

# CONSTITUTION DAY

## SEPTEMBER 17<sup>TH</sup>

### What Should the Representative Do?

#### Lesson Overview

In this lesson, students discuss how laws are made. In particular, they discuss what makes a good law, how representatives in Congress gather information about the issues requiring laws, and how their constituents feel about the issues and possible solutions. Through a public hearing simulation, students learn how difficult the decisions for lawmakers can be.

**Suggested Grade Level:** Fourth and fifth grade

**Estimated Time to Complete:** One or two class periods

#### Lesson Objectives

After completing this lesson, students will be able to

- describe how a bill becomes a law,
- develop a criteria for a “good law,” and
- discuss the difficulties lawmakers face in making decisions about legislation that affects their constituents.

#### Materials Needed

- Student Handout 1: How Does Congress Make a Law?
- Student Handout 2: The Story
- Student Handout 3: Conducting the Public Hearing

#### Before the Lesson

This lesson should be taught after students learn about the legislative branch of the U.S. government. They should be familiar with the two chambers, or houses, of Congress along with the powers *granted* and *denied* to the legislative branch by the U.S. Constitution.

The teacher should review and familiarize him or herself with the simple instructions on conducting the public hearing (see Student Handout 3). Determine in advance the amount of time students should have to prepare for the hearing and the design of the room for the hearing.

## Lesson Procedure

**1. Begin the lesson.** Ask students to review the function of the legislative branch of the federal government, better known as Congress. What does the Constitution allow Congress to do? How does the Constitution limit the powers of Congress?

**2. How a bill becomes a law.** Divide the class into small groups of three. Ask the groups to respond to two questions: *Who can suggest ideas for laws?* and *How does a bill become a law?* When the students are done, ask randomly chosen groups to share their responses. Place those answers on the board or on chart paper.

Students should read Student Handout 1: How Does Congress Make a Law? Then compare the responses they provided in their groups with what they read.

**3. What makes a good law?** Keeping the class in the current groups of three, ask half of the groups to discuss and identify ways in which senators and representatives learn about the problems of the nation. Whom could they turn to for information on creating laws to deal with the nation's problems? The other half of the groups should work on developing a criteria or standards for what makes a good law. When the groups are done, they should share their responses.

Accept any response that is logical and plausible. Examples for the first set of groups could include, but are not limited to, the following: reading emails or letters sent by citizens, listening to debates, attending committee meetings and hearings, being aware of issues brought before Congress prior to being elected, hearing special-interest groups, meeting with experts, etc. Examples for the second set of groups could include the following: a law needs to be fair; easy to understand; well designed to achieve its purpose; clear as to what is expected; designed so that it does not interfere unnecessarily with other values, such as privacy or freedom; and possible to follow.

**4. Preparing for a public hearing.** Remind students that legislators do not work alone. In order for a bill to become a law in Congress, it needs to pass both houses and then be signed by the president. That means a majority of the members of Congress must see the need for the law and agree with what it is either providing or deterring.

Creating a good law is not an easy task. Before voting on a bill, the legislator needs to know how his or her constituents feel about the matter. How will it affect their lives? In order to help illustrate this, the class will participate in a public hearing simulation. Have students read Student Handout 2: The Story and answer the questions at the end. Randomly select students to share their answers with the class.

**5. Conducting the public hearing.** Divide the class into five groups. Each group will have a specific role in the hearing. Students should read Student Handout 3: Conducting the Public Hearing.

- **Room design:** While students are working on their presentations, the classroom should be arranged so that Representative Smith and her staff are seated at the front of the class and the other four groups are seated in a horseshoe pattern facing them.
- **Procedure:** When it is time to hold the hearing, Representative Smith will begin with a short statement and then call each group for their presentation.
  - Representative Smith or any member of her staff can ask a question of the group speaking at any time during the presentation or wait until the presentation is over (up to four minutes total). This is done until all the groups have spoken.
  - When all the groups have spoken, there can be a brief time allotted for questions from any group and to any group (up to five minutes total).
  - Once all have spoken and time is called, Representative Smith and her staff should retreat to a private area and make a decision.
  - Once the decision is made, it must be shared with the class. The decision must include a rationale for why the particular choice was made.

**6. Concluding the lesson.** Once the class is brought back to order, conduct a class discussion. The following questions may facilitate that discussion:

- a. Do you agree with Representative Smith's decision? Why or why not?
- b. Why might citizens disagree about which responsibility is more important for their representative to carry out?
- c. In what other ways could Representative Smith carry out her responsibilities in this situation?
- d. Did you change your own opinion after listening to all the groups? If you did, what argument convinced you?

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### What Should the Representative Do?

#### Student Handout 1: How Does Congress Make a Law?

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From *We the People: The Citizen & the Constitution*, Level 1, third edition, p. 102

Congress provides for the general welfare by passing laws that help people. Suppose that you, a member of Congress, the president, or some group with an interest has an idea for a new law. How does the idea become a law? Here are the basic steps that must be followed.

- 1. Write a bill.** A member of Congress must agree that the idea is good. Then he or she writes a proposal for the law, which is called a bill. A bill is a proposed law.
- 2. Go to committee.** Congress has committees that deal with different areas of the people's needs. A committee will examine the bill. The members of the committee discuss the bill, and then they might rewrite it, change some parts, or decide it is not a good bill.
- 3. Get a majority vote of Congress.** When the bill is ready, the member of Congress who wrote the bill must get a majority of members to vote for it. If the member is a Senator, the bill goes to the Senate first. If he or she is a representative, it goes to the House of Representatives first. If the bill passes in the house it originates in, then the bill goes to the other house for a vote.
- 4. Get the president to approve the bill.** If the bill passes in both houses, Congress must send the bill to the president. If the president approves the bill and signs it, the bill becomes a law. If the president refuses to sign the bill and sends it back to Congress, this is a veto. The bill can still become law if two-thirds of all the member of Congress vote to pass it over the president's veto.

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### What Should the Representative Do?

#### Student Handout 2: The Story

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From *We the People: The Citizen & the Constitution*, Level 1, third edition, pp. 104–5

Representative Smith is the congresswoman from your district. She is visiting your community to seek advice and opinions. She has arranged a public hearing on Thursday at 7 p.m. Congresswoman Smith has invited people who live in her district to attend the meeting. She is hoping for a good turnout. Representative Smith wants to find out if she should vote for a bill that would prevent smoking in public places.

#### **Making a Decision**

Smoking cigarettes is a national problem. Studies have shown that smoking is dangerous to everyone's health. Even breathing smoke from someone else's cigarette is dangerous. Each year, thousands of Americans die from smoking cigarettes.

Many farmers in Representative Smith's congressional district are involved in growing tobacco. Many other people make their living by working in factories that make tobacco products.

There is a bill in Congress that would forbid smoking in public places. Representative Smith knows smoking is dangerous and costly. She also knows that if she votes for the bill, the tobacco industry will suffer. Many people will lose their jobs, and some businesses will fail.

Representative Smith must decide how to vote on the bill. Should she vote against the bill to protect the jobs of the people in her district? Should she vote for the bill because she believes smoking is dangerous to people's health? The public hearing will help Representative Smith decide how to vote.

Members of Congress are supposed to support laws that protect people's rights. They are also supposed to support laws that serve the common good. Answer the following questions individually.

1. What rights are involved in this situation?
2. Which rights do you think are most important? Why?
3. What is the common good in this situation? Explain your answer?

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#### Student Handout 3: Conducting the Public Hearing

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**Directions:** Your class has been divided into five groups, each holding a particular view on the legislation that would prevent smoking in public places.

1. Read the brief description of your group (see page 2).
2. Group 1 is Representative Smith and her staff. Choose someone to be Representative Smith. Read through all the groups' descriptions and prepare questions you may want to ask each group either during their presentation or afterward. You may also write down questions that occur to you during the presentations themselves.
3. Groups 2–5 will prepare a presentation. Your group must present your viewpoint to Representative Smith. The presentation should be no more than two minutes in length. Choose someone to be the spokesperson for your group. During your presentation, the representative or her staff can ask questions. Or they might wait until you have finished your presentation to do so.
4. After preparing your presentations, the hearing will begin.
  - a. Representative Smith will call the meeting to order and make a brief statement about its purpose. Then she will call each group to present.
  - b. As each group makes its presentation, either the congresswoman or her staff can ask questions, or they may choose to wait until the presentation is over. Anyone in the group can ask a question and anyone in the presenting group may answer.
  - c. Once all the groups have presented, there will be a brief question-and-answer period where anyone from any group can ask a question of any other group. (This session will last no more than five minutes.)
  - d. When the hearing is completed, Representative Smith and her staff will retreat to a private area where a decision will be made.
  - e. Once the decision is made, Representative Smith will return to the hearing room to announce her decision and explain why she made it.

### **Group 1: Representative Smith and Her Staff**

Representative Smith must decide whether she will vote “yes” or “no” on the bill. Before she decides, she and her staff want to know what the people in her district think about the problem. Representative Smith wants to speak with the groups that have valuable information about the situation. After she hears from the people she represents, she will make a decision.

### **Group 2: Tobacco Growers and Processors**

You earn a living by growing and processing tobacco, just as your families have done for generations. If Representative Smith supports the bill, many people will lose their jobs. Some people will lose their businesses and their way of life.

### **Group 3: Citizens for Freedom**

You believe that adults should be allowed to make their own lifestyle choices. You think that this bill would limit people’s freedom to make their own decisions about their health and smoking.

### **Group 4: Citizens for a Smoke-free Environment**

You think that smoking in public places is a serious problem. Smoking in public violates the rights of non-smokers who are forced to breathe secondhand smoke.

### **Group 5: Citizens for Better Health**

You think that putting limits on smoking in public would help improve everyone’s health. All citizens carry the cost of health care.