

1. **Amendments:** Official changes, corrections, or additions to the Constitution
2. **Anti-Federalists:** They opposed the ratification of the Constitution because it gave more power to the federal government and less to the states, and because it did not ensure individual rights. Many wanted to keep the Articles of Confederation. This group were instrumental in obtaining passage of the Bill of Rights as a prerequisite to ratification of the Constitution in several states. After the ratification of the Constitution, this group renamed themselves as the Democratic-Republican (or simply Republican) party.
3. **Articles of Confederation:** this document, the nations first constitution, was adopted by the second continental congress in 1781 during the revolution. the document was limited because states held most of the power, and congress lacked the power to tax, regulate trade, or control coinage
4. **Bill of Rights:** first 10 amendments to the constitution
5. **Checks and Balances:** A system that allows each branch of government to limit the powers of the other branches in order to prevent abuse of power
6. **Concurrent Powers:** Powers that the Constitution gives to both the national and state governments, such as the power to levy taxes.
7. **Consent of the Governed:** agreement by the people of a nation to subject themselves to the authority to a government. Natural rights philosophers, such as John Locke, believe that any legitimate government must draw its authority from the consent of the governed.
8. **Constitution:** A document written in 1787 that describes a "framework of government" by the thirteen colonies after the American Revolutionary War. It embodied the social view of the time. By starting with "We the people" it made it clear that all its citizens consented to this document. It described three branches of government: the legislature, executive and judicial which were in balance of power
9. **Delegated Powers:** Those powers, expressed, implied, or inherent, granted to the National Government by the constitution
10. **Denied Powers:** powers the Constitution denies to the national government
11. **Due Process:** principle in the Fifth Amendment stating that the government must follow proper constitutional procedures in trials and in other actions it takes against individuals
12. **Eminent Domain:** the right of the state to take private property for public use
13. **English Bill of Rights:** Document written by Parliament and agreed on by William and Mary of England in 1689, designed to prevent abuse of power by english monarchs; forms the basis for much in American government and politics today
14. **Enumerated Powers:** Powers specifically given to Congress in the Constitution; including the power to collect taxes, coin money, regulate foreign and interstate commerce, and declare war.
15. **Federalism:** A system in which power is divided between the national and state governments
16. **Federalist Papers:** a series of 85 essays written by Hamilton, Madison, and Jay (using the name "publius") published in NY newspapers and used to convince readers to adopt the new constitution
17. **Judicial Review:** the power of the Supreme Court to declare laws and actions of local, state, or national governments unconstitutional
18. **Limited government:** the idea that certain restrictions should be placed on government to protect the natural rights of citizens
19. **Magna Carta:** This document, signed by King John of England in 1215, is the cornerstone of English justice and law. It declared that the king and government were bound by the same laws as other citizens of England. It contained the antecedents of the ideas of due process and the right to a fair and speedy trial that are included in the protection offered by the U.S. Bill of Rights
20. **Majority Rule:** Governance according to the expressed preferences of the majority.
21. **Mayflower Compact:** 1st form of government of the colonies- This document was drafted in 1620 prior to settlement by the Pilgrims at Plymouth Bay in Massachusetts. It declared that the 41 males who signed it agreed to accept majority rule and participate in a government in the best interest of all members of the colony. This agreement set the precedent for later documents outlining commonwealth rule.
22. **Popular Sovereignty:** The concept that political power rests with the people who can create, alter, and abolish government. People express themselves through voting and free participation in government; Rule by the People
23. **Preamble:** a preliminary introduction to a statute or constitution (usually explaining its purpose)
24. **Ratify:** approve formally; confirm; verify
25. **Reserved Powers:** powers that the Constitution does not give to the national government that are kept by the states
26. **Rule of Law:** concept that holds that government and its officers are always subject to the law
27. **Separation of Powers:** The division of power among the legislative, executive, and judicial branches of government

Name _____ Date _____ HR _____

LINCS Vocabulary Tables

Term	LINCing Story	LINCing Picture	Definition
Reminder Word			

Term	LINCing Story	LINCing Picture	Definition
Reminder Word			

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Reminder Word			

Name _____ Date _____ HR _____

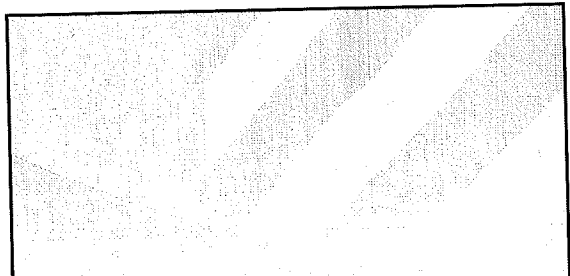
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Principles of Government & the
Constitution

What are your Principles?



What is a **principle**?

- A **principle** is a basic rule that guides or influences thought or action.
- In other words, principles guide our decision-making. We want to make decisions that support our **principles**.

These Principles Include

The United States government has principles just like you do. The government follows these principles when it makes rules and policies.

- popular sovereignty
- federalism
- separation of powers
- checks and balances
- judicial review
- majority rule
- Rule of Law/Limited Gov

Popular Sovereignty



Popular sovereignty is a principle of government and means rule by the people. The government can exist only with the **consent of the governed**.

Ways people tell their government what they want?

- elections
- peaceful demonstrations
- public protests
- petitions
- letter writing campaigns
- television advertisements

Think About It

"That 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, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. . ."



Explain what this means:



Federalism

Under the **federal** system, power is divided between national (federal) and state governments. In the federal system, the national (federal) government acts for the country as a whole and the states have power over local matters.

EX: The national (federal) government initiated the No Child Left Behind mandate (law) but each state creates its own way of testing students to determine graduation requirements

Powers

The Constitution lists the powers of the national government.

- Declare war
- Print money
- Provide post offices
- Maintain the armed forces

The Constitution leaves many powers to states.

The following are examples of the state government's list of things to do:

- Build and maintain schools
- Issue drivers licenses
- Conduct elections

Rule of Law

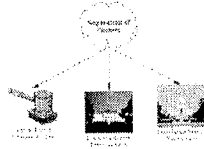
Rule of law is a principle of government in which the law applies to government officials as much as to ordinary citizens. Elected officials do not receive special treatment; they have to follow the same laws the citizens of the United States follow.

EX: President Nixon



Separation of Powers

Separation of powers is a principle of government written in the U.S. Constitution in which the power of government is divided among legislative, executive, and judicial branches.



Who Does What?

The **Legislative Branch** makes the laws.



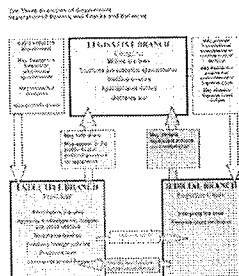
The **Executive Branch** enforces or carries out the laws.



The **Judicial Branch** interprets or explains the meaning of the laws.



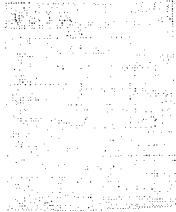
Checks and Balances



- **Checks and balances** mean that no one branch of government can become more powerful than another branch of government.

Judicial Review

Judicial review is the power of the judicial branch of government (the courts) to decide if acts of the legislative or executive branches of government violate the nation's constitution.



Precedent

- A **precedent** is an understanding that results from a decision.
- For example, if your parents let you stay out very late this weekend, what would you expect next weekend? Of course, you would expect to stay out late again. Your parents set a **precedent**.
- So, the power of judicial review is a precedent that was set as a result of a decision that the Supreme Court made in *Marbury v. Madison*.

Majority Rule



Majority rule is a principle of government which allows that the greater number of citizens in any political unit such as a state or town to select officials and determine policies. Those with the lesser number of citizens are referred to as the minority.

Practice

“The purse and the sword shall not be in the same hands” George Mason

Which of these principles of government is expressed by this statement?

- A) Rule of law
- B) Executive Privilege
- C) Popular Sovereignty
- D) Separation of powers
- Practice Polls

Name: _____

Date: _____

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
Principles of the Constitution

Directions: Define each of the following principles in your own words using 10 words or less. Explain why you think this principle is needed in our government. Then draw a that will help you remember what each principle means to our government.

1. Popular Sovereignty

Definition: _____


Why is this necessary? _____

Picture 

2. Federalism

Definition: _____


Why is this necessary? _____

Picture 

3. Separation of Powers

Definition: _____


Why is this necessary? _____

Picture 

4. Checks and Balances

Definition: _____


Why is this necessary? _____

Picture 

5. Judicial Review

Definition: _____


Why is this necessary? _____

Picture 

6. Majority Rule

Definition: _____


Why is this necessary? _____

Picture 

7. Limited Government (Rule of Law)

Definition: _____

Why is this necessary? _____

Picture 

The Three Branches of American Government
Fill in the boxes using the words and pictures in the Word Bank below.

	Executive	Judicial	Legislative
Purpose (What?)			
Offices (Who?)			
Building (Where?)			
How Chosen?			

Word Bank:

Carries out laws

Appointed

Supreme Court and other court officials

Elected

Interprets laws

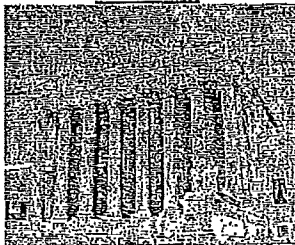
Elected

President and Cabinet members

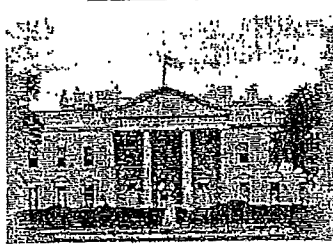
Makes laws

Senators, Representatives

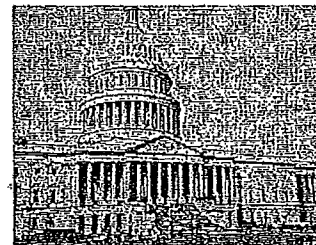
Picture A



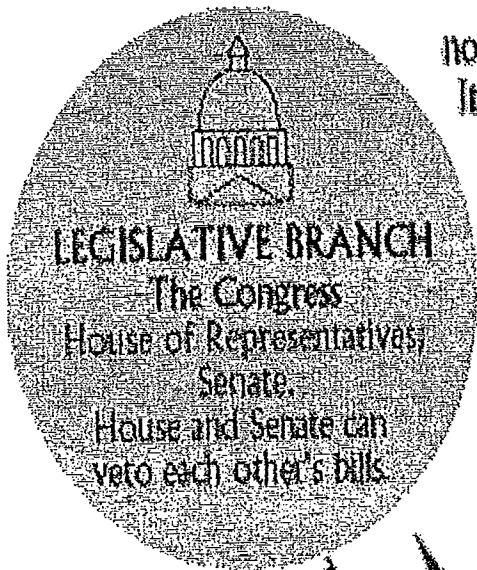
Picture B



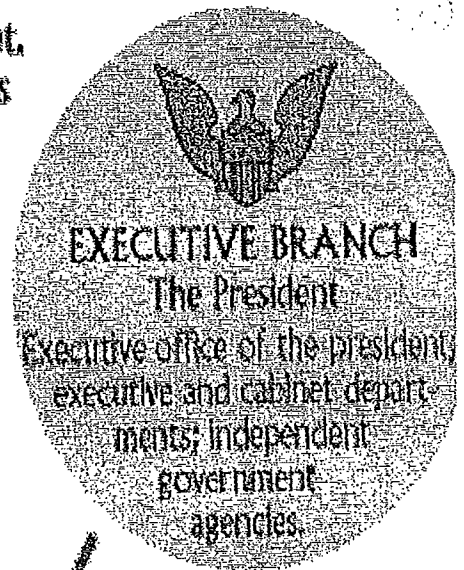
Picture C



System of Checks and Balances



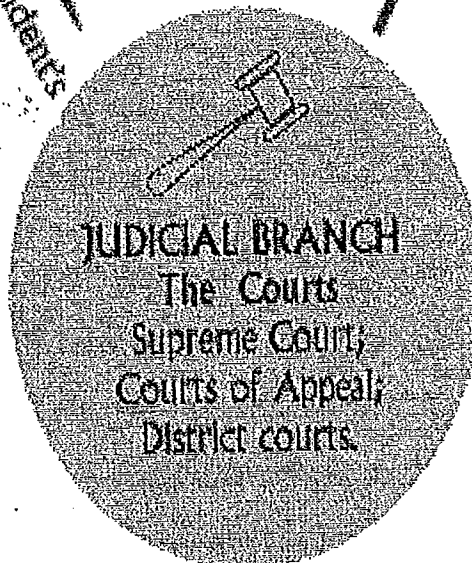
Congress ~~can~~ presidential nominations and controls the budget. It can pass laws over the president's ~~and~~ and can ~~the~~ the president and remove him or her from office.



The president can veto congressional legislation.

The Court can declare laws ~~the~~ the president's unconstitutional. Congress can ~~remove~~ remove them from office.

The president ~~can~~ judges. The Court can declare acts ~~presidential~~ presidential



1. What does it mean to Confirm a nomination? How does this power of Congress check the President?
2. What is an Unconstitutional act? Give an example of a law in the past that was unconstitutional. Why was it unconstitutional?
3. What does it mean to impeach someone? Where does the process start?

Marbury v. Madison

Background Summary & Questions (••)

Thomas Jefferson, a member of the Republican Party, won the election of 1800. Before Jefferson took office, John Adams, the outgoing President who was a Federalist, quickly appointed 58 members of his own party to fill government jobs created by Congress. He did this because he wanted people from his political party in office.

It was the responsibility of Adams' Secretary of State, John Marshall, to finish the paperwork and give it to each of the newly appointed officials. Although Marshall signed and sealed all of the papers, he failed to deliver 17 of them to the appointees. Marshall thought his successor would finish the job. But when Jefferson became President, he told his new Secretary of State, James Madison, not to deliver some of the papers. Those individuals couldn't take office until they actually had their papers in hand.

Adams had appointed William Marbury to be justice of the peace of the District of Columbia. Marbury was one of the last-minute appointees who did not receive his papers. He sued Jefferson's Secretary of State, James Madison, and asked the Supreme Court of the United States to issue a court order requiring that Madison deliver his papers.

Marbury argued that he was entitled to the job and that the Judiciary Act of 1789 gave the Supreme Court of the United States original jurisdiction to issue a *writ of mandamus*, which is the type of court order he needed. When the case came before the Court, John Marshall — the person who had failed to deliver the commission in the first place — was the new Chief Justice. The Court had to decide whether Marbury was entitled to his job, and if so, whether the Judiciary Act of 1789 gave the Court the authority it needed to force the Secretary of State to appoint Marbury to his position.

McCulloch v. Maryland

Background Summary & Questions (••)

In 1791, the U.S. government created the first national bank for the country. During this time, a national bank was controversial because people had different opinions about what powers the national government should have. Alexander Hamilton believed that the national government had the power to create a new national bank. Thomas Jefferson believed that the national government did not have such a power. When Thomas Jefferson was president, he did not renew the national bank's charter. After the War of 1812, President James Madison decided that the country needed a national bank, and he asked Congress to create a Second Bank of the United States in 1816.

After President Madison approved the bank, many branches were opened throughout the country. Many states did not want the new bank branches to open. There were several reasons why the states opposed these national banks. They competed with the state banks, many national bank managers were thought to be corrupt, and the states believed that the national government was getting too powerful.

Maryland tried closing down the Baltimore branch of the national bank by passing a law that forced all banks that were created outside of the state pay a \$15,000 tax each year. James McCulloch, who worked at the Baltimore Branch, refused to pay the tax.

The State of Maryland took McCulloch to court saying that Maryland had the power to tax any business in its state. Luther Martin, a lawyer for Maryland, said that if the national government had the power to regulate state banks, then Maryland had the power to regulate national banks. He also said that the Constitution does not give Congress the power to create a national bank.

After McCulloch was convicted of violating the tax statute and fined \$2,500, he appealed the court's decision to the Maryland Court of Appeals. His lawyer argued that creating a national bank was a "necessary and proper" job of Congress. He stated that many of the powers of the national government are not written in the Constitution, but are necessary for the national government to do its job. Also, he claimed that Maryland could not place a tax on the national bank because the tax would not let the national bank do its job.

The Maryland Court of Appeals agreed with the lower court's decision. McCulloch then appealed to the Supreme Court of the United States, led by Chief Justice John Marshall.

Marbury v Madison: Judicial Review

1. Identify the following people and explain their roles:
 - a. John Adams
 - b. Thomas Jefferson
 - c. John Marshall
 - d. James Madison
 - e. William Marbury
2. Why did Marbury sue Madison?
 - a. What law did he use as the basis for his suit?
 - b. What was he requesting?
3. Supreme Court Decision: Judiciary Act of 1789 was unconstitutional; Marbury did NOT get the job.
 - a. WHY?

McCullough v Maryland: Supremacy Clause (Federalism)

1. Identify and explain the roles of the following people:
 - a. Alexander Hamilton
 - b. Thomas Jefferson
 - c. James Madison
 - d. James McCullough
2. Why didn't the states approve of national banks?
3. Why did Maryland try to prevent banks from their state? W
 - a. What did they implement to hurt the banks?
4. What was McCullough's reaction and argument against Maryland's new law?
5. What did the lower courts decide?
6. Supreme Court Decision: Established the Supremacy Clause that states Federal Laws are *supreme* over the state laws; therefore what ever Congress decides overrules what the states want/decide.
 - a. What is an example of a law or laws that National and State governments fight over today?

Identifying the Branches of Government and the Constitution

The Branches of American government are explained in the first three articles of the Constitution. Use the *Constitution Reading Guide* to the articles that describe the three branches of government. Match the Branch of government that is described in the Articles I, II, and III.

- | | |
|-------------------|-----------------------|
| _____ Article I | A. Judicial Branch |
| _____ Article II | B. Executive Branch |
| _____ Article III | C. Legislative Branch |

Which branch? Use the letters from above to match each job with the branch of government.

- _____ 1. This branch proposes (or writes) bills that may become laws.
- _____ 2. This branch has one main leader, the president.
- _____ 3. This branch hears court cases.
- _____ 4. This branch also includes the duties of the vice president.
- _____ 5. This branch vetoes laws.
- _____ 6. This branch appoints ambassadors.
- _____ 7. This branch appoints Supreme Court judges.

Extra Challenge!!

Find a newspaper article that catches one of our branches of government in action! Attach the article to this paper and write a summary of the article below. Be sure that your summary includes the name of the branch.











~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

THE AMENDMENTS IN SIMPLE LANGUAGE	NOW JUST WHAT DOES THAT MEAN?	THE ACTUAL WORDS IN THE ORIGINAL DOCUMENT.
<p><u>AMENDMENT 1</u> Freedom of religion Freedom of speech Freedom of the press The right to assemble The right to petition government.</p>	<p>The government cannot pick a favorite religion or oppose any religion. You cannot be arrested for saying what you think about someone, even if that person is the President of the United States.</p> <p>Newspapers, books, movies, radio, television, etc. are all free to present news, ideas, and opinions. Not even the government can tell them what they can or cannot print or say.</p> <p>Groups of people may organize together in large groups to march and protest something they are against or to try to get something they want. (That does not mean that they can hurt anyone while they are doing this, or interfere with anyone else's rights.)</p>	<p><u>Amendment I</u> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.</p>
<p><u>AMENDMENT 2</u> The right to form a militia The right to keep and bear arms.</p>	<p>Back in the 1700's, the Americans depended on militias of gun-owning citizens, not armies, to defend them. They also needed guns to get food.</p>	<p><u>Amendment II</u> A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.</p>
<p><u>AMENDMENT 3</u> The right not to have soldiers in one's home.</p>	<p>Citizens cannot be forced to provide free rooms for soldiers like they did in the 1700's when troops may have been away from their forts. The colonists also hated it when they were forced to give up rooms in their own homes for British soldiers who came here to stop the American Colonies from rebelling.</p>	<p><u>Amendment III</u> No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.</p>
<p><u>AMENDMENT 4</u> Protection against unreasonable search and seizure.</p>	<p>The police can't arrest you unless they have a good reason to suspect that you have broken the law. They can't enter your home without your permission or without a search warrant.</p>	<p><u>Amendment IV</u> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants but upon probable cause.</p>
<p><u>AMENDMENT 5</u> No one can be tried for a serious crime unless indicted (accused) by a grand jury. No one can be forced to testify against herself or himself. No one can be tried twice for the same crime. No one can be punished without due process of law. People must be paid for property taken for public use.</p>	<p>A grand jury is a group of 12 to 23 people who listen to the evidence about a crime. If most of the people on this jury think that there is enough of a suspicion that this person may be guilty, then that person is indicted, or accused.</p> <p>You cannot be forced to make a statement under oath that shows that you are guilty. (When someone says, "I'm taking the fifth," that means the Fifth Amendment. If you were tried for a crime and found innocent, you can never be tried again for that same crime, even if you admit that you did it!</p> <p>"Due process of law" means that fair,</p>	<p><u>AMENDMENT V</u> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.</p>

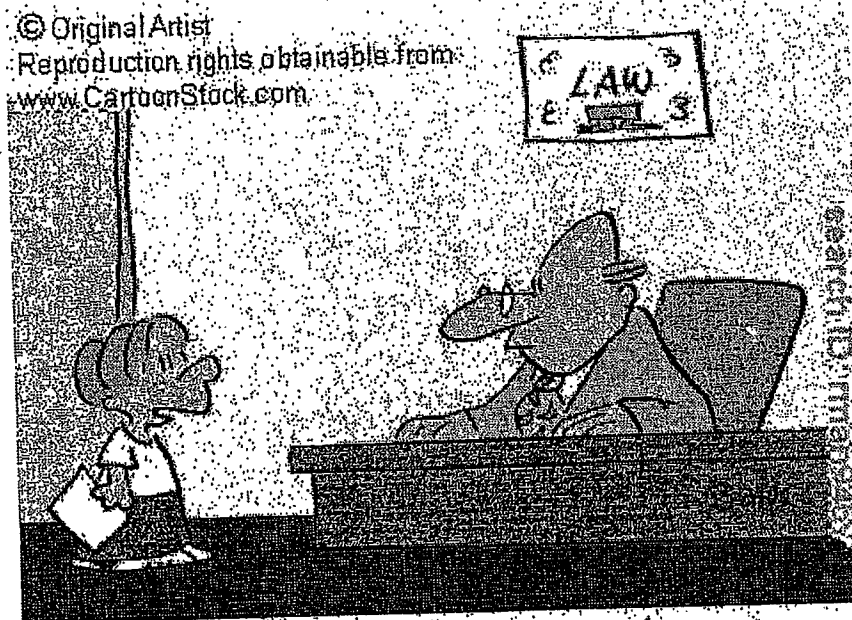
	<p>regular legal steps must be followed from the time someone is arrested through their trial.</p> <p>The government cannot just take land or any property from you because it is going to be used for a government building, highway, etc. You have to be paid fairly for that property.</p>	
<p>AMENDMENT 6</p> <p>People have a right to a speedy trial.</p> <p>People have the right to legal counsel.</p> <p>People have the right to confront their accusers.</p>	<p>Without the right to a speedy trial, a person could be locked up for a very long time without ever even hearing the charges against him.</p> <p>Legal counsel means a lawyer. Everyone has the right to have a lawyer, even if they can't afford one. The government has to provide one to help defend poor people accused of a serious crime.</p> <p>Everyone has the right to know who is accusing them of a crime.</p>	<p>Amendment VI</p> <p>In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have the Assistance of Counsel for his defense.</p>
<p>AMENDMENT 7</p> <p>People have the right to a jury trial in most civil suits.</p>	<p>If a person is involved in a civil case, like an accident claim, they can choose to have a jury make the decision rather than depend on the judge's decision alone.</p>	<p>Amendment VII</p> <p>In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States.</p>
<p>AMENDMENT 8</p> <p>Excessive bail (money to release a person from jail), stiff fines, and cruel and unusual punishment are forbidden.</p>	<p>How much money should be set for bail depends on how serious the crime is. A judge cannot just charge a person an outrageous amount of money for bail because he doesn't like him or because he doesn't like a member of his family. Also, the punishment must fit the crime.</p> <p>Stealing a loaf of bread for your family to eat should not be punishable by death.</p>	<p>Amendment VIII</p> <p>Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.</p>
<p>AMENDMENT 9</p> <p>There are so many basic human rights that all of them could not be listed in the Constitution.</p>	<p>Just because a certain right was not thought of here or mentioned in the first 10 Amendments does not mean that people do not have them.</p>	<p>Amendment IX</p> <p>The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people</p>
<p>AMENDMENT 10</p> <p>Powers not given to the federal government by the Constitution belong to the states or the people.</p>	<p>If the Constitution does not specifically say that the government of our country has the power to do something, then that power is given to the people or the state they live in.</p> <p>The states were worried that the federal government might try to take over their powers and rights.</p>	<p>Amendment X</p> <p>The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.</p>

The Bill of Rights

A bill of rights is a written document that defines the rights of citizens and establishes limitations on the government. Bills of rights were included in most of the state constitutions in the early republic as they are today. The original Constitution did not contain a Bill of rights-a fact the Anti-Federalists used as an argument against ratification of the proposed constitution. Fearing passage of a national constitution without a written bill of rights, several states sent suggestions for amendments to be added when they ratified the Constitution. James Madison took their ideas and developed twelve amendments, ten of which were passed by the states. These first ten amendments were called the Bill of Rights and added to the Constitution in 1791.

1 st Amendment (5)	
2 nd Amendment (2)	
3 rd Amendment (1)	
4 th Amendment (1)	
5 th Amendment (5)	
6 th Amendment (6)	
7 th Amendment (1)	
8 th Amendment (2)	
9 th Amendment (1)	
10 th Amendment (1)	

1. Which amendment do you think are exercised by the U.S. people on a daily basis? Why/how?
2. Which right(s) do you think best protect the people from the government? Why/how?
3. Are there any amendments that you do not think are necessary anymore in today's day and age? Why or why not?
4. Are there any rights that you would add? Explain.

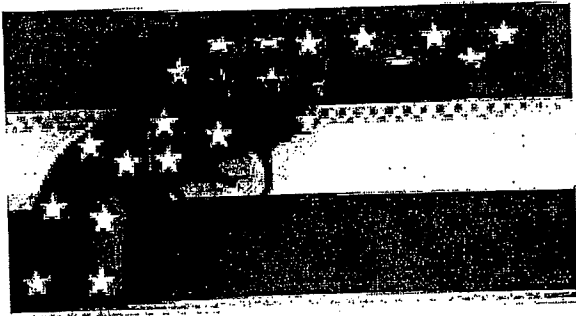


"Does the Fifth Amendment
apply to report cards?"

Making Connections: The Bill of Rights in Art

Directions: Analyze each piece of artwork below and connect it to one of the amendments listed in the Bill of Rights. For each of the pieces of art, complete the following tasks: 1) Identify the appropriate amendment(s) and provide the specific right(s) or freedom(s) that apply [ex: 1st Amendment, freedom of speech], 2) provide an explanation regarding why and how you think the artwork relates to the chosen amendment(s) and discuss the current implications of this amendment for society.

Artwork #1



Source: <http://chronicle.uchicago.edu/031106/guns.jpg>

1) Amendment & right(s) -

2) Explanation -

1) Amendment & right(s) -

2) Explanation -



Source: <http://www.unicover.com/EBSKFAOA.HTM>

Artwork #3



1) Amendment & right(s) -

2) Explanation -

Artist: Norman Rockwell, The Four Freedoms Exhibit
Source: <http://www.nrm.org/exhibits/current/four-freedoms.html>

Artwork #4



1) Amendment & right(s) -

2) Explanation -

Artist: Norman Rockwell, The Four Freedoms Exhibit
Source: <http://www.nrm.org/exhibits/current/four-freedoms.html>

