

Teaching the Constitution ... Virtually!

Jenny Sweeney

On September 17, 1787, delegates at the Pennsylvania State House in Philadelphia came together for the last time to sign (or not sign!) the national governing document they had recently created. After 232 years, how can we make this now-dusty piece of parchment still relevant to our students? There is much to consider when teaching the U.S. Constitution; it can be hard to know where to begin.

The importance of instilling an understanding of the Constitution in our students is a monumental task and is actually required by law if a school receives federal funding. House Resolution 4818, Section 111b states:

*Each educational institution that receives Federal funds for a fiscal year shall hold an educational program on the United States Constitution on September 17 of such year for the students served by the educational institution.**

Therefore, every September, history and civics educators should be teaching the Constitution. Not only is this mandated, but it is essential for students to gain an understanding of how the government works, and, perhaps more importantly, how they can participate in our government. The challenge? Constitution Day comes early in the school year and does not fit into the scope and sequence of most curriculum at that time. Many teachers find themselves frustrated because they are required to cover the Constitution and other founding documents so soon into the school year.

(Yoichi R. Okamoto, Courtesy of Wikimedia Commons)



Thurgood Marshall photographed June 13, 1967 in the Oval Office.

The National Archives and Records Administration, permanent home of the Declaration of Independence, U.S. Constitution and Bill of Rights, is here to help! The National Education and Public Programs Team has designed and offers several programs to assist educators in teaching these documents. Teachers can select their own documents from our vast holdings to emphasize how the Constitution works, or you can

choose to have an educator from the National Archives visit your classroom virtually. Either way, the primary sources that students encounter will help them better understand and bring meaning to the founding documents.

DocsTeach, the National Archives' online tool for teaching with documents, is where educators can find thousands of documents related to the Constitution. Teachers can download and print these documents for the classroom utilizing one or more of the ready-made activities, or they can create their own online activity from the documents. This article provides two examples of documents that illustrate the Constitution at work.

The 1967 nomination of Thurgood Marshall to the Supreme Court by President Lyndon Baines Johnson is a simple document, but with deep meaning. As chief counsel for the National Association for the Advancement of Colored People Legal Defense and Education Fund, Marshall argued numerous civil rights cases. In his most famous case, *Brown v. Board of Education of Topeka, KS*, he successfully argued that segregating schools by race could never truly be equal, and, therefore, the “separate but equal” doctrine established by *Plessy v. Ferguson* was unconstitutional.

One of the powers granted to the president in Article II, section 2, of the Constitution is nominating certain government officials:

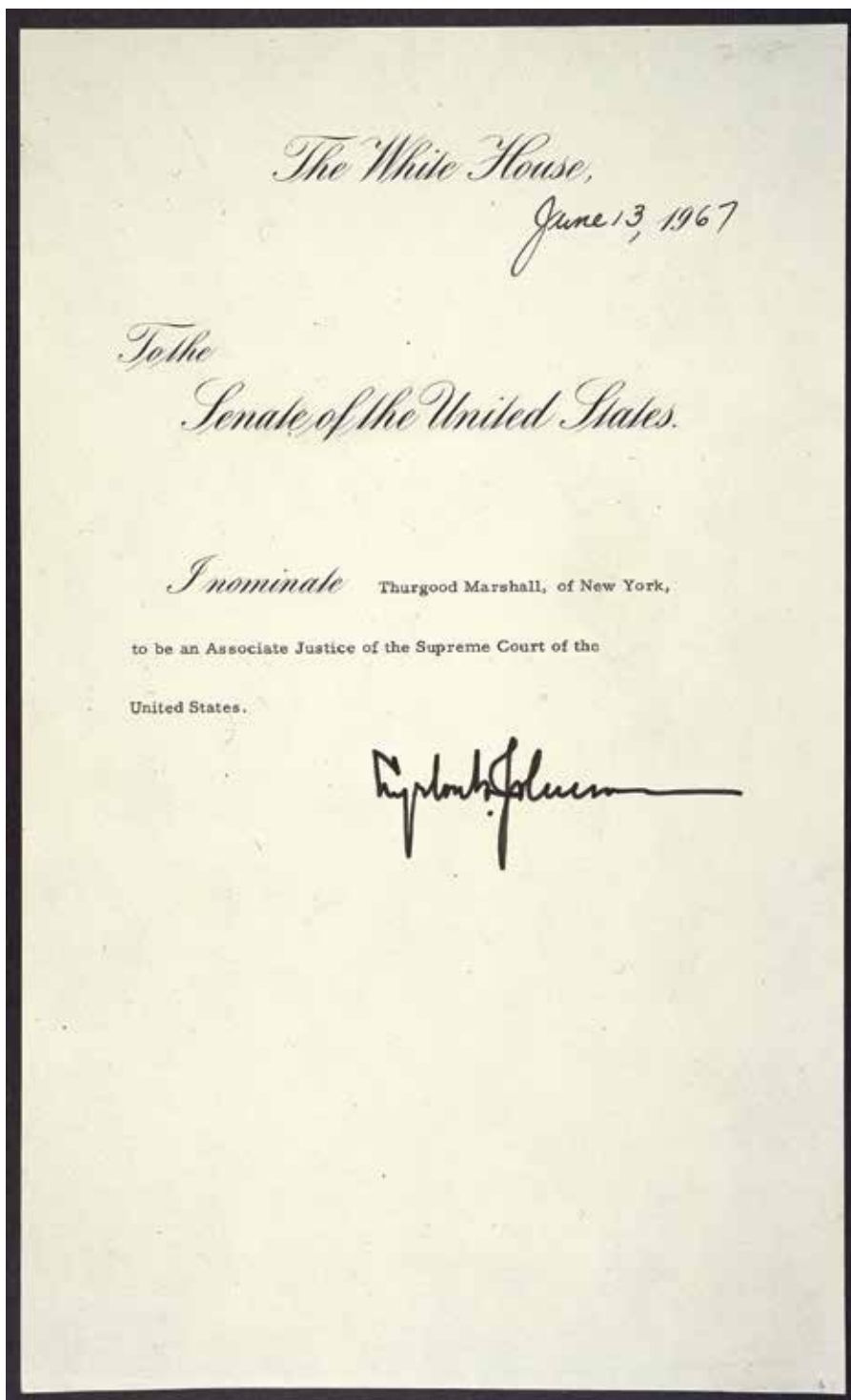
*... he shall nominate, and
by and with the Advice and
Consent of the Senate, ...
Judges of the Supreme Court...*

Johnson's nomination of Marshall clearly falls within the executive branch's powers. Students are also able to see the system of checks and balances working in this section of the Constitution because the nomination can only become effective if the legislative branch, specifically the Senate, approves the nominated individual.

Examining The Joint Resolution Proposing the Twenty-Sixth Amendment offers another opportunity for students to observe the Constitution at work. Throughout our nation's history, the right of suffrage, voting, has been extended to include different groups not originally included in the Constitution. These rights have been granted through the amendment process. The founders were aware that future generations would need to make changes to the Constitution and, therefore, built into the document the ability to change or amend it. Article V states:

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, ... [which] shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States....

In this example, the Twenty-Sixth Amendment lowered the voting age to 18. The document reveals that the resolution is a joint one, meaning that both houses of Congress proposed it as required by Article V. However, in order for this Joint Proposal to officially become the Twenty-Sixth Amendment it had to be ratified by three-fourths of the states. Only 13 weeks after the



proposal was presented, it was ratified on July 1, 1971.

These two documents are simple in form and relatively easy for students to read, and yet they have great historic depth. Helping students understand the context in which these two documents were created is essential to understanding their meaning and

to seeing the ongoing relevance of the Constitution.

For teachers whose schools have the technological capacity, the National Archives offers an exciting facilitated lesson option: distance learning programs. All distance learning programs are designed to be interactive and allow students to engage

Ninety-second Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Thursday, the twenty-first day of January,
one thousand nine hundred and seventy-one*

Joint Resolution

*Proposing an amendment to the Constitution of the United States extending the
right to vote to citizens eighteen years of age or older.*

*Resolved by the Senate and House of Representatives of the United
States of America in Congress assembled (two-thirds of each House
concurring therein), That the following article is proposed as an
amendment to the Constitution of the United States, which shall be
valid to all intents and purposes as part of the Constitution when
ratified by the legislatures of three-fourths of the several States within
seven years from the date of its submission by the Congress:*

"ARTICLE —

"SECTION 1. The right of citizens of the United States, who are
eighteen years of age or older, to vote shall not be denied or abridged
by the United States or by any State on account of age.

"Sec. 2. The Congress shall have power to enforce this article by
appropriate legislation."

Carl Albert
Speaker of the House of Representatives.

Allen S. Henderson
President of the Senate, *pro Tempore*





Sandra Day O'Connor is sworn in as Supreme Court Justice by Chief Justice Warren Burger on September 25, 1981, as her husband, John O'Connor, looks on.

with educators and documents from the National Archives. Students are tasked with answering [asking] specific questions and discovering the answers to the questions by exploring various primary sources and discussing their findings. In some programs, students might work together in groups, take part in a round-table discussion, or engage in role play to come up with the answers. Each program is aligned with National Social Studies Standards and Common Core State Standards and

includes a downloadable Teacher Guide.

The two documents highlighted in this article are part of the National Archives' distance learning program, *The Constitution at Work: Middle School Edition*. This particular distance learning program guides students in the exploration of constitutional checks and balance of power among the three branches of government. Other programs include *The Charters of Freedom: Building a More Perfect*

Union and Know Your Rights!, both designed for high school students, and the *Superhero Bill of Rights*, designed for older elementary students.

The National Archives has a treasure trove of materials related to the Constitution and its amendments. We encourage all educators to browse through our programs at www.archives.gov/education and choose one—or several—that work best for your classroom. And have a Happy Constitution Day! 🇺🇸

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Suggested Teaching Activities

1. Instruct students to conduct research in DocsTeach (www.docsteach.org/) to learn more about Thurgood Marshall's groundbreaking civil rights cases such as *Sweatt v. Painter*, *McLaurin v. Oklahoma State Regents*, or *Brown v. Board of Education of Topeka, KS*. Ask them about any similarities or differences between these cases. Point out that Thurgood Marshall was the first African American Supreme Court Justice. Ask students why they think President Johnson nominated him. What was going on in the United States at that time that might have influenced Johnson's choice? Did the nomination meet any resistance in the Senate? Why or why not?
2. Ask students to compare the nomination of Thurgood Marshall to the nomination of Sandra Day O'Connor, the first female Justice. Have students research O'Connor's credentials to determine why she was likely nominated by President Reagan. What reaction did her nomination prompt in the Senate? In the country? How were the two "first" nominations the same? How were they different, and why?
(www.docsteach.org/documents/document/nomination-sandra-day-oconnor)
3. Instruct students to explore the Twenty-Sixth Amendment in DocsTeach (www.docsteach.org). What are some of the arguments they discover for and against lowering the voting age to 18? What was going on during this time in American history that would make lowering the voting age appealing to so many? How has the impact of that amendment carried through to today?
Conduct a classroom discussion on which amendments relate to voting rights and which groups gained the right to vote through the amendments. Ask students why they think each group—African American men, all women, and 18 year olds—were extended the right to vote at that particular time in history. After these amendments were passed, were there any roadblocks for the newly franchised individuals?