

Teaching the Constitution to Twenty-first Century Students

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Civic education in public schools faces major challenges. Under No Child Left Behind, many schools have favored teaching math and English rather than civics, which undermines one of the purposes of public schools—to educate students to be responsible and active citizens in our democracy. A second challenge comes inside the classroom: engaging the interest of students in civics, and increasing their knowledge and analytical skills. Teaching about the Constitution can sometimes be overly dry and textual, and may be hampered by the fact that the language of the eighteenth century can make the document seem remote and distant to students. Nevertheless, it is possible to make it exciting and engaging, so that students appreciate the relevance of its principles to everyday public life and contemporary issues.

The study of the Bill of Rights, for example, does not have to rely only on using a textbook or having students memorize the main points of the ten amendments. The following lesson plan from the Sandra Day O'Connor Civic Education Project involves students directly in the Bill of Rights by stimulating their curiosity and challenging their knowledge and thinking skills.

Do You Have A Case?

The purpose of the lesson plan is to expose students to controversies or complaints and discover whether or not the Constitution addresses those issues. For instance, given a set of amendments from which to choose, which amendment, if any, could a person use to make a valid argument to the court in the following scenario?

My family put out a sign in our front yard supporting someone running for president. Our neighbors told us to take it down because they do not like that candidate. Do we

have a right to put a political sign in our own yard?

The choices offered students are:

1. **First Amendment:** “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Translation: There can be no law that interferes with someone’s religion, freedom of speech or press, or their ability to peacefully gather in groups, join organizations, or to contact the government with complaints.

2. **Fourth Amendment:** “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause,

supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

Translation: People who work for the government cannot unreasonably interfere with our houses, possessions, or bodies.

3. **Fifth Amendment:** “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

Translation: A person cannot be charged with a crime unless a grand jury says he or she should be charged. It also says that a person cannot be put on trial for the same crime—a person cannot be subject to trial for the same offence once he or she was found to be not guilty. Furthermore, the Fifth Amendment says that a person cannot be forced to say anything in court that would make him or her look guilty, and that the government cannot take life,

The Sandra Day O'Connor Civic Education Project, named after and initiated by the retired Supreme Court Justice, is committed to fostering creative teaching that engages students in the founding principles of government and the judiciary. The project is developing the Our Courts curriculum. Project directors are targeting the 2008-09 school year to pilot the curriculum in selected schools and other settings. After that stage is complete, it will be accessible to everyone. The curriculum is intended eventually to provide an example of effective interactive civics for 21st century learners, and also to ensure that the independent judiciary is a vital and interesting part of civic education and, indeed, of our democracy. The curriculum will be interactive, online, and free to users.

Currently, the project's website at www.ourcourts.org offers definitions of key law-related terms, connections to state websites that explain the structure of state governments and court systems, as well as links to the National Mock Trial Competition and the ABA search engine for law-related programs. The initial work on this curriculum will be presented at the NCSS Annual Conference in Houston in November 2008, where participants will see a program that empowers teachers and engages students in civic education and represents the passion of Justice Sandra Day O'Connor and all concerned with the state of civic education in the country.

liberty, or property without due process of law. Finally, the Fifth Amendment says that the government cannot take over property without paying for it.

Students will choose from the selected amendments and their answers will be recorded or videotaped. The goal is that students will have an understanding of

the Bill of Rights and have some experience in applying the law to particular cases.

Our goal in this lesson and others is to increase students' knowledge of the founding principles of government and the judiciary with the following objectives:

- Engaging the students by focusing on issues of importance to them.
- Teaching students how to analyze and to engage in constructive discussions regarding current and historical and important issues of the day so as to inculcate engaged and thoughtful citizenship rather than unthinking and rancorous partisanship.
- Giving students a sense of the constant stresses between the branches, the gray areas in which institutional powers and responsibilities are still being worked out, the importance of compromise and cooperation, and the critical nature of citizen involvement in policing the ongoing accommodations struck between the political branches.
- Empowering students by showing them that they can and must make a difference if our treasured institutions are to be effective in safeguarding their freedoms, dreams of opportunity, and the prosperity and security of their society.

By asserting the importance of learning about our democratic principles and foundations, and offering the kinds of lesson plans and resources that truly engage students in the subject, we can help reverse the decline of civic education in our schools. 🇺🇸

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