

How does the Constitution check and balance power?

Dear Educator,

Thank you for your interest in the *Constitution at Work* distance learning program from the National Archives for grades 6–8! Prior to the program, students will be divided into groups to analyze primary sources that show historical examples of the Constitution at work. During the videoconference program, students will review a brief history of some of the problems created by the Articles of Confederation and how these problems led to the creation of the United States Constitution and a new central government. Students will use the documents from the pre-program activity to examine the powers of the Federal Government and discover how the Constitution created a stronger central government compared to the Articles of Confederation. They will also discover how the Constitution checks and balances power among the three branches of government and between the federal government and state governments.

Within this guide, you will find everything you need to prepare your class for the upcoming distance learning program, including a **pre-program activity** and what to expect during the videoconference with the National Archives.

During the videoconference, students will need:

- ❑ Materials from the **Pre-Program Activity**; these are essential to the success of the program and include:
 - ❑ Three different document sets and excerpts from the Constitution (assigned to 3 or 6 different groups of students)
 - ❑ The Document Analysis Worksheet (completed prior to the distance learning program)
- ❑ The Constitution at Work Graphic Organizer (to be completed during the distance learning program)

If you have any questions, please contact us at distancelearning@nara.gov.

We look forward to seeing you soon!

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National Standards Alignment

NATIONAL CENTER FOR HISTORY IN THE SCHOOLS STANDARDS [↗](#)

United States History Content Standards for Grades 5–12 United States Era 3 Standard 3A

The student understands the issues involved in the creation and ratification of the United States Constitution and the new government it established.

Therefore, the student is able to

- ❑ (5–12) Analyze the factors involved in calling the Constitutional Convention.
- ❑ (5–12) Analyze the features of the Constitution which have made this the most enduring and widely imitated written constitution in world history.

NATIONAL STANDARDS FOR CIVICS AND GOVERNMENT [↗](#)

NSS-C.5-8.2.A.1

The American idea of constitutional government. Students should be able to explain the essential ideas of American constitutional government.

NSS-C.5-8.2.D.1

Fundamental values and principles. Students should be able to explain the meaning and importance of the fundamental values and principles of American constitutional democracy.

NSS-C.5-8.3.A.1

Distributing, sharing, and limiting powers of the national government. Students should be able to explain how the powers of the national government are distributed, shared, and limited.

COMMON CORE STATE STANDARDS [↗](#)

CCSS.ELA-LITERACY.RI.6.1

Cite textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.

See also: CCSS-ELA-LITERACY.RI.7.1 and CSS-ELA-LITERACY.RI.7.1

CCSS.ELA-LITERACY.SL.6.1

Engage effectively in a range of collaborative discussions (one-on-one, in groups, and teacher-led) with diverse partners on grade 6 topics, texts, and issues, building on others' ideas and expressing their own clearly.

See also: CCSS-ELA-LITERACY.SL.7.1 and CCSS-ELA-LITERACY.SL.8.1

CCSS.ELA-LITERACY.SL.6.1.A

Come to discussions prepared, having read or studied required material; explicitly draw on that preparation by referring to evidence on the topic, text, or issue to probe and reflect on ideas under discussion.

See also: CCSS.ELA-LITERACY.SL.7.1.A and CCSS.ELA-LITERACY.SL.8.1.A

CCSS.ELA-LITERACY.SL.6.2

Interpret information presented in diverse media and formats (e.g., visually, quantitatively, orally) and explain how it contributes to a topic, text, or issue under study.

See also: CCSS.ELA-LITERACY.SL.7.2 and CCSS.ELA-LITERACY.SL.8.2



CCSS.ELA-LITERACY.RH.6-8.1

Cite specific textual evidence to support analysis of primary and secondary sources.

CCSS.ELA-LITERACY.RH.6-8.2

Determine the central ideas or information of a primary or secondary source; provide an accurate summary of the source distinct from prior knowledge or opinions.



Guidance for Pre-Program Activities

MEET THE DOCUMENTS (REQUIRED)

TIME: 45–60 MINUTES

MATERIALS:

- ❑ **Document Analysis Worksheet (one per student or one per group)**

Please note that the Constitution at Work Graphic Organizer for student use during the distance learning program is included after the Document Analysis Worksheet in this packet so that you have the option of printing the student worksheets front/back.

- ❑ **Document Sets:** Each different set includes 2 documents, background information, and an excerpt of the Constitution. Document sets can be shared by each group, or each group member can receive a copy of all materials in the Document Set.

- ❑ **Pencils/Highlighters**

Teacher Note: This activity is designed to familiarize students with the documents that they will be using during the videoconference with the National Archives. Divide students into 3 groups or 6 groups (depending on class size). If you have 6 groups, two different groups will review the same Document Set.

In addition to this pre-program activity, it may be helpful to have your students review the three branches of government prior to the distance learning program.

Depending on the amount of time you are able to allot for the pre-program lesson and distance learning program or your students’ comfort level when it comes to working with primary sources, **you may decide to have your students analyze only one of the documents from each set.** Please let your National Archives’ facilitator know in advance if you plan to have your students focus on the first or second document in each set. Here is a list of the documents included in each set. For your reference, we have provided an answer key for each case study at the end of this Teacher Guide (Pages 22–23).

DOCUMENT SET 1	DOCUMENT SET 2	DOCUMENT SET 3
Article 1, Section 8-9	Article 2, Sections 2-3	Article 3 Sections 1-2; Article 5
Document 1: 2600932	Document 1: 306369	Document 1: 1656510
Document 2: 1656515	Document 2: 300009	Document 2: 1415809

Instructions for Students: During our distance learning program with the National Archives, we will explore how these documents show the Constitution at work. To prepare for our discussion, each group will analyze (one or two) different document(s). Each person (or group) should record notes for their assigned document(s) on the Document Analysis Worksheet. *If students are receiving the Constitution at Work Graphic Organizer at this time, let them know that they should not complete it until the program with the Archives.*

You are also receiving a page with background information on each document. Try to answer as many questions as you can on your Document Analysis Worksheet before looking at the background information.

Each group is also receiving an excerpt from the Constitution. After you analyze your documents, highlight the text of the Constitution that corresponds to each document. Make a note of the corresponding Article and Section of the Constitution on your worksheet.



The Constitution at Work DOCUMENT ANALYSIS WORKSHEET

Document Set _____ Group Names: _____

Meet Document 1.

What type of document is this?

Observe its parts.

Who created it?

When is it from?

Which branches government are represented in your document?
(Legislative, Executive, Judicial)

Try to make sense of it.

What is the document talking about? (Try to summarize it in one sentence.)

Use it as historical evidence.

Document 1 shows Article _____ Section _____ of the Constitution at work because (write a sentence connecting your document to an excerpt from the Constitution):

Meet Document 2.

What type of document is this?

Observe its parts.

Who created it?

When is it from?

Which branches government are represented in your document?
(Legislative, Executive, Judicial)

Try to make sense of it.

What is the document talking about? (Try to summarize it in one sentence.)

Use it as historical evidence.

Document 2 shows Article _____ Section _____ of the Constitution at work because (write a sentence connecting your document to an excerpt from the Constitution):



What powers does the Constitution give the Federal Government?

Consider:
What examples of powers or responsibilities of the Federal Government can you find in your documents?

How does the Constitution check and balance power?

Check: a means of control or restraint

Find if your documents show:

- one branch of government checking another branch of government
- the Federal Government checking the power of the state governments
- power being shared among the three branches of government, or power being shared between the Federal Government and the states



The Constitution at Work: Document Set I

INSTRUCTIONS:

During our distance learning program with the National Archives, we will explore how these documents show the Constitution at work. To prepare for the program, use the contents of this document set to complete your Document Analysis Worksheet. Use the documents to answer as many questions as you can before reading the document background information.

Each group is also receiving an excerpt from the Constitution. After you analyze your documents, highlight the text of the Constitution that corresponds to each document. Make a note of the corresponding Article and Section of the Constitution on your worksheet.

THIS DOCUMENT SET INCLUDES:

- Document 1:** Tally Sheet
- Document 2:** Act for 1789 Federal Government Appropriations
- Excerpts of the Constitution; selections from Article I, Section 8 and Section 9**

Please note that this text is a transcription of the Constitution as it was originally inscribed. The spelling and punctuation reflect the original document.

Document Background Information (Read this **after** you look at your documents!)

DOCUMENT 1

One day after the attack on Pearl Harbor, President Franklin D. Roosevelt addressed a Joint Session of Congress, pronounced December 7 “a date which will live in infamy,” and asked Congress for a formal declaration of war against Japan. This tally sheet records the votes in the House of Representatives on the resolution for a declaration of war against Japan; it was adopted 388–1. Jeannette Rankin, representative from Montana, was the only member of Congress to vote “no.” After the Senate also voted to declare war on Japan 82–0, President Franklin D. Roosevelt signed the official declaration and the United States entered World War II.

DOCUMENT 2

The first appropriations act passed by the new Congress was signed into law on September 29, 1789. In an appropriations act, Congress decides the budget for the government each year. The appropriations bill must be approved by the House of Representatives and the Senate before it is sent to the president to be signed into law. This appropriations act sets a budget of \$639,000 to cover the Federal Government’s expenses for that year.



The Constitution at Work: DOCUMENT SET I

UNITED STATES HOUSE OF REPRESENTATIVES
TALLY SHEET
 No. 130
 FIRST SESSION

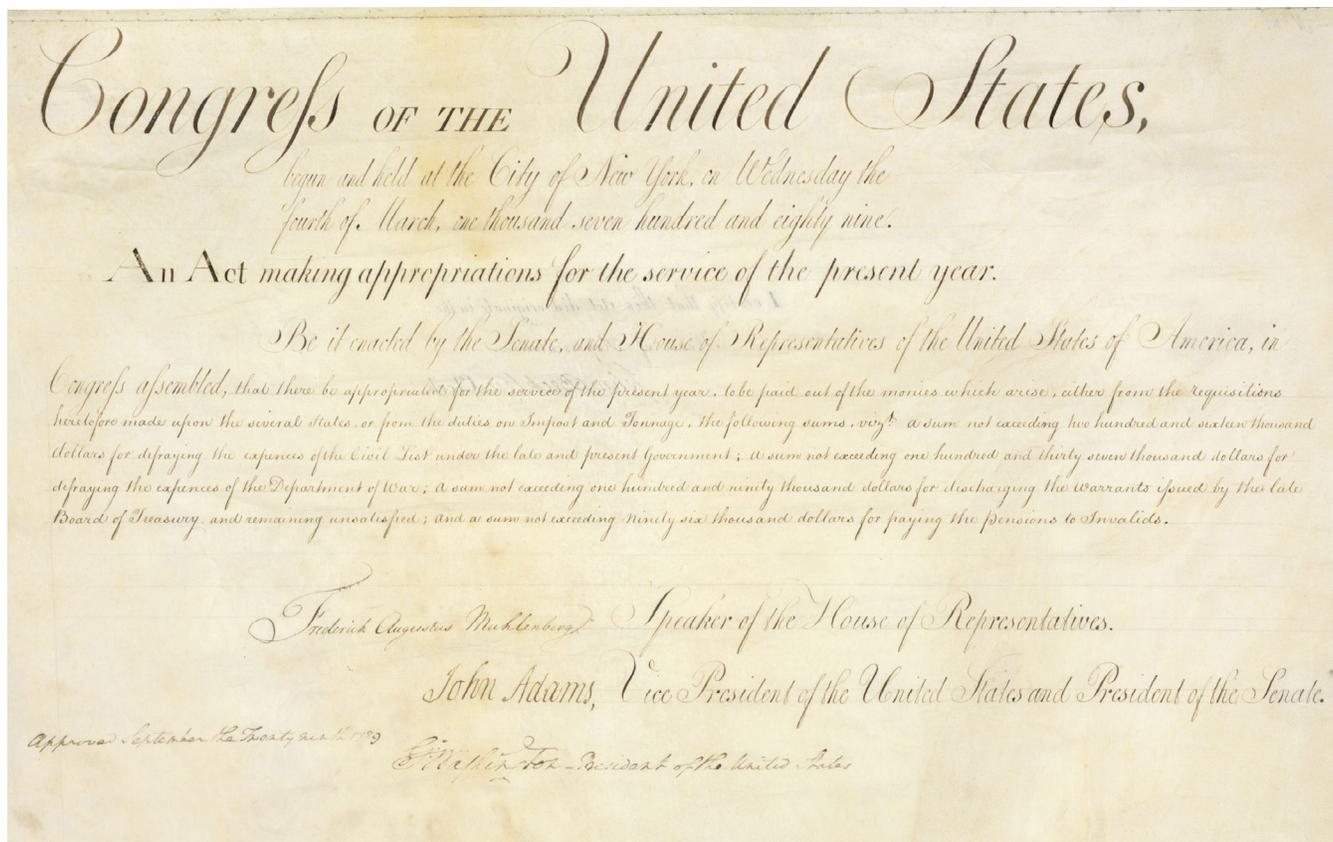
DATE: Dec 4, 1891
 State of Japan
 388
 1

YEA	NAMES	NAY	YEA	NAMES	NAY	YEA	NAMES	NAY	YEA	NAMES	NAY	YEA	NAMES	NAY	YEA	NAMES	NAY
1	A	67	Collins			121	Gibson		200	Kennedy, Martin J.		263	Osmers		274	Smith of Pennsylvania	
2	Allen of Illinois	68	Colmer			122	Gifford		201	Kennedy, Michael J.		264	O'Toole		275	Smith of Virginia	
3	Allen of Louisiana	69	Cooley			123	Gillette		202	Keogh		265	P		276	Smith of Washington	
4	Andersen of Minnesota	70	Cooper			124	Gilchrist		203	Kerr		266	Face		277	Smith of West Virginia	
5	Anderson of California	71	Copeland			125	Gille		204	Kilburn		267	Paddock		278	Smith of Wisconsin	
6	Anderson of N. Mexico	72	Costello			126	Gore		205	Kilday		268	Patman		279	Snyder	
7	Andrews of Minnesota	73	Courinay			127	Gosselt		206	Kinzer		269	Patrick		280	Somers of New York	
8	Angell	74	Cox			128	Graham		207	Kirwan		270	Patton		281	South	
9	Arends	75	Cravens			129	Granger		208	Kleberg		271	Pearson		282	Sparkman	
10	Arnold	76	Crawford			130	Grant of Alabama		209	Klein		272	Peterson of Florida		283	Spence	
11	B	77	Creal			131	Grant of Indiana		210	Knutson		273	Peterson of Georgia		284	Springer	
12	Baldwin	78	Crosser			132	Green		211	Kocalkowski		274	Pfeifer, Joseph L.		285	Starnes of Alabama	
13	Barden of North Carolina	79	Crouther			133	Gregory		212	Koppelman		275	Phelifer, William T.		286	Steagall	
14	Barnes	80	Culkin			134	Guyar of Kansas		213	Kramer		276	Pierce		287	Stearns of New Hampshire	
15	Barry	81	Cullen			135	Gwynne		214	Kunkel		277	Pittenger		288	Stefan	
16	Bates of Kentucky	82	Cunningham			136	H		215	Lambertson		278	Planché		289	Stecenson	
17	Bates of Massachusetts	83	Curtis			137	Haines		216	Lands		279	Ploesser		290	Stratton	
18	Baumhart	84	D			138	Hall, Edwin A.		217	Lanham		280	Plumley		291	Sullivan	
19	Beam	85	D'Alesandro			139	Hall, Leonard W.		218	Larabee		281	Poize		292	Summers of Texas	
20	Beckworth	86	Davis of Ohio			140	Halleck		219	Lea		282	Powers		293	Sutphin	
21	Beiter	87	Davis of Tennessee			141	Hancock		220	Leary		283	Priest		294	Sweeney	
22	Bell	88	Day of Illinois			142	Hare		221	LeCompte		284	R		295	T	
23	Bender	89	Delaney			143	Harness		222	Lesniak		285	Rabaut		296	Taber	
24	Bennett	90	Deucey			144	Harrington		223	Lewis		286	Ramsay		297	Taille	
25	Bishop	91	Dickstein			145	Harris of Arkansas		224	Ludlow		287	Ramey		298	Tarver	
26	Blackney	92	Dies			146	Harris of Virginia		225	Lynch		288	Randolph		299	Tenerowicz	
27	Bland	93	Dingell			147	Hart of New Jersey		226	McCardie		289	Rankin of Mississippi		300	Terry	
28	Bloom	94	Dirken			148	Harter of Ohio		227	McCormack		290	Rankin of Montana		301	Thill	
29	Boehne	95	Disney			149	Hartley of New Jersey		228	McGehee		291	Reece of Tennessee		302	Thom	
30	Boggs	96	Dittler			150	Hobert		229	McGregory		292	Reed of Illinois		303	Thomas of New Jersey	
31	Boland	97	Domengoux			151	Hofferman		230	McGregor		293	Reed of New York		304	Thomas of Texas	
32	Bolton	98	Dondero			152	Holding		231	McIntyre		294	Rees of Kansas		305	Thomson of Texas	
33	Bonner	99	Doughton			153	Doughan		232	McKeeough		295	Reid		306	Tibbott	
34	Boren	100	Douglas			154	Dress		233	McLaughlin		296	Richards		307	Tinkham	
35	Boykin	101	Downs			155	Hill of Colorado		234	McLean		297	Elvers		308	Tolan	
36	Bradley of Michigan	102	Drewry			156	Hill of Washington		235	McMillan		298	Rickey		309	Traylor	
37	Bradley of Pennsylvania	103	Duncan			157	Hinshaw		236	Maas		299	Robertson, North Dakota		310	Treadway	
38	Brooks	104	Durham			158	Hobbs		237	Maciejewski		300	Robertson of Virginia		311	V	
39	Brown of Georgia	105	Dvorshak			159	Hoffman		238	Maciera		301	Robinson of Utah		312	Van Zandt	
40	Brown of Ohio	106	E			160	Holbrook		239	Magnuson		302	Robison of Kentucky		313	Vinson of Kentucky	
41	Bryson	107	Eaton			161	Holmes		240	Mahan		303	Rockefeller		314	Vinson of Georgia	
42	BUCKLER OF MINNESOTA	108	Eberharter			162	Hook		241	Mannasco		304	Rodgers of Pennsylvania		315	Voorhis of California	
43	Buckley of New York	109	Edmiston			163	Hope		242	Mansfield		305	Rogers of Massachusetts		316	Vorps of Ohio	
44	Bulwinkle	110	Elliott of Massachusetts			164	Houston		243	MARCANTONIO		306	Rogers of Oklahoma		317	Vreeland	
45	Burch	111	Elliott of California			165	Howell		244	Martin of Iowa		307	Rolph		318	W	
46	Burdick	112	Ellis			166	HULL		245	Martin of Massachusetts		308	Romjue		319	Wadsworth	
47	Burgin	113	Elston			167	Hunter		246	Mason		309	Russell		320	Waller	
48	Butler	114	Engel			168	I		247	May		310	Ward		321	Waslewski	
49	Byrne	115	Engelbright			169	Imhoff		248	Merritt		311	Weaver		322	Wasslewski	
50	Byron	116	F			170	Isac		249	Meyer of Maryland		312	Webster		323	Weiss	
51	Camp	117	Faddis			171	Jackson		250	Michener		313	Sabath		324	Weich	
52	Cantfield	118	Fellows			172	Jacobson		251	Mills of Arkansas		314	Sacks		325	Welch	
53	Cannon of Florida	119	Fenton			173	Jarman		252	Mills of Louisiana		315	Sanders		326	Wene	
54	Cannon of Missouri	120	Fish			174	Jarrett		253	Mitchell		316	Sasser		327	West	
55	Capozzoli	121	Fitzgerald			175	Jenks		254	Monreney		317	Satterfield		328	Wheat	
56	Carlson	122	Fitzpatrick			176	Jenks		255	Moser		318	SAUTHOFF		329	Whelchel	
57	Carter	123	Flaherty			177	Jennings		256	Mott		319	Scanlon		330	White	
58	Cartwright	124	Flannagan			178	Jensen		257	Mundt		320	Schaefer of Illinois		331	Whitten	
59	Case of South Dakota	125	Flannery			179	Jensen		258	Murdoch		321	Schuetz		332	Whittington	
60	Casey of Massachusetts	126	Fogarty			180	Johns		259	Murray		322	Schalls		333	Wickersham	
61	Celler	127	Folger			181	Johnson of California		260	Myers of Pennsylvania		323	Scott		334	Wigglesworth	
62	Chapman	128	Foland			182	Johnson of Illinois		261	N		324	Scrugham		335	Williams	
63	Chenoweth	129	Ford, Leland M.			183	Johnson of Indiana		262	Nelson		325	Secret		336	Wilson	
64	Chipperfield	130	Ford, Thomas F.			184	Johnson of Oklahoma		263	Nichols		326	Shafer of Michigan		337	Winter	
65	Clark	131	Ford of Mississippi			185	Johnson, Luther A.		264	Norrell		327	Shanley		338	Wolcott	
66	Clason	132	Fulmer			186	Johnson, Lyndon B.		265	Norton		328	Shannon		339	Wolfenden	
67	Claypool	133	G			187	Johnson of West Virginia		266	O'Brien of Michigan		329	Sheppard		340	Wolberton	
68	Cleenger	134	Gale			188	Jones		267	O'Brien of New York		330	Sheridan		341	Woodruff of Michigan	
69	Cluett	135	Gamble			189	Jonkman		268	O'Connor		331	Short		342	Woodrum of Virginia	
70	Cochran	136	Gathings			190	Keen of New Jersey		269	O'Day of New York		332	Sikes		343	Worley	
71	Cohee of Nebraska	137	Gavaran			191	Keo of West Virginia		270	O'Hara		333	Simpson		344	Wright	
72	Cohee of Washington	138	Gearhart			192	Keefe of Wisconsin		271	O'Leary		334	Smith of Maine		345	Young	
73	Cole of Maryland	139	GERHMANN			193	Kefauver		272	O'Neal		335	Smith of Ohio		346	Youngdahl	
74	Cole of New York	140	Gerlach			194	Kelly of Pennsylvania		273			336	Zimmerman		347	Zimmerman	
75		141				195	Kelly of Illinois		274			337			348		

CORRECTED TO NOVEMBER 10, 1941. TOTAL, 431; QUORUM, 215. VACANCIES, FOUR, 17TH CALIFORNIA, 4TH COLORADO, 5TH CONNECTICUT, 7TH MASSACHUSETTS.

HANS JURGENSEN, Tally Clerk. SAM RAYBURN, Speaker.





TRANSCRIPTION

Congress of the United States

Begun and held at the City of New York, on Wednesday the fourth of March, one thousand seven hundred and eighty nine.

An Act making appropriations for the service of the present year.

Be it enacted by the Senate, and House of Representatives of the United States of America in Congress assembled, that there be appropriated for the service of the present year, to be paid out of the monies which arise, either from the requisitions heretofore made upon the several States, or from the duties on Impost and Tonnage, the following sums, viz: a sum not exceeding two hundred and sixteen thousand dollars for defraying the expenses of the Civil List under the late and present Government; a sum not exceeding one hundred and thirty seven thousand dollars for defraying the expenses of the Department of War; a sum not exceeding one hundred and ninety thousand dollars for discharging the warrants issued by the late Board of Treasury and remaining unsatisfied; and a sum not exceeding six thousand dollars for paying the pensions to Invalids.

Frederick Augustus Muhlenburg Speaker of the House of Representatives
John Adams, Vice President of the United States and President of the Senate
Approved, September the Twenty ninth, 1789
George Washington President of the United States

Appropriations: sums of money set aside for specific purposes

Appropriated: assigned money to a specific purpose

Requisitions: official orders or claims to something

Duties on Impost and Tonnage: taxes on imports and exports

Viz: in other words

Warrants: Documents that give the holder a right to receive goods, money, or services



Excerpts from Article I, Section 8-9 of the Constitution of the United States

Excerpt from Section 8

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

Excerpt Section 9

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.



The Constitution at Work: Document Set 2

INSTRUCTIONS:

During our distance learning program with the National Archives, we will explore how these documents show the Constitution at work. To prepare for the program, use the contents of this document set to complete your Document Analysis Worksheet. Use the documents to answer as many questions as you can before reading the document background information.

Each group is also receiving an excerpt from the Constitution. After you analyze your documents, highlight the text of the Constitution that corresponds to each document. Make a note of the corresponding Article and Section of the Constitution on your worksheet.

THIS DOCUMENT SET INCLUDES:

- Document 1:** Message of President Lyndon B. Johnson
- Document 2:** Excerpt from Executive Order 9981
- Excerpt of the Constitution, Article 2, Sections 2-3**

Please note that this text is a transcription of the Constitution as it was originally inscribed. The spelling and punctuation reflect the original document.

Document Background Information (Read this **after** you look at your documents!)

DOCUMENT 1

This is a letter to the U.S. Senate from President Lyndon Johnson nominating Thurgood Marshall to the Supreme Court. Marshall was a prominent attorney for the National Association for the Advancement of Colored People (NAACP). The Senate approved President Johnson's nomination on August 30, 1967.

DOCUMENT 2

President Harry S. Truman signed Executive Order 9981 on July 26, 1948. This order banned the segregation of African Americans in the Armed Forces. Before this executive order, the military did not allow African American and white soldiers to serve in the same regiment. President Truman's order also established the President's Committee on Equality of Treatment and Opportunity in the Armed Services to work with the military to ensure integration.



The White House,

June 13, 1967

To the

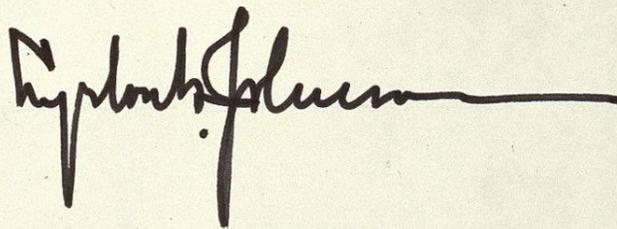
Senate of the United States.

I nominate

Thurgood Marshall, of New York,

to be an Associate Justice of the Supreme Court of the

United States.

A handwritten signature in black ink, which appears to be "Lyndon B. Johnson". The signature is written in a cursive style with a long horizontal line extending to the right.

EXECUTIVE ORDER

ESTABLISHING THE PRESIDENT'S COMMITTEE ON
EQUALITY OF TREATMENT AND OPPORTUNITY IN
THE ARMED SERVICES

WHEREAS it is essential that there be maintained in the armed services of the United States the highest standards of democracy, with equality of treatment and opportunity for all those who serve in our country's defense:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, by the Constitution and the statutes of the United States, and as Commander in Chief of the armed services, it is hereby ordered as follows:

1. It is hereby declared to be the policy of the President that there shall be equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion or national origin. This policy shall be put into effect as rapidly as possible, having due regard to the time required to effectuate any necessary changes without impairing efficiency or morale.

2. There shall be created in the National Military Establishment an advisory committee to be known as the President's Committee on Equality of Treatment and Opportunity in the Armed Services, which shall be composed of seven members to be designated by the President.

3. The Committee is authorized on behalf of the President to examine into the rules, procedures and practices of the armed services in order to determine in what respect such rules, procedures and practices may be altered or improved with a view to carrying out the policy of this order. The Committee shall confer and advise with the Secretary of Defense, the Secretary



Excerpt from the Constitution of the United States, Article 2, Sections 2-3

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.



The Constitution at Work: Document Set 3

INSTRUCTIONS:

During our distance learning program with the National Archives, we will explore how these documents show the Constitution at work. To prepare for the program, use the contents of this document set to complete your Document Analysis Worksheet. Use the documents to answer as many questions as you can before reading the document background information.

Each group is also receiving an excerpt from the Constitution. After you analyze your documents, highlight the text of the Constitution that corresponds to each document. Make a note of the corresponding Article and Section of the Constitution on your worksheet.

THIS DOCUMENT SET INCLUDES:

- Document 1:** Judgement Excerpt
- Document 2:** Joint Resolution
- Excerpts of the Constitution; Article 3, Sections 1-2; Article 5**

Please note that this text is a transcription of the Constitution as it was originally inscribed. The spelling and punctuation reflect the original document.

Document Background Information *(Read this **after** you look at your documents!)*

DOCUMENT 1

On May 17, 1954, Chief Justice Earl Warren delivered the unanimous U.S. Supreme Court ruling in the landmark civil rights case *Brown v. Board of Education of Topeka*. Although this decision is commonly known as “Brown v. Board” this decision applied to four cases grouped together. The Court found that state laws that permitted or required the segregation of public schools based on race violated the 14th Amendment of the Constitution. The decision marked the end of the “separate but equal” precedent set by the Supreme Court nearly 60 years before in *Plessy v. Ferguson*. In another part of this document (not included in your excerpt) Chief Justice Warren wrote, “We conclude that, in the field of public education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”

DOCUMENT 2

A joint resolution is a formal opinion adopted by both houses of the legislative branch. A constitutional amendment must be passed as a joint resolution before it is sent to the states for ratification. This joint resolution proposes an amendment to the Constitution that would extend the right to vote to citizens 18 years of age and older. It is signed by Carl Albert, Speaker of the House of Representatives, and Allen Ellender, the President of the Senate Pro Tempore. The amendment was officially ratified by the states on July 1, 1971.



SUPREME COURT OF THE UNITED STATES

Nos. 1, 2, 4 AND 10.—OCTOBER TERM, 1953.

1 Oliver Brown, et al.,
Appellants,
v.
Board of Education of To-
peka, Shawnee County,
Kansas, et al. } On Appeal From the
United States District
Court for the District
of Kansas.

2 Harry Briggs, Jr., et al.,
Appellants,
v.
R. W. Elliott, et al. } On Appeal From the
United States District
Court for the Eastern
District of South Caro-
lina.

4 Dorothy E. Davis, et al.,
Appellants,
v.
County School Board of
Prince Edward County,
Virginia, et al. } On Appeal From the
United States District
Court for the Eastern
District of Virginia.

10 Francis B. Gebhart, et al.,
Petitioners,
v.
Ethel Louise Belton, et al. } On Writ of Certiorari to
the Supreme Court of
Delaware.

[May 17, 1954.]

MR. CHIEF JUSTICE WARREN delivered the opinion of the Court.

These cases come to us from the States of Kansas, South Carolina, Virginia, and Delaware. They are pre-mised on different facts and different local conditions,



S. J. Res. 7

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:

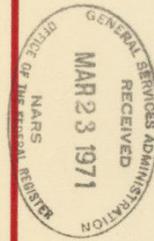
“ARTICLE —

“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 Dulles
Vice President of the United States and
President of the Senate *pro Tempore*



Excerpts from the Constitution of the United States; Article 3, Sections 1-2; Article 5

Article 3.

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;— between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Article 5.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, 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, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.



Guidance for the Videoconference Program

MATERIALS:

- ❑ Document Sets, including excerpts from the Constitution
- ❑ Completed Document Analysis Worksheet
- ❑ The Constitution at Work Graphic Organizer
- ❑ Pencil

Teacher Note: Students should sit with their document groups and have their document sets, excerpts of the Constitution, and document analysis worksheets from the pre-program activity available during the videoconference program. Students will use their documents to complete the Graphic Organizer and to share their findings. Students will be encouraged to add notes to their graphic organizers while each group reports its findings.

Additional Documents Highlighted During the Distance Learning Program

For your own reference, here are the additional documents shared by the National Archives facilitator during the *Constitution at Work* program.

Document	Excerpt from Constitution	Constitution Text
6011590	Article 1, Section 7	Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States;



Post-Program Activities

The Constitution at Work-Continued

Students will need:

- ❑ **Constitution at Work Graphic Organizer**
- ❑ **Access to the complete text of the Constitution, you can find a transcription here:**
www.archives.gov/founding-docs/constitution-transcript
- ❑ **Access to DocsTeach.org**

After the distance learning program with the National Archives, rearrange student groups so that students meet with members of the other groups and can share information to complete their Graphic Organizers.

Remind students that during the distance learning program with the National Archives, students reviewed just a handful of documents that show the Constitution at work. As a writing assignment, challenge students to find a new document on DocsTeach.org to connect to the Constitution. Instruct students to find the corresponding text in the Constitution and explain how their new document answers one or both of the questions they explored during the program;

What powers does the Constitution give the Federal Government?

How does the Constitution check and balance power?

You may want to recommend that students begin on the Constitution DocsTeach.org page to browse primary sources on Constitutional topics: <https://www.docsteach.org/topics/constitution>

Additional Activities from DocsTeach.org

These three activities from DocsTeach.org will help students review concepts from the *Constitution at Work* Distance Learning Program.

Separation of Powers or Shared Powers

Students identify and draw conclusions about the relationship between the legislative, executive and judicial branches by critically analyzing primary sources.

Checks and Balances in Action

Students analyze documents that span the course of American history to see examples of “checks and balances” among the legislative, executive, and judicial branches in action.

Congress in Article I of the Constitution

In this activity developed by the Center for Legislative Archives, students match primary source documents to clauses from Article I of the United States Constitution that detail six powers of Congress. This study reinforces the idea of separation of powers between branches by highlighting six of the powers the Founders specifically granted to Congress.



Additional Education Resources from the National Archives

DOCSTEACH

Access thousands of primary sources — letters, photographs, speeches, posters, maps, videos, and other document types — spanning the course of American history. We are always adding more!

Borrow from an ever-expanding collection of document-based activities created by the National Archives, and teachers around the world. Copy and modify activities for your students.

Create your own activities using the online tools. It's as simple as: (1) selecting a tool, (2) choosing your primary sources, and (3) customizing instructions.

Check out special [DocsTeach collection](#) of primary sources and teaching activities related to the Constitution!

The Center for Legislative Archives

The Center for Legislative Archives preserves and makes available the historical records of the U.S. House of Representatives and the U.S. Senate. Congressional records used in this distance learning program include the Tally Sheet of the House of Representatives for Declaration of War Against Japan and President Johnson's nomination of Thurgood Marshall to the Supreme Court.

The Center also offers wonderful resources for educators on representative democracy, how Congress works, and the important role Congress has played throughout American history, including lesson plans such as [Constitution Scavenger Hunt with Political Cartoons](#), and [Teaching the Six Big Ideas of the Constitution](#), as well as the [Congress Creates the Bill of Rights](#) mobile app and eBook.

Celebrating Constitution Day

September 17 is designated as Constitution Day and Citizenship Day to commemorate the signing of the U.S. Constitution in Philadelphia on September 17, 1787. Learn more about the U.S. Constitution through our public programs, family activities, and online resources.

America's Founding Documents: The Constitution of the United States

Check out an online exhibit about the Constitution.

Meet the Framers of the Constitution

Explore brief biographies of each of the Founding Fathers who were delegates to the Constitutional Convention.



Pre-Program Activity Answer Key: Document Set 1: Article 1, Sections 8-9 of the Constitution

	Document 1	Document 2
What type of document is this?	Tally sheet of votes	Act, Appropriations Act
Who created it?	The House of Representatives, Seventy-Seventh Congress, Hans Jurgensen, the Tally Clerk	Congress (The Senate and the House of Representatives), Signed by Frederick Muhlenburg, John Adams, George Washington
When is it from?	unclear on document, possible to make out an 8 and 41, but the background info confirms the date of 12/8/1789	Wednesday, March 4, 1789
Branch of Government?	Legislative	Legislative, Executive
What is the document talking about?	This is a tally sheet of the vote in Congress to go to war against Japan.	This document is an act passed by Congress and signed by the President that establishes the budget for the Federal Government.
This document shows Article ? Section ? of the Constitution at work because?	Article 1, Section 8, because this tally sheet shows that Congress has the power “to declare War.”	Article 1, Section 9: No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law”

Pre-Program Activity Answer Key: Document Set 2: Article 2, Sections 2-3

	Document 2	Document 2
What type of document is this?	Message, Nomination	Executive Order
Who created it?	President Lyndon B. Johnson	President of the United States (background info tells us the president is Harry Truman)
When is it from?	June 13, 1967	The background info tells us the executive order was signed on July 26, 1948
Branch of Government?	Executive, Legislative, Judicial	Executive
What is the document talking about?	This message to the Senate of the United States contains President Lyndon B. Johnson’s nomination of Thurgood Marshall to the Supreme Court.	In this document the President is issuing an order to ensure equality of treatment and opportunity for all persons in the armed forces and creating the President’s Committee on Equality of Treatment and Opportunity in the Armed Services.
This document shows Article ? Section ? of the Constitution at work because?	Article 2, Section 2: because it shows the President has the power to appoint Supreme Court justices with the approval of the Senate	Article 2, Section 2: because the President is making a decision as the “Commander in Chief” of the armed services.



Pre-Program Activity: Document Set 3: Article 3, Sections 1-2; Article 5

	Document 1	Document 2
What type of document is this?	Opinion from the Supreme Court	Joint Resolution proposing an amendment to the Constitution
Who created it?	The Supreme Court of the United States	The Ninety-second Congress, it is signed by Carl Albert, Speaker of the House of Representatives, and Allen Ellender, the President of the Senate Pro Tempore.
When is it from?	May 17, 1954	March 23, 1971. (The other date on this document, January 21, 1971, refers to the beginning of the first session of the 92nd Congress.)
Branch of Government?	Judicial	Legislative
What is the document talking about?	This document is the first page of a Supreme Court ruling for the case known as Brown v. The Board of Education of Topeka.	This document is proposing an amendment to the Constitution that lowers the voting age to 18 years old.
This document shows Article ? Section ? of the Constitution at work because?	Article 3, Section 1: because it shows “the judicial Power of the United States vested in one supreme Court.” It also shows Article 3, Section 2 at work, the Supreme Court has the power to review the decisions of lower courts, “appellate Jurisdiction.”	Article 5: because it represents the first step to amending the Constitution, the required 2/3 approval of both chambers of Congress.

