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Center for
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TRANSCRIPT

We The People

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The U.S. Constitution is the oldest written constitution of a nation still in effect. It's been running our government since 1789. It's also one of the shortest, originally under 5000 words, 52 of which make up the preamble (or introduction) to the Constitution; but those are powerful words. The preamble contains the mission statement of the U.S. government. It says who we are, what we do, and why.

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The first three words, "We the People," are the most important and written in the largest script, but who are "We the People"? When the Framers wrote those words, voting in most states was limited to white men with property like them. Thus, the original Constitution did not consider landless men, women, indigenous people, or the enslaved as equals to the elite.

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Since then, much has been done to right those wrongs through political change and a series of constitutional amendments. The term "We the People" now applies to more Americans than ever before. So what are "We the People" doing? We are taking our power and giving it to the Constitution. Not the king. Not Congress. Not the president or the courts.

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The Constitution. This idea is called popular sovereignty. The government's power comes from the people themselves. So why are "We the People" creating the Constitution? The first answer is to form a more perfect union. We are saying upfront that we have made mistakes and our job is to keep making the American nation better. Other phrases in the preamble set out all of the jobs we want the government to do: establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty for ourselves and future generations.

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The preamble is written in the present tense. That means "We the People" today are still choosing to give our power to the Constitution. It's our oath of citizenship. It means that we continue to strive to create a more perfect union every day. So what can you do to create a more perfect union?



TRANSCRIPT

Foundations of the Constitution

00:00:10:08 - 00:00:37:00

What is the best type of government? That's the question that James Madison tried to answer when in 1786, he began his research for the U.S. Constitution. The new nation had the rare opportunity of choosing its own form of government, not relying on the past alone. Madison studied philosophers and politics around the world, looking for the right balance. The ideal would be one that addressed the needs of a large nation,

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without putting too much power into the hands of a select few; the Goldilocks of national government: not too strong, not too weak, but just right. Madison's plan created a federalist system, one that would divide power between a strong national government and the states. After all, they existed first and any federal government would not succeed without their support. To reassure those who feared a stronger national government,

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Madison had a solution. He would separate its powers into three branches: a legislature (Congress which makes laws), an executive branch (the president and other appointed officials which enforces the law) and a judiciary (the court system which interprets the law). Madison also suggested a system of checks and balances that will make it impossible for any one branch to become too powerful.

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For example, the president has the power to veto laws passed by Congress. The Constitution gives Congress the ability to override a presidential veto, and it gives the Supreme Court the power to declare laws passed by Congress to be unconstitutional. Madison's plan relied on three principles: federalism, separation of powers, and checks and balances. They still form the foundation of the U.S. Constitution today, and that's how James Madison earned the nickname The Father of the Constitution.

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How does the division of powers in the Constitution help create or hinder a more perfect union today?



TRANSCRIPT

Cruel and Unusual

00:00:10:09 - 00:00:43:06

Burning at the stake. Torture on the rack. Decapitation. The punishments for committing a crime in some Western countries just a few hundred years ago were horrifying, but since then, many nations have tried to become more humane. In the U.S. criminal justice system, the Eighth Amendment made cruel and unusual punishments illegal in 1791. The Eighth Amendment comes almost word for word from the English Bill of Rights, a law passed to limit the powers of the monarchy in 1689.

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In the United States, Virginia included this same language in its 1776 "Declaration of Rights," but some people objected to this language in 1789, when the U.S. Congress debated adding a federal "Bill of Rights" to the Constitution. One member of Congress, not known for civility itself, said that villains often deserve whipping and perhaps having their ears cut off. Ratified in 1791, the Eighth Amendment prohibits cruel and unusual punishment.

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once a person is convicted of a crime. This forbids punishments that cause pain or suffering on purpose. It also bans excessive fines and establishes the right to be free on bail until your case is tried in a court of law. This protects the presumption of innocence, which means the government must consider you innocent until proven guilty. Some punishments that were allowed earlier in U.S. history are forbidden today.

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For instance, arson was once punishable by death in the U.S., but today in practice, execution is limited to those convicted of murder. Treason and espionage can still be punished by death, but that has not happened since the 1950s. Most modern Western nations have abolished capital punishment completely, but not the United States. In 1972, the Supreme Court considered the constitutionality of the death penalty and ruled it was used wantonly and freakishly in the U.S. without proper guidelines, and that the race of the accused too often played a part in their execution.

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Four years later, it announced new rules to separate trials for guilt in sentencing to try to limit jury bias, yet multiple prisoners have since been found innocent after being sentenced to death. About half of the U.S. states have chosen to ban capital punishment completely. What punishments would you consider to be cruel and unusual?



TRANSCRIPT

Constitutional Convention

00:00:10:24 - 00:00:33:16

Only three years after the end of the Revolutionary War, the young United States once more faced a crisis. Would a new form of government save it? In the summer of 1786, Captain Daniel Shays and his men, including many unpaid veterans of the war, shut down the courts in Western Massachusetts to prevent their farms from being forcibly taken for unpaid debts.

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The government under the Articles of Confederation, the nation's first constitution, was too weak to raise taxes, pay its soldiers, or command the respect of other nations. The unrest led many to support a stronger form of government. As a result, the U.S. Congress called for a convention to suggest amendments to the Articles of Confederation. So in late May, 55 delegates from 12 states (the smallest one, Rhode Island, stayed home), assembled at Independence Hall in Philadelphia to propose changes.

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Almost immediately, they threw the whole thing out and started over from scratch. With George Washington as the convention's president, they worked hard all that hot summer and wool suits with the windows closed to keep their debates secret. The Framers faced two major issues that threatened to put an end to their work: how to represent the states and how to represent enslaved people.

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Under the Articles, large and small states were treated equally. One state, one vote; but now states with bigger populations thought they should have more power. The Framers compromised by creating a Congress with two houses: one in which the states voted by population, the other in which the states voted equally. Southern states wanted to count enslaved people as part of their total population, which gave them more power in Congress, but also higher taxes.

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Most northern states opposed slavery, but they also wanted more tax revenue. The framers agreed on a compromise by which three-fifths of the enslaved people were counted. Unfortunately, counting all enslaved people would have given more power to the slaveholding states, and it would not have freed a single person. Their final proposal, signed on September 17, created a new constitution with stronger national powers, but also preserved the role of the states.

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The Constitution Explained

The framers sent the Constitution back to Congress, which then sent it to the states for approval or ratification. Enough states signed on in 1788 that a new form of government soon began. How might the framers have made different decisions to form a more perfect union?



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TRANSCRIPT

The People's Branch

00:00:10:08 - 00:00:37:22

The U.S. Capitol in Washington, D.C., is the symbol of the American people and the home of the U.S. Congress, the legislative branch of government. The Constitution creates three branches of government, legislative, executive, and judicial, but did you know the Framers believed that Congress would be the most dominant branch? In fact, they dedicated half of the original four pages of the Constitution to Article I, which creates Congress. Why was Congress so important?

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Because if the legislature doesn't make the laws, then the executive has nothing to enforce and the judiciary has nothing to interpret, but making the laws is not always a pretty process. It involves political deals and compromise and disagreements: lots of disagreements. Congress is made up of two bodies: the House of Representatives and the Senate, that have to work together to pass the laws.

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They also have to work with the president, who could veto their legislation. It's a process that can get really messy. Article I sets out the structure and powers of Congress. The House of Representatives is based on the population of each state. Therefore, Article I requires a census every ten years to determine the population of the United States so that seats in the House may be apportioned, or assigned, accurately.

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Due to the ever growing population, in 1929 Congress limited the total number of representatives to 435. As of the 2020 census, a member of the House represents on average about 750,000 people. The House is considered the legislative body closest to the people because members are elected every two years and they can act quickly on the people's business. To be elected to the House,

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a person must be at least 25 years old, a U.S. citizen for seven years, and a resident of the state when elected. The Leader of the House is the speaker, who is considered the head of the legislative branch. The Senate is based on equal representation of two senators for every state, regardless of size. Originally, the state legislatures chose senators, but the 17th Amendment, ratified in 1913, required direct election of senators.

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Senators serve terms of six years, with one third of the chamber up for election every two years. Because senators serve longer terms than House members, they can slow down and



reflect upon proposed legislation. To be elected to the Senate, a person must be at least 30 years old, a U.S. citizen for nine years, and a resident of the state when elected.

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The leader of the Senate is the vice president, who is the only person to serve in two branches of government at the same time: the legislative and the executive, but can only vote in cases of a tie in the Senate. Congress is the only branch of government chosen directly by the people. It's how we the people have the most immediate effect on our government.

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No wonder the framers of the Constitution thought it was so important. How does Congress represent the will of the people?



TRANSCRIPT

The Do's and Don'ts of Congress

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Congress wasn't something new when the U.S. Constitution was written in 1787. In fact, the legislative branch was already in place under the Articles of Confederation, our first national constitution; it just had little power. So in the new government, the Framers sought to expand national power, while at the same time putting firm limits on how it could be used.

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Article I contains a long list of legislative powers that are specifically written down, called, expressed or enumerated powers. Article I also says what Congress can't do. They are the dos and don'ts of Congress. Congress has the sole power of the purse: the moneybags. It is able to set taxes, borrow money and issue currency, raise a permanent army and navy, regulate the militia and declare war, create courts lower than the Supreme Court, and regulate interstate commerce,

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which has become the broadest power of Congress to enact laws. Finally, Article I empowers Congress to make all laws that are necessary and proper for carrying out any of the other powers. That last phrase is known as the elastic clause because it has been stretched to cover powers not specifically listed, also known as implied powers. Throughout history, Americans have hotly debated how much implied congressional power is too much.

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Article I also contains a list of congressional powers that are specifically banned. These include: no abolition of the slave trade before 1808, one of several parts of the original U.S. Constitution that protected slavery; no tax on state exports or playing favorites with state ports and ships; no abuses of criminal law, like secretly keeping people in jail without seeing a judge; finally no titles of nobility, because we, the people are equal,

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thank you very much. Congress also has a superpower that can't be checked by the other branches. Only Congress can remove members of the executive and judicial branches from office while they are serving. The House accuses or impeaches officials of abusing their office and then the Senate votes on guilt and removal. As the Framers of the Constitution believed, Congress is the dominant branch. Do you think the elastic clause has been stretched so far that it gives Congress too much power?



TRANSCRIPT

Who Chooses the President?

00:00:08:07 - 00:00:28:23

The President of the United States is often regarded as the most powerful person in the free world. Yet there is no constitutional right for the American people to vote for the president. When the Framers wrote the Constitution in 1787, they had the most difficulty agreeing on the chief executive. They wound up creating an entirely new office: the president.

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In many countries, the legislature chooses the executive, but the U.S. Constitution makes the president independent of Congress. In other democracies, the people directly elect their chief executive. Yet the U.S. Constitution says that electors chosen according to the wishes of the state legislatures pick the president. These electors are known informally as the Electoral College. The Framers believed the national election would be difficult to administer in a large country with poor communication,

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plus, they were not big fans of direct democracy. Today, all state legislatures conduct popular elections for the electors. However, the Supreme Court has ruled that Article II allows state legislatures to change the method of choosing electors at any time, even picking the electors themselves. The court said that the individual citizen has no federal constitutional right to vote for electors for the president of the United States.

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A big change to presidential elections came with the 12th Amendment in 1804. It separated the voting for president and vice president. Before that, whoever got the most electoral votes became president. The runner up became the vice president, but when Thomas Jefferson became vice president to his rival, John Adams, this created friction in the executive branch. Even worse, political allies Thomas Jefferson and Aaron Burr disagreed over who was to be top dog in the election of 1800.

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Fortunately, it didn't come to a duel, but it did change Article II. So thinking of applying for the top job? To run for president, you need three basic requirements established by the U.S. Constitution: you have to be a natural born citizen of the U.S., you have to be at least 35 years old (in the 1780s that was old), and be a U.S. resident for at least 14 years.

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As long as you have these three requirements, you can be elected president. Should the people of the United States have a constitutional right to vote for the president?



TRANSCRIPT

Faithfully Execute

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It's the top job in America. President of the United States. That's POTUS; and it comes with your own mansion, a private plane, a huge staff, and the most powerful military in the world at your beck and call. But the catch: you're blamed for everything, and that means everything. The buck stops here. Who are you going to call? You!

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That's who, and every four years, you have to apply all over again. Whatever happens, the president is responsible to the American people. So let's check the job description. The first job the Constitution gives the president is commander-in-chief of the armed forces, and of the National Guard when it is activated. This means that the president, as a civilian, controls the military, as opposed to some countries where the military controls the civilians.

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If the nation is under attack, or when Congress declares war, the president alone is in charge of the military response. Of the three branches of the U.S. Government, legislative, executive and judicial, the executive branch is by far the largest, employing almost 2 million civilians, plus another 2 million military members; and the president is the boss of all of them. This gives the president a lot of people power.

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POTUS is in charge of 15 executive departments whose leaders are called the Cabinet. The president is the chief diplomat and represents the nation in foreign affairs and has the power to negotiate treaties, but the Senate must approve them by a two thirds vote. The Senate must also approve the president's nominations to the Supreme Court and for senior jobs in the executive departments.

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The President also has the power to pardon people or forgive them for their crimes. In an age of nuclear weapons and global pandemics, some experts criticize the "Imperial Presidency," saying that the president exercises too much unchecked power without Congress. Should the president have powers that are not written in the Constitution?



TRANSCRIPT

The Presidency Changes

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The president makes split second decisions that affect the entire nation as well as the world. That's a lot of power held by just one person. The presidency has been changed by three constitutional amendments, more than the other two branches of government, Congress and the courts, which shows just how important the president has become. The first of these amendments changed the beginning date of the president's term of office.

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Originally, the terms of Congress and the president began in early March after November elections because travel was slow in the early republic. Thanks to better transportation, the longer lag time was not necessary, so in 1933, the 20th Amendment narrowed this gap by changing the beginning of the term of Congress to January 3rd and the president to January 20th. What if the president wanted to become an emperor for life?

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What would stop them? The 22nd Amendment, that's what. It limits the president to being elected just twice, but Congress has no term limits. The 22nd Amendment was ratified, or approved, in 1951 after Franklin Delano Roosevelt was elected president four times during the national crises of the Great Depression and World War Two. Before that, other presidents voluntarily followed the example of George Washington, who refused to run for a third term.

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Perhaps the most difficult issue is when the president becomes unable to do their job. Who decides and how? The 25th Amendment answered these questions in 1967 after President John F Kennedy was assassinated. It says that when the president dies, resigns or is removed from office, the vice president becomes president. Also, if the president cannot carry out the office temporarily, such as during surgery, the president can appoint the vice president as acting president during that time,

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but when the president can't do the job for a long time, then special rules kick in. The vice president and the majority of the leaders of the executive departments, or cabinet, must say so in writing and send it to the leaders of Congress. If the president objects, then Congress must decide the issue by a two thirds vote. Before the 25th Amendment,

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There were instances when the president was unfit for long periods of time, but no one knew what to do. This happened in 1888 when James Garfield suffered an assassination



attempt, and in 1919 when Woodrow Wilson had a stroke, but so far no president has been removed under the 25th Amendment. The president has become the most important individual in the U.S. government.

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Although Congress may have more powers, its decisions are made by many people, but the actions in the executive branch come down to one person: POTUS, the president of the United States. How might the office of the president change in the future?



TRANSCRIPT

The Least Dangerous Branch

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The judiciary is the branch of government that has the fewest words in the Constitution. Does that mean it has the least amount of power? Article III grants the judicial power to the Supreme Court and other lower federal courts, but it doesn't define that power. Alexander Hamilton, one of the framers of the Constitution, said that the judiciary was the least dangerous branch because it had neither the power of the purse, like Congress, nor the power of the sword, like the president;

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however, the judiciary does have the power to overturn the laws passed by Congress, and the actions of the president, as unconstitutional, a power known as judicial review. Through judicial review, unelected judges can overturn the will of the majority of voters as expressed through the Congress and the president. This idea seems contradictory in a democracy, where the majority rules, but the U.S. has a constitutional democracy, one in which the will of the majority is always limited by the Constitution itself.

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Therefore, Article III creates an independent judiciary, one that does not rely on the people for its power. Who is qualified to be a judge? The Constitution doesn't state an age or profession. Over the years presidents have always nominated lawyers who are trained to interpret the law, but that doesn't mean the Senate will always confirm them. Because judges serve for life,

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the effects of a president's judicial appointments last long after the president has left office. The job of the judicial branch is to interpret the law, but what does that mean? Some say a judge should be like an umpire in sports, not using personal experience or beliefs to influence their rulings. Others say that judges hear complex cases and weigh many factors, so they have to use good judgment to carry out justice.

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If the people disagree with how the Supreme Court interprets the Constitution, then they can amend or change it. Ultimately, we, the people, decide what the Constitution means. How do you think judges should interpret the law?



TRANSCRIPT

Full Faith and Credit

00:00:10:03 - 00:00:33:02

What if each state in the U.S. played by totally different rules? What if someone who owed you money in one state could move to another state to ditch the debt, or a criminal could escape punishment from one state to be free in another? Article IV of the Constitution says that we're all part of one country and every state should play by some basic rules.

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The most fundamental rule in Article IV is called Full Faith and Credit. This means that states have to treat the records and court rulings of another state just like their own. Some states used to prohibit marriages between people of different races and would not recognize those marriages even if performed out of state. In 1967, the Supreme Court ruled that marriage was a fundamental right and that states could not forbid marriages based on race.

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A state cannot have different rules for people who live out of state, if that affects the rights that all U.S. citizens must share. For example, a state cannot restrict jobs to its own residents, that would limit interstate travel. On the other hand, states may require higher out-of-state tuition to public universities for people who do not live there and pay state taxes to support those colleges.

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A state's governor must also turn over accused criminals who are trying to escape the law in another state. This requirement is called extradition. Before the 13th Amendment outlawed slavery, Article IV also said that people accused of being runaway slaves had to be delivered to slave catchers from another state and returned to bondage, but many of these people had never been enslaved in the first place and were kidnaped from their homes in free states to become human property in the South.

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What if a U.S. territory or district wants to become a new state? Under Article IV, Congress decides how new states are added. A new state has not joined the Union since Hawaii in 1959. Do you think Puerto Rico and the District of Columbia should become new states?



TRANSCRIPT

The Secret Sauce

00:00:08:03 - 00:00:34:19

Article V is the secret sauce of the U.S. Constitution. It says how the Constitution can be amended or changed peacefully, but it was supposed to become more perfect, as the preamble says, over time. Through the amendment process, we, the people create a more perfect union from 1787 through today. Many states would not ratify or approve the Constitution until a federal Bill of Rights was promised,

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just like their state constitutions. They suggested proposed amendments, which James Madison, now an elected representative, included in his draft for the new Congress. Congress reduced Madison's list into 12 proposed amendments, but the states only approved ten of them in 1791. Together, these first ten amendments are known as the Bill of Rights because they list the freedoms most important to the American people.

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Article V includes several ways that amendments can be added to the Constitution. First, they must be proposed by a two-thirds majority in each house of Congress, or by a convention called by two-thirds of state legislatures for that purpose. Amendments must then be ratified by three-fourths of the states, either by the state legislatures or special state conventions:

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Congress picks which one. Remember those two amendments that weren't approved by the states to be part of the Bill of Rights? More than 200 years later, one of them became the 27th Amendment in 1992 after a college student took get on as a special project. Now a pay raise for Congress cannot take effect until after the people vote to re-elect them,

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or not. Since 1789, about 12,000 amendments have been suggested in Congress, but only 33 were accepted in both houses and sent to the States for approval. The 27th Amendment was a leftover from 1791 and it was ratified in the last century. Are we overdue for some constitutional amendments today? What amendments do you think should be added to the Constitution?



TRANSCRIPT

Ratification

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On September 17, 1787, the Framers of the Constitution signed the final document they have worked hard all summer to create. Then what? What happened to make a new government come to life? Fairy dust? A bolt of lightning? We, the people, had to give our approval. First, the Framers sent the proposed Constitution back to the existing government, the Congress under the Articles of Confederation, because it was still in charge. Congress had told the Framers to suggest amendments to the Articles, the nation's first constitution,

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but instead, they threw out the whole thing. Nonetheless, Congress decided to send the new Constitution to the states for ratification (or approval), just like the Framers call for in Article VII. Each state chose a special convention to decide whether to adopt the new Constitution. This had never been done before: the people debating and choosing their own form of government through peaceful means. And just like today, the people had many opinions about the newly proposed form of government.

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There were lots of arguments between the Federalists who supported the Constitution and the anti-Federalists who opposed it. A series of anonymous newspaper articles called The Federalist Papers made the best arguments for a stronger national government under the Constitution. The anti-Federalists opposed a powerful central government. The U.S. had just recently overthrown a king after all. They also wanted to be sure the rights of the people were protected and advocated for a Bill of Rights to be added under the Articles of Confederation,

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any changes were supposed to be unanimous, but the Framers only required nine states to approve before the new Constitution took effect. That meant three-fourths of the States must agree, but a few stragglers could not prevent the others from moving forward. In June 1788, the necessary nine states had ratified the Constitution, and soon the two key states of Virginia and New York joined as well.

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The last two states, North Carolina and Rhode Island, waited to join the Union until after the new government actually proposed a federal Bill of Rights in 1789. Some of those debates, such as how much power the national government should have still continue today. Would you have voted to ratify the Constitution?



TRANSCRIPT

The Supreme Law of the Land

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Each of the 50 states has its own set of laws. Sometimes that can get confusing, but the Constitution says that one type of law always comes out on top. What's that? The U.S. Constitution. Article VI says that federal law is the supreme law of the land, also known as the Supremacy Clause. This means federal law overrules state law in all matters involving the U.S. Constitution, treaties, or laws passed by Congress.

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This was important to the Framers because many states at the time were in violation of international treaties which threaten the security of the nation as a whole, and state judges are specifically required to enforce federal law over state laws and constitutions.

Otherwise, if state courts refuse to uphold the Constitution, then people would just sue in state courts to avoid federal law.

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This shows that the Framers knew how important it was to have judges apply the law. Article VI also states that every member of Congress, every federal judge, and all executive and judicial officials must take an oath to support the supreme law of the land: the U.S. Constitution. This order applies at the state level to every legislator, judge, and executive official.

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Federal officials are required to support the Constitution, but they do not have to support a particular religious belief. In 1787 when the Constitution was signed, many states required those who held public office to follow a specific faith, such as Christianity instead of Judaism, and Protestantism instead of Catholicism. But the Framers chose to prohibit this practice at the federal level.

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It was the beginning of freedom of conscience: the right to believe or not believe in religious doctrine, under the U.S. Constitution. There is only one loyalty oath required in the United States and that is to the Constitution itself. Without the Supremacy Clause, what would happen if federal law conflicted with a state law?



TRANSCRIPT

Freedom of Religion

00:00:10:01 - 00:00:34:01

What if the government could punish you for the beliefs that were most precious to you? In Europe for hundreds of years, nations fought wars over differences in religious faith. People were tortured and killed if they did not believe in the government approved religion. Many future Americans left Europe seeking freedom to practice their own beliefs in their new home, but they seldom allowed other people those same rights when they got here.

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Some British colonies in America granted toleration, or just acceptance for other faiths, but very few allowed true equality for differing beliefs. Many colonies had official or established churches such as the Puritans in Massachusetts and the Anglicans in Virginia. These colonies used the power of the government to punish those of different faiths, but in 1636, Rhode Island became the first colony to protect true freedom for all beliefs, or none at all.

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In Virginia, Thomas Jefferson and James Madison fought for religious freedom, writing a law to protect it in 1786. The U.S. Constitution also helped to protect religious liberty in 1787 by banning religious tests for federal office. Madison included freedom of conscience, the right to believe or not believe as you saw fit, when he drafted the Bill of Rights in 1789, and in 1790 President George Washington told a Jewish congregation in Rhode Island that the new government will give "to bigotry no sanction, to persecution, no assistance." The very first part of the First Amendment protects freedom of religion in two ways.

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First, it forbids the government to establish or sponsor religious faith, which is known as the Establishment Clause. The United States was the first nation that did not require an official religion. Second, the First Amendment protects the right of people to practice their faith through the Free Exercise Clause. Like all rights, even this one has limits. For example, human sacrifice violates the law of murder, and it cannot be excused because of religion.

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However, the government may not pass laws that target a particular religious group. In Florida, several towns banned animal sacrifice for rituals such as in the Santeria religion, but the Supreme Court struck the laws down for violating free exercise. The First Amendment forbids government to support or punish religious beliefs, and because of that, America is one of the most religious nations in the Western world.

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How might life be different for you without freedom of religion?



TRANSCRIPT

Freedom of Expression

00:00:09:02 - 00:00:35:07

Today, news and opinion are available 24/7 around the world, with barely a moment to think before something else happens. Through the Internet, we become our own printing press, music studio and movie producer, broadcasting our views to the world, yet governments still try to control their people and prevent them from expressing their views. This process is known as censorship, and it is the reason the First Amendment protects freedom of speech and of the press.

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Together, they are known as freedom of expression. Self-government would not be possible without freedom of speech and the press. Citizens need to share facts and opinions to hold their government accountable. Otherwise, we the people, cannot form a more perfect union because we won't know what to fix. But what if the government is trying to prevent the exchange of ideas or hide information from the public?

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When America was still a British colony, it was a crime to criticize the government, and truth was no defense. In fact, the law said that truthful criticism was more likely to upset people and hurt the government, but in 1735, a German printer in New York named John Peter Zenger was found innocent of such charges because an American jury believed he published the truth.

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What if people say or publish things that aren't true about the government or their fellow Americans? People have the right to be wrong when criticizing public officials, but if they spread known falsehoods to hurt other people, that is called defamation. Other times speech can be punished are when it directly leads to violence or reveals military secrets in wartime. On the other hand, the First Amendment protects ideas we don't like.

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The government can't punish hate speech about certain groups, for example, unless it involves illegal action. We don't trust the government to choose between good and bad ideas. Under the First Amendment, the best way to oppose bad ideas is with more speech that supports good ideas. Why do you think the First Amendment protects freedom for unpopular opinions?



TRANSCRIPT

Freedom of Assembly and Petition

00:00:10:01 - 00:00:29:00

What if you had the right to your opinions, but no right to act on them? You couldn't meet with your friends to talk things over or demand that your government do something about your concerns. The First Amendment protects not only your right to pure speech, but also your right to assemble with others to express your beliefs, and to petition the government to solve the problem.

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What do you imagine when you think about protesting the government? Today we often see groups demonstrating on streets carrying signs to express their views. Yet for much of American history, such gatherings were forbidden by state and local governments because the First Amendment only applied to the federal government. However, in the early 1900s, the Supreme Court ruled that the First Amendment did apply to the states.

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It began to overturn local laws that banned demonstration on the sidewalks, which the courts said were a public forum: places traditionally open to the public for meetings and discussions such as parks, sidewalks, and streets. In such places, government could not forbid expression or regulate the content of the demonstration, but it could set limits on the time, place, and manner of the protests.

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For example, a city could prohibit marches in the public streets without a permit or forbid loud noises after a certain time in the evening. Of the two rights, assembly and petition, the second often takes a backseat today, but earlier in American history, when demonstrations were often illegal, the freedom to petition was a leading way people tried to influence their government.

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Thousands of people would join together to send signed petitions to Congress, showing broad support for change. In 1836, thousands of the Cherokee Nation signed a petition to Congress to protest their removal from their native lands, but Congress did it anyway. Before the Civil War, abolitionists sent thousands of petitions to Congress to abolish slavery, but Congress eventually refused to hear them.

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A new right that the Supreme Court has recognized under the First Amendment is freedom of association. In the late 1950s, during the civil rights movement, Alabama tried to get membership lists from the National Association for the Advancement of Colored People,



but the court ruled that to protect other First Amendment rights, freedom of association required confidentiality of memberships. Otherwise, the state could punish unpopular groups just by publishing a list of their members.

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How do you use the freedom of assembly, petition, and association today?



TRANSCRIPT

To Keep and Bear Arms

00:00:10:08 - 00:00:38:06

During the American Revolution, minutemen were the celebrated local heroes. Ready at a moment's notice, these ordinary farmers and merchants would pick up their muskets and defend their communities against British troops. Such part-time citizen soldiers were part of the militia, a local defense force that every adult male was required to join and supply his own arms. The militia was trusted by its neighbors because it was not part of a standing army which was permanent and loyal to the Crown.

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The new Constitution in 1787 gave Congress the power to keep a standing army in peacetime and made the president its commander-in-chief. Many Americans feared this new power, so James Madison proposed the right to keep and bear arms as part of the Bill of Rights in 1789. Under the Second Amendment, the people have the right to have guns and use them.

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Some experts believe this right only applied to service in the actual militia, which today means the National Guard in each state. However, the Supreme Court has ruled that guns can be used for self-defense as well as national defense. Like any right in the Bill of Rights, the Second Amendment has limits. This means that the government can pass laws that regulate who can own a gun and where they can carry it.

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For example, many states forbid someone who was convicted of certain crimes to purchase firearms, and guns can be banned in special places like government buildings and schools.

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What limits, if any, ought to be placed on the individual right to bear arms for self-defense?



TRANSCRIPT

My Home is My Castle

00:00:09:23 - 00:00:28:01

Have you ever heard the saying, "My home is my castle"? This idea goes back to England in the early 1600s, and it meant that the King's agents had to respect even the poorest person's cottage as if it were a castle. He had to ask permission to enter. Today, you might hear this idea also called a right to privacy.

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It means there are limits to where the government can go and what it can do. Before the Revolutionary War, the American colonists objected to British practices that threatened their private property. One problem was quartering of troops, or being forced to provide food and housing for the British Army. In 1770, such a law led to a confrontation in Boston with British troops in which five colonists were killed.

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Among these was Crispus Attucks, a mixed race American who was the first known person to give his life for the American Revolution. Another problem was general warrants: orders that allowed government officials to search anywhere they liked for anything that might be illegal. In 1791, when the Bill of Rights was added to the U.S. Constitution, the Third Amendment protected private homes from being used to quarter troops in peacetime without the owner's permission.

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And the Fourth Amendment limited unreasonable searches and seizures of a person, their records, and their homes. It also said that a warrant, or a court order to arrest someone or search their property, must have probable cause: a good reason that a specific person may have committed a crime. One of the biggest issues about the Fourth Amendment was if it applied to wiretapping, where the government records communications outside the home.

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The Supreme Court has ruled that it does, so a warrant is required if the government wants to listen in on your electronic devices, and if the police want copies of your phone records, they must get a warrant to force the phone company to turn them over. The Supreme Court has also used the Third and Fourth Amendments to protect the right to privacy, or personal freedom from government authority.

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This right is not specifically mentioned in the Constitution. How far that right goes is still being debated today. What might happen if the government was allowed to search anyone, any time, anywhere?



TRANSCRIPT

Presumed Innocent

00:00:10:04 - 00:00:42:04

Did you know that almost half of the ten amendments in the Bill of Rights protect those accused or convicted of crimes? Why is that? American colonists often believe they were convicted unjustly of crimes against the British crown. They protested British taxation on their goods and were often accused of smuggling to avoid paying taxes. British officials ransacked colonial homes looking for untaxed goods, and Americans accused of crimes were sent back to England for trial, where juries did not contain sympathetic friends and neighbors, and they were less likely to get a fair hearing.

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They had firsthand experience of what it was like to have all the powers of the state trying to punish you. So the Fourth, Fifth, Sixth, and Eighth Amendments all limit the power of the criminal justice system. The Fifth Amendment says that no person can have life or liberty taken away without due process of law. That means when a person is accused of a crime, the law should treat them as if they are innocent

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until proven guilty by the government. Also, police, prosecutors, and judges have to follow established rules for investigating and punishing crimes, and the government has to prove someone is guilty beyond a reasonable doubt: not 100%, but pretty close. The Fifth Amendment also says a jury, a group of people from the community with power to make legal decisions, must be involved in the criminal process.

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In federal courts, you can't even be charged with a crime unless a grand jury says there is enough evidence to move forward. The grand jury is supposed to limit the power of the prosecutor, who works for the government. Then once the case goes to trial, defendants cannot be forced to testify against themselves, also known as the right to remain silent.

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Some TV shows call it "taking the Fifth." Finally, if you are found not guilty, the government cannot charge you again with the same crime, a principle called double jeopardy. Otherwise, the state could keep trying you over and over and over until the jury finally agrees to convict you. From beginning to end of the criminal process, the Fifth Amendment says limits on the power of the government because Americans do not want to risk punishing innocent people.

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Why is the presumption of innocence so important?



TRANSCRIPT

5th Amendment

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That's not fair! Even children on the playground know when someone is not playing fair. Being fair means following the same rules for everybody, not bending them in favor of the home team. It means deciding right and wrong without worrying who won't like the result. In the U.S. Constitution, that idea is known as due process of law. Due process is one of the oldest rights in the Bill of Rights.

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It goes all the way back to England's Magna Carta or Great Charter, in 1215. King John was forced to sign this law by his barons, or noblemen, which meant that for the first time ever, the king had to obey a law other than himself. The Magna Carta only applied to the barons, not everyday people, but it was a start.

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It said that someone could only lose property according to the law of the land. Almost 600 years later, this idea was carried on in the Fifth Amendment as due process of law. The Fifth Amendment says that no person shall have life, liberty, or property taken away without due process of law. Therefore, the government must follow legal rules in both criminal trials, which can take away life and liberty, and civil trials, which can take away private property.

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Sometimes the property at stake is real estate, like land and a house, but other times it is a financial interest, like an unemployment check. Due process means the government must let you know what it is going to do, tell you why it is taking the action, and give you a chance to object before a fair judge. Another part of the Fifth Amendment called the Takings Clause, also protects private property.

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It says that when the government wants to take land and houses for public purpose, like building a new road, it must offer just compensation, or fair market value. This process, known as eminent domain, means the government can force you to sell your property for such projects. Life's not fair. That's a popular saying, but at least according to the Fifth Amendment, the government has to follow fair rules under due process of law.

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What rules do you think the government should follow to be fair?



TRANSCRIPT

The Right to a Fair Trial

00:00:10:03 - 00:00:31:13

If you have a disagreement with someone, who settles the argument, and how? Do you arm wrestle to decide the winner, or pick a mutual friend to choose who is right, or ask a perfect stranger to solve the problem? In the United States, if the disagreement is serious enough, your problem may wind up in court, where a trial according to certain rules decides the outcome.

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If you are accused of a crime, then the rules follow the Sixth Amendment. If you are not accused of a crime, then the Seventh Amendment applies. Both the Sixth and Seventh Amendments protect the right to trial by jury. Under the jury system, a group of local people decides what the facts are in the case, and they are supposed to be fair to all sides.

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The right to a local jury trial was very important to colonial Americans. In the Declaration of Independence, Americans protested about being shipped back to England for trial by jury with no concern for them. Today, the jury must be chosen from a pool representing the community as a whole, including all racial groups. The goal is to pick a representative jury that can be fair to all parties. However, trial by jury is becoming less common in criminal cases, where prosecutors frequently offer plea bargains.

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This means that the defendant can plead guilty to a lesser offense and receive a lighter sentence if they give up their right to a jury trial, and in civil cases, many contracts with large companies require that disputes are handled by an arbitrator, an official chosen by the company to decide complaints, rather than a trial by a jury independent of either party.

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The Sixth Amendment also includes many other rights for the defendant in a criminal trial. These include: a speedy and public trial: no secret trials or taking so much time to press charges that witnesses are long gone. Knowing the charges: how can you make a defense if you aren't told what you're accused of doing? Confronting the witnesses against you:

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look me in the eye and say that. And by the way, I have a few questions to ask you. The right to counsel: you can call your lawyer for help. Altogether, the Sixth Amendment protects the right to a fair trial, although those actual words aren't used. How important do you think trial by jury should be today?



TRANSCRIPT

Unlisted Rights

00:00:10:01 - 00:00:29:15

Have you ever made a list, only to find out later that you forgot something important? One of the reasons the Framers of the Constitution did not add a Bill of Rights in 1787 was that they were afraid they might leave something out: something very important. In fact, James Madison himself said he thought this was the strongest argument against the Bill of Rights:

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a list could imply that's all the rights the people had. So in 1789, when Madison drafted the Bill of Rights, he added the most mysterious amendment of all, the Ninth Amendment. It said that even though certain rights were listed in the Bill of Rights, there were still other unenumerated or unlisted rights that belong to the people, but what were these rights and how could the people exercise them?

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Were courts supposed to protect them, or were they invisible like ghosts? You might think of the Ninth Amendment as a black hole in the Bill of Rights. There could be all kinds of rights hanging out in there, but so far, judges and constitutional experts have been afraid to go looking. Why is that? For one thing, judges are not supposed to make up rights.

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They are supposed to interpret the Constitution. But if the Constitution says some rights are unwritten, aren't judges supposed to follow that part of the Constitution too? Ooh, that's a lot of questions to answer, so perhaps that's why the Ninth Amendment has not been used very much in Supreme Court cases, but there's one right that is not listed where it has been cited:

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the right to privacy. It's not listed specifically in the Bill of Rights, but some experts think the right to privacy is implied by several other amendments, including the First, Third, Fourth and Ninth. Do you think the Ninth Amendment should protect the right to privacy?



TRANSCRIPT

States' Rights

00:00:10:13 - 00:00:42:05

Guess which right in the Bill of Rights was the most popular when it was written in 1789. Free speech? Freedom of religion? The right to remain silent? Nope. The most popular right was states' rights. That sort of makes sense when you think about it. The new Constitution increased the power of the federal government, so many states requested more specific protection under a new Bill of Rights too. That gave us the 10th Amendment which says that the powers not given to the federal government are reserved to the states, or the people themselves.

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So what kind of powers are those? Historically, each state has been in charge of the health, education, and safety of its people. These are known as the police powers, but some states denied the basic needs of their citizens through racial segregation in places like schools, and in 1954, the Supreme Court ruled that such practices could no longer continue under the 14th Amendment.

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Some advocates of states' rights opposed the court's decisions and the Federal Government got involved to enforce the ruling and protect people of color. Today, the states are still in charge of schools, healthcare, and public safety, but they also rely on federal funds to help meet their needs. Often these funds come with other conditions which can create issues under the 10th Amendment.

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The 11th Amendment also guards state power. It says that states may not be sued in federal court by foreign nations or citizens of other states. This principle is known as sovereign immunity. The government, both national and state, cannot be sued without its consent. Some tension between the states and the federal government is hardwired into our Constitution. We will be debating the proper balance as long as our nation exists. On what issue do you think the states should have the most power?



TRANSCRIPT

Abolishing Slavery

00:00:10:07 - 00:00:42:04

Slavery existed long before the U.S. Constitution was written in 1787. Across the world and in the United States, human bondage fueled a global economy. Both Native Americans and kidnaped Africans were enslaved in the 13 colonies. In Virginia, the first enslaved Africans arrived in 1619 and Massachusetts made slavery legal in 1641. Moreover, in 1662 Virginia became the first English colony to make race based slavery a lifelong hereditary condition for Black people passed down from mother to child.

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In 1776, Congress issued the Declaration of Independence, which promised that all men are created equal, and yet slavery was legal in all 13 colonies. Almost immediately enslaved and free African-Americans began quoting that language to support their own liberation. When the Constitution was written in 1787, the conflict over slavery caused great debate. Some states had begun to abolish slavery, but others, like New York and Virginia, had not.

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The Framers of the Constitution did not mention the word slave in the final document, instead referring to "other persons," but whether they used the actual word or not, the reality was that the Constitution recognized the practice of slavery and did nothing to abolish it. The conflict over slavery worsened as the nation expanded into western territories. In 1861, most slaveholding states left the Union after Abraham Lincoln was elected president. In April,

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1861, a horrific civil war began. Abolitionists such as Frederick Douglass and Harriet Tubman, both formerly enslaved, helped lead the fight for freedom. About 200,000 African-American troops took arms to defend their liberty. After four long years of bloodshed, President Lincoln proposed an amendment to the Constitution to abolish slavery forever. Congress approved it in January, 1865. The 13th Amendment became Lincoln's legacy to the nation. After an assassin's bullet cut him down in April,

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1865, it was ratified by the states that December. When the Southern states eventually returned to the Union, they were no longer allowed to claim human beings as property. The Civil War led to two other amendments to the Constitution: the 14th, that made once enslaved people citizens, and the 15th, that gave Black men the right to vote. Together, these Civil War amendments helped create a new Constitution. What is the lasting impact of the 13th Amendment?



TRANSCRIPT

Expanding the Bill of Rights

00:00:10:07 - 00:00:35:24

Imagine that you didn't have free speech or freedom of religion in your hometown. What if the federal government had to protect those rights, but your state and local government didn't? Well, that was the situation when the Bill of Rights was first approved in 1791. Your local government and your state was the boss of you and your rights. All that changed with the 14th Amendment in 1868.

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It contains three magic words: no state shall. Right off the bat it applies to the states. The Bill of Rights, on the other hand, starts with two words: Congress shall. Big difference. Starting in the early 1900s, the Supreme Court applied many rights in the Bill of Rights to the States using the 14th Amendment's Due Process clause. This practice is known as incorporation.

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The court applied one right at a time rather than the whole Bill of Rights all at once. The idea was that due process required fairness, and to be fair, the national and state governments should be playing by the same rules in most cases. For instance, what if the rules that limited federal law enforcement could be violated by the states?

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Would that encourage state law enforcement to cut corners. Eventually after about 100 years, the court has extended most of the protections in the Bill of Rights to state and local governments. There are still a few that haven't made the cut. Don't demand a grand jury at the local level, but by and large, all the major freedoms in the Bill of Rights protect you against government action of all kinds,

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and you can thank the 14th Amendment for that. Why do you think the Bill of Rights originally did not apply to the states?



TRANSCRIPT

Defining Citizenship

00:00:11:00 - 00:00:37:22

Who is a citizen of the United States? That question was not answered directly in the original Constitution that the Framers signed in 1787, but it's a pretty important question, and the Supreme Court's answer to it would lead to the Civil War in 1861. The person who brought that case to the Supreme Court was a man named Dred Scott, along with his wife Harriet and their two daughters, Eliza and Lizzy.

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They were enslaved but had been taken for a time into free territory. Under the law in Missouri, they could go to court and sue for their freedom, but in 1857, the Supreme Court ruled in Dred Scott's case that no Black person, enslaved or free, could ever be a citizen of the United States. Said the court, "They had no rights, which a White man was bound to respect."

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The decision lit a march to the smoldering debate over slavery in the United States, and the Civil War began four years later. After the Civil War, the 13th Amendment abolished slavery, but many Southern states passed "Black codes," laws that kept Black people as close to slavery as possible. These laws forced adults and children to enter labor contracts under bad terms, often with the same people who had kept them enslaved.

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If they refused, the sheriff could jail them for minor offenses, force them to work, and then keep the money they made. In response, Congress began a process called reconstruction and was the southern states will be governed under military districts until they were readmitted to the union, but first, these states had to treat African-Americans as citizens. To fix this problem, the 14th Amendment was added to the Constitution in 1868.

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It said that all persons born in the United States and subject to its power were citizens of both the nation and the state in which they lived. That was a very big deal, and it continues to define our country today. People can also be naturalized, a process approved by Congress where those who are born in other countries can officially become a U.S. citizen. According to the United Nations,

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the United States has by far the most immigrants of any country in the world. The 14th Amendment helps make that possible.



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What does it mean to be an American citizen today?



Center for
Civic Education

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TRANSCRIPT

Equal Protection of the Laws

00:00:09:13 - 00:00:32:03

What if there was one law for right-handed people, and another law for left-handed people. Should how you hold a pencil change the law? When a law treats people differently without a good reason, that is called discrimination. It means that people are not equal under the law. The idea of equality did not appear in the original Constitution that the Framers wrote in 1787.

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However, equality was important in the Declaration of Independence, written a few years earlier, which said that all men are created equal, but in the Framers world, people were very unequal: men and women, enslaved and free, native and colonial. In 1868, the 14th Amendment would help change that and put the U.S. on a new course toward a more perfect union.

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After the Civil War, the 14th Amendment required equal protection of the law, especially for those who had once been enslaved. Yet laws throughout the South created a system of racial segregation that denied Black people equal housing, education, transportation, and health care. Similar laws in other parts of the country discriminated against people of color and newly arrived immigrants. Finally, in 1954, the Supreme Court ruled that racial segregation in education violated equal protection of the law.

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Today, equal protection applies to all racial groups. Women also have been treated unequally under American law for centuries. If married, their husbands had legal control over them, including their bodies, their money, and their children. If unmarried, their jobs were limited and underpaid. Beginning in the 1970s, the Supreme Court ruled that women were also entitled to equal protection of the law, including the right to serve on juries and to receive the same military benefits as men.

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Equal protection has also been expanded to prohibit discrimination against LGBTQIA Americans. The 14th Amendment is huge. As one filmmaker said, it's like the Grand Canyon in the middle of the Constitution. It protects many different rights at many different levels of government. In Supreme Court lawsuits it's often the most quoted amendment in the Constitution. It's like the superhero of the Constitution. When all else fails,

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call on the 14th Amendment! How do you think the 14th Amendment helps create a more perfect union?



TRANSCRIPT

Votes for All Men

00:00:09:18 - 00:00:40:15

The Civil War itself may have ended in 1865, but new battlegrounds quickly emerged. What would American democracy look like without slavery? What rights would Black Americans now enjoy? Several amendments to the Constitution approved during the period after the war, known as Reconstruction, tried to answer those questions. In 1870, the 15th Amendment extended voting protections to men of all colors, North and South, and it gave a new birth of freedom to those who had recently been enslaved.

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However, the 15th Amendment didn't include Black women or women of any other color. Before the Civil War, abolitionists and supporters of women's rights had been close allies and fought together for justice. Supporters of the 15th Amendment said women had to wait for suffrage, that Americans would not give the vote to women and Black men at the same time.

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It would be 70 more years before women could vote nationwide. Black men in the South used their new voting power to elect about 2000 Black men to national, state, and local offices. These Reconstruction governments in Southern states took on a broader role to improve the lives of their citizens. For the first time, Southern states opened free public schools, which benefited the children of both poor Whites and the formerly enslaved. Black and White voters in the South helped create a vision of interracial democracy, a more perfect union where all people work together,

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but White outlaw groups would not tolerate Black equality. They formed organizations like the Ku Klux Klan, KKK, to murder and terrorize Black people for voting. Federal troops tried to suppress such violence over and over again. After the 1876 presidential election in which electoral votes in the South were contested, the political parties struck a deal. Known as the Compromise of 1877,

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it gave the election to Republicans if they agreed to remove troops protecting Black Americans in the South. After Reconstruction, Southern states enacted new laws that limited the right of Black men to vote, although they did not mention the word race. These laws required literacy tests that were judged by White officials and special taxes for voting known as poll taxes. In 1890, with White people firmly in charge,

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the Southern states began to pass new constitutions that legally established a system of oppressive racial segregation, named Jim Crow after a character in a White minstrel show. Waves of violence against Black Americans also prevented them from voting. After World War Two ended in 1945, Black veterans fought for equal rights at home. In the South, Black men and women led voter registration drives in the face of violent opposition.

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Their sacrifices of blood and tears resulted in the Voting Rights Act of 1965, a federal law that forbade discriminatory practices. Almost 100 years after it was ratified, the 15th Amendment once again began to have real effect. How was the 15th Amendment an essential step in creating a more perfect union?



TRANSCRIPT

The Income Tax

00:00:10:13 - 00:00:33:08

Have you ever heard that funny saying: "nothing is certain except death and taxes"? Well, Benjamin Franklin, a great scientist and the oldest Framer of the Constitution, made up this joke about the Constitution itself. What he said was that he hoped the Constitution would work out, but the only sure thing in life was paying taxes. Taxes are fees the government charges so it can pay its expenses,

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and although that's often an unpopular topic, every nation has them. In 1787, the new Constitution specifically listed the power of the national government to tax. The absence of such a power was a major weakness of the Articles of Confederation, the nation's first constitution. America couldn't pay its bills, especially to the soldiers who fought the Revolutionary War. The new Constitution allowed different types of taxes on imports, goods, and services, but a tax directly on the people themselves

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was more complicated. During the Civil War, the federal government began to tax incomes in order to pay for the war's huge expenses. The Supreme Court unanimously upheld this practice in 1881, but only 14 years later, in 1895, the Supreme Court raised legal issues about the income tax. To remove all doubts, the 16th Amendment was added in 1913 to the Constitution, ensuring that the income tax would continue to be the major source of federal revenue.

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The income tax made possible a much larger national government that was more involved in citizens' lives. This now includes regulating food and drug safety, preserving the national parks and promoting foreign trade. The income tax also pays for the U.S. to be a much larger player on the world stage by financing international embassies. It also finances the world's largest military, which has been deployed in World War One, World War Two, and other international conflicts.

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As always, Americans continue to debate whether the costs of a larger government are worth it.

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How might we, the people, help fund the federal government with or without an income tax?





TRANSCRIPT

Prohibition and Repeal

00:00:09:21 - 00:00:36:14

Have you ever thought something was so bad that it should be illegal, and not just any old illegal, but against the Constitution itself? This happened in 1919 with the 18th Amendment, which banned the production, sale, and transportation of alcohol. The 18th Amendment was the result of many generations of Americans who supported temperance, or not consuming alcohol. Often led by women and church groups,

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the temperance movement believed that drinking alcohol was a moral sin that led fathers and husbands to neglect their families. Not all women and religious groups opposed alcohol. For many, it was a central part of their culture and customs, including fine meals at the White House itself. In faith such as Catholicism and Judaism, wine was part of religious rituals.

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Also, immigrant communities in urban areas often came from countries where alcohol was a more accepted part of life. Traditionally, the states regulated the health and morals of their citizens as part of the police powers reserved by the 10th Amendment. The states had the power to ban alcohol altogether, but people would cross state lines for one that outlawed alcohol to one that did not,

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so Congress proposed the 18th Amendment, ratified by the States in 1919, which prohibited the production, sale, and transportation of alcohol across the United States. The era known as Prohibition had begun. People still drank alcohol, though. They just couldn't do it publicly or legally, so an illegal trade sprang up, often involving violence and corruption. After 14 years, the 21st Amendment ended Prohibition in 1933 in the midst of the Great Depression.

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Americans thought bringing back alcohol would bring back jobs, but they also saw the other costs to society of a law that was widely broken. Gangsters used violence to enforce their illegal trade in alcohol and they bribed public officials to look the other way. The 18th Amendment is the only constitutional amendment that has been repealed, or taken back. To do this,

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Congress had to choose a different method of ratification by the States under Article V of the Constitution. Because temperance supporters still controlled many states' legislatures,



Congress called for special state conventions to approve the 21st Amendment. States and local governments can still ban alcohol if they want, but the U.S. government does not. What lessons about Prohibition and its repeal do you think apply today?



TRANSCRIPT

Votes for Women

00:00:10:05 - 00:00:41:00

What if half the citizens in a country couldn't vote? For much of American history, that was the case. Although women worked beside men to create a new nation during the American Revolution and well beyond, the federal government did not protect their right to vote until nearly 150 years after independence was won. Legally, a woman in early America ceased to exist when she married. Her husband totally controlled her body, her resources, her children, and her politics.

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His was the only vote. This was called coverture: a woman was legally covered by her husband. In 1776, Abigail Adams wrote to her husband, John, while he was working on the Declaration of Independence in Philadelphia. She asked him to "Remember the ladies," and make the laws in the new nation more fair to women. He laughed, yet women continued to advocate for political change, even though their legal roles were limited.

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Many women supported the abolition of slavery, but they were forbidden to speak in public on its behalf. This practice led to the first women's rights convention, which was held in Seneca Falls, New York, in 1848. There delegates, including Elizabeth Cady Stanton and Frederick Douglass, issued a Declaration of Sentiments, stating that all men and women are created equal, but Douglass and Stanton parted ways in 1870 when the 15th Amendment was approved, protecting the right to vote for all men without a sister amendment doing the same for women.

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After the Civil War, Western territories such as Wyoming in 1869 offered women the vote to encourage more people to settle there. Black women leaders such as abolitionist Harriet Tubman and journalist Ida Wells Barnett campaigned for women's suffrage to lift up other African-Americans. Across the country, women led demonstrations to demand the right to vote. In New York City, a 16 year old Chinese immigrant named Mabel Lee led a suffrage demonstration on horseback. In 1916, Montana elected the first woman to Congress,

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Jeannette Rankin, even though women still did not have the vote nationwide. In 1917, President Woodrow Wilson said the U.S. would enter World War One against Germany to make the world safe for democracy, but American women picketed the White House, noting that democracy at home still did not include them. Women like Alice Paul and Lucy Burns were arrested for picketing, and force-fed in prison after they went on hunger strikes as political prisoners.



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Finally, Congress proposed the 19th Amendment in 1919, and it was ratified in 1920, protecting women's right to vote nationwide, but even still some women wouldn't benefit from the 19th Amendment for decades. Many Native American women were not granted citizenship until 1924. Dr. Mabel Ping-Hua Lee, the girl on horseback who grew up to be an economist, couldn't become a U.S. citizen until after 1943 because of the Chinese Exclusion Act.

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Racial discrimination kept women of color across the country from voting until it was banned by the Voting Rights Act of 1965. These Americans lifted their voices to demand a more perfect union for themselves and future generations. That means us. We all owe a great debt to those who came before us and made a better world for us. Imagine how they might want that debt to be repaid. How does the 19th Amendment help ensure a more perfect union for future generations?



TRANSCRIPT

Votes for D.C.

00:00:10:08 - 00:00:41:09

No taxation without representation! You remember that slogan from the American Revolution, right? But did you know that there is one group of American citizens today that still pays all U.S. taxes, including federal income tax, without voting representation in Congress? Who's that? Citizens who live in Washington, D.C., the nation's capital. How did that happen? To answer that you have to go back in history to when the Constitution was written in 1787. In Article I,

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Congress is given the power to establish the nation's capital, a district no larger than ten square miles. The Framers did this because just a few years earlier, unpaid soldiers had threatened to attack Congress when it was meeting in Philadelphia, and state and local officials refused to help. Congress needed to control its own hometown, so by 1800 Congress had built a new capital over which it had sole power on land donated by the states of Maryland and Virginia on the banks of the Potomac River.

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This area, called the District of Columbia, had several towns, but the largest was named Washington after the first president. In 1847, Congress gave back the Virginia portion of the district, leaving only the Maryland side. Eventually the city of Washington grew so large that it took up all of the District of Columbia. As the size of the federal government increased, especially during World War Two,

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even more people moved to Washington. By the 1960 census, D.C. had a larger population than 11 states, so Congress proposed the 23rd Amendment, and when the states ratified it in 1961, citizens in Washington D.C. finally had a voice in presidential elections; but no votes in the House of Representatives or the Senate. The United States is the only nation in the world where the residents of its capital city do not have full voting rights. As of the 2020 census,

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the D.C. population dropped to about 700,000, but it's still bigger than two states. In comparison, Puerto Rico, a U.S. territory that does not pay full income taxes, has a population of 3.3 million. Some Americans think D.C. should become its own state so its residents can have full voting rights. Others say that the private property in D.C. should be given back to Maryland, leaving a much smaller federal district.

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Still, others think the privilege of living in the nation's capital should be worth the sacrifices. What do you think? How should the voting rights of the citizens of Washington, D.C., be protected?



TRANSCRIPT

No Tax on Voting

00:00:08:24 - 00:00:31:12

Is it okay for the government to make people pay a tax for the right to vote? You don't have to pay a tax to have freedom of speech or freedom of religion, so why should you pay a tax to vote? Taxes on the right to vote are no longer allowed, thanks to the 24th Amendment ratified in 1964. One of the earliest conditions for voting was owning property. In 1787,

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when the Framers wrote the Constitution, White men without property could not vote. Many of the Framers, like John Adams, thought a man who did not own property was too dependent on the wishes of other people, like his landlord. Benjamin Franklin, one of the Framers who was very smart and very funny, made a joke about that idea. He told a story about a man and his donkey, which was worth \$50.

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so the man had enough property to vote, but then the donkey died and the man could not vote. "So who really had the right to vote," Franklin asked, "the man or the donkey?" Eventually, the states allowed White men without property to vote, and after the Civil War ended in 1865 and the 15th Amendment was ratified in 1870, Black men had the right to vote,

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but Southern states used a poll tax, or tax on voting, to keep African-American men from voting. Many of them were formerly enslaved people who barely had enough to eat, much less money to pay a tax to vote. At first, poor White men could still vote because many states included a grandfather clause, an exception in the law that said if your father or grandfather could vote before 1870, you could vote too.

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Of course, for most Black men, their grandfathers were enslaved then and couldn't vote. The Supreme Court later struck down the grandfather clause, but the poll tax itself still stood. Then, the poll tax affected both poor Whites and poor Blacks alike. In 1937, the Supreme Court upheld the poll tax as constitutional. In 1962, when Congress set out to change the poll tax,

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it found that the tax was not different based on race. However, the poll tax did put an extra burden on poor people just to exercise their right to vote. Congress passed the 24th Amendment in 1962 which was approved by the States in 1964, yet the 24th Amendment



only applied to federal elections. In 1966, the Supreme Court changed its mind on poll taxes and struck down their use in state elections too.

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The court said that wealth should not be used as a qualification for voting. Besides the poll tax, what other practices can limit a person's right to vote?



TRANSCRIPT

Votes for Young People

00:00:10:06 - 00:00:39:06

When do you think a person is old enough to take on grown up responsibilities? 16? 18? 21? 25? For much of American history, that age was 21, including voting, but in 1971, the 26th Amendment protected the right to vote for 18 to 20 year olds. It was approved by the states in only 100 days, the fastest ratification of any constitutional amendment.

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Why do you think that was? The most important reason was the Vietnam War. During the 1960s, the nation drafted thousands of young men aged 18 and above to fight overseas. Their slogan was, "old enough to fight, old enough to vote". The Vietnam War became very controversial and many young people protested against it. The war was a major issue in the 1972 presidential election, in which young people ages 18 to 20 voted for the first time.

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Yet their turnout rate has been declining ever since, meaning young people's voices aren't being heard. Among Western developed nations, the United States is typically near the bottom for voting age turnout. Why do you think there's such a big gap? Voting is the number one issue addressed by constitutional amendments by a lot. The 15th Amendment expanded the right to vote for all men,

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the 19th Amendment for women, the 23rd for D.C. residents, the 24th for poor people, and the 26th for young people. That's five whole amendments about voting. There have only ever been 27 amendments to the Constitution. Yet Americans have to use the right to vote to actually make a difference. The world has a lot of challenges today. And just like Americans in the past, we have to face those challenges to help make things better.

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It's never been easy, but thankfully we can build upon all the work that's been done by the generations before us. That's how we, the people, continue to form a more perfect union every day. Why is the right to vote so important to Americans?

