

Honors Government

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Contents

| | | |
|--|--------------------|-----------------|
| 1 | Citizenship | Page: 1 |
| Unit 1 | | Page: 1 |
| Lesson 1: Natural Rights | | Page: 1 |
| Lesson 2: What is Citizenship | | Page: 4 |
| Lesson 3: Citizens in Action | | Page: 6 |
| Lesson 3: Citizens in Action | | Page: 8 |
| Lesson 4: Citizenship Review | | Page: 10 |
| 2 | Foundations | Page: 12 |
| Unit 2 | | Page: 12 |
| Lesson 1: Revolutionary Ideas | | Page: 12 |
| Lesson 2: The Constitution | | Page: 13 |
| Lesson 3: The US Constitution and Your State | | Page: 19 |
| Lesson 4: The Anti-Federalists | | Page: 23 |
| Lesson 5: Federalism | | Page: 27 |

CHAPTER ONE

Citizenship

Unit 1

Sep 15 2021 Wed (13:40:07)

Lesson 1: Natural Rights

Unit 1

The Purpose of the Government

The **Government** exists to provide order and safety to its citizens. Without the **Government** and **Law**, chaos and anarchy would reign.

The purposes of our **Government** is to keep the peace within its territory, protect its citizens, provide important services, and maintain public institution. The Government was created because collective action, or groups of people working together, can accomplish these purposes where individuals cannot. Laws and public policy help direct where and how to build structures like airports. Things like speed limits, jail time, and other policies are there to help protect the society. Institutions like schools and hospitals help increase people's quality of life and improve society overall. Government provides order to the creation and maintenance of institutions, public policy, and infrastructure so that people can exercise their rights and explore opportunities.

How does the Government Carry out its Purpose

Governments pass laws about public policy to carry out their purposes in specific situations. Laws are rules established by government or other sources of authority to regulate people's conduct or activities. In the United States, the U.S. Constitution is the basis for creating the following laws and policy. This document outlines the structure and functions of the U.S. Government. Americans follow the laws and policies within three levels of government:

- Local
- State
- Federal

The Constitution guides us through the correct processes in the creation and

implementation of a law. Laws place limitations on citizen behavior. However, most citizens agree with them because the law benefits the common good and protects their most basic rights.

A citizen's duty is to abide by the laws. This helps protect order and the rights of everyone. No one, not even the president, is above following the law. Yet people do not always agree that a law is fair or appropriate. United States citizens can challenge the laws through courts. Citizen consent to laws, and upholding the rule of law affirms the legitimacy of the government.

What are Natural Rights

The United States Constitution protects the natural rights of human beings. The principle of natural rights has origins in ancient civilizations and religious teachings, but the modern concept of it traces to the relatively recent Enlightenment. John Locke described these rights as those of "**Life, Liberty, and Estate**". He used estate, or property, to explain that people have the right to make their own living, to provide for their own needs. When the Declaration of Independence was written, this last right was broadened to "pursuit of happiness", as owning property was not guaranteed or always necessary to provide for oneself.

Locke, and then the founders of the United States, believed God granted each person these natural rights as individuals. Other philosophers agreed with the idea of natural rights but said human beings had them because of their ability to reason and act as rational beings. Either way, the idea of individual or natural rights is a vital principle of the United States Government today.

The idea of individual, natural rights heavily influenced the founders of the United States. It led them to include a list of specific protections for rights, the **Bill of Rights**, as an addition section of the Constitution. We can trace all of these rights to the ideas of "**Life, Liberty, and Estate**".

What is Consent of the Governed

A government is legitimate only if the people agree with its existence. Early Americans declared their independence because they no longer consented to British rule, as they felt the monarch did not respect or protect their rights or their concerns. They believed that the only just government is one where the people themselves, as free and equal citizens, determine what powers and functions the government would have.

The related principle of social contract takes this a step further to say that this consent places government under an obligation to fulfill its purpose by protecting the people and their rights. If it does not, the people could withdraw their consent, abolish the government, and form a new one. This quote from the Declaration of Independence emphasizes this principle of citizen consent and the social contract:

That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive to 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.

What is Representative Government

Democracy means "**Rules of the People**". In history, two basic forms of democracy existed – direct and representative.

Definition 1 (Direct Democracy). In Direct Democracy, every citizen would vote or consent to every decision. This is impractical in most societies.

Definition 2 (Representative Democracy). In Direct Representative, the people consent through their votes to give certain people the power to make decisions on their behalf. Majority rule determines decisions, the law, or policy supported by the majority of people through their representatives. We also use the term "**Republic**" to describe a representative government. In the United States, most official positions carry a term of office where people have opportunity to choose someone else to represent them.

What is Limited Government

The founders of the United States wanted to prevent a government growing too large, where it would become unrestrained and infringe on people's rights. They believed it should be as small as possible and its powers limited to certain functions, any protection, or service that affected the nation as a whole.

They clearly outlined the structure, functions, and powers of the United States through the Constitution. While the government has expanded or contracted its powers over time, the people and representatives have had a voice in most changes, ensuring that the government continues to only use powers which the people consent are necessary.

What is Rule of Law

This fundamental principle means that no one is above or below the law. That means that if a law is broken, no matter by whom, certain procedures will be followed. Even the president and other federal officials must abide by the laws. They pay taxes and obey speed limits like everyone else. Laws exist to protect safety and order, and all citizens must obey them. It's their duty.

Sep 17 2021 Fri (11:40:03)

Lesson 2: What is Citizenship**Unit 1****Who is a Citizen**

The first part of the 14th Amendment to the United States Constitution defines Citizens as people either "**born or naturalized in the United States**". It then describes that Citizens are due certain protections and privileges under the law that no state government may take away.

A person can be a United States Citizen at the time of birth in two main ways. The Latin Term **Jus Soli** means "**Law of the Soil**". People born in the United States or United States territories are citizens because they were born on United States Soil. An exception to the **Jus Soli** rule would be the child of a foreign diplomat as they are not considered subject to the United States jurisdiction, a requirement of **Jus Soli**.

The Latin Term **Jus Sanguinis** means "**law of the blood**".

People born to at least one parent who is a United States Citizen and has lived in the United States are citizens through their blood relationship to this parent. United States Military and diplomatic sites in foreign countries are not considered United States soil, contrary to what many believe. The **Jus Sanguinis** rule covers children born to United States Citizens living abroad, such as military families. Most United States Citizen births, but not all, meet both the **Jus Soli Sanguinis** rules. The United States has laws to define special situations.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

How Does the Government Categorize Non-Citizens

People living legally in the United States who are not United States Citizens could have a visa or permanent resident status. They must carry proof of their status at all times. A United States National is a person under the legal protection of the United States but without citizenship. This applies to those born United States territories like American Samoa and Swains Island. United States Nationals can live and work in the United States but, at present, may not vote in state or federal elections. They still have to go through full naturalization process if they wish to become United States Citizens. However, federal laws now grant full citizenship to people born in the territories of Puerto Rico, the United States Virgin Island, and Guam.

A visa gives a person permission to travel to a country and request entry by the country's officials. United States visas come in two basic types:

- Non-immigrant visas

- Immigrant visas

People that wish to visit, go to school, or work temporarily in the United States would apply for non-immigrant visa. This type of visa has a time limit. Immigrant visas are for those who wish to live permanently in the United States with no time limit. A person could apply for the immigrant visa and permanent resident status at the same time.

Permanent resident status, formerly called resident alien, could take months or years to obtain. This status gives the holder permission to live and work in the United States. The United States permanent residency card is the official document proving this permission. People often call it a "**green card**" because of the green ink used in the card's design. A permanent resident must always carry the green card and pay income taxes to the United States government. The United States still classifies permanent residents as resident aliens. They do not have the full benefits of citizenship. However, this status is an important prerequisite to applying for naturalization. A person can apply for naturalization after being a permanent resident for a certain length of time, usually five years.

What Are the Requirements of Naturalization

You must do 4 things:

- Application
- Fingerprints
- Interview
- Oath of Loyalty

Sep 22 2021 Wen (11:05:57)

Lesson 3: Citizens in Action**Unit 1****What Are the Responsibilities of Citizenship**

Some of the responsibilities of citizens are required in law. We refer to these as **civic duties**. One civic duty is to obey laws. Everyone living in the United States must abide by the laws, whether they are legal citizens or not. However, citizens can legally act to change laws they feel are unjust. For example, they could petition the government for a change in the law, contacting their representatives and other citizens for support.

Responsibilities differ from duties because they are voluntary. The law does not require citizens to complete these responsibilities, but people do have certain expectations within their communities. Good citizens choose to meet their community's expectations. Americans across the country have specific ideas about what good citizenship means and what the expectations are. Influencing government, such as contacting leaders or holding office, is one of these expectations. People who are not legal U.S. citizens can also show good citizenship by meeting many of these responsibilities and expectations. However, remember that some of the responsibilities and duties, such as serving on a jury and voting, are reserved only for legal citizens.

Why is Participation Important in the American Political System

In American politics, is responsible for upholding our system of laws. Also, justice is dependent on both the government and the people. The government:

- Creates
- Enforces
- Settles

disputes over laws. It is up to the citizens to choose people carefully to fulfill those roles in government, support the system of laws through obeying them, and challenge unfair laws through legal means. Without this two-way support of the system, representative democracy could dissolve into a system that is not representative of the people, is abusive of the people, or becomes an anarchy.

Tools such as:

- EMail
- Blogs
- Podcasts

help connect people with the same goals and ideas across wide geographic areas. People coordinate activities such as protests and demonstrations using these tools.

Americans who are complacent to simply follow laws and pay taxes without exercising responsible citizenship run the risk of allowing government to

take more of that responsibility for itself. People need to hold government accountable for its actions in order to protect their interests in the laws. While people have other responsibilities and most cannot devote all their time to civic life, it is an essential responsibility for all citizens. Many Americans develop new ideas for public policy, serve as watchdogs over government, and inspire other citizens to meet their responsibilities.

A great challenge is that most citizens only focus on one or two issues, only about half vote, and very few are active in political parties or interest groups. Yet these latter groups raise millions of dollars to influence voters and elected officials. The fewer people involved in directing that influence, the less that government will represent the wishes of the general population. To protect our representative democracy, more citizens need to speak up through contacting officials, voting, and other forms of political participation.

How Have Models of Effective Citizenship Achieved Change?

Citizenship is a lifelong responsibility to the common good of your political community and the world. The common good depends on people taking action. Many people in American history have acted on the responsibilities of citizenship to achieve change. Individual action can inspire whole groups of people to get involved, and people working together is a more powerful and effective way to create change.

Some would say the most active citizens are those who devote their lives to the military or to political office. Examples of great American presidents, other elected officials, and military personnel abound in history. This timeline will focus on a few citizens outside those areas. Each of these people was a leader and part of a larger movement. They cannot claim sole credit for the effects of their actions, but their responsible citizenship inspired many others and helped create change.

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Sep 22 2021 Wen (10:51:32)

Lesson 4: Citizenship Review**Unit 1****Vocabulary Review**

Let's quickly go over the basic vocabulary for this unit:

Definition 3 (Common Good). The common good is the greatest possible conditions of society for the greatest number of people living in it. Citizens serve their community to improve life for people in general.

Definition 4 (Institution). An institution is an established organization that is influential in the community such as a school or hospital. Government helps support the creation and maintenance of many important institutions.

Definition 5 (Rule of Law). Rule of law is the principle that both those who govern and those who are governed must obey the law and are subject to the same laws. Government leaders resolve problems based on the law.

Definition 6 (Limited Government). Limited government is the idea that government should be restricted to its basic function of protecting people's natural rights. Leaders without limits could rule without concern for the people.

Definition 7 (Representative Government). Representative government is a form of government where the people elect leaders to make decisions on their behalf, sometimes called a republic. The United States has this form of government.

Definition 8 (Consent of the Governed). Consent of the governed is the idea that people agree, or consent, to government authority and in return, the government protects the people and their rights, also known as the social contract.

Definition 9 (Natural Rights). Natural rights are rights that people are born with and that no government can take away. U.S. citizens value and

hold these rights as individuals.

Definition 10 (Green Card). A green card is a government identification card giving legal permission to an immigrant to live and work in the United States permanently. It is an important prerequisite to naturalization.

Definition 11 (Naturalization). Naturalization is the legal process for non-native residents to become U.S. citizens. Immigrants must meet several requirements to become citizens, including knowing basic English.

Definition 12 (Public Policy). A public policy is a course of action accepted or used by a government to respond to a problem. Public policy determines the naturalization process and many other activities in our daily lives.

CHAPTER TWO

Foundations

Unit 2

Oct 1 2021 Fri (7:42:12)

Lesson 1: Revolutionary Ideas

Unit 2

Sep 30 2021 Thur (09:00:12)

Lesson 2: The Constitution

Unit 2

What Was the Articles of Confederation?

When the colonies declared their independence from Britain, they no longer had a government. They had to create a new one to organize the nation and fight the Revolutionary War for independence. In 1777, The Articles of Confederation was written and became the first plan for governing the United States.

To prevent tyranny from rising over them, early American leaders made a weak government by restricting or limiting the powers of the new government. This first government was a **confederation**, or group of loosely allied states. The states agreed to form a partnership that was called a "**firm league of friendship**" under the **Articles of Confederation**. The lack of a strong centralized government meant that each state had the final authority over its own area.

During the time the Articles of Confederation were in force, Americans won the Revolutionary War and signed a peace treaty in 1783. The Articles of Confederation were in place for about 10 years. Though it was a brief government, its leaders achieved some important goals.

Why Did the Articles of Confederation Fail?

The content within the document placed a high value on federalism, which upheld the supremacy of state governments and equality between the states. The Articles of Confederation created a limited national government without separate branches, as its role was to be small overall. State legislatures chose delegates to send to Congress.

Though it saw Americans through the fight for independence and reflected many of the ideals and principles they valued, the Articles of Confederation did not last. The problems of supplying troops sufficiently for national defense and internal rebellion after the war revealed the need for a stronger central government.

Here are some of the reasons weaknesses in the Article of Confederation:

| Weakness | Why It Caused a Problem |
|--|---|
| Each state had one vote in the legislative branch. | This gave each state equal power in the central government. However, states with larger populations, like Virginia, did not think it was fair to have the same amount of power as a state with fewer people. |
| The government did not have an executive branch. | When Congress passed a law, the state governments were supposed to enforce it. Congress had no power to make sure each state enforced the law. Congress could not force a state to send a criminal to another state to face charges. The Articles of Confederation expected each state government to use its own executive power in good faith for the good of all states. |
| The government did not have a separate judicial branch. | If a law's meaning was in question, there was no one who could fairly settle the issue and make sure all states followed the ruling. In addition, while people could move freely between states, no court existed to settle disputes between states or people in different states. The Articles of Confederation did create a process by which Congress could raise a temporary court, but it was a long and inefficient process. |
| Congress could not create taxes. | Taxes pay for a government's functions. Congress could only request money from the state legislatures. If the states did not send any, Congress was powerless as it had no executive branch to enforce payment. |
| Congress could not raise a national military separate from the states. | During the Revolutionary War, General George Washington requested money for supplies. Congress could not force the states to pay. The troops often went without, starving at times. States were expected to train and equip their own militias and send troops when Congress requested, yet there was no one to coordinate or enforce this requirement. |

Table 2.1: Why the Article of Confederation was weak

Why Did the United States Need a New Constitution?

Representatives from most of the 13 states met in May 1787 to fix the Articles of Confederation. The meeting was called the **Constitutional Convention**, or the **Philadelphia Convention** for the city where it took place. Most representatives agreed that a stronger central government was necessary. James Madison proposed his idea for a new constitution to replace the Articles of Confederation, which became the basis for the convention discussion and debate.

By this time, the Articles' weaknesses were common topics of conversation among state leaders. Yet not everyone agreed they should be replaced rather than simply revised. Shays' Rebellion, which ended only a few months earlier, likely influenced some of the delegates. Daniel Shays and several thousand other citizens in Massachusetts protested against state tax policies. Some protests turned violent, but the federal government couldn't fund an army to restore order. It took an army funded by private citizens to end the rebellion.

The need to strengthen the national government was clear, but the delegates spent four days debating whether to revise the Articles of Confederation or start over. They ultimately chose to create a new constitution.

What Are the Parts of the Constitution?

The Constitution begins with the Preamble, or introduction of purpose, and then outlines government structure and function in seven main articles. You can remember the main sections of the Constitution by using the acronym **LEJ RASR**.

The document reflects many important political principles. In the Preamble, the beginning phrase "**We the People**" establishes popular sovereignty as a basic essential principle in U.S. government. The Constitution reflects separation of powers by distributing power among three branches of government, outlined in the first three articles. The fourth article talks about the reserved powers of the states, reflecting federalism. Examine the main idea and quotes from each section of the Constitution.

| Description | Quote |
|--|---|
| (L-Legislative Branch) The legislative branch makes the laws. The Constitution names the national legislature “Congress” and separates it into two houses, the House of Representatives and the Senate. | Article. I. Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. |
| (E-Executive Branch) The executive branch executes or enforces the laws. The Constitution states a president will be the head of the executive branch. | Article. II. Section. 1.–The executive Power shall be vested in a President of the United States of America. |
| (J-Judicial Branch) The judicial branch interprets laws and settles disputes. The Constitution names the highest court in the nation the “Supreme Court” and gives Congress power to create lower federal courts. | Article III. Section. 1.–The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. |
| (R-Reserved Powers of the States) Powers that are not expressly given to the federal government are reserved to the states. | Article. IV. Section. 1.–Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. |
| (A-Amendment Process) The amendment process requires support from state legislatures, as well as the federal government, to make a change to the Constitution. | Article. V.–The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof. |
| (S-Supremacy Clause) The supremacy clause states that the Constitution and federal laws are the highest laws in the nation. | Article. VI.–This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land. |
| (R-Ratification) Ratification of the Constitution requires approval from nine of the 13 state legislatures. | Article. VII.–The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same. |

Table 2.2: Articles and Descriptions

How Does the Constitution Reflect Valued Principles and Create a Stronger Government?

Many of the same principles that led the colonists to declare independence framed how they thought government should work. However, they did not all agree on how to best express each ideal they valued in the powers of government.

For example, they agreed that the people should be the ultimate source of political power, meaning they believed in democracy and popular sovereignty. However, a nation so large had to have some system of representation. It needed a form of indirect democracy based on republicanism, the idea that the people will elect officials to make decisions for them. How to set up that representation was a point of debate for the framers.

How Do Checks and Balances Limit Government?

Most of the framers of the Constitution believed they had created a government limited to the powers described in the document, but they knew it left room for expansion. For example, the **"elastic"** or **"necessary and proper"** clause in Article I allows Congress to make other laws considered necessary for the welfare of the nation. This broad statement has allowed actions not directly named in the Constitution, such as creating an air force branch of the military. In addition, while **"rule by the people"** is a valued principle, it would be possible for a majority of voters to pass laws that deny rights to those who do not agree with them.

To add an amendment to the Constitution, the idea must go through a formal two-step process of proposal and ratification. It involves both the states and the federal government, reflecting the principle of federalism. Elected representatives in the state and federal legislatures propose and ratify amendments. The amendment process has two main steps:

- **Proposal**—the amendment idea is officially presented for debate by a two-thirds vote of Congress, or a national convention called by two-thirds of the state legislatures
- **Ratification**—the amendment idea is passed and becomes part of the Constitution by a three-fourths vote of the state legislatures or special state conventions

The Bill of Rights is the name for the first 10 amendments to the Constitution. It is not part of the original document. The states ratified these amendments within a few years after the ratification of the Constitution. The 10th Amendment itself reflects federalism because it protects powers of the states not expressly given to the federal government. For example, since the Constitution does not mention public education, the state governments have the right to create and maintain public schools.

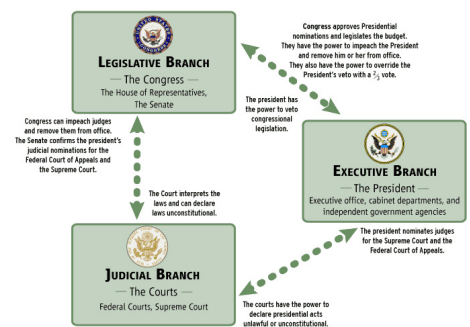


Figure 2.1: The three branches of government

| Amendment | Description |
|-----------------------|--|
| The First Amendment | The First Amendment guarantees freedom of speech, freedom of religion, and freedom of the press. The press includes newspapers, television and web-based communication such as blogs and websites. |
| The Second Amendment | The Second Amendment protects the right of the people to " keep and bear arms ". In this case, arms means weapons, or " firearms ". |
| The Third Amendment | Third Amendment says that the government cannot force people to keep soldiers in their homes. It was written because people remembered what it was like when the British used to force colonists to house British soldiers. |
| The Fourth Amendment | The Fourth Amendment says that people's homes are private. Government officials cannot enter them without a search warrant. |
| The Fifth Amendment | The Fifth Amendment contains important rights of a person accused of a crime. These guarantees were added to the Constitution because dishonest governments in the past had accused people falsely so they could put them in jail. |
| The Sixth Amendment | The most important part of this amendment is its promise of a jury trial. A jury is a group of ordinary citizens who decide together whether a person accused of a crime is guilty or not guilty. |
| The Seventh Amendment | The Seventh Amendment applies the right to a jury trial to civil cases. Civil cases do not deal with crimes. They are disagreements between individuals. If a case involves more than 20, the parties have a right to a jury trial. |
| The Eighth Amendment | Bail is money that the court requires before a person accused of a crime can be released from jail. The Eighth Amendment states that the amount of bail can't be too high. It also says that punishment for crime cannot be " cruel " or " unusual ". |
| The Ninth Amendment | Some men in Congress worried about including a list of rights in the Constitution. Could the government later use this list to say that people had only those rights listed? To solve this problem, James Madison wrote the Ninth Amendment. |
| The Tenth Amendment | The Tenth Amendment says that the federal government can only use those powers given to it in the Constitution. All other powers belong to the states. This amendment satisfied the Anti-Federalists, who thought the federal government could get so powerful that it would destroy the states. |

Oct 6 2021 Wen (09:29:49)

Lesson 3: The US Constitution and Your State**Unit 2****Road Trip Stop One- The U.S. Constitution**

Let's look at the basics of the Constitution.

Who Delegates from 12 of the 13 colonies met in Philadelphia. Only **Rhode Island** did not send a delegation. Many delegates were lawyers. **James Madison** ultimately proposed that the convention's goal should be to form a new government. The delegates debated how to form the best centralized government without restricting the rights of the states or individuals. The convention ultimately came down to compromises. Some famous members of the **Constitutional Convention** are:

- George Washington
- Benjamin Franklin
- George Mason
- Roger Sherman
- Edmond Randolph
- James Madison
- Alexander Hamilton

Only 39 of the 55 delegates signed the U.S. Constitution.

What The U.S. Constitution is the founding document of our government. The Constitution is a "**living document**" that provides the structure of our democracy. Our Constitution can be broken down into three major parts:

- The Preamble
- The Articles
- The Amendments

We get the three branches of government from the Constitution. **The Preamble** is the introduction to the Constitution that outlines the goals of the Constitution. The preamble is a 52 word sentence that sets forth the goals of the U.S. government.

When In the summer of 1787, The members of the **Constitutional Convention** took 100 days to frame our new government. The delegates debated and compromised on how our new government should function. One of the major debates centered on power. The power of the central government vs. the power of states' government.

Where The delegates convened in **Philadelphia, Pennsylvania** at **Independence Hall**. This meeting of delegates is called the **Constitutional Convention** or **Philadelphia Convention**. This is also where the **Declaration of Independence** was signed.

Why Their purpose was to establish a legal system of government that corrected the weakness of the **Articles of Confederation** and create a new centralized government. This was our second attempt to create our government.

Road Trip Stop Two – State Governments

Now, let's dig a little bit deeper into the state and the local government. **Article IV** of the Constitution could also be called the "**States Article**". The 10th amendment to the Constitution defines the powers of the states.

The 13 original colonies maintained sovereignty by operating a self-government. However, during the time of the revolution, the independent states needed to work together to form a union, which would eventually create the **United States**. After the founding fathers saw the **Articles of Confederation** fail miserably, they needed to create a centralized government but still maintain the rights of each state.

Definition 13 (Federalism). Federalism is the division of power between the **Federal** and **State** governments. The Constitution outlines the powers and limits of the **National Government**, solidifies the relationship between the levels of government and ensures that the people get their rights.

Delegated to the National Government

- Organize and control trade between states and with other nations
- Coin and print money
- Make agreements with foreign nations
- Establish post offices and interstate highways
- Raise and support military forces
- Declare war and make peace
- Govern U.S. territories and admit new states and create rules and laws for people who wish to move into the nation and how they may become citizens

Concurrent or Shared Powers

- Raise and collect taxes
- Borrow money
- Establish courts
- Grant permissions to start banks

- Enforce laws and punish lawbreakers
- Provide health care services and other assistance to the people

Reserved to the State Governments

- Create local government
- Set up businesses
- Build and support public schools
- Organize and control trade within the state
- Conduct elections
- Determine rules for voting such as living in the district where the person votes
- Make marriage laws
- Determine the requirements for professional workers, like doctors and teachers

State Governments are also governed by the Constitution. In general, the **State Constitutions** are much longer than the U.S. Constitution. Each state:

- Creates
- Amend
- Fund laws

However, the U.S. Constitution is the "**Supreme Law of the Land**".

1. State governments receive federal funds for some services like transportation (driver's license), infrastructure (roads, bridges), and health care.
2. State governments have three branches like the federal government (separation of power).
3. The governor of the state is the head of the executive branch. The governor can veto state laws and is in charge of many departments (Executive Branch).
4. Most states have a bicameral legislature (only Nebraska has a one house). State legislators write and pass laws for the citizens. The term limits and requirements vary by state (Legislative Branch).
5. Citizens in a geographic region elect state legislators.
6. Many state governments allow direct democracy, or citizens to directly add initiative to the ballot. Direct democracy also includes recall election and referendum.
7. The judicial branch can vary by state. For example, the levels of courts or how judges get on the bench (elected or appointed).

8. State governments deal with issues of public policy that impact citizens. They include education, death penalty, welfare, marriage laws, and voting standards.

Road Trip Stop Three – Local Governments

1. Local governments get their power from the state government and are in place to carry out state initiatives.
2. Local governments provide many services to its citizens such as police, fire departments, schools, parks, and supervision of elections.
3. Local governments can be formed in cities, counties, or towns, etc.
4. Local governments employ a lot of citizens, and are also voted into office by the citizens.
5. Local governments usually have a council, a mayor/chairperson, and community representatives that focus on the local community and the issues they face.
6. Local elections are held by postal elections. What is your 9–digit zip code?

Oct 11 2021 Mon (11:28:43)

Lesson 4: The Anti-Federalists**Unit 2****The Constitution—To Ratify or Not to Ratify?**

When the **Constitution** was sent to the state legislatures for ratification, not everyone was eager to approve it. At least nine of the thirteen states had to ratify for it to take effect. While the convention drafting the document was still in session, delegates began to separate into two groups. They were:

- **Federalists**

People who supported the Constitution as it was and argued for immediate ratification became known as "federal men" or Federalists. James Madison from Virginia was a Federalist who eventually served as president. Alexander Hamilton from New York also favored the Constitution and went on to be the first U.S. Secretary of the Treasury, writing economic policies for George Washington's administration.

- **Anti-Federalists**

Those who did not wish to ratify were called "**anti-federals**", though the name does not mean that they were against federalism. In fact, the Anti-Federalists' name is ironic because they were against a strong central government. They favored a federal system where the states were supreme, similar to the Articles of Confederation. Most of them agreed, however, that a somewhat stronger central government was necessary. Not all Anti-Federalists were the same. Some wanted very little deviation from the Articles of Confederation and were staunchly against the new Constitution. Others were more moderate and willing to compromise, while some focused only on adding the Bill of Rights. Most of those unwilling to compromise, like Richard Henry Lee and Patrick Henry, did not attend the Philadelphia Convention, but had a strong voice when the time came for states to vote on ratification. Lee, from Virginia, was "president of Congress" for a year under the Articles of Confederation. He went on to serve as a senator to Congress from his state. Henry twice served as governor of Virginia and refused an invitation to the convention, saying he "smelt a rat in Philadelphia, tending toward the monarchy." He served in the Virginia legislature during the ratification debates and for several years more.

Delegates met and debated in secret at the Philadelphia Convention. Pens were busy once the document went to the states, with prominent leaders around the country writing for or against its ratification. The lack of a unified Anti-Federalist voice in Anti-Federalist articles is probably one reason why the Federalists and the Federalist Papers they created are remembered more today. However, as you will see, compromises between the Federalists and Anti-Federalists had a significant impact on the Constitution then and now.

What Was the Great Compromise?

Both Federalist and Anti-Federalist delegates at the Philadelphia Convention agreed that a stronger central government was necessary than what the Articles of Confederation provided. They also agreed that neither a pure

democracy nor an aristocracy were desirable or sustainable for the new nation. A system of representation for each state was necessary. The greatest issue to divide delegates at the constitutional convention was the strength of the central government and the relative power between states with varying populations.

- **Conflicting Plans**

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.

How Else Does the Constitution Reflect Compromise?

Small states and large states each achieved some of what they wanted in the Great Compromise. It was only one compromise of many at the convention.

The delegates also debated how to address slavery in the Constitution, though it never directly names it. Southern states, with large numbers of enslaved people, wanted to count slaves into their population for determining representation to Congress but not for taxation purposes. Northern states wanted the opposite. Greater representation would give a larger state more power in passing federal laws but also greater taxes. Delegates from northern states argued that counting slaves would not be fair for representation because slaves

were not citizens with voting and other rights. Yet all states counted women and children, whose rights were limited at best, into population. Like the Great Compromise, the delegates to the convention were divided here more along state loyalty lines rather than as Federalist against Anti-Federalist.

Some delegates hoped that slavery would end gradually and did not want to give any protection or incentive for the practice to continue in the Constitution. They wanted to end the slave trade so no new people from overseas would be enslaved in the states. Yet all knew that without a compromise on this issue, Southern States would not ratify the Constitution. They agreed to the 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. Delegates also wrote into the Constitution that Congress could not pass any laws outlawing the slave trade until 1808. Of course, both of these agreements became obsolete once slavery ended.

What Happened When the Constitution Went to the States?

On September 17, 1787, the compromises were complete, and a majority of delegates approved and signed the Constitution. Yet, nine state legislatures had to ratify it before the new government could begin. Each state began its own chain of discussion and debate over the document. People who had attended the convention, as well as those who did not, wrote arguments for and against the Constitution's ratification that reached a public audience through newspapers.

How Did a Bill of Rights Help Ratification?

Many Anti-Federalists would never have approved the Constitution without the promise of a bill of rights. Federalists like James Madison argued that the existing language in the Constitution was enough to protect individual rights, especially considering the state constitutions with their own lists of protected rights.

Anti-Federalists argued that if some rights were worthy of protection within the document, then all rights should have the same level of written protection.

It was not that Federalists were against protecting individual rights. Rather, some worried that listing them could backfire. They argued that the government might use the document as justification to restrict a right because it does not appear in print. Some Anti-Federalists saw it as a simple way to solidify limitations on the power of the national government. Out of the over 200 suggestions for amendments, or changes, to the Constitution to address the issue, James Madison wrote 12. The states ratified 10 of the amendments, which were then named the Bill of Rights.

When Did the States Ratify?

While some say the Anti-Federalists "lost" the debate, without them the Constitution would not be the same. They pushed the delegates at the constitutional convention to clarify the proper role of government at each level. They secured the promise of a Bill of Rights to increase protection for individual rights

under the new government. In fact, some historians believe that without a guarantee of amendments to come, the Constitution may never have been ratified.

Achievements of the Anti-Federalists:

- Amending the Constitution with a Bill of Rights
- Stronger protection for states' rights

Achievements of the Federalists:

- Ratification of the Constitution
- Strong central government with separation of powers

State ratification was not immediate. Each state government had its own schedule for debating and voting on the Constitution. The process took longer in some states than others. Note, too, that just because a state ratified does not mean everyone agreed with the Constitution. Examine this map to see the dates of ratification for each state and the regional majorities of the Federalists and Anti-Federalists.

Oct 11 2021 Mon (11:28:43)

Lesson 5: Federalism**Unit 2****The types of Power in the Constitution**

The **U.S. Constitution** lists the delegated powers. They are the powers that are assigned to the **National Government**. They are also known as the *Expressed Powers* because they are directly named in the Constitution. The Constitution and Amendments also include some of the reserved powers. They are not given to the National Government. They are used by the State's Government. The National and State Government share powers called the **Concurrent Powers**.

The **Constitution** also has implied powers. American leaders like Thomas Jefferson argued that the "**Elastic Clause**" in the Constitution gave too much power to Congress by giving the ability to make all of the laws. They feared that the clause implied Congress had powers beyond those directly named.

The issue of using Implied Powers was argued during the Supreme Court case of **McCulloch v. Maryland**. The U.S. Government established a national bank in **Maryland**. Then, the state passed legislation imposing taxes on the bank. Then, the cashier of the Baltimore Branch of the bank, *James W. McCulloch* refused to pay the taxes.

This brought up questions for the government:

Question. Does the Constitution allow the national government to run a bank?

Answer. Yes. It doesn't say so directly in the Constitution. But, still, the court ruled it an implied power. Congress had hoped that they could set up a single currency and a national bank to help resolve some interstate commerce challenges. Even though Congress never set up its own business corporation before, they deemed it "**Necessary and Proper**" to be carrying out the duties of regulating interstate commerce. Today, the national government runs several corporations, such as AMTRAK, the passenger railroad system.

Question. Does the Constitution allow state governments to tax a national bank operating within its borders?

Answer. No. *Justice Marshall* was very clear that this could undermine every aspect of the national government. If a state could tax the national bank, then that could be a precedent for it to tax the mail service. They could probably even tax it so much that there would be no funds so the mail can operate.

Let's quickly go over the powers again:

Definition 14 (Delegated to the National Government). The power to:

1. Organize and control trade between states and with other nations

2. Coin and print money
3. Make agreements with foreign nations
4. Establish post offices and interstate highways
5. Raise and support military forces
6. Declare war and make peace
7. Govern U.S. territories and admit new states, and create rules and laws for people who wish to move into the nation and about how they may become citizens

Definition 15 (Concurrent or Shared Powers). The power to:

1. Raise and collect taxes
2. Borrow money
3. Establish courts
4. Grant permissions to start banks
5. Enforce laws and punish lawbreakers
6. Provide health care services and other assistance to the people

Definition 16 (Reserved to the State Governments). The power to:

1. Create local government
2. Set up businesses
3. Build and support public schools
4. Organize and control trade within the state
5. Conduct elections
6. Determine rules for voting, such as living in the district where the person votes
7. Make marriage laws
8. Determine the requirements for professional workers, like doctors and teachers

Constitution Addressing Federalism