

Is the Constitution Color-Blind?

Grade Level: 9-10

Time Required: 45 minutes

Rationale:

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This research and deliberation activity is designed to encourage students to look at the issue of affirmative action from a variety of perspectives and then to find political, social and economic measures to address the issues of fairness and inequality. In any deliberation activity, compromise and listening will play a key role in finding common ground.

The objective of this activity is for your students to evaluate multiple perspectives on the issues and determine what can be done to find common ground between those who believe the Constitution is color-blind and those who believe it to be color-conscious.

Students will be able to find ways for society and the government to overcome obstacles, which prevent us from all being treated equally in the eyes of society and the law.

What is deliberation?

The framers of the Constitution envisioned deliberation among a diverse citizenry who disagreed on issues because *only through deliberation and compromise could Americans find common ground*. Deliberation is a form of interpersonal communication which most often takes the form of public conversation. Deliberation is different from discussion because it is measured conversation and almost always leads to action. Deliberation is focused around an issue, generally laws or policy, but also can cover public behavior and cultural practices. The public includes everyone, not just experts and politicians, but everyday people who have an opinion on the topic. Current deliberation practices offer three possible choices or outcomes, and then arrange the conversation around the pros and cons of each.

Is deliberation debate?

Deliberation is often confused with debate, but the two are very different. Debate is a formally structured conversation between two opposing sides; some even define debate as a “quarrel.” Debate creates a dichotomy while deliberation allows for careful consideration of many sides, so the best choice can be made. The two also differ because debate is between experts, while deliberation allows for input from laypeople. Essentially, debate is black and white, who is right and who is wrong, while deliberation allows for shades of gray.

Pennsylvania Standards:

Civics and Government

5.1.9.B Describe historical examples of the importance of the rule of law (sources, purposes, functions).

5.1.9.C Analyze the principles and ideals that shape government.

- Constitutional government
- Liberal democracy
- Classical republicanism
- Federalism

5.1.9.E Analyze the basic documents shaping the government of the United States.

5.1.9.J Explain how law protects individual rights and the common good.

5.1.9.L Interpret Pennsylvania and United States court decisions that have impacted the principles and ideals of government.

5.1.9.M Interpret the impact of famous speeches and writings on civic life.

5.2.9.B Analyze citizens' rights and responsibilities in local, state and national government.

5.2.9.C Analyze skills used to resolve conflicts in society and government.

5.2.9.G Analyze political and civic participation in government and society.

5.3.9.G Explain how the government protects individual rights.

Big Ideas:

Citizens understand their rights and practice their responsibilities in a vibrant society.

Civil discourse and thoughtful deliberation are necessary to promote the common good and protect the individual.

Adherence to the rule of law validates an individual's responsibility to society.

Engaged citizens understand the workings of government and use historic precedents in shaping thought and action.

A thoughtful citizen evaluates the accuracy of communications and analyzes media sources attempting to influence the public agenda.

Essential Questions:

What is the balance between rights and responsibilities?

Why does a citizen have to do more than merely exercise his or her rights?

What is the balance between rights and responsibilities?

What is the impact of popular media on the practice of civil discourse?

Why must the rights of the minority be respected within the rule of the majority?

Do our stated American ideals cause progress or mask hypocrisy?

Is it possible for different religious, ethnic, cultural and racial groups to coexist peacefully in a democratic society?

Materials

Primary Documents:

- [*The Constitution of the United States of America*](#). This is an interactive Constitution offered by the National Constitution Center, very useful for both students and teachers. For the purposes of this lesson, pertinent references are: Article I, Section 2, Clause 3; Article I, Section 9, Clause 1; Amendment XIV.
- **Resources** Links to the articles used in this lesson and extension readings for this lesson are available at the National Constitution Center's website www.constitutioncenter.org/exchange.

Lesson Plan Details for *Is the Constitution Color-Blind?*

Assessments

The compromise answers to the questions in the lesson can be uploaded to: www.exchangeideas.org for students around the country to view as part of our on going conversation at **The Exchange**.

Instruction

(Sequence reproduced here from the lesson plan)

Introduction/Anticipatory Set:

1. Ask students to work individually to answer the following two questions. Then, ask them to share their answers with the class.

Q: Do you agree with affirmative action? Students should base their opinion on their interpretation of the issue.

Q: Why do you feel this way about affirmative action? Students should infer values connected to the issue.

2. Display the **Town Hall Wall** so that all students can see the poster. Next, ask them to first read the short description of the issue and then answer the question with a simple Yes or No.

Q: Is the Constitution color-blind? Students are to answer **Yes** or **No**.

3. Have students work individually to answer the following three questions. Then ask them to share their answers with the class. Record answers on a whiteboard, pad, or computer projection via LCD. Students should record class feedback in their notebooks or laptops for use in Steps 5 and 6.

Q: What values are associated with those who answered Yes? Students should list moral principles or standards which they believe influence this choice.

Q: What values are associated with those who answered No? Students should list moral principles or standards which they believe influence this choice.

Q: What values do you think both perspectives have in common? Students should list moral principles or standards which influence both choices.

Lesson Procedures/Activities:

INVESTIGATION (part 1)

4. Divide students into groups of four and provide each group with the following four articles. Assign each student one of the topics highlighted below. Using the provided documents ask each student to answer the assigned questions in their notebooks. Then, have each group share their answers with the class. Record their answers for public viewing. Students should record feedback in their notebooks or laptops for Steps 5 and 6.

Presidential policy: *A More Perfect Union: Barack Obama's Speech on Race*

Q: What do you think will be the president's policy on affirmative action?

Q: What evidence do you have to support your opinion?

Supreme Court decision: *Parents Involved in Community Schools v. Seattle School District No. 1*

Q: When did the Court say that race can be used and when did the Court say race could not be used?

Q: What evidence do you have to support your answer?

Constitution: *United States Constitution*

Q: Is the Constitution color-blind?

Q: What evidence do you have to support your opinion?

Congressional legislation: *Affirmative Action & the Boundaries of Discrimination*

Q: Why was affirmative action instituted and how did it attempt to change America?

Q: What evidence do you have to support your answer?

INVESTIGATION (part 2)

5. Staying within groups, ask each student to work individually to answer the following three questions in their notebooks:

INDEPENDENT Q & A

Q: What values do you and those who support your perspective on affirmative action have in common?

Students should use values listed in the **Opening** section.

Q: What evidence do you have to support your perspective?

Students should use evidence from the **Investigation (part 1)** section.

Q: What might be the political and social consequences of doing what you are suggesting?

Student answers should be based on previously listed values, evidence and student deduction.

6. Have the groups brainstorm answers to the following three questions. Have one member of each group record the answers to the **Group Q & A** and then present the group's answers to the class.

GROUP Q & A (TO BE PRESENTED TO THE CLASS)

Q: What values do people who support a perspective different from your own on affirmative action have in common?

Students should use values listed in the **Opening** section.

Q: What evidence do you have to support your perspective?

Students should use evidence from the **Investigation (part 1)** section.

Q: For those who have a different perspective, what could be the political and social consequences of doing what they have suggested?

Student answers should be based on previously listed values, evidence and student deduction.

DELIBERATION

7. Have the class brainstorm answers to the questions that follow. Record their answers on the board. If the same answer is given more than once, then mark it with a star to determine which answers the majority of the class agrees with and use these answers to find compromise answers.

CLASS Q & A

Q: Is it desirable or even possible to have a color-blind society?

Students are to answer **Yes** or **No**.

Q: If so, what sorts of public and private actions might promote a more color-blind society?

Students are to recommend programs and policies that the government and citizens can use that might work to promote a color-blind society.

Q: Is it possible to have a society that is both color-blind and racially diverse?

Students are to answer **Yes** or **No**.

Q: What sorts of programs or policies might promote both diversity and non-discrimination?

Students are to recommend economic and social programs and policies that might work to promote diversity and non-discrimination.

Assessment:

See “Assessment” section preceding for suggestions.

Additional Suggestions for Students

The National Constitution Center is located in Philadelphia, just a few steps from Independence Hall where the Constitution of the United States was written and signed during the summer of 1787. The men who came to Philadelphia that summer did so because they knew the direction of the country they loved needed to change. They deliberated for nearly four months and created a document that none thought was perfect. But they put forward a challenge to future generations: keep working towards the creation of a “more perfect Union.” The Center has been created to support this challenge and encourages visitors to walk in the steps of the founders and deliberate the future of their country.

The guidelines presented below have been created to provide you with advice and ideas on how to both present your arguments and hear those of others. The advice below was inspired by the rules adopted by the Constitutional Convention, as presented by George Wyeth of Virginia on May 28, 1787.

- Think through your idea before presenting it to the group, you may wish to make a few notes on paper to ensure your idea is clear.
- Listen carefully to other ideas and consider how to incorporate them into your own.
- When you are not speaking, do not have other side conversations, read a book or document, or in another way distract the speaker.
- When challenging an idea, *focus on the idea*, not the person you are challenging.
- Use the Constitution as support for your ideas, refer to the text and use it as a tool to support your argument.
- Do not dominate the conversation; do not speak more than twice before allowing everyone else the opportunity to be heard.
- Present you ideas directly to the facilitator or group leader.
- When developing your argument, consider the position of the other side, and use these ideas to support or build compromise into your position.
- Wait to be acknowledged by the facilitator before speaking.