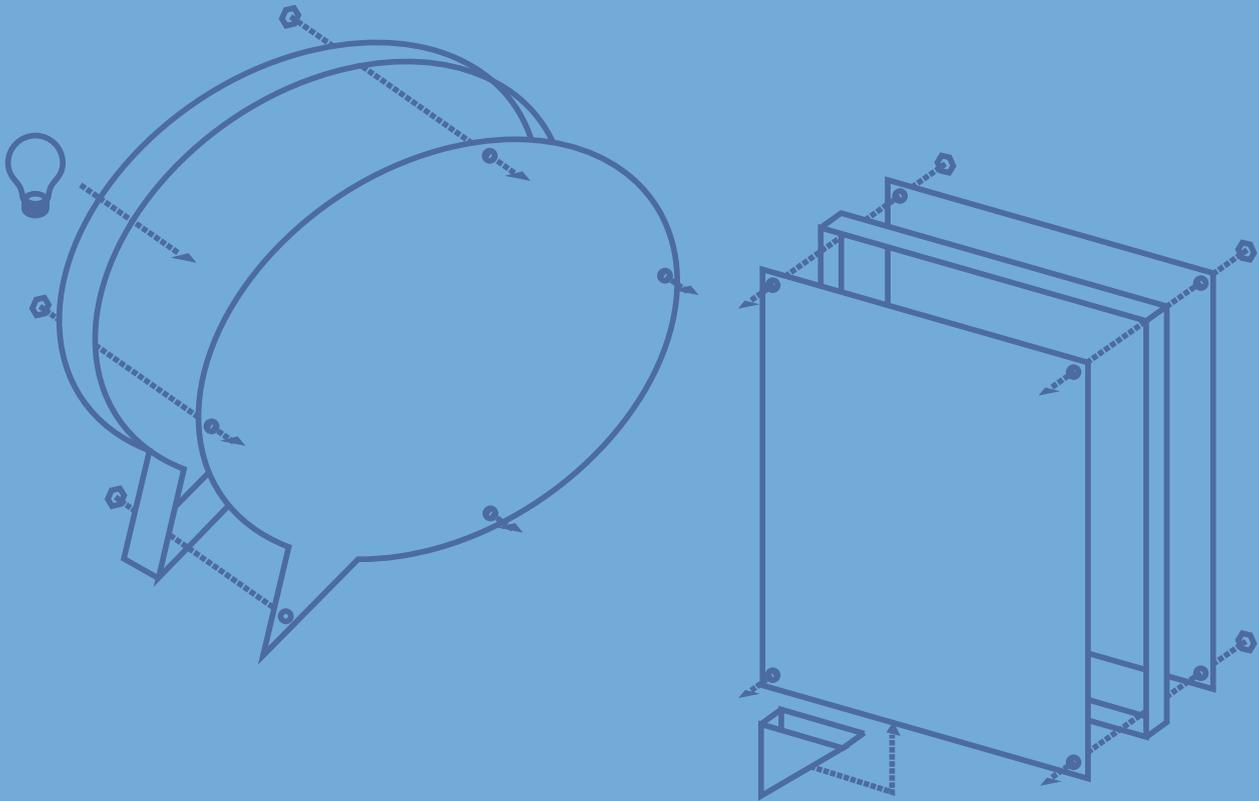


CONSTITUTION

MODULE 1

CONSTITUTIONAL CONVERSATIONS AND CIVIL DIALOGUE



CONSTITUTION 101

Module 1: Constitutional Conversations and Civil Dialogue Lesson Plan

CONSTITUTIONAL CONVERSATIONS AND CIVIL DIALOGUE

Welcome to *Constitution 101*—an introductory course on the United States Constitution for high school students. There are three main components to this 15-module course:

1. Together, we build a historical foundation by exploring the founding stories behind key parts of the Constitution—learning about the people who have shaped American constitutional history through the centuries.
2. Next, we learn how to read the Constitution like a constitutional lawyer—studying the key methods for interpreting the Constitution and applying them in practice.
3. Finally, we develop the skills of civil dialogue and reflection.

This first module introduces you to the Constitution’s text and to the skills necessary to engage in constitutional conversations. As you explore the Constitution throughout this course, it’s essential to separate your constitutional views from your political views and, in turn, to think about how the Constitution defines or limits the powers of the government. That is how constitutional lawyers, scholars, and judges read, interpret, and apply the Constitution.

Learning Objectives

At the conclusion of this module, you should be able to:

1. Define the differences between political questions and constitutional questions.
2. Identify the seven methods of constitutional interpretation.
3. Explain the importance of civil dialogue.
4. Explore the structural constitution—Articles I through VII of the Constitution.

1.1 Activity: What Is Civil Dialogue?

Purpose

The Founding generation envisioned a constitutional system driven by (what they referred to as) civic republican virtue—a system that was guided by deliberation, reason, enlightened public opinion, and the pursuit of the public good. In this activity, you will investigate the meaning of civil dialogue by considering how it is defined, what it looks like, and what it sounds like.

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Process

Think about the concept of civil dialogue and how it is defined. Then, respond to the questions below.

1. How do you define civil dialogue?
2. What does a civil dialogue look like?
3. What does a civil dialogue sound like?

Share your answers with the class while your teacher writes down key words, phrases, and concepts. Notice which of these are mentioned multiple times by you and your classmates.

Your teacher will provide different definitions of civil dialogue. Highlight or underline words, phrases, or concepts from the definitions you or your classmates also identified. Which words, phrases, or concepts stand out to you, and why?

Activity 1.1 Teacher Instructions & Notes

Launch

Ask students to write their answers to the activity questions. Then, call on students to share their answers to each question with the class. Write significant words, phrases, and concepts so that they are visible to the class. Underline or highlight the ideas that are shared by multiple students.

Activity Synthesis

Provide two or more definitions of civil dialogue (samples below).

- "...robust, honest, frank and constructive dialogue and deliberation that seeks to advance the public interest..." (Brosseau, 2011)
- "the exercise of patience, integrity, humility and mutual respect in civil conversation, even (or especially) with those with whom we disagree" (Davis, 2010)
- "Civil discourse is engagement in discourse (conversation) intended to enhance understanding." (Wikipedia)
- "...claiming and caring for one's identity, needs and beliefs without degrading someone else's in the process. Willingness to explain views and reasons and a commitment to listen to others." (Institute for Civility in Government)

Circle or highlight words that are on both the students' lists as well as in the definitions above.

Ask students what similarities they see in the definitions. Ask students which words or concepts stand out to them and why.

Develop or choose a working definition of civic dialogue for your class.

Ask students to compare the class's definition to the definition that they individually created at the start of the lesson.

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Activity Extension (Optional)

Ask students to research examples of civil dialogue being practiced in news sources.

Incorporate materials from the [Civil Dialogue and Constitutional Conversations](#) page on the National Constitution Center's website as appropriate for students in your class.

1.2 Video Activity: Why Have a Civil Dialogue?

Purpose

In this activity, you will explore the importance of having civil dialogue. By developing the skills necessary to participate in a constitutional conversation, you will be able to:

- Explore higher-order constitutional questions.
- Interpret constitutional arguments using scholarly evidence.
- Respectfully share your understanding with your classmates.
- Meaningfully reflect on your own best readings of the Constitution.

Process

Watch [the video](#) on why civil dialogue is essential and answer the question:

- Why is civil dialogue essential to the function of our constitutional system?

Share your responses with other students and discuss your reactions with each other. Consider what the consequences might be if those in our government and country did not practice civil dialogue. What might be improved if we practiced it more?

Activity 1.2 Teacher Instructions & Notes

Launch

Give students time to watch the video and write an answer to the question.

Activity Synthesis

Invite students to share their responses and react to each other.

Activity Extension (Optional)

Ask students to imagine the consequences if civil dialogue was not practiced in our government and our country. Conversely, how might our government and nation improve if we practiced more civil dialogue?

Incorporate materials from the [Civil Dialogue and Constitutional Conversations](#) section of the National Constitution Center's website as appropriate for students in your class.

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1.3 Video Activity: Structural Constitution Walkthrough

Purpose

In this activity, you will learn that the Constitution establishes the national government of the United States, defines its powers, and sets its limits. You will also review the Constitution and its seven articles.

Process

Watch [the video](#) "Walkthrough of the Constitution."

Then, complete the [Activity Guide: Structural Constitution Walkthrough](#) worksheet.

Identify any areas that are unclear to you or where you would like further explanation. Be prepared to discuss your answers in a group and to ask your teacher any remaining questions.

Activity 1.3 Notes & Teacher Comments

Launch

Inform students that the Constitution establishes the national government of the United States, defines its powers, and sets its limits. Briefly identify each article of the Constitution for the class. Refer to the Common Interpretation Essays on the [Interactive Constitution](#) webpage for more information on each article and to respond to any questions from the students:

- [Article I: Legislative Branch](#)
- [Article II: Executive Branch](#)
- [Article III: Judicial Branch](#)
- [Article IV: Relationships Between States](#)
- [Article V: Amending the Constitution](#)
- [Article VI: Supreme Law of the Land](#)
- [Article VII: Ratification](#)

Activity Synthesis

Divide students into groups of three to review their answers with their classmates. Then, invite them to ask any questions they still have. Again, refer to the relevant *Interactive Constitution* Common Interpretation essay(s) whenever helpful.

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1.4 Activity: Introduction to the Methods of Constitutional Interpretation

Purpose

In this activity, you will explore different ways of interpreting the Constitution. When reading the Constitution and interpreting its text, it's important to focus on how the Constitution either expands or limits the powers of the government. This is how constitutional lawyers, scholars, and judges read, interpret, and apply the Constitution. When interpreting the Constitution, there are different ways—or methods—that people use to build constitutional arguments. Judges use these methods—and often combine them—when deciding constitutional cases. But not everyone agrees on which methods to use and how to weigh them in a given case. Different judges apply—and weigh—these methods differently, and that can lead to disagreements over the Constitution's meaning.

Process

Think about the following question, take notes, and be ready to share your thoughts with the rest of your class:

- How do you think people interpret the meaning of the Constitution?

Next, complete [Activity Guide: Introduction to the Methods of Constitutional Interpretation](#) worksheet.

After completing your activity guide, you will be placed in groups of three to review your answers. Discuss what questions you might still have and be prepared to ask your teacher any remaining questions.

Activity 1.4 Teacher Instructions and Notes

Launch

Ask students to consider how people may interpret the meaning of the Constitution. Invite some students to share their answers.

Explain to students that when they read the Constitution and interpret its text, it's important to focus on how the Constitution *either* expands *or* limits the powers of the government. This is how constitutional lawyers, scholars, and judges read, interpret, and apply the Constitution. When interpreting the Constitution, there are different ways—or methods—that people use to build constitutional arguments. Inform the class that you will identify *seven* standard methods used by American lawyers when interpreting the Constitution. Judges use these methods—and often combine them—when deciding constitutional cases. But not everyone agrees on which methods to use and how to weigh them in a given case. Different judges apply—and weigh—these methods differently, and that can lead to disagreements over the Constitution's meaning.

Activity Synthesis

After students complete the worksheet, place them in groups of three to review their answers with their classmates. Invite them to ask any questions they still have.

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Activity Extension (Optional)

Ask students to research examples of one or more of the seven methods of constitutional interpretation in practice found in a particular case (or cases).

1.5 Video Activity: Methods of Constitutional Interpretation

Purpose

Judges use their reasoning skills to interpret the Constitution and apply its meaning to new cases. Different judges sometimes use different methods to interpret the Constitution. Furthermore, even when they use the same methods, they sometimes weigh them differently in a given case. As a result, judges do not always agree on the meaning of the Constitution. In this activity, you will continue exploring the methods of constitutional interpretation by focusing on seven specific methods that are widely used by justices, judges, and lawyers alike.

Process

Review the [seven methods of constitutional interpretation](#). Be prepared to identify and define each of them.

Watch [the video](#) about the different methods of interpreting the Constitution.

Then, complete [Video Reflection: Methods of Constitutional Interpretation](#) worksheet.

After completing your video reflection, you will be placed in groups of three to review your answers. Discuss what questions you might have and be prepared to ask your teacher any remaining questions. Think about which 2–3 methods resonate with you the most and why, and be prepared to share with the class.

When you've finished reviewing in your group, complete the [Activity Guide: Constitutional Interpretation Method Identification](#) worksheet.

Activity 1.5 Teacher Instructions and Notes

Launch

Ask students to identify and define each of the seven methods of constitutional interpretation that they were introduced to in Activity 1.4.

Put students in groups of three to review their answers with their classmates. Then, invite them to ask any questions that they still have.

Activity Synthesis

As a wrap-up, ask students which 2–3 methods resonate with them the most and why.

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1.6 Activity: Exit Ticket Reflection

Process

In order to complete this module, you must answer the following question and be prepared to share it in class.

- How does understanding the Constitution, building skills of interpreting the Constitution, and engaging in civil dialogue work together to enrich our democracy?

1.7 Test Your Knowledge

Purpose

Congratulations for completing the activities in this module! Now it's time to apply what you have learned about the basic ideas and concepts covered.

Process

Complete the questions in the following quiz to test your knowledge.

- [Test Your Knowledge: Constitutional Conversations and Civil Dialogue](#)

1.8 Extended Activity: Debate and Conversation: A Framework for Civil Dialogue (Optional)

Purpose

In this activity, you will explore the framework for civil dialogue, also known as a constitutional conversation.

Process

Before you begin, review the [Info Brief: Constitutional Conversation Roles and Norms](#) document for engaging in debate.

Then, watch the video and answer the following question. Be prepared to discuss your answer with the class:

- What conditions need to be in place for civil dialogue to be effective?

Finally, watch an [additional video about how the Supreme Court decides cases](#)—featuring an appearance by former Supreme Court Justice Stephen Breyer at the National Constitution Center.

While watching the video, record your answers to the questions:

1. What are three interesting facts about the Supreme Court?
2. What are two rules that are set forth for discussions between the justices?

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3. What is one word that is repeated by Justice Breyer?

After completing these questions, compare your notes with your classmates. Identify any common information that could prove helpful when creating a class-wide list of norms. Then, write down what expectations you think should be in place in the classroom for civil dialogue to be effective throughout the academic term.

Activity 1.8 Teacher Instructions and Notes

Launch

Ask students to identify the conditions that need to be in place for civil dialogue to be effective.

Activity Synthesis

After students briefly share their thoughts with each other, begin a class conversation about what should be expected of them during civil dialogue in the classroom. This list should be displayed in order to highlight repeated suggestions. Some norms could be:

- Don't speak twice until everybody has spoken once.
- Stay calm.
- Listen patiently—do not interrupt and do not have your hand up when someone else is speaking.
- Listen actively—take notes on what other people say and cite each other.
- Police your voice—be aware of how long you are speaking.

Additional activity support can be found in the following lesson plan:

[Discussions That Make a Difference Lesson Plan](#)

Activity Extension (Optional)

Hold a class discussion about a non-constitutional, non-controversial topic (e.g., Marvel or D.C. comics; rap music or rock and roll; Chinese or Mexican food), following the constitutional conversation norms and practices. This might serve as an introduction to the practice.

Ask students a final question and collect student responses as they leave class:

- How can you make sure that you follow the norms we developed as a class so that your contributions to class discussions make a difference?

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1.3 Activity Guide

STRUCTURAL CONSTITUTION WALKTHROUGH

In this activity, you will learn that the Constitution establishes the national government of the United States, defines its powers, and sets its limits. You will also review the Constitution and its seven articles.

Watch the [Walkthrough of the Constitution](#) video.

Complete the following chart to summarize video concepts.

Part of the Constitution	Write down at least five words to describe this article.	What words did you hear that you have questions about?	What questions do you have about this article and the way it grants/limits power?
Preamble			
Article I			
Article II			

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Article III			
Article IV			
Article V			
Article VI			
Article VII			

In a small group, discuss what you wrote down in the chart. What words did you and your classmates identify? What words or ideas did you have questions about? What questions did you have about the way(s) this article grants/limits power?

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1.4 Activity Guide

INTRODUCTION TO THE METHODS OF CONSTITUTIONAL INTERPRETATION

In this activity, you will explore different ways to interpret the Constitution. When reading the Constitution and interpreting its text, it's important to focus on how the Constitution either expands or limits the powers of the government. This is how constitutional lawyers, scholars, and judges read, interpret, and apply the Constitution to new issues and cases. When interpreting the Constitution, there are different ways that people build arguments. There are seven standard forms of argument used by American lawyers when interpreting the Constitution. Judges use these methods—and often combine them—when deciding constitutional cases, too. But not everyone agrees on which methods to use and how to weigh them in a given case. Different judges apply—and weigh—these methods differently, and that can lead to disagreements over the Constitution's meaning.

What are different ways someone can interpret the Constitution?

Review the seven methods of constitutional interpretation and complete the chart below.

Method	Definition Underline the key ideas, words, or phrases.	Explain this method in your own words.	Write down any questions that you have about this method.
Text	A judge looks at the meaning of the words in the Constitution, relying on common understandings of what the words meant at the time the provision was added.		
History	A judge looks to the historical context of when a given provision was drafted and ratified to shed light on its meaning.		

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Tradition	A judge looks to any laws, customs, and practices established after the framing and ratification of a given provision.		
Precedent	A judge applies rules established by precedents—taking rulings in old cases and applying them to new cases.		
Structure	A judge infers structural rules (power relationships between institutions, for instance) from the relationships specifically outlined in the Constitution.		
Prudence/ Consequences	A judge seeks to balance the costs and benefits of a particular ruling, including its consequences and any concerns about the limits of judicial power and competence.		
Natural Law/ Morality	A judge draws on principles of moral reasoning—whether embodied in the natural law tradition or drawn from a judge’s own independent, present-day moral judgments.		

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1.5 Info Brief

METHODS OF CONSTITUTIONAL INTERPRETATION

Judges use their reasoning skills to decide what particular laws mean when they rule on cases. Different judges sometimes use different methods to interpret the Constitution, meaning that judges do not always agree on the meaning of the Constitution. There are seven widely accepted methods of interpretation that shed light on the meaning of the Constitution.

Method	Definition
Text	A judge looks to the meaning of the words in the Constitution, relying on common understandings of what the words meant at the time the provision was added.
History	A judge looks to the historical context of when a given provision was drafted and ratified to shed light on its meaning.
Tradition	A judge looks to any laws, customs, and practices established after the framing and ratification of a given provision.
Precedent	A judge applies rules established by precedents—taking rulings in old cases and applying them to new cases.
Structure	A judge infers structural rules (power relationships between institutions, for instance) from the relationships specifically outlined in the Constitution.
Prudence/ Consequences	A judge seeks to balance the costs and benefits of a particular ruling, including its consequences and any concerns about the limits of judicial power and competence.
Natural Law/ Morality	A judge draws on principles of moral reasoning—whether embodied in the natural law tradition or drawn from a judge’s own independent, present-day moral judgments.

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1.5 Video Reflection

METHODS OF CONSTITUTIONAL INTERPRETATION

Judges use their reasoning skills to interpret the Constitution and apply its meaning to new cases. Different judges sometimes use different methods to interpret the Constitution. Furthermore, even when they use the same methods, they sometimes weigh them differently in a given case. As a result, judges do not always agree on the meaning of the Constitution. In this activity, you will continue exploring the methods of constitutional interpretation by focusing on seven specific methods that are widely used by Justices, judges, and lawyers alike.

Review the [seven methods of constitutional interpretation](#). Be prepared to identify and define each of them.

Watch the [video](#) about the different methods of interpreting the Constitution and answer the following questions.

What is the method?	What does it mean?	What cases were given as examples by Jeffrey Rosen?	List some advantages and disadvantages to each method.

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1.5 Video Reflection

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1.5 Activity Guide

CONSTITUTIONAL INTERPRETATION METHOD IDENTIFICATION

In this activity, you will continue exploring the seven methods of constitutional interpretation.

Review the list of quotes from Supreme Court cases. Identify the constitutional methodology that connects to each quote.

Quote	Method
<p>1. “[I]t is clear that the Framers and ratifiers of the Fourteenth Amendment counted the right to keep and bear arms among those fundamental rights necessary to our system of ordered liberty.”</p> <p><i>McDonald v. City of Chicago</i> (2010) – Justice Samuel Alito (Opinion of the Court)</p>	
<p>2. “The legal doctrine of <i>stare decisis</i> requires us, absent special circumstances, to treat like cases alike. The Louisiana law imposes a burden on access to abortion just as severe as that imposed by the Texas law, for the same reasons. Therefore Louisiana’s law cannot stand under our precedents.”</p> <p><i>June Medical Services LLC v. Russo</i> (2016) – Chief Justice John Roberts (Concurrence)</p>	
<p>3. “The nature of injustice is that we may not always see it in our own times. The generations that wrote and ratified the Bill of Rights and the Fourteenth Amendment did not presume to know the extent of freedom in all of its dimensions, and so they entrusted to future generations a charter protecting the right of all persons to enjoy liberty as we learn its meaning. When new insight reveals discord between the Constitution’s central protections and a received legal stricture, a claim to liberty must be addressed.”</p> <p><i>Obergefell v. Hodges</i> (2015) – Justice Anthony Kennedy (Opinion of the Court)</p>	

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<p>4. “When the express terms of a statute give us one answer and extratextual considerations suggest another, it’s no contest. Only the written word is the law, and all persons are entitled to its benefit.”</p> <p><i>Bostock v. Clayton County</i> (2020) – Justice Neil Gorsuch (Opinion of the Court)</p>	
<p>5. “The Court’s inquiry, then, must be to determine whether the prayer practice in the town of Greece fits within the tradition long followed in Congress and the state legislatures.”</p> <p><i>Town of Greece v. Galloway</i> (2014) – Justice Anthony Kennedy (Opinion of the Court)</p>	
<p>6. “[The Constitution’s] nature, therefore, requires, that only its great outlines should be marked, its important objects designated, and the minor ingredients which compose those objects be deduced from the nature of the objects themselves. That this idea was entertained by the framers of the American constitution, is not only to be inferred from the nature of the instrument, but from the language.”</p> <p><i>McCulloch v. Maryland</i> (1819) – Chief Justice John Marshall (Opinion of the Court)</p>	
<p>7. “Far more important are the unfortunate consequences that today’s decision is likely to spawn. Not least of these, as I have said, is the fact that the decision threatens to throw into doubt the constitutionality of gun laws throughout the United States. I can find no sound legal basis for launching the courts on so formidable and potentially dangerous a mission. In my view, there simply is no untouchable constitutional right guaranteed by the Second Amendment to keep loaded handguns in the house in crime-ridden urban areas.”</p> <p><i>District of Columbia v. Heller</i> (2008) – Justice Stephen Breyer (Dissenting Opinion)</p>	

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1.7 Test Your Knowledge

CONSTITUTIONAL CONVERSATIONS AND CIVIL DIALOGUE

Complete the questions in the following quiz to test your knowledge of basic ideas and concepts covered in this module.

1. What is the U.S. Constitution?
 - a. The supreme law of the land in America
 - b. A document declaring independence from Great Britain
 - c. A source of much debate and discussion among Americans
 - d. Both A and C

2. The Constitution is not a particularly long document (the Preamble, seven articles, and 27 amendments). The Founding generation wrote it that way so _____.
 - a. Only wealthy elites could own a copy
 - b. Everyone, lawyer and nonlawyer alike, could read it and understand it
 - c. The new laws would be confusing and difficult to understand
 - d. To save money on the ink needed to print it

3. The Constitution expresses one of its core principles, popular sovereignty, in its Preamble, beginning with these words: _____.
 - a. We the People
 - b. Four score and seven years ago
 - c. We hold these truths to be self-evident
 - d. Of the people, by the people, for the people

4. The framers set out the basic structure of government—in other words, its three different branches—in Articles I through III. In order, match the three different branches (1. Legislative, 2. Executive, 3. Judicial) with its constitutional responsibility.
 - a. 1. Enforcing the laws, 2. Interpreting the laws, 3. Making the laws
 - b. 1. Interpreting the laws, 2. Making the laws, 3. Enforcing the laws
 - c. 1. Making the laws, 2. Enforcing the laws, 3. Interpreting the laws
 - d. The framers really didn't want a separation of powers

5. Article V outlines a formal process that has allowed later generations to revise the Constitution without the need to resort to violence or revolution. This process is called _____.
 - a. The Impeachment Process
 - b. The Amendment Process
 - c. The Midterm Elections
 - d. Judicial Review

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1.7 Test Your Knowledge

6. Some of our most cherished liberties, such as free speech, free press, freedom of religion, and the right to a jury trial, were not listed in the original Constitution. Rather, they were added in 1791 with the adoption of the _____.
 - a. Northwest Ordinance
 - b. Articles of Confederation
 - c. Continental Association
 - d. Bill of Rights

7. After the Civil War, the 13th, 14th, and 15th Amendments abolished slavery, wrote the Declaration of Independence's promise of freedom and equality into the Constitution, and banned racial discrimination in voting. This period, which some historians call America's "Second Founding" is also known as _____.
 - a. Reconstruction
 - b. Antebellum
 - c. The Progressive Era
 - d. The New Deal

8. The key to thinking like a constitutional lawyer is to separate your political views (what *should* be done) from your constitutional views (what *can* be done). Which of these would be an example of a constitutional question?
 - a. Should the government raise your taxes?
 - b. Does the federal government have the power to pass a law to raise your taxes?
 - c. Should the government lower your taxes?
 - d. Should wealthy corporations pay more in taxes?

9. Phillip Bobbitt's landmark book *Constitutional Fate* identifies *seven* different forms of argument used by constitutional lawyers. When having a civil dialogue, it is important to be aware of these different arguments because _____.
 - a. You can criticize someone who uses a different interpretive method than you
 - b. It is easier to tell people that they are wrong
 - c. Even judges and constitutional lawyers don't always agree on the Constitution's meaning
 - d. You can prove that you are smarter than everyone else

10. Someone who is using a *Textual Interpretation* would most likely try to _____.
 - a. Use the Constitution's text to understand the best reading of the Constitution's text at the time the provision was added to the Constitution
 - b. Use only modern resources
 - c. Use any text they can find, even if it has nothing to do with the Constitution
 - d. Use sources that were first published on the internet

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11. If someone is interpreting a constitutional provision by examining records from the 1787 Convention, discussions in state ratifying conventions, and late 18th-century newspapers and pamphlets, they are most likely using which method of interpretation?
 - a. Doctrine
 - b. Prudence
 - c. History
 - d. Moral

12. When having a constitutional conversation with someone, you should try to _____.
 - a. Make sure that you are asking constitutional, not political questions
 - b. Always ask only “yes or no” questions
 - c. Try to incorporate scholarly work into your answers
 - d. Both A and C

13. Which of these *should* you do when having a constitutional conversation?
 - a. Use vague ideas that are only loosely connected to the question.
 - b. Talk about scholarly ideas without referring to the author or work by name.
 - c. Remember to explain what the information you are citing means.
 - d. Forget to connect your evidence to the bigger picture and/or essential question.

14. Which of the following do you think is true about the nature of discussions between justices of the Supreme Court?
 - a. The justices occasionally shout at each other.
 - b. The justices are rude to each other.
 - c. Their conversations are civil, polite, and professional, even if they strongly disagree.
 - d. Justices will try to put each other down.

15. Justice Stephen Breyer talked about how the Supreme Court settles arguments and how their method can work for you, too. What was Justice Breyer’s advice?
 - a. Stay calm and listen to others.
 - b. It’s okay to get angry if it intimidates your opponent.
 - c. Don’t listen to what others are saying if you know you are right.
 - d. Focus only on what you are saying, not on what others are saying.

16. A tip for having a conversation with a group of people: “Don’t speak twice until everyone has spoken once.” This is a great rule for _____ because everyone feels that they’ve been treated fairly.
 - a. Justices of the Supreme Court only
 - b. Whatever group you’re involved in
 - c. Members of Congress only
 - d. Members of your school’s debate team only

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17. The only way that the government can be responsive to the will of “We the People” is if the people are free to express _____.
- Perspectives that everyone can agree with
 - Perspectives that are popular
 - Only perspectives of the political party in power
 - All perspectives, even those that people might disagree with
18. In the Supreme Court case of *Whitney v. California*, the importance of civil dialogue was emphasized by this justice.
- John Marshall
 - Louis Brandeis
 - Earl Warren
 - Thurgood Marshall
19. According to Supreme Court Justice Oliver Wendell Holmes, who was the Constitution made for?
- Kings and tyrants
 - People who can always agree on everything
 - People with fundamentally differing views
 - Only those who had served in the military
20. The people who should be having conversations about our Constitution are _____.
- Supreme Court justices
 - Members of national, state, and local governments
 - Ordinary citizens regardless of profession or background
 - All of the above

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1.7 Test Your Knowledge

Answer Key

1. D
2. B
3. A
4. C
5. B
6. D
7. A
8. B
9. C
10. A
11. C
12. D
13. C
14. C
15. A
16. B
17. D
18. B
19. C
20. D



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1.8 Info Brief

CONSTITUTIONAL CONVERSATION ROLES AND NORMS

ROLES

Before engaging in a “constitutional conversation,” it is important to make sure that everyone understands their role, and how they will be expected to participate. You, as a student, will be expected to:

- Help establish the norms of a successful “constitutional conversation.”
- Participate in the discussion, working as a team to ensure that everyone has an equal opportunity to share.
- Reflect on your own performance, noting helpful contributions and areas for improvement.
- Reflect on your new understanding of constitutional texts.

Your teacher will be expected to:

- Help establish the norms of a successful “constitutional conversation.”
- Model the skills associated with the conversation throughout the class.
- Observe and **record** the flow of the discussion and the credit earned by the students.

NORMS AND NON-NEGOTIABLES

In addition to understanding their roles, all participants work together to create a list of norms—or guidelines for the conversation—that everyone then agrees to follow. Creating norms is a great first step in preparing for your constitutional conversation, and the norms you create together can even be used for all classroom activities throughout the year.

- **Practical Guidelines:** Some norms will be more practical, meant to better facilitate the conversation in your classroom. An example of this could be that everyone must speak once before anyone can speak twice.
- **Non-Negotiable Habits:** Other norms will be non-negotiable. We call that a rule. These are essential habits needed to build effective discussions and learning in any classroom. For example, at the NCC, we choose to always focus on a constitutional question, examining what the government may do and what it may not do. These parameters are defined by the Constitution but are sometimes open to reasonable debate from different

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perspectives. As we engage with this course, we must agree that our non-negotiable is that we will use constitutional questions to frame our discussions and ask what the government *may* do and not what it *should* do. A “should” question is typically a political question.

