
When In The Course of Human Events



(Norman Rockwell 1993, United States postage stamp)

An American Government

Capstone Assessment

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Acknowledgement

The primary format of this capstone assessment is based upon the congressional protocol used by the U.S. Government and the Center for Civic Education, *We the People* hearings. Modifications have been made in both formats, eliminating the rules of competition, placing the emphasis on individual and group mastery of content area (the Missouri Department of Elementary and Secondary Education Course Level Expectations, and Core Competencies), accessibility to students of all abilities, and the optional use of media.

Preface

The goal of the American Government capstone assessment, *When In the Course Of Human Events*, is to provide a forum and culminating course experience that will require students to use not only the government content they have learned, but require them to analyze a problem in-depth. In addition, students will have to apply research skills, incorporate all levels of depth of knowledge, write an academic position paper, and be able to defend their position using appropriate communication skills. The assessment has been formatted to be user friendly for both teachers and students alike, allowing for maximum achievement for students of all ability levels.

When In The course Of Human Events is the epitome of authentic learning. It provides the opportunity for all students to move beyond the basic knowledge level and demonstrate they have achieved the goals and objectives as outlined in the Department of Elementary and Secondary Education's Course Level Expectations (CLE) for government and communication arts, local district objectives and the new core competencies. This is an opportunity for individual students or small groups of students to demonstrate that they can transfer knowledge to a real life experience or simulated experience.

Realistically, it is not possible to create one protocol or format that will work for all classroom teachers. First, each classroom has a different set of conditions, and for some, these conditions can change from class period to class period or even during the year. Secondly, for most teachers, the skills and abilities of the students they have from class to class or year to year will change as well as the number of students per course. The key is for teachers to learn how to be flexible and adjust the components of this capstone assessment to these variables. Successful educators most likely could agree that the best resource for making this capstone project work in multiple situations is peer-to-peer coaching. In addition, numerous teachers in the trenches feel the best teaching ideas and strategies come from practitioners, not theoreticians.

Objectives

The specific objectives of this simulation are based upon and aligned with the Department of Elementary and Secondary Education Course Level Expectations, End-Of-Course Government Assessment (EOC), and National Core Competencies. As with all assessments, these objectives should be evaluated and modified on a regular basis:

1. Compare and contrast governmental systems, current and historical, including those that are democratic, totalitarian, monarchic, and theocratic, and describe their impact. (CLE, EOC)
2. Analyze the changing roles of government in the context of the historical period being studied. (CLE, EOC)
3. Develop a research plan and identify appropriate resources for investigating social studies topics.(CLE, EOC, Tools of Social Science Inquiry).
4. Apply core content knowledge to a contemporary issue/problem.
5. Given a prompt, write an academic position paper aligning with a specific rubric.
6. Present and defend the solution to an issue/prompt to a panel of judges.

Materials and alignment

The goals and objectives of this assessment can be achieved using any standard textbooks or combination of textbooks. However the lessons and activities in the Center For Civic Education's *We the People and the Constitution* are specifically designed for this type of assessment. In addition, each of the lessons in these books has been aligned with the Department of Elementary and Secondary Education's Social Studies and Communication Arts CLE and EOC. To access these alignments and check for assessment updates and resources go to www.mobar.org and <http://new.civiced.org/wtp-the-program/curriculum/resource-center>.

Cross curriculum support

The capstone assessment, *When in the Course of Human Events*, offers many opportunities for collaboration with faculty members from other departments, especially Language Arts and Speech and Drama. Many veteran teachers often enlist help from these departments to aid in the writing and research of the students' prepared statements (for the hearings) and teaching public speaking techniques. The most effective teachers make the assessment preparations a blend of several academic departments, as well as with the support of the media center director. Having extra professionals helping and coaching will improve the student/team success level. However, it does take time to recruit and familiarize these individuals with the format of the assessment so teachers need to start recruiting early. Initially, teachers from other subject areas may be reluctant to get involved because it is outside of their area and comfort zone. Thus, the social studies teachers must explain and demonstrate how specific skills from other subject areas can help improve student/team performance. One piece of advice to teachers enlisting the help of their colleagues in other subject areas: do not overwhelm them with too much information at one time; simply assign them to specific tasks. As the school's information curve increases, so will the amount and level of outside help. (For an example of an initial information/contact letter see, *Adopt a Team* in the reference section.)

The capstone protocol

At the beginning of each school year, all participating district teachers will select a prompt or hearing question to be the cornerstone of the district-wide competition. The selected question will be politically neutral, open-ended, and relate to one of the district's or state's course level objectives. At the same time, a date(s) and alternate date(s) will be selected for the competition. Initially, each participating teachers will administer the assessment to their individual class sections. Based upon a district-wide scoring sheet, each teacher will select his or her best team to participate in an inter-school demonstration. Each participating team will receive a certificate of participation. The option of making this demonstration a competition will remain open.

Each participating teacher will distribute the prompts or hearing question(s), along with the *Assessment Scoring Guide* to the students. At the discretion of the teacher, the students will individually or in selected teams analyze the question for content, research its specific components and respond in a formal essay. Upon completion of the formal response, individual students will be placed into teams (if not done previously) to edit the position paper and prepare to defend their position orally.

On the day of the assessment, teams will have four minutes to read their response to the hearing question. Upon completion of the response, a panel of judges will have six minutes for follow-

up questions.

All judges will evaluate the team's performance based upon a standardized rubric. The use or non-use of the judges' score sheet for determining individual grades will be at the discretion of the teacher.

Sample assessment prompt

Good assessment prompts/questions are open-ended and non-political. There should be no one correct answer but the possibility of numerous acceptable answers. Here is an example of a prompt that contains three components—a main question or idea and two sub-questions or ideas for students to respond to:

Governments and societies based on the natural rights philosophy guarantee certain rights to their citizens. How would you describe or define a right? What are the natural rights that John Locke claimed every human being has?

- *What are some civil rights you possess under the U.S. Constitution and the Civil Rights Act passed by Congress and why are they important for the protection of your natural rights?*
- *What are some political rights you possess under the U.S. Constitution and why are they necessary to protect your natural rights?*

Planning for the assessment

To effectively prepare students for the capstone assessment, teachers should set aside two weeks or its equivalent. Actual time may vary depending upon the abilities and skill levels of the students. However, before beginning the process, it is important that all *essential* objectives have been identified taught and tested. Without a solid base of content knowledge, this capstone will be extremely difficult. The next step is to create a *tentative* action plan. The term *tentative* is used to denote the fact that in all probability, two plans will be necessary. For this step, teachers will need a current school calendar showing all school events, such as assemblies, workshops, testing, etc. that could interrupt instructional time.

After teachers have selected the weeks or days to be set aside for preparation, they will need to factor in the following variables:

1. Will all of your classes be participating or only selected classes?
2. How much preparation time will be done during class?
3. How much time will be required for homework or group practice?
4. Do all students have access to the same resources?
5. What sections of the capstone assessment will be graded?
6. Will the teams collectively create a response paper for a grade?
7. Will you allow the use of media during the team presentations?
8. Where will the presentations take place?

The next step is to transfer this data to a workable calendar with the necessary lesson plans.

Sample ten-day schedule

Day	In class	Homework
Day one	Introduce the prompt or hearing question. Distribute copies, or post on the school's server the scoring rubric. Explain the protocol of the capstone assessment. Play the DVD prepared by The Missouri Bar, demonstrating a Congressional Hearing.	Re-read the appropriate chapter in the text referencing the capstone question.
Day two	Read a sample of a prepared statement to the class. (See page 15) Discuss the components of the paper. Assign the individual students to a team (see section on team selection). Either individually or as a team, have the students begin to analyze the question (See section on analyzing prompts/questions.). Announce that their individual or team written response is due at the beginning of class on day eight.	All students will locate one or two current events that relate to their question.
Day three	Work on written response. Share or post on line links to appropriate research websites and Indexed Quotes. Review the importance of using only facts in the paper, unless an opinion is required.	All students will read the handouts on research, writing, and variables to consider when writing a prepared statement.
Day four	Work on written response. Individual students will keep a daily journal documenting how they used the class time.	All students will find another current event related to their response.
Day five	Work on written response. Save on school server and a flash drive.	First draft of the paper is due start of class, day six. Double check response with rubric.
Day six	Edit paper, assign parts and practice.	Individuals will practice individual parts (See tips and techniques).

Day seven	Students will practice in front of other students and/or teams.	Each student will practice reading his/her response or portion of response.
Day eight	Collect individual papers or team response. Hold lottery to determine what order the individuals or teams will present. Practice individual/team presentations.	Individual/team practice
Day nine	Capstone assessment day for teachers to assess each hour and/or student.	Winning class teams will practice.
Day ten	Capstone assessment day for the best class period of each teacher. Assessment will take place off campus and involve judges from the community. (See mock hearing outline for capstone protocol.)	

Selection and organization of teams

Selecting members of a team takes careful consideration because a well balanced team can improve performance significantly. When putting teams together teachers need individuals with leadership, computer research skills, writing and composition skills, and a desire to work together. The three primary methods for selecting teams are:

- Teacher appointed: the teacher, without input from others, selects the team members.
- Student selected: members select among themselves who will be on each team.
- Teacher-student method: using a sociogram or a secret ballot, students name the three to four people they work best with and the three they prefer to avoid. (Extreme care must be taken to insure that students do not see the ballots and that they are destroyed immediately.)

As teachers put the teams together, they need to consider the following balanced academic components of successful teams that ensure fairness to all students:

1. Team leader--this individual has the respect of the other team members (popularity is not respect) and can keep the unit **on task**. Make certain the leadership corps is a mixture of males and females.
2. Researchers--two or three individuals who know how to research a topic using credible sites, and who know the difference between fact and opinion and reliable and unreliable sources.

3. Writer/editor-- Even though the judges will not see the prepared statement, the way the students “sound on paper” sets the tone. It is essential to have at least one person who is a good writer, grounded in composition and grammar.

Regardless of how balanced the teams are, they will go through the traditional ups and downs of group work. Each individual team will go through a learning curve with the material and group dynamics. The teacher will need to monitor this closely and be proactive. It is easier to prevent problems than to try to resolve them, so teachers are advised to closely monitor each team’s daily interactions.

Researching the question

The teams have been selected, and now it is time to put the combined intelligence and skills of the group to work on the question or prompt. Analyzing each question must be a controlled and deliberate process. Allowing teams or individuals to arrive at a conclusion before they have collected all available data is the biggest mistake that can be made and will yield disappointing results. The goal of each individual or team is to create an **academic response**, which is based on facts and supporting evidence and not opinion. If a statement cannot be defended or it is not relevant, it should not be in the paper.

Before students begin the research/writing process, the teacher should have the class look at the scoring rubric (see sample on page 23). It is important that the students know what is expected of them and that all criteria listed on the scoring sheet must be **obvious** in the prepared statement. The teacher should reinforce the concept that every statement and every inference must be defensible and supported with an example or current event. The teacher should read an example of a prepared statement (see page 13) to model expectations.

Note: The teacher should give a copy of the questions to the media director in advance, and ask for choosing books and putting them on reserve.

Sample research protocol

1. Have each student re-read the chapters (s) dealing with the question they are going to research. It is highly recommended that teachers use the *Critical Thinking* and *What Do You Think?* exercises found in the book to test the students on their knowledge of the subject they are going to research. These *qualifying* exams should be graded. A student cannot score less than a standard established by the teacher (recommendation—80%) or the student will need to retake the test. It is essential that each student know the material relating to the question, without exception.
2. Distribute handouts on reliable websites, resource books, current case law and quotes. (Suggestion: put resources on the school server.) Have students identify chapters in the book, documents, quotes, cases, current events that could apply to the question or prompt.
3. Have each member of each team research all terms, events, people and philosophies in *relationship to the question*. This is not a time for group work. If students work as a

group on this aspect or the protocol, they will develop *tunnel vision* and miss important perspectives.

4. When the individual research is completed, the team members should get together and compare perspectives. Remind the students not to give in to peer pressure regarding a question or position. If they feel strongly about an issue or approach, they need to hold their ground and defend the idea. However, they also need to recognize when a teammate has presented superior knowledge or facts.
5. All students must accept the fact that they will have to become *experts* on their question. This is a very new concept for most students and will need explanation and examples before they understand the concept. Encourage parents to get involved with the research, because they may have expertise or access to resources unavailable to the school. Have each student keep research notes and be accountable for each hour. Remind students not to copy entire pages from the Internet, but to look for specific facts and then copy and paste onto a separate saved document.

Writing an academic position paper/prepared statement

Once the research is completed, there are various methods and strategies for writing an academic position paper or prepared response. However, before the teachers begin the process, re-read an example of a prepared statement, review the components and the expectations. It is imperative students understand this is an assessment, a cumulative project where they demonstrate a mastery of content and skills. There are various ways that a team comes up with the prepared statement:

1. **Focus on the individual within the team.** With this method, each person researches the question and writes a response without discussing the material with other members of the team. Each team member's response will be submitted to the teacher for a grade and comments. When the individual papers have been graded, the team collaborates and pulls the best sections from each paper in order to create one team response for each question.
2. **Focus on dividing the components of the question among the various members of the team.** The teacher will assign various components of the questions to team members. Follow same procedure as above for evaluation. The team will put the components together and make sure they fit together and flow well.
3. **A combination of the two methods above—best described as *the collective effort approach*.** The team works together to compose the response. If time is short, this is a good method, but may not produce the insight and quality as methods one and two. With this method, a hard copy of the response should be submitted for teacher comment and a grade.

With all three methods, students should expect the following:

1. All responses and all drafts must go through the teacher for evaluation (grade) and comment.
2. Students should expect multiple re-writes.
3. On their first draft, have the students indicate in left margin the component of the question they are answering. If every statement can't be referenced to part of the question, it should be omitted.
4. Students should use vocabulary familiar to them. Nothing is worse than seeing students trying to use vocabulary they don't understand.
5. All statements must directly relate to the question and be defensible with additional facts, examples, cases and/or current events.
6. Stick with facts (be able to cite the source) and avoid the use of opinions unless asked during the follow-up.
7. Do not write in the first person. Avoid using the pronoun "I," unless the question calls for an opinion.
8. Frequently, teams will need to meet outside of class to refine their papers.

Preparing for the hearing/capstone assessment

Upon completion of the prepared four-minute presentation, each team will engage in a six-minute follow-up with a panel of judges. Most of these judges were selected because of their experience and expertise in law, history, or government. Although the judges are instructed to focus on content presented by each unit team, professionalism and persuasion are very effective techniques employed by all the best teams. Below are tips and techniques to help the students work and perform as a team.

1. **Rotate speakers.** Everyone on the team should *read twice* during the prepared statement and take an active part in answering the follow-up questions. The teachers might consider having the strongest speaker start and end the reading. Do not let one person attempt to carry the team.
2. **Listen** very carefully to the questions being asked. If there is confusion as to what is being asked, request the judge to rephrase the question. There is no penalty for asking for clarification.
3. **Answer the question.** All responses should link directly to the question being asked. Support each comment with specific examples from history, philosophy, government, current events, or the law. Attempt to show a relationship with examples from current events. Students may disagree with one another (which judges like), but all responses must be supported with facts and examples.
4. **Sit correctly.** The body will constantly be giving non-verbal communications. Be aware of what your body is saying all of the time. Keep a straight back. (Look alert and do not slouch) Position your legs in a professional manner. Pay attention to your upper body and hands.

5. **Eye contact.** Make sure you are looking at the faces of the judges or any person who is speaking. Remember, the audience is still watching you even though you are not speaking at the time. Eye contact is one sign of your self-confidence and your interest in what is going on around you. Look directly at the people to whom you are talking. By looking at the faces of the judges, you get their reactions. These reactions will give you direction in making your presentation.
6. **Use information correctly.** Do not memorize your parts of the prepared statement. However, be comfortable with what you are saying. Write on one side of your note card or paper. Keep your cards or paper lowered and away from your face. Do not get too attached! Reading the cards or paper without looking up conveys that you do not know the information.
7. **Speak clearly.** Articulate! Speak clearly and don't mumble. Use a medium volume, which is loud enough, but not too loud.
8. **Do not use clutter words.** Do not use such as "um, you know, like, well, uh, ah, ok." Avoid distracting messages. Avoid swaying, continuously clearing your throat, smacking your lips, touching your clothes, placing hand(s) in pockets, touching your face, smoothing your hair or any type of grooming.
9. **Read and speak at a normal rate.** Slow down! When nervous, people tend to talk too fast. Gather your thoughts and speak clearly and slowly. Remember that true leaders can be picked out of a crowd because they will be the ones who speak slowly, with direction.
10. **Act like a team.** Even if you think you messed up, NEVER SHOW IT! In other words, play it off. It sounds like a mind game and it is a mind game! Listen to your team members and if you think they need support, jump-in.
11. **Sell it.** Let your confidence shine! Be assertive and act as if you have been waiting for this day to demonstrate your knowledge. Everyone who is watching must feel that you know your stuff.

Note: Before students appear before a panel of judges, it is extremely wise to have one or two mock hearings in the classroom.

Finding judges and timers for the hearing

Finding judges and timers for a hearing can be a daunting task but what teachers need to know is that there are many people in their communities who will feel honored to be asked and who will be totally impressed by the students' expertise. Here are some suggestions of people to contact:

- Local attorneys or professionals from any field
- Members of the local police or sheriff's department
- Board of Education members and central administrators
- Members of the local media (newspaper, radio, etc.)
- State Representatives or Senators
- Members of the clergy

- Local clubs such as Rotary
- University or college instructors
- Retired teachers
- Teachers from other buildings with the district
- PTA members

The hearing/capstone assessment

The mock congressional hearing can be one of the best public relations events a teacher has ever had but advance preparation is essential. **Before the hearings begin and at the hearings**, the following things should be done:

- **Prior to the hearing day**--get judges and send them a packet that includes the question they will be asking the students and the details of where and when the event will occur, parking information if needed. (The teacher will need for the judges to arrive early for a short orientation session.)
- **Prior to the hearing day**--assemble materials in the list below.
- **On the day of the hearing**, the teacher or perhaps a parent assume the task of getting to the location early enough to arrange the room in the proper order. In the front of the room, two tables should be facing each other at about a thirty-degree angle. One table will be for the team presenting and one for the judges. There will also need to be a chair close enough so that the students can see the timer and the *one-minute* and the *stop* signs.
- **On the day of the hearing**, the teacher should provide a short orientation for the hearings or have someone who is familiar with the process explain it to the judges.
- **After everyone is assembled**, explain what the capstone project is and what the hearing is.
- **After the hearings**, thank the students, the judges, the parents and others who have come to participate and observe.
- **The day after the hearings**, have the students write thank you notes to the judges and anyone else who helped with the event.

Checklist of materials that should be ready when the judges arrive for the hearing:

- ✓ Nametags or name cards for the judges and students
- ✓ Judges' instructions
- ✓ Judging forms
- ✓ Competition questions
- ✓ Follow-up questions for each judge
- ✓ Pencils and paper

Sample Protocol for the Capstone Activity¹

There is no mandatory way of conducting the final capstone activity, the essential elements are that all teachers are informed well in advance of specific dates, the protocol has been agreed upon, the location of the final event has been reserved, judges notified, the public has been informed. Each of the Capstone components is essential. However, they may be delegated to different individuals, but one person must be identified as chairperson and responsible for overseeing the entire process. If this event is to be successful and credible, planning and communication is the key, leave nothing to chance. Each component must be constantly scrutinized and double-checked, it could make the difference between teachers, students and parents feeling good about the experience or feeling it was a waste of time.

To begin with, six months before the final event, all teachers who are going to participate in the capstone event should meet to develop a calendar of events, agree upon the specific protocol of the final event, and identify the pool of questions they may select from, tentative dates and whether the event will be a “show case” or competition. During this planning session one person should be selected as chairperson to oversee the process and serve as the “go to person” to resolve unforeseen problems. Additionally, various support jobs should be delegated during this session. These jobs would include, but not limited to, building coordinators (if more than one school is participating), publicity chairperson, judge recruitment coordinator, facility coordinator, and refreshment or meal coordinator. Because of the immensity of this event, consider additional help and financial support from such groups as your state or local Bar, PTA and community assistant league. Finally, during the meeting, plan additional monthly meetings to ensure continuous communication, and problems are solved quickly.

Below is a list of Capstone event coordinators and their job descriptions. This list will vary with the size of the school and/or number of students participating.

Chairperson:

This individual must be detail oriented and have the time and energy to organize meeting, establish the working calendar and supervise the other coordinators. Patience and willingness to delegate and compromise are essential to this job. Two additional responsibilities of this individual are to recruit the keynote speaker and to act as master of ceremonies during the opening session and awards ceremony.

Building Coordinator:

This individual should check with each teacher on a weekly basis to ensure they are following the calendar, to see if they have encountered problems with resources, to verify that they have identified which classes are participating and the hearing question(s) that will be used. This information will be forwarded to the chairperson.

Facilities Coordinator:

¹ For additional suggestions see pages 356-363, *We The People, The Citizen, & The Constitution*, Level II, teacher’s edition.

Approximately six months prior to the Capstone even, an off campus location will have to be reserved. Off campus locations work best because they remove students from their “comfort zones” and increase student performance. Before reserving the site, the coordinator must know how many classes will be participating for each teacher. It is best to secure a room for each teacher that is large enough to seat all of the students and their parents. If possible, have the rooms far enough apart so that the “talking” in one room does not filter into the other room. Additionally, you will need a room large enough for the opening ceremony and awards. This room must seat all of the students and their parents and should have a PA system.

Food Services/Refreshment Coordinator:

Getting the students on site and organized prior to the Capstone is always a good idea. One way of doing this is to provide an inexpensive meal or snack. To help ease the tension and encourage students to interact with other students “icebreakers” or government trivial pursuit is suggested. If the facility has a food service, it is best to use them because they are generally less expensive.

Judge Recruitment Coordinator:

Three months before the event, ask all participating teachers to submit a list of people they would like to serve as judges. This is an opportunity to get the community involved in the event and allow them to see your students in action. Compile a list (you will need a minimum of three judges for each question used) and begin contacting your potential judges. Make sure they know they do not have to be experts and the question they will be judging along with possible follow-up questions will be provided in advance. An hour before the event, you will need to provide a short training session for the judges. During this time you will review the protocol of the Capstone hearing, judging sheet, and whether you want judges to just give comments or give comments and also score each team.

Printed Program and Awards Coordinator:

As soon as you have the names of the teachers participating, student roster, location of the event, and rooms that are to be used you can print the program. Before publication, have each teacher double check the names of their students and the correct spelling of guests, speakers, or contributing sponsors. After you have the student names and you are certain they are correct, print the individual certificates.

Publicity Coordinator:

Three weeks before the Capstone event begin contacting local news papers, radio and television stations. Ask them to consider this, as a public service announcement so there will not be a fee. Two months before the event, contact your district spokesperson and ask for their help with any publications they may send to parents. Finally, do not forget to advertise on your school and district websites.

FOR ADDITIONAL ASSISTANCE, CONTACT MILLIE AULBUR (millea@mobar.org, 573-638-2250) OR RUSS SACKREITER (resackreiter@gmail.com, 573-424-8309).

Sample Prepared Statement²

THIS STATEMENT IS FOR DEMONSTRATION PURPOSES AND DOES NOT REFLECT A “PERFECT RESPONSE.” THIS IS AN ACTUAL RESPONSE WRITTEN BY FRESHMEN.

Question: How have the protections of the Bill of Rights been developed and expanded?

What are the basic purposes of the Fourteenth Amendment’s equal protection and due process clauses?

How are the equal protection and due process clauses related to the principle of limited government?

What are some specific examples of how the equal protection and due process clauses of the Fourteenth Amendment have been used to expand the protections of the Constitution?

When the smoke and ash cleared with the final shots of the Civil War, it was obvious that the infrastructure of several states would have to be reconstructed. In an effort to protect the newly acquired rights of the freed slaves, legislation was enacted to ensure their fundamental rights and dignity. One of these steps was the ratification of the Fourteenth Amendment.

While the Founders had worked hard to create a limited federal government, one that protected natural rights and did not interfere with other aspects of life, they did not foresee the infringement of natural rights by state governments. Many states did not want the national government to become too powerful and to violate the rights of man, and the Bill of Rights was passed to protect rights of individuals.

The Fourteenth Amendment, ratified in 1868, extended that limitation to the state powers by prohibiting any *STATE* from making or enforcing any laws that abridged the privileges or immunities of citizens. Two areas in which states were eventually greatly affected by the Fourteenth Amendment were equal protection and due process. Equal protection requires that state laws may not arbitrarily discriminate against citizens. Citizens of the United States were given the right to due process in the Fifth Amendment. However the Fifth Amendment just applied to the national government. The Fourteenth Amendment strengthened equal protection and due process and defined citizens as all who were “born or naturalized in the United States.” The Fourteenth Amendment clearly notes that states were not able to deny equal protection and due process to their citizens.

The basic purpose of the Fourteenth Amendment’s equal protection and due process clauses is historical in creation. After the Civil War, the northern Republicans wanted to protect the rights of the freed people. The Radical Republican Congress was instrumental in proposing, and then ratifying the Thirteenth Amendment by 1865, which outlawed slavery. However, as Reconstruction progressed and ended in the south, civil rights for African-Americans diminished. For example, “Jim Crow Laws” were denying equal protection.

² This prepared statement was developed using the pre-2008 district questions. It is for analysis purposes only and does not constitute or represent an “exemplary” response.

In addition, due process was being denied to African-Americans by systematic lynchings carried out by groups like the Ku Klux Klan. Congress tried to pass legislation that protected their rights. The Civil Rights Act of 1866 was one attempt at helping the plight of the freed slaves. However, both the President and the Supreme Court did little to enforce the federal legislation. The Fourteenth Amendment was ratified in 1868 in an effort to extend equal protection and due process rights to all, especially African-Americans in the southern states. However, it is through the court system that we later see true interpretation of the Fourteenth Amendment clauses of equal protection and due process.

In Brown v. the Board of Education of Topeka in 1954, the Supreme Court ruled that in education, racial segregation has a detrimental effect on minority children because the segregation is interpreted as a sign of inferiority. This unanimous decision was the death-knell for all forms of state-maintained racial separation that had been prominent in the South since Plessy v. Ferguson in 1896. Therefore, in 1954, the Fourteenth Amendment's equal protection clause expanded the protections of the Constitution by protecting citizens from state run segregation.

Over time, on a case-by-case basis, the Fourteenth Amendment's due process clause has applied all of the rights protected by the First, Fourth, and Sixth Amendments and most of the rights of the Fifth and Eighth Amendments to state law as well as federal law. In Gitlow v. New York, the court ruled that a state may forbid speech and publication of materials that can result in action dangerous to the public, but the First Amendment does apply to the states by virtue of the liberty protected by due process in the Fourteenth Amendment. The ruling expanded the protections of the Constitution by applying free speech protection to citizens from state law as well as federal. Another court case that resulted in applying constitutional rights to state law in addition to federal law, is Gideon v. Wainwright in 1963 (6th Amendment)

The modern day threat of terrorism in the United States creates new areas of concern with respect to the due process and equal protection clauses of the Fourteenth Amendment. However, recent rulings such as Al Odah v. United States in 2004, and Hamdi v. Rumsfeld in 2004 have extended the due process rights to "enemy combatants."

THIS CONCLUDES OUR PREPARED STATEMENT. WE ARE NOW READY FOR YOUR FOLLOW-UP QUESTIONS.

Sample Written Response Rubric³

Prompt:

Directions: citing specific examples from history, the Constitution, political philosophy, Supreme Court cases, and/or current events, respond to the above prompt. All responses must be in ink or keyed. In addition, the response *must be between one and two paragraphs*.

4 Points: Creative thesis statement (This is the main point you want to make or defend).

4 Points: Writing is well organized, logical, and sequential.

4 Points: Historical facts and/or current events are clearly linked to the thesis statement and prompt.

4 Points: All historical and/or legal terms are defined in context to the thesis statement and prompt.

4 Points: The conclusion summarizes key points but does not introduce any new evidence or facts.

Total: _____ (20 points possible)

Suggestions for Writing an Effective Response

Paraphrase the prompt

After you have read the prompt, rewrite it in your own words. What is the prompt asking you to do? If necessary, review the Process Level Descriptor reference sheet.

Brainstorm

Create several sentences describing your feelings toward the prompt. What position will you take? Why do you feel this way? Do you feel comfortable enough to support the position?

Support

Using reliable material (textbooks, newspapers, internet, etc.), make a list of facts, details, quotes, and other information you can use to support your position.

Understand

Brainstorm ideas, concepts, and political statements to support the response to the prompt. Make a list. Narrow the list. Make an outline of the most important information.

Apply

Review the thesis statement and supporting information. Does all of the information support the thesis statement? Does it relate specifically to the topic?

Create

Write the first draft. When you are finished, proof read the response. Ask another person to proof the response. Have you included all of the components of the thesis statement?

³ Developed by Russ Sackreiter for The Missouri Bar, Department of Citizenship Education.

Adopt-A-Team⁴
An Interdisciplinary Coaching Experience

This **CURRENT MONTH AND DATE, THE SCHOOL NAME** will be taking a team to the Columbia Public Schools, American Government capstone assessment at Columbia College. This is an intense academic competition involving the United States Constitution, constitutional law and philosophy of government. Each question starts with a four minute written presentation, followed by six minutes of “cross examination” by the judges. Any material or concepts within the question, or presented during the opening remarks, are subject to scrutiny by the judges.

For the past several months my students have been studying and preparing for the competition, but we need the help. For us to be successful, we need additional “coaches” to help us prepare for the final competition. The six-minute follow-up segment is the most difficult for the students because it requires them to face unfamiliar adults for the first time, and to be able to think on their feet without being intimidated. Though we will go through a mock-simulated hearing in late January, we need many hours of practice with different adults in new surroundings.

No matter how much I work with the students, I cannot create the authentic feeling that comes from presenting and defending to unfamiliar faces. This is where I need the help in the coaching phase of the process. You do not need any special expertise, just a willingness to be part of an audience, look for generalizations, completeness of response, and ask questions. I will give you the questions in advance, or you may ask your own.

The amount of time you put into the process is up to you and you may want to work with other teachers to form a team. Each of the hours could be used for Career Ladder if you selected before or after school study halls, or student coaching. The biggest benefit would come from knowing you are helping a group of freshmen who have a strong desire to compete.

If you are willing to donate some time before or after school, please place a note in my mailbox or send me e-mail at, **YOUR EMAIL ADDRESS**. If you have a preference for a particular unit of study or team, please let me know. I have attached a copy of the teams and the district and state questions.

Thank you for your help and support.

YOUR NAME

⁴ Created by Russ Sackreiter for The Missouri Bar, Department of Citizenship Education
Revised 2012.

Analysis Of Hearing Questions⁵

Before starting, remind all students that the prompts/questions are “open-ended” with no one single correct response, however all responses must be defended with specific historical and constitutional facts, along with current events. It does not matter what position is taken as long as you can present a logical argument and defend your position. It is tempting to start writing immediately but consider the following before attempting a draft.

1. Read the entire question **slowly** several times.
2. In your own words, *paraphrase* the question. If you do not know a term or word consult a dictionary.
3. List all terms that are used in the main question and sub-questions.
4. Define each term in the context in which it is used.
5. Create a chart identifying and listing all individuals, philosophies, constitutional, legal and historical issues.
6. On the chart, briefly explain the significance and/or importance of each individual, philosophy, constitutional, legal or historical issue. If needed, you may use the text or other resource, but may not consult another student.
7. Use *task analysis* and break down the question into several parts:
 - What parts require a statement of facts?
 - What parts require a position statement?
 - What parts require an application to a current event?
8. After careful analysis of the question, what position will you take?
9. Identify websites and other resources that will be useful in research. What units and lessons of the textbook apply?
10. What type or classification of current event could be incorporated into the question?
11. Identify three possible quotes that could be incorporated into the question.
12. What specific sections of the Constitution apply to the question?
13. Identify possible Supreme Court decisions that could be incorporated into the question.

⁵ Created by Russ Sackreiter for The Missouri Bar Department of Citizenship Education 2012, and from “Analyzing A hearing Question,” by Deanna M. Morrison, J.D.

Analyzing A Court Case⁶

It is often necessary to incorporate a court case or portion of an opinion into an academic argument. To do this well, analyzing cases effectively is essential. Below is an outline for simplifying the process. A case analysis has the following elements:

1. Summarizing the facts of a case:
 - a. Who are the parties?
 - b. What are the most significant facts?
 - c. What does the party who initiated the lawsuit want to happen in this case?
 - d. How did the lower courts rule?

2. Framing the issue: this is the legal issue presented in the case. For this institute, the issue will relate to the Bill of Rights and/or the 14th Amendment. These are the questions to consider:
 - a. What is the legal issue in this case?
 - b. What sections of the Constitution, Bill of Rights, Civil Rights laws, or other laws apply to this case?
 - c. Are there past court decisions that are relevant to this case and have precedential value for this case?
 - d. How is this case similar or different from these past cases?

3. Making a decision and explaining the reasoning behind the decision:
 - a. What are the arguments for both parties?
 - b. What kind of impact will the decision have on the law? On society?

⁶ Created by Millie Aulbur and Russ Sackreiter, 2012.

Analyzing a Case Form

SUMMARIZING THE FACTS

1. Who are the parties?
Appellant (s)

Respondent (s)
2. What happened in this case?
3. What does the party who initiated the lawsuit want to happen in this case?
4. How did the lower courts rule?

FRAMING THE ISSUE

1. What is the legal issue in this case?
2. What sections of the Constitution, Bill of Rights, Civil Rights laws, or other laws apply to this case?
3. Are there past court decisions that are relevant to this case and have precedential value for this case?
4. How is this case similar or different from these past cases?

MAKING A DECISION AND EXPLAINING THE REASONING BEHIND THE DECISION

1. What are the arguments for both parties?

Appellant(s):

Respondent(s):

2. What kind of impact will the decision have on the law? On society?
3. How would the judge rule on this case in light of his/her past rulings on similar issues?

For a list of significant court cases and an index to quotations, see <http://www.mobar.org>

Sample Capstone Hearing Questions with Follow-up Questions⁷

WHAT WERE THE FOUNDERS' BASIC IDEAS ABOUT GOVERNMENT?⁸

UNIT 1

John Locke was an English philosopher who thought about why it was necessary to have a government.

- What did Locke think would happen without government?
- What did Locke believe to be the purpose of government?
- Do you think government might have purposes that Locke did not mention? Explain your answer.

Suggested follow-up questions

- a. How did Locke influence the Founders and Framers? Explain your answer.
- b. How is the purpose of school similar to or different from the purpose of government? Explain your answer.
- c. Do we as a nation emphasize rights to the detriment of responsibilities? Explain your answer.
- d. How does our nation protect the common welfare while protecting natural rights? Should more importance be placed upon one or the other? Explain your answer.
- e. Do you believe that the rights of some American citizens are not sufficiently protected today? Support your viewpoint. If greater protection is needed, how should citizens respond?
- f. Do the U.S. government and its leaders follow the principles established by Locke? Explain your answer.
- g. How would Locke view attempts by government to place warnings on music, movies, and video games? Explain your answer.
- h. What mechanisms are in place to ensure that government does not violate our natural rights? Have these mechanisms worked? Why or why not?

The Missouri Bar is the state coordinator for *We the People and the Constitution* through the generosity of The Missouri Bar Foundation.

⁷ The Center For Civic Education, *We The People, The Citizen, & The Constitution*, Level II. Calabasas: 2007.

⁸ **Hearing questions for all six units may be found on pages C-4 through C-6, of *We The People, The Citizen, & The Constitution*, Level II, teachers Edition.**

WHAT HAPPENED AT THE PHILADELPHIA CONVENTION?⁹

UNIT 3

Articles I, II, and III of the Constitution list the powers of the Congress, president, and the legislative, executive, and judicial branches of the national government.

- Describe some of the powers the Constitution gives to the Congress. In what ways does the Constitution limit the power of Congress?
- Describe some of the powers of the president. In what ways does the Constitution limit the power of the president?
- Describe some of the powers of the judiciary. In what ways does the Constitution limit the power of the U.S. Supreme Court?

Suggested follow-up questions

- a. What checks are placed on the president? Can you cite any examples of these checks in action? Are they enough or would you place further checks on the president? Why or why not?
- b. Should the president be subject to civil trials while in office? Why or why not?
- c. Should the president be required to come before Congress to explain his or her actions? "Why or why not?"
- d. What impact did the Framers' knowledge and experiences have on the creation of the executive branch? Explain your answer.
- e. What role did George Washington play in the formation of the executive branch?
- f. Does the office of the president reflect a principle of republicanism (representative government)? Why or why not?
- g. What examples can you cite of a current or recent president using Article II powers?
- h. Why was the Electoral College created? Is it needed today? Why or why not?

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⁹ The Center For Civic Education, *We The People, The Citizen, & The Constitution*, Level II. Calabasas: 2007.

Current Events Journal¹⁰

Directions for the students:

Each week you will be responsible for locating, reading, and analyzing two current events. For each event, you are to apply the categories and/or questions stated below. Not all questions will apply to each event, so select the ones that are most appropriate. You may use the newspaper, radio, television, or Internet, but you must cite the source, author, and/or byline. Read the questions carefully, because you are not **simply to summarize the story**. Journal entries will be collected on a specified day for points, and it will be the your responsibility to keep the entries until the We The People hearings and the end of course exam. Keep this form in a safe place because you will need to refer to it throughout the semester. **You do not need to attach the article.**

Sources _____

(List radio, newspaper, magazine, television, or Internet.)

Author: _____

(Individual(s) writing the article, bylines, or name the program that is the source i.e. NBC, CBS, CNN, etc.)

Framing the issue: _____

(Who are the *parties* involved? What are the legal, political, or governmental issues? What section(s) of the U.S. Constitution, Missouri State Constitution, federal or state government are involved? Are other political interest groups involved?)

Deliberation--Simplify and paraphrase both sides of the argument. In your opinion, will this action, law, or decision impact our current laws or society? Explain

¹⁰ Created by Russ Sackreiter for The Missouri Bar Department of Citizenship Education, 2012

Traits of Effective Teams¹¹

Collective Decision-Making. In effective teams, decisions are discussed and agreed to by all. In less effective teams, one person strongly asserts a position and others do not object verbally, even though their opinions differ.

Collaboration. Inter/changeability. In effective teams, members do whatever is needed to get the job done. They are not afraid to tackle unfamiliar tasks in areas outside their expertise. In less effective teams, members work independently and do not do work outside their area.

Appreciation of Conflicts/Differences. Productive teams expect conflict and disagreement. They openly discuss their differences and see them as means to improved decision making. Less productive teams work to avoid conflict, preferring instead a superficial kind of agreement that results when issues haven't been tackled substantively.

Balance of Participation. Effective teams recognize that people do have other demands on their time, and as a group they are willing to help a member who may, for now, need to decrease the amount of effort devoted to the team. This is different than what happens on ineffective teams, in which one or two members do more than their fair share of the work, resent it, but never confront members who do not contribute what they should to the group.

Focus. Good teams keep their ultimate goals and objectives in mind. If they fall behind, everyone pitches in to help the group get back on schedule. Teams run into trouble when they do not partition their time well and, having spent way too much time on early tasks, have no time left for the final push. In those teams, everyone notices the group's error, but no one is willing to raise the issue or offer helpful solutions.

Open Communication. Members on effective teams keep each other informed. They discuss individual work in progress. They let others know when they may be late or missing. Lack of communication hampers the effectiveness of other team members. They work too much on their own and do not share progress or collaborate on how their individual work relates to and fits with in what others are doing.

Mutual Support. In good teams, members support each other and verbally let that support be shown. They compliment one another on work well done and publicly thank others who have contributed to the group's success. In poor teams, the focus is on individual work, with little awareness, interest, or appreciation of what others in the group are doing.

Team Spirit. Effective teams develop pride and loyalty in their group. They stand up for the group and speak positively about it. When teams aren't working well, members feel no commitment to the team and may even see the group as an impediment to accomplishment of individual goals

¹¹ Original created by Beth Ratway and modified by Russ Sackreiter, 2012.

Free Electronic News Sources¹²

“In evaluating news from an Internet site, the “follow the money rule” is always helpful. Where do the funds to produce the news on the site come from? Knowing the source of funding will tell you a lot about the perspective that underlies the news stories. Funding sources are probably even more important in determining news content than the backgrounds of individual reporters. Remember news production is never totally objective. The very choice of what to focus on in news stories reveals the bias of the producer. Also look at the sources that news sites rely on.”

(Source of quote: <http://www.prattlibrary.org/locations/periodicals/index.aspx?id=22152>)

http://www.nytimes.com	New York Times
http://www.cnn.com	CNN
http://www.reuters.com	Reuters
http://womensenews.org	Women’s News
http://www.politico.com/	Politico
http://abcnews.go.com	ABC News
http://www.c-span.org	C-Span
http://www.democracynow.org/	Democracy Now
http://www.foxnews.com	Fox News
http://www.lexisnexis.com/news	Lexis Nexis News
http://www.msnbc.msn.com	MSNBC
* http://www.FactCheck.org	Annenberg Public Policy
* http://www.PolitiFact.com	Tampa Bay Times (Winner of Pulitzer Prize)
http://www.onlinenewspapers.com/usalpha/usaalpha.htm	Free newspapers by state
http://news.google.com/news/advanced_news_search?as_drrb=a	Google newspaper search by topic

¹² All sites were operational as of 12.01.2011. Russ Sackreiter. *Denotes watchdog sites.

Scoring Rubric for Constitutional Hearings

For each criterion listed, score the group on a scale of 1 to 10, with 10 being the best score. Use a separate form for each group.

1-2 = Poor 3-4 = Fair 5-6 = Average 7-8 = Above Average 9-10 = Excellent

	SCORE	NOTES
1. UNDERSTANDING: To what extent did participants demonstrate a clear understanding of the basic issues involved in the question?		
2. CONSTITUTIONAL APPLICATION: To what extent did participants appropriately apply knowledge of constitutional history and principles?		
3. REASONING: To what extent did participants support positions with sound reasoning?		
4. SUPPORTING EVIDENCE: To what extent did participants support positions with historical or contemporary evidence, examples, and/or illustrations?		
5. RESPONSIVENESS: To what extent did participants' answers address the question asked?		
6. PARTICIPATION: To what extent did <u>most</u> group Members contribute to the group's presentation?		
GROUP TOTAL		
		TIE BREAKER*

JUDGE: _____

*Please designate a score of any number between 0 and 100 that reflects this group's OVERALL performance. (This score will be used only in the event of a tie.) Please use the following scale:

Outstanding	90 to 100 points	Average	50 to 69 points
Very Good	80 to 89 points	Below Average	30 to 49 points
Above Average	70 to 79 points	Poor	0 to 29 points

We the People and the Constitution

SCORING CRITERIA DESCRIPTIONS

This criterion assesses how well students demonstrate their comprehension of the various historical and contemporary issues associated with each question, including the main question, sub questions, and judges' follow-up questions.

CONSTITUTIONAL APPLICATION

This criterion focuses on how students demonstrate their knowledge of the history and principles of the Constitution. Is their information accurate? Do they cite constitutional principles and examples from constitutional history when appropriate?

REASONING

This criterion focuses on the extent to which students' arguments reflect logical and critical thinking. To support their conclusions, students should do more than provide examples; they should also explain why the example is relevant to their argument. This is the category from which points should be deducted if students present opinions or beliefs without reasons or explanations.

SUPPORTING EVIDENCE

This criterion focuses on the evidence, examples, and/or illustrations presented by students in support of their positions. The top-rated groups will provide ample support for their positions, and that support will be appropriate and accurate.

RESPONSIVENESS

This criterion focuses on the extent to which students fully address the main question, sub questions, and judges' follow-up questions. For example, a response might be eloquently reasoned and adequately supported and still not address the question asked. This is the category from which points should be deducted when students are determined to present information they have prepared even if the question has not been asked.

PARTICIPATION

This criterion focuses on group participation. If most members speak they should be rated higher than those in which one or two "star" students dominate the entire 10 minutes. It is reasonable for one or two students to make the opening statement, but the other students should attempt to answer the follow-up questions.

We recognize that some students have an especially difficult time speaking in public. Since our competition requires that whole classes compete, we recommend that a group not be penalized for having one or two students who do not participate much because of extreme shyness, language problems, or other limitations. In rating participation, you should consider the extent to which most students participate.

Note that there is no "Appearance" criterion. Students have been informed that regular school clothes are appropriate for all competition activities. Although students who wish to dress more formally may do so, we do not want anyone to feel obligated to purchase clothes specifically for this event.

Center for Civic Education • 5145 Douglas Fir Road • Calabasas, CA 91302-1440 (818) 591-9321 • Fax (818) 591-9330 •
cce@civiced.org • www.civiced.org

Internet Sites¹³

Today, anyone can post material on the Internet and it is often difficult for individuals to know if the “search site” is acceptable for academic research. After examining the site apply the following acronym, B.A.R.D.¹⁴

Bias: is the information objective, with a minimum of bias or does it sway opinions?

Authority: is the page signed? Is the author qualified or an expert?

Relevant: what topics are covered? How in-depth? Is the page dated?

Detail: is the information reliable and error free? Is it appropriate?

<http://www.deliberating.org/>

<http://www.civiced.org/wtpcompanion/hs/index2009.php>

<http://www.centeroncongress.org/>

<http://www.law.cornell.edu/>

<http://www.findlaw.com>

http://mobar.mobi/data/educators/MoBar_Educators/index.htm

<http://www.oyez.com>

<http://www.supremecourtus.gov>

<http://docket.medill.northwestern.edu>

<http://www.supremecourthistory.org>

<https://www.typepad.com/secure/services/signin?to=%2Ft%2Fapp>

<http://mobar.typepad.com/amoreperfectunion/>

<http://www.washingtonpost.com/wp>

<dyn/content/linkset/2005/03/24/LI2005032400136.html>

<http://www.archives.gov>

<http://lsolum.blogspot.com/>

<http://legalhistoryblog.blogspot.com/>

<http://www.landmarkcases.org>

<http://www.crf-usa.org>

<http://www.firstamendmentcenter.org>

<http://www.yale.edu/lawweb/avalon.htm>

<http://press-pubs.uchicago.edu/founders/>

<http://dictionary.law.com/>

<http://www.civiced.org>

<http://www.usconstitution.net>

¹³ Prepared by Russ Sackreiter for the Missouri Bar, Department of Citizenship Education, 2012.

¹⁴ Factoidz. Lesley.edu

Quotes for Writing Response and Hearing Questions¹⁵

"There exists a law, not written down anywhere but inborn in our heart; a law that comes to us not by training or custom or reading but from nature itself, if our lives are endangered, any and every method of protecting ourselves is morally right." Cicero

"If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be attained when all persons alike share in the government to the utmost." Aristotle

"There can be no daily democracy without daily citizenship." Ralph Nader

"The basis of a democratic state is liberty." Aristotle

"Democracy is when the indigent, and not the men of property, are the rulers." Aristotle

"Democracy's worst fault is that its leaders are likely to reflect the faults and virtues of their constituents."

Robert Heinlein

"When a tyrant has disposed of foreign enemies by conquest or treaty, and there is nothing to fear from them, then he is always stirring up some war or other, in order that the people may require a leader." Plato

"The death of democracy is not likely to be an assassination from ambush. It will be a slow extinction from apathy, indifference, and undernourishment." Robert Hutchins

"The people always have some champion whom they set over them and nurse into greatness. This and no other is the root from which a tyrant springs; when he first appears he is a protector." Plato

"One of the penalties for refusing to participate in politics is that you end up being governed by your inferiors." Plato

"Of all of the forms of government...tyranny is the worst...So men flee from tyrants as they would from a cruel beast; nor is it any different to be subject to a tyrant or to a savage beast." Thomas Aquinas

"...When the legislative and executive powers are united in the same person or body, there can be no liberty, because...the same monarch or senate...might enact tyrannical laws to execute them in a tyrannical manner." Montesquieu

"New opinions are always suspected, and usually opposed, without any other reason but because they are not already common." John Locke

¹⁵ Revised and updated by Russ Sackreiter, October 2011.

"It is one thing to show a man that he is in error, and another to put him in possession of the truth." John Locke

"Wherever law ends, tyranny begins." John Locke

"The end of law is not to abolish or restrain, but to preserve and enlarge freedom." John Locke

"I disapprove of what you say, but I will defend to the death your right to say it."
Voltaire

"If ever time should come, when vain and aspiring men shall possess the highest seats in Government, our country will stand in need of its experienced patriots to prevent its ruin." Samuel Adams

"Among the natural rights of the colonists are these: First a right to life, secondly to liberty, and thirdly to property; together with the right to defend them in the best manner they can." Samuel Adams

"No man has a natural right to commit aggression on the equal rights of another, and this is all from which the laws ought to restrain him." Thomas Jefferson

"Some other natural rights have not yet entered into any declaration of rights." Thomas Jefferson

A Constitution of Government once changed from freedom can never be restored. Liberty, once lost, is lost forever." John Adams

"It does not take a majority to prevail...but rather an irate, tireless minority, keen on setting brushfires of freedom in the minds of men." Samuel Adams

"The issue today is the same as it has been throughout all history, whether man shall be allowed to govern himself or be ruled by a small elite." Thomas Jefferson

"Experience has shown that even under the best forms (of government) those entrusted with power have, in time, and by slow operations, perverted it into tyranny." Francis Bacon

"Power tends to corrupt and absolute power corrupts absolutely." Lord Acton

"Any fool can criticize, condemn and complain and most fools do." Benjamin Franklin

"The true theory of our Constitution is surely the wisest and best . . . (for) when all government . . . shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as . . . oppressive as the government from which we separated." Thomas Jefferson

“The Constitution only gives people the right to pursue happiness. You have to catch it yourself.”

Benjamin Franklin

“Without Justices of the Supreme Court, the Constitution would be a dead letter. Their power is enormous, but it is the power of public opinion. The Justices are all powerful as long as the people respect the law; but they would be impotent against popular neglect or contempt of the law.” Alexis de Tocqueville

"We must confine ourselves to the powers described in the Constitution, and the moment we pass it, we take an arbitrary stride towards a despotic Government." James Jackson

“Americans of all ages, all stations in life, and all types of dispositions are forever forming associations...at the head of any new undertaking, where in France you would find the government or in England some territorial magnate, in the United States you are sure to find an association.” Alexis de Tocqueville.

“Whenever things are equal, public opinion brings immense weight to bear on every individual. It surrounds, directs, and oppresses him. The basic constitution of society has more to do with this than any political laws.” Alexis de Tocqueville

“The power vested in the American courts of justice of pronouncing a statute to be unconstitutional, forms one of the most powerful barriers that have ever been devised against the tyrannies of political assemblies.”

Alexis de Tocqueville

“Democracy is timelessly human, and timelessness always implies a certain amount of potential youthfulness.” Thomas Mann

"Freedom is not worth having if it does not include the freedom to make mistakes."

Mahatma Gandhi

“Government, even in its best state, is but a necessary evil; in its worst state, an intolerable one.” Thomas Paine

"These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph." Thomas Paine

“I fear three newspapers more than a hundred bayonets.” Napoleon Bonaparte

"To succeed in politics, it is often necessary to rise above your principles." Anonymous

"I heartily accept the motto, that the government is best which governs the least." Henry David Thoreau

"The only thing necessary for the triumph of evil is for good men to do nothing."
Edmund Burke

"Whenever a separation is made between liberty and justice, neither, in my opinion, is safe." Edmund Burke

"Government is not reason, it is not eloquence, it is force; like fire, a troublesome servant and a fearful master. Never for a moment should it be left to irresponsible action."
George Washington

"The court is the law. Courts interpret law. Therefore Courts interpret the Constitution."
Chief Justice John Marshall

"What country can preserve its liberties if its rulers are not warned from time to time that its people preserve the spirit of resistance? Let them take arms. The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants." Thomas Jefferson

"I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man." Thomas Jefferson

"Does the government fear us, or do we fear the government? When the people fear the government, tyranny has found victory. The federal government is our servant, not our master!" Thomas Jefferson

"The course of history shows that as a government grows, liberty decreases." Thomas Jefferson

"Virtue & Knowledge are diffused among the People, they will never be enslaved. This will be their great Security." Samuel Adams

"They define a republic to be a government of laws, and not of men." John Adams

"The public cannot be too curious concerning the characters of public men."
Samuel Adams

"The Constitution...is a mere thing of wax in the hands of the judiciary which they may twist and shape into any form they please." Thomas Jefferson

"Enlightened statesmen will not always be at the helm." James Madison

"Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."
Thomas Jefferson

“We start with first principles. The Constitution creates a Federal Government of enumerated powers.”

Chief Justice William Rehnquist

"If a nation expects to be ignorant and free, it expects what never was and never will be... The people cannot be safe without information. Where the press is free and every man is able to read, all is safe." Thomas Jefferson

“The contest, for all ages, has been to rescue Liberty from the grasp of executive power.” Daniel Webster

“The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.” James Madison

“The truth is that all men having power ought to be mistrusted.” James Madison

“If Tyranny and Oppression come to this land, it will be in the guise of fighting a foreign enemy.” James Madison

“In Republics, the great danger is, that the majority may not sufficiently respect the rights of the minority.” James Madison

"That government is best which governs the least, because its people discipline themselves." Thomas Jefferson

“One hundred and seventy-three despots would surely be as oppressive as one...an elective despotism is not the government we fought for.” Thomas Jefferson

“Equal rights for all, special privileges for none.” Thomas Jefferson

"To be prepared for war is one of the most effective ways of preserving peace." George Washington

"Government is not reason: it is not eloquence; it is a force! Like fire, it is a dangerous servant and a fearful master." George Washington

“That the said Constitution shall never be construed to authorize Congress to infringe just liberty of the press, or the rights of conscience, or to prevent the people of the United States, who are peaceable Citizens, from keeping their own arms." Samuel Adams

"If you love wealth greater than liberty, the tranquility of servitude greater than the animating contest for freedom, go home from us in peace. We seek not your counsel, nor

your arms. Crouch down and lick the hand that feeds you; and may posterity forget that ye were our countrymen." Samuel Adams

"They that give up liberty to obtain a little temporary safety deserve neither liberty or safety."

Benjamin Franklin

"The constitution preserves the advantage of being armed which Americans possess over the people of almost every other nation. Notwithstanding the military establishments in the several kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust their people with arms."

James Madison

"In Republics, the great danger is that the majority may not sufficiently respect the rights of the minority."

James Madison

"Men love power. Give all power to the many and they will oppress the few. Give all power to the few, they will oppress the many." Alexander Hamilton

"The way to secure liberty is to place it in the peoples' hands, that is, to give them the power at all times to defend it in the legislature and in the courts of justice." John Adams

"It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part." James Madison

"If the majority be united by a common interest, the rights of the minority will be insecure." James Madison

"But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary." James Madison

"In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

James Madison

"...We may define a republic to be ... a government which derives all its powers directly or indirectly from the great body of the people and is administered by persons holding their offices during pleasure for a limited period, or during good behavior." James Madison

“...The accumulation of all powers, legislative, executive, and the judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny...” James Madison

“Energy in the executive is a leading character in the definition of good government. It is essential to the protection of the community against foreign attacks; it is not less essential to the steady administration of the laws; to the protection of property, to the security of liberty against the enterprises and assaults of ambition, of faction, and anarchy...”
Alexander Hamilton

“While the constitution continues to be read, and its principles known, the states, must, by every rational man, be considered as essential component parts of the union; and therefore the idea of sacrificing the former to the latter is totally inadmissible.”
Alexander Hamilton

“The judiciary on the contrary has no influence over the sword or the purse, no direction either of the strength or of the wealth of society, and can take no active resolution whatever. It may truly be said to have neither Force nor Will, but merely judgment; and must ultimately depend upon the aid of the executive arm even for the efficacy of its judgment.” Alexander Hamilton

“The people, sir, are a great beast.” Alexander Hamilton

“...In all cases where power is to be conferred, the point first to be decided is whether such a power be necessary to the public good.” James Madison

“The proposed Constitution ... is, in strictness, neither a national nor a federal constitution; but a composition of both.” James Madison

“The safety of the people of America against dangers from foreign force depends not only on their forbearing to give just causes of war to other nations, but also on their placing and continuing themselves in such a situation as not to invite hostility or insult.”
John Jay

“Governments are instituted among men, deriving their just powers from the consent of the governed.” Declaration of Independence

“The powers of the federal government are enumerated; it can only operate in certain cases; it has legislative powers on defined and limited objects, beyond which it cannot extend its jurisdiction.” James Madison

"The government of the United States is a definite government, confined to specified objects. It is not like state governments, whose powers are more general. Charity is no part of the legislative duty of the government." James Madison

“We must all hang together, or assuredly we shall all hang separately.” Benjamin Franklin

“Constitutional democracy, you see, is no romantic notion. It's our defense against ourselves, the one foe who might defeat us.” Bill Moyers