WHAT'S THE BIG IDEA?

Lesson Plan Summary



Objective

Students will be able to define the Constitution's core concepts, how the U.S. Constitution has changed over time to include more groups of people and how the Colorado Constitution differs from the U.S. Constitution.

Inquiry Questions

- Do the core concepts included in the U.S. and Colorado Constitutions support each other? How do they conflict with each other?
- How have amendments to the U.S. Constitution made the document more inclusive?
- What elements of the Colorado Constitution are similar to the U.S. Constitution? What parts are different?
- How does the ability to easily amend the constitution serve the people of Colorado? How is it problematic?

Colorado Academic Standards

SS.HS.4.2.EOb. Identify the structure, function, and roles of current members of local, state, and national governments. Including but not limited to: understanding the three branches of government at each level of government.
SS.HS.4.2.EOe. Describe the role and development of the founding documents of Colorado and the United States from their inception to modern day. Including but not limited to: the Great Law of Peace, the Declaration of Independence, the Constitutions of the United States and Colorado, the Federalist Papers, and the Bill of Rights.
SS.HS.4.2.EOf. Evaluate the role of the judicial system in protecting life, liberty, and property.

Activities

Videos, reading/lecture, debate (optional)

Materials

Why Care about the Constitution video (youtube.com/watch?v=88l8ZoOckLo), U.S. and Colorado Constitution Video (www.youtube.com/watch?v=nVijVVjB85U), readings (attached), sheet for debate (optional)

Grade Level

High School

Time

One class period; additional time for debates

Lesson Background

The goal of this lesson is to help students understand elements of the U.S. and Colorado constitutions, the similarities and differences between the two documents, and how amendments have changed the two documents. This lesson could be done in conjunction with Constitution Day on Sept. 17. This lesson is from our Courts in the Community curriculum. Find out more about this program (coloradojudicial.gov/courts-community) and our lessons (coloradojudicial.gov/community-and-educational-resources/lesson-plans).

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WHAT'S THE BIG IDEA?

Key Terms



Key Terms

- **Checks and Balances:** The constitutionally granted power for one branch of government to block action by an equal branch of government. The U.S. Constitution specifies instances in which one of the three branches can stop action by another. Historical precedents have established others.
- **Federalism:** A system of constitutional government in which power is divided into layers with several states on one level and an overarching federal government on another with authority balanced between the state and federal governments.
- **Limited Government:** The government has only the powers granted to it in the Constitution, and it can only conduct actions permitted by the Constitution.
- **Popular Sovereignty:** The preamble to the Constitution is an introduction to the type of government the Founders were creating. Its opening phrase stresses that the government is made by the people and exists to represent, protect, and serve them.
- **Republicanism:** A system of government in the U.S. based in the concept of popular sovereignty and put into practice by the constitutional institutions and processes of representative government.
- **Separation of Powers:** The U.S. Constitution keeps the three branches of government (executive, legislative, and judicial) separate and equal but does not specifically state that it is dividing power among three separate, independent branches. The Colorado Constitution explicitly describes that power is divided into three distinct branches and that one branch may not exercise power over another branch (except as directed or permitted by the constitution).
- **Individual Rights:** The first 10 amendments to the U.S. Constitution, known as the Bill of Rights, explicitly protect fundamental freedoms and rights of individuals. This guarantees essential liberties, such as freedom of speech, trial by jury, religion, and the press, and provides protections for individuals accused of crimes, ensuring a fair and just society. Ratified in 1876 after the Civil War, these individual rights are incorporated into the original text of the Colorado Constitution.
- **Water Rights.** A property right that allows the owner to use a specific portion of the state's water resources. It's a right to divert and use water from a stream or other source, and it's governed by the "first in time, first in right" principle. This means the first person to put water to beneficial use has the senior claim to that water, and later users can only access water if senior users' needs are already met. This is part of the Colorado Constitution, but not the U.S. Constitution.

Find more legal terms in our Courts in the Community Teaching Materials.

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WHAT'S THE BIG IDEA?

Class Preparation and Class Lecture



Class Preparation

- On the board, write the following:
  Big Ideas in the Constitution
  - Popular Sovereignty
  - Republicanism
  - Limited Government
  - Separation of Powers
  - Checks and Balances
  - Federalism
  - Individual Rights
- **Two options**: 1) Write a general definition of phrases using the Key Terms provided above. Discuss the terms before the video, using the video to reinforce learning. 2) Have students take notes on the video about the phrases on the board. You can have students volunteer to write the definitions on the board after watching the video.
- Decide whether to lecture or have students read the different articles using the method that works best for your students. The lectures and the readings include information about the U.S. Constitution, its amendments and the Colorado Constitution. You can adapt the lecture to the needs of your class. For example, you may have already taught students about the U.S. Constitution and could focus solely on the Colorado Constitution.
- Make copies of readings if necessary.
- Review Tips for Diverse Learners on p. 16 to consider how best to engage your students with the content.
- This lesson includes an optional debate, and a worksheet for that activity is included as well. This will likely take a day or two.

Class Lecture

Background on the U.S. Constitution:

- Embodies ideas that have shaped the American system of government.
- The "big ideas" enshrined in the Constitution have impacted the U.S. and the world, creating a government framework that is accountable to the people, protects individual freedoms.
- Our constitution has inspired other democracies around the globe.
- Big ideas include:
  - **Popular Sovereignty:** Preamble to the Constitution states "We the People," which emphasizes that the government's power comes from the consent of the governed. This principle established a democratic republic where citizens hold the ultimate authority, setting the stage for self-governance and challenging traditional notions of monarchs or ruling elites.
  - **Republicanism:** Government is based on the consent of the governed, with citizens electing representatives to make decisions on their behalf. This principle ensures that the government is accountable to the people and reflects their will.

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WHAT'S THE BIG IDEA?

Class Lecture (con't)



Class Lecture

- **Limited Government:** Government's power is restricted and defined by the Constitution. Government can only exercise powers specifically granted to it, while other powers are reserved for the states or the people. Safeguards individual liberty and prevents the government from infringing upon the rights of its citizens.
- **Separation of Powers:**
  - Federal government power is divided among three branches: the legislative (Congress), the executive (President), and the judicial (Supreme Court and federal courts).
  - Each branch has specific responsibilities and functions: legislative branch makes laws, the executive branch carries out the laws and the judicial branch interprets laws.
  - Framers of the U.S. Constitution deliberately created tension among these branches to prevent any single branch from becoming too powerful and infringing upon the rights and freedoms of citizens. Reduces risk of tyranny, ensuring a balanced and accountable government.
  - State governments also have separation of powers. In Colorado it is the General Assembly, the Governor and the state courts.
- **Checks and Balances:** Each branch of government can limit or "check" the actions of other branches This system ensures that different branches operate in balance and prevents any one branch from becoming overly powerful. Examples include:
  - U.S. President or the governor of a state, including Colorado, can veto a bill passed by the legislative branch.
  - Courts can declare a law passed by the legislative branch or an action of the branch to be unconstitutional.
  - Chief executive appoints members of the judiciary, but at the national level requires the approval of the legislative branch.
  - Legislative branch can impeach the chief executive or members of the judiciary.
- **Federalism:** Power is divided between the federal government and state governments, with each level having its own distinct powers and responsibilities. Allows for diverse ways of making policy at the state level and promotes greater responsiveness to local needs. It also acts as a check on federal power, preventing the national government from becoming too centralized.
- **Individual Rights (Bill of Rights):** The first 10 amendments to the Constitution, known as the Bill of Rights, explicitly protect fundamental freedoms and rights of individuals. Guarantees essential liberties, such as freedom of speech, trial by jury, religion, and the press, and provides protections for individuals accused of crimes, ensuring a fair and just society.

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WHAT'S THE BIG IDEA?

Class Lecture (con't)



Class Lecture

- These ideas continue to be debated and interpreted, ensuring the Constitution remains a dynamic document that adapts to the changing needs of the nation.
- The U.S. Constitution was the world's first written constitution to contain all these elements. We celebrate Constitution Day on September 17 each year as a reminder of the historic documents that give life to these principles.

How the U.S. Constitution has changed

- Today's Constitution is different from the original Constitution of 1787.
- Many amendments passed after the Civil War made our constitution more inclusive of other groups.
- The First Amendment (1791) prohibits Congress from making any "law respecting an establishment of religion, or prohibiting the free exercise thereof." However, at that time, every state was free to establish a religion or to block its free exercise.
- The original Constitution never provided equal rights for Black Americans, free or slave. Nor did it supply citizenship to free blacks. Citizenship qualifications were left to the states. A majority recognized free people of color as citizens, but some did not. As decades passed, more states denied them citizenship and rights.
- In 1987, Supreme Court Justice Thurgood Marshall said the Constitution "was defective from the start, requiring several amendments, a civil war & momentous social transformation to attain the system of constitutional government & its respect for the individual freedoms & human rights, we hold as fundamental today."
- The Constitution left the rights of women to the states as well.
    - New Jersey recognized women's right to vote from 1790 to 1807, but then fell into line with other states, erasing that right.
    - Although courts acknowledged the actual citizenship of white women, when they married, their property and their children became their husband's. No constitution, state or national, limited husbands' control of the property or the children.
    - When the first women's political movement gained force in the 1840s a few states, notably New York, enacted legislation recognizing property rights for married women. But neither the U.S. nor any state constitution guaranteed such rights.

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WHAT'S THE BIG IDEA?

Class Lecture (con't)



Class Lecture

- Civil War created revolution that transformed the U.S. Constitution.
- Union victory gave Republicans control of Congress, Presidency, and more than two-thirds of the states.
- Republican reformers amended the Constitution they regarded as defective.
  - In 1865, the Thirteenth Amendment ended slavery.
  - In 1868, the Fourteenth Amendment provided citizenship for every person born or naturalized in the U.S., prohibiting states from denying citizens equal protection.
  - Because states still interfered with Black Americans voting, in 1870 the Fifteenth Amendment prohibited them from denying suffrage based on "race, color, or previous condition of servitude;" though states retained the right to prescribe voting qualifications.
- Women still excluded: Provisions of the Fourteenth Amendment excluded women, and the Fifteenth Amendment omitted them, despite the National Women's Suffrage Association's efforts. The Nineteenth Amendment (1920) provided national protection for women's suffrage, a right already recognized by many states at the time, including Colorado.
- Since the 1930s, Supreme Court decisions extended reforms related to separation of church and state, voting rights, or a woman's right to equal protection under the laws.

Colorado Constitution

- Signed in 1876, incorporates the same principles designed to protect the liberties of Colorado citizens. Creates the basic framework of the state's government and is the state's original and only constitution.
- Ratified by Congress in the immediate years after the Civil War.
- As in other states, ultimate power rests with the people. Power is exercised by representatives in the separate branches. Citizens have the right to initiate laws, to hold referenda on laws enacted by the legislature, and to change the Constitution.
- Delegates chose a "rights first" approach to their new constitution. They declared the rights of the citizens before specifying the structure of the government. Like the U.S. Constitution, the Colorado Constitution divided the government into three branches.
- Diversity of people in the territory meant state grappled with these issues. One/fifth of the residents spoke Spanish and there were many German speakers. The original constitution explicitly provided that the publication of laws be printed in Spanish and German.
- The Colorado Constitution gave the right to vote to all men over the age of 21.

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WHAT'S THE BIG IDEA?

Class Lecture (con't)



Class Lecture

- Constitution took a stand against racial discrimination.
- Guaranteed a free education for all.
- Women given the right to vote only on questions pertaining to schools. Were not granted full suffrage in Colorado until 1893.
- Original constitution provided for the freedom of elections, equality of justice, due process of law, prohibition of slavery, and guarantees for the property rights of aliens.
- Water rights were enshrined in the Constitution guided by the concept of "first rights." First rights prioritized older, more senior rights to water access over those with more recent rights. In addition, the Constitution granted right-of-way across both public and private lands to build ditches.
- Colorado is one of only 21 states that still has its original constitution.
- Since 1876, the Constitution has been amended 176 times.
- Initially two ways to amend the Constitution: constitutional convention or a legislatively referred constitutional amendment. Amendments were placed on ballot for a vote of the people.
- in 1900s, citizens given new powers: the referendum and the initiative. The referendum allowed citizens a direct say on legislation passed by the General Assembly. The initiative allowed citizens to petition to place measures on the ballot.
- Starting in the late 1980s, Colorado cities passed ordinances to protect citizens based on sexual orientation. In response, religious-rights groups helped pass Amendment 2, which took away these protections and stopped the state from creating laws to protect anyone on the basis of sexual orientation. The Supreme Court later declared Amendment 2 unconstitutional, saying it violated the Fourteenth Amendment's equal protection clause.
- Recent tax and funding amendments:
  - The Gallagher Amendment, keeps consistent ratio between revenue from taxes on residential and business properties.
  - The Taxpayer Bill of Rights (TABOR), which gives citizens the right to vote on taxes and provides limitations on spending growth.
  - Amendment 23 mandates that the state increase K–12 per-pupil funding by the rate of inflation every year.
- Cannabis amendments: Amendment 20, allowed the use of medical marijuana; Amendment 64, allows recreational marijuana use.
- In 2016, voters approved Amendment 71 to make the Colorado Constitution harder to amend

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WHAT'S THE BIG IDEA?

Lesson Instructions



Introduction
(1 minute)

Start the class by saying the following: "*Today we are going to talk about the big ideas that are included in the constitution, which I have written on the board. We will begin by watching a video that introduces these core concepts. Take notes about each of the concepts listed in this video.*"

Warmup
(15 minutes)

Watch the video "Principles of the U.S. Constitution" https://www.youtube.com/watch?v=efi0r5ShSkE. Ask for volunteers to define concepts; either you or student can write definition on the board. Or watch videos featuring Colorado Supreme Court Justice William Hood discussing the constitutions: Why Care about the Constitution and U.S. and Colorado Constitutions. Discuss ideas presented in these videos.

Digging In

Lecture/Reading
(25 minutes)

Another option would be to write a general definition from Key Terms on the board and discuss before the video. Then, show the video to reinforce learning.

Deliver lecture; students can take notes using a graphic organizer. Another option would be to divide students into small groups and hand one reading to each group. Students could do a read aloud within their group and take notes using a graphic organizer about the main ideas.

Discussion
(15-20 minutes)

Discuss a few of these questions as a class. Or, divide students into small groups and have each group discuss one question.

- How do the core concepts in the U.S. and Colorado Constitutions support each other? How do they conflict with each other?
- Who was left out of the U.S. Constitution and how have constitutional amendments included other groups?
- What elements of the Colorado Constitution are similar to the U.S. Constitution? What parts are different?
- How does the ability to easily amend the constitution serve the people of Colorado? How is it problematic?
- How did the U.S. Constitution reflect the ideas & people of the time?
- How does the Constitution limit the government's power over citizens?

Exit Ticket
(2 minutes)

Have students write their own definition of one of the core concepts in the Constitution.

Extension Activity: Debate

Have a debate where teams argue for Position A or Position B. Each debate will have five participants on a team. Each participant will speak for no more than two minutes and teams will alternate speakers. Teams can use the worksheet below to plan their arguments. Encourage students to anticipate and respond to the opposing team's arguments. Each team will choose a speaker to deliver the opening overview of the team's position. Three speakers on each team should each give one supporting arguments. One speaker on each team should deliver the closing argument.

adapted from: archives.gov/legislative/resources/education/constitution

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WHAT'S THE BIG IDEA?

Extension Activity (con't)



Debate Topics

Use the debate topics listed below or create your own:

- **Popular Sovereignty:** Should voter ballot initiatives be allowed to overturn laws passed by the Colorado General Assembly?
  - Position A: Yes; ballot initiatives allow voters to directly participate in their state government.
  - Position B: No; voters already express their views through election of public officials.
- **Republicanism:** What should be the citizens' role in creating public policy?
  - Position A: Public policy should reflect the opinion of voters.
  - Position B: Public policy should be created by officials who are most informed about the issues involved.
- **Limited Government:** To what extent should state government be involved in economic issues?
  - Position A: The government's powers over taxation should allow significant latitude in directing economic policy in the state.
  - Position B: The state government should only act to remedy unfavorable economic conditions for business activity in the state.
- **Checks and Balances:** When the President makes a nomination, what should be the nature of the Senate's "advice and consent?"
  - Position A: The Senate should defer to the President's choice of who he wants working under him.
  - Position B: It is the Senate's duty to make an independent judgment of a nominee's suitability for a position serving the American people, even if that means denying the President his choice.
- **Separation of Powers:** Should the judiciary be able to overturn executive orders made by the President?
  - Position A: The Judicial Branch should have the right to overturn executive orders since the constitution allows for judicial review.
  - Position B: Since he was elected, the President is in the best position to determine the needs of the country and his decisions should not be subject to judicial review.
- **Federalism:** How should power be divided between the federal government and the states?
  - Position A: The federal government should retain the most power because it is best positioned to insure fair treatment, safety and equal protection for all Americans.
  - Position B: The states should retain the most power because they are closer to the people, better informed on local issues and best positioned to exercise authority for their residents.

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WHAT'S THE BIG IDEA?

Reading #1: Big Ideas in the Constitution



The U.S. Constitution embodies several core ideas that have shaped the American system of government. These "big ideas" enshrined in the Constitution have created a durable framework for a government that is accountable to the people, protects individual freedoms, and has inspired similar systems of government in other democracies around the globe. These ideas continue to be debated and interpreted, ensuring the Constitution remains a dynamic document that adapts to the changing needs of the nation. The key concepts included in the Constitution are so vital to our democracy that we celebrate Constitution Day on September 17 each year as a reminder of the historic documents that give life to these principles. Colorado's constitution, signed in 1876, incorporates many of the same principles, including the separation of powers and the system of checks and balances designed to protect the liberties of Colorado citizens. Here are some of the key concepts and their significance:

Checks and Balances: The constitutionally granted power for one branch of government to block action by an equal branch of government. The U.S. Constitution specifies instances in which one of the three branches can stop action by another. Historical precedents have established others. The legislative branch of government can impeach the chief executive or members of the judiciary. In Colorado, the Judicial Discipline Commission and an Independent Adjudicative Board, whose members are appointed by leaders of all three branches of government, also can remove members of the judiciary from office.

Federalism: A system of constitutional government in which power is divided into layers with several states on one level and an overarching federal government on another with authority balanced between the state and federal governments.

Limited Government: The government has only the powers granted to it in the Constitution, and it can only conduct actions permitted by the Constitution.

Popular Sovereignty: The preamble to the Constitution is an introduction to the type of government the Founders were creating. Its opening phrase stresses that the government is made by the people and exists to represent, protect, and serve them.

Republicanism: A system of government in the U.S. based in the concept of popular sovereignty and put into practice by the constitutional institutions and processes of representative government.

Separation of Powers: The U.S. Constitution keeps the three branches of government (executive, legislative, and judicial) separate and equal but does not specifically state that it is dividing power among three separate, independent branches. The Colorado Constitution explicitly describes that power is divided into three distinct branches and that one branch may not exercise power over another branch (except as directed or permitted by the constitution).

Individual Rights: The first 10 amendments to the U.S. Constitution, known as the Bill of Rights, explicitly protect fundamental freedoms and rights of individuals and were ratified in 1791. This guarantees essential liberties, such as freedom of speech, trial by jury, religion, and the press, and provides protections for individuals accused of crimes, ensuring a fair and just society. Additional Constitutional Amendments protect other rights, including a prohibition against slavery and involuntary equal protection under the law involuntary servitude, a guarantee of due process as well as voting rights for people of color, women and people over the age of 18. The Colorado Constitution, which was ratified in 1876 after the Civil War, incorporates these rights into the original text.

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WHAT'S THE BIG IDEA?

Reading #2: The Original Constitution



Adapted from "The Original Constitution of the United States: Religion, Race, and Gender" (Yale University Press, Sept. 2018) by Richard Brown, Emeritus Distinguished Professor of History, University of Connecticut

Many who declare that Americans should stick to the original words of the United States Constitution, ratified in 1788, fail to acknowledge that in reality the nation has been ruled by a substantially different constitution for years. The Union victory in 1865, and the amendments Republicans quickly enacted, gave this nation a new constitution—one where, increasingly, national, not state, standards ruled. The consequences of this new constitution have been profound.

Advocates of religious freedom typically rest their arguments on the First Amendment (1791), because it prohibited Congress from making any "law respecting an establishment of religion, or prohibiting the free exercise thereof." What many fail to acknowledge, however, is that originally every state was free to establish a religion or to block its free exercise. Under the original constitution, the state of New York could create a loyalty oath that barred Catholic immigrants from citizenship and suffrage, and it did. Under the original constitution, Massachusetts and Connecticut could provide tax support for Protestant churches, and they did. Up and down the Atlantic seaboard, states that professed religious freedom commonly limited office holding to Protestants. In the early republic full religious freedom as we understand it today, was scarce.

That the original constitution never provided equal rights for African Americans, free or slave, is undeniable. Nor did it supply citizenship to free blacks. As with religious liberty, citizenship qualifications were left to the states. A majority actually recognized free people of color as citizens, but some did not. Moreover, as decades passed and free blacks multiplied, increasingly states denied them citizenship—and rights. No constitutional guarantee hindered this rights rollback. No wonder that when Congress enacted the first Naturalization Act in 1790, it excluded non-whites. In the view of Supreme Court Justice Thurgood Marshall, speaking in 1987, the constitution "was defective from the start, requiring several amendments, a civil war, and momentous social transformation to attain the system of constitutional government, and its respect for the individual freedoms and human rights, we hold as fundamental today."

That the constitution left the rights of women to the states is also well known. One state, New Jersey, recognized women's right to vote from 1790 to 1807, but then fell into line with other states, erasing that right. Although courts acknowledged the actual citizenship of white women, when they married, their property and their children became their husband's. No constitution, state or national, limited husbands' control of the property or the children. As with the rights of people of color, the constitution provided women no recourse. When the first women's political movement gained force in the 1840s a few states, notably New York, enacted legislation recognizing property rights for married women. But neither the U.S. nor any state constitution guaranteed such rights.

The Civil War created the revolution that transformed the U.S. Constitution. Union victory gave Republicans control of Congress, the Presidency, and more than two-thirds of the states. Republican reformers—who aimed to cement their hold on national government and to assert national supremacy over states—now amended a constitution they regarded as defective. In 1865, their

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WHAT'S THE BIG IDEA?

Reading #2: The Original Constitution (con't)



Thirteenth Amendment ended slavery. In 1868, their Fourteenth Amendment provided citizenship—state and national—for every person born or naturalized in the U.S., prohibiting states from denying citizens equal protection. Because states still interfered with African American voting, in 1870 the Fifteenth Amendment prohibited them from denying suffrage based on "race, color, or previous condition of servitude;" though states retained the right to prescribe voting qualifications.

From a constitutional standpoint, the advance toward racial equality was momentous—momentous, that is, for men. Provisions of the Fourteenth Amendment specifically excluded women, and the Fifteenth Amendment omitted them, despite the National Women's Suffrage Association's efforts. Though Wyoming and Utah territories already allowed women to vote, in 1873 the U.S. Supreme Court ruled that because "Man" was "woman's protector and defender," Illinois could prohibit women from becoming lawyers. Divine law, the Court opined, assigned "the domestic sphere . . . to womanhood." For women, the Supreme Court would not even go as far as it would in its now infamous *Plessy v. Ferguson* case (1896), when it endorsed "separate but equal" for blacks and whites. A generation later, the Nineteenth Amendment (1920) would provide national protection for women's suffrage, a right already recognized by Arizona, California, Colorado, Illinois, Montana, New York, Oregon, Utah, Washington, and Wyoming.

Since the 1930s, a series of Supreme Court decisions upholding New Deal legislation has extended national supremacy far beyond post-Civil War reforms. Consequently, it is decisions in Washington, D.C., that count most. Politics, state and national, make actual practices inconsistent and uneven; but Constitutional protections for religion, race, and gender are broader than ever before. Now critical policy decisions govern the entire nation and rest with the President and Congress, not the states. Whether the question is separation of church and state, guaranteeing religious freedom, civil rights like voting, or a woman's right to equal protection of the laws, it is Congress, the President, and the Supreme Court that possess ultimate power—even though implementation and judicial interpretation may leave much to state and local government. The constitution [of today] is not the constitution of 1787, and no one should wish otherwise.

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WHAT'S THE BIG IDEA?

Reading #3: The Colorado Constitution



from Colorado Encyclopedia: https://coloradoencyclopedia.org/article/colorado-constitution

The Colorado Constitution creates the basic framework of the state's government. Written and ratified in 1876, it is the state's original and only constitution. As in other states, ultimate power rests with the people. Power is exercised by representatives in the executive, legislative, and judicial branches. Citizens have the right to initiate laws, to hold referenda on laws enacted by the legislature, and to change the constitution. The document has seen more than 176 amendments in its history.

Writing and Ratification

On December 20, 1875, 39 delegates gathered in Denver for a constitutional convention. For almost three months, they studied and debated the issues. The delegates chose a "rights first" approach to their new constitution. They declared the rights of the citizens before specifying the structure of the government. Like the U.S. Constitution, the Colorado Constitution divided the government into three branches. The executive, legislative, and judicial would check and balance each other's power. The delegates completed their task on March 14, 1876, with all members signing. The document they created was 40 handwritten pages. It is one of the longest state constitutions.

The Colorado Constitution was ratified by voters on July 1, 1876, by a vote of 15,443 to 4,062. On August 1, 1876, President Ulysses S. Grant accepted Colorado into the union as the 38th state.

Inclusion and Suffrage

The first issue the delegates confronted was the diversity of its people. Shifting boundaries meant people who had been living on the northern frontier of Mexico, Texas, or New Mexico Territory found themselves in Colorado after the territory's borders were defined in 1861. In the 1870s, nearly one-fifth of the state's population was Spanish speaking. Casimiro Barela, a delegate from southern Colorado, had the convention pledge that the constitution would be available in Spanish until 1900. German immigrants made up the largest segment of the new state's foreign-born population, so the constitution was printed in German as well.

The Colorado Constitution gave the right to vote to all men over the age of 21. In addition, the constitution took a stand against racial discrimination. It guaranteed a free education for all. Women were given the right to vote only on questions pertaining to schools. At the urging of two delegates, the constitution provided for a referendum on women's suffrage the following year and any time thereafter. The first vote in 1877 failed. Women in Colorado were not granted full suffrage until 1893.

Water Rights and Conservation

Water rights have always been an issue in Colorado. The constitutional convention had a recent example that shaped its approach to water law. Two years earlier, there was a dispute between two communities. The Union Colony (now Greeley) had built two ditches to access water from the Cache la Poudre River. Their water flow dried up in 1874, when colonists in Camp Collins (now Fort Collins) built their own ditch. The ditch diverted the entire flow of the river to Camp Collins. The question was whether upstream newcomers could take water that downstream residents already relied on. The delegates enshrined in the constitution the concept of "first rights." First rights prioritized older, more senior water rights over more recent rights. In addition, the constitution granted right-of-way across both public and private lands to build ditches. Conservation was also important to the framers of Colorado's Constitution. They made their document the first state constitution to mention forests.

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WHAT'S THE BIG IDEA?

Reading #3: The Colorado Constitution (con't)



Direct Democracy

Colorado is one of only 21 states that still has its original constitution. However, since 1876, the constitution has been amended 176 times. Initially, Article XIX specified two ways of amending the constitution. There could be a constitutional convention or a legislatively referred constitutional amendment. Amendments are placed on the ballot for a vote of the people. Both methods of amending the constitution begin with elected representatives.

The amendment process changed in the Progressive Era of the early 1900s. Reformers pushed to make Colorado's political system more democratic. In 1910 a special legislative session referred a new amendment to the ballot. The voters approved, giving citizens two new powers: the referendum and the initiative. The referendum allowed citizens a direct say on legislation passed by the General Assembly through a process of gathering signatures on a petition to place the legislation on the ballot. Voters could approve or reject.

The second new power, the initiative, allowed citizens to petition to place measures on the ballot. The measures would enact either new statutes or constitutional amendments. Citizen-initiated statutes, like other laws, could later be changed by the General Assembly. But citizen-initiated constitutional amendments could be changed only by another amendment. In 1912, the first year the initiative option was available, there were 32 ballot initiatives. The use of the ballot initiative to amend the state's constitution peaked in that decade. It wasn't used much for the next 60 years.

Recent Amendments

Starting in the late 1980s, Boulder, Denver, Aspen and other Colorado cities passed ordinances to protect citizens based on sexual orientation. In response, religious-rights groups helped pass Amendment 2 in 1992, which took away these protections and stopped the state from creating laws to protect anyone on the basis of sexual orientation. The Supreme Court later declared Amendment 2 unconstitutional, saying it violated the Fourteenth Amendment's equal protection clause.

Three recent amendments dealing with taxes and funding have impacted the state legislature:

- The Gallagher Amendment, approved through a legislative referral in 1982, keeps a consistent ratio between revenue from taxes on residential and business properties. This has led to a decline in revenues collected from property taxes over time.
- The Taxpayer Bill of Rights (TABOR) was passed by ballot initiative in 1992, which gives citizens the right to vote on taxes and provides limitations on spending growth.
- Amendment 23 was passed in 2000. It mandates that the state increase K–12 per-pupil funding by the rate of inflation every year.

Other amendments include Amendment 20, which allows for the use of medical marijuana and Amendment 64, which allows for recreational marijuana use. In 2016, voters approved Amendment 71, making the Colorado Constitution harder to amend. This amendment continues to be litigated.

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WHAT'S THE BIG IDEA?

Worksheet: Debate



Team Members:

Position:

Debator from your team:

	Position A	Position B
Main Point		
First Supporting Argument		
Second Supporting Argument		
Third Supporting Argument		
Main Point		
First Supporting Argument		
Second Supporting Argument		
Third Supporting Argument		

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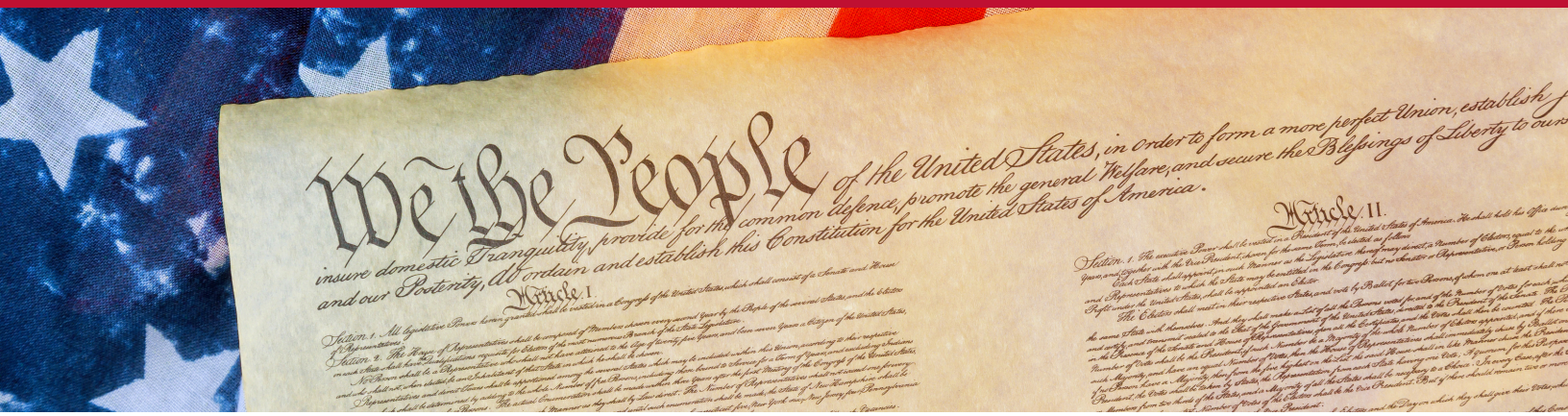
TIPS FOR DIVERSE LEARNERS



- Post key terms on the board or on the screen for students to revisit.
- Introduce key vocabulary the day before the lesson and review before teaching the content, either through a handout or a document you create using your school's virtual classroom tool.
- Consider having students make a drawing or sketch about the concepts being taught, which could be posted in the room to aid with learning. Prompt students to use these drawings and other visuals to remember vocabulary words or skills that have been taught.
- Combine students with varying learning abilities, interests, language proficiencies, or other skill strengths into groups of two or more for the reading activity to provide peer support throughout a lesson. You may want to alter the makeup of working groups according to the activity at hand, e.g. sometimes heterogeneous grouping is appropriate, where at other times, same-language or more homogenous groups may work best.
- Provide a T-chart or graphic organizer for note taking, or project one as you are teaching the content to help students track on the content.
- Allow students to demonstrate their knowledge through a range of options, such as written responses, presentations, projects or oral assessments.
- Empower students to share their thoughts and experiences about how the concept being taught has impacted Americans throughout history.
- Work with a partner or in a small group.
- Assign roles to students to help them in completing activities.
- Add pictures, photos or other visual aids to help explicitly teach skills.
- Try different discussion techniques, including jigsaw, fishbowl or wrap around.

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EDUCATIONAL RESOURCES



Colorado Judicial Department Resources

Lesson Plans: coloradojudicial.gov/community-and-educational-resources/lesson-plans
Supreme Court or Court of Appeals tours: cjlc.colorado.gov/book-a-tour-of-the-ralph-l-carr-judicial-center
Visit the Judicial Learning Center: cjlc.colorado.gov

Judicial Department Information

Colorado Supreme Court: coloradojudicial.gov/supreme-court
Colorado Court of Appeals: coloradojudicial.gov/court-appeals
Map of Colorado Judicial Districts: coloradojudicial.gov/colorado-judicial-district-map
Supreme Court Library: cjlc.colorado.gov/colorado-supreme-court-library

Other Educational Resources

Glossary of Legal Terms: uscourts.gov/glossary
Ben's Guide to the U.S. Government: bensguide.gpo.gov
Bill of Rights Institute: billofrightsinstitute.org
Center for Civic Education: civiced.org
Digital Civics Toolkit: digitalcivicstoolkit.org
iCivics: vision.icivics.org
Colorado Council for the Social Studies: coloradocouncilforthesocialstudies.org
Annenberg Guide to the Constitution: annenbergclassroom.org/constitution
Constitution Annotated: constitution.congress.gov
The Constitutional Sources Project (ConSource): consource.org
Teach Democracy: teachdemocracy.org/curriculum
·The Rendell Center for Civics and Civic Education: rendellcenter.org

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