

# U.S. History

# Constitution

Why is compromise essential to the foundation of our government?



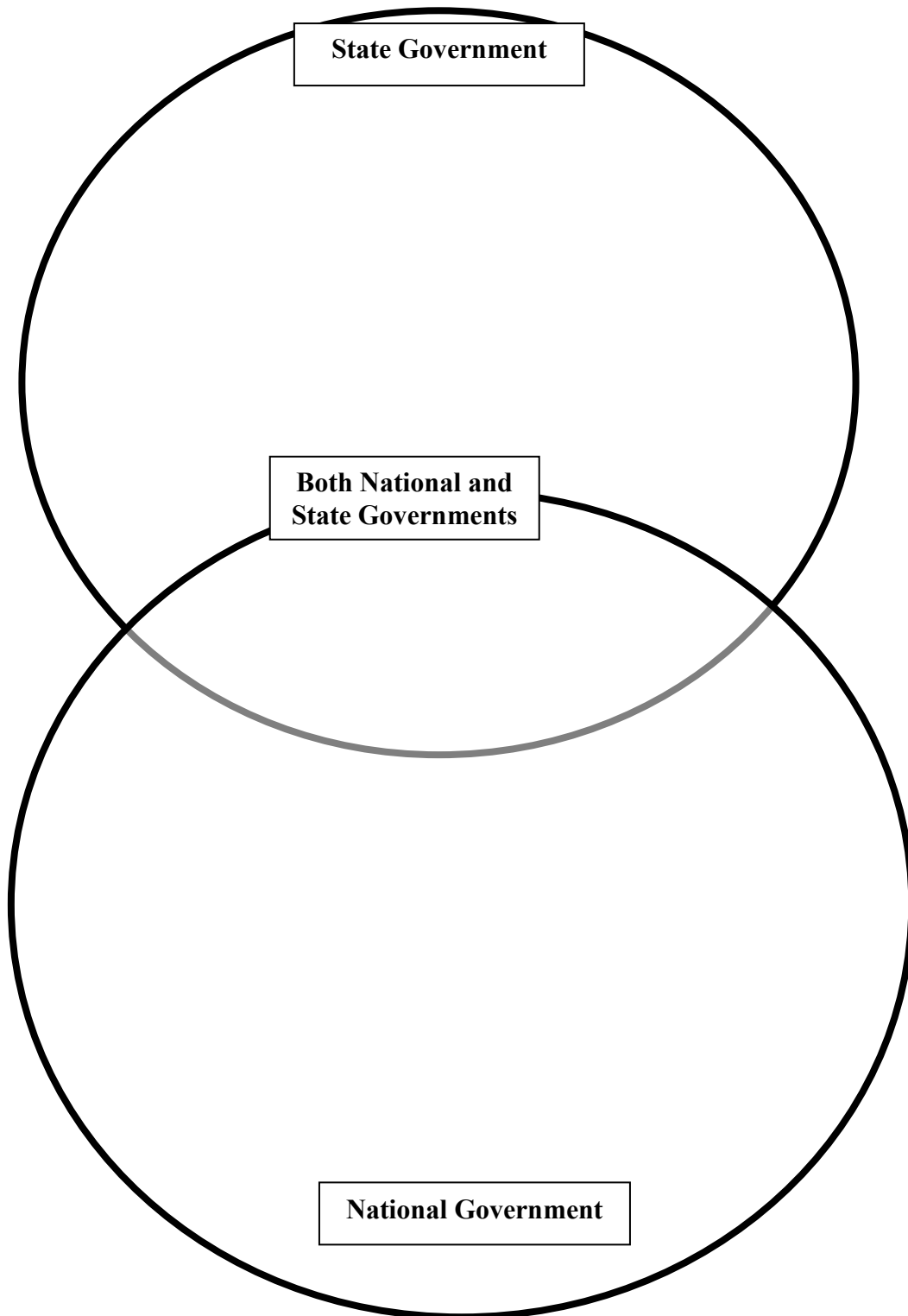
**Name:** \_\_\_\_\_

**Period:** \_\_\_\_\_

**Due:** \_\_\_\_\_

- I can explain how our government was created.
- I can explain the function of each branch of government and how they balance each other.
- I know my rights and responsibilities as a citizen.
- I can name the first 10 amendments and understand what they mean.

## **Powers of the Government under the Articles of Confederation**



## **Strengths and Weaknesses of The Articles of Confederation**

<b>Strengths</b>	<b>Weaknesses</b>

## Shays' Rebellion

### Shays' Rebellion Textbook Excerpt: The American Vision

The property owners' fears seemed justified when a full-scale rebellion, known as Shays' Rebellion erupted in Massachusetts in 1786. The rebellion started when the government of Massachusetts decided to raise taxes instead of issuing paper money to pay off its debts. The taxes fell most heavily on farmers, particularly poor farmers in the western part of the state. As the recession grew worse, many found it impossible to pay their taxes as well as their mortgages and other debts. Those who could not pay often faced the loss of their farms.

Angry at the legislature's indifference to their plight, in late August 1786, farmers in western Massachusetts rebelled. They closed down several county courthouses to prevent farm foreclosures, and then marched on the state supreme court. At this point, Daniel Shays, a former captain in the Continental Army who was now a bankrupt farmer, emerged as one of the rebellion's leaders.

In January 1787, Shays and about 1,200 farmers headed to a state arsenal intending to seize weapons before marching on Boston. In response, the governor sent more than 4,000 volunteers under the command of General Benjamin Lincoln to defend the arsenal. Before they arrived, Shays attacked, and the militia defending the arsenal opened fire. Four farmers died in the fighting. The rest scattered. The next day Lincoln's troops arrived and ended the rebellion. The fears the rebellion had raised, however, were harder to disperse.

#### **A Call for Change**

People with greater income and social status tended to see the rebellion, as well as inflation and an unstable currency, as signs that the republic itself was at risk. They feared that as state legislatures became more democratic and responsive to poor people, they would weaken property rights and vote to take property from the wealthy. As General Henry Knox, a close aide to George Washington, concluded: "What is to afford our security against the violence of lawless men? Our government must be braced, changed, or altered to secure our lives and property."

These concerns were an important reason why many people, including merchants, artisans, and creditors, began to argue for a stronger central government, and several members of the Confederation Congress called on the states to correct "such defects as may be discovered to exist" in the present government. The confederation's failure to deal with conditions that might lead to rebellion, as well as the problems with trade and diplomacy, only added fuel to their argument.

Source: Excerpt from *The American Vision*, a high school U.S. History textbook  
Published in 2003.

Thomas Jefferson on Shays' Rebellion (Modified)

Paris, November 13, 1787

The British have so long hired their newspapers to repeat every form of lies about our being in anarchy, that the world has at length believed them, and we have believed them ourselves. Yet where does this anarchy exist? Where did it ever exist, except in the single instance of Shays' rebellion? God forbid we should ever be 20 years without such a rebellion.

What country before ever existed without a rebellion? And what country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let the people take arms. The remedy is to present them with the facts, pardon and pacify them.

The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure. Our Constitutional Convention has [made too much of Shays' rebellion]: and in the spur of the moment [I worry they will over-react].

Vocabulary

Anarchy: chaos; confusion and disorder

Remedy: cure

Pardon: forgive

Pacify: calm down

Manure: fertilizer

Source:

Thomas Jefferson was in France during Shays' Rebellion, but he wrote a letter to a friend about it

## Guiding Questions:

Name\_\_\_\_\_

### Sourcing

1.

Thomas Jefferson wrote the Declaration of Independence. Do you think he wanted to see America form a strong central government? Why or why not?

### Contextualization

2. According to Jefferson, have the colonies been peaceful or chaotic? Support your answer with evidence from the document.

3. Jefferson thinks the people at the Constitutional Convention are over-reacting to Shays' Rebellion. What does he worry they might do as they write the new Constitution? (Note: this answer is not in the document; you need to think)

### Close Reading

4. What does Jefferson mean when he says, "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants?"

### Corroboration

5. How does this document challenge or expand the information you read in the textbook?



# The Constitutional Convention

Name: \_\_\_\_\_



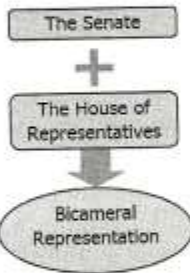
During the American Revolution, the Founding Fathers met to develop a government that would take over as soon as the British left. By 1777 they had created the Articles of Confederation. This was the original plan for the government of the United States – but it only created a loose **alliance**, or group, of separate state powers. After ten years, the Founding Fathers realized that the Articles of Confederation were too weak to work! They didn't give the government the right to collect taxes or regulate trade. The Founders decided they needed to change the Articles of Confederation to produce a stronger central government. They met once again and quickly decided they would need an entirely new document to do the job.

## Where Do We Start?

The Founding Fathers wanted a government that had greater authority with the states. They assembled in Philadelphia on May 14, 1787 to work out how this new government would work. They agreed on a **federalist** government, where a central power would oversee *and* share authority with the states. To make sure the federal government did not gain too much power – they created three branches to provide for checks and balances. The legislative would make the laws, the judiciary would interpret the laws, and the executive would enforce the laws. This solved many problems, but one large issue remained- how would the states be represented in this new federal government?



## Moving Forward



At first, the bigger states wanted the population of a state to determine the amount of representation. But the smaller states called foul! The bigger states would end up deciding the laws for everyone. The smaller states suggested that each state have an equal number of representatives. But that would end up giving smaller states too much power. Finally delegates from Connecticut submitted a solution – why not have two houses make up the legislative branch? The Senate would have an equal number of representatives from each state. Representation in the House of Representatives would be based on the state's population. This model is called **bicameral representation** and helped the delegates find a compromise.

## Wrapping Up

Between May and September, the delegates compromised on many issues in order to unite and build a strong national government. They decided the office of the executive would consist of one person and that the national government would have the power to tax and regulate trade between the states. These decisions determined that the new federal government would have more authority than before. There were still several delegates that disagreed with the way the federal and state governments would share power. These delegates' concerns would be addressed when the Bill of Rights was added to the Constitution in 1789.



Independence Hall,  
Philadelphia



## Looking Ahead

Once the new Constitution was signed, many saw a bright future ahead for the United States. The document guarantees a government with three branches based on a system of checks and balances. The delegates of the Convention successfully created a government that addressed the needs of small and large states alike, while providing for a federal government that would tie them together.



## The Constitutional Convention

Name: \_\_\_\_\_

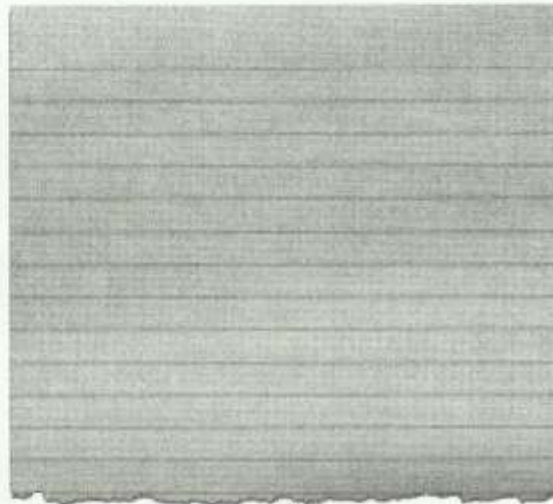
**Let's fix it!** The Founding Fathers gathered to fix the Articles of Confederation which left the United States weak and broke! Draw a line to match the weakness found in the Articles with the solutions proposed in the Constitution.

<u>The Articles of Confederation</u>	<u>The Constitution</u>
A loose alliance of separate powers.	The federal government would consist of three branches; the executive, legislative, and judicial.
The states had all the power.	The national government has the power to tax.
All states had one vote—regardless of size.	A federalist government where a central power would share authority with the states.
No executive office to enforce laws.	A strong national government unifying the states.
Only states could collect and use taxes.	A bicameral legislature made of the House and Senate.

**Just Strong Enough.** The Founding Fathers wanted to build a stronger federal government but they made sure it would never become *too* powerful. Read each item and determine if it was meant to strengthen the central government (write the letter "S") or if it was meant to limit the central government, (write the letter "L").

- \_\_\_ 1. The Bill of Rights guarantee that the government will protect the rights of individuals and states.
- \_\_\_ 2. The federal government will be divided into three branches to provide checks and balances.
- \_\_\_ 3. A federal government guarantees that the central power will oversee and share power with the states.
- \_\_\_ 4. Bicameral representation will guarantee that neither the small states nor large states end up with too much power in the legislative branch.
- \_\_\_ 5. The federal government will have the power to coin money and regulate trade.
- \_\_\_ 6. The Executive office of the federal government will consist of one person, the president.

**What do you see?** Through out the Convention, Washington sat in a chair that had half of a sun carved into the back. At the signing of the Constitution, Benjamin Franklin said, "I have the happiness to know that it is a rising and not a setting sun." What do you think he meant by this?



Name: \_\_\_\_\_ Period: \_\_\_\_\_

## ***Constitutional Convention***

Who presided? \_\_\_\_\_

What the Virginia Plan?

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What's the New Jersey Plan?

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What's the Great Compromise?

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What's the three-fifths Compromise?

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What was the goal of the Constitutional Convention?

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# The Preamble

Below is the text of the Preamble to the Constitution (or the introduction). You read it please highlight/circle/underline the 6 reasons why the Constitution was written.

We the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

Phrase from the Preamble	What does it mean?
1. Form a more perfect union	To make everything in our country as perfect as possible
2.	
3.	
4.	
5.	
6.	

## THREE BRANCHES OF GOVERNMENT



Our federal government has three parts. They are the **Executive**, (President and about 5,000,000 workers) **Legislative** (Senate and House of Representatives) and **Judicial** (Supreme Court and lower Courts).

The **President of the United States** administers the **Executive** Branch of our government. He enforces the laws that the **Legislative** Branch (Congress) makes. The President is elected by United States citizens, 18 years of age and older, who vote in the presidential elections in their states. These votes are tallied by states and form the Electoral College system. States have the number of electoral votes which equal the number of senators and representatives they have. It is possible to have the most popular votes throughout the nation and NOT win the electoral vote of the Electoral College.

The **Legislative** part of our government is called Congress. Congress makes our laws. Congress is divided into 2 parts. One part is called the Senate. There are 100 **Senators**--2 from each of our states. Another part is called the House of Representatives. Representatives meet together to discuss ideas and decide if these ideas (bills) should become laws. There are **435 Representatives**. The number of representatives each state gets is determined by its population. Some states have just 2 representatives. Others have as many as 40. Both senators and representatives are elected by the eligible voters in their states.

The **Judicial** part of our federal government includes the **Supreme Court** and **9 Justices**. They are special judges who interpret laws according to the Constitution. These justices only hear cases that pertain to issues related to the Constitution. They are the highest court in our country. The federal judicial system also has lower courts located in each state to hear cases involving federal issues.

All three parts of our federal government have their main headquarters in the city of Washington D.C.

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# 3 Branches of Our Government



## **FILL IN THE BLANKS IN THE SENTENCES BELOW**

1. What are the 3 branches of our government? \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.
2. The \_\_\_\_\_ Branch of our government makes the laws.
3. The \_\_\_\_\_ Branch of our government enforces our laws.
4. What are the two parts of our Congress? \_\_\_\_\_ and \_\_\_\_\_.
5. There are \_\_\_\_\_ senators.
6. The \_\_\_\_\_ is elected by eligible United States citizens who vote and by the Electoral College system.
7. \_\_\_\_\_ and \_\_\_\_\_ are elected by voters in their states.
8. \_\_\_\_\_ study laws to see if they are correct according to the Constitution.
9. Where do the major branches of our federal government meet and work?  
\_\_\_\_\_
10. The \_\_\_\_\_ is the leader of the Executive Branch of our government.

**What are Checks and Balances and give an example of how each branch can check and balance each other:**

**Write or illustrate how a Bill becomes Law:**

## The Bill of Rights

Amendment 1: Provides for the freedom of religion, speech, press, assembly and petition to the government for redress of grievances.

Amendment 2: People of the states have the right to keep and bear arms.

Amendment 3: People cannot be forced to house troops during peace time, and in war this can happen only by an act of Congress.

Amendment 4: Protection against unreasonable searches and seizures.

Amendment 5: An accused person cannot be forced to give evidence against himself in court; due process of law guaranteed; grand jury; cannot be tried twice for the same crime (double jeopardy); private property cannot be taken for public use without fair pay.

Amendment 6: An accused person has a right to a prompt, public trial, a defense lawyer, and a fair jury. They may call witnesses and confront their accusers.

Amendment 7: You have the right to ask for a trial by jury in a civil case.

Amendment 8: Protection against excessive fines and cruel and unusual punishments.

Amendment 9: The rights of the people are not limited to those stated in the Constitution.

Amendment 10: Powers not given to the United States Congress by the Constitution are given to the states or the people.



## *Seventeen More Amendments to the US Constitution*

### **11<sup>th</sup> Amendment**

Citizens have the right to have a suit against another state besides the one they live in, but not in a Federal court.

### **14<sup>th</sup> Amendment**

Slaves made citizens of the US., no payment for loss of slaves or property.

### **17<sup>th</sup> Amendment**

Direct election of senators by the people, term of office 6 years, 1/3 of the Senate up for re-election at one time.

### **20<sup>th</sup> Amendment**

Stops "lame duck" sessions in congress by setting the date for a new president to take office January 20<sup>th</sup> at noon, and congress January 3<sup>rd</sup> at noon.

### **23<sup>rd</sup> Amendment**

People living in the District of Columbia given right to vote for President and Vice President.

### **26<sup>th</sup> Amendment**

Right to vote extended to Those 18 years old and older. in all state and federal elections.

### **12<sup>th</sup> Amendment**

New way to elect the Pres. and Vice Pres.: The Electoral College. (Takes the place of Article 2, Section 1.)

### **15<sup>th</sup> Amendment**

Can't deny vote because of race, color, or for formerly being a slave.

### **18<sup>th</sup> Amendment**

Prohibits intoxicating liquor.

### **21<sup>st</sup> Amendment**

Repeal of the 18<sup>th</sup> amendment.

### **24<sup>th</sup> Amendment**

A person can't be denied the right to vote because they didn't pay their taxes.

### **27<sup>th</sup> Amendment**

No law changing the Compensation for services shall take effect until an election of Representatives shall have intervened.

### **13<sup>th</sup> Amendment**

Slavery forbidden.

### **16<sup>th</sup> Amendment**

Legalizes Income Tax

### **19<sup>th</sup> Amendment**

Gives women the right to vote.

### **22<sup>nd</sup> Amendment**

President can only Serve two terms of office.

### **25<sup>th</sup> Amendment**

Succession outlined for the office of President in case of vacancy or disability.

## The First Amendment

*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.* (45 words, five freedoms)

The first amendment lists two basic parts to freedom of religion:

1. The “establishment” clause. This means: \_\_\_\_\_

\_\_\_\_\_

2. The “free exercise” clause. This means: \_\_\_\_\_

\_\_\_\_\_

How is freedom of religion essential to all the other freedoms in the first amendment?

\_\_\_\_\_

\_\_\_\_\_

A Supreme Court case about freedom of religion is \_\_\_\_\_

How is your right to free speech balanced against the rights of others?

\_\_\_\_\_

\_\_\_\_\_

A Supreme Court case about free speech is \_\_\_\_\_

Why is a free press a critical factor in a free democratic government?

\_\_\_\_\_

\_\_\_\_\_

A Supreme Court case about free press is \_\_\_\_\_



## AGREE OR DISAGREE

1. "The majority of Americans favor strict new additional federal gun controls."
2. "The only purpose of a handgun is to kill people."
3. "A gun is more likely to kill a family member than to stop a criminal, armed citizens are not a deterrent to crime."
4. "Honest citizens have nothing to fear from gun registration and licensing which will curb crime by disarming criminals."
5. "Stiff gun control laws work as evidenced by the low crime rates in England and Japan while the U.S. crime rates continue to soar."
6. "Most murders are argument-related 'crimes of passion' against a relative, neighbor, friend, or acquaintance."
7. "Guns that have no legitimate sporting purpose and are the preferred weapon of choice of criminals and terrorists should be banned."
8. "The right guaranteed under the Second Amendment is limited specifically to the arming of a 'well regulated Militia' that can be compared today to the National Guard."
9. "A person in a public place with a gun and without a permit is looking for trouble."
10. "Gun Control reduces crime."

# Fourth Amendment

## Search and Seizure

1. What is an unreasonable search?

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2. What is an unreasonable seizure?

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3. What is a reasonable search?

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4. What is a reasonable seizure?

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5. List exceptions to the search and seizure provisions of the fourth amendment:

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

e. \_\_\_\_\_

f. \_\_\_\_\_

g. \_\_\_\_\_

h. \_\_\_\_\_

# Fifth Amendment

*"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 offense 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."* (108 words, five parts)

The fifth amendment has five basic parts:

1. "Plead the fifth" This means: \_\_\_\_\_

\_\_\_\_\_

2. Double Jeopardy. This means: \_\_\_\_\_

\_\_\_\_\_

3. Grand Jury. This means:

\_\_\_\_\_

4. Due Process. This means:

\_\_\_\_\_

\_\_\_\_\_

5. Right of Eminent Domain. This means:

\_\_\_\_\_

\_\_\_\_\_

## Seventh Amendment

*“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, than according to the rules of the common law.”*

Criminal Law:

Civil Law:

Make up a Case: