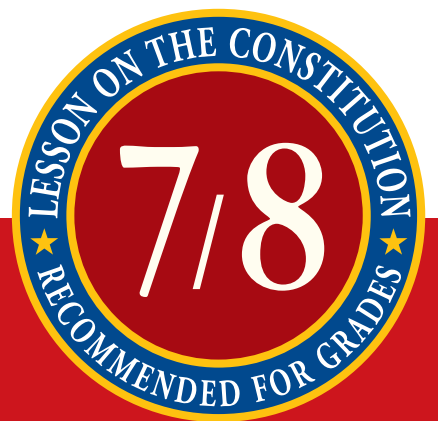


We the People

Constitution Day

ACROSS THE COUNTRY ***** SEPTEMBER 17



About Constitution Day



In 1952, President Harry S. Truman signed a bill that moved “I Am an American Day” from the third Sunday in May to September 17 so that this holiday would coincide with the signing of the U.S. Constitution in 1787. Congress renamed the holiday “Citizenship Day.” A joint resolution passed in 1956 requested the President to proclaim the week beginning September 17 and ending September 23 each year as “Constitution Week.”

Senator Robert C. Byrd (D-WV) entered an amendment to the Consolidated Appropriations Act of 2005 that changed the name of the September 17 holiday to “Constitution Day and Citizenship Day.” The purpose of “Constitution Day and Citizenship Day” is to honor and celebrate the privileges and responsibilities of U.S. citizenship for both native-born and naturalized citizens, while commemorating the creation and signing of the supreme law of our land.

The addition of the amendment, known as Public Law 108-477, requires all schools that receive federal funds hold an educational program for their students on September 17 of each year. This lesson, which is adapted from curricular materials on the Constitution produced by the [Center for Civic Education](#), is designed to assist schools and federal agencies to meet the requirements of this law.



What is the federal system created by the Constitution ?

PURPOSE OF THE LESSON

In this lesson you will learn how the Constitution established a new way to organize a government. It is called a federal system. When you finish this lesson, you should be able to explain what a federal system is and how it differs from other forms of government. You should also be able to identify some strengths and weaknesses of a federal system. Finally, you should be able to explain why you think the Framers created such a system of government.

TERMS TO UNDERSTAND

authority

confederation

federalism

federal system

sovereignty

supremacy clause

unitary government



*The men who worked together to create our Constitution are known as the Framers.
Why do you think they wanted to create a new type of government?*

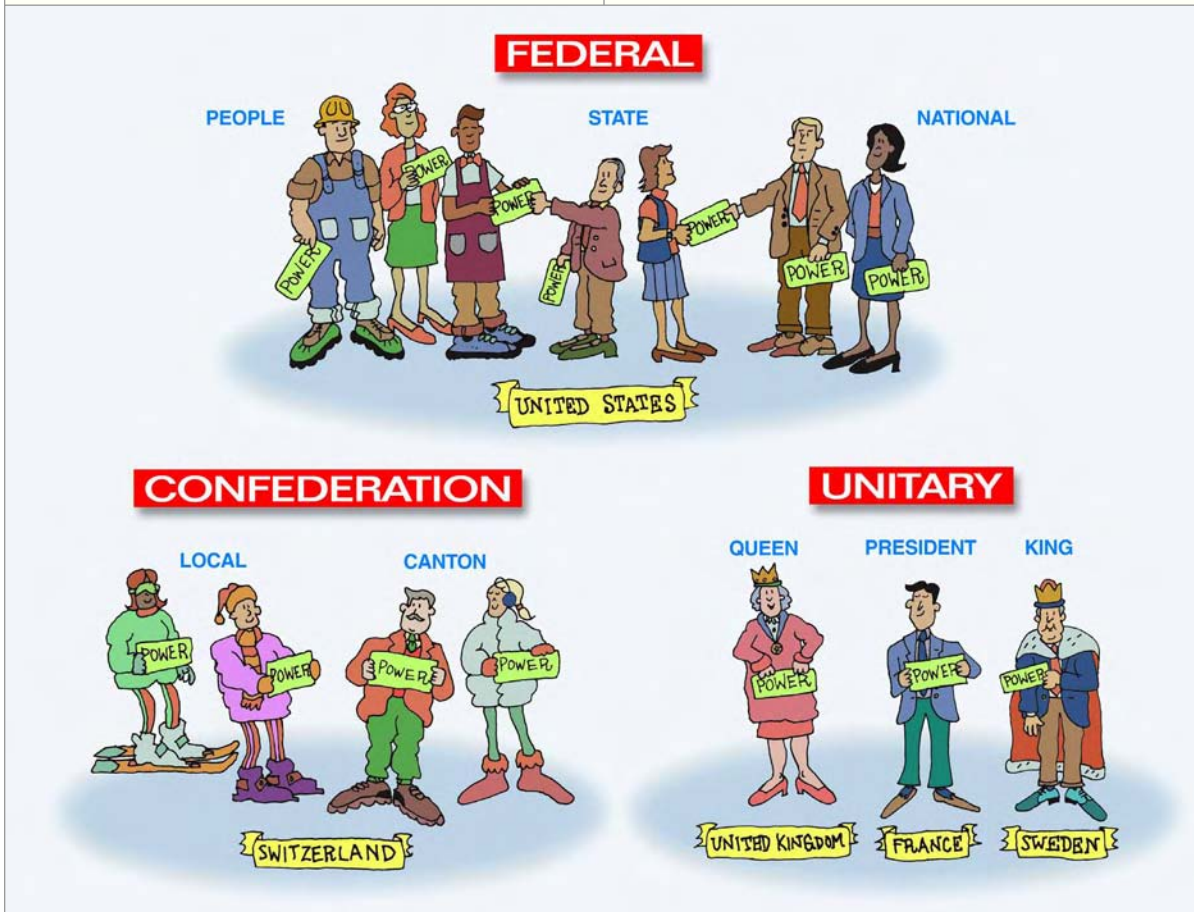
What are the different kinds of government?

Before our government was established under the Constitution, most nations had been organized in one of two ways.

1. **Unitary governments** were those in which central governments acted directly upon their citizens. Local and state governments received their powers from the central government and were under its control. As a result, central governments were much stronger than local and state governments. Great Britain had a unitary form of government.

2. **Confederations** were central governments organized for such limited purposes as defense and regulation of trade. The state governments in a confederation kept full control over anything that affected their own citizens and territory. The separate states were considered stronger than the central government. The United States under the Articles of Confederation had a confederate form of government.

In contrast to these ways of organizing a government, the Constitution created a federal system of government.



How do each of these types of government differ in their distribution of power?

How is a federal system different from other systems of government?

The government created by the Framers differed in the following two important ways from other existing systems of government. To understand these differences we must introduce a new term — authority. We will define **authority** as the right to govern. According to the natural rights philosophy, people have the right, or authority, to govern themselves. They also have the right, or authority, to create a government and give it the right to govern them. These ideas were used by the Framers in creating a federal system.

1. **Sovereignty**, or the ultimate authority of the government, is held by the people. The Constitution begins with the words “We the People of the United States.” The people have created the government

and given it the authority to govern them. The people, however, have the final or ultimate authority to control their government by the means provided in the Constitution.

In most other nations of that time, the government held the ultimate authority. This was true even if the government had originally received its authority from the people. For example, in some countries the king was sovereign. In Great Britain, the Parliament was sovereign. In the United States, the people are sovereign.

2. **Federalism**. The second major difference is that the Constitution provides for a federal system of government. In a federal system the people do not delegate, or give, all power to one central government. Instead, they delegate some power to their national government, some to their state governments, some to both, and they keep some powers, or rights, for themselves.

PROBLEM SOLVING

How does a federal system work?

Your class will work in small groups. The illustration on page 3 shows how a federal system of government works. Each group should examine the illustration and answer the four questions in the next column. Each group should then share its answers with the rest of the class.

1. Where does power come from in this system of government?
2. Who is power given to?
3. What are the main differences between federal, unitary, and confederate systems of government?
4. Why do you think the Framers developed this system of government?

How is power distributed in the federal system?

The following are examples of how power is distributed in our federal system.

- **Powers to the national or federal government**

As citizens of the nation, the people give certain powers to the federal government. These powers are described in the Constitution. They include the power to create post offices, control interstate and foreign trade, declare and conduct war, and create a national currency.

- **Powers to state governments**

As citizens in the various states, the people give certain powers to their state governments. These powers are listed in each state's constitution. They include

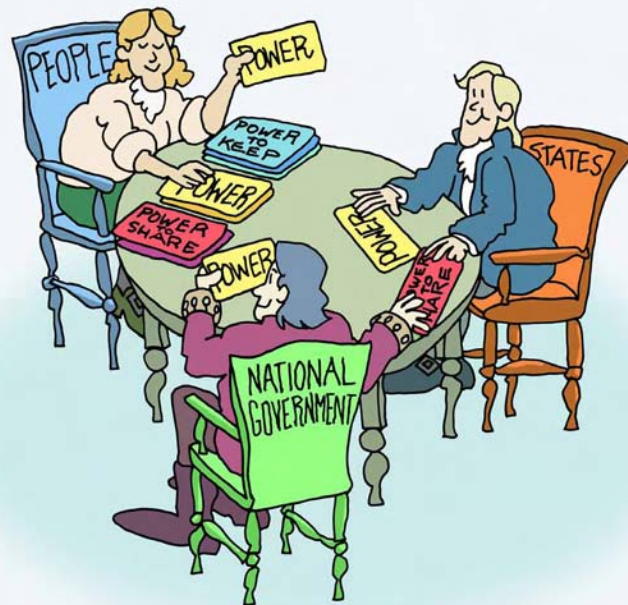
the power to control trade within the state, establish public schools, create motor vehicle laws, and control marriage and divorce practices.

- **Powers that are shared**

It is important to know that in our federal system the federal and state government share certain powers. For example, both governments have the power to tax citizens and businesses and to provide for the health and welfare of the people.

- **Powers kept by the people**

Certain rights and powers have been kept by the people and not delegated to any government. They include the right to believe what we wish, select our careers, choose our friends, travel, and raise a family.



In a federal system how do the people delegate their power?

Why does the federal government have greater power than the state governments?

There were many disagreements among the Framers about what powers the federal government should have. They did agree however that the powers of the federal government were to be greater than those of the state governments. This is clearly stated in the **supremacy clause** of Article VI. The states cannot make laws that conflict with the Constitution or laws made by Congress.

What conflicts might arise between federal and state government?

In our federal system, Congress can make laws governing the people. The state governments can also make laws governing the people. You can imagine that in this kind of system, there will be many times when state laws conflict with those made by Congress. In one instance, these conflicts led to a war between the states — the Civil War.

The Framers created a new and very complicated form of government. They could not predict exactly what powers the state and federal governments would eventually have. Early in our history, the state governments were very powerful. Today, the federal government has far more power over the state governments than most of the Framers could have imagined.

In thinking about the relationship between the federal and state governments, it is important to understand the following things.

- In spite of the increase in the power of the federal government, most of the laws that affect us directly are state laws. These include laws regarding education, property, contracts, families, and criminal behavior.
- In most cases it is Congress that decides how much power will be left to the states. Congress makes its decisions on the basis of practical and political issues. Voters can influence these decisions.

In developing a federal system of government, the Framers invented a new way to organize a government. In this system, sovereignty remains with the people. The people give certain limited powers to the federal and state governments. Each level of government has the authority to act directly upon the people.

This complicated system is sometimes not as efficient as a unitary system of government. The Framers did not see this as a disadvantage. In fact they considered it to be one of the advantages of federalism. The Framers thought that the separation of powers between the federal and state governments was one way to protect the rights of the people.



REVIEWING AND USING THE LESSON

1. Explain what a federal system is. Draw a diagram that shows how the federal system works in the United States.
2. Suppose you were in a situation, like the Framers, where you were organizing a government. Explain what you think might be some of the advantages and disadvantages of a federal system of government. Which responsibilities and powers would you give to the federal government? Which powers would you give to the state governments? Which powers would you keep for yourselves?
3. Define “sovereignty.” Who has sovereignty in the United States? Give evidence to support your answer.
4. Discuss what problems might arise from different states passing different laws regarding:
 - crime
 - education
 - employment
 - housing
 - welfare benefits



LESSON OVERVIEW

This lesson is intended to help students understand the federal system of government created by the Framers. They learn that the Preamble to the Constitution makes it clear that, under our system of government, sovereignty belongs to the people and that the people delegate power to both federal and state governments and retain some powers for themselves. This federal system is contrasted with unitary and confederate systems. Students also learn that the supremacy clause of the Constitution makes it clear that in the inevitable conflicts between the federal and state governments, the authority of the Constitution is superior to the power of the states.

LESSON OBJECTIVES

At the conclusion of the lesson, students should be able to

1. describe our federal system, the source of its powers, and how powers are distributed within it
2. explain the essential differences between unitary, confederate, and federal systems of government
3. explain how the Constitution gives the federal government supreme power over the state governments

TEACHING PROCEDURES

A. Introductory Activity

Reviewing the Issue of Distribution of Power

Introduce the lesson by explaining that the class will be looking at how power was to be distributed between the new federal government and the state governments. Remind students that most of the Framers, while wanting to create a more powerful federal government, were still suspicious of making the government too powerful at the expense of the state governments.

B. Reading and Discussion

Defining Unitary, Confederate, and Federal Government

Have students read the first sections, "Purpose of the Lesson," and "What are the different kinds of government?" They should then read the section "How is a federal system different from other systems of government?" Be sure students understand and can explain the concepts of sovereignty and federal, unitary, and confederate systems of government. Ask them to give examples of each type of system, e.g., the present United States is a federal system, Switzerland is a confederate system, and Great Britain is a unitary system.

C. Problem-Solving Activity

To help students understand the different kinds of government, have them complete the "How does a federal system work?" activity.

NOTES FOR THE TEACHER

D. Reading and Discussion

Understanding Federalism

Have students read the next two sections, “How is power distributed in the federal system?” and “Why does the federal government have greater power than the state governments?” The term “federal system” (federalism) is a form of political organization in which governmental power is divided between a central government and territorial subdivisions. The term “federal government” refers to the national government of the United States. Be sure they understand that the people are the ultimate source of power in our system and that in the Constitution they have delegated some power to the state and federal governments and retained some powers for themselves. Also, be sure they understand that the supremacy clause of the Constitution places the federal government in a position of superior power over state governments.

E. Reading and Discussion

What conflicts might arise between federal and state government?

Have students read the last section, “What conflicts might arise between federal and state government?”. Discuss with them how the complexity of the federal system was thought by the Framers to be an advantage.

F. Concluding Activity

Conclude the lesson with a discussion of the questions in “Reviewing and Using the Lesson.”

SUPPLEMENTAL ACTIVITIES

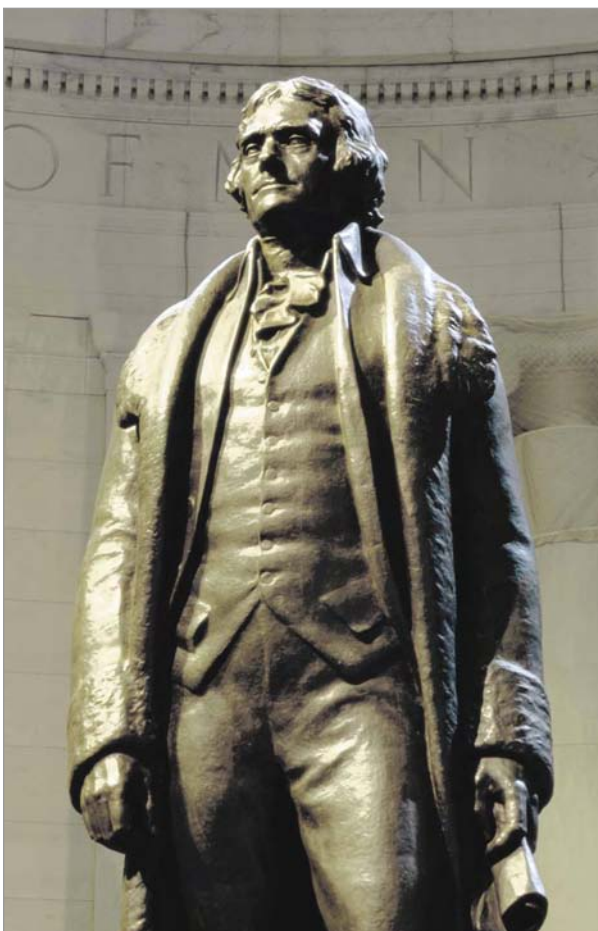
1. This lesson states that most laws that affect us directly are state laws. Have students keep track of their actions and activities for one school day. How were their actions or activities affected by laws? How many are federal laws? State laws? City or county ordinances?
2. Have students check newspapers for examples of issues that illustrate controversies over the division of power between the state and federal governments. Have them make a bulletin board of articles illustrating these issues.

ADDITIONAL READINGS

Bernstein, Richard. *Are We to Be a Nation? Making of the Constitution*. Cambridge: Harvard University Press, 1987.

Levy, Leonard W., ed. *Essays on the Making of the Constitution*. 1987 Reprint. New York: Oxford University Press.

Van Doren, Carl. *The Great Rehearsal*. Westport, Conn.: Greenwood Press, 1982.



This supplemental lesson celebrating the Constitution is adapted from *We the People: The Citizen and the Constitution*, Level II, Lesson 18, "What was the federal system created by the Constitution?". This text was published by the [Center for Civic Education](#).

This Constitution and citizenship lesson is cosponsored by The American Association of School Administrators. AASA, founded in 1865, is the professional organization for over 14,000 educational leaders across America and in many other countries. AASA's mission is to support and develop effective school system leaders who are dedicated to the highest quality public education for all children. AASA's major focus is standing up for public education.

The [Center for Civic Education](#) is a nonprofit, nonpartisan educational corporation dedicated to fostering the development of informed, responsible participation in civic life by citizens committed to the values and principles fundamental to American constitutional democracy.

The Center specializes in civic/citizenship education, and international education exchange programs for developing democracies. For additional information on the Center's programs and curricula, contact the [Center for Civic Education](#).

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