

# How to Read the Constitution—and Why

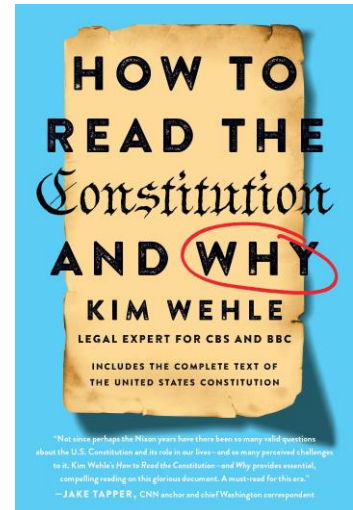
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## Introduction

An insightful, urgent, and perennially relevant handbook that lays out in common sense language how the United States Constitution works, and how its protections are eroding before our eyes—essential reading for anyone who wants to understand and parse the constantly breaking news about the backbone of American government.



The Constitution is the most significant document in America. But do you fully understand what this valuable document means to you? In *How to Read the Constitution—and Why*, legal expert and educator Kim Wehle spells out in clear, simple, and common-sense terms what is in the Constitution, and most importantly, what it means. In compelling terms and including text from the United States Constitution, she describes how the Constitution's protections are eroding—not only in express terms but by virtue of the many legal and social norms that no longer shore up its legitimacy—and why every American needs to heed to this “red flag” moment in our democracy.

This invaluable—and timely—resource includes the Constitution in its entirety and covers nearly every significant aspect of the text, from the powers of the President and how the three branches of government are designed to hold each other accountable, to what it means to have individual rights—including free speech, the right to bear arms, the right to be free from unreasonable searches and seizures, and the right to an abortion. Finally, the book explains why it has never been more important than now for all Americans to know how our Constitution works—and why, if we don't step in to protect it now, we could lose its protections forever.

*How to Read the Constitution—and Why* is essential reading for anyone who cares about maintaining an accountable government and the individual freedoms that the Constitution enshrines for everyone in America—regardless of political party.

## Questions for Discussion

1. Why do you think the framers broke up government into three parts? What would happen if any one of the three parts disappeared—how would it affect how government operates? Perhaps more importantly, what happens to the rights of the individual when one of the branches becomes powerless? Why do you think the Bill of Rights was added to the Constitution in the first place?

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2. Why does it matter that each branch stays in its constitutional “sandbox”? Why is it a problem if the president makes the laws and also executes them? Or if Congress makes the laws and also decides who broke them? Or if judges prosecute violations of the law (i.e., executes the laws) and also decide whether the person being prosecuted actually violated a law?
  3. Do you think it’s okay that courts have the power to fill in the blanks of ambiguous laws? If courts didn’t do it, who would—Congress? Consider that every time the Supreme Court identifies a constitutional issue and decides it, that decision is set in stone for generations—unless there’s an amendment to the Constitution or a new majority on the Supreme Court. How would things be different if things like abortion and gun rights were left to voters and legislators and not the Supreme Court?
  4. The media has been under attack these days, and journalists do get things wrong sometimes. It’s also hard for regular consumers of information to know what sources and facts are reliable anymore. Imagine, though, that the media was run solely by the government, as it is in Russia. How might that affect your individual rights? Your knowledge about the world? Your informed vote?
  5. There’s an argument floating around that allowing the government to endorse a particular religion is no big deal, i.e., nothing to worry about. But imagine that all of a sudden, the elected president is from a different religion than any president in history. Imagine, for example, that he is a strict Muslim. Would you feel differently about how much the government is allowed to entangle itself officially with religion?
  6. How does the Internet and big data change the notion of a “search,” which was originally concerned with physical searches of physical property (a closet, a drawer, a car)? If the government can “search” an online data footprint and piece together lots of personal information to figure out what you are up to, does the Fourth Amendment need rethinking? If so, who should do that—Congress or the federal courts?
  7. What do you think about the tiers of scrutiny that the Supreme Court has devised for equal protection issues? Should race and national origin get a higher level than gender? Why or why not? Can you think of a better way to construe the government’s mandate to provide “equal protection of the laws”?
  8. How much should the federal government do to regulate things on a national scale and how much should individual states do? Is there a benefit to having uniform laws across the country? Downsides?
  9. Most people agree that the electoral process isn’t working because of some combination of factors, including money in politics, gerrymandering, term limits, voter suppression, and party polarization. If your day-to-day life isn’t really affected by these issues, should they really concern you? When might they become a problem for you? Can you think of a

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hypothetical that would get you concerned about protecting your right to vote? What can be done about these problems with our electoral process?

10. How has this book affected how you think about your constitutional rights and the right to vote in particular? If you had to provide three central takeaways from this book, what would they be?