

Activating My Democracy

- MIDDLE SCHOOL -

LESSON
5

Real People to the Rescue!

How to
Protect our liberties

ultimate
CIVICS



Activating My Democracy

Civics lessons and resources for grade 6
Second Edition, 2017

Explores how to: (1) Move ideas into action; (2) Understand values and liberties (3) Rights, privileges, and the balance of power; (4) Trace the historic roots of the democracy crisis in current events; (5) Repair a democracy and protect our liberties; and (6) Use our rights to defend what we love.

Empowers: Youth by nurturing self-efficacy and teaching skills and strategies to take control of their destiny.

Engages: Youth as change agents to define their roles as global citizens during a critical time in human history.

Contributors

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Real People to the Rescue!

How to protect our liberties

Rationale

The proceedings and debates of the Constitutional Convention of 1787 were kept secret until after the death of the last Founding Father, James Madison, in 1836. When first published in 1838, the writings reveal an extensive debate about how much democracy should be allowed.

The aristocrats who drafted the Constitution were well aware that a real democracy would lead to the poor people organizing to take away the property of the rich. Their solution was to *reduce democracy* by vesting a special class of people – the wealthy aristocrats – with the power to “protect the minority of the opulent against the majority,” as James Madison stated.

Soon enough, Madison realized his error and began condemning the system that he had created. The wealthy minority proved not to be enlightened, benign leaders who dedicated themselves to the welfare of all. Instead, the Monied Power began to craft both policy and the economy to serve its own interests.

The result is the extreme inequality gap in the U.S. – the second-highest level of inequality among 34 mostly developed nations – with all the attendant social problems like violence, mental illness, drug addiction, obesity, loss of community, imprisonment, unequal opportunities, and poor health and wellbeing that affect everyone, not only the poor.

A key driver of the inequality gap is the ability of the Monied Power to build and consolidate wealth through a business model that the U.S. Supreme Court, long ago, empowered with human rights. By 2015, 69 of the top 100 economic entities were corporations, not countries, and these large corporate entities wield their human rights to overturn democratically enacted laws and tip elections to their advantage.

The 2010 Supreme Court decision in *Citizens United* galvanized the American public to press for a constitutional amendment to overrule the court. Amendments have since been proposed to establish that only natural persons have inalienable rights and that money is not speech.

“[O]ur government ought to secure the permanent interests of the country against innovation. Landholders ought to have a share in the government... They ought to be so constituted as to protect the minority of the opulent against the majority. The Senate, therefore, ought to be this body; and to answer these purposes, they ought to have permanency and stability.”

~ James Madison, 1787



Such an amendment could overturn the body of judge-made laws that created the threat of artificial persons with human rights, including the “right” to spend unlimited amounts of money to influence elections. Such an amendment could put corporations back in their place, as business entities accountable to the people, not as tools used to consolidate power over the people.

Since *Citizens United*, citizens have passed over 500 resolutions and petitions in communities in 38 states to overrule the court and overturn the decision. Joint resolutions to amend the Constitution to address key issues have been introduced in every U.S. congressional session since *Citizens United*. As of July 2017, five such joint resolutions are before the current Congress.

Lesson 5 explores reasons and ways to amend the Constitution to address the internal threat from artificial entities with human rights. This issue sits at the foundation of our democracy, and it presents a monumental teachable moment for young Americans.

Enduring Understanding for Civics Grades 6-8*

- Assess specific rules and laws as a means of addressing public problems. (D2.Civ.12.)
- Analyze the purposes, implementation, and consequences of public policies in multiple settings. (D2.Civ.13.)

**C3 Framework for Social Studies State Standards*

<http://www.socialstudies.org/system/files/c3/C3-Framework-for-Social-Studies.pdf>

Essential Questions

- What is wealth inequality and some of its social consequences?
- What are the two ways to amend the Constitution?
- What changes – what are the social consequences – if a constitutional amendment is passed to overrule the court?

“There is change going on, mainly among the young people, but that is where change usually starts. Where’s it gonna go? That’s really up to you. It goes where people like you direct it.”

~ Noam Chomsky, 2017

Learning Objectives

Students can:

- Describe two ways to amend the Constitution.
- Explain how citizens may engage government in this process.
- Describe the social consequences of passing a constitutional amendment.



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How to protect our liberties

Students explore reasons and ways to amend the Constitution to establish that only natural persons have inalienable rights and that money is not speech. A film and interactive exercises help students understand and describe what a constitutional amendment could do, the social consequences with – and without – such an amendment, and how citizens can engage government in this process.

Time

Approximately 50 minutes: interactive exercises supported by films and power point slides.

Materials

- Power point notes and slides
- One pocket copy of Declaration of Independence and U.S. Constitution per student
- One single-sided, ½-sheet copy per student of WORKSHEET: Reflections on *Story of Citizens United* film
- One single-sided copy per every two students of the WORKSHEET: How did the People overrule the Court?
- The Rights Race
 - » 3 copies of The Rights Race script

- » 1 copy on BLUE paper, double-sided, of the corporate charter with approved privileges
- » 1 copy on ORANGE paper, double-sided, of the corporate charter with inalienable rights
- » Clothing accessories for the Corporate Person like sunglasses and a hat
- » A large room or open space where participants can line up side-by-side about 25 feet away from, and facing, the teacher
- One ½-sheet copy per student of the EXIT TICKET: Real People to the Rescue
- Timeline POSTERS from previous lesson
- Clothes pins or clips and a 60-foot long sturdy chord or wire to hang up POSTERS in a long double row, starting second row with “Popular Movements”
- One film
 - » *The Story of Citizens United v. FEC*
<http://storyofstuff.org/movies/story-of-citizens-united-v-fec/>

Preparation

- Review lesson materials, including power point notes and slides, films, teaching guides for exercises, and vocabulary
- Download and cue film for viewing Slide 3 – *The Story of Citizens United v. FEC*
- Hang up Timeline POSTERS
- Arrange desks into 6 working groups
- Provide work groups with:



- » WORKSHEETS for film reflections
- » WORKSHEETS for “How did the People overrule the Court?”
- EXERCISE: The Rights Race – review script for preparation instructions
- Hand out EXIT TICKETS about 5 minutes before the end of class
- On poster paper to side of clean white board write:
 - » Essential questions
 - What are the two ways to amend the Constitution?
 - What are ways that citizens can engage in amending the Constitution?
 - What changes if a constitutional amendment is passed?
 - » Vocabulary & concepts
 - bill
 - infringe
 - oligarchy
 - propose
 - ratify
 - wealth inequality

“A constitutional amendment always seems impossible – until it becomes inevitable.”

**~ Jamie Raskin
Maryland State Senator, 2012**

RESOURCES

Secret proceedings of the 1787 constitutional convention

Original source: <https://archive.org/details/secretproceedin00convgoog>
 Searchable copy: http://avalon.law.yale.edu/18th_century/yates.asp

Noam Chomsky, *Requiem for the American Dream* (Seven Stories Press, 2017)

film trailer, https://www.youtube.com/watch?v=zl_lk70ppEI

Inequality data sources

https://en.wikipedia.org/wiki/Wealth_inequality_in_the_United_States#cite_note-NYT-20140722-6



Power Point Notes

Lesson 5

1. Ultimate Civics! COVER SLIDE

In the last two lessons, we examined what happened to our democracy. In this lesson, we will look at the social consequences of the democracy crisis and explore one game-changing solution to strengthen democracy and human self-governance – government of, for, and by the People.

2. Consequences of democracy crisis

One of the consequences or effects of the democracy crisis is an extreme wealth inequality in the U.S.

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In 2013, the top 10% held 76% of the nation's family wealth – homes, cars, land, savings, personal stuff, investments, and businesses.

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The bottom 50% held less than 1% of the family wealth – and this wealth inequality is getting worse.

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But “*wealth inequality*” is about more than money – it is huge difference in real wealth, opportunity, and treatment. It's about inequality in all the types of wealth that we learned about (in Lesson 2) – economic, social, environmental, and political.

Inequality harms everyone in a society. People steal when they are hungry; people turn to drugs and violence when their basic

needs are not met.

Wealth inequality is not only bad for people and society, it's also bad for democracy. In fact, when government is ruled by the wealthy, it is not even called a democracy.

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It's called an “*oligarchy*” when the rich have authority. A democracy is when every citizen has authority – you know, government of, for, and by the People.

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The consequences, then, of the current democracy crisis are wealth inequality and a very unstable society.

3. A game-changing solution

Let's watch a 9-minute film that explains the democracy crisis. It's the story of just one of the Supreme Court rulings that are in the Timeline – *Citizens United versus the Federal Elections Commission*. Be prepared to reflect on what you learned. Then we'll discuss the proposed solutions.



Show film.



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Individual reflections



- Ask students to reflect on the film using their WORKSHEET: Reflections on *The Story of Citizens United* film. Allow up to 5 minutes.

Discussion guide

- Ask for feedback on the first 2 questions.
 - » What stood out for you?
 - » What would you like to learn more about?
- What is the “democracy crisis”? Explain in your own words.
 - » We don’t have government of, for, and by the People; the People are no longer in charge.
 - » Corporations and the wealthy minority – The Monied Power – have power over the people.
 - » Corporations and the wealthy minority have too much influence in our election campaigns.
- What were some of the proposed solutions to fix the democracy crisis?
 - » Constitutional amendment to strip corporations of constitutional rights
 - » Public campaign financing to allow any person, regardless of their personal wealth, to run for public office, and to make campaigns fair for all candidates

4. How people overruled the court

Let’s look at three examples of how people overruled Supreme Court decisions in the past with constitutional amendments.

Constitutional amendments are people-made law that overturn specific judge-made law and acts of Congress that do not support

democratic principles like equality and fair treatment. Since constitutional amendments change the rules, they are game changing.

Instructions



Note: 6th grade teachers may conduct this as an interactive discussion rather than an interactive exercise. If so, use clues in worksheet to guide discussion.

- Pick a partner and look at the WORKSHEET: How did the People overrule the court?
- There are three court decisions – YELLOW data cards from the Timeline.
- There are some clues for each court decision.
- Work with your partner to identify how people overruled each of these three court decisions.
- You can look up amendments in the pocket Constitutions.
- Be prepared to explain your answers.

Discussion guide

- The 1857 *Dred Scott* decision was overruled by what amendments? <CLICK>
 - » The 13th Amendment abolished slavery and overruled the court. <CLICK>
 - » Following abolition, the 14th Amendment gave equal citizenship and equal protection to freed slaves. <CLICK>
 - » The 15th Amendment gave African Americans the right to vote – a right that courts had to recognize. This also overruled the court.
- The 1875 *Minor v. Happersett* decision was overruled by what amendments?
 - » The 14th Amendment gave equal protection to all citizens, and



it forbade states from making or enforcing laws that limited the privileges of its citizens. In other words, if states recognized voting privileges for male citizens, then the state must recognize the same privileges for female citizens. This overruled the court.

<CLICK>

- » The 19th Amendment specifically confirmed the right to vote is equal for women and men. This overruled the court.
- The 1896 *Plessy* decision was overruled by what amendment and what court rulings?
 - » The 14th Amendment recognized Americans of African descent as citizens with equal protection under federal and state law. This overruled the court, but it was not enforced.
 - » The *Brown v. Board of Education* rulings enforced the 14th amendment – like the Civil Rights Enforcement Acts enforced the 13th, 14th, and 15th Amendments. This overruled the court.

5. Amending the Constitution: How?

How exactly do citizens amend the Constitution? Let's turn to Article V. of the Constitution and read it together.

- READ: "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 several **States**, shall **call a Convention** for **proposing** Amendments..."
 - » So, the first step in this process

is **proposing** an amendment. "Propose" means to offer up a bill for consideration and discussion.

- » What are the two bodies that can propose amendments?
Congress OR the states
- » What is the minimum number of votes from Congress or the states to propose an amendment?
two-thirds of both Congressional houses or of the 50 states
- » How many states is two-thirds?
Do the math.
34

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- READ: "...Amendments... 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 [of the States] thereof..."
 - » So, the second step in this process is **ratifying** an amendment. "Ratify" means to approve a bill. This makes it law.
 - » What are the two bodies that can ratify amendments?
Congress OR a state legislatures
 - » What is the minimum number of states to ratify an amendment?
three-fourths
 - » How many states is three-quarters? Do the math.
38

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- But who initiates this process?
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 - » Hint: Do you think publicly elected officials just wake up one day and decide to amend the Constitution?
 - » PEOPLE! When enough people demand reform, politicians act.



- What are some political strategies to change laws?
 - » Hint: Think back to the film, *Save Tomorrow*.
 - » Passing a petition, local law (ordinance), or resolution
 - » Hint: In 1978, the Supreme Court made commercial money a form of protected speech so corporations could influence... what?
 - » Citizens or ballot initiatives

Citizens have successfully amended the Constitution 18 times – the first time included 10 amendments in the Bill of Rights.

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People have used petitions, ordinances, resolutions, and ballot initiatives to get their cities and states to request Congress to introduce proposed amendments.

FUN FACTS

Amending the Constitution: time from proposal to adoption

- The shortest time was just over 3 months for the 26th Amendment.
- The longest time was over 202 years for the 27th Amendment.
- Twenty-two amendments (counting the Bill of Rights) were adopted within 3 years of being proposed.

6. Calls to amend the Constitution

People are calling for constitutional reform through Congress and by Convention, but for very different reasons, as might be expected from our long history of power plays.

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The People Power is working through Congress to overturn the 2010 *Citizens United* Supreme Court decision.

- As of July 2017, over 500 communities in 38 states have passed or proposed constitutional amendments to establish that:
 - <CLICK>
 - » constitutional rights are ONLY for natural persons, and
 - » money is NOT protected speech.

We will look more closely at how such amendments could overturn a lot of judge-made law.

RESOURCES

Examples of petitions, ordinances, resolutions & ballot initiatives
<https://movetoamend.org/resolutions-map>

State resolutions in support of amending the Constitution
<https://freespeechforpeople.org/state-resolutions-in-support-of-amending-the-constitution/>

Comparison of proposed amendments
<https://movetoamend.org/other-amendments>

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The Monied Power is organizing an Article V Convention of the States to propose at least nine amendments – about increasing their power over the people. None are about overturning *Citizens United*, stripping corporations of human rights, or banning



corporations from influencing elections.

Also, there is nothing in Article V to limit the power of such a convention. An Article V Convention could create a new constitution, just like what happened during the 1787 Convention – also led by the Monied Power.

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So let's focus on what the people want to do – put corporations back in their place and people back in charge of our democracy.

RESOURCES

Article V Convention 2018, comments on goals

https://www.washingtonpost.com/opinions/a-more-perfect-constitution/2016/01/14/dec5e23c-bafe-11e5-829c-26ffb874a18d_story.html?tid=a_inl&utm_term=.204fbef4bf0e

<http://inthesetimes.com/article/18940/alec-balanced-budget-corporate-constitutional-convention>

Was the 1787 Convention a “runaway convention”?

<https://www.thenewamerican.com/culture/history/item/18356-1787-constitutional-convention-why-the-secrecy-rule>

<https://www.termimits.com/dispelling-the-runaway-convention-myth/>

7. What could an amendment do?

Instructions



- Announce: We are going to do an exercise called, “The Rights Race.” This exercise will help us learn what changes after a constitutional amendment is passed.
- Take students to open space for this exercise.
- Instruct students to line up about 25 feet away from and facing teacher.
- Follow The Rights Race script.
- Return to class for the final debriefing.

Final debriefing guide

Facilitate class discussion.

- What changed?
<CLICK>
 - » Amendment could restore the People's Power over corporations and other artificial entities.
- Teacher walks the TIMELINE and removes the LAWS that could be overruled, including:
 - » 1819
 - » 1886
 - » 1893, 1897, 1905, 1906
 - » 1922, 1933
- So what?
<CLICK>
 - » Amendment could restore free and fair elections – a critical part of a healthy democracy.
- Teacher walks the TIMELINE and removes the LAWS that could be overruled, including:
 - » 1976, 1978, 1986, 1996
 - » 2010, 2010, 2014 (overall limits on campaign contributions)

<CLICK>



- Also, government and corporations could become accountable to the People again. This means issues of concern to the People become the main concern of elected officials again.
 - » Like what issues? Ask if students can recall some of the issues from the film, *The Story of Citizens United* – the balloons that were popped by the corporate person
 - » Examples: prison reform, public education, health care, clean air and water, living wages, public financing for elections, climate justice, clean safe energy, sustainable living, etc. – issues that are important in a healthy democracy

8. Where to start?

If students are interested in learning more about this or taking action, here are some ideas for getting started.

Think about what YOU want to do first. Then... Find your passion. Find your power. Find your team.

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Remember the 3 “T”s from action plans? Pick the key-players or “target” you want to focus on.

- This is about changing rules, so think about government options like your student government body, city council, state government, or congressional delegates.
 - Is there one that interests you as a place to get started?
- <CLICK>

Think about strategies in general. Again, what interests you?

- For example, do you want to get your school to petition the local city council

to pass a resolution?

- Do you want to get your state legislature to pass a resolution calling to amend the Constitution?
- <CLICK>

What tactics will get things moving?

- It would be good to research who is doing what on this issue in your school, community, and state.
- Reach out and contact groups. See if any are a good fit for you.
- Or form your own team like the girls did in the film, *Save Tomorrow*.

Next thing you know, you’ll have an action plan, probably a lot of new friends who share your passion – and a road map to your goal!

Pass out EXIT TICKETS about 5 minutes before class ends.

RESOURCES TO GET STARTED

Analysis comparing current proposed amendments
<https://movetoamend.org/other-amendments>

Take Action Toolkit
<https://movetoamend.org/toolkit/resolutions>

Petitions, resolutions, ordinances
<https://movetoamend.org/resolutions-map>

9. Ultimate Civics! COVER SLIDE

Determine if students are ready for a class project or extracurricular activities to follow through on their interest area. By creating and implementing their own action plans, students will learn lifetime skills in civic engagement.



Vocabulary

Core Vocabulary

bill: proposed legislation under consideration by the legislature; to become law, a bill must be passed by both bodies of the legislature and approved, in most cases, by the president for federal bills or governor for state bills

infringe: actively break, violate, or have a harmful effect on a right, law, or rule

oligarchy: government by the wealthy; when the rich have authority

propose: to offer an idea, plan, or bill for consideration, discussion, and acceptance by others

ratify/ratification: approve or adopt a bill into law; final approval or adoption of a bill into law

wealth inequality: a great difference in wealth, opportunity, and treatment

Supporting Vocabulary

Article V Convention: a convention of the states, called under Article V. of the Constitution, to amend the Constitution

joint resolution: a type of bill that is used for special purposes

