

**Early American and Constitutional History:
The Meaning of Freedom and Democracy**

National History Day Summer Institute

June 23-27, 2003

Shelbyville, KY

Instructor:

Linda R. Monk, J.D.

LINDA R. MONK

Linda R. Monk is a nationally award-winning author, journalist, and educator. A graduate of Harvard Law School, she has twice received the American Bar Association's Silver Gavel Award, its highest honor for law-related media. Her book *The Bill of Rights: A User's Guide* (Close Up Publishing, 3rd ed., 2000, foreword by Justice Ruth Bader Ginsburg) won the Silver Gavel in 1992, and her work on the documentary *Profiles of Freedom: A Living Bill of Rights* earned a Silver Gavel in 1998. She is also the winner of the 2000 American Perspectives Writing Competition for her essay, "Why Founding Father Doesn't Know Best."

Ms. Monk's most recent book is *The Words We Live By: Your Annotated Guide to the Constitution* (Hyperion, 2003). She is also the author of *Ordinary Americans: U.S. History Through the Eyes of Everyday People* (Close Up Publishing, 1994, foreword by Ken Burns), an edited collection of 200 first-person stories that tell history as the average American actually lived it.

In addition to books, Ms. Monk has also written commentary articles as a freelance journalist for more than 17 years. Her articles on legal and historical issues have appeared in newspapers nationwide--among them the Atlanta Constitution, Baltimore Sun, Chicago Tribune, Des Moines Register, Los Angeles Times, Miami Herald, New York Times, Philadelphia Inquirer, and Washington Post. For 13 years, she also designed curriculum materials and programs for the Close Up Foundation, a nonprofit civic education organization.

SYLLABUS

Wednesday, June 25

The Constitution: The Meaning of Democracy

1. Instructor will introduce the seminar and describe its major theme of the Constitution as the embodiment of a conversation about liberty that began before the Constitution was written in 1787 and continues to the present day.
2. Participants will derive a definition of “democracy” and examine the limitations of a constitutional democracy.
3. Participants will discuss the beginnings of the American experiment on liberty, from the Massachusetts Body of Liberties in 1641 through the Petition of the Slaves of Massachusetts in 1777.
4. Large-group Activity: “Find the Founding Father.” The goal of this activity is for participants to identify which “founding father” was involved in the creation of selected founding documents in American history.
5. Participants will analyze the factors that lead to the calling of the Philadelphia Convention in 1787, discuss the convention’s outcomes, and summarize the ratification debates in the states.
6. Participants will analyze the structure of the Constitution of 1787 and evaluate its limitations on democratic government.

7. Participants will analyze the phrase “We the People” as intended by the framers in 1787, identifying groups that were not included: white men without property, Native Americans, African Americans, and women.
8. Participants will trace the meaning of the constitutional phrase “We the People” since 1787, through amendments expanding the right to suffrage.

Thursday, June 26

The Bill of Rights: The Meaning of Freedom

1. Participants will derive a definition of “freedom” and examine how it is protected through a bill of rights.
2. Participants will trace the historical development of the U.S. Bill of Rights-- including its English origins, its colonial counterparts, and its legislative history in the First Congress.
3. Small-group Activity: Participants will simulate a session of the First Congress in which proposed legislation about a bill of rights is considered, focusing on the religion clauses of the First Amendment.
4. Large-group Activity: Participants will view the documentary *Profiles of Freedom: A Living Bill of Rights*. They will evaluate oral history and storytelling techniques to illustrate civil liberties issues.
5. Instructor will describe the historical development of the Religion, Free Speech, and Free Press Clauses of the First Amendment.

6. Activity: Case study of *Wallace v. Jaffree* (1985). Participants will analyze the Supreme Court's decision establishing when a moment of silence in classrooms is constitutional and evaluate the historical arguments made by the Court.
7. Activity: Participants will analyze Supreme Court opinions in *Texas v. Johnson* (1989) on flag burning and evaluate historical arguments made by the Court.
8. Instructor will describe the historical background of the Second and Third Amendments and their current interpretation by the Supreme Court.
9. Instructor will discuss the historical development of the Bill of Rights provisions protecting accused criminals (Fourth, Fifth, Sixth, and Eighth Amendments) and will trace their interpretation by the Supreme Court.
- 10.** Activity: Case study of *Callins v. Collins* (1994). Participants will analyze Supreme Court opinions about the constitutionality of the death penalty and evaluate the historical arguments of the Court.
11. Activity: "Becoming a Court Watcher."
12. Instructor will summarize course themes and answer final questions.

Becoming a Court Watcher

1. Select key cases from 2003-2004 docket using web site of Medill School of Journalism at Northwestern University. (www.medill.nwu.edu/docket)
2. Track the progress of the case from oral argument to the final decision using various web resources. Speculate how the Court might rule.
3. Compare your opinion to the final decisions of the Court. Were there any surprises?

Online Resources

Supreme Court of the United States
<http://www.supremecourtus.gov>

Medill Journalism School (current Supreme Court docket)
<http://www.medill.nwu.edu/docket>

Oyez Oyez Oyez (Supreme Court multimedia resource)
<http://oyez.nwu.edu/>

Legal Information Institute (Supreme Court decisions, current and historic)
<http://supct.law.cornell.edu/>

FindLaw Internet Legal Resources (annotated Constitution)
<http://www.findlaw.com/casecode/constitution/>

Supreme Court Web Watch (summaries of decisions)
<http://www.wwnorton.com/scww/>

Close Up Foundation Judicial Branch links
<http://www.closeup.org/judbrnch.htm>