

Voice the Constitution[©]

Notes for the Facilitator

In your opening remarks, here are a few thoughts that may be useful:

1. The Constitution is the basis of all U.S. law. It is, by its own declaration, "the supreme law of the land."
2. It begins with "We, the people of the United States..." The people gathered to read the Constitution *own* it and are free to change it through their representatives.
3. The words "shall" and "will" have distinct meanings. While their very precise meaning is not usually recognized in casual conversation, in legal documents (like our Constitution) their meanings are as follows:
 - a) shall: When used in the second or third person, shall represents a binding obligation. In first person, it is not binding. When Douglas MacArthur left the Philippines, he said, "I shall return." He didn't return; but that was OK since "shall" is not binding in first person.
 - b) will: When used in first person, will represents a binding obligation but not in the second or third person. That is why the president swears using the word "will." With the word "will", the president binds himself to his oath.

Procedure for the Reading

1. The Constitution is a living document and several portions of it have been amended. Portions that have been amended are *italicized* on the Constitution Cards. The facilitator should ask the readers to raise a hand while reading an italicized section so as to indicate that this part will be corrected or illuminated later.
2. Find out who would like to read. There can be up to 61 readers; however, it's better if everyone gets at least two cards, therefore we recommend no more than 30 readers.
3. Make sure that all 61 Constitution Cards are in order in the stack. For the math impaired, a table is provided to figure out how the cards get divided up. See Card Distribution below. Be careful not to deal them out like playing cards (that can be tempting). For example, if there are seven readers, the first reader gets pages 1 through 8. The second reader gets 9 through 16. the last reader gets pages 53 through 61.
4. Due to the archaic language, readers will get stuck from time to time. Be sure you can help them out with problems around pronunciation or inflection.

Help them to avoid embarrassment by emphasizing how the old wording is hard to figure out.

5. If there are only a few readers each reader can do a pretty good job of remembering which reader they follow. If there are ten or more readers, we recommend that you give each reader a stick-on badge (like those name tags they hand out at conventions) indicating the reader's position in the sequence. Hand the first Constitution Cards to the first reader along with a badge marked "1." The next cards would be handed to the second reader along with a badge marked "2." Each reader would see the number of the current reader and know if he was next. To avoid delays, the next reader should be instructed to approach the podium while the current reader is still reading.
6. During breaks when one reader has finished and another is stepping into position we find that the audience is generally happy with a quick diversion. If the switch is taking a bit too long or a reader asks a question, here are some facts about the Constitution that may be useful or entertaining.
 - a) There is nothing in the Constitution indicating how many Justices should be on the Supreme Court.
 - b) The income tax has been controversial for some time. In 1909 Progressives in Congress attached a provision for an income tax to a tariff bill. Conservatives, hoping to kill the idea for good, proposed a constitutional amendment authorizing such a tax; they believed an amendment would be rejected by the States and would kill the Progressive proposal. Much to their surprise, the 16th amendment was ratified and the income tax became constitutional.
 - c) The United States has a national goddess. The founders, consistent with traditions of the time, created a goddess to watch over their new country. Does anyone know her name? It's Columbia. It was Columbia's breasts that Attorney General John Ashcroft covered with a cloth. That is why Washington D.C. is the District of Columbia — it is the seat of the goddess.
 - d) Listen after the phrase "Attest William Jackson Secretary." You'll hear a reference to "the Twelfth." The founders believed that the founding of the United States, with the Declaration of Independence, would constitute the first year of a new calendar. They refer to the twelfth year of this new calendar at the end of the original document.
 - e) Article 1, Section 8 of the Constitution is one sentence. No really! Look. It's *one sentence*.
 - f) The longer the term of office, the easier it is for the legislature to kick an officeholder out. The president has a four year term and so the legislature has to prove "high crimes and misdemeanors." The justices of the Supreme Court have lifetime positions. They hold their positions only "on good behavior." While some attorneys have argued that "on good

behavior" is a very high bar, those who speak English fluently recognize that "good behavior" is abandoned long before a misdemeanor is undertaken. Of the sixteen federal officers who have been impeached, only judges have actually been convicted and turned out of office. Nine of the Ten judges impeached have been convicted. It's comparatively easy to get rid of a judge.

- g) The Founders actually assign specific rights to one and only one commercial industry -- the press.
- h) The press is often called the fourth estate. This dates back to 1789. Louis XVI summoned to Versailles a full meeting of the 'Estate General'. The First Estate consisted of three hundred clergy. The Second Estate, three hundred nobles. The Third Estate, six hundred commoners.

In Thomas Carlyle's book *On Heroes and Hero Worship* (1841), he writes:

. . . The affairs of the nation were there deliberated and decided; what we were to do as a nation. But does not, though the name Parliament subsists, the parliamentary debate go on now, everywhere and at all times, in a far more comprehensive way, out of Parliament altogether? Burke said there were Three Estates in Parliament; *but, in the Reporters' Gallery yonder, there sat a Fourth Estate more important far than they all.* It is not a figure of speech, or a witty saying; it is a literal fact,--very momentous to us in these times. . . . [italics added]

- i) Right Wing and Left Wing also derive from the Estate General. Those who sought a more democratic rule (Third Estate), in the French parliament, sat to the *left* of the president's chair. The nobles and monarchists (Second Estate) sat to its *right*.
- j) The word "treason" is defined in the Constitution. It doesn't mean (in the U.S.) what we traditionally imagine. In the U.S, it means "to make war against the U.S. or to give aide and comfort to its enemies." So, it is not clear if subverting the constitution through (say) subversive legislation is treasonous.
- k) The year 1808 appears twice in the Constitution and the words around it are a little hard to understand. The founders debated at length regarding slavery but were unable to find a compromise that satisfied the northern states while also bringing the southern states into the union. Finally they simply agreed not to talk about slavery for twenty years. 1808 is the year that the topic of slavery could once again be raised in the halls of Congress (although that isn't obvious from the text).

- 1) At one reading, a listener complained that Judges on the Supreme Court were making law. It turns out that the Constitution doesn't have a big problem with that. Amendment 7 clearly states that "... no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law." The common law is almost entirely judge-made law. Traveling judges had brought the broad law of the land to individual cases all over Europe and the British Isles since the 13th Century. The Common Law was (and is) the law that was formed through the review of centuries of decisions made by judges: a law quite literally made by judges.
7. The last Constitution Card has discussion suggestions. Reading the Constitution out loud has proved to be a cathartic experience. People will want to talk. Facilitate discussion afterwards, trying always to hold to the topic of the Constitution itself while avoiding ideology.

Have Fun!

Card Distribution

Readers	<i>Divide the cards like this</i>
3	The first reader gets 21 cards. The rest get 20 cards.
4	The first reader gets 16 cards. The rest get 15 cards.
5	The first reader gets 13 cards. The rest get 12 cards.
6	The first reader gets 11 cards. The rest get 10 cards.
7	The first two readers get 8 cards. The rest get 9 cards.
8	The first three readers get 7 cards. The rest get 8 cards.
9	The first two readers get 6 cards. The rest get 7 cards.
10	The first reader gets 7 cards. The rest get 6 cards.
11	The first five readers get 5 cards. The rest get 6 cards.
12	The first reader gets 6 cards. The rest get 5 cards.
13	The first four readers get 4 cards. The rest get 5 cards.
14	The first five readers get 5 cards. The rest get 4 cards.
15	The first reader gets 5 cards. The rest get 4 cards.
16	The first three readers get 3 cards. The rest get 4 cards.
17	The first seven readers get 3 cards. The rest get 4 cards.
18	The first seven readers get 4 cards. The rest get 3 cards.
19	The first four readers get 4 cards. The rest get 3 cards.
20	The first reader gets 4 cards. The rest get 3 cards.
21	The first two readers get 2 cards. The rest get 3 cards.
22	The first five readers get 2 cards. The rest get 3 cards.
23	The first eight readers get 2 cards. The rest get 3 cards.
24	The first eleven readers get 2 cards. The rest get 3 cards.
25	The first eleven readers get 3 cards. The rest get 2 cards.
26	The first nine readers get 3 cards. The rest get 2 cards.
27	The first seven readers get 3 cards. The rest get 2 cards.
28	The first five readers get 3 cards. The rest get 2 cards.
29	The first three readers get 3 cards. The rest get 2 cards.
30	The first reader gets 3 cards. The rest get 2 cards.
31	The first reader gets 1 card. The rest get 2 cards.
32	The first three readers get 1 card. The rest get 2 cards.
33	The first five readers get 1 card. The rest get 2 cards.
34	The first seven readers get 1 card. The rest get 2 cards.
35	The first nine readers get 1 card. The rest get 2 cards.
36	The first eleven readers get 1 card. The rest get 2 cards.
37	The first thirteen readers get 1 card. The rest get 2 cards.

Readers	<i>Divide the cards like this</i>
38	The first fifteen readers get 1 card. The rest get 2 cards.
39	The first seventeen readers get 1 card. The rest get 2 cards.
40	The first nineteen readers get 1 card. The rest get 2 cards.
41	The first twenty-one readers get 1 card. The rest get 2 cards.
42	The first twenty-three readers get 1 card. The rest get 2 cards.
43	The first twenty-five readers get 1 card. The rest get 2 cards.
44	The first twenty-seven readers get 1 card. The rest get 2 cards.
45	The first twenty-nine readers get 1 card. The rest get 2 cards.
46	The first thirty-one readers get 1 card. The rest get 2 cards.
47	The first thirty-three readers get 1 card. The rest get 2 cards.
48	The first thirty-five readers get 1 card. The rest get 2 cards.
49	The first thirty-seven readers get 1 card. The rest get 2 cards.
50	The first thirty-nine readers get 1 card. The rest get 2 cards.
51	The first forty-one readers get 1 card. The rest get 2 cards.
52	The first forty-three readers get 1 card. The rest get 2 cards.
53	The first forty-five readers get 1 card. The rest get 2 cards.
54	The first forty-seven readers get 1 card. The rest get 2 cards.
55	The first forty-nine readers get 1 card. The rest get 2 cards.
56	The first fifty-one readers get 1 card. The rest get 2 cards.
57	The first fifty-three readers get 1 card. The rest get 2 cards.
58	The first fifty-five readers get 1 card. The rest get 2 cards.
59	The first fifty-seven readers get 1 card. The rest get 2 cards.
60	The first fifty-nine readers get 1 card. The last gets 2 cards.
61	Each reader gets 1 card