**Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Block: \_\_\_\_\_**

***Presentation 1: The Constitutional Compromises***

**CONNECTICUT COMPROMISE (GREAT COMPROMISE)**

**The Two Plans**

**New Jersey Plan**

* Supported by smaller states
* One house legislature
* Equal representation in Congress

**Virginia Plan**

* Supported by larger states
* Two house legislature (bicameral)
* Representation based on population

 **vs**

 **The Solution**

**The Great Compromise**

* Two house legislature (bicameral)
* Equal representation in the upper house (Senate)
* Representation in the lower house of Congress (House of Representatives) to be based on population

**THREE-FIFTHS COMPROMISE**

**The Big Picture**: How Slaves would be counted in the population for **tax purposes** and **representation**

|  |  |  |
| --- | --- | --- |
|  | **Wanted slaves counted for taxes** | **Wanted slaves counted for representation** |
| **North** | Yes | No |
| **South** | No | Yes |

**Solution**: For every \_\_\_\_\_ slaves, \_\_\_\_\_ would be counted for both representation in Congress (the House of Representatives) and for taxes the states would owe the federal government.

**THE COMMERCE CLAUSE**

The Commerce Clause describes an **enumerated** power listed in the United States Constitution (Article I, Section 8, Clause 3). The clause states that the United States Congress shall have power "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

**In other words: It gave the federal government the right to regulate trade with foreign nations AND between the states (and with the Native American tribes).**

**ADDRESSING WEAKNESES OF THE ARTICLES**

*Weaknesses of the Articles:*

* No executive branch
* No judicial court system
* Single chamber of Congress
* Congress could not tax, regulate trade, or enforce laws

*How the Constitution addressed the weaknesses:*

* Created three branches of government:
	+ executive branch- enforced laws
	+ legislative branch- made the laws
	+ judicial branch- interpreted the laws
* Legislative Branch was bi-cameral (two house legislature)
	+ House of Representatives- based on population
	+ Senate- equal representation (2 senators for each state)
* Commerce Clause provided power to Congress to oversee trade for states, foreign governments, etc.

**Presentation 2: Principles of the Constitution**

* Rule of Law- no one is above the law; not even the government
* Limited Government- the Constitution sets limits on the powers of the national government
* Popular Sovereignty- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Separation of powers- powers and responsibilities are divided among three branches to prevent one person or group from having too much power.
* Checks and Balances- allows each branch to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and check the power of the others to prevent abuse of power.
* ****Federalism- power is divided between the national government and the individual state and local governments

**FEDERALISTS VS. ANTI-FEDERALISTS**

**The Federalist Papers**

* 1. A series of 85 essays written to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	2. Written anonymously by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |
| --- | --- | --- |
| **Federalists** |  | **Anti-Federalists** |
| 1. |  | 1. |
| 2. |  | 2. |
| 3. |  | 3.  |
| 4. |  | 4.  |
| 5. |  | 5.  |
| 6. |  | 6.  |

* **Ratification of the United States Constitution**
	+ In December 1787, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ became the first state to ratify the Constitution
	+ In June 1788, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ became the 9th to approve the Constitution; making it the brand new “Supreme law of the land.” (They needed 9 of the 13 states to ratify)
* **Adoption of the Bill of Rights**
	+ By December 1791, the states ratified ten of the twelve proposed amendments, which came to be known as the Bill of Rights.

**Checks and Balances / Separation of Powers**

**Separation of Powers**

**PARTS OF THE CONSTITUTION**

|  |  |
| --- | --- |
| **Preamble** | Introduction/ Purpose of the Constitution |
| **Article 1** | Legislative Branch (Founding Fathers thought this was most important) |
| **Article 2** | Executive Branch |
| **Article 3** | Judicial Branch |
| **Article 4** | States |
| **Article 5** | Amendment Process |
| **Article 6** | National Debt, Supremacy Clause, & Oath of Office |
| **Article 7** | Ratification Process |
| **Amendments** | The listing of Amendments to the US Constitution (27 total on the list now) |

**TYPES OF POWERS- know the difference between these powers!**

Enumerated

Implied

Concurrent

Reserved

**Enumerated Powers vs Implied Powers**

**THE SUPREMACY CLAUSE**

* Says that the Constitution is the Supreme Law of the Land
* This mean that federal law \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ all state and local laws

**Necessary and Proper Clause**

* In Section 8 of Article 1, the Constitution says that Congress can “\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ all \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which shall be necessary and proper” for carrying out its \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* This is also sometimes called the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, because it means that Congress’ powers can be \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to cover a variety of issues or circumstances

**THE AMENDMENT PROCESS**

* **Proposal**
	+ You need 2/3 vote of BOTH houses of Congress OR
	+ 2/3 vote of national convention called by Congress on request of 2/3 of state legislatures (this method has never been used)
* **Ratification**
	+ Passage of 3/4 of state legislatures (used 26 times so far)
	+ Passage of 3/4 of special state conventions (used once for the 21st Amendment)

**THE BILL OF RIGHTS**

**2nd Amendment**- The right to bear arms

**3rd Amendment**- No quartering of soldiers in private homes without the consent of the owner in times of peace.

**4th Amendment**- No unlawful search or seizure without a warrant or probable cause

**7th Amendment**- right to a jury trial in CIVIL MATTERS that exceed $20

**9th Amendment**- Individual Rights: rights kept by the people; protects rights not enumerated in the Constitution

**10th Amendment**- States’ Rights- the federal government possesses only those powers delegated to it by the states or the people through the Constitution

**Civil Rights vs. Civil Liberties**

* Civil liberties are protections against \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_- this means either federal or even state
* Civil rights- positive acts of government to protect our rights- our \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ guarantee (Our protections in the BoR)
* Civil liberties are protected by the 1st Amendment and civil rights are protected by the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Amendment (National government) and the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Amendment (State government)

**What are our rights?**

* The first 10 Amendments are called the Bill of Rights (protection from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)
* Most rights and liberties are granted to all in the U.S. regardless of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Non-citizens cannot do the following:
	+ may not \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,
	+ may not be on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,
	+ may not hold public office or certain \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**How is Religion Protected?**

* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Amendment
	+ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Clause
	+ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Clause
	+ Wall of separation between church and state- Thomas Jefferson

**Religion and Schools**

* Everson v Bd. Of Ed. (1947)
	+ Applied the Establishment Clause in the Bill of Rights to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ laws
* Lemon v Kurtzman (1971)
	+ Created a three part \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ test to see if states can give money to private \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ schools
* Lemon Test
	+ The statute must have a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ purpose
	+ Its principle or primary effect must be one that neither advances nor inhibits \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ The statute must not foster “an excessive \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ entanglement with religion.”



**Other Issues with Establishing Religion**

* Issues with seasonal themes- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Hanukah, etc. at government places
* Prayers led by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at government meetings
* Displaying the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in front of government buildings

**Freedom of Speech, Assembly, Press**

* George Washington quote about freedom of speech: “If the freedom of speech is taken away then dumb and silent we may be led, like \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.”

**Types of Speech**

* Pure Speech- communication of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ through \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or written words or through conduct limited in form to that necessary to convey the idea
* Symbolic Speech-
	+ Used to describe actions that purposefully and discernibly convey a particular message or statement to those viewing it
* Texas v Johnson (1989)
	+ In a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ decision, the Court held that Johnson’s burning of a flag was a protected expression under the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Amendment.
	+ The Court found that Johnson’s actions fell into the category of expressive conduct and had a distinctly \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ nature- even if society finds it offensive

**Limits on Free Speech**

* Sedition- the crime of creating a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, disturbance, or violence against civil authority with the intent to cause its overthrow or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* Clear and Present Danger
	+ Schenck v US (1919)- “The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ that will bring about substantive evils that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has a right to prevent.”
	+ During \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, utterances tolerable in peacetime can be punished.
* Defamation
	+ Slander: the action or crime of making a false \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ statement damaging a person’s reputation
	+ Libel: a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ false statement that is damaging to a person’s reputation; a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ defamation
* Fighting Words
	+ Words which would likely make the person whom they are addressed commit an act of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Chaplinsky v. New Hampshire (1942)
	+ The SCOTUS established the doctrine by a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ decision
	+ Limitation to freedom of speech as protected by the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Amendment to the US Constitution
	+ Fighting words are not \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ speech
* Freedom of Assembly and Petition
	+ Right to petition the government for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_- right to ask for government action
	+ Boy Scouts of America v Dale (2000) allowed the Boy Scouts to ban \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ from being scout leaders (personal/ private club)
	+ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Act restricts \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ employees from political activities
	+ Campaign contributions can be limited (person can spend on their own campaign)
	+ Freedom of Assembly- government can regulate \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, place and manner, require \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ permits
* Freedom of Press
	+ Press gets access but not all the time (Freedom of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Act 1966)- allows public to view \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ files (now can be done electronically)
	+ Example: US vs \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (1974)
	+ Gag orders- cannot speak about trials or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ Shield laws- protection for the press; do not have to reveal their \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ Miller v. CA (1973)- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ material is not protected by the 1st Amendment

**Civil Rights & Equality**

* Equality
	+ One of the founding principles of our \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ All citizens are guaranteed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ protection under the law
* **NOTE: The 14th Amendment went hand in hand with the 5th Amendment’s DUE PROCESS. Because of the 14th Amendment, all the rights and protections of the Bill of Rights were extended to ALL levels of government!**
* The Struggle for Equality
	+ These amendments go by two names:
		- The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Amendments
		- The \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Amendments
	+ Jim Crow Laws (Post 1877)
		- Laws passed in the South that required segregation (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) of blacks and whites in society
* Landmark Court Cases
	+ Plessy v Ferguson (1896)
		- Established the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ but equal doctrine
		- \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Court endorsed the Jim Crow laws
		- The use of race as a criterion of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in public matters was not unreasonable
		- Legalized \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ Brown v Bd. Of Ed. (1954)
		- Overturned the Plessy case and ended \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (technically)
		- Emmett Till (Summer of 1955)
	+ Fourteen-year-old \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was murdered for flirting with a white woman by giving a “wolf” whistle and saying, “Bye, baby” to the woman.
		- This brought to light brutality of Jim Crow \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the South.
		- Decades later his accuser admitted that he had never done anything; she had lied about it to her husband.
* Montgomery Bus Boycott (December 1955)
	+ Occurred because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was arrested for refusing to give up her seat on a bus where she had been sitting in the colored section
* Little Rock Crisis (1957)
	+ Occurred in Little Rock, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ The National Guard was called in to prevent \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by the governor; later called the Little Rock Crisis.
* Civil Rights Acts passed shortly after the Brown decision:
	+ Civil Rights Act of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ Voting Rights Act of 1964
	+ Civil Rights Act of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Mississippi Burning (June 1964)
	+ Three civil rights workers were murdered in Mississippi for trying to help African Americans register to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ Their bodies were found in August 1964 after FBI involvement
* Malcolm Little (Malcolm X)
	+ African American Muslim minister, outspoken leader in the Nation of Islam, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ activist during the 1950’s and 60’s.
	+ Clashed with MLK and the Civil Rights Movement because the Nation of Islam wanted \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ between blacks and whites and promoted \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ while MLK promoted \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
	+ Disillusionment
		- Occurred in 1962 and 1963
		- Malcolm X lost faith with the leader of the Nation of Islam, Elijah Muhammed, for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
		- He left in 1964 after expressing interest in working with Civil Rights leaders like \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ Malcolm X Assassinated
		- Killed February 1965
		- He was assassinated by members of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ while giving a speech
		- Quote: “Education is the passport to the future, for tomorrow belongs to those who prepare for it today.”
* Affirmative Action
	+ An action or policy favoring those who tend to suffer \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_; especially in relation to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
	+ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ discrimination