Since 1999, the Pennsylvania Bar Association and Pennsylvania Bar Foundation have worked with a number of civic learning organizations, including the National Constitution Center, to sponsor programs for students about the Constitution. Beginning in September and continuing through Bill of Rights Week in December, students across Pennsylvania can learn about the Constitution in fun and innovative ways.

In 2004, Congress passed a measure requiring all educational institutions that receive federal money to offer students an instructional program on the United States Constitution each September 17 (Constitution Day). The measure applies to all public and private institutions that receive federal money. The Celebrate the Constitution program satisfies that requirement.

The Pennsylvania Bar Association and Pennsylvania Bar Foundation coordinate the Celebrate the Constitution program for schools in Pennsylvania. This unique program gives students an opportunity to learn about the United States and Pennsylvania constitutions through inviting and entertaining learning activities for students of all ages. The Celebrate the Constitution program will be kicked off during the third week of September and will run through Bill of Rights Week in December. This gives everyone an opportunity to have programs throughout the fall. The program can be tailored to fit into any classroom schedule.

The theme for this year’s celebration is “Liberty Means Responsibility.” Schools representing dozens of Pennsylvania counties will take part in this year’s program...with thousands of student participants statewide. Many local bar associations are partnering with schools by helping them to sponsor programs. Judges, lawyers and legislators across the commonwealth will be working with schools to participate in the activities.

Schools are encouraged to use the lesson plans provided in this guide and also to contact the civic learning support organizations listed on page 20 for more Constitution-related materials.

The Pennsylvania Bar Association and Bar Foundation thank everyone for participating in the Celebrate the Constitution program. It should be an exciting one!

Elementary schools ... be sure to participate in the 6th Annual Celebrate the Constitution Poster Contest! Details are covered on pages 7-8.
PROGRAM & PLANNING IDEAS: Part I

There are three types of programs that have worked well for the Celebrate the Constitution program. Don’t forget ... making your own school scrolls on parchment paper is a great art project!

Mock Constitution Signing

This is one of the most popular ways to celebrate the Constitution. You can choose to hold mock signings in your classroom or during a school-wide assembly.

The assembly program brings together the entire student body for a formal program and signing. Invite local judges, lawyers and/or legislators to be the featured speakers and ask them to talk about the U.S. or Pennsylvania Constitution with students. Have a school official emcee the program, and ask each speaker to limit his or her comments to around five minutes (depending upon the number of speakers). Ask them to focus on how the constitutions relate to students. A great way to get students involved is to select one student to speak about the U.S. or Pennsylvania Constitution and have the school choir perform patriotic songs. You can even get the band and school mascot involved. At the end of the formal program, have all students sign Constitution scrolls (parchment paper).* The signed scrolls can be displayed in your school lobby. After the signing, invite the speakers to join students in their classrooms to take part in one of the lessons included in this guide.

The classroom program focuses solely on your students. Invite a local judge, lawyer or legislator into your class to talk with students about the Constitution. The visitor may want to use one of the lessons provided in this guide or create his or her own. Be sure to review this with the speaker before his or her visit and share any necessary materials. But, you don’t need an outside speaker for a classroom program. The lessons in this guide are designed for use by both teachers and outside speakers. When the formal remarks are concluded, have the students sign Constitution scrolls (parchment paper)* that can be displayed in the classroom or school lobby.

Constitutional Convention: A constitutional convention is a great way to teach your students about the U.S. and Pennsylvania constitutions through hands-on learning activities. You can create a constitution for your classroom or the entire school. For an example of how to create a constitutional convention, view page nine of last year’s Celebrate the Constitution planning guide at www.pabar.org/pdf/05guidebook.pdf. There is a lesson in the guide that will walk you through the process.

Classroom Lessons: You don’t have to hold a formal program to celebrate the Constitution. The lessons provided in this guide are designed to fit into your existing curriculum or serve as a special project during the fall. They are interactive, include handouts and engage students in an innovative study of the Constitution. They also are matched with the state’s Academic Standards for Civics and Government.

If you would like to view additional lessons on the U.S. and Pennsylvania constitutions, visit the Pennsylvania Bar Association Web site at www.pabar.org/constitutionwebsite.shtml. You can download lessons from previous programs. In addition, turn to page 20 of this guide for a list of civic learning support organizations.
Celebrate the Constitution has a special place in the curriculum of the civic participation classes at Hollidaysburg Area High School (HAHS), Blair County, Pa.  
Our rendition of the Celebrate the Constitution program is intended to reinforce previous learning about the Constitution and excite all of our students about civic participation while introducing young students to the U.S. Constitution. State Rep. Jerry Stern, State Sen. Robert Jubelirer and varying local businesses have joined us in this endeavor since 1999. Through this program, we have provided pocket Constitutions, constitutional coloring books and varying other materials to more than 6,000 elementary and middle school students in Rep. Stern’s legislative district. Each school is expected to hold its own Constitutional Event such as a reading or signing program. The culminating event is held annually in the auditorium of HAHS.

In the spring of their senior year, HAHS Civic Participation students discuss the fall theme, write letters to elementary and middle schools and prepare for the fall program. They meet with a select group of juniors to encourage them to take leadership roles in the fall program.

As senior students arrive in August, they join one of four groups: promotional, financial, production and assembly. Each group has various duties and must work both independently and interdependently.

The promotional group is responsible for promoting the program to various schools, teachers and administrators as well as to the community as a whole. This requires assembly and delivery of teaching materials to schools as well as public relations materials to the media in a timely manner. The teaching materials include the Pennsylvania Bar Association’s (PBA) lesson plan guides and additional information about the program.

The financial group is responsible for creating the budget and generating the funds necessary to produce a quality program and assembly. The 1999 budget was just a mere $315 while the anticipated budget for 2006 is $4,600. Funding of the program is a major task and teaches students fiscal responsibility while offering a unique opportunity to understand fund raising as young adults.

The production group faces the task of acquiring guest speakers, creating props for the program and designing the souvenir T-shirts for the students. They must maintain a rigid schedule in order to meet the mid-September program date.

The assembly group is responsible for the program and all aspects of the day of the assembly. It may seem that this is the task with the least work, but one must remember they are gathering hundreds of younger students from six area school districts and two private schools.

On the day of the culminating event, several hundred elementary and middle school students are bused to HAHS for the program. Each of the schools has two students on stage during the activities as representatives of their schools’ “signature scrolls.” They cast or pledge the signatures they have acquired to the mock constitution. Additionally, the assembly is energetic and includes music, song, dance, theatre and keynote speakers as a celebration of the Constitution.

Civic Participation Special Projects 2006–2007 hopes to make this year another wonderful program. HAHS would like to thank the PBA for continuing support of the program. This program and other sponsors allow our Civics Participation classes to engage in this wonderful educational experience. The program now begins on or near the Sept. 17 date with the Constitutional readings at the courthouse and ends with the event at the high school on the last Friday in September.
Involveing the Media & Legal Community

After your school has picked a program, it’s time to start getting the media and local legal community involved.

The Legal Community

Celebrate the Constitution offers your school a unique opportunity to involve members of the legal community in your classroom activities and/or assembly program. Bringing years of legal experience to this project, local judges and lawyers can help you create enhanced learning opportunities for your students.

Your local bar association can help you identify judges and lawyers in your community who would be willing to take part in your activities. If you are not already partnering with your local bar association, please call the PBA at 1-800-932-0311, Ext. 2277, to find the appropriate person to contact in your county. (Hint — elementary and middle school students typically respond well to judges who wear their robes for presentations.) Make sure to invite these people well in advance of your program. Their calendars fill up quickly.

The Media

The media can help schools demonstrate their commitment to excellence in learning by reporting on Celebrate the Constitution events and activities in local newspapers and television news programs. You may want to consider asking a local television news anchor or newspaper editor to be a speaker at your program. They are great resources to talk with students about the First Amendment and other related constitutional issues. Below are some tips to help you to get the media to cover your program. If you are partnering with your local bar association on this project, make sure to work with its staff and members. Local bars are great resources because they have relationships established with local media and may be willing to help you with some of the following:

1) Compile a current list of local newspaper editors, TV assignment editors and radio station managers. Make sure you have their fax and phone numbers.

2) One week prior to your program, mail or fax your media advisory to the local media (a sample media advisory is included in this packet — feel free to use it and fill in the blanks). Include a contact person on the advisory and a daytime phone number in case the media have questions prior to the program.

3) One day prior to the program, make follow-up calls to the media that received the advisory. Ask for the newsroom when you call. During the call, confirm that they received the advisory, offer to fax it if they did not and mention how exciting the program will be for students. It’s always good to put in a last-minute pitch.

4) Prepare a news release to give to the media at the program (a sample news release is included in this packet — feel free to use it and fill in the blanks). After the program is over, mail or fax the news release to any invited media that did not attend.

Inviting local lawyers, judges, legislators and members of the media to speak during your program is a great way for your school to reach out to the community. Your students also will enjoy hearing their perspectives on the Constitution.
The media advisory can be issued by your school or partnering local bar association. Make sure to include the issuing party’s address at the top ... using letterhead is always a good idea.

MEDIA ADVISORY

Contact: Name
Phone Number

# OF STUDENTS SCHOOL NAME STUDENTS TO CELEBRATE THE CONSTITUTION

# of students School Name students will join with list local judges, lawyers, legislators in celebrating the U.S. and Pennsylvania constitutions as part of the statewide Celebrate the Constitution program on date at time at location (include place, address and city).

The activities will feature (list special activities, if any).

The Celebrate the Constitution program is a statewide celebration commemorating the history and significance of the constitutions. Since 1999, more than 40,000 Pennsylvania students have taken part in constitution-related celebrations, including mock signings and constitutional conventions. The purpose of the program is to increase students’ awareness and understanding of the constitutions, their history and their relevance.

The statewide celebration, which is sponsored by the Pennsylvania Bar Association and Pennsylvania Bar Foundation, runs from Constitution Week in the third week of September through Bill of Rights Week in December. Thousands of students from across Pennsylvania are expected to take part in the program throughout the fall.

For more information on the statewide Celebrate the Constitution program, visit the Pennsylvania Bar Association Web site at www.pabar.org.

###
The news release can be issued by your school or partnering local bar association. Make sure to include the issuing party’s address at the top ... using letterhead is always a good idea.

NEWS RELEASE

Contact: Name
Daytime Phone Number

# OF STUDENTS SCHOOL NAME STUDENTS
CELEBRATE THE CONSTITUTION

CITY/TOWN (Date) -- # of students School Name students today joined with list local judges, lawyers, legislators in a celebration of the U.S. and Pennsylvania constitutions as part of the statewide Celebrate the Constitution program at location.

“Quote from school official”

The Celebrate the Constitution program is a statewide celebration commemorating the history and significance of the constitutions. Since 1999, more than 40,000 Pennsylvania students have taken part in constitution-related celebrations, including mock signings and constitutional conventions. The purpose of the program is to increase students’ awareness and understanding of the constitutions, their history and their relevance. Sponsored by the Pennsylvania Bar Association and Pennsylvania Bar Foundation, the program runs from Constitution Week in the third week of September through Bill of Rights Week in December. Thousands of students from across Pennsylvania are expected to take part in the program throughout the fall.

“Quote from county bar president” -- if applicable

(For assembly program) -- The students participated in an assembly program, which included presentations by the featured speakers and list any other activities.

(For classroom program) -- The students participated in classroom activities focusing on the constitutions. The featured speakers assisted the students with the concepts and writing. Each class then list any other activities.

“Quote from a participating judge, lawyer or legislator”

For more information on the statewide Celebrate the Constitution program, visit the Pennsylvania Bar Association Web site at www.pabar.org.

###
6th Annual Celebrate the Constitution Poster Contest

The Pennsylvania Bar Association and Pennsylvania Bar Foundation are pleased to announce the sixth annual Celebrate the Constitution Poster Contest for elementary students. The theme for this year’s celebration is “Liberty Means Responsibility.”

The winning poster will be used as the cover of the PBA’s 2007 K-12 Law Day Lesson Plan Guide, which is distributed statewide. The winning student will be honored during the PBA’s Formal Law Day ceremony in May 2007. The deadline for entry is December 1, 2006.

This contest helps schools meet Pennsylvania Academic Standards for Civics and Government 5.1.K across all grade levels, as well as Pennsylvania Academic Standards for History 8.2.B across all grade levels and 8.3.3.B.

Contest Rules

1) The contest is open to all public and nonpublic elementary schools in Pennsylvania.

2) One entry per student will be accepted. An entry form must be completed in full and attached to the back of the poster. The entry form must be signed by the student artist, the student’s teacher and a parent or guardian of the student. The entry form is included in this packet.

3) Students should create posters that show what “Liberty Means Responsibility” means to them. Each poster must be an original art composition created by a child. The entry must be the actual work of only one student. Adults may support the student’s effort with suggestions and other forms of verbal assistance, however, the work produced must be the product of the student’s own effort.
4) The poster must be 8.5 inches x 11 inches. The design must be VERTICAL to facilitate reproduction on the front of the Law Day guide. The “Liberty Means Responsibility” message may be communicated as creatively as possible using ink, tempera, powder paint, water colors, oil or magic marker. No computer-generated posters will be considered. The wording, “Liberty Means Responsibility,” is the only wording that should appear on the poster.

5) Entries will be judged by a review panel from the PBA’s Law-Related Education Committee. The first-place winner will have his or her poster featured on the cover of the 2007 K-12 Law Day Lesson Plan Guide and will receive an award during the PBA’s formal Law Day ceremony in May 2007.

6) All entries must be postmarked by December 1, 2006. Entrants will be notified of the winners by March 1, 2007. The winning student will be asked to attend the May 2007 PBA Law Day ceremony.

7) All entries, including posters and other submitted materials, become the property of the PBA and will not be returned. Entries may be reproduced by the PBA in any form and for any purpose. The PBA reserves the right to modify any poster for reproduction purposes.

8) Entry into this contest constitutes permission for the artwork and artists to be photographed for publicity purposes without any compensation to the child, teacher, parents or guardians.

9) All federal, state and local regulations apply. Void where prohibited by law. Taxes on any prizes are the responsibility of the winners and their families.

**PLEASE SEND YOUR POSTER AND ENTRY FORM POSTMARKED BY DECEMBER 1, 2006, to:**

Pennsylvania Bar Association
Celebrate the Constitution Poster Contest
100 South Street
P.O. Box 186
Harrisburg, Pa. 17108

*Celebrate the Constitution Poster Contest Official Entry Form* *(please print clearly)*

Student Name: ________________________________ Grade: __________

School: ____________________________________________

School Mailing Address: ____________________________________________

School Phone: ____________________________________________

Teacher’s Name: ________________________________ Teacher Signature: __________

Student Signature: ________________________________ Parent/Guardian Signature: __________

This form must be attached to the back of each entry.
A Look at the Pennsylvania and U.S. Constitutions

- **Grade Levels:** K-6 as modified below.

- **Academic Standards:** Academic Standards for Civics and Government 5.1A, B, C, E, F, I, J, L; 5.2 A, B, C, F, G; and 5.3 A, B, D & G.

- **Materials:** Each student will receive a copy of “Shamus the Squirrel.” The story can be downloaded from the Pennsylvania Bar Association Web site www.pabar.org/06constitutionstuff.shtml. Copies of such elementary materials as “The U.S. Constitution and You” by Syl Sobel would add to this lesson but are not needed for the basic lesson. If you do not have any materials that outline the three branches of government, please check the Pennsylvania Bar Association Web site www.pabar.org/06constitutionstuff.shtml for elementary summaries of the three branches of government and for a copy of the leaf, tree and Shamus.

- **This lesson was developed by Megan Murray, a second-grade teacher at Clara Barton Elementary School in the School District of Philadelphia (meg717murray@yahoo.com). The lesson was modified for PBA use by Amy Niedzalkoski.**

- **Artwork submitted by Beth Adelsberger and her daughter Emily. Beth is an art therapist and part of the educational training team at Bob Randall Associates Inc.**

**Objectives**

Students will:

- Have a basic understanding of the U.S. Constitution and the three branches of government.
- Identify the three branches of government.
- Discuss why it is important to follow the laws in our school and in our community.
- Explain about peaceful ways to resolve conflicts.
- Identify strategies for dealing with potential bullies.

**Overview**

This lesson plan is based on the short story “Shamus the Squirrel” created by Pennsylvania Bar Association Young Lawyer Division Immediate Past Chair Jennifer J. Clark, a U.S. attorney and mother of three. The story is about a young squirrel named Shamus whose tree community is being disturbed by squirrel bullies. In the story, Shamus learns about the rule of law and the three branches of government and uses that education to help the rest of the squirrels create a safer and fairer community, free of bullying and other problems. Book copies of the story are available while supplies last from the Pennsylvania Bar Association; you can download the story from www.pabar.org/06constitutionstuff.shtml. Depending on the grade level, the students will either listen to or read a story about a squirrel named Shamus, who is having a difficult time getting along with his squirrel friends. The story and the lesson based on the story demonstrate how learning about the three branches of government helped Shamus and his squirrel friends solve their problems.
Lesson

1. Depending on the grade level, either read or have the children read the “Shamus the Squirrel” story.

2. After reading the story, have the students break into three groups. One group will be the executive branch, the second group will be the legislative branch, and the third group will be the judicial branch. Each group will read information about their branch of government. You can use the elementary summaries of the three branches of government on the Pennsylvania Bar Association Web site www.pabar.org/06constitutionstuff.shtml. Each group will receive a picture of a leaf and a tree with three branches. You can find the leaf and tree on the Pennsylvania Bar Association Web site www.pabar.org/06constitutionstuff.shtml. Each group will fill in information on a leaf about their branch of government. Then the students will place their leaves on the “branch” of government that they are studying. Each group will then be asked to share with the rest of the class the information about their branch of government.

3. After the class discusses the three branches of government, the students will be given an opportunity to make up some laws for the classroom and/or the school. Each group will be expected to use the information that was discussed in order to make the laws. The students will write a letter to Shamus and his friends to make sure the squirrels understand why it is necessary to obey laws. The students can also write about the laws they follow in school every day.

Additional Lessons

1. Look at the lesson No Animals in the Library at www.pabar.org/educationprograms.shtml under Lessons by Pennsylvania Teachers. This lesson is a wonderful primer on how to draft rules and laws at the elementary level.

2. The class also can create a tree of rights and responsibilities, listing all of the rights (to learn, to be safe, to be loved) and responsibilities (come to school ready to learn, keep weapons out of school, care about others) the students have in their school. The rights and responsibilities listed here are just a few of the dozens listed by the students at Overbrook Educational Center in Philadelphia during Law Day 2006.
• **Grade Levels:** 7-12 as modified below
• **Academic Standards:** Academic Standards for Civics and Government 5.1A, B, C, E, F, J, L; 5.2 A, B, C, E; and 5.3 A, B, E, G & H
• **Materials:** Point/Counterpoint: Eminent Domain Post *Kelo*; A New Life for Capital City: Problem-based Question; The National Constitution Center’s Interactive Constitution; [http://www.constitutioncenter.org/constitution/](http://www.constitutioncenter.org/constitution/); National Constitution Center’s John R. Templeton Lecture on Economic Liberties and the Constitution: Eminent Domain Post *Kelo*; Group Role Cards, Point/Counterpoint chart
• This lesson was developed by Eli Lesser (elesser@constitutioncenter.org), Director of Teacher Education for the National Constitution Center. The lesson was modified by LEAP-Kids for PBA use.

### Objectives

Students will:

- Examine the strong powers of government through the “takings clause” of the Fifth Amendment to the United States Constitution.
- Appreciate the wide influence of the Constitution, and how it can have a strong impact on their lives, sometimes for the good and sometimes with adverse effects, even where they live.
- Understand that there are ways that citizens have rights under the Constitution, which are tools to challenge government action that affects them and their communities.
- Understand the arguments and the opinion of the court presented in the Supreme Court case *Kelo v. New London*.
- Apply the newly-created knowledge to a problem to create an original solution.

### Overview

In the spring of 2005, the United States Supreme Court issued a ruling in the case of *Kelo v. New London*. The court decided, in a 5-4 ruling, that the city of New London, Connecticut, had the power under the Fifth Amendment to the United States Constitution to require homeowners to sell their property. This is commonly called a “public taking.” Among the people who resisted were Susette Kelo and Wilhelmina Dery. Ms. Kelo made extensive improvements to her home, which she bought lured by the water view. Ms. Dery was born in her home in 1918 and lived there her entire life.
Lesson

For background and gathering of information: The instructor, as well as the class, may wish to listen to the National Constitution Center's Templeton Lecture: Eminent Domain Post Kelo. (You can download the podcast from the NCC Web site www.constitutioncenter.org. There are podcasts on many subjects of interest, each 15 minutes long. They provide a wonderful background for high school students exploring issues of constitutional importance.)

1) On the chalkboard, write the last section of the Fifth Amendment: “No person shall … be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

2) Explain to the class that this is known as the “takings clause” of the Constitution. Going around the classroom, ask students to explain what they believe it means. Answers will vary depending on the age group. Junior High students may best engage the issue with the question of whether it is fair to take someone’s “stuff” if that person wishes to hold on to it.


4) Distribute copies of the student handout “Point/Counterpoint: Eminent Domain Post Kelo” on pages 16-19. Ask students to read the document in preparation for listening to the podcast or participating in the lesson simulation.

5) If you have the students observe the podcast, encourage the students to use the “Point/Counterpoint” handout as they experience the Templeton lecture on eminent domain. Students should use the notes section to make notes during the podcast debate as each point is discussed. If you do not have the students observe the podcast, you should still have the students work through the arguments in small groups to decide what they feel are the best arguments for and against Kelo.

Teacher’s Notes for Student Handout #1

Review before distributing the student handout.

1) Tell students they will be using the information they gathered at the lecture to test new ideas. Distribute copies of the student handout “A New Life for Capital City: Problem-based Question” on page 14.

2) Divide students into groups of 3-5. Each group should be given one of the six role cards from page 15. Using the role cards as a guide, the students should work cooperatively preparing a position. Since there are six positions, classes of 21-35 students can be arranged this way and cover all of the roles. If there are more students, more than one group can be assigned a role to explore; if there are too few students, the instructor can assume a role or smaller groups can be assigned.

3) Allow students 15-20 minutes to prepare. Encourage the groups to use the information gathered from the handouts and the earlier preparation. Going around the room, visit each group to keep students on task. Remind students of the following:
   - Students will be making statements on their group’s position — the students should keep statements short, no longer than 1-2 minutes;
   - Support all claims with evidence and the “human factor” — how this impacts on real people.
4) Using the remainder of the class period, assemble a meeting of the city council. Ask each member — the student selected by his or her group to speak — to sit in front of the rest of his/her group as “staff.” Going around the classroom, each group should present its statement and position in the following order — council people, mayor, homeowner and developer.

5) Finish the class with a vote on the mayor’s plan or write a city council revision limiting the use of eminent domain powers.

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**A New Life for Capital City: Problem-Based Question**

People started to settle in the town that came to be known as Capital City in 1902. It quickly attracted new businesses and residents. For more than 60 years, the city was home to numerous factories and manufacturing plants. The city’s residents worked primarily in these industries and plants. The residents of this growing city built homes for their families and lived prosperous lives for two generations.

Faced with competition from other states and other countries, business began to slow down. In the 1960s, following national trends, the large manufacturing facilities began to shut down. The result was widespread lay offs and job loss. Population in Capital City began to decline, as people followed the jobs out of town. The downturn in the economy also resulted in an increase in crime and poverty. The ultimate effect was a massive loss of population and a number of abandoned properties, especially on the east side of the city that overlooked a mountain range.

In 2006, Capital City is still facing difficult economic problems and showing very little signs of improvement. Large sections of the east side of Capital City are abandoned, except for a few blocks of homes, many of which have been owned by their families for generations. These few blocks of homes are mostly in good shape and have beautiful views of the mountain range. But, around them, crime has reached an all-time high, and the population continues to decline. The city is searching for a solution to its problems.

A new mayor has been elected; she presents a plan to turn the city around. The mayor's new plan includes the following:

- Purchasing all the residential lots on the east side of the city.
- Selling the newly-acquired land to a developer to create a large shopping mall, a performing arts complex and possibly a sports arena. Also, she proposes to create a new park with a ball field and a playground for small children.
- The new complex will provide an incentive for those people who live outside of the city to visit the city to shop and eat, providing a much-needed tax boost to the city and enhancing the image of the city.
- The mayor has asked the council to pass a law and provide funding for the new project. What should you do?

You will be playing the role of either a city council person or a staff member. Your job is to prepare a position statement on the mayor's plan. Remember to include the following:

- The legal support for your views.
- Policy reasons backing up your position.
- What requirements are you going to place on the new developers?
- What will mark success for this project?
## A New Life for Capital City: Problem-Based Question

### Group Role Cards

**Group 1**
Mayor and staff — In charge of presenting the plan and working to build a consensus to ensure her plan is passed.

**Group 2**
City Council person and staff — Must develop a piece of legislation to support the mayor’s plan. The plan should include funding for purchase of homeowners property.

**Group 3**
City Council person and staff — Must develop a piece of legislation to oppose the mayor’s plan. The plan should include funding for purchase of homeowners property.

**Group 4**
Homeowners — Are supportive of the mayor’s plan, because it will increase the value of their properties and provide new life and activity in their community.

**Group 5**
Homeowners — Are concerned that their homes are being taken, and they will not be fairly compensated. Many homeowners are upset that their homes are being taken and given to a for-profit company.

**Group 6**
Developers — Wants to present a plan to the city council showing how the new project will be a welcome addition to the city. They must show they are not only out to make a quick dollar, but to increase jobs and development throughout the city.

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### Teacher’s Notes for Student Handout #2

Review before distributing the student handout.

1) Distribute copies of the student handout “Point/Counterpoint: Eminent Domain Post *Kelo*” on pages 16-19. Ask students to read the document in preparation for listening to the podcast and/or participating in the lesson simulation.

2) If you have the students observe the podcast, encourage the students to use the “Point/Counterpoint” handout as they experience the Templeton lecture on eminent domain. Students should use the notes section to make notes during the podcast debate as each point is discussed. If you do not have the students observe the podcast, you should still have the students work through the arguments in small groups to decide what they feel are the best arguments for and against *Kelo*. 
3) Allow students 15-20 minutes to prepare, encourage the groups to use the information gathered from the handouts and the earlier preparation. Going around the room, visit each group to keep students on task. Remind students of the following:

- Students will be making statements on their group’s position — the students should keep statements short, no longer than 1-2 minutes;
- Support all claims with evidence and the “human factor” — how this impacts real people.

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**Point/Counterpoint: Eminent Domain Post Kelo**

**A Lesson Plan Created for the Fourth Annual John M. Templeton Jr. Lecture on Economic Liberties and the Constitution**

**Point:**

The ultimate effect of the *Kelo* decision is to give a green light to state and local governments to use the power of eminent domain to take private property from individuals to benefit purely private corporate interests.

**Counterpoint:**

Whether or not *Kelo* marked a dramatic departure in the law of eminent domain, it has caused a national uproar. The *Kelo* decision has caused governments at all levels to re-examine the legal limits and tests necessary for fair treatment in eminent domain cases. More than half of the state legislatures are looking at ways to curb what some people call “eminent domain abuse.” Some of the proposals would prohibit the use of eminent domain, unless there is a pure public use in the strictest sense.

**Notes:**

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**Point:**

The only way to “fix” eminent domain is to say that it can only be used for a purely public use, a highway, school or government building.

**Counterpoint:**

The majority in *Kelo* said that economic development is an accepted and proper government activity, and proponents argue that a limited interpretation of the “takings clause” would close off initiatives to spark economic growth. However, there are ways to require a state or city to use its power prudently. For example, state legislatures can increase the formulas for compensating homeowners. Another legislative strategy is to increase the public’s role in the process of enabling a state or city to use its powers under the Fifth Amendment, as well as requiring the “taking” agency to have examined all available alternatives to taking an individual’s private property.

**Notes:**
Points:
The government has no right to take my home.

Counterpoint:
Yes it does, but there are limits. The Fifth Amendment of the United States Constitution gives the government the power to take private property. The “takings clause” of the amendment states that, “No person shall be … deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

Notes:

Points:
Under the *Kelo* case, there seem to be no limits on the government. As long as a state or city says it fits within its plan, it can take my home.

Counterpoint:
There are limits on the “takings clause.” First, there has to be reasonable compensation. And, second, there must be a “public use.” Third, the courts have said that the public use cannot be contrived, though many argue that government sometimes does not create a “public” aspect of an economic development plan.

Notes:

Points:
The “public use” requirement seems to be key, but under *Kelo*, it can be almost anything. As Sandra Day O’Connor said in her dissenting opinion, “Nothing is to prevent the state from replacing any Motel 6 with a Ritz-Carlton.”

Counterpoint:
The most significant change in interpreting the “takings clause” came in 1954 with cases like *Berman v. Parker*. The court liberalized the term “public use,” allowing government to broaden its use of eminent domain powers. “Takings were allowed if they benefited the “public interest,” even if the property rights of individuals are affected and lives disrupted.” Several decisions since the *Berman* case have maintained that standard.

Notes:
Point:
Because the rights of individuals are involved, the government should only use its power of eminent domain in extreme circumstances and only for a genuine “public use.”

Counterpoint:
Proponents of eminent domain power argue that it has been used by the government since the ratification of the Fifth Amendment to allow the country to grow and change. Eminent domain allowed for the building of bridges, the interstate highways system, sewers, power lines and telecommunication connections. After World War II, many of our cities needed to be modernized and eminent domain was used to build new highways, but also to build housing for the poor and to spur economic growth and create jobs.

Notes:

Point:
The Kelo decision was a dramatic shift by the court.

Counterpoint:
The city in Kelo argued that the private property was being taken for a valid “public use.” Many experts believe that the court was further liberalizing its rule on the eminent domain case. Justice O’Connor argued in her dissent that the majority ruling means that government can take private property for some other private purpose, as long as there is any kind of public benefit. But, she argued, almost any lawful use of real private property can be said to have a public benefit. That means that eminent domain power is limitless, and she argued that’s unconstitutional.

Notes:

Point:
The ultimate effect of the Kelo decision is to give a green light to state and local governments to use the power of eminent domain to take private property from individuals to benefit purely private corporate interests.

Counterpoint:
Whether or not Kelo marked a dramatic departure in the law of eminent domain, it has caused a national uproar. The Kelo decision has caused governments at all levels to re-examine the legal limits and tests necessary for fair treatment in eminent domain cases. More than half of the state legislatures are looking at ways to curb what some people call “eminent domain abuse.” Some of the proposals would prohibit the use of eminent domain unless there is a pure public use in the strictest sense.
Points

The only way to “fix” eminent domain is to say that it can only be used for a purely public use such as a highway, school or government building.

Counterpoints

The majority in *Kelo* said that economic development is an accepted and proper government activity and proponents argue that a limited interpretation of the “takings clause” would close off initiatives to spark economic growth. However, there are ways to require a state or city to use its power prudently. For example, state legislatures can increase the formulas for compensating homeowners. Another legislative strategy is to increase the public’s role in the process of enabling a state or city to use its powers under the Fifth Amendment, as well as requiring the “taking” agency to have examined all available alternatives to taking an individual’s private property.

Notes:
CIVIC LEARNING SUPPORT ORGANIZATIONS: For more lesson plans and information on civics and government educational resources, contact the following organizations:

Pennsylvania Bar Association (PBA)
Contact: David Tevaskis, 100 South Street, P.O. Box 186, Harrisburg, Pa. 17108-0186
Phone: 1-800-932-0311, Ext. 2236; Fax: (717) 238-2342; Web site: www.pabar.org/educationprograms.shtml
The PBA’s Law-Related Education (LRE) programs are designed to help Pennsylvania schools lay a foundation for teaching civics and government in the classroom. The PBA partners with various national organizations, local bar associations, judges and lawyers to accomplish this goal. The cornerstone LRE projects include Celebrate the Constitution, Project PEACE, Law Day, Mock Trial and Stepping Out. To learn more about these programs and to view past lesson plans, visit the PBA’s K-12 Law-Related Education area on the PBA Web site.

LEAP-Kids (Law, Education & Peace for Children)
Contact: David Trevaskis; P.O. Box 428, 6 Royal Avenue; Glenside, Pa. 19038-0428
Phone: (215) 885-1610; Fax: (215) 885-1036; E-mail: david@leap-kids.com; Web site: www.leap-kids.com
LEAP-Kids is the successor organization to the statewide law-related and civic education (LRCE) program formerly housed at Temple-LEAP. LEAP-Kids develops innovative educational programs aimed at empowering young people through LRCE study. LRCE is a unique blend of substance and strategy. Students learn about laws, the legal system and their rights and responsibilities through strategies that promote cooperative learning, critical thinking and positive interaction between young people and adults. LEAP-Kids conducts a wide variety of teacher trainings and also produces general and Pennsylvania-specific curricula related to civics and government.

Youth for Justice Initiative
Features Five National Partners: Street Law Inc.; Center for Civic Education; Constitutional Rights Foundation; Phi Alpha Delta; American Bar Association
Web site: www.youthforjustice.org
The Office of Juvenile Justice and Delinquency Prevention (OJJDP) of the U.S. Department of Justice sponsored a research and development program that established the potential of law-related education in reducing delinquent behavior. In 1983, the OJJDP established the National Training and Dissemination Program (NTDP) to institutionalize high-quality civic learning delinquency prevention programs in public and private schools, kindergarten through grade 12, throughout the nation. In 1994, NTDP became Youth for Justice, a national civic learning program coordinated by five national partners working in cooperation with a network of affiliated state programs (visit the Youth for Justice Web site to learn more about the partners and the state programs). Over one million students participate in Youth for Justice programs annually. With support from OJJDP, Youth for Justice’s five national partners and state programs offer an array of civic learning programs and activities for young people in their schools and communities, working closely with legal, education, government and community groups to initiate and strengthen civic learning programs.

PennCORD
Contact: Anne Spector
c/o National Constitution Center
525 Arch Street, Independence Mall
Philadelphia, Pa. 19106
Phone: (215) 409-6629
E-mail: aspector@constitutioncenter.org
The Pennsylvania Coalition for Representative Democracy (PennCORD) is a unique union of educational, advocacy and governmental organizations that are committed to improving civic learning for students in grades K-12. The coalition’s mission is to encourage the creation of local civic learning policy to implement state standards in every school district by: 1) motivating community advocacy for better civic education; and 2) supporting educators across Pennsylvania with civic learning resources and training. The coalition is led by the Office of the Governor, First Lady Marjorie O. Rendell, the Pennsylvania Bar Association, the National Constitution Center and the Pennsylvania Department of Education. PennCORD is housed at the NCC. Contact with both PennCORD and the NCC is best made through Anne Spector.