

<b>COMPARING FLORIDA’S CONSTITUTIONS</b>
<b>SS.8.CG.1.2</b> Compare and contrast the 1838 Florida Constitution and 1868 Florida Constitution.

**TABLE OF CONTENTS**

<b>Essential Teacher Content Background Information</b>	<b>2</b>
<b>Lesson Summary</b>	<b>4</b>
<b>Suggested Student Activity Sequence &amp; Pace</b>	<b>6</b>
<b>Civics Content Vocabulary</b>	<b>8</b>
<b>Additional Resources, Answer Keys, and, Sources</b>	<b>9</b>

<b>2023 BENCHMARK UPDATES</b>
<ul style="list-style-type: none"> <li>New benchmark added to the 2023-2024 middle school civics and government standards</li> </ul>

# Essential Teacher Content Background Information

*[Teacher Content Notes Not Appropriate For Student Use]*

**This section addresses the following topics:**

1. Florida's Constitutions
2. Background on the 1838 Florida Constitution
3. Background on the 1868 Florida Constitution
4. Antebellum Florida
5. How the 1868 Florida Constitution Changed to Conform with the Reconstruction Era Amendments to the U.S. Constitution

## 1. Florida's Constitutions

Florida has had six constitutions. The most current version was ratified in 1968.

## 2. Background on the 1838 Florida Constitution

With the possibility of being admitted to statehood, an act was passed by the Territorial Council in 1838. It was approved by Governor Richard Keith Call and called for the election of delegates in October of 1838 to a convention to be held at St. Joseph, West Florida. The delegates needed to draft a constitution and a bill of rights that would meet the needs of the territory of Florida.

The Constitutional Convention was December 3, 1838, with Robert Raymond Reid presiding as president and Joshua Knowles as secretary. There were eighteen committees in the convention. The process was streamlined because the members modeled Florida's constitution after several other southern states. The convention adjourned sine die (that is, with no appointed date for resumption) on January 9, 1839.

The 1838 Florida Constitution established a one-term governor, a bicameral legislature, tight banking restrictions, and a strict separation of church and state. During this time clergymen could not serve as governor or in the legislature.

The 1838 Florida Constitution remained the governing document through the Civil War. Confederate Florida chose to amend the 1838 constitution.

## 3. Background on the 1868 Florida Constitution

Following the defeat of the Confederacy in the Civil War, Reconstruction delegates had to adopt a new constitution as Florida was restored to the Union. Florida was under the military authority of the national government. General John Pope issued an order on April 8, 1867 that divided the 39 counties into 19 districts. Delegates elected from these districts joined the convention in Tallahassee on January 20, 1868, and began framing the new state constitution.

Part of the requirements for the new constitution was that Florida would adhere to the 13th and 14th amendments to the U.S. Constitution. Bitter factions were formed during the convention, and the national government was brought in to intervene and bring the convention back under control. They reconvened on February 18, 1868, when Horatio Jenkins, Jr. was elected president. The Florida Constitution of 1868 was adopted in May and approved by the federal military authorities. This officially marked Florida's restoration to the Union, and Senators and Representatives were admitted to Congress once more.

#### **4. Florida in the Antebellum Era and Civil War**

Florida was one of 15 slave states prior to the Civil War, and would be the third overall (after South Carolina and Mississippi) out of eleven to secede from the Union and form the Confederate States of America by 1861. The least populous Confederate state, much of Florida's participation in the war was to provide cattle and other goods to the Confederate Army. At war's end, Tallahassee was the only Confederate State Capitol not captured by the Union.

#### **5. How the 1868 Florida Constitution Changed to Conform with the Reconstruction Era Amendments to the U.S. Constitution**

Congress passed a series of laws known as the Reconstruction Acts in 1867. These laws required the former Confederate states to dissolve existing state governments, register all eligible men (white or African-American) to vote, and then hold conventions to create new state constitutions. To be readmitted to the United States, each state's constitution had to accept the end of slavery and adopt the 14th amendment, which guaranteed equal rights for all men, regardless of race. Florida's voters selected delegates to a state constitutional convention in November 1867. The convention met on January 20, 1868, and the new constitution was ratified by the voters the following May.

## Lesson Summary

ESSENTIAL QUESTION		
How were the 1838 and 1868 Florida Constitutions different? How were they similar?		
BENCHMARK		
SS.8.CG.1.2 Compare and contrast the 1838 Florida Constitution and 1868 Florida Constitution.		
CIVICS EOC REPORTING CATEGORY		
N/A		
OVERVIEW		
In this lesson, students will learn about the 1838 and 1868 Florida Constitutions and compare and contrast both, particularly noting how the 1868 Florida Constitution changed to conform with the Reconstruction Era amendments to the U.S. Constitution.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none"><li>Students will explain how the 1868 Florida Constitution conformed with the Reconstruction Era amendments to the U.S. Constitution (e.g., citizenship, equal protection, suffrage).</li></ul>		
BENCHMARK CONTENT LIMITS		
N/A		
CIVICS CONTENT VOCABULARY		
<ul style="list-style-type: none"><li>amendment, citizen, constitution, equal protection, preamble, Reconstruction, suffrage</li></ul>		
INSTRUCTIONAL STRATEGIES		
Document analysis	Collaborative learning	Civil conversations
MATERIALS		
<ul style="list-style-type: none"><li>Notecards</li><li>Highlighters</li><li>1838 Florida Constitution image (external link)</li><li>1868 Florida Constitution image (external link)</li><li>1838 Florida Constitution text (external link)</li><li>1868 Florida Constitution text (external link)</li><li>1838 Florida Constitution Excerpts reading</li><li>Comparing Florida's Constitutions Graphic Organizer</li><li>1868 Florida Constitution Excerpts reading</li><li>The Reconstruction Amendments reading</li><li>Blank Venn Diagram</li></ul>		

### **B.E.S.T. STANDARDS**

- ELA.8.R.2.1- Analyze how individual text sections and/or features convey a purpose and/or meaning in texts.
- ELA.8.V.1.3- Apply knowledge of context clues, figurative language, word relationships, reference materials, and/or background knowledge to determine the connotative and denotative meaning of words and phrases, appropriate to grade level.
- ELA.K12.EE.1.1- Cite evidence to explain and justify reasoning.

## Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<p><b>Planning Note:</b> Prior to this lesson students should have learned about the Antebellum era and Civil War. Students should be aware that Florida was ceded to the United States by Spain in 1819, became a state in 1845, and in 1861 became the third state to secede from the Union and join the Confederate States of America.</p> <ol style="list-style-type: none"> <li>1. Begin the lesson by having students take a few moments to write a response in their notebooks or on paper regarding the following prompt: How did individual rights in the United States change as a result of the Civil War?</li> <li>2. Have students share some of their responses, and have students add to their responses as other students share out.</li> <li>3. Lead students to the understanding that as a result of the Civil War, slavery was abolished throughout the United States (13th amendment). In the Reconstruction era, the 14th amendment addressed issues of citizenship and equal protection under the law, and the 15th amendment prohibited discrimination in voting rights on account of race. <b>Teacher Note:</b> These amendments also appear in other benchmarks so depending on what has been taught so far, this will either be an introduction to this information or a review.</li> <li>4. Project images of the “<a href="#">1838 Florida Constitution</a>” and the “<a href="#">1868 Florida Constitution</a>” from Florida Memory.</li> <li>5. Ask students to use context clues to try and identify these documents. As needed, point out the words ‘preamble’, ‘article’, ‘government’, ‘We the People’, ‘Florida’, and ‘constitution’ on the documents.</li> <li>6. Ask them how many constitutions the United States has had. Explain to them that the United States has only ever had one, but that Florida has had six. The current one was written in 1968.</li> <li>7. Explain to students that in this lesson they will learn about two of Florida’s previous constitutions and will focus on how revisions addressed Reconstruction era reforms.</li> <li>8. Project the text of the “<a href="#">Florida Constitution of 1838</a>” and the “<a href="#">Florida Constitution of 1868</a>”.</li> <li>9. As a class, spend time scrolling through and looking at both documents. <b>Teacher Note:</b> Both constitutions are very long. It is recommended that you focus on larger similarities, such as overall structure, for this introductory activity</li> <li>10. Have students write down on paper or share out similarities they notice between the two documents.</li> <li>11. Lead students to an understanding that both documents have a preamble, articles, and a Declaration of Rights. All also similar components to the U.S. Constitution.</li> <li>12. Place students in pairs.</li> <li>13. Pass out printed copies of the “1838 Florida Constitution Excerpts” reading and the “Comparing Florida’s Constitutions Graphic Organizer”.</li> <li>14. Have the pairs read through the 1838 excerpts, marking the text as they read. After reading, they should work together to transfer important points into the appropriate column of the graphic organizer, placing everything in their own words.</li> <li>15. To end today’s lesson, have students do a quick write on a notecard in which they make a prediction as to what changes might be coming to the 1838 Florida Constitution by 1868.</li> </ol>

DAY 2	<ol style="list-style-type: none"> <li>1. Begin today's lesson by having students form the same pairs as the day before. Have the students take back out their "1838 Florida Constitution Excerpts" reading and the "Comparing Florida's Constitutions Graphic Organizer" from yesterday.</li> <li>2. Have students share some of the predictions they have regarding what changes may be coming.</li> <li>3. Pass out the "1868 Florida Constitution Excerpts" reading.</li> <li>4. Have the pairs read through the 1868 excerpts, marking the text as they read. After reading, they should work together to transfer important points into the appropriate column of the graphic organizer, placing everything in their own words.</li> <li>5. Once all pairs have the first two columns of the graphic organizer filled in, discuss some of the differences between the two constitutions as a whole class.  <b>Teacher Note:</b> Use the sample answer key provided below to guide the conversation.</li> <li>6. Pass out "The Reconstruction Amendments" reading to each student and review as a class. Work to summarize each amendment and have students circle/underline/highlight important text and also make notes in the margins.</li> <li>7. Have the student pairs return to their graphic organizers. Using their new knowledge of the three Reconstruction amendments, have them complete the final column. They should be identifying whether each of Florida's constitutional changes was a result of the 13th, 14th, or 15th amendment influence and explaining why.</li> <li>8. While pairs work, circulate the room to check in with each pair for their understanding.</li> <li>9. Checking for Understanding (Formative Assessment):  Instruct students to use the "Blank Venn Diagram" handout to highlight the similarities and differences between Florida's 1838 Constitution and Florida's 1868 Constitution. At the bottom, have the write a short response that explains how the 1868 Constitution conformed to Reconstruction era amendments to the U.S. Constitution.</li> </ol>
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## Civics Content Vocabulary

Word/Term	Definition
<b>amendment</b>	a modification or change in a written Constitution
<b>citizen</b>	a legal member of a state or country
<b>constitution</b>	the basic principles and laws of a nation or state that determine the powers and duties of the government and guarantee certain rights to the people in it; usually a written document
<b>equal protection</b>	a guarantee under the 14th Amendment to the U.S. Constitution that a state must treat an individual or class of individuals the same as it treats other individuals or classes in like circumstances
<b>preamble</b>	the introduction to the U.S. Constitution
<b>Reconstruction</b>	the era following the U.S. Civil War that attempted to reunify the divided nation and integrate African Americans into society
<b>suffrage</b>	the right to vote in political elections



## ADDITIONAL RESOURCES

### [Civics 360 Resources](#)

Florida Department of Education's Civic Literacy Reading List

- *Lincoln: A Photobiography* by Russell Freedman

## ANSWER KEYS

Sample Answers: Comparing Florida's Constitutions Graphic Organizer

Sample Answers: Comparing Constitutions Venn Diagram

Written Response: Sample Scoring Rubric

## SOURCES

1838 Florida Constitution (text):

<http://library.law.fsu.edu/Digital-Collections/CRC/CRC-1998/conhist/1838con.html>

1868 Florida Constitution (text):

<http://library.law.fsu.edu/Digital-Collections/CRC/CRC-1998/conhist/1868con.html>

1838 Florida Constitution (image): <https://www.floridamemory.com/items/show/189087>

1868 Florida Constitution (image): <https://www.floridamemory.com/items/show/189095>

Florida's Historic Constitutions:

[https://www.floridamemory.com/discover/historical\\_records/constitution/series.php](https://www.floridamemory.com/discover/historical_records/constitution/series.php)

The U.S. Constitution: <https://www.archives.gov/founding-docs/constitution-transcript>