

American Government & Politics: A Christian Worldview.
Constitutional Dominoes (15–20 Minutes)

TEACHER INSTRUCTIONS

Goal

Students will evaluate both the potential benefits and potential dangers of incorporation by tracing the long-term consequences of Supreme Court decisions affecting state governments.

Instructions

1. Have students complete the handout, then discuss in pairs or groups of three (give students 8–10 minutes to complete this part, maybe longer if they’re having lively discussions!).
2. Review the answers together.

Suggested Key (Student Answers Might Vary)

1. A state government punishes citizens for criticizing elected officials. The Supreme Court strikes down the law, ruling that the state’s action violates freedom of speech.

POSITIVE: Protects free speech; NEGATIVE: expands federal authority over states, creates a precedent for future domination by the U.S. government.

2. A state allows criminal convictions for serious crimes by a 10–2 jury vote. The Supreme Court requires unanimous jury verdicts.

POSITIVE: Protects defendants; NEGATIVE: gives U.S. courts more control over state criminal procedures (future courts might use this control in ways that violate individual rights).

3. A future Supreme Court rules that every state must adopt the same firearm regulations.

POSITIVE: Creates “consistency”? (if that’s even a positive at all!) or overturns some states’ heavy regulations; NEGATIVE: sets a bad precedent that could allow more restrictions if another Supreme Court decides to.

4. A state constitution protects religious freedom more strongly than federal courts do. The Supreme Court overrides the state’s rule and imposes a national standard.

POSITIVE: Creates a nationwide standard (if that’s a “positive”); NEGATIVE: takes away stronger protections in that state, allows U.S. government to dominate.

5. Citizens ask the President to overrule restrictive state emergency orders during a crisis. Congress grants the President that authority.

POSITIVE: Might stop some aggressively restrictive states; NEGATIVE: gives too much power to a President, which could be used to oppress by another President.

6. A state bans peaceful public protests. The Supreme Court strikes down the law.

POSITIVE: Protects free speech; NEGATIVE: (Surprise!) increases U.S. government authority over states.

7. The Supreme Court announces that every state must use the exact same election procedures.

POSITIVE: Makes election procedures uniform (again, if that’s even a positive, since states have different procedures); NEGATIVE: takes away states’ flexibility, gives the U.S. government more control over elections, makes vote fraud easier, etc.

Debrief/Wrap-Up Questions (AWV)

1. Which scenario had the best immediate effect on liberty?
2. Which scenario created the most dangerous long-term precedent?
3. Is it possible for a government action to produce an immediate good result while increasing government power in the long run?
4. Which scenario best warns against incorporation of the Bill of Rights to the states?
5. Why might some prefer states to remain independent even when some states make bad decisions?
6. Why did many states insist on a Bill of Rights before ratifying the Constitution?

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Read the following situations and write one possible NEGATIVE consequence and one POSITIVE consequence from the Supreme Court's decision (whether it protects liberty or threatens liberty).

1. A state government punishes citizens for criticizing elected officials. The Supreme Court strikes down the law, ruling that the state's action violates freedom of speech.

Positive Consequence:

Negative Consequence:

2. A state allows criminal convictions for serious crimes by a 10–2 jury vote. The Supreme Court requires unanimous jury verdicts.

Positive Consequence:

Negative Consequence:

3. A future Supreme Court rules that every state must adopt the same firearm regulations.

Positive Consequence:

Negative Consequence:

4. A state constitution protects religious freedom more strongly than federal courts do. The Supreme Court overrides the state's rule and imposes a national standard.

Positive Consequence:

Negative Consequence:

5. Citizens ask the President to overrule restrictive state emergency orders during a crisis. Congress grants the President that authority.

Positive Consequence:

Negative Consequence:

6. A state bans peaceful public protests. The Supreme Court strikes down the law.

Positive Consequence:

Negative Consequence:

7. The Supreme Court announces that every state must use the exact same election procedures.

Positive Consequence:

Negative Consequence: