

Federal Supremacy and Selective Incorporation



TEACHER'S GUIDE

Grades 7 to 12

PROGRAM OVERVIEW AND OBJECTIVE

CHAPTER 1. Federal Supremacy

Students will learn about the “supremacy clause” of the constitution that states that the constitution and the laws passed by congress are the “supreme law of the land”. Further, viewers will come to understand the intention of the “full faith and credit” clause that ensures judicial proceedings in one state are respected by other states. The program also discusses the importance of the “privileges and immunities” clause, the “commerce” clause and how the Supreme Court rulings in various cases throughout the years have shaped relationships between the federal and state governments.

KEY VOCABULARY TERMS

Commerce Clause

Full Faith and Credit Clause

Privileges and Immunities Clause

Supremacy Clause

COMPREHENSION QUESTIONS

1. What is purpose of the “supremacy clause” in the United States constitution?
2. How does the “privileges and immunities clause” protect citizens?
3. Why is it important for the federal government to regulate commerce between foreign nations and among the states?
4. How does the “full faith and credit clause” benefit citizens?

ACTIVITIES

1. The Supremacy Clause

Have students break into groups and research recent challenges to the “supremacy clause”. Tell students to right choose a recent case and write down the facts of case and the Supreme Court’s ruling. Next, have them create a poster that demonstrates their views either pro or con about the issue. (i.e. Illegal immigration in Arizona, legalization of marijuana in Colorado)

2. What’s Your Opinion?

Have students break into small groups. Tell them to choose one of the three Supreme Court Cases involving the 14th Amendment, section 1:

- Shapiro v. Thompson (1969)
- Zobel v. Williams (1982)
- Saenz v. Roe (1999)

In this activity, have the students read the facts of the case and do a report on the issues surrounding the case, the arguments of both parties, and the court’s ruling. Next have them write their opinion of the outcome of the case. Do they agree with the court’s interpretation of the law? Why or why not?

The 14th Amendment, Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

CHAPTER 2. Selective Incorporation

The chapter explains that the Bill of Rights only applied to actions by the federal government and that state governments were not obligated to uphold those rights. Students will learn how the Supreme Court, interpreted the Fourteenth Amendment stating that it only concerned privileges and immunities that came with being a citizen of the United States, not the citizen of a state. The video explores how, over the years, the court changed its way of thinking. Students will learn that the Supreme Court adopted a policy known as “selective incorporation” or the “incorporation doctrine”. Students will learn that through “selective incorporation” the Court decides over time and on a case by case, which provisions of the Bill of Rights will extend to the states.

KEY VOCABULARY TERMS

Due Process

Incorporation Doctrine

Selective Incorporation

COMPREHENSION QUESTIONS

1. Explain how the entire Bill of Rights automatically became binding on the states with the ratification of the due process clause of the 14th Amendment.
2. What is the difference between selective incorporation and total incorporation?
3. Explain in your own words the meaning of the following statement by the Supreme Court; “the standard would be to apply to the states any right so rooted in the traditions and conscience of our people as to be ranked as fundamental.”

ACTIVITY. Do illegal immigrants have constitutional rights?"

Questions as to how the 14th Amendment applies to illegal immigrants have become more pronounced. Have your students research and write an essay that answers the question, "Do illegal immigrants have constitutional rights?" The essay should present different views and arguments from both sides of the issue, and conclude with the student's opinion and why he/she supports that opinion.