

# US Government

## Module 2 Study Guide

### 2.01 Revolutionary Ideas

The Declaration of Independence contains an introduction, list of grievances, and formal statement of independence.

The principle of natural rights originated in the Enlightenment.

The Declaration of Independence states that the king broke the social contract by denying the colonists popular sovereignty and their natural rights.

According to the social contract principle, a government only exists because the people consent to it.

#### Important Principles:

- Social Contract: people create government in order to secure their rights.
- Popular sovereignty: the idea that the people are the source of authority and power in government.
- Natural Rights: no government or person can take them away
- Individual Rights: Jefferson stated: "life, liberty, and the pursuit of happiness."

### Key Terms

**Enlightenment**- an intellectual movement in Western Europe during the 18th century that explored the subjects of science, philosophy, and government

**Popular sovereignty**- principle that the legitimacy of the government depends on the will or consent of its people

**Direct democracy**- Citizens vote directly on political issues and laws in this form of government. Governments in ancient Greece came closest to direct democracy because all the people defined as citizens could vote on decisions.

**Republic**- form of government in which people elect representatives to exercise power for them

**Natural rights**- rights that people are born with and that no government can take away

**Social contract**- the idea that people agree, or consent, to government authority and in return the government protects the people and their rights

**Popular sovereignty**- principle that the legitimacy of the government depends on the will or consent of its people

## 2.02 The Constitution

**Key idea → How are these Found Documents still important/prevalent today?**

### The Articles of Confederation

Pros +	Cons -
Created first central government or the US	Each state had only 1 vote in the legislative branch
Listed some protections for rights	The government did not have an executive or judicial branch
Helped after the Revolutionary War	Congress could not create laws or raise a national military separate from the states
Allowed government to: <ul style="list-style-type: none"><li>• Borrow money</li><li>• Operate army and navy</li><li>• Ban slavery in western territory</li><li>• Create new states</li></ul>	Each state printed its own money
	Congress had no control over trade between states and with other nations
	New laws needed 9 or 13 states to agree
	Required unanimous agreement of the states to amend the document

### The Constitution

Who- the Philadelphia Convention- proposed by James Madison

What- created the constitution to be the main doctrine of the land- the supreme law of the USA

When-Created Sept 1787 and Ratified June 1788

Why- to replace the Articles of Confederation

#### Overview

- Preamble- goals of government
- Articles- explain set up and mechanics of government
  1. Legislative
  2. Executive
  3. Judicial
  4. Relations of states and Rights of citizens
  5. Amending
  6. Supremacy
  7. Ratification
- 27 Amendments- rights of the people



# The Articles of Confederation

V

## The Constitution

### Articles of Confederation

- Good framework to start but had several issues including:
  - Weak central government
  - loosely aligned states called confederation,
  - each state could decide own laws
  - no President
  - no power to tax
- = FAILED!!

### Constitution

- Bottom Line: Set up Government  
Place: United States, Time: 1787
- Logistics: Set up central government:  
Three Branches
  - Legislative Branch: Congress (Senate and House of Representatives)
    - makes the laws
  - Executive Branch: President and Cabinet
    - enforces laws
  - Judicial Branch: Supreme Court
    - interprets laws

## Key Terms

**Articles of Confederation**- written in 1777 and became the first plan for governing the United States.

**Confederation**- a group of loosely allied states, such as the United States under the Articles of Confederation

**Federalism**- the division of powers among local, state, and national governments

**Republicanism**- the principle that government officials are elected by the people and represent their interests

### **2.03 The Anti-Federalists**

To Ratify or Not to Ratify? That is the question....

<b>Federalists</b>	<b>Anti-Federalists</b>
Key Individuals: James Madison and Alexander Hamilton	Key individuals: Richard Henry Lee Patrick Henry
Virginia Plan-votes based on population	Favored New Jersey Plan- each state one vote
Wrote Federalist Papers to gain support for ratification	States rights
Strong central government	Adding a Bill of Rights
	securing states had some power

## Key Terms

**Ratification**- the act or process of formal approval, to make official

**Delegates**- chosen authority given the responsibility to act on behalf of the people they are representing

**Philadelphia Convention**- also known as the Constitutional Convention, took place in 1787 to address the problems with the Articles of Confederation and create the Constitution

**Pure democracy**- type of democracy where the power lies directly with the people instead of with elected representatives

**Aristocracy**- people of a group thought to be superior to others, such as from a noble family

**Virginia Plan**- Under James Madison's "Virginia Plan," the nation would have a powerful central government and a bicameral legislature whose members would choose the president and federal judges. Federalists from states with large populations favored this plan. However, delegates from smaller states such as New Jersey, whether Federalist or Anti-Federalist, feared that both houses of the legislature would depend on population in the new plan, giving greater power to larger states.

**New Jersey Plan**- New Jersey delegates then proposed an alternate plan where the states retained the "one state, one vote" system. Anti-Federalists were more likely to support this plan, since it would also have left the national government largely dependent on the states as it was before. Delegates from larger states did not think it fair for the states to have equal representation in Congress because some states had significantly greater numbers of people to serve. Delegates from smaller states preferred equal representation so their state would have as strong a voice in national matters as the larger states.

**Great Compromise**- In what we now call the **Great Compromise**, the delegates agreed that the Constitution should create a bicameral legislature. Congress would have two houses—the Senate and the House of Representatives. Each state would have two senators chosen by the state legislatures, as preferred by delegates from smaller states. The House of Representatives would be composed of a number of representatives based on population and elected directly by the people in each state, as preferred by delegates from larger states. The Senate and the House of Representatives, though they do have some distinctions in duties, must work together to achieve their main job of approving legislation before it becomes law.

**Bicameral legislature**- a part of government that makes laws, consisting of two houses

**Three-Fifths Compromise**- Each state would be able to count three-fifths of its total enslaved people as part of the state population for representation purposes.

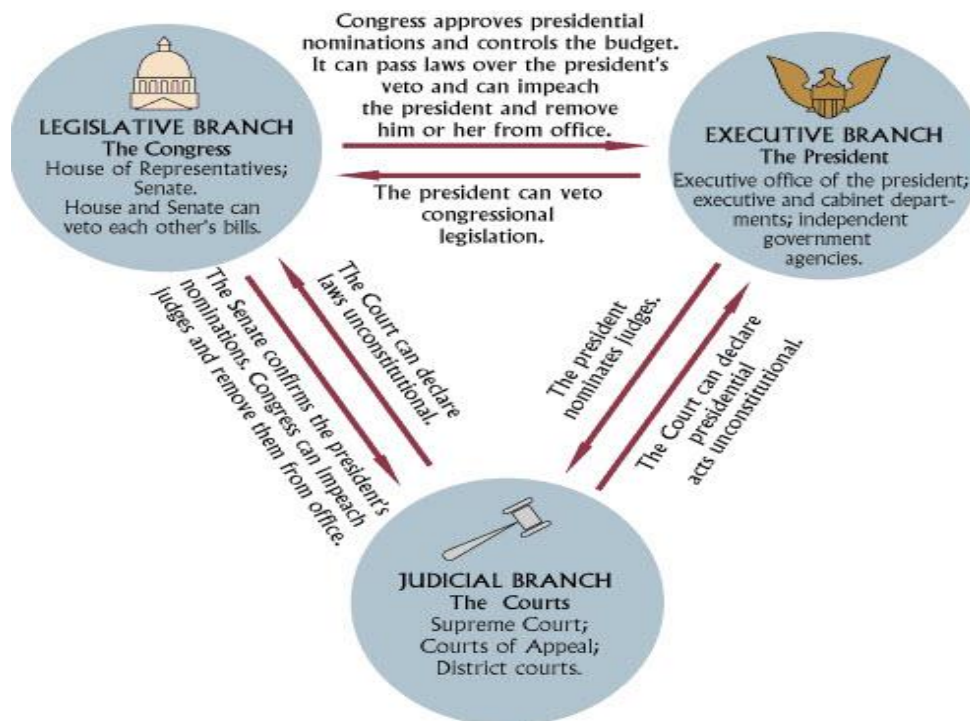
**Federalist Papers**- the most organized unified series of arguments in favor of ratification. James Madison and Alexander Hamilton wrote the majority of the essays under a pen name, though for a handful of essays the authorship is still in question

**Amendment**- changes or additions to the Constitution

**Bill of Rights**- first 10 amendments to the Constitution

Checks and balances

## Three Branches of Government and the Checks and Balances System

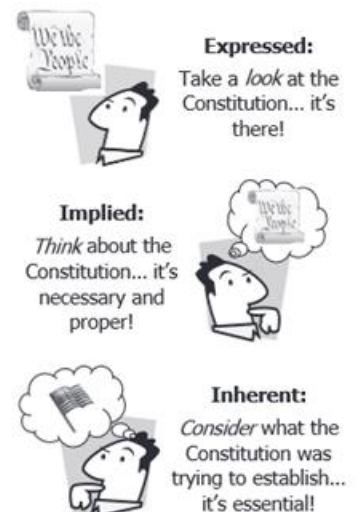


### 2.04 Federalism

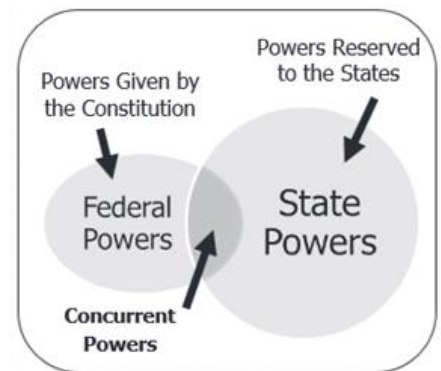
What is Federalism? Why is it important to the US Government and our country?

Federalism is a legal division of authority between the national, state, and local governments. Why is this important- think about this: the state of Florida has different needs than the state of Idaho. For that reason it is important that they have their own governments. It is also important that we are all connected by a higher authority- thus the need for a national government.

The Powers of the Government	
<b>Expressed Powers aka Delegated Powers</b>	Powers directly stated in the Constitution and given to the national government <ul style="list-style-type: none"> <li>Example: print money and declare war</li> </ul>
<b>Implied Powers</b>	Powers not directly stated in the Constitution but interpreted as belonging to the federal government. Things that are "necessary and proper". <ul style="list-style-type: none"> <li>Example: stamps- they government is given the power to create a postal service but stamps are a necessary and proper part of running it.</li> </ul>
<b>Inherent Powers</b>	Powers not listed in the Constitution but are necessary for the country to run. <ul style="list-style-type: none"> <li>Example: Immigration or international relations</li> </ul>



More Powers	
<b>Reserved Powers</b>	Powers NOT given to the federal government and reserved for the states <ul style="list-style-type: none"> <li>Example: safety, health, education</li> </ul>
<b>Concurrent Powers</b>	Shared powers between state and federal governments <ul style="list-style-type: none"> <li>Example: the ability to tax</li> </ul>



Which level of government has which powers?



NOTE- Federalism is NOT interchangeable with the Federalists and Anti-Federalists. They are two different concepts.

Important court cases dealing with federalism: Gibbons v. Ogden, McCulloch v. Maryland, District of Columbia v. Heller

## Key Terms

**Cooperative federalism**- where the national government may grow in power in areas usually reserved for the states when the people demand it (marble cake)

**Dual federalism**- meaning the state and national governments are confined to their separate spheres  
**Jurisdiction**- the authority of a court to hear certain types of cases; the authority or geographic area of authority to enforce laws or make legal judgments (layer cake)

**Article V**- explains the amendment process, which is a direct example of federalism in practice.

**Article VI**- contains the "supremacy clause," named so because it proclaims the Constitution, federal laws, and treaties to be the "supreme law of the land."



**Amendment 10**- reserves powers to the states not delegated to the national government. As a result, state governments create and maintain most of the laws and programs that affect us daily.

**Charter**- a formal written statement describing the rights and responsibilities of a state and its citizens

**Municipality**- a city, town, or other area that has its own local government

**State militias**- a reserve army created and maintained by the states to be called up in an emergency

**Infrastructure**- the basic physical systems of a community's people, including roads, electric power, and water supply

**Precedent**- the basic physical systems of a community's people, including roads, electric power, and water supply

## **2.05 The Bill of Rights**

What are our rights? Why do we have them? Are they absolute?

Although citizens can exercise their rights freely they are NOT absolute

This prevents chaos and harm to others

Balance between individuals and the common good

Loose v strict interpretation of the Constitution

Examples:

Situations of disaster

Patriot Act

### The Bill of Rights The First 10 Amendments to the Constitution

1. Guarantees freedom of: speech, press, petition, religion and assembly.	6. A speedy and public trial by jury, right to an attorney, and right to cross-examine witnesses.
2. Gives citizens the right to bear arms.	7. Preserves the right to a trial by a jury in a civil suit.
3. Prohibits the quartering of troops in private homes.	8. Prohibits excessive bail and cruel and unusual punishment.
4. Protects against unreasonable search and seizures.	9. States that just because a right is not listed in the Constitution that doesn't mean that people do not have that right.
5. Guarantees due process of law, requires indictment by grand jury, prohibits a person from being tried for the same crime twice and gives the defendants in a trial the right not to testify against themselves.	10. Says that any rights that aren't specifically given to the federal government are retained by the states or the people. (The Anti-Federalists love this one!!!)

## Key Terms

**Absolute rights**- individual rights are **not** absolute. If everyone could do what they wanted, the rights of others would be violated and ultimately lead to chaos.

**Civil liberties**- basic rights granted to individuals by law

**Probable cause**- a standard of proof to conduct a search, make an arrest, or find a person guilty of committing or having committed a crime

**Double jeopardy**- someone on trial for a crime for which he or she has already been tried before

**Self-incrimination**- speech or action that suggests your own guilt

**Due process**- established laws and legal proceedings that are followed to protect the rights of individuals

### The Bill of Rights



1. **R**eligion, Assembly, Speech, Press, and Petition (**RASPP**)
2. **A**rms
3. **S**oldiers
4. **S**earch and **S**eizure
5. **D**ue Process
6. **A**ttorney
7. **T**rial by Jury in Civil Cases
8. **E**xcessive Bail
9. **P**eople's Rights
10. **S**tate's Rights

### Amendments 11-27

11. Federal Courts cannot hear cases between citizens from different states
12. Changes to Electoral College
13. **F**ree (Abolished Slavery)
14. **E**qual Protection of Laws (Establishes Citizenship!)
15. **V**ote Granted to African American Males
16. Income Tax
17. Direct Election of Senators
18. Prohibition
19. **W**omen's Suffrage
20. Presidential Inauguration January 20<sup>th</sup>
21. Repeals Prohibition
22. **P**resident 2 Terms
23. DC can vote for President
24. Eliminates Poll Tax
25. Presidential Succession
26. **18 year olds can Vote!**
27. Congressional Pay (Next Term)



Module 2 Review Video (coming soon)

[Know Your Amendments Video](#)