LESSON 2

Why a Bill of Rights? What Impact Does it Have?

LESSON OVERVIEW

The debate over the Bill of Rights at the Founding was not an argument over whether rights exist, but about how best to protect those rights. The Founders disagreed about whether a bill of rights was necessary, and whether it would be effective. Later generations continue to face the challenge of finding the best way to safeguard individual rights.

LESSON OBJECTIVES

Students will:

- Explain the arguments of the Federalists and Anti-Federalists regarding a bill of rights.
- Identify continuing controversies regarding appropriate powers of government versus individual rights.
- With respect to civic participation, analyze the ongoing implications of Federalist and Anti-Federalist positions.
- Participate in civil discourse concerning the Bill of Rights.

CONSTITUTIONAL PRINCIPLES

- Liberty
- Limited Government
- Majority Rule/Minority Rights
- Natural Rights

MATERIALS

- Handout A: Background Essay - Why a Bill of Rights? What Impact Does it Have?
- Handout B: Understanding Positions of Federalists and Anti-Federalists
- Handout C: Federalists and Anti-Federalists Venn Diagram

RECOMMENDED TIME

60 minutes

STANDARDS

- NCHS (5-12): Era III, Standards 3A, 3B
- CCE (9-12): IIIA1
- NCSS: Strands 6 and 10
- Common Core (Grades 9-12): RI.4, RI.8, RI.9, RH.4

LESSON PLAN

Background/Homework

10 minutes the day before

A. Assign **Handout A: Background Essay - Why a Bill of Rights? What Impact Does it Have?** for students to read prior to class time. Along with the essay, give students **Handout B: Understanding Positions of Federalists and Anti-Federalists** to complete as they read.

Warm-Up

10-15 minutes

B. Divide students into pairs or trios and ask them to share their **Handout B** chart responses and compare their answers.

C. Have each group identify which argument they feel is strongest for each heading: Federalists and Anti-Federalists.

Activity

20-25 minutes

D. Give each group a copy of **Handout C: Federalists and Anti-Federalists Venn Diagram**, instructing them to complete the Venn diagram using key words to record the positions of the Federalists and Anti-Federalists.

E. Go over the Venn diagrams as a class, and answer any questions.

F. As a class, discuss whether students think they would have sided with the Federalists or the Anti-Federalists in the debate over the Bill of Rights.

Wrap-Up

5-10 minutes

Ask students about a time when they either experienced their own rights being abridged, or witnessed this happen to someone else. What was, or what should be, the reaction of other individuals to the abridgment of rights? What was, or should be, the government's role in protecting everyone's rights?

Homework/Extensions

A. Split the class into two groups, "Federalists" and "Anti-Federalists". Have the students write a few short paragraphs (homework) or have small-group debates (in-class) answering the following questions according to whether they are Federalist or Anti-Federalist:

    a. What is the ideal form of government?

    b. Should a bill of rights be added to the Constitution?

B. Have students choose one of the rights protected by the Bill of Rights and find 2-3 recent news articles relating to that right. Have students summarize the articles and answer the following questions:

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a. Is this a natural right?

b. Why did the Founders include this right in the Bill of Rights?

c. How has the way we understand this right changed over time?

C. Have students choose one of the rights protected by the Bill of Rights and ask their parents, friends, or family what that right means to them. Have students summarize these interviews and then answer the following questions:

a. Is this a natural right?

b. Why did the Founders include this right in the Bill of Rights?

c. Would the Founders agree with the way we interpret this right today? Why or why not?

TEACHER NOTES

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A

Why a Bill of Rights? What Impact Does it Have?

BACKGROUND ESSAY

While the Founders were in broad agreement that the responsibility of government is to protect liberty, when they began to create a new government they often disagreed about the best ways to accomplish that task. The Bill of Rights was created through the kind of debate and exchange of ideas that it still protects today.

The Declaration of Independence states that the purpose of government is to protect our basic natural or inalienable rights. The Founders all agreed with this principle. But if they created a great system to protect rights, why did they disagree about a bill of rights?

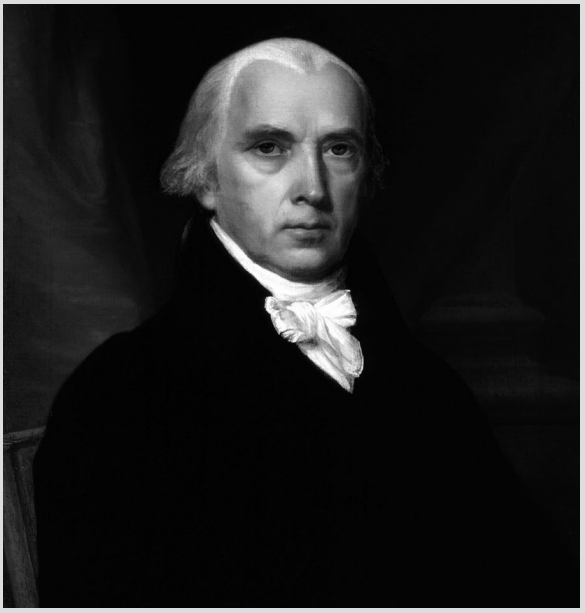
Who Were the Federalists and Anti-Federalists?

The Constitutional Convention prompted the emergence of two groups—the Federalists and the Anti-Federalists. Both the Federalists and Anti-Federalists wanted to have checks on the power of the government, but they did not agree on how to do so. The Anti-Federalists wanted to change the Articles of Confederation, while the Federalists sought to create a new Constitution with a more centralized government.

The Federalists wanted to limit the power of states. The Federalists explained that the Constitution would create a central government that would be separated into three branches. They believed that the branches would compete against one another and keep each other from becoming too powerful. The states would then check these branches in order to keep the national government from growing too powerful.

The Anti-Federalists disagreed. Many Anti-Federalists worried that giving too much power to a central government would limit citizens' rights. They believed that power should stay with state governments because the states would better understand their citizens' needs.

Even after the Constitution was written, Federalists and Anti-Federalists



James Madison

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disagreed during its ratification. Federalists supported the Constitution as it was written and did not think a bill of rights was needed. They believed the Constitution limited the government's powers enough. They also feared that creating a list of rights might lead to other dangers. For example, people might think the government had more power than it had actually been granted. It would be impossible to list every right; Federalists did not want certain rights to be ignored or violated just because they were not listed.

Anti-Federalists believed that a bill of rights was needed to prevent the central government from taking rights from states and citizens. They wanted to protect against a central government that was too powerful and could take away the freedoms they had fought a revolution to preserve. They believed a bill of rights was needed so that citizens would be protected from the government infringing upon [ignoring or taking] their rights.

How Was the Debate Resolved?

The Constitutional Convention ended in late 1787, but the debate went on. Nine states ratified the Constitution by the summer of 1788. However, New York, Virginia, and Massachusetts sent long lists of amendments they wanted in order to make sure peoples' rights were protected. The people wanted a bill of rights.

James Madison asked other Founders—Thomas Jefferson, John Adams, George Mason, and President George Washington—for advice. They all supported a bill of rights. Mason, who had written the Virginia Declaration of Rights to protect the rights of Virginians, suggested using state bills of rights as a guide. Madison agreed to add a bill of rights and used Mason's Virginia Declaration of Rights as a model.

Though Madison first suggested additions and changes to the original text of the Constitution, Anti-Federalists objected, saying that Congress did not have the power to change the original form of the Constitution that had been ratified by the states. They decided the Amendments would be added as a separate list. On August 24, 1789, the House of Representatives sent a list of seventeen amendments to the Senate. The Senate approved twelve.

Those twelve amendments were sent to the states for ratification, but only ten were ratified [approved]. On December 15, 1791, Virginia's state convention became the last state needed to ratify the ten amendments that protected individual rights and states' powers. These ten amendments, the Bill of Rights, joined the Constitution as the governing document of the United States.

What Is the Impact of the Bill of Rights?

The Bill of Rights only limited actions taken by the federal government against people. The Founders thought citizens would be protected against

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state governments by their home states' constitutions. For this reason, the Bill of Rights did not strongly affect Americans' lives until the Fourteenth Amendment was passed in 1868. The Fourteenth Amendment prohibits the states from violating people's lives, liberty, or property without due process.

Beginning in the 1920s, the Supreme Court began to apply the Bill of Rights to states to meet the Fourteenth Amendment's guarantee of "liberty." Over time, the Supreme Court has ruled that most of the protections of the Bill of Rights apply as limits on state and local governments through the Due Process Clause of the Fourteenth Amendment.

Prior to the twentieth century, the role of the federal government was more limited. In the last hundred years, however, the role of the federal government has grown. As a result of the federal government's bigger role, its size and importance have changed. The change also affected the understanding of the Bill of Rights. The document that had not affected Americans' lives often prior to the 1920s now took center stage in American society, politics, and conversation.

The Bill of Rights, much debated at the time of writing, still brings about questions and debate today.

Comprehension Questions

1. Why did Federalists think a bill of rights was not needed and could even be dangerous?
2. Why did James Madison change his mind about adding a bill of rights to the Constitution?
3. Why did the Bill of Rights not strongly affect citizens' lives until after 1920s?

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B Understanding Positions of Federalists and Anti-Federalists

Directions: *As you read the background essay, fill in the chart below with positions of Federalists and Anti-Federalists.*

FEDERALISTS (ALEXANDER HAMILTON, JAMES MADISON)	ANTI-FEDERALISTS (GEORGE MASON, PATRICK HENRY)
1.	
2.	
3.	
4.	

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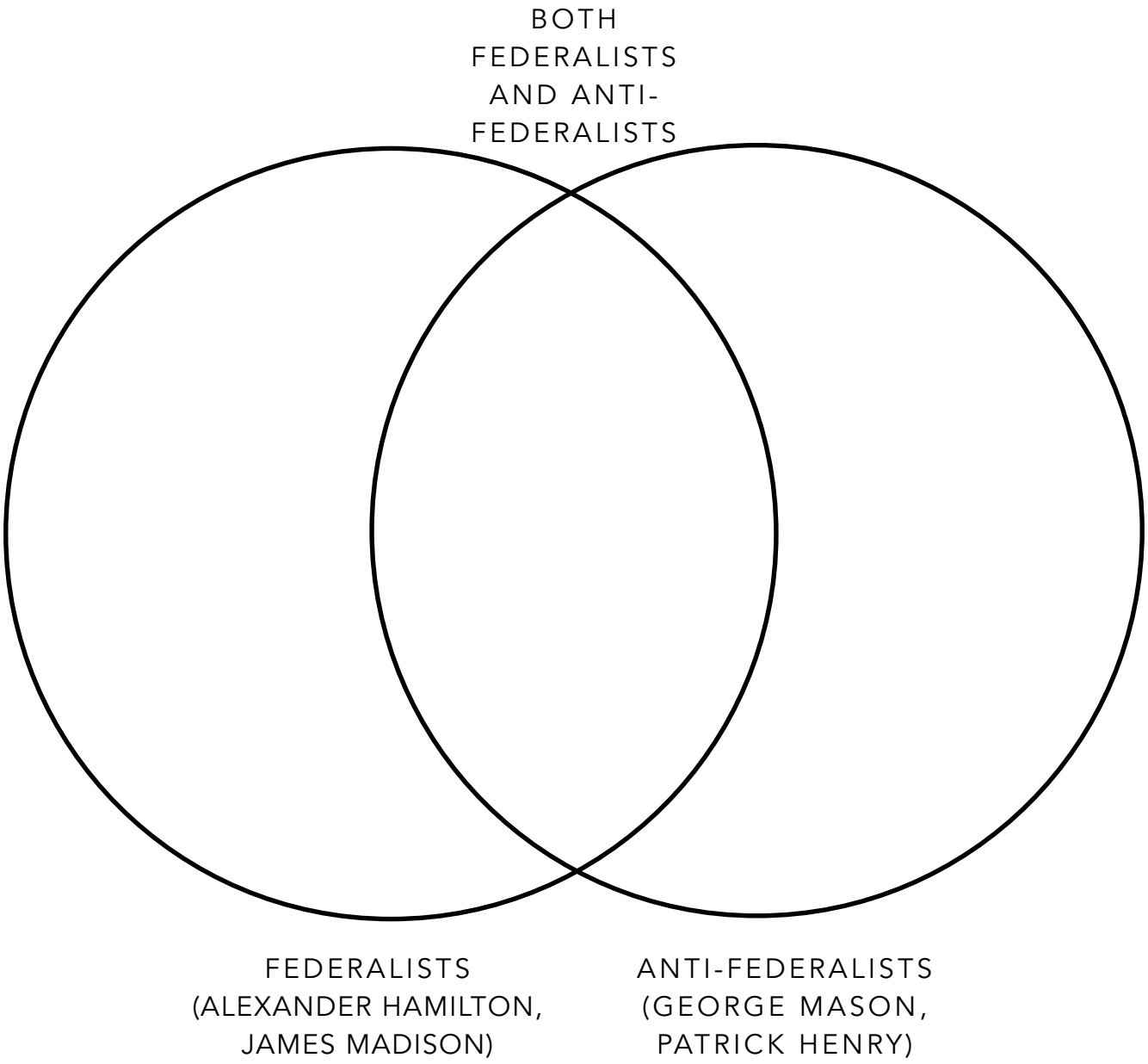
C

Federalists and Anti-Federalists Venn Diagram

Directions: *Fill in the diagram with the positions of Federalists, Anti-Federalists, and the points on which they agreed.*



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APPENDIX A

Excerpts from John Locke's *Second Treatise on Civil Government*, 1690

Sec. 4. To understand political power right, and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more [power] than another; …

Sec. 6. But though this be a state of liberty, yet it is not a state of license: though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it.

Sec. 22. THE natural liberty of man is to be free from any superior power on earth, and not to be under the will or legislative authority of man, but to have only the law of nature for his rule. The liberty of man, in society, is to be under no other legislative power, but that established, by consent, in the commonwealth; nor under the dominion of any will, or restraint of any law, but what that legislative shall enact,

Sec. 87. Man being born, as has been proved, with a title to perfect freedom, and an uncontrolled enjoyment of all the rights and privileges of the law of nature, equally with any other man, or number of men in the world, hath by nature a power, not only to preserve his property, that is, his life, liberty and estate …But because no political society can be, nor subsist, without having in itself the power to preserve the property, and in order thereunto, punish the offences of all those of that society; there, and there only is political society… Those who are united into one body, and have a common established law and judicature to appeal to, with authority to decide controversies between them, and punish offenders, are in civil society one with another: …

Sec. 124. The great and chief end, therefore, of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property. To which in the state of nature there are many things wanting.

Sec. 222. …[W]henever the legislators endeavor to take away, and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience…Whensoever therefore the legislative shall transgress this

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fundamental rule of society; and either by ambition, fear, folly or corruption, endeavour to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people; by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty, and, by the establishment of a new legislative, (such as they shall think fit) provide for their own safety and security, which is the end for which they are in society.

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APPENDIX B

Articles of Confederation

To all to whom these Presents shall come, we the undersigned Delegates of the States affixed to our Names send greeting.

Articles of Confederation and perpetual Union between the states of New Hampshire, Massachusetts-bay Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

I.

The Stile of this Confederacy shall be "The United States of America".

II.

Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

III.

The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

IV.

The better to secure and perpetuate mutual friendship and intercourse among the people of the different States in this Union, the free inhabitants of each of these States, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States; and the people of each State shall free ingress and regress to and from any other State, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions, and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any State, to any other State, of which the owner is an inhabitant; provided also that no imposition, duties or restriction shall be laid by any State, on the property of the United States, or either of them.

If any person guilty of, or charged with, treason, felony, or other high misdemeanor in any State, shall flee from justice, and be found in any of the United States, he shall, upon demand of the Governor or executive power of the State from which he fled, be delivered

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up and removed to the State having jurisdiction of his offense.

Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State.

V.

For the most convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislatures of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States in Congress assembled, each State shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests or imprisonments, during the time of their going to and from, and attendence on Congress, except for treason, felony, or breach of the peace.

VI.

No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept any present, emolument, office or title of any kind whatever from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No State shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the United States in Congress assembled, with any King, Prince or State, in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessel of war shall be kept up

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in time of peace by any State, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defense of such State, or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only, as in the judgement of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of filed pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any State grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the Kingdom or State and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such State be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

VII.

When land forces are raised by any State for the common defense, all officers of or under the rank of colonel, shall be appointed by the legislature of each State respectively, by whom such forces shall be raised, or in such manner as such State shall direct, and all vacancies shall be filled up by the State which first made the appointment.

VIII.

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

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IX.

The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article — of sending and receiving ambassadors — entering into treaties and alliances, provided that no treaty of commerce shall be made whereby the legislative power of the respective States shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever — of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated — of granting letters of marque and reprisal in times of peace — appointing courts for the trial of piracies and felonies commited on the high seas and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States concerning boundary, jurisdiction or any other causes whatever; which authority shall always be exercised in the manner following. Whenever the legislative or executive authority or lawful agent of any State in controversy with another shall present a petition to Congress stating the matter in question and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other State in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question: but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven, nor more than nine names as Congress shall direct, shall in the presence of Congress be drawn out by lot, and the persons whose names shall be so drawn or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each State, and the secretary of Congress shall strike in behalf of

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such party absent or refusing; and the judgement and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence, or judgement, which shall in like manner be final and decisive, the judgement or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided that every commissioner, before he sits in judgement, shall take an oath to be administered by one of the judges of the supreme or superior court of the State, where the cause shall be tried, 'well and truly to hear and determine the matter in question, according to the best of his judgement, without favor, affection or hope of reward': provided also, that no State shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more States, whose jurisdictions as they may respect such lands, and the States which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before presecribed for deciding disputes respecting territorial jurisdiction between different States.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective States — fixing the standards of weights and measures throughout the United States — regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legislative right of any State within its own limits be not infringed or violated — establishing or regulating post offices from one State to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office — appointing all officers of the land forces, in the service of the United States, excepting regimental officers — appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States — making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated 'A Committee of the States', and to consist of one delegate from each State; and to appoint such other committees and

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civil officers as may be necessary for managing the general affairs of the United States under their direction — to appoint one of their members to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses — to borrow money, or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted — to build and equip a navy — to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisition shall be binding, and thereupon the legislature of each State shall appoint the regimental officers, raise the men and cloath, arm and equip them in a solid-like manner, at the expense of the United States; and the officers and men so cloathed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States in Congress assembled. But if the United States in Congress assembled shall, on consideration of circumstances judge proper that any State should not raise men, or should raise a smaller number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of each State, unless the legislature of such State shall judge that such extra number cannot be safely spread out in the same, in which case they shall raise, officer, cloath, arm and equip as many of such extra number as they judeg can be safely spared. And the officers and men so cloathed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque or reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of the majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months,

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and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgement require secrecy; and the yeas and nays of the delegates of each State on any question shall be entered on the journal, when it is desired by any delegates of a State, or any of them, at his or their request shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several States.

X.

The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of the nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled be requisite.

XI.

Canada acceding to this confederation, and adjoining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine States.

XII.

All bills of credit emitted, monies borrowed, and debts contracted by, or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States, and the public faith are hereby solemnly pleged.

XIII.

Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

And Whereas it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said Articles of Confederation and perpetual Union. Know Ye that we the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual

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Union, and all and singular the matters and things therein contained: And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said Confederation are submitted to them. And that the Articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual.

In Witness whereof we have hereunto set our hands in Congress. Done at Philadelphia in the State of Pennsylvania the ninth day of July in the Year of our Lord One Thousand Seven Hundred and Seventy-Eight, and in the Third Year of the independence of America.

Agreed to by Congress 15 November 1777 In force after ratification by Maryland, 1 March 1781.

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APPENDIX C

Declaration of Independence

IN CONGRESS, July 4, 1776.

The unanimous Declaration of the thirteen united States of America,

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.–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 of 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 and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.–Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in

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the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

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He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

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The 56 signatures on the Declaration appear in the positions indicated:

Georgia: Button Gwinnett, Lyman Hall, George Walton

North Carolina: William Hooper, Joseph Hewes, John Penn

South Carolina: Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., Arthur Middleton

Massachusetts: John Hancock

Maryland: Samuel Chase, William Paca, Thomas Stone, Charles Carroll of Carrollton

Virginia: George Wythe, Richard Henry Lee, Thomas Jefferson, Benjamin Harrison, Thomas Nelson, Jr., Francis Lightfoot Lee, Carter Braxton

Pennsylvania: Robert Morris, Benjamin Rush, Benjamin Franklin, John Morton, George Clymer, James Smith, George Taylor, James Wilson, George Ross

Delaware: Caesar Rodney, George Read, Thomas McKean

New York: William Floyd, Philip Livingston, Francis Lewis, Lewis Morris

New Jersey: Richard Stockton, John Witherspoon, Francis Hopkinson, John Hart, Abraham Clark

New Hampshire: Josiah Bartlett, William Whipple

Massachusetts: Samuel Adams, John Adams, Robert Treat Paine, Elbridge Gerry

Rhode Island: Stephen Hopkins, William Ellery

Connecticut: Roger Sherman, Samuel Huntington, William Williams, Oliver Wolcott

New Hampshire: Matthew Thornton

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APPENDIX D

The United States Constitution

Preamble

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.

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.

Section 2. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

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Section 3. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Section 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Section 5. Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

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Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time: and no person holding any office under the United States, shall be a member of either House during his continuance in office.

Section 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate

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and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;–And

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To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

Section 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto Law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

Section 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

Article II

Section 1. The executive power shall be vested in a President of the United States of America. He shall hold his

office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each state having one vote; A quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty five years, and been fourteen Years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring

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what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:–"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

Section 2. The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3. He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Section 4. The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

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. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;–to all cases affecting ambassadors, other public ministers and consuls;–to all cases of admiralty and maritime jurisdiction;–to controversies to which the United States shall be a party;–to controversies between two or more states;–between a state and citizens of another state;– between citizens of different states;–between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Section 3. Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

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. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

Section 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

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No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3. New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Section 4. The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

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, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

Article VI

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

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; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several

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states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

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.

Done in convention by the unanimous consent of the states present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty seven and of the independence of the United States of America the twelfth. In witness whereof We have hereunto subscribed our Names,

G. Washington-Presidt. and deputy from Virginia

New Hampshire: John Langdon, Nicholas Gilman

Massachusetts: Nathaniel Gorham, Rufus King

Connecticut: Wm: Saml. Johnson, Roger Sherman

New York: Alexander Hamilton

New Jersey: Wil: Livingston, David Brearly, Wm. Paterson, Jona: Dayton

Pennsylvania: B. Franklin, Thomas Mifflin, Robt. Morris, Geo. Clymer, Thos. FitzSimons, Jared Ingersoll, James Wilson, Gouv Morris

Delaware: Geo: Read, Gunning Bedford jun, John Dickinson, Richard Bassett, Jaco: Broom

Maryland: James McHenry, Dan of St Thos. Jenifer, Danl Carroll

Virginia: John Blair–, James Madison Jr.

North Carolina: Wm. Blount, Richd. Dobbs Spaight, Hu Williamson

South Carolina: J. Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler

Georgia: William Few, Abr Baldwin

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APPENDIX E

The United States Bill of Rights

Amendment I

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.

Amendment II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

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.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

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Amendment VII

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.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

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APPENDIX F

Additional Amendments to the United States Constitution

Amendment XI (1798)

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

Amendment XII (1804)

The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;–The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;–the person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the

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list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Amendment XIII (1865)

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation."

Amendment XIV (1868)

Section 1. 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.

Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for

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services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment XV (1870)

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XVI (1913)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census of enumeration.

Amendment XVII (1913)

The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII (1919)

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the

Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

Amendment XIX (1920)

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Amendment XX (1933)

Section 1. The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5. Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission.

Amendment XXI (1933)

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any state, territory, or possession of the United States for

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delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

Amendment XXII (1951)

Section 1. No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.

Amendment XXIII (1961)

Section 1. The District constituting the seat of government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a state, but in no event more than the least populous state; they shall be in addition to those appointed by the states, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a state; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV (1964)

Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

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Amendment XXV (1967)

Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Amendment XXVI (1971)

Section 1. The right of citizens of the United States, who are 18 years of age or older, to vote, shall not be denied or abridged by the United States or any state on account of age.

Section 2. The Congress shall have the power to enforce this article by appropriate legislation.

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Amendment XXVII (1992)

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

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APPENDIX G

Federalist No. 51

The Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments

To the People of the State of New York:

TO WHAT expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? The only answer that can be given is, that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without presuming to undertake a full development of this important idea, I will hazard a few general observations, which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies should be drawn from the same fountain of authority, the people, through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments would be less difficult in practice than it may in contemplation appear. Some difficulties, however, and some additional expense would attend the execution of it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle: first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department, must soon destroy all sense of dependence on the authority conferring them.

It is equally evident, that the members of each department should

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be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal. But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State. But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. It may even be necessary to guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified.

An absolute negative on the legislature appears, at first view, to be the natural defense with which the executive magistrate should be armed. But perhaps it would be neither

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altogether safe nor alone sufficient. On ordinary occasions it might not be exerted with the requisite firmness, and on extraordinary occasions it might be perfidiously abused. May not this defect of an absolute negative be supplied by some qualified connection between this weaker department and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department? If the principles on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion to the several State constitutions, and to the federal Constitution it will be found that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test.

There are, moreover, two considerations particularly applicable to the federal system of America, which place that system in a very interesting point of view. First. In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself. Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure.

There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major, as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority.

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In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects. The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States oppressive combinations of a majority will be facilitated: the best security, under the republican forms, for the rights of every class of citizens, will be diminished: and consequently the stability and independence of some member of the government, the only other security, must be proportionately increased. Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradnally induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful.

It can be little doubted that if the State of Rhode Island was separated from the Confederacy and left to itself, the insecurity of rights under the popular form of government within such narrow limits would be displayed by such reiterated oppressions of factious majorities that some power altogether independent of the people would soon be called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter, or, in other words, a will independent of the society itself. It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practical sphere, the more duly capable it will be of self-government.

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And happily for the REPUBLICAN CAUSE, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the FEDERAL PRINCIPLE.

PUBLIUS.

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CIVIL DISCOURSE

People share ideas in reasonable and respectful ways to influence change in a society or government.

DISCURSO CIVIL

Personas compartiendo ideas en manera razonable y respetuosa para influenciar cambio en la sociedad o en el gobierno.

Put this in principle in your own words using **Spanish**:

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Put this in principle in your own words using **English**:

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Challenge terms

Reasonable: doing something that is not beyond what is usual or expected. (Example: Cassie was the reasonable choice for Class President.)

Respectful: being considerate and polite. (Example: The class was respectful to the speaker during the lecture.)

Challenge Terms in Spanish

Razonable: hacer algo que no está fuera de lo común o esperado. (Ejemplo: Cassie era la opción razonable para presidente de la clase.)

Respetuoso(a): ser considerado y cortés. (Ejemplo: La clase fue respetuosa con el presentador.)

EXTENDING

1. Why is civil discourse an important aspect of American society and government?
2. How you might participate in civil discourse in your community?

1. ¿Por qué es el discurso civil un aspecto importante de la sociedad y el gobierno estadounidense?
2. ¿Cómo puedes participar en el discurso civil en tu comunidad?

CONSENT OF THE GOVERNED

The government's power is only justified when its power comes from the will or approval of the people.

EL CONSENTIMIENTO DE LOS GOBERNADOS

El poder del gobierno sólo se justifica cuando su poder proviene de la voluntad o aprobación del pueblo.

Put this in principle in your own words using **Spanish**:

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Put this in principle in your own words using **English**:

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Challenge terms

Justified: having a good reason for something; right and fair. (Example: When police officers use force to arrest someone, they must show that the force is justified.)

Will: a desire, wish, or attitude. (Example: Unless the police have a judge's permission, they cannot search someone's home against her will.)

Challenge Terms in Spanish

Justificado(a): tener una buena razón para algo; correcto y justo. (Ejemplo: Cuando agentes de la policía utilizan fuerza para arrestar a alguien, ellos deben demostrar que la fuerza está justificada.)

Voluntad: un deseo, un querer, intención o actitud. (Ejemplo: A menos que la policía tenga el permiso de un juez, la policía no puedo registrar y buscar el hogar de alguien contra su voluntad.)

EXTENDING

1. Why is it important that the government gets its power from the people?
2. What happens when a government does not follow the will of the people?

1. ¿Por qué es importante que el gobierno obtenga su poder del pueblo?
2. ¿Qué pasa cuando un gobierno no sigue la voluntad del pueblo?

DUE PROCESS

The government must obey the law and apply it equally to all citizens.

DEBIDO PROCESO

El gobierno tiene que obedecer la ley y aplicarla igualmente a todos los ciudadanos.

Put this in principle in your own words using **Spanish**:

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Put this in principle in your own words using **English**:

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Challenge terms

Equal protection: the law must apply to all people in the same way. (Example: The Fourteenth Amendment states that "no state shall deny to any person within its jurisdiction the equal protection of the laws.")

Violate: to break a contract or agreement (Example: Jim Crow laws violated the rights of African Americans in the South.)

Challenge Terms in Spanish

Protección igualitaria: la ley debe aplicarse a todos las personas de la misma manera. (Ejemplo: La Decimocuarta Enmienda establece que "ningún estado podrá negar a cualquier persona la protección igualitaria de las leyes dentro de su jurisdicción.)

Violar: romper un contrato o acuerdo (Ejemplo: Las Leyes de Jim Crow violaron los derechos de los Afroamericanos en el Sur de Los Estados Unidos.)

EXTENDING

1. List some of the rights in the Constitution and Bill of Rights which help to provide due process.
2. Discuss with your family: What happens when governments do not have to obey their own laws, or when laws do not apply to all citizens equally?

1. Haz una lista de algunos derechos en la Constitución y La Carta de Derechos que ayudan a establecer el debido proceso.
2. Discute con tu familia: ¿qué pasa cuando gobiernos no tienen que obedecer sus propias leyes, o cuando las leyes no aplican para todos los ciudadanos igualmente?

FEDERALISM

Some powers are delegated [given] to the national government, while other powers are retained [kept] by the states and the citizens.

FEDERALISMO

Algunos poderes son delegados [dados] al gobierno nacional, mientras que otros poderes son retenidos y mantenidos por los estados y los ciudadanos.

Put this in principle in your own words using **Spanish**:

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Put this in principle in your own words using **English**:

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Challenge terms

Sovereignty: a supreme power or authority or right to govern (Example: In the United States, the people hold sovereignty because they elected representatives. In a monarchy, the king or queen has sovereignty.)

Challenge Terms in Spanish

Soberanía: el poder, autoridad, o derecho absoluto para gobernar. (Ejemplo: En los Estados Unidos, el pueblo tiene la soberanía porque elige a sus representantes. En una monarquía, el rey o la reina tienen la soberanía de regir.)

EXTENDING

1. What powers do only state governments hold?
2. What powers does only the national government hold?

1. ¿Qué poderes son solamente retenidos por los gobiernos estatales?
2. ¿Qué poderes son solamente retenidos por el gobierno nacional?

INDIVIDUAL RESPONSIBILITY

Individuals must take care of themselves and their families and help to preserve their liberty.

RESPONSABILIDAD INDIVIDUAL

Cada quien debe cuidar de sí mismos, de sus familias y ayudar a preservar su libertad.

Put this in principle in your own words using **Spanish**:

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Put this in principle in your own words using **English**:

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Challenge terms

Preserve: to protect something. (Example: A group of students gather together to preserve the old oak tree in front of the school.)

Challenge Terms in Spanish

Preservar: proteger y cuidar algo. (Ejemplo: Un grupo de estudiantes se reúnen para preservar el viejo árbol de roble al frente de la escuela.)

EXTENDING

1. What are some examples of ways you use individual responsibility?

1. ¿Cuáles son algunos ejemplos de maneras en que tu usas responsabilidad individual?

LIBERTY

The government does not have the authority to limit freedom unless allowed by the Constitution.

LIBERTAD

El gobierno no tiene la autoridad para limitar y restringir la libertad a menos que se lo permita la Constitución.

Put this in principle in your own words using **Spanish**:

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Put this in principle in your own words using **English**:

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Challenge terms

Social contract: the idea that citizens give some of their liberty to government in order for the government to preserve the rest of their liberties. (Example: Thomas Hobbes was a philosopher who believed that people give up their liberty to the government for protection as part of a social contract.)

Arbitrary: action taken according to feelings or opinions instead of rules. (Example: The king made an arbitrary decision to take colonists' weapons away.)

Challenge Terms in Spanish

Contrato social: la idea de que los ciudadanos dan parte de su libertad al gobierno para que el gobierno cuide y mantenga el resto de sus libertades. (Ejemplo: Thomas Hobbes era un filósofo que creía que las personas renuncian parte de su libertad como parte del contrato social.)

Arbitrario(a): acciones tomadas de acuerdo a emociones y opiniones en lugar de reglas. (Ejemplo: El rey tomo una decisión arbitraria en quitarle las armas a los colonialistas.)

EXTENDING

1. What are some ways the United States government is allowed to limit liberty? What are some ways it is not allowed to limit liberty?
2. Discuss with friend or family: How is liberty protected or limited in other countries?

1. ¿Cuáles son algunas de las maneras que el gobierno Estadounidense está permitido limitar la libertad? ¿Cuáles son algunas de las maneras en que no está permitido limitar la libertad?
2. Discute con tus amigos y familia: de qué manera es la libertad protegida o limitada en otros países?

LIMITED GOVERNMENT

A limited government is only given the powers it needs to protect the life, liberty, and property of its people.

GOBIERNO LIMITADO

A un gobierno limitado se le da solo los poderes necesarios para proteger la vida, la libertad, y la propiedad de su pueblo.

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Challenge terms

Absolute power: power that is not limited. (Example: An unjust ruler could use absolute power to do whatever he wanted without protecting the people he rules.)

Corrupt: not honest or moral. (Example: A government official who steals public money is corrupt.)

Challenge Terms in Spanish

Poder absoluto: poder que no está limitado. (Ejemplo: Un gobernante injusto puede usar el poder absoluto para hacer lo que quisiera sin proteger a el pueblo que el gobierna.)

Corrupto(a): deshonesto o inmoral. (Ejemplo: Un funcionario del gobierno que roba del dinero público es corrupto.)

EXTENDING

1. How is government limited in the United States?
2. How is government not limited in other countries?

1. ¿Cómo se limita el gobierno en los Estados Unidos?
2. ¿Cómo es un gobierno no limitado en otros países?

MAJORITY RULE/ MINORITY RIGHTS

The democratic concept of majority rule can sometimes mean that the rights of minorities or individuals are taken away by the more powerful majority.

LA REGLA DE LA MAYORÍA/ DERECHOS DE LA MINORÍA

El concepto democrático de gobierno de la mayoría puede a veces significar que los derechos de las minorías o de individuos pueden ser quitados por la mayoría que es más poderosa.

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Challenge terms

Majority: the greater number or amount. (Example: The majority of people like ice cream.)

Minority: the lesser number or amount. (Example: The people who don't like ice cream are in the minority.)

Challenge Terms in Spanish

Mayoría: el número o la cantidad más elevada. (Ejemplo: La mayoría de las personas le gustan el helado.)

Minoría: el número o la cantidad menor. (Ejemplo: Las personas que no les gusta el helado están en la minoría.)

EXTENDING

1. What are some of the ways the Constitution protects the rights of individuals?
2. What might happen if the Constitution did not have protections for individuals?

1. ¿Cuáles son algunas de las maneras que la Constitución protege los derechos de los individuos?
2. ¿Qué podría suceder si la Constitución no tuviera protecciones para los individuos?

NATURAL RIGHTS

Freedoms which belong to us by nature and can only be justly taken away through due process.

DERECHOS NATURALES

Libertades que nos pertenecen por naturaleza y sólo pueden ser quitados con justicia a través del debido proceso.

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Challenge terms

Just: fair (Example: Applying punishments which fit the crime is an example of just punishment.)

Challenge Terms in Spanish

Justo(a): correcto, equitativo (Ejemplo: La aplicación de los castigos que se ajustan a la ofensa son ejemplos de castigos justos.)

EXTENDING

1. List five natural rights.
2. How are these rights protected by the Declaration of Independence, the Constitution, and the Bill of Rights?

1. Haz una lista de cinco derechos naturales.
2. ¿Cómo son estos derechos protegidos por la Declaración de Independencia, la Constitución y la Carta de Derechos?

PRIVATE PROPERTY

All or part of a person's personal things, beliefs, and opinions.

PROPIEDAD PRIVADA

La totalidad o parte de las cosas, las creencias y opiniones de una persona.

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Challenge terms

"Fruits of their own labor": the product of someone's work. (Example: People have the right to the money they earn because it is the fruit of their own labor.)

Tax: money paid to the government. (Example: When I buy a $1 apple at the grocery store, I actually pay a little more than $1—that extra money is the sales tax.)

Challenge Terms in Spanish

"Frutos de su propio trabajo": el producto del trabajo de alguien, (Ejemplo: Las personas tienen el derecho a sus ganancias y su dinero, porque es el fruto de su trabajo.)

Impuestos: dinero pagado al gobierno. (Ejemplo: Cuando compro una manzana que cuesta $1 en la tienda, en realidad pago más de $1 – el dinero adicional es el impuesto sobre las ventas.)

EXTENDING

1. Property is not just things—ideas and beliefs are also property. Why is this important?
2. Why is private property important? What might the world look like if there were no private property?

1. Propiedad no se refiere a cosas materiales solamente – ideas y creencias también son propiedad. ¿Por qué es esto importante?
2. ¿Por qué es importante la propiedad privada? ¿Cómo fuera el mundo diferente si no existiera la propiedad privada?

REPUBLICAN/ REPRESENTATIVE GOVERNMENT

Form of government in which the people are sovereign [ultimate source of power] and authorize representatives to make and carry out laws.

GOBIERNO REPUBLICANO/ GOBIERNO REPRESENTATIVO

Forma de gobierno en la cual el pueblo es soberano [fuente de poder supremo] y autorizan representantes para crear y llevar a cabo las leyes.

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Challenge terms

Authorize: to give approval to take action (Example: The principal authorized the class to hold a fundraiser.)
Representative: a person chosen by the people to act and speak for them. (Example: Our class chose a representative for Student Council.)

Challenge Terms in Spanish

Autorizar: dar la aprobación para tomar acción y adoptar medidas. (Ejemplo: El director le autorizó a la clase que tengan una recaudación de fondos.)
Representante: alguien elegido por el pueblo para actuar y hablar en nombre de ellos. (Ejemplo: Nuestra clase eligió a un representante para el Consejo de Estudiantes.)

EXTENDING

1. How is a republic different from a nation that rules by having all citizens vote for and enforce laws?

1. ¿Cómo es una república distinta a una nación que se rige en tener a todos los ciudadanos votar por y hacer cumplir las leyes?

RULE OF LAW

Government and citizens all abide by the same laws regardless of political power. Laws are applied in a uniform and just way to protect liberty.

ESTADO DE DERECHO

El gobierno y los ciudadanos son sujetos a las mismas leyes, independientemente del poder político. Las leyes se aplican de manera uniforme y justa para proteger la libertad.

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Challenge terms

Uniform: unchanging (Example: The school rules are uniform so that each student is held to the same expectations.)

Challenge Terms in Spanish

Uniforme: constante, inmutable (Ejemplo: Las reglas de la escuela son uniformes para que cada alumno sea sujeto a las mismas expectaciones.)

EXTENDING

1. Why is rule of law important in a republic?
2. What problems might a nation without rule of law face?

1. ¿Por qué es el Estado de Derecho importante en una república?
2. ¿Qué problemas puede enfrentar una nación sin Estado de Derecho?

SEPARATION OF POWERS/ CHECKS AND BALANCES

The federal government of the United States is separated into three branches (executive, judicial, and legislative).

SEPARACIÓN DE PODERES/ PESOS Y CONTRA PESOS

El gobierno federal de los Estados Unidos está dividido en tres ramas (ejecutiva, judicial y legislativa).

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Challenge terms

Executive branch: the branch of government which is responsible for making sure laws are followed. (Example: The President is the head of the executive branch of government.)

Judicial branch: the branch of government which is responsible for reviewing laws and making sure they are constitutional. (Example: As part of the judicial branch, the Supreme Court decides whether laws are constitutional.)

Legislative branch: the branch of government which is responsible for creating laws. (Example: The legislative branch is made up of the House of Representatives and the Senate, which make the laws of the United States.)

Challenge Terms in Spanish

Rama ejecutiva: la rama del gobierno responsable por asegurarse que las leyes sean seguidas (Ejemplo: El Presidente es el jefe de la rama ejecutiva del gobierno.)

Rama judicial: la rama del gobierno responsable por la revisión de las leyes y asegurarse que sean constitucionales. (Ejemplo: Como parte de la rama judicial, la Corte Suprema decide si las leyes son constitucionales.)

Rama legislativa: la rama del gobierno responsable por la creación de las leyes. (Ejemplo: La rama legislativa está compuesta por la Cámara de Representantes y el Senado, quienes crean las leyes de los Estados Unidos.)

EXTENDING

1. Why is it important that the powers of government are separated?
2. What are some ways the different branches of government check each other?

1. ¿Por qué es importante que los poderes del gobierno estén separados?
2. ¿Cuáles son algunas maneras en que las diferentes ramas del gobierno se vigilan entre sí?

AMENDMENT

A change or addition to the original version of a document. The United States Constitution has 27 Amendments. The first ten, dedicated to listing some of the protected rights of states and citizens, are called the Bill of Rights.

ENMIENDA

Un cambio o adición a la versión original de un documento. La Constitución de los Estados Unidos tiene 27 enmiendas. Las primeras diez, dedicadas a enumerar algunos de los derechos protegidos de los estados y de los ciudadanos, se le llama la Carta de Derechos.

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Challenge terms

Rights: that which is due to a person naturally or legally (Example: It is my natural right to have liberty. It is my legal right to have due process under the law.)
Protect: to keep safe (Example: I protect my home by locking the door.)

Challenge Terms in Spanish

Derechos: lo que se le debe a una persona naturalmente o jurídicamente. (Ejemplo: Es mi derecho natural tener libertad y ser libre. Es mi derecho jurídico tener debido proceso ante la ley.
Proteger: mantener seguro (Ejemplo: Yo protejo mi hogar trancando la puerta.)

EXTENDING

1. Why is it important to be able to change the Constitution?
2. How might the country look today if the Constitution could not be amended?

1. ¿Por qué es importante tener la capacidad de cambiar la Constitución?
2. ¿Cómo podría ser visto el país hoy, si no fuera posible enmendar la Constitución?

ANTI-FEDERALIST

Anti-Federalists were a group of Founding Fathers who thought creating a large federal government would threaten the rights of states and citizens. After the Constitution was written, Anti-Federalists supported adding a Bill of Rights to protect those rights.

ANTI-FEDERALISTAS

Anti-federalistas fueron un grupo de Fundadores que creían que la creación de un gobierno federal grande amenazaría los derechos de los estados y sus ciudadanos. Después que la Constitución fue escrita, los Anti- Federalistas apoyaron la adición de la Carta de Derechos para proteger esos derechos.

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Challenge terms

Federal government: government at the national level as opposed to state or local government. (Example: Congress is the legislative body of the federal government.)
Power: the ability of an individual or group to influence the actions of others. (Example: The government has the power to tax citizens.)

Challenge Terms in Spanish

Gobierno federal: gobierno a nivel nacional, en comparación al gobierno estatal o local. (Ejemplo: El Congreso es el órgano legislativo del gobierno federal.)
Poder: la habilidad que tiene un individuo o grupo de influir las acciones de los demás. (Ejemplo: El gobierno tiene el poder de colectar impuestos de los ciudadanos.)

EXTENDING

1. Why might a powerful central government be able to take away citizens' rights?
2. Anti-Federalists wanted to prevent the federal government from becoming too powerful. What are some of the methods of limiting the government found in the Constitution?

1. ¿Por qué quisiera un poderoso gobierno central poder quitarle derecho a sus ciudadanos?
2. Los Anti-Federalistas querían prevenir que el gobierno federal adquiriera mucho poder. ¿Cuáles son algunos de los métodos que se encuentran en la Constitución que limitan el gobierno?

CONSTITUTION

The basic principles by which a nation is governed. The United States Constitution explains the powers and structure of the federal government.

CONSTITUCIÓN

Los principios básicos por los que se rige una nación. La Constitución de los Estados Unidos explica los poderes y la estructura del gobierno federal.

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Challenge terms

Enumerated powers: powers that are named or listed (Example: The Constitution lists the enumerated powers of the federal government.)
Reserved powers: powers that are not written in the Constitution, but are held by specific the states or the people. (Example: The states and the people can determine how to hold elections.)

Challenge Terms in Spanish

Poderes enumerados: poderes que se nombran o son listados. (Ejemplo: La Constitución detalla los poderes enumerados del gobierno federal.)
Poderes reservados: poderes que no están escritos en la Constitución pero son mantenidos por estados específicos o los ciudadanos. (Ejemplo: Los estados y el pueblo pueden determinar cómo llevar a cabo las elecciones.)

EXTENDING

1. Why is it important for a government to have a set of basic principles?
2. Why did the Founders believe that the powers and structures of the federal government needed to be written in a Constitution?

1. ¿Por qué es importante para un gobierno tener un conjunto de principios básicos?
2. ¿Por qué los Fundadores creían que era necesario escribir en una constitución los poderes y la estructura del gobierno federal?

FEDERALIST

The Federalists were a group of Founders who supported a strong federal government. They supported the Constitution but did not want a Bill of Rights. Because it would be impossible to list all rights, they feared listing rights would make the government able to take away rights that had not been listed.

FEDERALISTA:

Los Federalistas fueron un grupo de Fundadores que apoyaron un gobierno federal fuerte. Ellos apoyaban la Constitución pero no querían incluir la Carta de Derechos. Porque hubiese sido imposible enumerar todos los derechos, ellos temían que la enumeración de derechos haría a el gobierno capaz de quitar los derechos que no habían sido mencionados.

EXTENDING

1. What are some protected rights that are not explicitly listed in the Constitution or the Bill of Rights?
2. What might the United States look like if there were no strong central government and more powers were left to the states?

1. ¿Cuáles son algunos de los derechos protegidos que no están explícitamente escritos en la Constitución o la Carta de Derechos?
2. ¿Cómo podría ser visto Los Estados Unidos hoy día, si no existiera un gobierno central fuerte y más poderes se le dejaran a los estados?

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Challenge terms

Tyranny: a leader or group who abuses power. (Example: The Founders believed that monarchy or absolute power could lead to tyranny.)
Compromise: an agreement between groups or individuals in which each party gives something up to meet a shared goal. (Example: The Federalists and Anti-Federalists compromised about a Bill of Rights in order to ratify the Constitution.)

Challenge Terms in Spanish

Tiranía: il hecho en el cual un líder o grupo abusa el uso del poder. (Ejemplo: Los Fundadores creían que una monarquía o el poder absoluto podrían conducir a la tiranía.)
Compromiso: un acuerdo entre grupos o individuos en el cual cada parte cede algo para cumplir con un objetivo compartido. (Ejemplo: Los Federalistas y los Anti-Federalistas comprometieron en la Carta de Derechos con el fin de ratificar la Constitución.)

INCORPORATION

The process by which courts have used the Fourteenth Amendment's guarantee of due process to apply most of the protections of the Bill of Rights to the states.

INCORPORACIÓN

El proceso por el cual las cortes han usado la garantía del debido proceso encontrada en la Decimocuarta Enmienda para aplicar la mayoría de las protecciones de la Carta de Derechos a los estados.

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Challenge terms

Interpretation: an explanation for one's understanding. (Example: The Supreme Court interprets laws passed by Congress.)

Challenge Terms in Spanish

Interpretación: una explicación para la comprensión de uno. (Ejemplo: La Corte Suprema interpreta las leyes aprobadas por el Congreso.)

EXTENDING

1. Why is it significant (important) that the protections in the Bill of Rights have been applied to the states?
2. What would the Founders have thought of the Bill of Rights being applied to the states?

1. ¿Por qué es significativo (importante) que las protecciones de la Carta de Derechos hayan sido aplicadas a los estados?
2. ¿Qué hubiesen pensado los Fundadores de la aplicación de la Carta de Derechos a los estados?

RATIFY

To make something official by approving it. The government set up by the Constitution could not become legitimate until the Constitution was ratified by the states.

RATIFICAR

Aprobar algo para hacerlo oficial. El gobierno establecido por la Constitución no podría ser legitimo hasta que la Constitución fuera ratificada por los estados.

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Put this in principle in your own words using **English**:

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Challenge terms

Legitimate: lawful or justified (Example: If a government does not carry out the will of the people, it is not legitimate.)
Official: approved or accepted (Example: The results of the election are not official until all of the votes are counted.)

Challenge Terms in Spanish

Legitimo: lícito o justificado (Ejemplo: Si un gobierno no sigue la voluntad del pueblo, no es un gobierno legitimo.)
Oficial: aprobado o aceptado (Ejemplo: Los resultados de la elección no son oficial hasta que todos los votos hayan sido contados.)

EXTENDING

1. Why did the Constitution need to be ratified before the federal government could be considered legitimate?
2. Several states did not want to ratify the Constitution if a Bill of Rights was not added. With this in mind, how has the process of ratification changed the Constitution and the federal government?

1. ¿Por qué tenia que ser ratificada la Constitución antes de considerar el gobierno federal legitimo?
2. Varios estados no querían ratificar la Constitución sin la Carta de Derechos. ¿Con esto en mente, cómo han cambiado la Constitución y el gobierno federal a causa del proceso de ratificación?

GLOSSARY

FOUNDING PRINCIPLES

Civil discourse: People share ideas in reasonable and respectful ways to influence change in a society or government.

Consent of the Governed: The government's power is only justified when its power comes from the will or approval of the people.

Due process: The government must obey the law and apply it equally to all citizens.

Federalism: Some powers are delegated [given] to the national government, while other powers are retained [kept] by the states and the citizens.

Individual Responsibility: Individuals must take care of themselves and their families and help to preserve their liberty.

Liberty: The government does not have the authority to limit freedom unless allowed by the Constitution.

Limited government: A limited government is only given the powers it needs to protect the life, liberty, and property of its people.

Majority rule/minority rights: The democratic concept of majority rule can sometimes mean that the rights of minorities or individuals are taken away by the more powerful majority. The Founders wrote the Constitution carefully to carry out the will of the majority while, at the same time, protecting the rights of individuals, especially those who have unpopular ideas.

Natural rights: Rights which belong to us by nature and can only be justly taken away through due process.

Private property: All or part of a person's personal things, beliefs, and opinions.

Republican/Representative Government: Form of government in which the people are sovereign [ultimate source of power] and authorize representatives to make and carry out laws.

Rule of Law: Government and citizens all abide by the same laws regardless of political power. Laws are applied in a uniform and just way to protect liberty.

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Separation of Powers/Checks and Balances: The federal government of the United States is separated into three branches (executive, judicial, and legislative). Each branch has different powers, which allows the branches to check each other to keep any one branch from becoming too powerful.

KEY TERMS

Accuse: To charge someone with something, usually a crime.

Amendment: To change or add to something to change the meaning of a law or bill.

Anti-Federalists: A group of Founders that supported amending the Articles of Confederation, were concerned about a strong central government, wanted to continue with strong state governments, and fought for the Bill of Rights as a way to protect citizens from a strong central government.

Assembly: A group of people acting together.

Branches of Government: The separate divisions of government including the executive, legislative, and judicial branches.

Coercion test: A test used by the Supreme Court to determine if someone is being forced into participating in a religious ceremony, or by offering aid to private religious schools.

Colony: A territory ruled by a distant nation.

Colonist: The people of a colony.

Commerce: The system for buying and selling goods.

Commerce Clause: Article I, Section 8 of the Constitution states that Congress shall have the power to regulate commerce [business and trade] if it involves more than one state or if it involves the U.S. and other countries.

Common Law: A group of legal customs and traditions that have the same force as written law.

Compromise: The settlement of an argument or discussion where each side gives a little up to come to an agreement.

Constitution: The plan for a system of government of a nation or state.

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Constitutional Convention: The meeting held in Philadelphia in the summer of 1787 to write the United States Constitution.

Double jeopardy: The government cannot prosecute a person for the same crime repeatedly to obtain the verdict it wants.

Eighth Amendment: No excessive bail, fines, or cruel or unusual punishments can be forced on someone who commits a crime.

Eminent domain: The government can obtain private property for public use as long as they pay for it.

Endorsement test: A test used to decide whether government policies or actions support a specific religious message and violate the Establishment Clause.

Equal protection: The Fourteenth Amendment states that "No state shall…deny to any person within its jurisdiction the equal protection of the laws."

Establish: To bring into existence.

Establishment Clause: The clause in the First Amendment that states that Congress shall not pass a law to set up an official religion of the United States.

Expand: To increase in number, size, or amount.

Federal: a form of government in which power is divided between a central government and smaller units like states.

Federalists: A group of Founders that believed the central government was not strong enough under the Articles of Confederation and advocated for the new Constitution. They believed a bill of rights was not needed because the Constitution itself limited the government's powers. They also feared that creating a list of rights might lead to other dangers, such as implying powers that had not been granted to the government.

Fifth Amendment: The amendment states that a person cannot be held for committing a capital crime unless they have been brought before a Grand Jury; a person cannot be tried for the same crime twice; a person cannot be forced to testify [speak in court] against himself; a person cannot have their life, liberty, or property taken away without due process; a person cannot have their property taken away for public use without being compensated [paid] for it.

First Amendment: The amendment states that Congress cannot establish a religion,

keep someone from exercising their religion; remove the freedom of speech, press, or assembly peaceably, or petition the government.

Fourteenth Amendment: The amendment that guaranteed citizenship to all people who are born or naturalized in the United States, protected citizens from states depriving them of life, liberty, or property without due process of law, and provided for the equal protection of citizens.

Fourth Amendment: The amendment protects people from unreasonable searches and seizures and stated that warrants will only be issued with probable cause.

Free Exercise Clause: The clause of the First Amendment that states that Congress shall not keep people from exercising [practicing] their religion

Fundamental: Forming a foundation.

Fundamental fairness: Deciding whether or not laws are fairly written and fairly applied.

General Law Test: A test to determine the constitutionality of laws relating to religion. Laws that apply to all religions in general are usually constitutional. Laws that apply to only one religion are unconstitutional.

Hate Speech: Derogatory speech directed toward a specific group.

Incorporation: Originally, the Bill of Rights applied only to the actions of the federal government, but beginning in 1925, the Supreme Court began to apply portions of the Bill of Rights to the states through the Fourteenth Amendment's Due Process Clause.

Infringe: To fail to obey an agreement; to limit.

Intellectual property: Things that belong to people, but cannot be touched, such as songs, books, poems, music, and art.

Interpret: To explain the meaning of something.

Jim Crow laws: Laws enacted after the Civil War which created "legal" racial discrimination and segregation.

Just compensation: The amount paid to someone whose property is taken for public use (like a park or a road) should be the same amount as a buyer would pay in cash to a willing seller at the time.

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Lemon test: Three-part test sometimes used by the Supreme Court to decide whether the government can be involved in religious policies or actions. Acceptable policies or actions must a) have a primarily non-religious purpose; b) neither aid nor harm religion above all; and c) not cause the government to be overly involved with religion.

Libel: Writing that intentionally spreads harmful untruths about someone's character

John Locke: Locke believed that a government's purpose is to protect individual natural rights such as life, liberty, and property, and therefore citizens must be able to change or bring an end to the government if it failed to protect them.

Magna Carta: The oldest document (1215) in the British and American heritage of rights. It contributed to the adoption of the 1st, 3rd, 4th, 5th, 6th, and 8th amendments of the Bill of Rights and speaks of these rights as ancient.

Militia: An individual or group of individuals who come together to protect themselves and their neighbors.

Ninth Amendment: The amendment states that the list of rights in the Constitution shall not be used to deny other rights the people already have.

Oppress: To control or rule in a harsh way.

Origin: A beginning or source.

Parliament: The legislative branch of government in Great Britain.

Partial taking: When citizens have lost some of their property or their property's value through government actions.

Petition: A request.

"Picket Fence" Approach: The idea that there is some room for religion to influence government or government to influence religion in the constitutional system.

Preserve: To keep or save.

Protestant: A member of a Christian church that separated from the Roman Catholic Church.

Property: Things such as land, houses, cars, and other material things; future money made from selling an object or idea; a person's conscience, thoughts, and reputation.

Protected speech: All speech that does not cause unlawful action or illegal behavior is legal.

Public use: The building of highways, railroads, schools, parks, or other facilities that help improve the public welfare or public interest of the community as a whole

Ratify: To approve.

Ratification: Official approval.

Republic: Form of government in which the people hold the power and approve representatives to make and carry out laws.

Revolution: The overthrow of one government in favor of another government.

Rights: The Founders believed that natural rights, or freedoms with which were people were born, could not be denied to anyone.

Roots: The background or ancestors of a person.

Scope: The opportunity for action or thought.

Second Amendment: The amendment states that the right to a militia and the right to keep and bear arms shall not be violated.

Sedition Act of 1798: This law made it illegal for people to criticize the president or any member of Congress.

Segregation: Discrimination against a particular group based on race, gender, or sexual orientation.

Self-incrimination: The Fifth Amendment prevents the government from being able to force a person to testify against himself.

Seventh Amendment: This amendment states that people have a right to a jury trial if the value of a lawsuit is above $20. It also says that if a jury decides a case, the case cannot be brought to another court unless it is within the rules of common law.

Separation of Church and State: The principle that the federal government and religious institutions should be separate. This language is not actually included in the Constitution or Bill of Rights, but can be found in a letter written by President Thomas Jefferson.

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Significant: Important

Sixth Amendment: The amendment states that in criminal cases, the person who is accused has the right to a speedy, public trial by an impartial jury in the area where the crime was committed. The person who is accused shall be told what he is accused of doing, should be able to face witnesses who speak against him, have witnesses speak on his behalf, and have the assistance of a lawyer.

Slander: Speech that purposely spreads false statements about someone's character

Standing Army: A permanent military group maintained during times of peace and of war.

Takings clause: This clause of the Fifth Amendment states that the government cannot take private land for the purpose of "public use" without paying the property owner.

"Taxation Without Representation": The American colonists objected to being taxed by the British government since they didn't have representatives in the British government to speak on their behalf.

Tenth Amendment: The amendment states that the powers not given to the United States in the Constitution are left to the states or the people.

Third Amendment: The amendment states that soldiers shall not be quartered [housed] without the consent of the owner during times of peace nor in an unlawful way during times of war.

Total Incorporation: The idea that every part of the Bill of Rights should be applied to the states.

Tradition: The information, customs, or beliefs that are handed down from one generation to another.

Treatise: A paper or essay.

Unprotected speech: Speech that intentionally spreads falsehood about someone's character, such as libel or slander, or speech that maliciously puts others in harm's way, such as speech that may start a riot, incite a panic, or otherwise threaten public safety

Unenumerated rights: Rights not listed in the first eight amendments or elsewhere in the Constitution, but still protected by the Constitution under the Ninth Amendment.

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Unjust: Unfair.

Violate: To do harm, damage, or break.

Voucher System: Parents receive a fixed amount of public funds called a voucher to pay for a charter, private, or religious school of their choice.

"Wall of Separation" principle: The idea that there should be significant separation between government and religion.

Warrant: A document that must be obtained by showing evidence in order to search an individual or place or to make an arrest.

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ANSWER KEY

Unit 1: The Bill of Rights and the Founders

LESSON 1: WHAT ARE THE ORIGINS OF THE BILL OF RIGHTS?

Handout A: Rights Attitude Inventory

Answers will vary. Accept reasoned responses.

Handout B: Background Essay – What Are the Origins of the Bill of Rights?

1. At least three of the following: right of Protestants to practice their faith; protections of property; rights of the accused; rights of criminals.
2. As a result of his violation of the rights of Englishmen, King Charles I was beheaded in 1649.
3. Locke argued that government's main purpose must be to protect the rights of individuals because all men are by nature free and equal.
4. At least three of the following: forced quartering of troops; weapons were taken away; restrictions on speech, press, and assembly.
5. The Articles of Confederation were the first attempt of the former American colonies to organize a united government.

Handout C: Foundations of Our Rights

Magna Carta: 1st, 3rd, 4th, 5th, 6th, 8th
Petition of Right: 4th, 5th, 6th, 8th
Massachusetts Body of Liberties: 1st, 5th, 6th, 8th
Declaration of Right and Toleration Acts: 1st, 2nd, 4th, 5th, 6th, 8th
Rights violated in the colonies: All
Two Treatises of Government (1690): Explains the concept of natural rights and the purposes of government—primarily to protect rights.
Declaration of Independence (1776): Explains why people must demand that government protect rights; announces and justifies formal separation of the colonies from Great Britain.
United States Constitution (1787): Framework of system for providing a limited central government that would protect individual rights as well as preserving the powers of state and local government.

Handout D: Founding Documents and Philosophies

1. Both John Locke's *Two Treatises of Government* and the Declaration of Independence are explanations of why people should expect government to protect individual rights.
2. The Founders wrote the Constitution to provide a stronger central government than that provided under the Articles.
3. Each document reflected concern about the biggest abuses of its time period.
4. Answers will vary. Accept well-reasoned responses.

LESSON 2: WHY A BILL OF RIGHTS? WHAT IMPACT DOES IT HAVE?

Handout A: Background Essay – Why A Bill of Rights? What Impact Does It Have?

1. Federalists believed a bill of rights was unnecessary because the Constitution itself limited government's powers. They

believed it could be dangerous because it would be impossible to list every right, and they did not want rights to be ignored or violated just because they were not specifically listed.

2. Madison changed his mind because he corresponded with colleagues whose opinions he valued, and they all supported the addition of a bill of rights.
3. The Bill of Rights did not strongly affect most citizens' lives because it only limited the actions of the federal government and did not apply to the states until after the Fourteenth Amendment was ratified in 1868. In the 1920s the Supreme Court began to interpret the Fourteenth Amendment's Due Process Clause to protect certain liberties from action by the states.

Handout B: Understanding Positions of Federalists and Anti-Federalists

Federalists:

- A bill of rights was not needed because the Constitution created a government of limited powers.
- Composing a list of rights might endanger any rights not listed.
- A strong central government is needed to protect rights of minorities.
- State constitutions already included declarations of rights.

Anti-Federalists:

- The central government could not be trusted—it might grow too strong and suppress freedoms.
- Several states (MA, SC, NH, VA, NY, NC) approved the new Constitution only on the condition that a list of rights be added.
- Popular opinion supported development of a bill of rights.

Handout C: Federalists and Anti-Federalists Venn Diagram

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Both Federalists and Anti-Federalists:

- The purpose of government is to protect unalienable rights (life, liberty, pursuit of happiness).
- Both central authority and some level of state authority was needed.
- A somewhat stronger form of government than that provided under the Articles of Confederation was needed.
- Certain Founding Principles were essential: separation of powers, checks and balances, federalism, rule of law, due process, limited government, majority rule/minority rights, popular sovereignty, and representative government.

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