| *From Subjects to Citizens*  **A Revolution of Words: The 250th Birthday of the Declaration of Independence and Its Impact on the Nation** |
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| **Children: The Declaration’s 140th Birthday in 1916** |

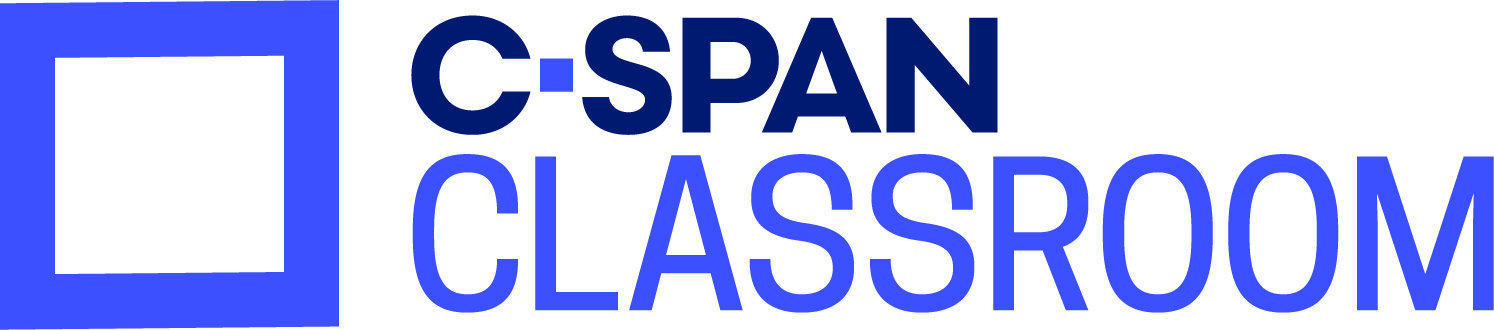
**TABLE OF CONTENTS**

[**LESSON OVERVIEW 2**](#_me2xii9yn4s4)

[**TEACHER CONTENT BACKGROUND INFORMATION 3**](#_yu6k8v6r0k)

[**ACTIVITY SEQUENCE 5**](#_8235yrbrt9kd)

[**ADDITIONAL RESOURCES AND SAMPLE ANSWERS 7**](#_6zbbqov7ccs2)



## **LESSON OVERVIEW**

| **DESCRIPTION** |
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| In this lesson, students will examine the Declaration of Independence in its 140th year. The focus will be on the promises outlined in the Declaration and their connection to child laborers during the Second Industrial Revolution. |
| **ESSENTIAL QUESTION** |
| How did the promises of the Declaration of Independence serve as an inspiration to America’s youth in its 140th year? |
| **KEY PROMISES** |
| * Equality * Unalienable Rights * Consent of the Governed * Right to Revolution |
| **MATERIALS** |
| * Primary Source Digital Unwrapping Slides * C-SPAN “History of Child Labor in the U.S.” Video (external link) * National Archives “Analyzing a Photograph” Worksheet * Images of Child Labor * Promises of the Declaration of Independence Handout |

## **TEACHER CONTENT BACKGROUND INFORMATION**

*[Not intended for student use]*

**1. Key Promises in the Declaration of Independence**

1. **Equality**

The Declaration of Independence states that “all men are created equal”. This concept of equality focuses on equality as opportunity, where “all men” are created equal, although being created equal does not guarantee equal experiences. Enlightenment philosophers supported the concept of [individualism](https://centerforindividualism.org/individualism-founding-fathers-part-1-liberty-limited-government/). Individualism suggests that each person possesses an inherent worth that supports freedom, self-reliance, and individual skills, talents, and interests. Equal opportunity in the context of individualism means that being born equal does not lead to equal results or equal outcomes.

1. **Unalienable Rights**

According to the Declaration, unalienable rights (“natural rights”) are those rights with which people are born (given “by their Creator”). They include the unalienable rights of “life, liberty and the pursuit of happiness”. These rights cannot be taken away by the government, and the government is also obligated to protect unalienable rights. These rights are associated with 17th to early 19th century European Enlightenment philosophers who supported unalienable rights as the means to challenge traditional authority that existed under monarchies.

1. **Consent of the Governed**

Consent of the governed includes that “governments are instituted among men, deriving their just powers from the consent of the governed,” as written in the Declaration. This promise focuses on self-government. The people rule themselves through governments that they establish. Because the people establish those governments and are not ruled by a government imposed on them (such as a monarchy), the people give their consent to how they are governed. Thus, self-rule is experienced when the people establish their own government to which the people give their consent.

1. **Right to Revolution**

The right to revolution recognizes that there may be times when the government abuses its power. The Founders wrote, “[T]hat whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government...” This phrase suggests that when the people have determined that the government is not protecting their unalienable rights, they may change (“alter”) or replace (“abolish”) their government. The Declaration of Independence justified the colonists’ decision to separate from the British king. Since then, Americans have exercised their “right to revolution” by altering the government when the government has failed to live up to its promises through elections, interest groups, social movements, and political parties. Some of these changes have included broadening political power (who has it, what form it takes), defining citizenship, how the people experience self-government, and protecting individual rights.

**2. Connecting the Promises to Children**

1. **Equality**

The Declaration of Independence promises the unalienable rights to “life, liberty, and the pursuit of happiness.” Prior government decision-making has focused on its obligations to protect children’s interests and whether those obligations justify denying children opportunities that they would have if they were adults.

Two key examples are related to education and labor laws. Safety concerns and other obligations, such as attending school, have shaped children’s freedom to work and ‘pursue happiness.’ Enacted in 1938, the Fair Labor Standards Act (FLSA) includes protections for minors. This law stated that children under the age of 14 cannot work in non-agricultural jobs, and limited daily and weekly work hours and working conditions for children under the age of 18. The FLSA allowed more flexibility for children to work in agricultural jobs compared with non-agricultural jobs. And education laws have focused on children’s school attendance and the rights that students have (or don’t have) in the school environment. The United States Supreme Court has also shaped children’s experience in their school environment.

Examples include:

*Engel v. Vitale* (1962): Students cannot be compelled to recite a school-designated prayer in school (*liberty*).

*New Jersey v. T.L.O.* (1985): Students’ privacy rights are protected unless a school security concern justifies a search of student property (*pursuit of happiness*).

*Tinker v. Des Moines Independent Community School District* (1969): Students may participate in non-disruptive protest in the school environment (*liberty*).

*Wisconsin v. Yoder* (1971): Children need not attend school past the 8th grade if their parents determine that their children should receive an alternate high school education that better reflects religious teachings (*liberty, pursuit of happiness*).

Protecting children’s unalienable rights has also focused on criminal prosecution and punishment. Questions have arisen as to whether children should be treated the same as adults, including whether children should receive the same punishments as adults for committing the same crimes.

An example:

In *Roper v. Simmons* (2005), the United States Supreme Court ruled that executing individuals who committed crimes before age 18 violates Eighth Amendment protections against cruel and unusual punishment (*life*).

1. **Unalienable Rights**

The Declaration of Independence asserts that “all men are created equal.” This assertion has shaped whether and how the government guarantees equality for children.

Equal access to education for children was the focus of *Brown v. Board of Education* (1954). In that case, the United States Supreme Court analyzed the Fourteenth Amendment's Equal Protection Clause, which states that no state shall “deny to any person within its jurisdiction the equal protection of the laws.” The United States Supreme Court determined that “separate but equal” educational facilities violated minority students’ equal protection. The Court decided that these children were being denied equal protection guarantees because they were required to attend school where they experienced inequality.

Promises of equality to children have also extended to political rights. It was not until 1971 that the United States Constitution guaranteed political equality to individuals aged 18-21; voting rights were extended to those aged 18-21 in all elections with the 26th Amendment. Efforts to secure voting rights for these individuals were important because of the ongoing conflict in Vietnam. During the Vietnam War, men became eligible for the military draft at age 18. Lacking voting rights meant that these men had no say in choosing those public officials who decided the course of the Vietnam Conflict, which shaped decisions about issues that affected them, including the military draft.

**3. Brief Timeline of Child Labor Reform**

**In 1836,** Massachusetts created the first child labor law requiring factory-working children (aged 15 and under) to attend school for a minimum of three months a year.

**In 1900,** the census revealed there were over two million child laborers in the United States.

**In 1901,** Jane Addams founded the Juvenile Protective Association, which advocated against child labor (and many other issues regarding children’s rights).

**In 1903,** Mother Jones (Mary Harris Jones) organized working children to march from Pennsylvania to President Theodore Roosevelt’s home in New York to advocate against child labor.

**In 1904,** the National Child Labor Committee was founded.

**In 1908,** the National Child Labor Committee hired Lewis Hine to photograph and report on child labor nationwide.

**In 1916,** the Keating-Owen Child Labor Act was passed by Congress. It banned the interstate sale of any article produced with child labor and regulated the hours a child could work.

**In 1918,** the Supreme Court ruled that the Keating-Owen Act was unconstitutional in *Hammer v. Dagenhart.*

**In 1919,** Congress tried again to regulate child labor indirectly in the Revenue Act of 1919, which imposed heavy taxes on companies with high numbers of child laborers.

**In 1922,** the Supreme Court ruled the Revenue Act of 1919 was unconstitutional in *Bailey v. Drezel Furniture Co*.

**In 1938,** Congress passed the Fair Labor Standards Act, which put limits on child labor. (This act, though amended, is still in use today.)

**In 1949,** an amendment to the Fair Labor Standards Act (FLSA) directly prohibited child labor for the first time.

**\*\***[Current federal requirements](https://www.dol.gov/agencies/whd/state/child-labor/agriculture) under the FLSA Child Labor Bulletin 102: No employment during school hours. 12 and 13-year-olds may be employed with written parental consent or on a farm where the minor’s parent is also employed; minors under 12 may be employed with written parental consent on farms where employees are exempt from the federal minimum wage provisions.

**4. Information about the Keating-Owen Child Labor Act**

For more information about the Keating-Owen Child Labor Act, consider visiting:

<https://www.archives.gov/milestone-documents/keating-owen-child-labor-act?_ga=2.5015472.2080964657.1741714354-446224546.1736439800> or

<https://prologue.blogs.archives.gov/2020/03/24/unratified-amendments-regulating-child-labor/>

Sources:

Court Cases, [Oyez.com](http://oyez.com)

Child Labor Laws, [Child Labor | U.S. Department of Labor](https://www.dol.gov/agencies/whd/child-labor)

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## **ACTIVITY SEQUENCE**

| **HOOK** | 1. Start class by polling students to see how many have a job and/or receive money from chores, etc. Ask them when they started, what qualifications they needed, or what their motivation was for seeking the job. 2. Generate a discussion with students about jobs. Examples: *Is it a good idea for younger people to have jobs? Should the law set age requirements for when people are eligible to work? Are some jobs better suited for younger individuals because of their age? Are there jobs that younger people should not have because of their age? Should the amount of money earned doing a job be the same regardless of the worker's age? Should the law set time requirements for younger workers? (i.e., breaks, overnight, school hours)* |
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| **FEATURED PRIMARY SOURCE UNWRAPPING** | 1. Explain to students that it is time to ‘unwrap’ this month’s primary source document.   **Teacher Note:** As the theme of these lesson plans is America’s birthday, each month, you and your students will digitally unwrap a new primary source. This is an opportunity to drum up excitement as we lead up to the 250th celebration and draw our focus to a time when individuals were fighting for those promises outlined. This month’s focus will be on the rights and promises pertaining to children.   1. Use the [Primary Source Digital Unwrapping Slides](https://docs.google.com/presentation/d/1JtQuosALbREoSEf3nw6Im0-sBEiogvtVs3-jQQA_xwc/edit?usp=sharing) and reveal the primary source inside. 2. Examine the document together and ask students if anyone can identify it.   **Teacher Note:** This month’s source is the Keating-Owen Labor Act of 1916. Use the link provided in the Speaker Notes of the slide to go directly to the source on the National Archives website, where you can find examination tools like a magnifier and a typed transcription.   1. As a class, read the first paragraph of the Act and discuss the main idea. 2. Ask the students, what could have prompted legislation like this to be necessary? Whose rights are being protected through this legislation? |
| **LESSON ACTIVITY** | 1. Tell the students that today, they’re going to find out why the Keating-Owen Labor Act was so important during its time of passage in 1916. 2. Watch both [History of Child Labor in the U.S.](https://www.c-span.org/classroom/document/?24155) clips from C-SPAN.   **Teacher Note:** This will give students some background on why child labor was widely used during this time.   1. Hand out a copy of the [Analyzing a Photograph Worksheet](https://drive.google.com/file/d/1wCN-d18yy7ItHdU2iq-W9mKiKFDZbeig/view?usp=drive_link) from the National Archives to every student. 2. Assign each student a photograph from [Images of Child Labor](https://docs.google.com/presentation/d/1Ir8L4wPfEU4RErDE6wejTv7LFJNLzJwXhHeUbNm3ots/edit?usp=sharing).   **Teacher Note:** There are twenty-seven images. If your class size is more than that, you may use duplicates. Each of the Images of Child Labor slides has the title and citation information in the speaker notes. Some images have more information based on what was listed on the National Archives website.   1. Explain to students that today, they will analyze an image from the National Archives that displays child labor during the Second Industrial Revolution. Many of these images were taken by Lewis Hine, who was hired during the Progressive Era by the National Child Labor Committee to document child labor across the country. 2. Allow students time to analyze their photographs using the National Archive analysis worksheet. 3. Gather the students and have them share in small groups their photographs and the information they gathered. 4. Project or provide students with the [Promises of the Declaration Handout](https://drive.google.com/file/d/1usQ2sUHVZcPTwCJU5RRLlLyWHPKus3zH/view?usp=drive_link). Ask students to discuss which promises were lacking in the various photographs studied today. What impact did the distribution of these photographs have? |
| **CONCLUSION** | 1. Have students write a short letter from the perspective of one of the children in their photographs to an elected official about why child labor needs to be reformed and how the promises of the Declaration connect to that goal. |

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## **ADDITIONAL RESOURCES AND SAMPLE ANSWERS**

| **SAMPLE ANSWERS** |
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| * [Written Response Rubric](https://docs.google.com/document/d/1y0C403YEG9l33n5tPAuiajF3raJMNboAqb7i3NGPK4I/edit?usp=drive_link) |

| **ADDITIONAL RESOURCES** |
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| [C-SPAN Classroom Educator Resources](https://www.c-span.org/classroom/)  [Lou Frey Institute Educator Resources](http://floridacitizen.org)  [National Archives Document Analysis Educator Resources](https://www.archives.gov/education/lessons/worksheets) |