

Grades:

High School

Classroom Time:

one 45 minute class period

Constitution Connections:

Article I section 8 clause 3

Article V

Articles Included:

- The Environmental Commerce Clause
- Cap and Trade
- Transcript of President Obama Video Message to the Governors' Global Climate Summit
- Clean Air Act
- Calculating the Cost of Environmental Regulation

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About this lesson

This research and deliberation activity is designed to encourage students to look at the issue of climate change and environmental regulation from a constitutional perspective and then to find political and economic measures to address environmental regulation. In any deliberation activity, compromise and listening will play a key role in finding common ground.

Objectives

Students will be able to evaluate multiple perspectives on the issues and determine what can be done to find common ground between those who believe that a clean and healthy environment should be a constitutional right and those who believe it to be unnecessary to amend the Constitution to ensure a clean and healthy environment.

Resources

Links to the articles used in this lesson and extension readings for this lesson are available at the National Constitution Center's website at: www.constitutioncenter.org/exchange.

ADVICE TO STUDENTS FOR CONSTITUTIONAL DELIBERATION

The National Constitution Center is located in Philadelphia, just a few steps from Independence Hall, where the Constitution of the United States was written and signed during the summer of 1787. The men who came to Philadelphia that summer did so because they knew the direction of the country they loved needed to change. They deliberated for nearly four months and created a document that none thought was perfect. But they put forward a challenge to future generations: keep working towards the creation of a "more perfect Union." The Center was created to support this challenge and encourages visitors to walk in the steps of the founders and deliberate the future of our country.

The guidelines presented below have been created to provide you with advice and ideas on how to both present your arguments and hear those of others. The advice below was inspired by the rules adopted by the Constitutional Convention, as presented by George Wyeth of Virginia on May 28, 1787.

- Think through your idea before presenting it to the group; you may wish to make a few notes on paper to ensure your idea is clear.
- Listen carefully to other ideas and consider how to incorporate them into your own.
- When you are not speaking, do not have other side conversations, read a book or document, or distract the speaker in another way.
- When challenging an idea, focus on the idea, not the person you are challenging.
- Use the Constitution as support for your ideas; refer to the text and use it as a tool to support your argument.
- Do not dominate the conversation, and do not speak more than twice before allowing everyone else the opportunity to be heard.
- Present your ideas directly to the facilitator or group leader.
- When developing your argument, consider the position of the other side, and use these ideas to support or build compromise into your position.
- Wait to be acknowledged by the facilitator before speaking.

LESSON

OPENING

1. Ask your students to work individually to answer the following two questions. Then, ask them to share their answers with the class.

Q: How do you feel about the debate over climate change?

Students should base their opinion on their interpretation of the issue.

Q: Why do you feel this way about the debate over climate change?

Students should infer values connected to the issue.

2. Display the **Town Hall Wall** so that all of your students can see the poster. Next, ask them to first read the short description of the issue and then answer the question with a simple *Yes* or *No* on Post-it notes placed on the Town Hall Wall.

Q: Should a clean and healthy environment be a constitutional right?

Students are to answer **Yes** or **No**.

3. Ask your students to share their answers to the following three questions with the class and display their answers for the class to see. Your students should write the answers in their notebooks for use in Step 6 and 7.

Q: What values are associated with those who answered Yes?

Students should list political principles or standards which they believe influence this choice.

Q: What values are associated with those who answered No?

Students should list political principles or standards which they believe influence this choice.

Q: What values do you think both perspectives have in common?

Students should list political principles or standards which influence both choices.

INVESTIGATION

4. Divide your students into groups of three or six students and provide each group with the following articles. Assign each student one of the topics highlighted below and the readings for that topic. Using the provided documents, ask each student to answer their assigned questions in their notebooks. Then, have each group share their answers with the class. Record their answers on the board. Your students should write the answers on the board in their notebooks for use in Steps 5, 6 and 7.

Amend the Constitution: Article I section 8 clause 3, the Commerce Clause, and Article V and The Environmental Commerce Clause

Q: Why should there be an environmental amendment to the Constitution?

Q: Why should there not be an environmental amendment?

Q: What evidence do you have to support your answers?

Retain the existing policy: Clean Air Act and Calculating the Cost of Environmental Regulation

Q: Why is the Clean Air Act all that is necessary to protect the environment?

Q: Why is the Clean Air Act not all that is necessary??

Q: What evidence do you have to support your answer?

Implement a new policy: Cap and Trade and the transcript of Barack Obama's Video Message to the Governors' Global Climate Summit

Q: Why should a Cap and Trade policy be put in place?

Q: Why should Cap and Trade not be put in place?

Q: What evidence do you have to support your answer?

INVENTORY

5. Staying in their group, ask each student to find two or three pieces of evidence collected in Step 4 that supports their answer to the **Town Hall Wall** question. Ask your students to record the evidence in their notebooks and share them with the group. This evidence will be used in Step 6.
6. Staying in their group, ask each student to answer the following three questions in their notebooks using values from Step 3 and evidence from Step 5. Once your students have completed the three questions, have them compare their findings with other group members.

Q: What values do you and those who support your perspective on climate change have in common?

Q: What evidence do you have to support your perspective?

Q: What might be the political, economic and environmental consequences of doing what you are suggesting?

7. Have the groups brainstorm answers to the following three questions using values from Step 3 and evidence from Step 5. Have one member of each group record their group's answers to the questions below and then present the group's answers to the class.

Q: What values do people who support a perspective different from your own on climate change have in common?

Q: What evidence would support their perspective?

Q: For those who have a different perspective, what could be the political, economic and environmental consequences of doing what they have suggested?

DELIBERATION

8. Have all of the groups present their final ideas on the following questions to the class. Record their answers for the class to see. If the same answer is given more than once, then mark it with a star to determine which answer the majority of the class agrees with and use these answers for Step 9.

Q: Why should a clean and healthy environment be a constitutional right?

Ask your students to use values that have previously been listed to support their answer.

Q: Why should a Cap and Trade policy to protect the environment be put in place?

Ask your students to use values that have previously been listed to support their answer.

Q: Why should existing legislation under the Clean Air Act be the only laws in place to protect the environment?

Ask your students to use values that have previously been listed to support their answer.

Q: What values do all of these perspectives have in common?

Ask your students to use values that have previously been listed to support their answer.

9. As a class, ask your students to craft a class **Compromise Statement**, which is a statement that is negotiated among supporters of each perspective. The statement includes the values all the perspectives have in common, and evidence that supports each perspective. Encourage the class to work towards an answer to the question posed at the start of the lesson: **Should a clean and healthy environment be a constitutional right?** in their **Compromise Statement**.

10. Class Compromise Statements can be uploaded to: www.exchangeideas.org for students around the country to view as part of our on going conversation at **The Exchange**.