



# Process and Procedures of the American Constitution Classroom Application

Constitutional Literacy Institute  
June 25th, 2025



# Purpose of these sessions



The morning sessions are to increase our knowledge (Think like a Student)

The Quill sessions are to increase students and our research skills (Think like a Researcher)

The pedagogy sessions are to provide specific lesson plans (Think like a Teacher)

The classroom application sessions are to break down into ideas, concepts and units for students. (Think like a Teacher)

# Big picture Unit Outline of Constitutional Literacy



Monday- Foundations and Big Concepts of CL (Knowledge)

Tuesday- Dispositions of CL, Making our leaders Human (Dispositions)

**Wednesday- Process of CL (Skills)**

Thursday- Race and CL, Talking to Strangers Chapter 1 and 2

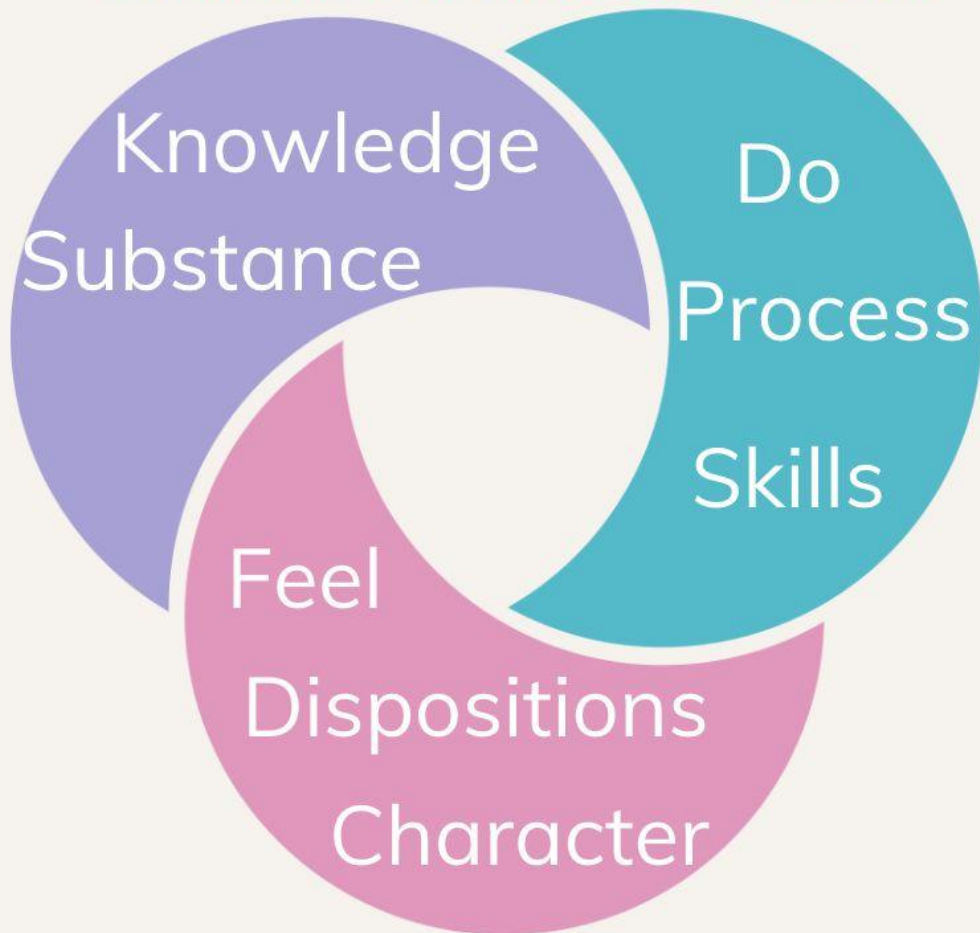
Friday- Reflections and “Why’s” of of CL



## Objectives for Today

- 1) Teachers will clarify into student friendly language and examples to show proper constitutional procedures and that the structure of the Constitution allows for it to be changed and adapted to find balance.
- 2) Teacher will theorize how to teach examples of Federalism and Sovereignty.

## DEEPER LEARNING FRAMEWORK



REPUBLIC OF THE  
UNITED STATES

CONSTITUTION (C)

PROTESTANT  
REFORMATION

BRITISH  
ENLIGHTENMENT

CLASSICAL  
REPUBLICANISM

AMERICAN  
EXPERIENCE

CIVIC VIRTUES/ DISPOSITIONS (c)

ELEMENTS OF  
CONSTITUTIONAL  
UNLITERACY

CONSTITUTION (C)

PROTESTANT  
REFORMATION

ENLIGHTENMENT

REPUBLICANISM

AMERICAN  
EXPERIENCE

KNOWLEDGE/  
SUBSTANCE

CIVIL CHARACTER/DISPOSITIONS (c)



# Processes and Sovereignty

What is Sovereignty?

The power to make the laws and hold the supreme authority

What is Federalism?

The balance and processes of shared sovereignty between the State and Federal Gov.

Oklahoma v Castro-Huerta (2022) changed state and tribal relationship

\*Checks and Balances & Separation of Powers

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# Sovereignty and Federalism



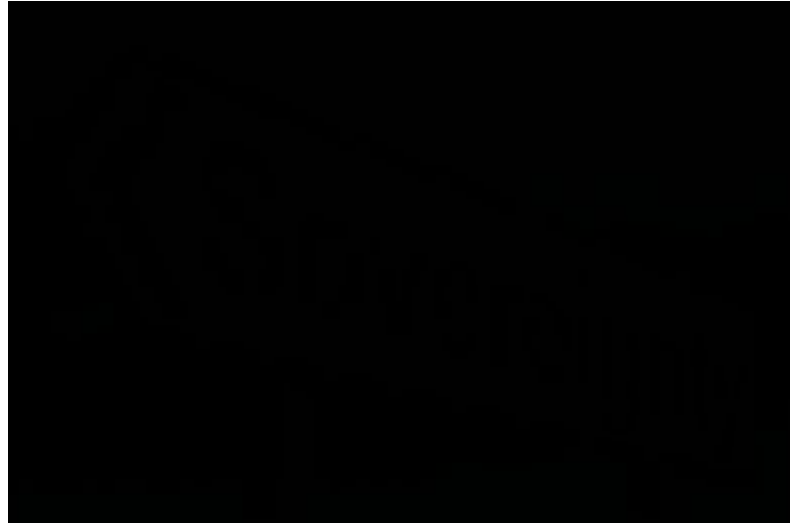
# Sovereignty

Colonial Era

Declaration

Articles

Constitution





# Popular Sovereignty

We the People

Supremacy Clause

Article V - amendment

Article VII - ratification



# BUT . . . .



## Limitations on popular sovereignty

Lack of inclusiveness

Checks and balances

- Federalist 10, 39 (republicanism)
- Federalist 63 (Congress)
- Federalist 71 (President)
- Federalist 78 (courts)
- Federalist 49 (popular appeals)

<https://global.oup.com/us/companion.websites/libertyandjustice/ch2/01/>



# “We the States”



Article IV

Senate

Electoral College

Ratification

Amendments



# Federalism



1 National Government

50 State Governments

**90,837 local governments**

519,145 versus 537

# The UNITED States of America???



# The United STATES of America???







# Federalism - teaching moments

Ratification

Alien & Sedition Act (1798-1800)

Nullification Crisis (1832-1833)

Fugitive slave controversy

Secession

14th Amendment post-Reconstruction

Civil Rights era

Nowadays

# How do you teach? State and Federal



Federalism and Sovereignty?

How a Bill becomes a law?

Amendment Process?

Court Systems?

Bill of Rights?

Voting?

Separation of Powers and Checks and Balances?

Civic Engagement?

Right to Petition?

Civil Discourse? (Friday)

# DOOR



Dr. Pepper

Sprite

# DOOR

Coke

Mtn Dew

Lemonade

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# Unit 1: Foundations & Constitution

### Legislative Branch Profile

**Instructions:** (Front) In your groups, complete the table below using the Constitution. (Back) Below the table, write out the steps of the Legislative Process from the "Process Cards" AND fill in the letter in the chart.

<b>What is legislative power?</b>  <b>How is this legislative unit different than the one organized under the Articles of Confederation?</b>		
<b>What are the two chambers of the Legislative Branch?</b>	Upper	Lower
<b>Elected or Appointed?</b> <b>Number of Positions per State?</b>		
<b>Requirements to Serve</b> - Age - Citizenship Requirements		
<b>Length of Terms</b> <b>Number of Terms</b>		
<b>Role and duties of the Legislative Branch/ Congress</b>  <b>Define:</b>  <b>Express Powers</b>  <b>Denied Powers</b>		
<b>Define:</b>  <b>Limited Government</b>  <b>Elastic Clause</b>  <b>Commerce Clause</b>		

### Executive Branch Profile

**Use Article Two of the Constitution to answer the following questions:**

<b>Head of the Executive Branch</b> Title and Current Position Holder	
<b>Elected or Appointed?</b>	
<b>Other Members of the Executive Branch?</b>	
<b>Requirements to Serve as President</b>  Age  Citizenship	
<b>Length of Terms</b>  <b>Number of Terms</b> *you will find this in the amendments	
<b>Roles and Duties of the Executive Branch/President</b>	

### Judicial Branch Profile

**Instructions:** In your groups, complete the table below using the Constitution.

<b>What is judicial power?</b>	
<b>What is the head of the Judicial Branch?</b>	
<b>Appointed or Elected?</b> <b>Process of Appointment or Election</b>	
<b>Requirements to Serve</b> - Age - Citizenship Requirements	
<b>Length of Terms</b> <b>Number of Terms</b>	
<b>Role and duties of the Judicial Branch (Express Powers &amp; Denied Powers)</b>	
<b>Define:</b> <b>Judicial Review</b>	



# CONGRESS AT WORK

# LEGISLATIVE PROCESS



1. Desire for Legislation is voiced

2. Bill is Introduced and referred to committee

3. Committee Action

3. Committee Action

3. Committee Action

4. Committee reports to full chamber

5. Floor action—DEBATE

5. Floor action—AMENDMENTS

6. End of floor debate—HOUSE

6. End of floor debate—SENATE

7. Vote on bill

8. Process is repeated in other chamber

9. House and Senate bill versions are reconciled by conference committee

9. House and Senate bill versions are reconciled by substitute bill

10. Act sent to Executive

11. Executive signs act

11. Executive vetoes act

12. Congress votes to override veto



Name \_\_\_\_\_

# Checks and Balances

Name: \_\_\_\_\_

Branch: \_\_\_\_\_

Ability to \_\_\_\_\_

Title: \_\_\_\_\_ Term Length: \_\_\_\_\_

Title: \_\_\_\_\_ Term Length: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



\_\_\_\_\_

Branch: \_\_\_\_\_

Ability to \_\_\_\_\_

Title: \_\_\_\_\_ Term Length: \_\_\_\_\_

Branch: \_\_\_\_\_

Ability to \_\_\_\_\_

Title: \_\_\_\_\_ Term Length: \_\_\_\_\_



\_\_\_\_\_



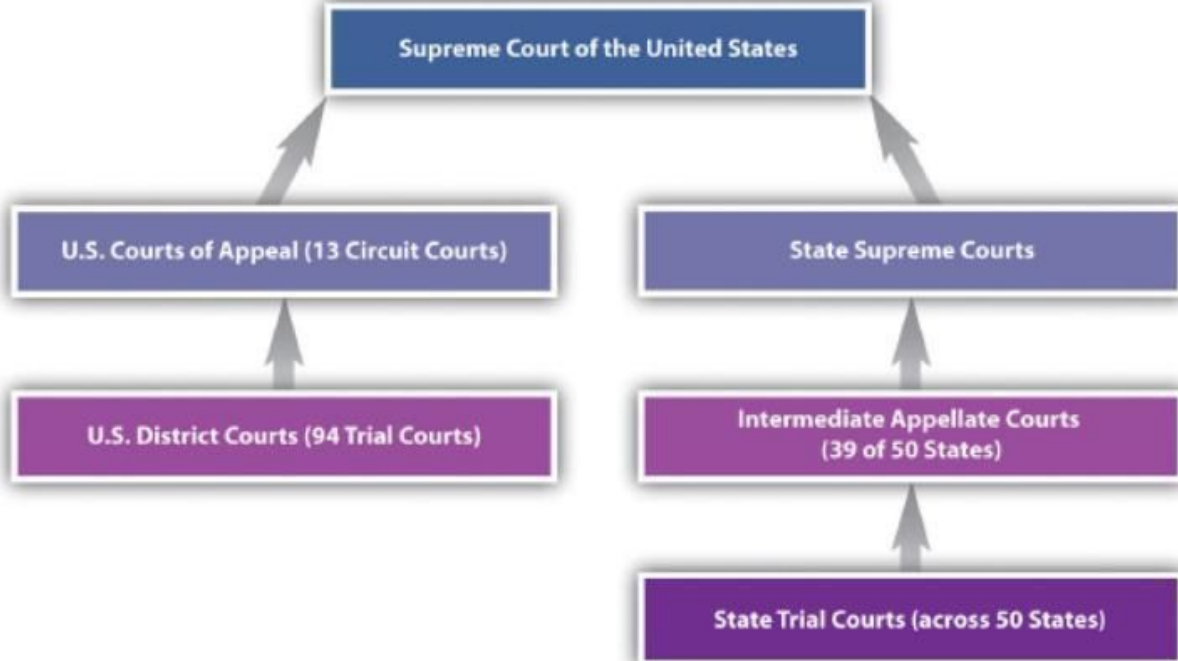
<b>Observation Station #1</b>	
Summary of the Executive Order (What does it mean in your own words)	
What was the purpose of this executive order?	
What is your personal reaction to this executive order?	
Date Issued	
Signed by	

<b>Observation Station #2</b>	
Summary of the Executive Order (What does it mean in your own words)	
What was the purpose of this executive order?	
What is your personal reaction to this executive order?	
Date Issued	
Signed by	

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# Unit 2: Bill of Rights & Civil Liberties

# How does a case get to the Supreme Court



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## Brown vs. Board of Education (1954)



- **Consolidation of cases: Kansas, South Carolina, Virginia, Delaware, & D.C.**
- **African American students were denied admittance to certain schools based on race (segregation)**
- **Argued segregation violated Equal Protection Clause (14th)**
- **Denied relief in lower courts based on Plessy v Ferguson (separate but equal)**

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## Brown vs. Board of Education (1954) Decision



- **Separate but equal educational facilities is inherently unequal**
- **Segregated schools violate 14th Amendment - Equal Protection Clause**
- **Instilled a sense of inferiority that was detrimental to development**
- **Warren based opinion based off social science and in language non-lawyers used so ALL Americans understood the logic**



# Federalism in Action

The case has been decided, so what now?

What are the next steps?

Do States change overnight?

What is the national government's job?

What is the state government's job?

## State Responses

- Suspended compulsory attendance (1954)
- “Southern Manifesto” Agreement and Massive Resistance (1956)
- School choice and vouchers
- County (Virginia) districts closed public schools system
- Governor’s threatened to cancel the school year

# Executive Order 10730: Desegregation of Central High School (1957)

WHEREAS on September 23, 1957, I issued Proclamation No.3204 reading in part as follows:

"WHEREAS certain persons in the state of Arkansas, individually and in unlawful assemblages, combinations, and conspiracies, have willfully obstructed the enforcement of orders of the United States District Court for the Eastern District of Arkansas with respect to matters relating to enrollment and attendance at public schools, particularly at Central High School, located in Little Rock School District, Little Rock, Arkansas; and

"WHEREAS such willful obstruction of justice hinders the execution of the laws of that State and of the United States, and makes it impracticable to enforce such laws by the ordinary course of judicial proceedings; and

"WHEREAS such obstruction of justice constitutes a denial of the equal protection of the laws secured by the Constitution of the United States and impedes the course of justice under those laws:

"NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States, under and by virtue of the authority vested in me by the Constitution and Statutes of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command all persons engaged in such obstruction of justice to cease and desist therefrom, and to disperse forthwith;" and

WHEREAS the command contained in that Proclamation has not been obeyed and willful obstruction of enforcement of said court orders still exists and threatens to continue:



NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and Statutes of the United States, including Chapter 15 of Title 10, particularly sections 332, 333 and 334 thereof, and section 301 of Title 3 of the United States Code, It is hereby ordered as follows:

SECTION 1. I hereby authorize and direct the Secretary of Defense to order into the active military service of the United States as he may deem appropriate to carry out the purposes of this Order, any or all of the units of the National Guard of the United States and of the Air National Guard of the United States within the State of Arkansas to serve in the active military service of the United States for an indefinite period and until relieved by appropriate orders.

SEC. 2. The Secretary of Defense is authorized and directed to take all appropriate steps to enforce any orders of the United States District Court for the Eastern District of Arkansas for the removal of obstruction of justice in the State of Arkansas with respect to matters relating to enrollment and attendance at public schools in the Little Rock School District, Little Rock, Arkansas. In carrying out the provisions of this section, the Secretary of Defense is authorized to use the units, and members thereof, ordered into the active military service of the United States pursuant to Section 1 of this Order.

SEC. 3. In furtherance of the enforcement of the aforementioned orders of the United States District Court for the Eastern District of Arkansas, the Secretary of Defense is authorized to use such of the armed forces of the United States as he may deem necessary.

SEC. 4. The Secretary of Defense is authorized to delegate to the Secretary of the Army or the Secretary of the Air Force, or both, any of the authority conferred upon him by this Order.

DWIGHT D. EISENHOWER  
THE WHITE HOUSE,  
September 24, 1957

## Dobbs vs. Jackson Women's Health Organization (2022)



- **Mississippi law that arguably violates Roe v Wade**
- **Jackson files lawsuit requested TRO (temporary restraining order)**
- **TRO granted while case is litigated in lower courts**
- **Granted relief in lower courts based on state's lack of evidence of viability at 15 weeks**
- **Fifth Circuit affirmed**

# Dobbs vs. Jackson Women's Health Organization (2022) Decision



- **Constitution does not confer a right to abortion**
- **Constitution does not mention abortion (not deeply rooted in the nation's history/tradition)**
- **5 Factor rule for overturning precedent**
- **“Short-circuited the democratic process”; lacked grounding in constitutional text, history, precedent; distortion of law; overruling would not upend concrete reliance interests**



# Federalism in Action

The case has been decided, so what now?

What are the next steps?

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What is the state government's job?

## State Responses

- Returns decision to restrict or protect abortion to states
- States have adopted abortion bans at different stages of pregnancy
- Banned throughout pregnancy (14 states)
- Banned after 6-15 weeks (3 states)
- Bans have been adopted but not yet in effect (2 states)
- Bans or restrictions have been put on hold by courts (5 states)
- Other varying degrees (banned after viability, not banned at any point, banned after 24 weeks)
- Some states have not changed their abortion policies (6 states) and have varying policies

<https://www.wnycstudios.org/podcasts/radiolabmoreperfect/episodes/part-1-viability-line>

<https://www.wnycstudios.org/podcasts/radiolabmoreperfect/episodes/part-2-if-not-viability-then-what>

# Federalism: Controversies



## Historical

Nullification

Fugitive Slave controversy (p175-189)

Secession (website)

Interpretation of 14th and 15th Amendments  
(p202-214)

Modern civil rights era - *Brown*, Southern  
Manifesto, *Cooper v. Aaron* (p328-336)

*Roe* and *Dobbs* (p366-378 + website)

## Structural

Electoral College

Inequality of representation in the Senate

Amending the Constitution

4th branch of government - the states

- Article IV
- Federalist 51

Website:

<https://global.oup.com/us/companion.websites/liertyandjustice/ch2/01/>

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## Tinker vs. Des Moines



- Students wore black arm band to protest Vietnam War.
- The students were suspended from school for violating the school's dress code.
- Their parents sued the school district!
- The Tinkers claimed suspension violated their first amendment right to Free Speech.
- **What do you think? Can the school district tell kids what they can and can not wear?**

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## Courtroom Decision



- Tinker v. Des Moines (1969)- Court ruled that students could wear black armbands in protest of Vietnam war
- **What type of speech is this case?**



## Bethel School District vs. Fraser

- **Facts of the Case**
- At a school assembly of approximately 600 high school students, Matthew Fraser made a speech nominating a fellow student for elective office. In his speech, Fraser used what some observers believed was a graphic sexual metaphor to promote the candidacy of his friend. As part of its disciplinary code, Bethel High School enforced a rule prohibiting conduct which "substantially interferes with the educational process . . . including the use of obscene, profane language or gestures." Fraser was suspended from school for two days.
- **Question**
- Does the First Amendment prevent a school district from disciplining a high school student for giving a lewd speech at a high school assembly?



## Bethel School District vs. Fraser Decision

- **Decision:** 7 votes for Bethel School District No. 403, 2 vote(s) against
- **Legal provision:** Amendment 1: Speech, Press, and Assembly
- No. The Court found that it was appropriate for the school to prohibit the use of vulgar and offensive language. Chief Justice Burger distinguished between political speech which the Court previously had protected in *Tinker v. Des Moines Independent Community School District* (1969) and the supposed sexual content of Fraser's message at the assembly. Burger concluded that the First Amendment did not prohibit schools from prohibiting vulgar and lewd speech since such discourse was inconsistent with the "fundamental values of public school education."

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# Unit 3: Civic Engagement

## Political Issue Proposal 2021

For this assignment, you will pick a political issue and create a 2-minute commercial, (or written proposal if you are working individually online and do not wish to do the video on your own) that **identifies an issue** and **proposes a solution to the issue**. Projects are to **educate the viewer/reader on the issue** and **how the viewer/reader can help solve the problem**.

Answer the following questions to begin:

1. Target Audience: Who do we want to reach with my message?

2. Message: What is our message? What do we want the viewer to understand?

3. Significance of Issue to the Public: Why is this issue important to the public?

4. Solution: How do we solve the issue? How can the viewer get involved?

### Project Timeline:

1. **Choosing an Issue:** Let your teacher know which issue you are focusing on supporting in your AD when you complete the first progress check point. You are welcome to work in a group of up to 3 people that you can work with both in class and VIRTUALLY. ***(DUE: 3/18 or 19/21)***

2. **Research Checkpoint #1:** Complete some research that is necessary (facts/quotes/issues) that you can implement into your Ad. Fill out the questions for the first 3 (1-3) evidences (fill out in packet and submit either photos or electronically in Canvas. ***(DUE: 3/18 or 19/21)***

3. **Research Checkpoint #2:** Complete some research that is necessary (facts/quotes/issues) that you can implement into your Ad. Fill out the questions for the second 3 (4-6) evidences (fill out in packet and submit either photos or electronically in Canvas. You also have a storyboard that shows the planned progression of your video due in Canvas this same day. ***(DUE: 3/25 or 26/21)***

4. **Final Product Due** – Your project is due ***4/1 or 4/2/21. (Depending on A or B Day class)*** Each group will present their video in class. Each student must also submit a copy in Canvas for grading, as well as an evaluation sheet (includes a self-evaluation as well as a group evaluation.)

***Disclaimer:*** Remember--no slurs, racial/gender remarks, or inappropriate language/images/etc on the film, proposal, or presentation. If you are not sure if it's appropriate, get approval from your teacher. If you violate these expectations, it may result in a failing grade.

Group Members: \_\_\_\_\_



**Division of Power**

**Separation of Powers**

	<b>Level</b>	<b>Jurisdiction</b>	<b>Structure</b>	<b>Powers</b>
<b>Federalism</b>	Federal <a href="#">Video Click Here</a>	Governs/Serves who? _____	Has ____ "branches" 1. ____ branch a. their main job _____  2. ____ branch a. their main job? _____ 3. ____ branch a. their main job? _____	
	State <a href="#">Video Click Here</a>	Governs/Serves who? _____	Has ____ "branches" 1. ____ branch a. their main job _____  2. ____ branch a. their main job? _____ 3. ____ branch a. their main job? _____	
	Tribal <a href="#">Video Click Here</a>	Governs/Serves who? _____	Led by whom? _____  OR  _____	
	County <a href="#">Video Click Here</a>	Governs/Serves who? _____	Led by whom? _____	
	School District <a href="#">Video Click Here</a>	Governs/Serves who? _____	Led by whom? _____	
	City <a href="#">Information Here</a>	Governs/Serves who? _____	Led by whom? _____  And  _____	







# Think outside of the Box?

- 1) Classroom Sovereignty (Management)?
  - a) Children Full of Life (All or clip 3 of 5)
  - b) My parents
- 2) Levels of Federalism and Sovereignty
  - a) International - National - State - County - City - School - Classroom - Family - Self
- 3) Checks and Balances is not Federalism
- 4) Getting Students involved in our community
  - a) Student Government
  - b) Civic Engagement Projects