

PRE-TEST

Directions: For each of the following statements, circle true or false.

1. The Constitution is the set of rules or guidelines that organizes our government.

True False

2. The term given to the individuals that created the Constitution is the “founding framers.”

True False

3. There are four branches of the American federal government.

True False

4. The Preamble is the introduction to the U.S. Constitution.

True False

5. In the United States, the federal government makes all of the laws and the state governments must follow them. The state governments cannot make any laws.

True False

6. All of the branches of government have the same amount of power.

True False

7. There are only ten amendments to the Constitution and they are called the “Bill of Rights.”

True False

8. The Bill of Rights establishes some basic rights that all citizens of the United States are guaranteed.

True False

9. The Declaration of Independence was once used to govern the United States of America.

True False

10. The Constitution is a permanent document, which may never be changed.

True False

VIDEO QUIZ

Directions: For each of the following statements, circle true or false.

1. The Constitution is the set of rules or guidelines that organizes our government.

True False

2. A constitutional government limits the powers of the government.

True False

3. In a federal system of government, the federal government shares power and responsibility with the states.

True False

4. The Constitution is a permanent document which may never be changed.

True False

5. There are only ten amendments to the Constitution.

True False

6. The introduction to the Constitution is called the "Preamble."

True False

7. The name given to the individuals that created the Constitution is the "Founding Fathers" or the "Framers."

True False

8. All of the branches of government have equal power.

True False

9. The Constitution does not specifically state the powers of the branches of government.

True False

10. The Constitution can only be changed by the President of the United States.

True False

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 defence, 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 choose 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.

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 of 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.

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 becomes 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 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 defence 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 offences 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, dock-yards, and other needful buildings; —And

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 reference 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 the 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 any thing 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 it's 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 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. (note: qualification of the Vice President Amendment 12)

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 what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.
(Modified by: Amendment 20 & Amendment 25)

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 offences 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 behavior, 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.

No person held to service or labour 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 labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

Section 3

New States may be admitted by the Congress into this Union; but no new State 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, any thing 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 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.

George Washington, President and Deputy from Virginia; Attest: William Jackson, Secretary. New Hampshire: John Langdon, Nicholas Gilman; Massachusetts: Nathaniel Gorham, Rufus King; Connecticut: William Samual Johnson, Rodger Sherman; New York: Alexander Hamilton; New Jersey: William Livingston, David Brearley, William Paterson, Jonathan Dayton; Pennsylvania: Benjamin Franklin, Thomas Mifflin, Robert Morris, Geoffrey Clymer, Thomas FitzSimons, Jared Ingersoll, James Wilson, Gouv. Morris; Delaware: Geoffrey Read, Gunning Bedford Jr., John Dickinson, Richard Bassett, Jacob Broom; Maryland: James McHenry, Daniel of St. Thomas' Jenifer, Daniel, Carroll; Virginia: John Blair, James Madison Jr.; North Carolina: William Blount, Richard Dobbs Spaight, Hugh Williamson; South Carolina: JJ. Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler; Georgia: William Few, Arbraham Baldwin.

VOCABULARY

Amendment - A change in, or addition to, a constitution or law.

Anti-Federalists - Persons who opposed the adoption of the Constitution between 1787 - 1788; they were in favor of adopting the Bill of Rights as well as strong state governments.

Apportionment - The process of determining the number of representatives to which each state is entitled.

Bicameral - A two-house legislative body.

Bill - A proposed law.

Bill of Rights - The first ten amendments to the Constitution, dealing mostly with civil rights.

Checks and Balances - A system of overlapping the powers of the separate legislative, executive, and judicial branches of a government, to permit each branch to check (restrain) the actions of the others.

Congress - Consists of a bicameral, or two-house, legislature. The House of Representatives represents the people by population, and the Senate represents each state equally. The role of Congress is to translate public will into public policy in the form of laws.

Executive Branch - The office of the President and his cabinet; the President is responsible for assuring that the nation's laws are faithfully executed.

Federalism - Form of government with governmental powers divided between a central government and several state or regional governments.

Federalists - Persons who supported the adoption of the Constitution in 1787 - 1788. Most of them became members of the Federalist Party after the Constitution became adopted. They believed in a strong federal government.

House of Representatives - One of the two law-making bodies in Congress; its representation is based upon state population.

Judicial Branch - A government's court system; this body is responsible for interpreting the Constitution.

Legislative Branch - The law-making body of the government.

President of the Senate - In Congress, the Vice President of the United States. He governs over the Senate when it is in session.

Senate - One of the two law-making bodies in Congress; each state is represented by two senators.

Speaker of the House - The presiding officer of the House of Representatives, chosen by and from the party holding the majority of the seats in the House.

Veto - Refusal by the President to sign a bill into law.

DISCUSSION QUESTIONS

1. What is the purpose of a constitutional government?
2. What is the Preamble to the Constitution? What is its purpose?
3. What is a federal system of government?
4. What are the three branches of government?
5. How do the three branches work within the system of checks and balances?
6. What is the Bill of Rights?
7. What are the two ways in which an amendment can be ratified?
8. What is the purpose of the other sixteen amendments other than the Bill of Rights?
9. According to the Constitution, what role do the people play in the country's political processes?
10. How does the Constitution and the Bill of Rights ensure the concept of "We the people"?

WORD SEARCH

Directions: In each statement below, fill in the word or phrase that best completes the statement, then find and circle that word or phrase hidden in the puzzle. Words are hidden vertically, horizontally, and diagonally.

The right to a _____ allows an individual to have a group of his or her peers determine his or her guilt or innocence.

The Fourth Amendment prevents unreasonable _____.

The First Amendment guarantees freedom of _____.

"We, the _____" begins the Preamble to the Constitution.

The _____ government shares power and responsibility with the states.

In the United States, citizens have the right to a _____ trial.

The _____ of the Constitution were the men who drafted the original document.

The Second Amendment guarantees citizens the right to _____.

The Fifth Amendment is commonly referred to as the due _____ clause.

The balance of power between the three branches of government is maintained by a system of _____.

The first ten amendments to the Constitution are known as the _____.

The Bill of Rights prevents _____ fines or bail and cruel and unusual punishment.

Article V established _____ procedures, so the Constitution can be modified as necessary.

The Constitution's opening segment is called the _____.

g o n h w e p q u i t s b x d j w c n a
 b f k p s z r v o e y n p e o p l e y m
 e x c e s s i v e x d c h e y z c a d a
 a g l h n p j r g m g e u n e t g e c m
 r a o u i x f e d e r a l p w d a g h e
 a d e g x f m p k i h n g e n w y r e n
 r x t h t u r p w a k h b c b j z y p d
 m s e a r c h a n d s e i z u r e c n m
 s q g n i x v b g p c z l k a p o q z e
 u o e c a r j m c f s p l u t w g e e n
 l p g n l d e s y x y s o o i d o h g t
 h r i o b p k z p m r p f y h n a u k p
 b o r t y g n u h e b w r x r j p d p x
 a c z a j h n p m b e g i e a g r n e c
 d e m x u v o a r h v c g k b z e g e z
 r s o c r j r n d e f p h t n u a x l m
 b s b x y f a q k n y c t l w p m e x p
 h l e r e h g z g c o g s g a c b q u m
 d a v k s p b q i x d n f x w j l d h c
 s c h e c k s a n d b a l a n c e s z y

THE PREAMBLE TO THE UNITED STATES CONSTITUTION

“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.”

CONSTITUTION ARTICLE ACTIVITY

Directions: Using a copy of the Constitution (Blackline Masters #3a-3g), mark the appropriate box on the chart for each statement.

	Preamble	Article 1	Article 2	Article 3	Article 4	Article 5	Article 6	Article 7
This section defines the Legislative Branch.								
This section defines the Judicial Branch.								
This section outlines the purpose of the Constitution.								
This section outlines the relations among states.								
This section outlines the Executive Branch.								

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 or 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 favour, and to have the Assistance of Counsel for his defense.

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 re- examined 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 punishment 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.

BILL OF RIGHTS ACTIVITY

Directions: Read the following Supreme Court cases. Then select the response which best answers the questions. Refer to a copy of the Bill of Rights in selecting your answers. Questions 19-25 are general, and are not associated with Supreme Court cases in this exercise.

I. PRICE v. GEORGIA, 1970

PRICE WAS CONVICTED OF MANSLAUGHTER ALTHOUGH THE STATE HAD CHARGED HIM WITH MURDER. PRICE APPEALED HIS CONVICTION AND HAD HIS CONVICTION SET ASIDE BY A GEORGIA APPELLATE COURT. PRICE WAS RETRIED AGAIN FOR MURDER. THE JURY AGAIN CONVICTED PRICE OF MANSLAUGHTER, AND PRICE APPEALED THIS CONVICTION.

1. PRICE WILL APPEAL HIS CONVICTION ON THESE GROUNDS:

- A. RIGHT TO A FAIR TRIAL B. DUE PROCESS
C. DOUBLE JEOPARDY D. SELF- INCRIMINATION

2. THE AMENDMENT IN QUESTION IS THE

- A. 4TH. B. 5TH.
C. 1ST. D. 8TH.

II. TINKER v. DES MOINES SCHOOL DISTRICT, 1969

THREE PUBLIC SCHOOL STUDENTS IN IOWA WERE SUSPENDED FROM SCHOOL FOR WEARING BLACK ARMBANDS TO PROTEST THE GOVERNMENT'S POLICY ON THE WAR IN VIETNAM.

3. TINKER WILL APPEAL THE CONVICTION BASED UPON THE GROUNDS OF

- A. ILLEGAL SEARCH AND SEIZURE. B. SYMBOLIC SPEECH.
C. DUE PROCESS. D. PRIOR RESTRAINT.

4. THE AMENDMENT IN QUESTION IS THE

- A. 6TH. B. 14TH.
C. 1ST. D. 4TH.

III. GIDEON v. WAINWRIGHT, 1963

GIDEON WAS CHARGED WITH A PROPERTY FELONY IN FLORIDA. HE WAS UNABLE TO FIND HIS OWN LAWYER AND REQUESTED THAT THE COURT APPOINT HIM ONE FOR HIS TRIAL. THE REQUEST WAS DENIED, AND GIDEON WAS CONVICTED AND SENTENCED TO FIVE YEARS IMPRISONMENT.

5. GIDEON WILL APPEAL HIS CONVICTION BASED UPON THE FOLLOWING GROUNDS:

- A. FREE SPEECH B. RIGHT TO FAIR TRIAL
C. ILLEGAL WIRETAPS D. RIGHT TO COUNSEL

6. THE AMENDMENT IN QUESTION IN THIS CASE IS THE

- A. 1ST. B. 5TH.
C. 4TH. D. 6TH.

IV. BARKER v. WINGO, 1972

THE DEFENDANT, BARKER, WAS CHARGED WITH MURDER AND HAD A TRIAL DATE SET FOR OCTOBER 21, 1958. BETWEEN THEN AND OCTOBER, 1963, BARKER'S TRIAL WAS CONTINUED (OR DELAYED) 17 TIMES. BARKER DID NOT OBJECT TO THE FIRST 11 CONTINUANCES BECAUSE HE WAS NOT IN JAIL DURING MOST OF THE PERIOD. WHEN EVENTUALLY TRIED, BARKER WAS CONVICTED AND SENTENCED TO LIFE.

7. BARKER WILL APPEAL HIS CONVICTION BASED UPON THESE GROUNDS:

- A. MIRANDA RIGHTS B. FAIR AND SPEEDY TRIAL
C. DUE PROCESS D. RIGHT TO COUNSEL

8. THE AMENDMENT IN QUESTION IS THE

- A. 7TH. B. 4TH.
C. 6TH. D. 1ST.

V. MAPP v. OHIO, 1961

THE POLICE WHO CONDUCTED A WARRANTLESS SEARCH OF MAPP'S RESIDENCE WERE LOOKING FOR EVIDENCE OF A BOMBING AND FOR MATERIALS ASSOCIATED WITH GAMBLING. INSTEAD, THEY FOUND "OBSCENE" MATERIALS. THE MATERIALS WERE CONFISCATED, AND MAPP WAS SUBSEQUENTLY CONVICTED FOR THEIR POSSESSION.

9. MAPP WILL APPEAL THE CONVICTION BASED UPON THESE GROUNDS:

- | | |
|--------------------------|-------------------------------|
| A. FREEDOM OF PRESS | B. ILLEGAL SEARCH AND SEIZURE |
| C. RIGHT TO A FAIR TRIAL | D. RIGHT TO COUNSEL |

10. THE AMENDMENT IN QUESTION IS THE

- | | |
|---------|---------|
| A. 2ND. | B. 1ST. |
| C. 8TH. | D. 4TH. |

VI. STEAGALD v. UNITED STATES, 1981

FEDERAL AGENTS, POSSESSING AN ARREST WARRANT FOR RICKY LYONS, WENT TO THE HOME OF GARY STEAGALD IN SEARCH OF LYONS. THOUGH THE OFFICERS FAILED TO FIND LYONS, THEY DID FIND EVIDENCE IN THE HOUSE THAT LEAD TO THE ARREST AND CONVICTION OF STEAGALD.

11. STEAGALD WILL APPEAL HIS CONVICTION BASED UPON THE GROUNDS OF:

- | | |
|-------------------------------|-------------------|
| A. ILLEGAL SEARCH AND SEIZURE | B. DUE PROCESS |
| C. RIGHT TO A FAIR TRIAL | D. MIRANDA RIGHTS |

12. THE AMENDMENT IN QUESTION IS THE

- | | |
|---------|---------|
| A. 6TH. | B. 4TH. |
| C. 5TH. | D. 1ST. |

VII. ENGEL v. VITALE, 1962

THE NEW YORK STATE BOARD OF REGENTS, WHICH OVERSEES PUBLIC SCHOOLS IN NEW YORK, RECOMMENDED TO SCHOOL DISTRICTS THAT THE SCHOOL DAY BEGIN WITH A PRAYER CHOSEN BY THE BOARD, ALTHOUGH NO PUPIL WAS TO BE FORCED TO RECITE IT. THE PRAYER WAS AS FOLLOWS: "ALMIGHTY GOD, WE ACKNOWLEDGE OUR DEPENDENCE ON THEE, AND WE BEG THY BLESSINGS UPON US, OUR PARENTS, OUR TEACHERS AND OUR COUNTRY."

13. THE ISSUE IN QUESTION IS:

- | | |
|---------------------|------------------------|
| A. RIGHT TO COUNSEL | B. FREEDOM OF SPEECH |
| C. SCHOOL PRAYER | D. FREEDOM OF RELIGION |

14. THE AMENDMENT IN QUESTION IS THE

- | | |
|----------|---------|
| A. 14TH. | B. 4TH. |
| C. 1ST. | D. 6TH. |

VII. NEW YORK TIMES v. UNITED STATES, 1971

THE NEW YORK TIMES AND THE WASHINGTON POST HAD COME INTO POSSESSION OF COPIES OF DEFENSE DEPARTMENT DOCUMENTS DETAILING THE HISTORY OF AMERICAN INVOLVEMENT IN THE VIETNAM WAR. AFTER FAILING TO PREVENT PUBLICATION BY DIRECT REQUEST TO THE NEWSPAPERS, THE NIXON ADMINISTRATION SOUGHT INJUNCTIONS TO THE FEDERAL COURT AGAINST THE TWO PAPERS TO STOP PUBLICATION OF THE DOCUMENTS ON NATIONAL SECURITY GROUNDS. AN INJUNCTION WAS OBTAINED AGAINST THE TIMES BUT NOT AGAINST THE POST.

15. THE CONTROVERSIAL PART OF THE CASE IS

- | | |
|-----------------------|---------------------|
| A. FREEDOM OF SPEECH. | B. DUE PROCESS. |
| C. FREEDOM OF PRESS. | D. PRIOR RESTRAINT. |

16. THE AMENDMENT IN QUESTION IS THE

- | | |
|---------|---------|
| A. 6TH. | B. 1ST. |
| C. 4TH. | D. 5TH. |

IX. BREWER v. WILLIAMS, 1977

WILLIAMS WAS ARRESTED, ARRAIGNED, AND JAILED IN DAVENPORT, IOWA, FOR ABDUCTING AND MURDERING A YOUNG CHILD IN THE CITY OF DES MOINES. WILLIAMS CONSULTED WITH ATTORNEYS IN BOTH CITIES AND WAS ADVISED TO MAKE NO STATEMENTS TO THE POLICE. AS WILLIAMS WAS BEING TRANSPORTED FROM DAVENPORT TO DES MOINES, HE INDICATED UNWILLINGNESS TO BE INTERROGATED UNTIL HIS ATTORNEY WAS PRESENT, BUT SAID HE WOULD MAKE A FULL STATEMENT AT THAT TIME. NONETHELESS, ONE OF THE OFFICERS, AWARE THAT WILLIAMS WAS A FORMER MENTAL PATIENT AND DEEPLY RELIGIOUS, SOUGHT TO ELICIT STATEMENTS FROM WILLIAMS RELATIVE TO THE LOCATION OF THE CHILD'S BODY. THE OFFICER SUGGESTED TO WILLIAMS THAT THE CHILD'S PARENTS WERE ENTITLED TO A "CHRISTIAN BURIAL" FOR THEIR CHILD. WILLIAMS EVENTUALLY MADE A NUMBER OF INCRIMINATING STATEMENTS AND DIRECTED THE POLICE TO THE LOCATION OF THE CHILD'S BODY. WILLIAMS WAS TRIED AND CONVICTED.

17. WILLIAMS WILL APPEAL HIS CONVICTION ON THE GROUNDS OF:

- A. ILLEGAL SEARCH AND SEIZURE B. RIGHT TO COUNSEL
C. RIGHT TO A FAIR TRIAL D. SELF- INCRIMINATION

18. THE AMENDMENT IN QUESTION IS THE

- A. 5TH. B. 4TH.
C. 8TH. D. 6TH.

19. THIS AMENDMENT ABOLISHED SLAVERY IN AMERICA.

- A. 5TH B. 10TH
C. 13TH D. 14TH

20. THE AMENDMENT THAT STATES THAT THE FEDERAL GOVERNMENT CANNOT DEPRIVE ANY INDIVIDUAL OF "LIFE, LIBERTY, OR PROPERTY WITHOUT DUE PROCESS OF LAW" IS THE

- A. 5TH. B. 10TH.
C. 4TH. D. 6TH.

21. THIS AMENDMENT GUARANTEES THAT INDIVIDUALS ARE SECURE IN THEIR HOUSES, AND GUARANTEES THAT NO UNREASONABLE SEARCHES AND SEIZURES SHALL OCCUR.

- A. 1ST B. 4TH
C. 8TH D. 10TH

22. THIS AMENDMENT GUARANTEES THE RIGHT TO KEEP AND BEAR ARMS.

- A. 1ST B. 2ND
C. 3RD D. 6TH

23. THIS AMENDMENT GUARANTEES THE RIGHT TO A SPEEDY AND PUBLIC TRIAL.

- A. 1ST B. 5TH
C. 4TH D. 6TH

24. THIS AMENDMENT FORBIDS CRUEL AND UNUSUAL PUNISHMENT.

- A. 1ST B. 6TH
C. 4TH D. 8TH

25. ONE OF THE DUTIES OF THE _____ IS TO GUARANTEE THAT INDIVIDUAL CIVIL LIBERTIES ARE NOT VIOLATED.

- A. CONGRESS B. PRESIDENT
C. SUPREME COURT D. PENTAGON

CHECKS AND BALANCES

1. In the space provided, write the name of the branch of government that has each of the following specific responsibilities.

A. To write laws and establish policies for the government. _____

B. To carry out, administer, and enforce the policies of the government. _____

C. To interpret the laws of the government. _____

2. In the space provided, write the name of the branch of government next to the body of people that elects them.

A. Elected in a national election using an Electoral College. _____

B. Elected in a state election by residents of that state. _____

C. Members of this branch are appointed, not elected. _____

3. In the space provided, write the name of the branch of government next to the appropriate length of term.

A. Length of term is for life. _____

B. Length of term is for four years. _____

C. Length of term is for either two or six years. _____

4. In the space below, answer the following question: How do all of these differences help create a system of checks and balances?

THE FEDERALISTS AND ANTI-FEDERALISTS

Directions: After reading the following passages, determine whether the speaker was a Federalist or an Anti-Federalist. Underline the statement or statements which led you to draw that conclusion.

Anti-Federalists - Persons who opposed the adoption of the Constitution between 1787 - 1788; they were in favor of adopting the Bill of Rights as well as strong state governments.

Federalists - Persons who supported the adoption of the Constitution in 1787 - 1788; most of them became members of the Federalist Party after the Constitution became adopted. They believed in a strong federal government.

James Wilson: _____

The gentlemen tell you that they expect the States will not possess any power. But, I think there I reason to draw a different conclusion. Under this system, their respectability and power will increase with that of the general government. I believe their happiness and security will increase in still greater proportion.

In order to keep republics together, they must have a strong binding force, which must be either external or internal. The situation of this country shows, that no foreign force can press us together; the bonds of our union ought therefore to be indissolubly strong.

If it is meant that the general government will destroy the government of the States, I will admit that such a government would not suit the people... But that description does not apply to the system before you. This, instead of placing the state governments in jeopardy, is founded on their existence. On this principle, its organization depends; it must stand or fall, as the State governments are secured or ruined....

What is the interest of the whole, must, on the great scale, be the interest of every part. It will be the duty of the State, as of an individual, to sacrifice her own convenience to the general good.

Patrick Henry: _____

Here I would make this inquiry of those worthy characters that composed a part of the late federal Convention... I have the highest regard for those gentlemen; but sir allow me to demand - What right had they to say, "We the people"? ... Who authorized them to speak the language of "We, the people" Instead of "We, the states"? States are the characteristics and the soul of the confederation. If the states are not the agents of this agreement, it must be one great consolidated national government of the people of all the states.

It was expressly declared in our Confederation that every right was retained by the states, respectively, which was not given up to the government of the United States. But there is not such thing here. You, therefore, by a natural and unavoidable implication, give up your rights to the general government.

If you give up these powers, without a Bill of Rights, you will exhibit the most absurd thing to mankind that ever the world saw - government that abandoned its powers of direct taxation, the sword, and the purse. You have disposed of the to Congress, without a Bill of Rights - without check, limitation, or control.

John Smilie: _____

It is fair and reasonable to infer, that it was contemplation of the framers of this system, to absorb and abolish the efficient authority and independent powers of the several states in order to invigorate and enlarge the general government. Here we find the right of making laws for every purpose is invested in the future governors of America, and in this included the uncontrolled jurisdiction over the purses of the people...The national government may take from the people just what they please.

If then they have unlimited power to drain the wealth of the people in every channel of taxation, the system must be too powerful for any single State, or even for a combination of the states, should an attempt be made to break and destroy the yoke of domination and tyranny which it will hereafter set up... The money which has been raised from the people, may be employed to keep them in a state of slavery... If, under such circumstances, the several States should presume to assert their un-delegated rights, I ask again what balance remains with them to counteract the misuse of power of so powerful a superior?

Edmund Pendleton: _____

An objection is made to the form: the expression “We, the people” is thought improper. Permit me to ask the gentleman who made this objection, who but the people can delegate powers? Who but the people have a right to form government?....

If the objection be that the Union ought to be not of the people but of the state governments, then I think the choice of the former very happy and proper. What have the state governments to do with it? Were they to determine, that people would not, in that case, be the judges upon what terms it was adopted...

It is the interest of the federal government to preserve the state governments; upon the latter the existence of the former depends. The Senate derives its existence immediately from the state legislatures; and the representatives and the president are elected under their direction and control; they also preserve order among the citizens of their respective states, and without order and peace no society can possibly exist...When, therefore, the federal governments, I wonder how any gentleman could conceive an idea of a possibility of the former destroying the latter.

POST-TEST**True or False****Directions: For each of the following statements, circle true or false.**

1. The Constitution is the set of rules or guidelines that organizes our government.

True False

2. A constitutional government limits the powers of the government.

True False

3. In a federal system of government, the federal government shares power and responsibility with the states.

True False

4. The name given to the individuals who created the Constitution is the “Founding Fathers” or the “Framers.”

True False

5. There are only ten amendments to the Constitution.

True False

Multiple Choice**Directions: For the following questions, choose the best answer.**

6. The first ten amendments to the Constitution are called

- a) the “Preamble.”
- b) “legislation.”
- c) “laws.”
- d) the “Bill of Rights.”

Following is the Preamble to the Constitution. Read it, and then complete the question.

“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.”

7. Based on the Preamble, what is the purpose of the Constitution of the United States?

- a) To insure that the President has the ultimate authority in the government
- b) To insure that the people of the United States are the most important part of our country
- c) To insure that federal government has more power than the individual states
- d) To insure that no dictator ever governs our country

8. The Constitution can only be changed if

- a) the President makes the change.
- b) Congress passes a law.
- c) the Supreme Court declares the law legal.
- d) three-fourths of the states approve of the law.

9. Which of the following are methods used to establish the system of checks and balances? Choose all that apply.

- a) veto
- b) appointment of justices
- c) two-thirds override
- d) constitutionality of laws

10. Which of the following statements best defines the Bill of Rights?

- a) It establishes the basic rights that all citizens are guaranteed.
- b) It expresses to the citizens what they can and cannot do.
- c) It states the laws by which the military can control the citizens.
- d) It explains the rules by which the government can prosecute citizens.

Essay Question

Directions: Answer the following question in the space provided.

11. How does the Constitution uphold the idea of “We the people...”?

BILL OF RIGHTS EXTENDED LEARNING ACTIVITY

Directions: Read each of the following situations. With the Bill of Rights as a reference, write the amendment which could be used in the scenario.

1. John Brown is a well-established businessman that has had no prior criminal convictions. For the last five years, he has been purchasing handguns for his personal collection. He has obtained them legally and has a permit to have them in his possession. Which amendment protects his right to have the guns?

2. Sonya Banks was pulled over for a minor traffic violation. When the police officer checked her license, he found out that she did not show up for court when requested on a previous occasion. As a result Sonya was arrested and her bail was set at \$1 million dollars. Which amendment was violated as a result of Sonia's arrest and detention?

3. Joe Smith is a recent graduate of the local university in a small town. During his attendance at the university, he noticed that the local police often break up student gatherings and demonstrations for the university. As a result of the police department's actions, Joe wants to start a newspaper. However, a local judge has ordered the police to arrest Joe if he attempts to distribute any publications that question the police. What amendment are the police and judge violating?

4. Members of a local gang have been positively identified as the criminals in a recent robbery. The police know where the gang members store the stolen goods. However, they need a warrant before they can reclaim the stolen goods. Which amendment are the police trying to avoid breaking?

5. When the Founding Fathers wrote the Bill of Rights, they were specifically trying to protect the people of America against unfairness that had been placed upon them while under British rule. One such unfair act was that many colonists were sent to Britain to be tried for crimes that took place in the Colonies. In addition, many of these same people waited many months for their cases to be heard and, as a result, were in prison while they waited. Which amendment did the Founding Fathers create in attempt to prevent this happening?

OF CIVIL GOVERNMENT

by John Locke

John Locke (1632-1704)

John Locke was one of the most influential philosophers with respect to the United States government. He believed in the “natural rights philosophy.” This involved how human beings would act in a “state of nature,” a condition in which there was no government. Locke believed that there are certain rights one cannot be denied, among them the rights to life, liberty, and property. In a state of nature, there would be people who would take advantage of the lawlessness by depriving others of their natural rights. In order to protect themselves and keep this from happening, people form governments. The people enter into a “social contract” with their government. They agree to give up some of their rights so that the government may protect the people’s natural rights. For example, today, people must obey the laws or risk punishment for not doing so. The laws are there to protect the people from each other and to secure their natural rights, the ones that they cannot be denied.

Of Civil Government

If man in the state of Nature be so free as has been said, if he be absolute lord of his own person and possessions, equal to the greatest and subject to nobody, why will he part with his freedom, and subject himself to the domination and control of any other Power? To which it is obvious to answer, that though in the state of Nature he hath such a right, yet the enjoyment of it is very uncertain and constantly exposed to the invasion of others; for all being kings as much as he, every man his equal, and the greater part no strict obsites of equity and justice, the enjoyment of the property he has in this state is very unsafe, very insecure. This make him willing to quit this condition, which however free, is full of fears and continual dangers; and it is not without reason that he seeks out and is willing to join in society with others who are already united, or have a mind to unite for the mutual preservation of their lives, liberties and estates, which I call by the general name - property.

The great and chief end, therefor, of men uniting into commonwealths and putting themselves under government, is the preservation of their property; to which in the state of Nature there are many other things wanting.

Firstly, there wants an established, settled, known law, received and allowed by common consent to be the standard of right and wrong, and the common measure to decide all controversies between them. For though the law of Nature be plain and intelligible to all rational creatures, yet men, being biased by their interest, as well as ignorant for want of study of it, are apt to allow of it as a law binding to them in the application of it to their particular cases.

Secondly, in the state of Nature there wants a known and indifferent judge, with authority to determine all differences according to the established law. For every one in that state being both judge and executioner of the law of Nature, men being partial to themselves, passion and revenge, is very apt to carry them too far, and with too much heat in their own cases, as well as negligence and unconcernedness, makes them too remiss in other men’s.

Thirdly, in the state of Nature there often wants power to back and support the sentence when right and to give it due execution. They who by an injustice offended will seldom fail where they are able by force to make good their injustice. Such resistance many times makes the punishment dangerous, and frequently destructive to those who attempt it.

Thus mankind, notwithstanding all the privileges of the state of Nature, being but in an ill condition while they remain in it are quickly driven into society. It is this makes them so willingly give up every on his single power of punishing to be exercised by such alone as shall be appointed to it amongst them, and by such rules as the community, or those authorized by them to that purpose, shall agree on. And in this we have the original right and rise of both legislative and executive power as well as of the governments and societies themselves.

For in the state of Nature to omit the liberty he has of innocent delights, a man has two powers. The first is to do whatsoever he thinks fit for the preservation of himself and others within the permission of the law of Nature; by which law, common to them all, he and all the rest of mankind are one community, make up one society distinct from all other creatures, and were it not for the corruption and viciousness of degenerate men, there would be no need of any other, no necessity that men should separate from this great and natural community, and associate into lesser combinations. The other power a man has in the state of Nature is the power to punish the crimes committed against that law. Both these he gives up when he joins in a particular society and incorporates into any commonwealth separate from the rest of mankind.

The first power is of doing whatsoever he thought fit for the preservation of himself and the rest of mankind, he gives up to be regulated by laws made by the society, so far forth as the preservation of himself and the rest of that society shall require; which laws of the society in many things confine the liberty he had by the law of nature.

Secondly, the power of punishing he wholly gives up, and engages his natural force, which he might before employ in the execution of the law of Nature, by his own single authority, as he thought fit. To assist the executive power of the society as the law therein shall require. For being now in a new state, wherein he is to enjoy many conveniences from the labour, assistance, and society of others in the same community, as well as protection from its whole strength, he is to part also with as much of his natural liberty, providing for himself, as the good, prosperity, and safety of the society shall require, which is not only necessary but just, since the other members of the society do the like.

But though men when they enter into society give up the equality, liberty, and executive power they had in the state of Nature into the hands of the society, to be so far disposed of by the legislative as the good of the society shall require, yet it being only with an intention in every on the better to preserve himself his liberty and property (for a rational creature cannot be supposed to change his condition with an intention to be worse), the power of the society of legislative constituted by them can never be supposed to extend farther than the common good, but is obliged to secure every one's property by providing against those three defects above mentioned that made the state of Nature so unsafe and uneasy. And so, whoever has the legislative or supreme power of any commonwealth, is bound to govern by established standing laws, promulgated and known to the people, and not by extemporary decrees, by indifferent and upright judges, who are to decide controversies by those laws; and to employ the force of the community at home only in the execution of such laws, or abroad to prevent or redress foreign injuries and secure the community from inroads and invasion. And all this to be directed to no other end but the peace, safety, and public good of the people.

DU CONTRACT SOCIAL **by Jean Jacques Rousseau**

Jean Jacques Rousseau (1712-1778)

Rousseau's philosophy of government builds on Locke's. Indeed, his major political work is called The Social Contract (in French: Du Contract Social). However, unlike Locke, he did not believe that the majority would always act for the common good. Instead, he felt that government's role was to ensure that the common good, or general welfare, was protected. To achieve this, the people gave up some of their rights to the government.

Du Contract Social

Man is born free; yet he is everywhere in chains. One man holds himself the sovereign master of other men - but he is a slave in greater part than they.

What was the mode of this change?

Is it legitimate?

I cannot answer the first question but I can answer the second.

Should we seek an answer in force and the most obvious results which spring from force, we should retort; "If a people obeys through force it does well; but immediately it is able to shake off its yoke, it does better; for in this way a people regains its liberty just as it lost that liberty. Thus the people is acting in a just way for there was no justification in the act which took their liberty from them.

And yet man's right to join other men in social order is the sacred right from which all others grow. And this right is not an extension of Nature; it rests altogether on man's own contracting power.

Suppose that men (in the state of Nature) have arrived at such a point where the obstacles which endanger their existence overcome by their strength those forces which each individual can employ to maintain himself in that state. Then the human race perishes if it does not change its mode of life. As men cannot themselves create new forces, but only unify and direct those which exist, they have no other means of preserving themselves than to form together a force which can overcome resistance...To find a form of association which defends and protects with all its combined forces the person, and goods of each member, and by means of which each person, uniting with all, yet remains as free as before, - such is the problem of which the Social Contract gives the solution...

Each one is giving himself to all, gives himself to none. For whereas there is no associate to whom one does not concede the same rights which he concedes himself, one gains the equivalent of what one loses, and more force to retain what one possesses. If one discards from the Social Contract all that is not essential, one will find it reduced to the following terms: each one of us in common puts his person and his powers under supreme direction of the general will...At once, instead of the individual personality of each person, this act of association produces a collective and moral body, composed of as many members as have a voice in the assemble...I say that sovereignty, being nothing else than the exercise of the general will, can never be alienated, and that the sovereign who is only a collective being can not be represented but by himself. Powers can be delegated, but not sovereignty.

THE SOCIAL CONTRACT DEFINEDSocial Contract

Men within a given area joined together, and each agreed to give up to the State as much power as was needed to promote the safety and well-being of all. In the contract (a constitution of sorts), the members of the state created a government to exercise the powers they had voluntarily granted to the State.

THE FRAMERS OF THE U.S. CONSTITUTION

Directions: This activity was created to give you a better understanding about who the Framers of the Constitution were. By understanding the backgrounds and points of view of the Framers of the Constitution one can better understand how and why the Constitution was constructed. Your teacher will assign you a framer of the Constitution. Using encyclopedias, books, computer databases, or the Internet for research, answer the following questions:

1. What gender was your framer?
2. From what state was your framer?
3. What was your framer's socioeconomic class (e.g., wealthy, middle class, poor)?
4. What was your framer's religious affiliation?
5. Did your framer own land?
6. What ethnicity or race was your framer?
7. What kind of job(s) did your framer have? Did your framer have any special titles?
8. Did your framer own slaves?
9. What role did your framer play in the American Revolution?
10. Was your framer in favor of Bill of Rights?

