Standard 2.5: Articles of the Constitution and the Bill of Rights

Summarize the Preamble and each Article in the Constitution, and the Rights Enumerated in the Bill of Rights; explain the reasons for the addition of the Bill of Rights to the Constitution in 1791. (Massachusetts Curriculum Framework for History and Social Science) [8.T2.5]

FOCUS QUESTION: What are the Articles of the Constitution and What Rights are in the Bill of Rights?
The Constitution establishes the legal and structural framework of the United States government. Written in secret, behind closed doors guarded by sentries, during the Constitutional Convention in Philadelphia in 1787, it is the oldest and shortest of all the world’s national constitutions. It was originally 4,543 words, including signatures; now with its 27 amendments, it is 7,591 words in length (Constitution of the United States: Fascinating Facts about the U.S. Constitution).

The Constitution set forth the following primary ideas about government (Six Big Ideas in the Constitution):

- Limited government
- Republicanism
- Separation of Powers
- Checks and Balances
- Popular Sovereignty
- Federalism

By 1777, ten states had drafted and adopted their own constitutions. These constitutions stressed the rights of individuals including freedom of religion, a lack of property requirements to vote, and power of government derived from the people. Concerns over the power of the new government and the desire to ensure and protect the rights of individuals led to the inclusion of the Bill of Rights, the Constitution’s first 10 amendments.

Constitution Day and Citizenship Day, celebrated every September 17, commemorates the signing of the Constitution on September 17, 1787 and to “recognize all who, by coming of age or by naturalization, have become citizens” (Library of Congress; 36 USC 106: Constitution Day and Citizenship Day).

How have African Americans and other people of color struggled throughout United States history to acquire the rights guaranteed to all citizens by the Constitution? This topic's modules explore this question by examining the articles of the Constitution and the text of the Bill of Rights, the impact of W.E.B. Du Bois and the NAACP, and considering what might be the nation's most influential multicultural documents.

Modules for this Standard Include:

1. INVESTIGATE: The Articles of the Constitution and the Many Bills of Rights in United States History
   ○ MEDIA LITERACY CONNECTIONS: The Bill of Rights on Twitter
2. UNCOVER: W.E.B. DuBois, the Niagara Movement and the History of the NAACP
3. ENGAGE: What Are the Most Influential Documents in America’s Multicultural History

1. INVESTIGATE: The Articles of the Constitution and the Many Bills of Rights in United States History

The Constitution of the United States has a Preamble and seven articles:

- Preamble
The *Interactive Constitution* website from the National Constitution Center has videos, podcasts, and blog posts for exploring and understanding every major clause and amendment. A section of the site called the Drafting Table shows drafts of documents, how they changed, and offers ideas about why. It is a place where students can see how people on OPPOSITE sides can come together to AGREE about a description of a document, what it means, and AGREEMENT is an amazing place to start!

Other resources for you: *Constitute: The World's Constitutions to Read, Search and Compare* that includes 202 national constitutions worldwide and the *Daily Bellringer YouTube Channel* featuring videos explaining Articles 1-10 of the U.S. Constitution.

The U.S. Constitution is not the country’s only constitution - each state has its own constitution. There have been nearly 150 state constitutions which have been amended 12,000 times (*NBER/Maryland State Constitutions Project*). Native American tribes have their own constitutions as well (*Native American Tribal Constitutions*).

Comparing and contrasting state constitutions at the time of the American Revolution can be a powerful learning experience for students, an idea suggested by teacher Isabelle Morley.
Here are links to the Pennsylvania State Constitution of 1776 (widely regarded as the most democratic of state constitutions) and the South Carolina State Constitution of 1776 (regarded as perhaps the least democratic of state constitutions). What differences do you see in the ideas and structures of democracy set forth in these documents?

**Constitution Writing Around the Globe**

"Laws govern people; constitutions govern governments," noted historian Jill Lepore (2021, p. 75). Prior constitutions (i.e., Hammurabi's Code, the Magna Carta), Lepore continued, were hardly read by anyone, in part because so few people could read. The printing press, newspapers, and growing literacy among people meant that the United States constitution became part of how Americans understood their system of government.

The writing of a constitution, as historian Linda Colley shows in her book The Gun, the Ship, and the Pen (2021), was a momentously revolutionary development in global history. For most of human history, rulers (kings, emperors, warlords) ruled without any written limits on their powers. The American Revolution, the ideals set forth in the Declaration of Independence, and framework of government established at the Constitutional Convention set forth an era of constitution-writing across the globe.

Three forces, in Colley's view, propelled the constitution writing process across the globe: 1) the Gun, where it led to the breakdown of existing regimes; 2) the Ship, which made possible the sharing of democratic ideas across the world; and 3) the Pen, which along with a rise in literacy, enabled writers to share new ways of thinking with increasingly larger numbers of people. Yet, constitutions do not always support democracy or expand rights and liberties for all people. The U.S. Constitution and those of many 19th century state constitutions, for example, denied rights to enslaved people and members of indigenous tribes as well as women (Lepore, 2021). Indeed, the struggle to realize the ideals of democracy set forth in the U.S. Constitution continues today.

**Primary Source Analysis: Compare and Contrast**

**Haitian Constitution of 1801** and the **Haitian Constitution of 1805** offer a fascinating instance of a country adopting a radical constitution and then replacing it with a considerably more radical one within the span of four years.

- Give students the two constitutions, but do not tell them which came first. Have students read the two documents and offer explanations for the differences.
- This lesson idea submitted by Asa Mervis (September 2021).

The first ten amendments to the U. S. Constitution—the **Bill of Rights**—set forth the rights and freedoms of citizens living in the United States.
The first 10 Amendments of the Bill of Rights are:

1. Freedom of speech, press, petition, religion, and peaceful protest
2. The right to bear arms
3. No quartering of troops
4. No unreasonable search and seizure
5. Due process, no self incrimination, no double jeopardy
6. Right to a speedy trial
7. Trial by Jury
8. No cruel or unusual punishment
9. Rights of individuals not outlined in the Bill of Rights
10. Any powers not vested in the federal government are granted to the states and the people

The national Bill of Rights has inspired numerous other bills of rights related to economic life, education, health care, shopping and buying, voting and more:

- Franklin Roosevelt's Economic Bill of Rights (1944)
- GI Bill of Rights (Servicemen's Readjustment Act (1944)
- Patients Bill of Rights (adopted 1995)
- Student Bill of Rights (National Student Association, 1947)
- Consumer Bill of Rights (1962)
- People with Disabilities’ Bill of Rights (1975)
- Voters Bill of Rights (from Democratic National Committee)
- Taxpayer Bill of Rights (1996)
- Health Care Bill of Rights (2019)
- The Human Right to Water in California (2012)
Weingarten Rights (1975)
PreK-12 Education Support Professionals (ESP) Bill of Rights, Massachusetts Teachers Association
Human Rights Education, National Council for the Social Studies, 2021

These Bills of Rights outline the protections that every member of a free and democratic society should expect to have in their life.

Rights are subject to interpretation and political debates. Individual rights (life, liberty, property) and social and economic rights (health care, education, housing) have different meanings for different people and political parties. Conservative political groups and Republicans tend to define rights as individual rights while progressive and liberal groups and Democrats tend to expand individual rights to include social and economic rights (for example, Franklin Roosevelt’s Second Bill of Rights).

In this video, Vermont Senator Bernie Sanders Calls for a 21st Century Bill of Rights:

- How does Sanders’ vision compare with other Bill of Rights?
- When does Sanders stress individual rights and when does he stress social and economic rights?

The Bill of Rights connects directly to students’ legal rights at school. Go here for a Student Legal Rights at School Digital Choice Board.

Media Literacy Connections: The Bill of Rights on Twitter

The first 10 amendments to the Constitution known as the Bill of Rights consists of 472 words. It was signed on September 28, 1789. Here is the full text read aloud.

When the Bill of Rights were drafted there were no systems of mass communication - no social media, no television, no streaming services. But what if Twitter had been around at that time? Today, about one in five adults use Twitter, sending some 500 million tweets each day (Twitter by the Numbers, Omnicore, January 6, 2021). How would you have helped James Madison and the other members of Congress spread the word about the Bill of Rights on Twitter?

- Activity: Tweet the Bill of Rights
Suggested Learning Activities

• Evaluate a Primary Source
  ◦ View an interactive graphic of the painting Scene at the Signing of the Constitution of the United States by Howard Chandler Christy along with other depictions of the signing.
  ◦ What political or patriotic messages do these re-creations seek to convey about the event?

• Learn Online
  ◦ Which Founder are You? an online quiz from the National Constitution Center where you can compare your personality traits with those of 12 delegates to the Constitutional Convention (flash required).
    ▪ How does your personality most resemble one of the founders?

• Analyze the Demographics of the Signers of the Founding Documents
  ◦ View the names and pictures of the 56 individuals who signed the Declaration of Independence, the 40 people who signed the Constitution, and the 15 delegates to the Constitutional Convention who did not sign the Constitution from Wikimedia Commons. Here is a list of the Signers of the Constitution by state.
    ▪ What do you conclude from your analysis about who the signers were?

• Write a Classroom Constitution or a Student Bill of Rights
  ◦ Ask each student to create a list of rights, responsibilities, and rules that should be in a classroom constitution or a student Bill of Rights - the rights that anyone attending a public elementary, middle, or high school should have.
  ◦ As a class, identify the rights and responsibilities that appear most often in everyone’s list.
  ◦ Students work in small groups to design a graphic representing the class Constitution or student Bill of Rights.

• Design Pandemic Bill of Rights for Students, Teachers, Families, and School Staff
  ◦ Ask students to compose a list of rights, responsibilities, and rules for individuals and groups in schools impacted by the COVID-19 pandemic.
  ◦ Students design a graphic representing a Pandemic Bill of Rights
    ▪ For one model, link to Pandemic Bill of Right for Students, Families, Educators and School Staff from Springfield Massachusetts Association of Paraprofessionals (2020)

Online Resources for the Constitution

• Design a Class Constitution Learning Plan
• A New Set of Rules: Create a Classroom Constitution as the School Year Kicks Off, Teaching Tolerance
• U.S. Constitution Primary Source Set, Library of Congress
• PRIMARY SOURCE: 1827 Constitution of the Cherokee Nation
• PRIMARY SOURCE: 1839 Constitution of the Cherokee Nation
• The Constitution: Rules for Running the Country, a WebQuest from iCivics (login required)
• Constitutional Conversations and Classroom Exchanges, National Constitution Center
Online Resources for Bills of Rights in United States History

- Visit Teaching with Current Events for learning activities related to the Bill of Rights
- For more information, view this video from TedED: Why wasn't the Bill of Rights originally in the US Constitution?
- Play Bill of Rights Golf to test your knowledge about the Amendments using Supreme Court cases (from University of Missouri Kansas City).
- Congress and the Bill of Rights in History from the National Archives has learning plans for high school students.

2. UNCOVER: W.E.B. Du Bois, the Niagara Movement, and the History of the NAACP

Born in 1868 and raised in Great Barrington, Massachusetts, W.E.B. DuBois was an immensely influential African American educator, writer, activist, and scholar. He was born just before the passage of the 14th Amendment and he lived nearly a century until just one day before the 1963 March on Washington for Jobs and Freedom.

Du Bois was one of the founders of the NAACP (National Association for the Advancement of Colored People) in 1909. His 1935 historical study, Black Reconstruction in America, placed “the struggles and triumphs of African Americans at the center of the Reconstruction story” (Gates, 2019, p. 255). His book, The Souls of Black Folks, sold nearly 20,000 copies between 1903 and 1940. The book contains the famous phrase, “the problem of the Twentieth Century is the problem of the color-line.”

Du Bois was also the founding editor of The Crisis, the official magazine of the NAACP. The first issue appeared in November, 1910.

W.E.B. DuBois’ life and writings, said Henry Louis Gates (2019), “often set the terms of the civil rights debate” and “his critique of white supremacy was insistant” (p. 254).

Read a short biography at NAACP History: W.E.B. Du Bois.

The Niagara Movement (founded by W.E.B. Du Bois and William Trotter in 1905) and the NAACP were political organizations formed to oppose racial segregation and political disenfranchisement of African Americans and to realize the goals of equality for African Americans. In The Niagara Movement's Declaration of Principles (1905), Du Bois declared: "We want full manhood suffrage and we want it now... We are men! We want to be treated as men. And we shall win."
The NAACP set forth a belief in using nonviolent protests and legal actions as the most effective way to achieve full and equal rights for African Americans. In the 1950s and 1960s, civil rights leader Dr. Martin Luther King, Jr. lead the practice of nonviolent resistance against segregation and discrimination faced by African Americans in the United States.

**Suggested Learning Activities**

- **Analyze Primary Sources**
  - W.E.B Du Bois, Booker T. Washington, and Jim Crow, Alabama History Education Initiative

- **Design a Digital Poster**
  - Review the Niagara Movement and History of the NAACP and Accomplishments of the Civil Rights Movement wiki pages
  - Create a poster that includes at least four historical highlights of the African American struggle for civil rights
Online Resources for W.E.B. DuBois and the NAACP

- W.E.B. Du Bois National Historic Site
- NAACP’s Anti-Lynching Campaign in the 1930s, EDSITEment
- Civil Rights Movement Lesson Plans, Wisconsin Historical Society
- NAACP History and Geography, 1909-1980, Mapping Social Movements, University of Washington
- President Obama Addresses the NAACP, July 20, 2009
  - View the video of the Address

3. ENGAGE: What Are the Most Influential Documents in America’s Multicultural History?

In 2003, the National Archives, in conjunction with National History Day and U.S. News & World Report magazine, conducted a People’s Vote to determine the most influential documents in United States history. Some 39,000 people voted, online and by paper ballot. Based on the results, the documents were ranked from 1 to 100. The Declaration of Independence was first, followed by the Constitution, the Bill of Rights, the Louisiana Purchase Treaty, and the Emancipation Proclamation. Here is the entire list: The Results of the People’s Vote: The Most Influential Documents in American History.

Would the list and the vote have been different if people had been asked to choose America’s most influential multicultural documents? Multicultural documents are those speeches, laws, books, declarations, and other sources that positively impact and feature the lives and freedoms of African Americans, Native Americans, women, Latinos, LBGTQ individuals, and other ostracized groups.

Suggested Learning Activities

- Make a Case
  - State your reasons for including one or more of the following resources as essential multicultural history documents that every student should read:
    - Frederick Douglass’ “What, to the Slave, Is the Fourth of July” speech, delivered in Rochester, New York, July 5, 1852.
    - Native American writer Michael Dorris’ 1990 essay, "Why I’m Not Thankful for Thanksgiving”
    - Feminist activist Betty Friedan’s “Famous Friday Speech,” March 20, 1970 that called for a nationwide women’s strike.
    - The Hope Speech by Harvey Milk (1978)

- Give Your Opinion
  - Considering the 100 most influential documents from the National Archives and adding others you consider significant, what would be your top ten list for multicultural history?
Standard 2.5 Conclusion

The Constitution established the structure of United States Government; the Bill of Rights set forth the freedoms the Constitution guaranteed to the American people. INVESTIGATE identified the Articles of the Constitution and the many other Bills of Rights that have evolved from the original ten amendments. UNCOVER discussed the African American civil rights pioneer W.E.B. Du Bois, the Niagara Movement, and the history of the NAACP (National Association for the Advancement of Colored People). ENGAGE asked what are the most influential multicultural documents in U.S. History.