to violate citizens' civil rights in their zeal to find alcohol or alcohol-related equipment. Also many local governments and the federal government saw alcohol as a source of revenue (money), so the movement grew to repeal it. Plus, this amendment actually increased crime. Banning alcohol set the stage for one of the greatest eras of crime in our history. People didn't want to go without alcohol so they turned to criminals called "bootleggers" to get it for them.

Alcohol remains the only drug made legal under the Constitution. Tobacco (and in a few states marijuana) is legal, but by law, or statute, not through the Constitution.

22nd Amendment: Limit of Presidential terms



How come we limit the terms a President can serve? Since we vote for them (or for their electors), if they do a bad job, can't we just vote them out?

When the Congress passed this amendment, there was a very popular president from one political party and the majority in Congress was from the other major party. The Congress was sure that Presidential terms should be limited. Eventually, most people

came to agree that eight years is long enough for a president to implement his or her programs and long enough for one person to serve in the highest office in the land.

How many terms can a President serve?

Two four-year terms

What if a President dies, and the Vice President serves out the term of office for the President, can that new President still be elected to two terms?

No, if someone has been President, or acted as President, for more than two years of someone else's term, that person can only seek one full term for president.

23rd Amendment: D.C. electors for President

How many Presidential electors does Washington, D.C., get?

Three, the same number as the smallest state. They meet as electors in the District of Columbia and follow the rules of the 12th Amendment.

How come they don't have electors based on representation like all the other states?

Washington, D.C. doesn't have any senators and has a single representative in the House of Representatives who cannot vote. There are far-flung U.S. territories that are in the same position, but they do not have electoral votes. Washington, D.C. is the only large population in the continental United States not represented in Congress.

Since the 1970s, there has been a movement to make Washington, D.C. a state, but that would add two Senators and at least one Representative to the makeup of Congress. This would upset the balance of power, and nobody likes to lose power.

Do people in Washington DC have to pay taxes like everybody else?

Yes they do. The people who live there serve their country in war and they pay taxes just like citizens in any other state. They may eventually be added as a state, but that is for Congress to do. There are other U.S. territories similarly situated.



24th Amendment: Elimination of the poll tax

What is a poll tax exactly?

Originally, a poll tax was a direct tax that people paid to support the government. It came to be (in the United States) a tax people paid to be able to vote.

How did the poll tax get started?

In the early days of the United States, in many states, only white, male property-owners could vote. The poll tax was used in these early days as a way to let non-property-owning-white-males over 21 vote.

After the Civil War, the poll tax pretty much disappeared. But it came back in the 1890s and in the early 1900s as a way to promote white supremacy (a movement that promoted white people's superiority to everyone else). Voter registrars in the South were very crafty in the way that they applied the poll tax on African Americans. In some cases, they made the tax retroactive back to a person's 21st birthday, making the tax all the more difficult to pay.

(Retroactive means: to go all the way back to the beginning. Say if you were 30 and the poll tax was \$5 dollars, and it was applied retroactively, you would have to pay \$5 for every year since your 21st birthday to be able to vote. In this instance, you would have to pay \$45 to be able to vote. Back then, that was much more money than it seems like today.)

How come we eliminated it?

Most states had already eliminated it when the 24th Amendment passed. Only a few southern states still had it but it was used to keep poor people, usually African Americans, from voting. The South generally did all it could, for as long as it could, to keep African Americans from voting. It is a very sad statement that it took so many Constitutional amendments to ensure the basic rights of citizenship to everyone entitled to those rights under our Constitution.



25th Amendment: Succession of office

What happens if the President dies, leaves office or gets impeached?

The Vice President becomes the President.

What if there is not a Vice President, for whatever reason, if they die or something?

The President will pick someone else and that person will be the Vice President after a majority of Senators and Representatives agree with the choice.

Suppose the President gets shot or hurt or something happens to him/her? What happens then?

The President writes to the President of the Senate and the Speaker of the House of Representatives and tells them she/he can no longer do the job. The Vice President will become the Acting President. The President who gave up the office (from being hurt or whatever) would have to write to the President of the Senate and the Speaker of the House again to let them know she/he can do the job again.

Is the President the only one who can say that she/he is not able to do the job?

No, it's never been done before, but if the Vice President and a majority of the Cabinet officers write the President of the Senate and the Speaker of the House to tell them the President cannot do the job, the Vice President will immediately be the President.

After that, when the original President writes to the President of the Senate and the Speaker of the House to tell them she/he can now do the job, the President will again have the powers of office -- unless the Vice President and a majority of the Cabinet officers write the President of the Senate and the Speaker of the House within four days to tell them that is not the case.

If all that happens, Congress will meet within 48 hours to decide the issue. Congress must act within 21 days of receiving the letter. If Senators and Representatives decide by a two-thirds vote that the original President cannot do the job, the Vice President will continue to act as President. Otherwise, the President gets back the power of office.

26th Amendment: Right of 18 year-old citizens to vote

How come the Congress decided to lower the age requirements for voting?

This amendment was passed when there was much controversy about the Vietnam War,

when 18 year-old men were being drafted in large numbers to fight in Southeast Asia. It quickly became a popular idea that if someone were old enough to die for their country, they were old enough to make decisions about how to vote in elections.

Young voters are the least likely group of voters to exercise their right to vote, and that is a shame.

27th Amendment: Determining Congressional pay raises

How does Congress give themselves a raise?

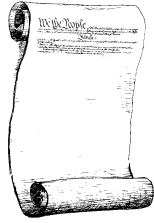
They vote on it, but it will not be effective until the next Congress. So any Member of Congress who voted for a raise for themselves will have to face the voters and be re-elected before they actually get that raise.

What made this such an important issue that they made it a Constitutional Amendment?

During the 1980s, people were mad over government policies that led to deficit spending. Lots of people thought Congress spent the money of the United States very badly. Congress made it worse when they gave themselves pay raises, which they did to attract the best and the brightest to serve in the government. But people saw it as Congress enriching themselves at the nation's expense.

So, they figured they needed a Constitutional Amendment to take care of it and this way seemed fair. Congress could still vote to give themselves a raise, but they would have to face the voters before it could take effect. This Amendment was actually part of the original Bill of Rights, but was not immediately ratified by the states. It took more than 200 years for the amendment to get the support of enough states to be part of the Constitution.

**That is the end of the Constitution,
as it now exists**



Dividing it up

How did the Founders set up the government in the first three articles of the Constitution in a unique federal power-sharing deal?

The Founders divided government among a Congress (legislative), a president (executive) and the judiciary (judges). They had to make all three of them equal parts, or it wouldn't work. Dividing the government into three separate parts made sure the power of the United States government was never in the hands of just one person or one group of people. It's called "separation of powers."

What are some examples of how the three branches act together?

- ✓ **Congress passes laws, but the president can veto those laws**
- ✓ **Congress can get by a presidential veto if two-thirds of both the House of Representatives and the Senate agree**
- ✓ **Only Congress can make an army or declare war, but the President is the commander-in-chief of the armed forces**
- ✓ **The President appoints all federal judges, ambassadors, and some other important officials, but the Senate must approve of all appointments**
- ✓ **The Supreme Court has the final power to strike down both congressional and presidential acts as unconstitutional**
- ✓ **To impeach a President, the accusation must pass the full House of Representatives, and the Senate would decide the guilt or innocence of the President at a trial with the Chief Justice of the Supreme Court presiding.**

Why would the Constitution give some pretty important responsibilities to the President, but also make some of them subject to the "advice and consent (permission)" of the Senate?

The Founders, who fought a war for independence and who lived under the control of one man, knew that all that power should never be in the hands of one person. It is a "check" on the person who serves as President – it "balances" out the power.

Our Founders established a system of “checks and balances” so one person could not undermine the good of the whole country. What are some examples?

- ✓ **Three different branches of government**
- ✓ **Requiring the “advice and consent” of the Senate when appointing Supreme Court Justices and other important officers**
- ✓ **Giving Congress the power to override a veto with two-thirds of its members**

Why do you think the Constitution insists that if Congress overrides a veto, they must do so with two-thirds of their members?

They wanted our laws to withstand the hardest tests – so if a bill that passes with a majority in Congress (over 50% of the members) gets vetoed, then the Constitution says Congress has to re-examine it, consider the President’s objections, then vote on it again. But they need two-thirds of their Members (in both the House of Representatives and the Senate) to overcome the President’s objections and make it a law.

The Founders also knew that little groups of people could do as much damage as a single powerful person, so they also worried a little bit about what majorities in Congress could do. Requiring Congress to override a veto with two-thirds of the membership took care of their concerns.



Constitutional Compromises

DEFINING COMPROMISE:

com·pro·mise *n.* – 1. A settlement of differences in which each side makes concessions. 2. The result of such a settlement. 3. A middle way between two extremes. 4. Something that combines qualities or elements of different things. Origins: Latin, *mutual promise*

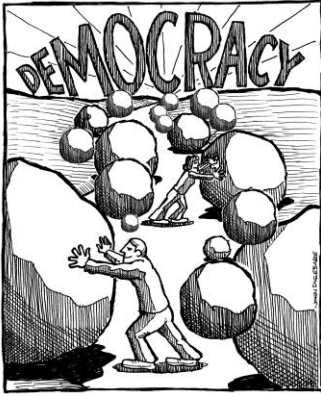
What three ways did the Founders compromise on a power sharing arrangement between large states and small states?

When deciding on how many people would represent each state in Congress, the Founders argued that large states (more people) would run right over small states (less people) – so they compromised, basing membership in the House of Representatives on population alone and sending two Senators per state to the Senate, so all states have an equal say in the Senate.

Southern states with many slaveholders (and slaves were considered property when the Constitution was written) worried their small population would earn them very small groups to go to the House of Representatives, so they wound up compromising on how to count slaves as part of their state’s population (take the overall population of slaves in a state, count three-fifths of that group to figure representation in Congress).

To make sure states had a voice in electing the president (and because they never really thought the general population could make a good choice), the Founders created the Electoral College, a group of people from each state that would cast the actual votes for President and Vice President of the United States.





Student Exercises in Democracy

[The Student Exercises in Democracy are subjective; there is no right or wrong answers.]

This is a role-playing exercise so young people understand the dynamics of amending the United States Constitution; this section of the book contains proposed amendments for students to debate and consider.

The exercise in trying to get $2/3$ of a group to agree on an amendment to the Constitution is intended to illustrate what a difficult exercise that is in a diverse country of many ideas, many faiths, many cultures, and many points of view.

Sometimes classes or smaller groups of young people can be more monolithic than the general population, so if a class or group of young people all agree on an amendment, teachers should note how difficult it is to get that sort of agreement in a diverse country of many ideas, many faiths, and many points of view.

Each teacher will know what works best in their classroom, but a suggestion for beginning the exercise to show how the Constitution is amended: divide the class into thirds, instructing one third to advocate for a particular amendment, one third to oppose it, and the other third should be undecided.

Then essentially let the class/group argue over the need for such an amendment until they are spent, or not making new arguments. Then take a vote on the amendment they are discussing.

If the amendment under discussion gets over $2/3$ of the votes of the group, it is also important to remind them that if it were an actual amendment, it would also need to go to the states and $3/5$ of the states must also pass it.

Separation of Powers

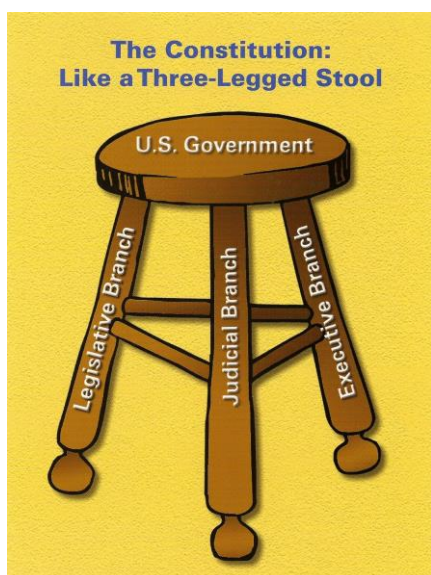
The Founders' brilliant separation of the government's powers has kept the United States from collapsing under the weight of the shortcomings of the humans who hold power in the three branches of the government in this democracy.

The Founders knew that the power in the hands of one person ... or a few people ... or an angry mob ... could literally undermine the democracy they were creating. And they wanted to create a democratic government that represented the best part of Americans; and yet they deeply feared the worst parts of the human character: anger, revenge, desperation, manipulation, and so many more.

So they did it this way: They made the legislature (Congress) the first Article, and theoretically the most powerful branch of government. Then they made the executive (President) the second Article, giving the president important powers, but not some of the most important powers of government. And when these two branches of government disagree, there is an authority to referee, the judicial branch of government (Supreme Court).

Congress proposes laws, but the President has to sign it before it actually becomes a law. But if the President disagrees, Congress can – with two-third of the Congress agreeing – make it a law over the President's objections. Only Congress can declare war, but the President is the Commander in Chief, making the strategic wartime decisions.

For all the power that both the Congress and the President have, it is the Supreme Court that has the final say on disagreements that arise between the Congress, the President, the states and any legal question that could come up.



The concept of the separation of powers is also illustrated by the child's game "Rock, Paper, Scissors." Depending on the circumstances, any of the three can win. It works the same way in government ... depending on the circumstances, any of the three branches can be supreme.

You can illustrate the strength of the three branches of government by asking students if they can balance on one leg of a stool ... or on two legs of it. But when a three-legged stool has all three legs on the floor, it is a solid seat, like the nature of the three branches of government.



Math of a Presidential Campaign

[Most questions here are state-specific, opinion, or personal judgment. Elections are very much about math, not necessarily ideas.]

Voters do not choose the president and vice president, who votes for them?

Electors in the Electoral College

How many electoral votes must a candidate receive to win the race for the presidency?

270

Questions regarding electoral votes controlled by blocks of states:

The top 11 most populous states in the country (California, Florida, Georgia, Illinois, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania and Texas) control how many electoral votes? – 271

The next tier of states, those that have 10 electoral votes or more (Arizona, Indiana, Maryland, Massachusetts, Minnesota, Missouri, Tennessee, Virginia, Washington and Wisconsin), control how many electoral votes? – 109

The remaining 29 states, each having less than 10 electoral votes apiece, control how many electoral votes among them? – 158

If you were running for President – or were running a presidential campaign – what states would you try the hardest to win for a majority in the Electoral College?

No correct answer – but Electoral votes of those states would need to total at least 270

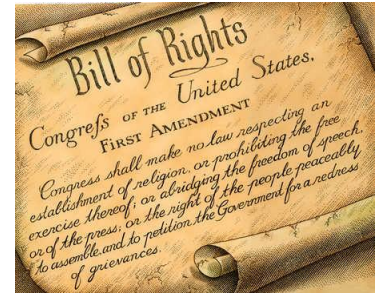
Do you think the Electoral College is still best way to elect the President? Or do you think we should elect presidents like we elect Representatives and Senators (whoever collects the most votes wins)?

No correct answer

Should the United States elect a president through direct elections or keep the Electoral College?

No correct answer

What Constitutional privilege do these things violate?



Choose which individual liberties, guaranteed by the Bill of Rights, which the following actions would violate. (And some may violate none at all.)

- Somebody stands across the street from the police station, not interrupting anybody's work. This person gives a speech for the whole day about how the police are using tactics that are illegal, and the person making the speech gets arrested.
(Violates the speech clause in the 1st Amendment)
- Somebody gets arrested, but the police don't tell him/her the reason for the arrest.
(Violates the 5th Amendment)
- People sent a petition to Congress asking them to fix something and Congress doesn't do it.
(Doesn't violate anything. The 1st Amendment only protects the right to ASK Congress to do stuff.)
- Congress passed a law forbidding a "Keepers of the Faith" religion (or they pass a law that prohibited ANY religion).
(Violates the freedom of religion clause in the 1st Amendment)
- Army commanders required area homeowners to let soldiers stay at their house when there was a housing shortage.
(Violates the 3rd Amendment)

- Congress passed a law saying people couldn't pray in public.
(Violates the freedom of religion clause in the 1st Amendment)

• Congress passed a law, keeping people from buying a certain kind of gun.
(No violation, Congress has that power. The laws like this that they have passed were never challenged under the 2nd Amendment until 2009. The Constitutional principle people previously challenged over gun laws passed by Congress is that those laws violate the 10th Amendment. Hard to say why gun cases never used the 2nd Amendment as their primary argument; many Judges, Justices, and legal scholars think the original wording of the 2nd Amendment means the right is literally guaranteed to those in the states' National Guard.)

- A Judge makes the person on trial tell why they broke the law.
(Violates the 5th Amendment)

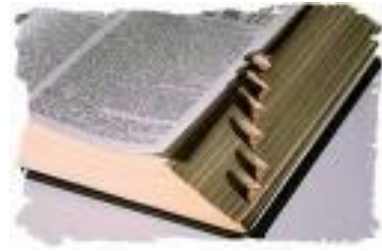
- A person on trial was not told why they were being arrested.
(Violates the 6th Amendment)

- The government shut down a newspaper because they wrote something that was really wrong about something important (but they didn't mean to, they were just bad at their job).
(Violates the freedom of the press clauses of the 1st Amendment)

- The Ku Klux Klan is denied a permit to gather in a town to stage a peaceful protest.
(Violates the assembly clause of the 1st Amendment ... remember, the Constitution is for everybody, no matter how reprehensible their views are to others)



Words to Study



(This list does not include all the hard words in the original text of the Constitution, only in the translation).

Amended – If a law is amended, that means we just added more to it, or made it different.

Appointed – In the United States, people who get picked by a President to serve in the government or on the courts, are appointed.

Bail – Money people pay to get out of jail while they wait on their trial.

Ballot – A ballot is a little piece of paper on which people write down their votes (most people cast electronic ballots now). Presidential electors still use paper ballots (which are Constitutionally mandated).

Bill, Act, Law – If someone in Congress has an idea for a law, they write it down for everybody to read and it is called a “bill,” or an “act.” After a bill has been passed by Congress and signed by the President, it is the law.

Cabinet – The Cabinet is made up of people the President picks to be in charge of the different departments in the government. In the United States, the people in the President’s Cabinet are his or her official advisors.

Candidate – A candidate is somebody who runs for office.

Case – When people are accused of a crime and they have to go to court, they are part of a case. The case is what the people, and the person blamed for the crime, tell the Judge and the jury.

Census – The Census is the official count of people in the country, we take it every 10 years.

Citizen, Citizenship – If you were born in a country, you are a citizen of that country. Citizenship is what you have if you are a citizen. If you weren’t born in the United States, you have to live in the U.S. for a while and take a test before you can be a citizen, unless your parents are both citizens.

Constitution – The word itself actually means to set things up and get things started. In the United States, the Constitution got the United States government all set up.

Delegation – A delegation is a group of people that officially represents other people.

Democracy – Democracy is a form of government where all the people in the country can vote for the people who make the laws.

Elections, elected – Elections are when people vote for their leaders. The candidates with the most votes are elected. In presidential races, the person with the most electoral votes wins the office.

Electors, Electoral College – An Elector is one of a few people in a state who vote for the President. When people vote for President and Vice President, they are actually voting for electors. The Electoral College is the group of people from all the states that cast votes for the President and Vice-President. The Electoral College only exists once every 4 years.

Empower – Empower means to give someone legal power.

Enforce – Enforce means to make someone mind and follow the rules.

Federal – The United States has several levels of government. There are local governments (cities and towns); there are state governments; and there is the federal government. The federal government is what the Constitution set up, in the federal city, Washington, D.C.

Founders – Founders are people who get a country or a movement started. In the United States, the Founders were a group of men whose families had come from Europe, and who wanted to start their own country.

Governor – In the United States, a governor is the top person in charge of a State.

Grand Jury – This is a small group of people gathered by the local authorities to decide if there is enough evidence to try someone for a crime.

Impeach, Impeachment – The word “impeach” actually means to discredit. In the United States government, impeaching someone begins the process of kicking them out of office. “Impeachment” is the process that leads to kicking people out of office. If someone is “impeached” they are accused by the House of Representatives, and the Senate can then hold the “impeachment trial” to either kick them out of office or determine that they do not deserve to get kicked out. The House acts as a grand jury and the Senate as jury for impeachment cases.

Income – Income is the money that people make from working.

Journal – A Journal is sort of like a diary. It is the official record of daily meetings in Congress.

Judge(s) – A Judge is a person who hears cases in court. The judges are always in charge in a

courtroom, and they give directions to the people talking and to the jury that decides the case.

Jury – A jury is a group of 12 people who don't know the person on trial, and who settle arguments between people in a case in court.

Legislature – The legislature is the elected group of people who make laws. In the United States, each State has a legislature. The country's legislature is the Congress.

Officers – An officer is someone who holds an office of trust in the civilian government. Officers are also people in the military who are in charge of other military people.

Override – When Congress votes with two-thirds of the members present, they can override a President's veto of a law Congress passed. If Congress is successful in their "veto override," the bill in question becomes law anyway.

Quorum – A quorum is the least amount of people needed to do business in Congress.

Ratify, Ratified – To formally approve, to give legal power, is to ratify something.

Repealed – If a law is repealed, it is completely erased.

Supreme – "Supreme" means highest. The Supreme Court is the highest court in the land. The supreme law of the United States is the Constitution; no law is more powerful. It is the highest law in the nation.

Tax, Taxed – A tax is money that people pay to support the government. People who make money legally are "taxed."

Treason, Crimes – Crimes are behaviors that breaks the law. Treason is a really bad crime, because it is a crime against everybody in the country. The Constitution lays out a real clear explanation of treason (Article 3, Section 3).

Trial, Try – A trial is the courtroom contest between the person blamed for the crime and the accusers, in front of the Judge and jury. To "try" somebody means to have a trial.

Veto – The word itself means to forbid, a veto is an official act that forbids something. In the Constitution, if the President opposes a law passed by Congress, it is vetoed.

Warrant – Warrants are what Judges give police if they think someone is breaking the law – it allows police to search private homes or arrest somebody.



Free Classroom Resources

The law now requires schools to teach the Constitution – specifically in mid-September – and my Constitution Day Toolkit lays out ideas for plans to make when teaching the Constitution at <http://www.travisbooks.com/constitution-for-kids/>. The Toolkit includes the links below, but also drafts of letters for invitations, instructions on letting the press know about your celebration, topics for debates ... and other techniques to use in the classroom.

Younger students:

- The youngest students might learn better by [coloring](#) pictures (provided by USconstitution.net) that generally depict aspects of the Constitution. USconstitution.net also focuses on [younger](#) children in terms of explaining the constitution; teachers can literally print out that page, and read it to younger classes.
- The [Center for Civic Education](#) offers lessons for elementary school classrooms, and older students.

Mid-level/older students:

- [Annenberg Classroom/Resources for America's teachers](#) offers an online video of U.S. Supreme Court Justice Sandra Day O'Connor talking about the privacy and the 4th Amendment (17 minutes).
- The National Archives – which houses the original Constitution, our “founding document” – offers a [digital classroom](#) with a number of free, downloadable resources about primary sources, activities and training for educators and students.
- The [National Constitution Center](#) created a Teacher Resources Section to help teachers locate materials for teaching the Constitution, and other civics-related topics, to students of all ages. Teachers of elementary, middle, and high school will find lesson plans and ideas for a variety of classroom activities. They let teachers search specifically to state standards.
- The American Bar Association's [Constitution Program](#) offers discussion and debate about the meaning of some of the Constitution's concepts and clauses that have been the subject of ongoing constitutional debate. Conversation topics include: general introduction, separation of powers, constitutional rights, and voting/elections.