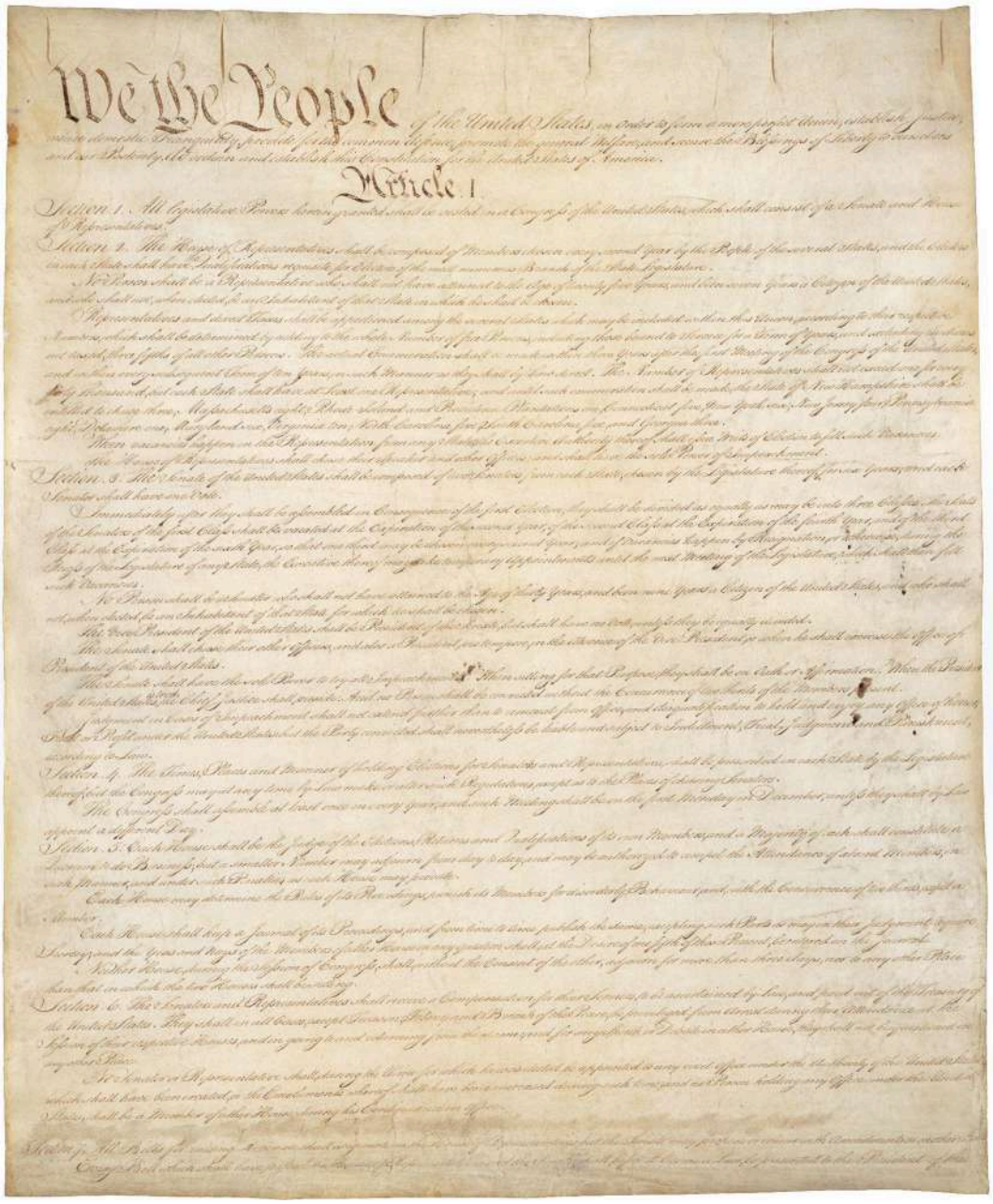
6-8: The Constitution at Work



NATIONAL ARCHIVES

How to Use this Guide

Dear Educators,

Thank you for your interest in The Constitution at Work virtual program for grades 6-8! This guide outlines the program's guiding questions, standards alignment, and program logistics. It also includes instructions and material for facilitating the program's **required** pre-program activity as well as a recommended post-program activity. We look forward to connecting with your students soon to learn more about the Constitution of the United States!

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National Standards Alignment

National Center for History in the Schools History Content Standards	College, Career, & Civic Life C3 Framework for Social Studies State Standards	National Standards for Civics and Government (5-8)
Standard 3A: The student understands the issues involved in the creation and ratification of the United States Constitution and the new government it established.	**D2.Civ.4.6-8.** Explain the powers and limits of the three branches of government, public officials, and bureaucracies at different levels in the United States and in other countries. **D2.Civ.5.6-8.** Explain the origins, functions, and structure of government with reference to the U.S. Constitution, state constitutions, and selected other systems of government.	**NSS-C.5-8.2.A.I** The American idea of constitutional government. Students should be able to explain the essential ideas of American constitutional government. **NSS-C.5-8.3.A.I** 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.

Required Pre-program Activity

Historical Context

Note: The following provides background information for content covered during The Constitution at Work virtual program. It is available online at The Constitution: What Does it Say? and The Constitution: How Did it Happen?

The Constitution: What Does it Say?

The Constitution of the United States contains a preamble and seven articles that describe the way the government is structured and how it operates. The first three articles establish the three branches of government and their powers: Legislative (Congress), Executive (office of the President,) and Judicial (Federal court system). A system of checks and balances prevents any one of these separate powers from becoming dominant. Articles four through seven describe the relationship of the states to the Federal Government, establish the Constitution as the supreme law of the land, and define the amendment and ratification processes.

The Constitution: How Did it Happen?

Concern about the Articles of Confederation

Just a few years after the Revolutionary War, James Madison, Alexander Hamilton, and George Washington feared their young country was on the brink of collapse. America's first constitution, the Articles of Confederation, gave the Confederation Congress the power to make rules and request funds from the states, but it had no enforcement powers, couldn't regulate commerce, or print money. The states' disputes over territory, war pensions, taxation, and trade threatened to tear the young country apart. Alexander Hamilton helped convince Congress to organize a Grand Convention of state delegates to work on revising the Articles of Confederation.

The Constitutional Convention

The Constitutional Convention assembled in Philadelphia in May of 1787. The delegates shuttered the windows of the State House and swore secrecy so they could speak freely. Although they had gathered to revise the Articles of Confederation, by mid-June they had decided to completely redesign the government. There was little agreement about what form it would take.

One of the fiercest arguments was over congressional representation—should it be based on population or divided equally among the states? The framers compromised by giving each state one representative for every 30,000 people in the House of Representatives and two representatives in the Senate. They agreed to count enslaved Africans as three-fifths of a person. Slavery itself was a thorny question that threatened to derail the Union. It was temporarily resolved when the delegates agreed that the slave trade could continue until 1808.

Writing the Constitution

After three hot summer months of equally heated debate, the delegates appointed a Committee of Detail to put its decisions in writing. Near the end of the convention, a Committee of Style and Arrangement kneaded it into its final form, condensing 23 articles into seven in less than four days.

On September 17, 1787, 38 delegates signed the Constitution. George Reed signed for John Dickinson of Delaware, who was absent, bringing the total number of signatures to 39. It was an extraordinary achievement. Tasked with revising the existing government, the delegates came up with a completely new one. Wary about centralized power and loyal to their states, they created a powerful central government. Representing wildly different interests and views, they crafted compromises. It stands today as one of the longest-lived and most emulated constitutions in the world.

Ratification

The founders set the terms for ratifying the Constitution. They bypassed the state legislatures, reasoning that their members would be reluctant to give up power to a national government. Instead, they called for special ratifying conventions in each state. Ratification by 9 of the 13 states enacted the new government. But at the time, only 6 of 13 states reported a pro-Constitution majority.

The Federalists, who believed that a strong central government was necessary to face the nation’s challenges, needed to convert at least three states. The Anti-Federalists fought hard against the Constitution because it created a powerful central government that reminded them of the one they had just overthrown, and it lacked a bill of rights.

The ratification campaign was a nail-biter. The tide turned in Massachusetts, where the “vote now, amend later” compromise helped secure victory in that state and eventually in the final holdouts.

Pre-program Activity Instructions

Note: The pre-program activity supports student learning about the Constitution. This activity must be completed before students participate in The Constitution at Work virtual program.

The Constitution as a System
Estimated time: 45 mins. - 1 hr. *This activity can be completed during one class period or divided into multiple sessions.*
Objectives: After completing this activity, students will be able to

- Identify the three branches of the national government and their primary responsibilities.
- Explain how the Constitution divides power among the legislative, executive, and judicial branches.
- Identify ways each branch can check the powers of the other branches.

Activity Outline:

1. **Introduction:** Meet the Constitution
    - Display or provide a copy for small groups (2-3 students) of all 4 pages of the Constitution.
    - Ask students to focus on the document and answer the question: **What details do you notice?**
        - Largest words: We the people
        - There are 39 signatures (organized by state).
        - The Constitution of the United States contains a preamble and seven articles that describe the way the government is structured and how it operates. When the framers wrote the Constitution in 1787, they faced an important question: How could they create a government strong enough to govern the country without giving too much power to one person or group? Their solution was to divide the federal government into three branches.The first three articles establish the three branches of government and their powers: Legislative (Congress), Executive (office of the President,) and Judicial (Federal court system).
    - Explain that the Constitution establishes the way the government is structured and how it operates.
    - Explain to students that they will become constitutional investigators, exploring the Constitution to discover how our government works.
2. **Main Activity:** Investigate the Parts, Purposes, and Complexities
    - **Parts & Purposes:** Divide the class into three groups, or six groups with two groups assigned to each article.
        - Group 1: Article I: Legislative Branch
        - Group 2: Article II: Executive Branch
        - Group 3: Article III: Judicial Branch

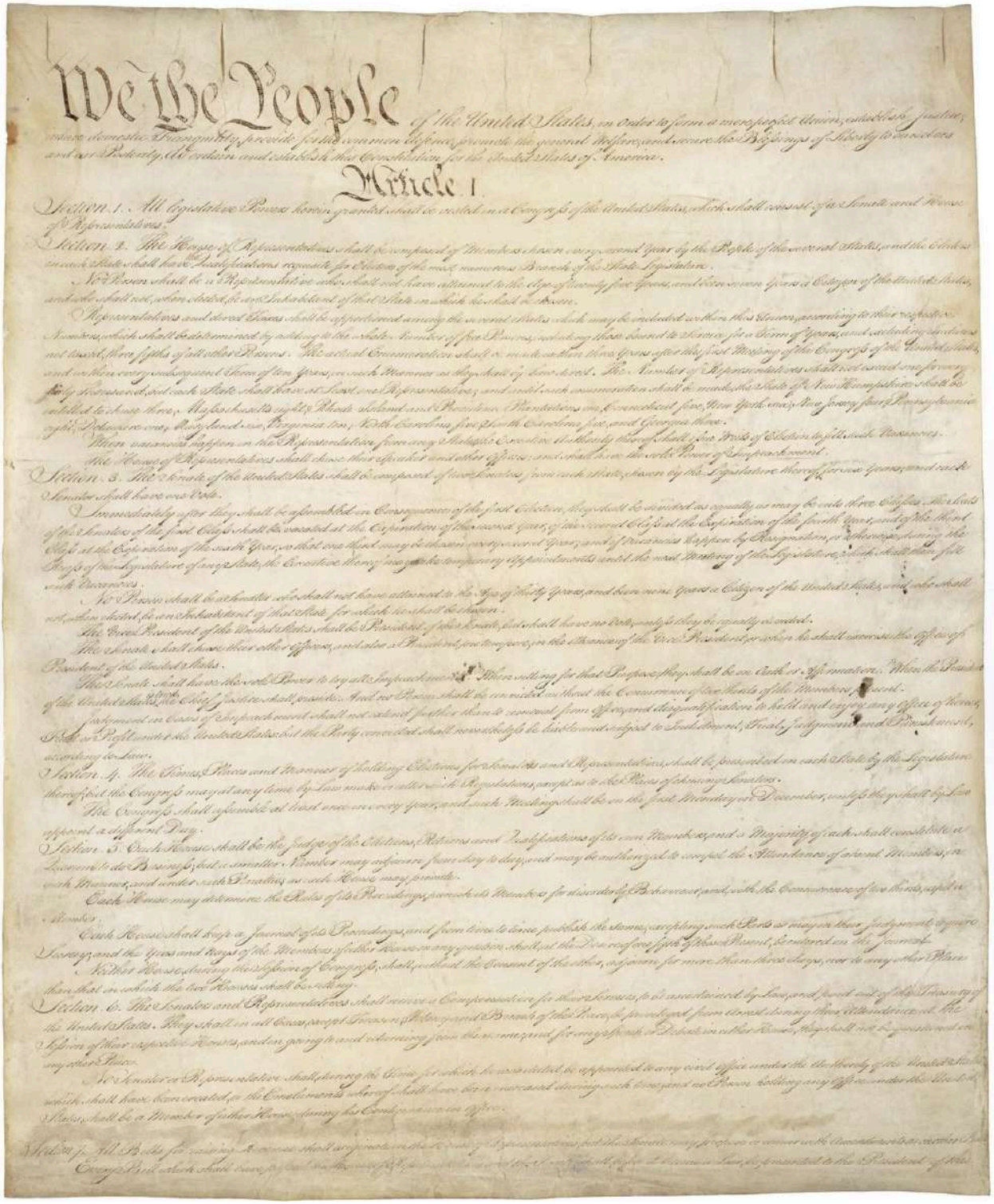
- Provide selected excerpts of each article (p. 8-10) and have students complete the first two parts of the Project Zero Thinking Routine: Parts, Purposes, and Complexities.
    - **Parts: What are its parts?**
        - Which branch of government does your article establish?
        - Who makes up this branch?
        - What powers or responsibilities does the Constitution give this branch?
    - **Purposes: What are the purposes of these parts?**
        - What is the main purpose of this branch?
        - How does this branch contribute to the functioning of the government?
- Ask each group to share its findings about the parts and purposes of its assigned article with the class, highlighting the branch's key responsibilities and purpose. Encourage students to reference specific sections of the Constitution to support their findings. While one group presents, the other students should complete the Constitution: Three Branches of Government Graphic Organizer (p. 14).
- After all groups present, ask students the following question:
    - **Why do you think the framers divided these responsibilities among three branches of government instead of giving them to one?**
    - The Framers' experience with the British monarchy informed their belief that concentrating distinct governmental powers in a single entity would subject the nation's people to arbitrary and oppressive government action. Thus, in order to preserve individual liberty, the Framers sought to ensure that a separate and independent branch of the Federal Government would exercise each of the government's three basic functions: legislative, executive, and judicial.
        - Define separation of powers: a basic principle of American government that places different governing duties and powers among three independent and coequal branches: legislative, executive, and judicial.

- **Complexities: How might the Constitution allow one branch to limit the power of another?**
    - Now that we know the responsibilities of each branch of government, what do you think happens when one branch disagrees with the actions or decisions of another?
        - Define checks and balances: a system of overlapping powers of the separate branches of government that permits each branch to limit, restrain, or inform the actions of the other branches.

- Ask students to return to their assigned article and look for examples of how their assigned branch can influence or limit the powers of another branch.
- Provide selected excerpts of each article (p. 11-13) and have students complete the third part of the Project Zero Thinking Routine: Parts, Purposes, and Complexities.
    - Complexities: Ask each group to consider these questions:
        - What power does your branch have that allows it to influence or limit another branch?
        - Which other branch is affected by this power?
        - How might this power help prevent one branch from becoming too powerful?
- Invite each group to share one example of how its branch can check another branch. As students present, other students should record their findings on their graphic organizer.

3. **Program Connection:** Today, you explored how the Constitution establishes three branches of government, assigns each branch specific responsibilities, and creates a system of checks and balances. During your program with the National Archives, you will examine historical records to discover how these constitutional powers have been used throughout American history.

Pre-program Activity Documents



We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I.

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy, and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

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

[Constitution of the United States](#) *(print p. 1-4)*

Article I: Parts & Purposes

Questions to consider

Parts: What are its parts?

- Which branch of government does your article establish?
- Who makes up this branch?
- What powers or responsibilities does the Constitution give this branch?

Purposes: What are the purposes of these parts?

- What is the main purpose of this branch?
- How does this branch contribute to the functioning of the government?

Excerpts from Article I

Article I, Section I

“All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.”

Article I, 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…”

Article I, Section 8

“The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States…”

“To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes…”

“To establish Post Offices and post Roads...”

“To declare War…”

“To raise and support Armies...”

““To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers...”

Article II: Parts & Purposes

Questions to consider

Parts: What are its parts?

- Which branch of government does your article establish?
- Who makes up this branch?
- What powers or responsibilities does the Constitution give this branch?

Purposes: What are the purposes of these parts?

- What is the main purpose of this branch?
- How does this branch contribute to the functioning of the government?

Excerpts from Article II

Article II, Section I

“The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term.”

“...I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

Article II, 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…”

“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...”

“...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...”

Article II, 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 shall take Care that the Laws be faithfully executed...”

Article III: Parts & Purposes

Questions to consider

Parts: What are its parts?

- Which branch of government does your article establish?
- Who makes up this branch?
- What powers or responsibilities does the Constitution give this branch?

Purposes: What are the purposes of these parts?

- What is the main purpose of this branch?
- How does this branch contribute to the functioning of the government?

Excerpts from Article III

Article III, Section I

“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...”

Article III, 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...”

“...to Controversies between two or more States...”

“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.”

Article I: Complexities

How might the Constitution allow one branch to limit the power of another?

Excerpts from Article I

Article I, Section 2

“The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.”’

Article I, Section 3

“The Senate shall have the sole Power to try all Impeachments.”

Article I, 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; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law.”

Article I, Section 8

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

“To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;”

Article II: Complexities

How might the Constitution allow one branch to limit the power of another?

Excerpts from Article II

Article II, Section 2

“...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...”

“...he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors... Judges of the supreme Court...”

Excerpts from Article I

Article I, 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; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated”

Article III: Complexities

How might the Constitution allow one branch to limit the power of another?

Excerpts from Article III

Article III, 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...”

“In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction... with such Exceptions, and under such Regulations as the Congress shall make.”

Judicial Review: Marbury v. Madison (1803)

Judicial review is based on the idea that the Constitution is the highest law in the United States. Although the Constitution does not directly mention judicial review, the Founders discussed the role of courts in protecting it. In 1803, the Supreme Court’s decision in *Marbury v. Madison* established that courts can declare laws and government actions unconstitutional. This power allows the judicial branch to check the legislative and executive branches.

The Constitution: Three Branches of Government

Grades 6-8: The Constitution at Work Pre-Program

Part I: Parts & Purposes	Legislative	Executive	Judicial
Who makes up this branch?			
What are its main powers and responsibilities?			
How do the three branches interact and limit one another's powers? Record one example of a constitutional check exercised by each branch.			

Part II: Complexities	How can this branch check another branch?
Legislative	
Executive	
Judicial	

How to Prepare Students for *The Constitution at Work* Virtual Program

Guiding Questions

- How does the Constitution limit and balance power?

Program Overview

During this interactive program, students will identify and draw conclusions about the relationship between the legislative, executive, and judicial branches established by the Constitution. By analyzing primary sources from the National Archives, students will explore how the three branches of government have exercised their constitutional powers, interacted with one another, and used checks and balances to limit government power throughout American history.

Guidance for Virtual Program

Note: The following outlines keys for success for the Constitution at Work virtual program.

Before Attending The Constitution at Work Virtual Program

1. Please complete the required pre-program activity to prepare students for the program itself
2. Divide the class into small groups (3-4 students per group)
3. Please print or provide students with digital access to the program documents (see page 17).

    - Each student should receive the Anyone Home? political cartoon
    - Each group should receive **one** of the following records. Depending on the number of students in your class, some groups may receive the same record.
        i. Group 1: Nomination of John Marshall to the Supreme Court
        ii. Group 2: Letter from Harry S Truman to Supreme Court Justice William O'Douglas & Executive Order No. 10340 (excerpt) (p. 7 & p. 8 of the linked document)
        iii. Group 3: Civil Rights Act (1964) (p. 1 & p.28 of the linked document)
        iv. Group 4: Veto message of President Franklin D. Roosevelt to the House of Representatives returning H.R. 3687 & House resolution stating that two-thirds of the House agreed to pass the act over the President's veto (p. 1 & p. 6 of the linked document)
    - Each student should receive a copy of The Constitution at Work graphic organizer.

During The Constitution at Work Virtual Program

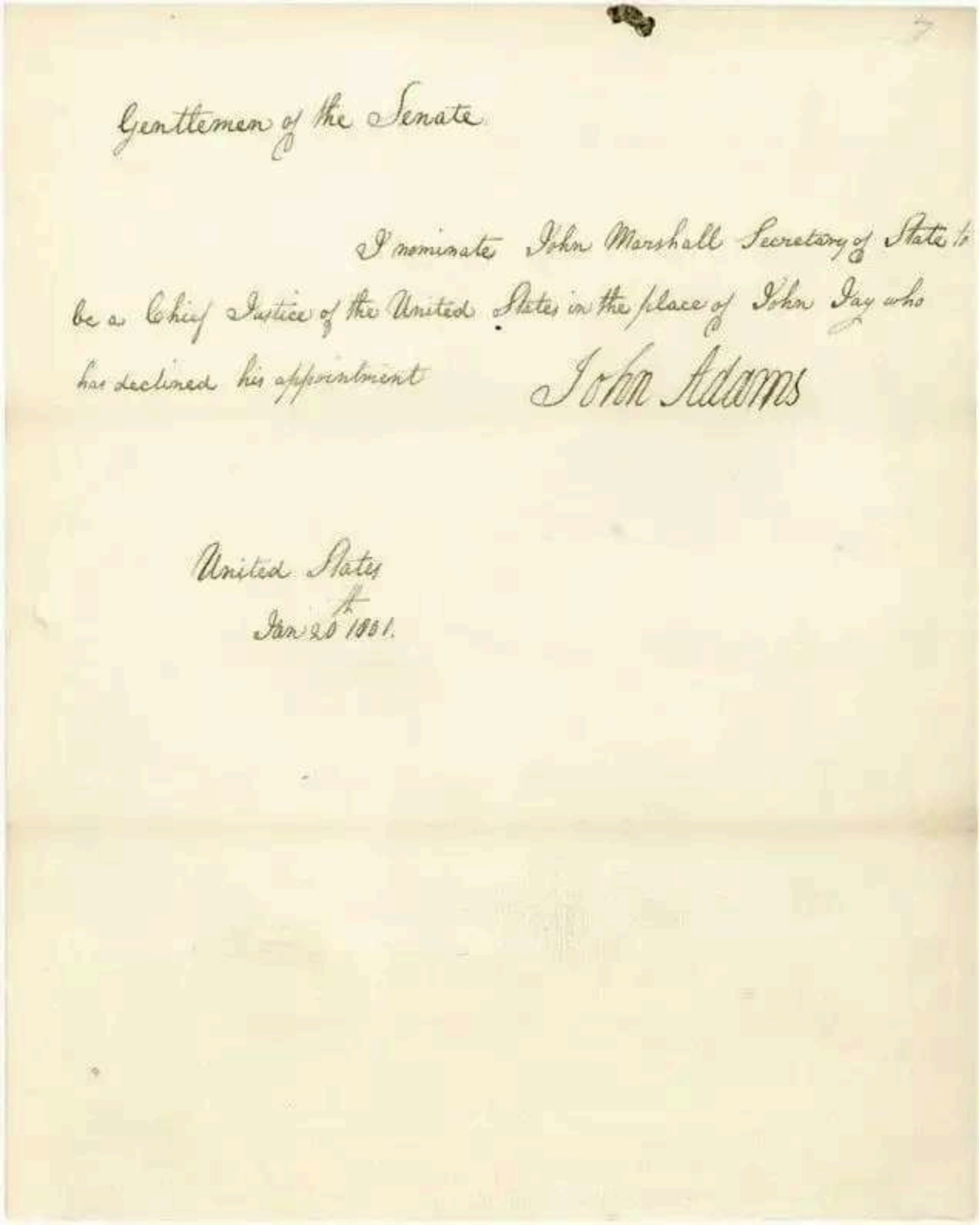
1. Please plan to connect to your scheduled program a minimum of **5 minutes** before the scheduled start time. Please note: The NARA Education Team may reschedule student programs for groups that connect more than **15 minutes** late.
2. We require that the requesting educator or another educator from your institution be present during the program to observe the session and support classroom management.
3. The Constitution at Work is an interactive virtual program. The NARA Educator facilitating the program may request the classroom teacher's help to call on students to share their responses.
4. Students will interact with National Archives documents during this program through whole group and small group activities. Please have students seated for the program in their small groups (3-4 students per group).

Program Documents - pg. 17-25

Note: Please ensure that students have access to the following documents during the Constitution at Work virtual program. Please see the “Before Attending” section above for more specific instructions.



[Anyone Home? Political Cartoon]



Gentlemen of the Senate

I nominate John Marshall Secretary of State to be a Chief Justice of the United States in the place of John Jay who has declined his appointment

John Adams

United States
Jan 20 1801.

Group 1: [Nomination of John Marshall to the Supreme Court]

Gentlemen of the Senate

I nominate John Marshall Secretary of State to be Chief Justice of the United States in the place of John Jay who has declined his appointment

John Adams

United States

Jan 20 1801

Group 1: Transcript of Nomination of John Marshall to the Supreme Court

THE WHITE HOUSE
WASHINGTON

July 9, 1952



Dear Bill:

I appreciated very much your letter of July third and I am sorry that I didn't have a chance to talk with you before you left. In fact, I am sorry that I didn't have an opportunity to discuss precedents with you before you came to the conclusion you did on that crazy decision that has tied up the country.

I am writing a monograph on just what makes Justices of the Supreme Court tick. There was no decision by the majority although there were seven opinions against what was best for the country.

I don't see how a Court made up of so-called "Liberals" could do what that Court did to me. I am going to find out just why before I quit this office.

Sincerely yours,

Harry Truman

Honorable William O. Douglas
Justice of the Supreme Court
Washington 13, D. C.

Group 2: [Letter from Harry S Truman to Supreme Court Justice William O'Douglas]

Executive Order No. 10340: Directing the Secretary of Commerce to take possession of and operate the plants and facilities of certain steel companies (Excerpt)

WHEREAS a continuing and uninterrupted supply of steel is also indispensable to the maintenance of the economy of the United States, upon which our military strength depends; and

WHEREAS a controversy has arisen between certain companies in the United States producer and fabricating steel and the elements thereof and certain of their makers represented by the United Steel Workers of America, CIO, regarding terms and conditions of employment; and

WHEREAS a work stoppage would immediately jeopardize and imperil our national defense and the defense of those joined with us in resisting aggression, and would add to the continuing danger of our soldiers, sailors, and airmen engaged in combat in the field; (...)

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

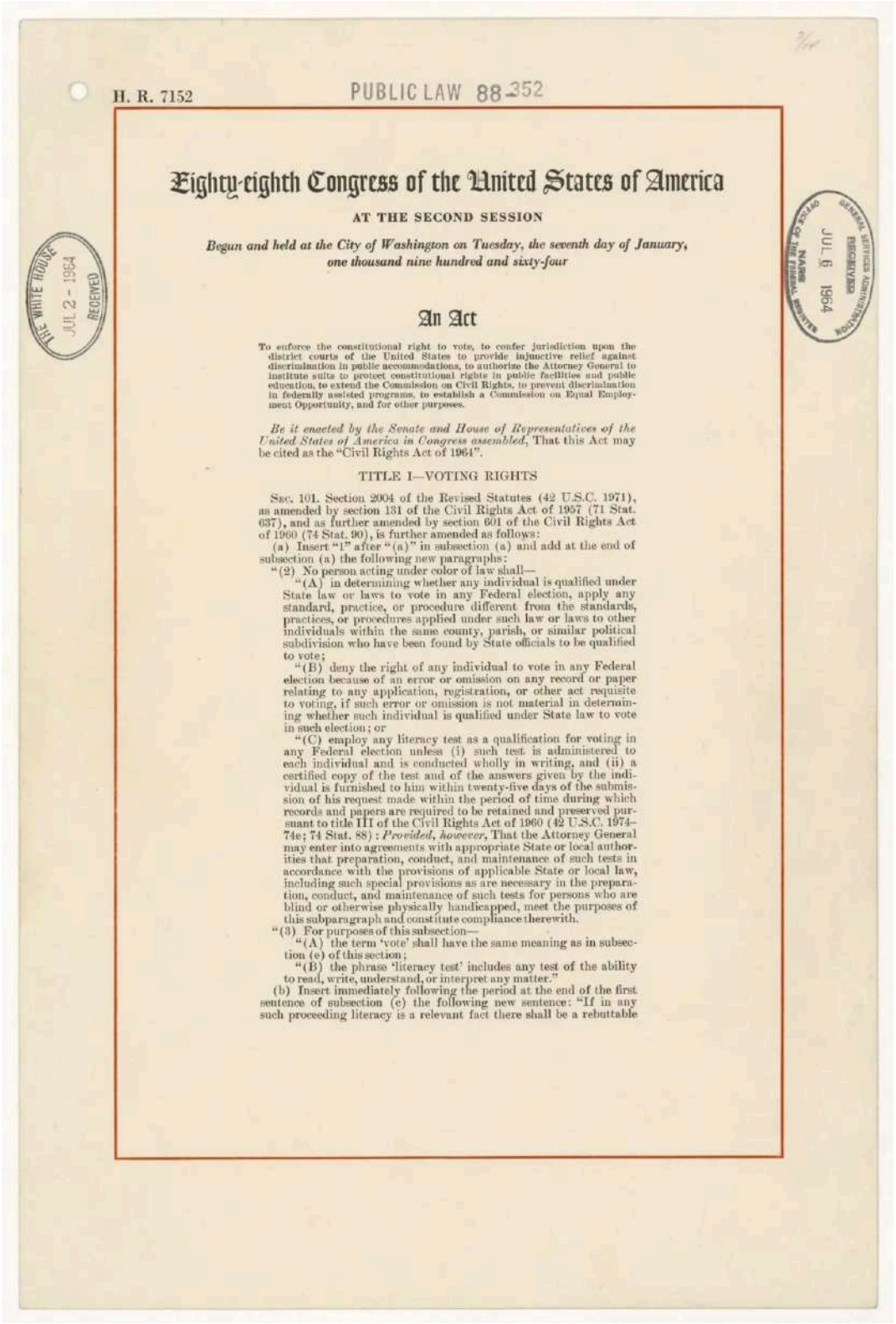
1. The Secretary of Commerce is hereby authorized and directed to take possession of all or such of the plants, facilities, and other property of the companies named in the list attached hereto, or any part thereof, as he may deem necessary in the interest of national defense; and to operate or to arrange for the operation

(...)

5. Except so far is the Secretary of Commerce may otherwise direct, existing rights and obligations of such companies shall remain in full force and effect, and there may be made, in due course, payments of dividends on stock, and of principal, interest, sinking funds, and all other distributions upon bonds, debentures, and other obligations, and expenditures may be made for other ordinary corporate or business purposes.

Thereof and to do all things necessary for, or incidental to, such operation.

Group 2: Executive Order No. 10340: Directing the Secretary of Commerce to take possession of and operate the plants and facilities of certain steel companies (Excerpt)



H. R. 7152 PUBLIC LAW 88-352

Eighty-eighth Congress of the United States of America

AT THE SECOND SESSION

Begun and held at the City of Washington on Tuesday, the seventh day of January, one thousand nine hundred and sixty-four

An Act

To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1964".

TITLE I—VOTING RIGHTS

SEC. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:

(a) Insert "1" after "(a)" in subsection (a) and add at the end of subsection (a) the following new paragraphs:

"(2) No person acting under color of law shall—

"(A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;

"(B) deny the right of any individual to vote in any Federal election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

"(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual and is conducted wholly in writing, and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974–74e; 74 Stat. 88): *Provided, however*, That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped, meet the purposes of this subparagraph and constitute compliance therewith.

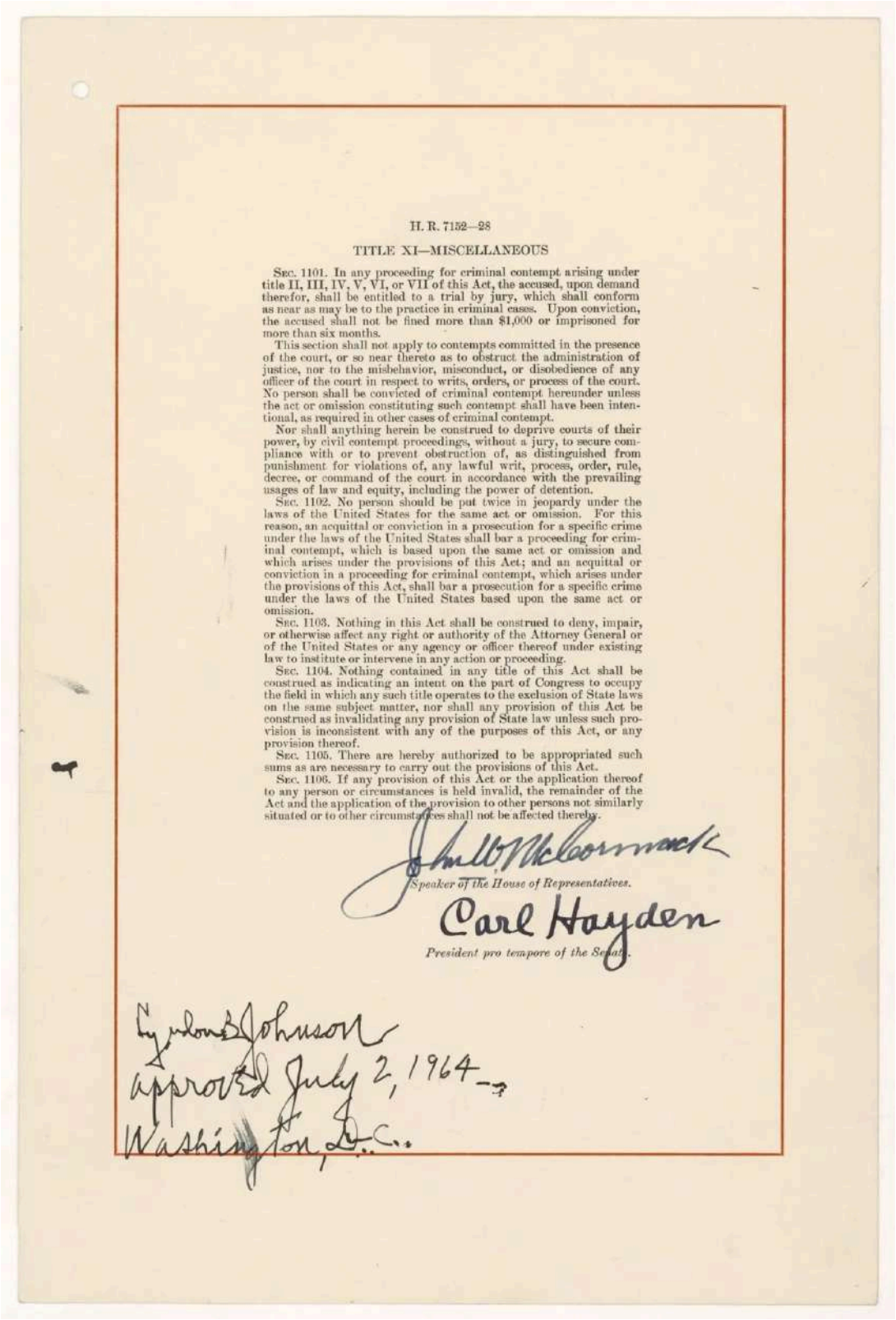
"(3) For purposes of this subsection—

"(A) the term 'vote' shall have the same meaning as in subsection (e) of this section;

"(B) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter."

(b) Insert immediately following the period at the end of the first sentence of subsection (c) the following new sentence: "If in any such proceeding literacy is a relevant fact there shall be a rebuttable

Group 3: Civil Rights Act of 1964, p.1



H. R. 7152—28

TITLE XI—MISCELLANEOUS

SEC. 1101. In any proceeding for criminal contempt arising under title II, III, IV, V, VI, or VII of this Act, the accused, upon demand therefor, shall be entitled to a trial by jury, which shall conform as near as may be to the practice in criminal cases. Upon conviction, the accused shall not be fined more than $1,000 or imprisoned for more than six months.

This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court. No person shall be convicted of criminal contempt hereunder unless the act or omission constituting such contempt shall have been intentional, as required in other cases of criminal contempt.

Nor shall anything herein be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

SEC. 1102. No person should be put twice in jeopardy under the laws of the United States for the same act or omission. For this reason, an acquittal or conviction in a prosecution for a specific crime under the laws of the United States shall bar a proceeding for criminal contempt, which is based upon the same act or omission and which arises under the provisions of this Act; and an acquittal or conviction in a proceeding for criminal contempt, which arises under the provisions of this Act, shall bar a prosecution for a specific crime under the laws of the United States based upon the same act or omission.

SEC. 1103. Nothing in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States or any agency or officer thereof under existing law to institute or intervene in any action or proceeding.

SEC. 1104. Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act, or any provision thereof.

SEC. 1105. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

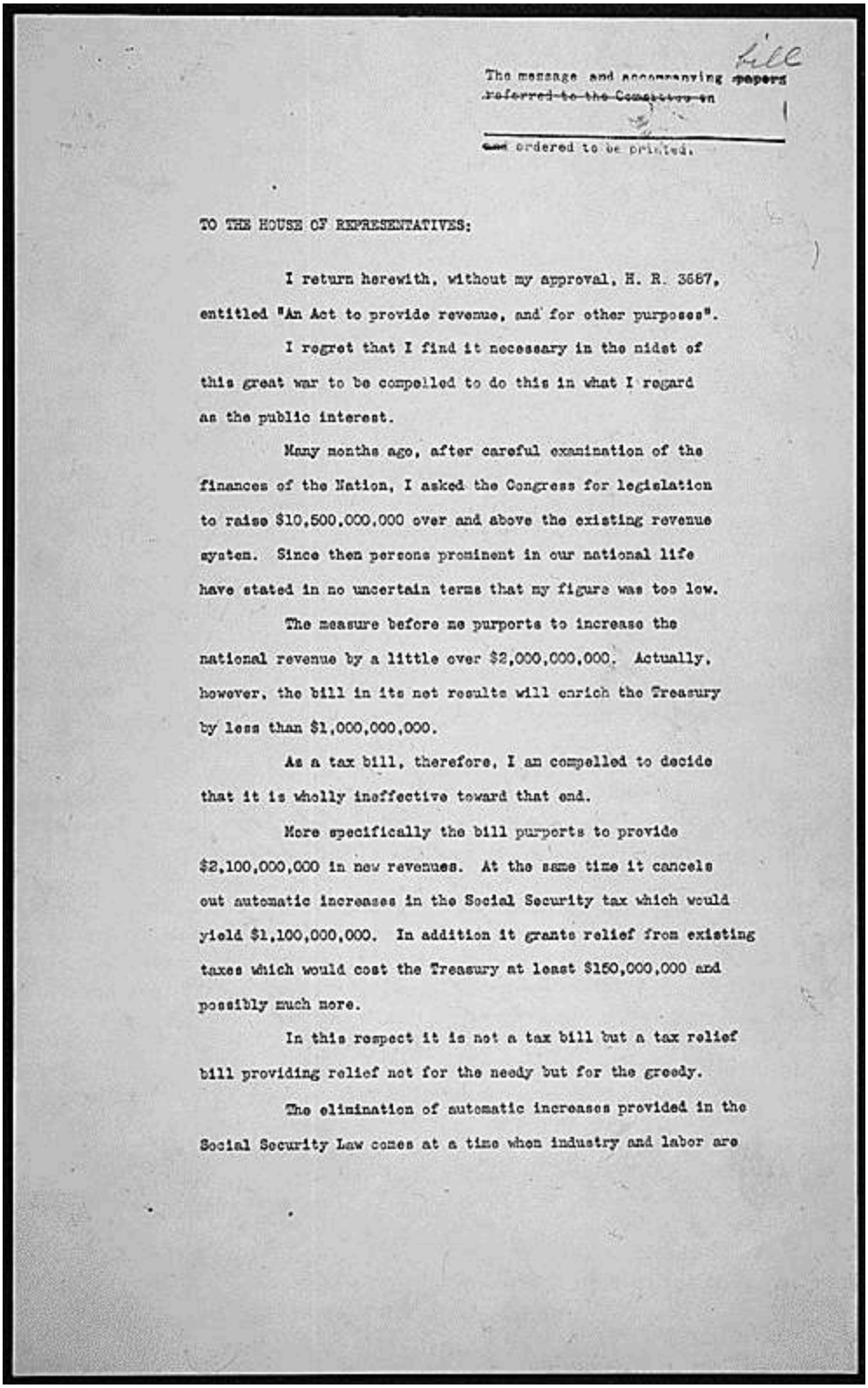
SEC. 1106. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

John W. McCormack
Speaker of the House of Representatives.

Carl Hayden
President pro tempore of the Senate.

Lyndon B. Johnson
approved July 2, 1964.
Washington, D.C.

Group 3: [Civil Rights Act of 1964, p. 28]



The message and accompanying bill ~~papers referred to the Committee on~~ and ordered to be printed.

TO THE HOUSE OF REPRESENTATIVES:

I return herewith, without my approval, H. R. 3687, entitled "An Act to provide revenue, and for other purposes".

I regret that I find it necessary in the midst of this great war to be compelled to do this in what I regard as the public interest.

Many months ago, after careful examination of the finances of the Nation, I asked the Congress for legislation to raise $10,500,000,000 over and above the existing revenue system. Since then persons prominent in our national life have stated in no uncertain terms that my figure was too low.

The measure before me purports to increase the national revenue by a little over $2,000,000,000. Actually, however, the bill in its net results will enrich the Treasury by less than $1,000,000,000.

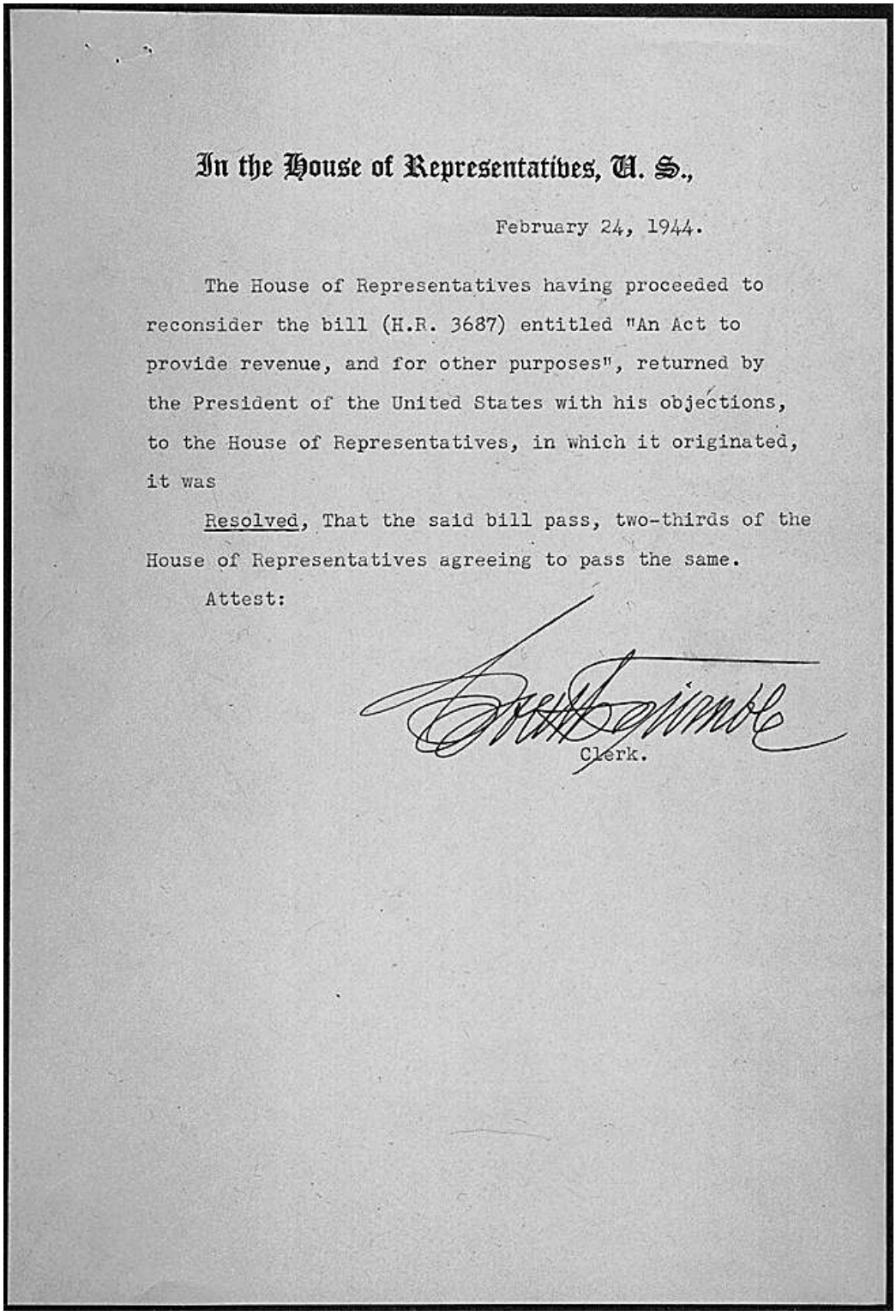
As a tax bill, therefore, I am compelled to decide that it is wholly ineffective toward that end.

More specifically the bill purports to provide $2,100,000,000 in new revenues. At the same time it cancels out automatic increases in the Social Security tax which would yield $1,100,000,000. In addition it grants relief from existing taxes which would cost the Treasury at least $150,000,000 and possibly much more.

In this respect it is not a tax bill but a tax relief bill providing relief not for the needy but for the greedy.

The elimination of automatic increases provided in the Social Security Law comes at a time when industry and labor are

Group 4: [Veto message of President Franklin D. Roosevelt to the House of Representatives returning H.R. 3687]



In the House of Representatives, U. S.,

February 24, 1944.

The House of Representatives having proceeded to reconsider the bill (H.R. 3687) entitled "An Act to provide revenue, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

Clerk.

Group 4: [House resolution stating that two-thirds of the House agreed to pass the act over the President's veto]

6-8: The Constitution at Work

Name: _____ date: _____

Guiding question: How does the Constitution limit and balance power?

Directions: Take a few minutes to carefully review your group's assigned record. Look closely at all the details, facts, and evidence provided. Work with your group to answer the reflection questions on your worksheet.

As each of the other groups presents their record to the class, give them your full attention. While listening to other groups, fill in the corresponding sections on your graphic organizer for their records.

Questions	Nomination of John Marshall to the Supreme Court	Letter from Harry S Truman to Supreme Court Justice William O'Douglas	Civil Rights Act (1964)	House resolution stating that two-thirds of the House agreed to pass the act over the President's veto
What is happening in this record?				
Which branches of government do we see in action?				
What role or responsibility is each branch carrying out?				
How does this record show the Constitution limiting or balancing power among the branches of government?				

Post-Program Activities

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.

Additional Educational Resources

Note: The following educational activities and resources are designed to support student learning. These activities are not required. Feel free to facilitate only the activities that you think would be most helpful for your students.

Resources on the Constitution from the National Archives:

- The Constitution: How Did it Happen?
- The Constitution: What Does it Say?
- The Constitution: How Was it Made?
- Teaching Six Big Ideas in the Constitution
- Reviewing the Constitution’s Big Ideas with Primary Sources
- Studying the Constitution with Primary Sources