

LESSON 2

The Living Constitution

LESSON ASSIGNMENTS

Pay very close attention when watching the video. Review the video objectives and be prepared to record possible answers, in abbreviated form, as you view the video. The titles and numbers of the textbook chapters may differ from the video program. Keep in mind that the video examines contemporary examples to illustrate your government in action. An attempt is made to show how you can participate in the political arena and bring about changes in the political process.

Video:

“The Living Constitution,” from the series, *Voices in Democracy: United States Government*

Activities:

One or more activities may be assigned to this lesson. Refer to your syllabus.

OVERVIEW

This lesson examines the origins and political foundations of the United States Constitution. It explores how our early experiences under colonial rule and our first attempt at self-government under the Articles of Confederation shaped the form of government we eventually chose. Several debates erupted as we tried to frame and ratify a national constitution. These debates are discussed, as are the motives of the framers. Key constitutional concepts such as federalism, separation of power, checks and balance, and judicial review are examined in light of their relation to each other and to democratic governance. The individual sections and provisions of the completed Constitution and its subsequent amendments are described.

To examine whether the United States Constitution is a living document, the expansion of the Commerce Clause through interpretation and law exemplifies how society has changed. The amendment process is used to show that the Constitution has become a more inclusive document to represent all people in the United States.

LESSON GOAL

Understand that the United States Constitution is a living document as it is interpreted and changed to reflect the conditions of the times throughout history.

VIDEO OBJECTIVES

The following objectives are designed to assist you in identifying the most significant aspects of the video segment of this lesson. You should take succinct notes while viewing the video.

1. List the major components and principles of the U.S. Constitution and explain how they contribute to the concept of a “living document.”
2. Explain the debate that has developed over the interpretation of the Constitution’s Commerce Clause.
3. Discuss the importance of the Bill of Rights in today’s society.
4. Describe the hurdles that have challenged the U. S. as an inclusive nation. Use the women’s movement as an example.
5. Explain how the right to privacy has challenged and continues to challenge the interpretation of the U.S. Constitution.
6. Analyze key Supreme Court decisions that have helped make the United States Constitution a living document.

WEB ACTIVITIES

These activities are not required unless your teacher assigns them. They are offered as suggestions to help you learn more about the material presented in this lesson.

Visit <http://www.mcs.net/~knautzr/fed/> and find answers to the following questions about *The Federalist Papers*:

- Who were the authors?
- When was the work published?
- How and where was the work published?
- How was the publication signed?
- How many of the papers were written by each author?
- Who wrote Federalist #10?

Read Federalist #10.

Identify the key concerns that bothered Madison and note how he suggested the new system of government would deal with these problems.

Although Federalists Hamilton, Madison, and Jay supported ratification of the Constitution of the United States, many others did not. While the works by the supporters of the new constitution were more logically organized and eventually won the debate, the Antifederalist writers were nonetheless articulate. Serious questions were raised which eventually led to some of the Federalist writings that served as answers to allegations by the Antifederalists.

No serious student of the Constitution can ignore the other side of the story. Over the years, as the intentions of the Founding Fathers have passed further and further from our memories, all three branches of the federal government seem to have assumed more power. Do the states have any methods they can use to limit the growing power of the federal branches of government?

Scroll down the page to the section titled “Read the other important documents of the period” and access the “Anti-Federalist Papers.” Then link to “Index of the Antifederalist Papers” and scroll half way down the page to “Antifederalist No.18-20 What Does History Teach? (Part I).” Read this commentary and answer the following questions:

What does the author say about the Roman Republic?

What arguments does the author use to defend including a Bill of Rights in the Constitution?

Do you agree or disagree with the author’s arguments?

PRACTICE TEST

After watching the video and reviewing the objectives, you should be able to complete the following Practice Test. When you have completed the Practice Test, turn to the Answer Key to score your answers.

MULTIPLE-CHOICE

Select the single best answer.

1. Which of the following supported the concept that the United States Constitution should become a more inclusive document and represent all the people?
 - A. E.C. Stanton
 - B. Susan B. Anthony
 - C. the 19th Amendment
 - D. All of the above
2. Which of the following Supreme Court decisions helped insure the principle that the United States Constitution is a living document?
 - A. Roe vs. Wade
 - B. Brown vs. Board of Education of Topeka
 - C. Gibbons vs. Ogden
 - D. All of the above
3. Which of the following amendments granted the right to vote to segments of the population that had formerly been denied this privilege?
 - A. Fifteenth Amendment
 - B. Nineteenth Amendment
 - C. Twenty-sixth Amendment
 - D. All of the above
4. In *Marbury v. Madison*, Chief Justice John Marshall argued that...
 - A. Congress has the power to determine for itself whether the laws it makes are constitutional
 - B. the Supreme Court has the power to determine what laws are constitutional
 - C. the Constitution was not superior to an executive order issued by the President
 - D. All of the above
5. The writers of the U.S. Constitution drew some of their inspiration from European thinkers and from...
 - A. the writings of Aristotle
 - B. American sources such as the Iroquois Indians
 - C. early written constitutions
 - D. Spanish documents
6. Which of the following Supreme Court Cases dealt with the right of the central government to regulate interstate commerce?
 - A. Plessy vs. Ferguson
 - B. Griswold vs. Connecticut
 - C. Gibbons vs. Ogden
 - D. Roe vs. Wade

ESSAY/PROBLEM QUESTION

7. Although written more than two hundred years ago, the U.S. Constitution is still referred to as a “living document.” Explain what this term, “living document,” means and give examples in your essay to illustrate how Supreme Court decisions and the amendment process have contributed to making the Constitution a “living document.”

ANSWER KEY

The following provides the answers and references for the practice test questions. Video objectives are referenced using the following abbreviation: V=Video Objectives.

1. D Ref: V 4 (Video)
2. D Ref: V 1 and 6 (Video)
3. D Ref: V 1 and 4 (Video)
4. B Ref: V 6 (Video)
5. B Ref: V 1 (Video)
6. C Ref: V 2 (Video)
7. Ref: V 1 and 6 (Video)