

Government: Unit 2 Guided Notes- U.S. Constitution, Federal System, Civil Rights & Civil Liberties

Name: _____ Date: _____ Block: _____

Unit 2 Standards:

SSGSE 3: *Demonstrate knowledge of the framing and structure of the U.S. Constitution.*

- a. *Analyze debates during the drafting of the Constitution, including the Three-Fifths Compromise, the Great Compromise, and the Commerce Clause.*
- b. *Analyze how the Constitution addresses the weaknesses of the Articles of Confederation.*
- c. *Explain the fundamental principles of the U.S. Constitution, including limited government, the rule of law, federalism, separation of powers, checks and balances, and popular sovereignty.*
- d. *Explain the key ideas in the debate over ratification made by the Federalists and the Anti-Federalists.*

Presentation 1- The Constitutional Compromises

THREE-FIFTHS COMPROMISE

Three-Fifths Compromise

- **States in the North and in the South could not agree on how slaves would be counted in the population.**
- **It was decided that every 5 slaves would count as 3 people for taxation and representation purposes.**



The **NORTH** wanted slaves towards population for taxes, but not to be counted for representation in Congress.

The **SOUTH** wanted the exact opposite- slaves to count towards population for representation, but NOT for taxes.

The Resolution

- COMPROMISE = The Three-Fifths Compromise
- For every 5 slaves, 3 would count towards the population count for both representation in Congress AND for taxes that the states would owe the federal government.

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CONNECTICUT COMPROMISE (GREAT COMPROMISE)

The Two Plans

Virginia Plan

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

V.

New Jersey Plan

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

The Resolution

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

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."

Commerce Clause

- The Commerce Clause serves two functions:
 - as a source of congressional authority,
 - and as a limitation on state legislative power.
 - "dormant commerce clause"
 - collateral implication: the need to avoid state measures that unduly burden or discriminate against interstate commerce.

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ADDRESSING WEAKNESSES OF THE ARTICLES

- No Executive Branch
- No Judicial Court System
- Single chamber of Congress
- Congress could not tax, regulate trade, or enforce laws
 - The U.S. Constitution created **THREE** branches of government:
 - Legislative
 - Executive
 - Judicial
 - The Legislative Branch became a **bi-cameral** Congress
 - House of Representatives- representation based on population
 - Senate- all states have equal representation (2 per state)
 - The U.S. Constitution assigned each branch **enumerated** powers. One for the Legislative Branch was the Commerce Clause that gave them power over commerce (trade) for states, with foreign governments, etc.

Presentation 2: Principles of the Constitution

- ❖ Rule of Law-
- ❖ Limited Government- The Constitution sets _____ to governmental power and established how leaders who overstep their power can be removed.
- ❖ Popular Sovereignty-
 - The people _____ to elect their leaders to represent them, therefore the government follows the _____ (mandate) of the people.
- ❖ _____ of _____- 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

- _____ published the new _____ for the American people to read.
- Many were _____ at the changes because the delegates said they were meeting only to _____ the Articles of Confederation.
- People began to take sides:
 - a. **Federalists:**
 - b. **Anti-Federalists:**
- Opponents argued that the Constitution did not protect _____, _____, and that a _____ of _____ was needed to protect freedom of speech, religion, and the press.
- Supporters argued that the Constitution _____ the power of the _____ government and that a bill of rights was not _____.

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The Federalists and Anti-federalists

Position on the:	Federalists	Anti-federalists
Constitution	In favor	Against
Articles of Conf.	Abandoned	Amended or fixed.
Power of the States	Curb power of states by a central government.	States power is highest.
Bill of Rights	Saw no need, state constitutions already gave a bill of rights.	Lack of a bill of rights was a threat to liberties.
Size of the Republic	Large was best	Small was best
Who supported	Majority was wealthy, but common citizens also.	Small farmers & debtors.

The Federalist Papers

- A series of 85 essays written to _____ the _____
- Published in New York newspapers between 1787 and 1788
- Written anonymously by: _____, _____, _____, _____, and _____
- _____ and _____ the Constitution

Federalists
1.
2.
3.
4.

Anti-Federalists
1.
2.
3.
4.

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Federalists
5.
6.

Anti-Federalists
5.
6.




- **Ratification of the United States Constitution**

- Eventually, the _____ agreed to add a bill of rights to the Constitution if the states would _____ the 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.”

- **Adoption of the Bill of Rights**

- In September 1789, _____ submitted 12 _____ to the states for ratification
- By December 1791, the states ratified _____ of the _____, which came to be known as the _____ of _____.

SSGSE 4: *Demonstrate knowledge of the organization and powers of the national government.*
 b. *Analyze the relationship between the three branches in a system of checks and balances and separation of powers.*

Separation of Powers	<h2 style="margin: 0;">CHECKS AND BALANCES</h2>		
	<p>Executive Branch (President carries out laws)</p> 	<p>Checks on the Legislative Branch</p> <ul style="list-style-type: none"> Can propose laws Can veto laws Can call special sessions of Congress Makes appointments Negotiates foreign treaties 	<p>Checks on the Judicial Branch</p> <ul style="list-style-type: none"> Appoints federal judges Can grant pardons to federal offenders
	<p>Legislative Branch (Congress makes laws)</p> 	<p>Checks on the Executive Branch</p> <ul style="list-style-type: none"> Can override President's veto Confirms executive appointments Ratifies treaties Can declare war Appropriates money Can impeach and remove President 	<p>Checks on the Judicial Branch</p> <ul style="list-style-type: none"> Creates lower federal courts Can impeach and remove judges Can propose amendments to overrule judicial decisions Approves appointments of federal judges
<p>Judicial Branch (Supreme Court interprets laws)</p> 	<p>Check on the Executive Branch</p> <ul style="list-style-type: none"> Can declare executive actions unconstitutional 	<p>Check on the Legislative Branch</p> <ul style="list-style-type: none"> Can declare acts of Congress unconstitutional 	

SSGSE 5: *Demonstrate knowledge of the federal system of government described in the Constitution.*
 a. *Explain and analyze the relationship of state governments to the national government.*
 b. *Define and provide examples of enumerated, implied, concurrent, reserved, and denied powers.*

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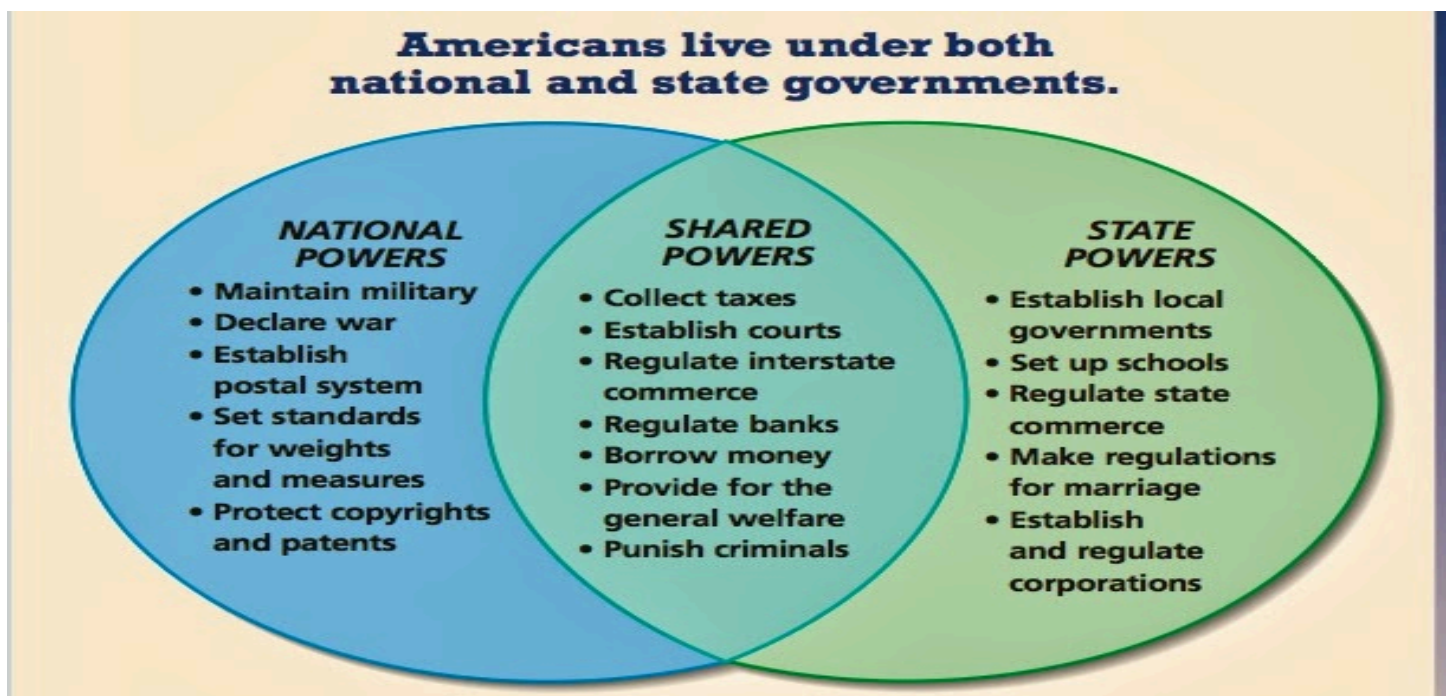
- c. *Analyze the ongoing debate that focuses on the balance of power between state and national governments as it relates to current issues.*
- d. *Analyze the Supremacy Clause found in Article VI and the role of the US Constitution as the “supreme law of the land.”*
- e. *Describe the roles of Congress and the states in the formal process of amending the Constitution.*

PARTS OF THE CONSTITUTION

- Preamble – Introduction
- Article I – Legislative Branch
- Article II – Executive Branch
- Article III – Judicial Branch
- Article IV – Relations among States
- Article V – Amending the Constitution
- Article VI – National Debt, Supremacy of National Law, and Oaths of Office
- Article VII – Ratifying the Constitution

TYPES OF POWERS

Enumerated Powers vs Implied Powers



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- Article _____ Section _____ of the Constitution lays out the powers of _____.

Enumerated Powers

- Powers that are _____ in the Constitution
- Examples:
 - *See chart for examples under the national powers*

Implied Powers

- Powers that _____ can _____ as part of its lawmaking responsibility

Concurrent Powers

- Powers that are shared by the federal and state governments.
- Examples include:
 - *See chart above for examples of shared powers between the national and state governments*

Reserved Powers

- Powers that belong to the states and are denied to the federal government
- Examples include:
 - Regulating trade within the state
 - Establish local government systems
 - Conduct elections

THE SUPREMACY CLAUSE

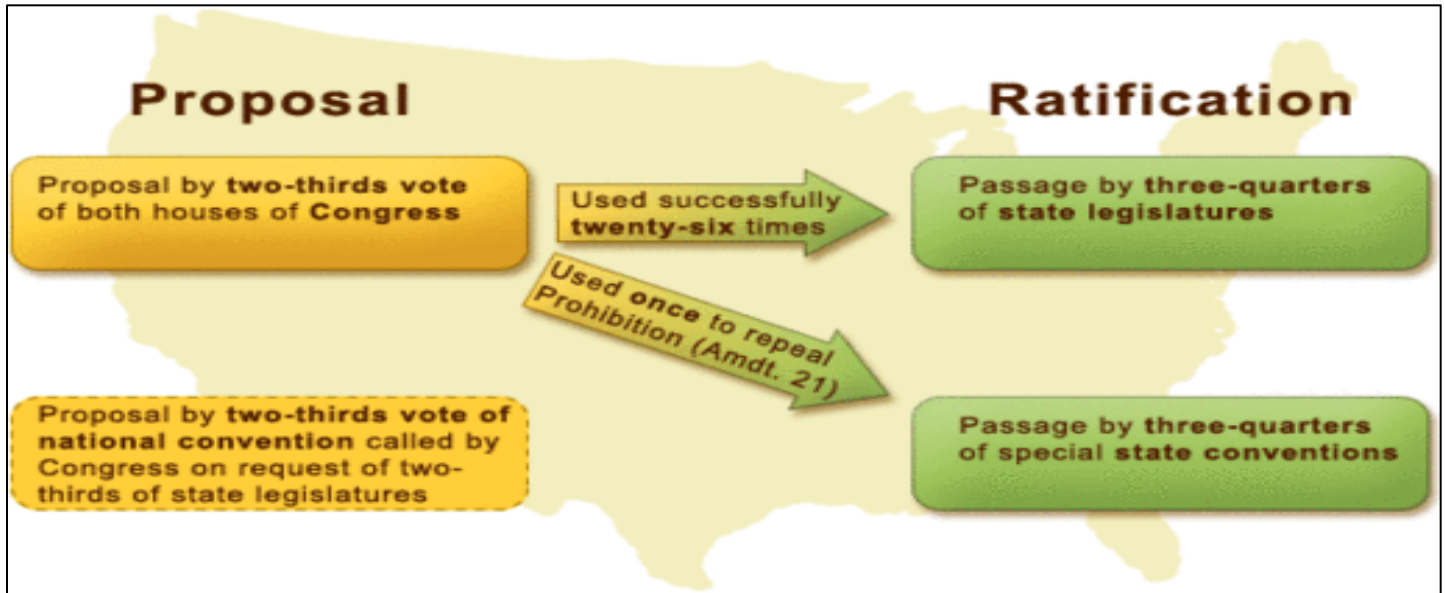
- ❖ Says that the Constitution is the “_____ of the _____”
- ❖ This means that federal law _____ all state and local laws

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

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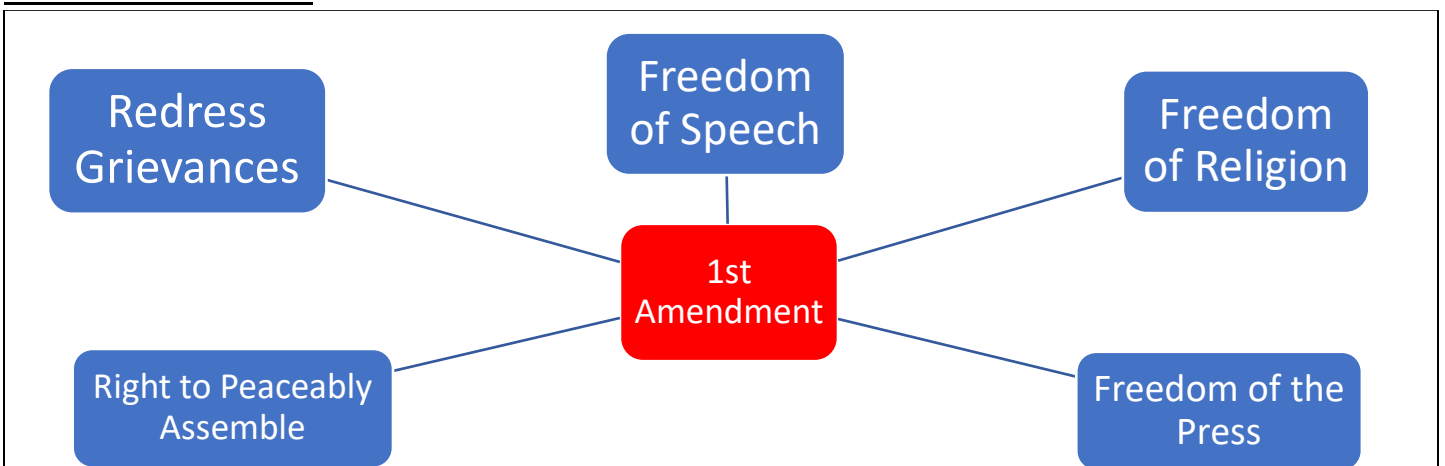
THE AMENDMENT PROCESS



- ❖ 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)

SSGSE 6: *Analyze the meaning and importance of each of the rights guaranteed under the Bill of Rights and how each is secured.*

THE BILL OF RIGHTS

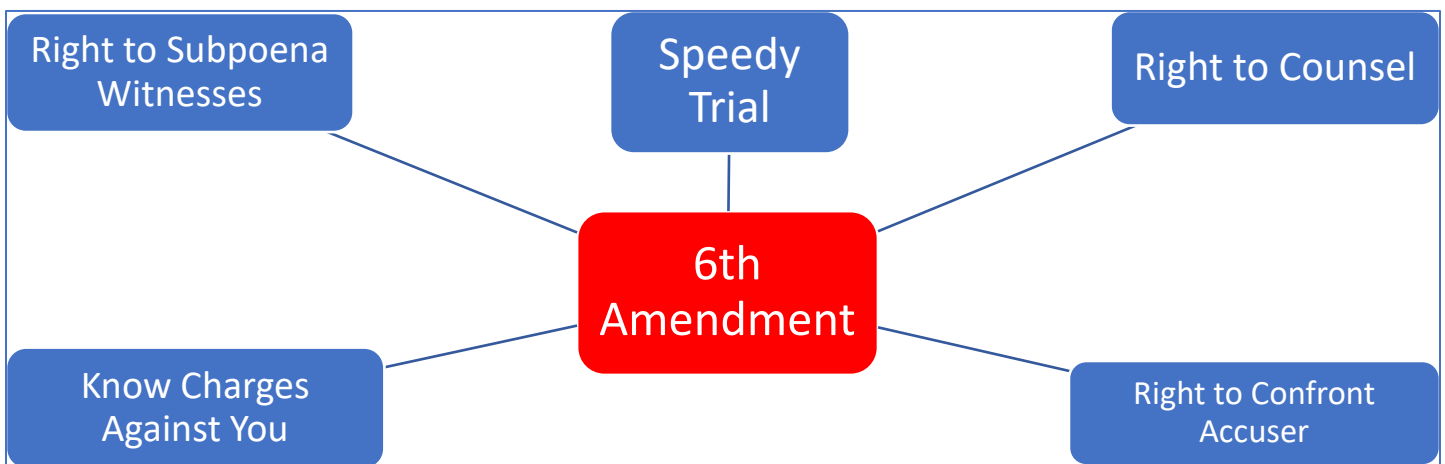
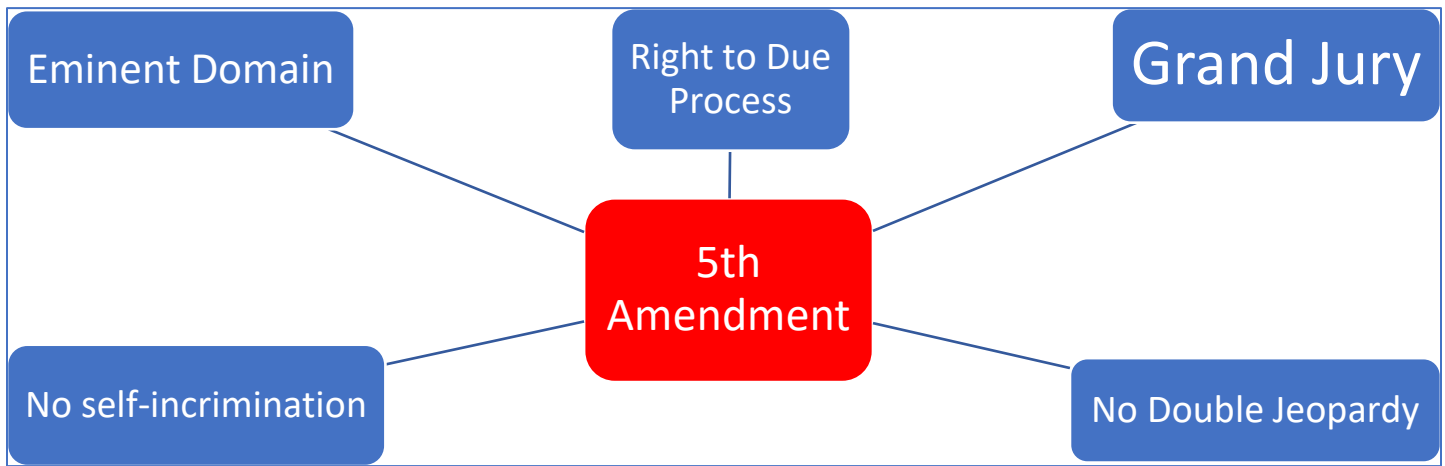


2nd Amendment- The right to bear arms

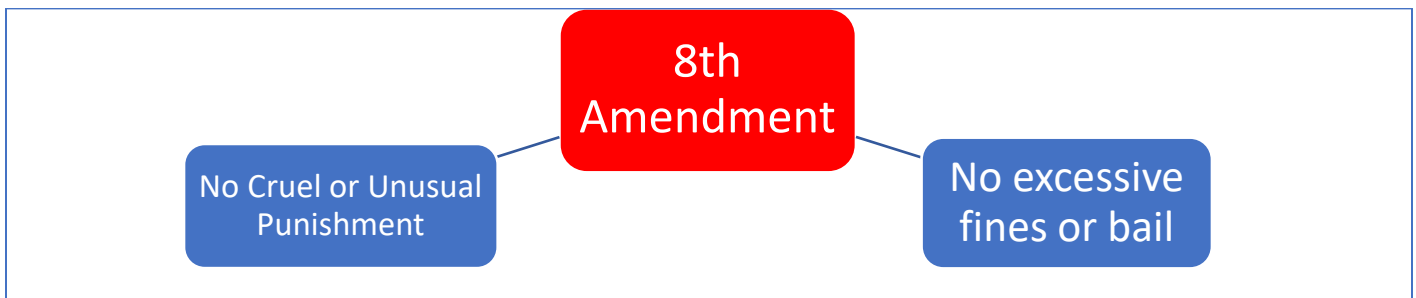
3rd Amendment- No quartering of soldiers in private homes without the consent of the owner in times of peace.

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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

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SSGSE 7: Demonstrate knowledge of civil liberties and civil rights.

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 _____ of _____ (protection from _____)
- Most rights and liberties are granted to all in the U.S. regardless of _____
- Non-citizens may not _____, be on _____, hold public office or certain _____

How is Religion Protected?

- _____ Amendment
 - _____ Clause
 - _____ Clause
 - Wall of separation between _____ 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

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- 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

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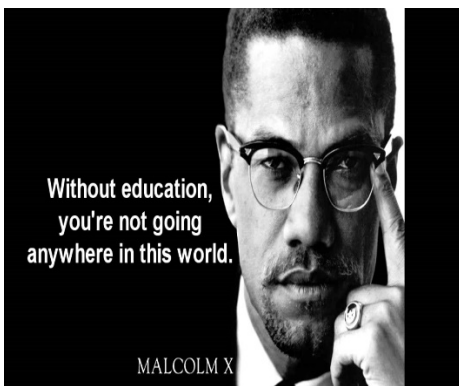
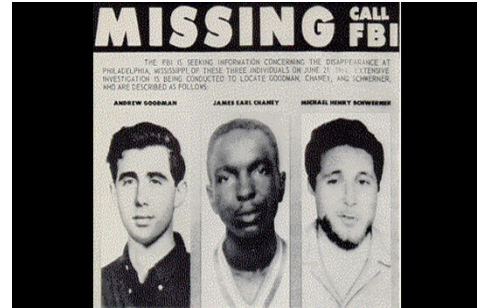
Civil Rights & Equality

- Equality
 - One of the founding principles of our _____
 - All citizens are guaranteed _____ protection under the law
- The Struggle for Equality
 - _____ Amendment- abolished slavery
 - _____ Amendment- guaranteed equal protection, due process, and set the requirements for citizenship
 - _____ Amendment- gave African Americans the right to vote
 - 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:



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- 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