CONSTITUTION COMPARISON

• Grade Levels: 7 - 12

• Academic Standards: This activity involves Proposed Standard 5.1.E, which focuses on the Constitution and the Bill of Rights as key documents of United States government. Proposed Standard 5.1 covers Principles and Documents of Government.

You will need either to provide pocket United States and Pennsylvania Constitutions for this activity or copy the Bill of Rights from the U.S. Constitution. The Declaration of Rights from the Pennsylvania Constitution is provided. Begin by telling the students that they are to look through the two sections that document our rights as United States and Pennsylvania citizens and identify where the documents are the same and where they are different. If you wish to spice up the activity, you could have different groups focus on the similarities and on the differences. If you have the entire Constitutions available, you can have the students generate their list of differences between the two Constitutions and see how many they uncover by comparing it to a list Pennsylvania Supreme Court Justice Sandra Schultz Newman generated when she spoke to a group of teachers studying the two documents. She listed 46 differences and still left a few for the students to uncover (see attached list).
That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE THAT-

INHERENT RIGHTS OF MANKIND
Section 1. All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

POLITICAL POWERS
Section 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper.

RELIGIOUS FREEDOM
Section 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

RELIGION
Section 4. No person who acknowledges the being of a God and a future state of reward and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place trust or profit under this Commonwealth.

ELECTIONS
Section 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

TRIAL BY JURY
Section 6. Trial by jury shall be as heretofore and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. Furthermore, in criminal cases the Commonwealth shall have the same right to trial by jury as does the accused.
FREEDOM OF PRESS AND SPEECH; LIBELS
Section 7. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictment for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

SECURITY FROM SEARCHES AND SEIZURES
Section 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affined.

RIGHT OF ACCUSED IN CRIMINAL PROSECUTIONS
Section 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself. Notwithstanding the provisions of this section, the General Assembly may be statute provide for the manner of testimony of child victims or child material witnesses in criminal proceedings, including the use of videotaped depositions or testimony by closed-circuit television.

INITIATION OF CRIMINAL PROCEEDINGS; TWICE IN JEOPARDY; EMINENT DOMAIN
Section 10. Except as hereinafter provided no person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. Each of the several courts of common pleas may, with the approval of the Supreme Court, provide for the initiation of criminal proceedings therein by information filed in the manner provided by law. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be take or applied to public use, without authority of law and without just compensation being first made or secured.

COURTS TO BE OPEN; SUITS AGAINST THE COMMONWEALTH
Section 11. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.
POWER OF SUSPENDING LAWS
Section 12. No power of suspending laws shall be exercised unless by the Legislature or by its authority.

BAIL; FINES AND PUNISHMENTS
Section 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

PRISONERS TO BE BAILABLE; HABEAS CORPUS
Section 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses or for offenses for which the maximum sentence is life imprisonment or unless no condition or combination of conditions other than imprisonment will reasonably assure the safety of any person and the community when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

SPECIAL CRIMINAL TRIBUNALS
Section 15. No commission shall issue creating special temporary criminal tribunals to try particular individuals or particular classes of cases.

INSOLVENT DEBTORS
Section 16. The person of debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

EX POST FACTO LAWS; IMPAIRMENT OF CONTRACTS
Section 17. No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

ATTAINER
Section 18. No person shall be attainted of treason or felony by the Legislature.

ATTAINER LIMITED
Section 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

RIGHT OF PETITION
Section 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.
7-12 CLASSROOM LESSONS

RIGHT TO BEAR ARMS
Section 21. The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

STANDING ARMY; MILITARY SUBORDINATE TO CIVIL POWER
Section 22. No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

QUARTERING OF TROOPS
Section 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

TITLES AND OFFICES
Section 24. The Legislature shall not grant any title of nobility of hereditary distinction, nor create any office the appointment which shall be for a longer term than during good behavior.

RESERVATION OF POWERS IN PEOPLE
Section 25. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

NO DISCRIMINATION BY COMMONWEALTH AND ITS POLITICAL SUBDIVISIONS
Section 26. Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.

NATURAL RESOURCES AND THE PUBLIC ESTATE
Section 27. The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

PROHIBITION AGAINST DENIAL OR ABRIDGMENT OF EQUALITY OF RIGHTS BECAUSE OF SEX
Section 28. Equality of right under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual.
1. The US Constitution has no provision for protecting the environment.
2. US senators serve six-year terms; Pennsylvania senators serve four-years terms.
3. US senators must be 36 years old and representatives must be 25 years old. Pennsylvania senators must be 25 years old and representatives must be 21 years old.
4. The US Constitution has no provision regarding ineligibility because of criminal convictions.
5. The US Constitution has no provision for legislative reapportionment.
6. The US Constitution does not have specific detailed provisions regarding the procedure for introducing and enacting laws.
7. The US Constitution has no provision regarding education.
8. The US Constitution has no provision regarding workers' compensation.
9. The US Constitution has no provision regarding support for widows and orphans.
10. The US Constitution has no provision regarding classification of municipalities.
11. The US Constitution has no provision regarding land title registration.
12. The US Constitution has no provision regarding competitive bidding.
13. The US Constitution has no provision regarding change of venue.
14. The US Constitution has no provision regarding pensions.
15. The US Constitution has no provision regarding changing the location of the capital.
16. The US Constitution has no provision regarding appropriations for public assistance.
17. The US Constitution has no provision regarding appropriations for charitable organizations.
18. The US Constitution has no provision regarding delegation of powers.
19. The US Constitution has no provision regarding local and special laws.
20. The US Constitution does not specify any particular cabinet members.
21. The US Constitution has no provision for electing an attorney general.
22. The US Constitution has no provision for appointment of a secretary of education.
23. The US Constitution has no provision for a board of pardons.
24. The US Constitution has no provision for a partial veto.
25. The US Constitution has no provision regarding the terms of office of cabinet members.
26. The US Constitution has no provision establishing a unified judiciary or for establishing specific courts below the Supreme Court.
27. The US Constitution has no provision guaranteeing a right of appeal.
28. The US Constitution has no provision regarding judicial administration.
29. The US Constitution has no provision regarding judicial districts.
30. The US Constitution has no provision regarding qualifications of judges.
31. The US Constitution has no provision for election of judges.
32. The US Constitution has no provision for establishing a judicial qualification commission.
33. The US Constitution does not limit the terms of office of judges.
34. The US Constitution has no provision regarding retirement of judges.
35. The US Constitution has no provision regarding prohibited activities of judges.
36. The US Constitution has no provision for establishing a judicial conduct board.
37. The US Constitution specifies that impeachment must be for treason, bribery or other high crimes and misdemeanors. The Pennsylvania Constitution allows impeachment for any misbehavior in office.
38. The US Constitution has no specific provisions regarding tax exemptions.
39. The US Constitution has no provision regarding gas taxes.
40. The US Constitution has no provision requiring a balanced budget.
41. The US Constitution has no provisions regarding local government.
42. The US Constitution has no provision regarding private corporations.
43. Amendments to the US Constitution are voted on by state legislatures. Amendments to the Pennsylvania Constitution are voted on by the people.
44. The Pennsylvania Legislature does not have the powers enumerated in Article 1, Section 8 of the US Constitution.
45. No state has the powers enumerated in Article 1, Section 10 of the US Constitution.
46. There is no electoral college in Pennsylvania.