

AP US GOVERNMENT AND POLITICS FALL 2019

Course Activities Packet

Unit 1, Parts 1 and 2:

The Constitution and Federalism

AP Government Study Guide for Unit 1-1 Test – The Constitution on _____ (+/- a day)
--

When creating the test, we will write the questions with these exact resources in hand. **Anything** in them is fair game. Nevertheless, we have added some study questions in case that might also be helpful for you.

1. Guided Reading – Writing the Declaration of Independence

What is the Declaration and who wrote it? What are the key tenets (positions) of John Locke's Social Contract Theory as explained in his book, The 2nd Treatise on Government? What is the relationship between the Declaration and the Bill of Rights?

2 and 3. Declaration of Independence Cut and paste & Guided Reading - Analyzing the Declaration of Independence

Practice reading the original language of the Declaration and seeing its modern meaning in your cut and paste and the guided reading assignment. You may have to decipher some of the original text on the test. Also, specifically from the guided reading, according to section 1 of the Declaration, why was the Declaration written? What are the key philosophical beliefs stated in section 2? What kinds of rights did Jefferson claim King George III was violating (that is "kinds" of rights, not the specific numerical examples)?

4. Guided Reading - Creating the Constitution

What are the three systems of government (fully understand each)? What were the weaknesses of the Articles of Confederation? What were the goals and achievements of the Constitutional Convention? What did James Madison's research of political history reveal? What was Shay's rebellion and what effect did it have on the delegates to the Constitutional Convention? Understand the various compromises made at the convention: How was representation determined in the Virginia Plan, New Jersey Plan, and Connecticut / Great Compromise? Why didn't the delegates to the Constitutional Convention ban slavery? What compromises were made in the constitution regarding slavery?

5. Forms of Government Powerpoint

According to Aristotle, what types of government exist and what is dangerous about each? What other problems did the founders see with democracy? What was the founder's solution? What are the two types of democracy? What are the advantages of a republic?

6. Handout - Republicanism Back Then. Republicanism Now.

How directly did the people originally elect the different parts of the US government? How directly do the people now elect the different parts of the US government (for example, since the 17th amendment)?

7. Guided Reading – Federalist #10, 51, and The Fight for Ratification (TB page 30)

Who were the federalists and anti-federalists? What was the procedure for ratifying the Constitution, how was it democratic, and how was it technically illegal? What were the views and concerns of the anti-federalists? What were the Federalist Papers? What problem did Madison address in Federalist Papers #10? Why did Madison think that a free people will always form factions? How did Madison argue that a **large republic** would minimize the harmful effects of faction? What was Madison describing in Federalist #51 and why was it necessary?

8. Balancing Liberty and Order - Montesquieu's Separation of Powers

What is the paradox of government power as explained in Montesquieu's The Spirit of the Laws? What was Montesquieu's solution to this problem, and how does it work to balance the government's power to keep order and individual liberty? What vocabulary has evolved to describe the 3 branches of government?

9. Separation of Powers & Checks and Balances Poster- (Lots of questions from this!!!!!!)

What powers does each branch of the US Government have, and what "checks" does each have over the other?

Name _____ Hour _____

Guided Reading - Writing the Declaration of Independence (SR (Supplemental Readings Packet) page 1-2)

Directions: FULLY ANSWER the following questions. Although you do not need to write full independent sentences, you do need fully complete answers for credit and to make this a usable resource to prepare you for your upcoming test.

1. As you may recall, the English colonies created the Second Continental Congress to decide what should be done about the deteriorating relationship between the colonies and the King of England, George III. On June 7, 1776, Richard Henry Lee of Virginia said in the Congress, "these United Colonies are, and of right ought to be, free and independent States, and that all connection between them and the State of Great Britain is, and ought to be, dissolved." Who served on the committee to draft the Declaration of Independence (Don't forget the southerner)?

2. What is **the Declaration of Independence** (The definition in the margin is fine)?

3. List the events with their dates that happened in July 1776

4. Name the kind of men and the one particular man that influenced Jefferson (and the other founders too)

5. Where did Jefferson get much of the wording for the Declaration?

Continue →

Social Contract Theory

6. Locke's political theory (and the political theory of a few other political philosophers) is called **Social Contract Theory**. According to this theory, what are legitimate governments based on?

7. According to Locke's theory, in the wild before there were any governments (in the '**the state of nature**' as Locke called it) no one is naturally born to be a master or ruler over others, and no one is naturally born to be a slave or subject of another. Everyone by nature is entitled to rule themselves and no one is entitled to rule anyone else. Each has political power over him or herself only. However, we the people can agree to create a government and give it our permission to govern us if we so choose. And that is what we do, because even though no one is naturally entitled to rob, kill, or enslave another person in the state of nature, without a government to police and punish this behavior, this is exactly what some people do. So, since the state of nature is an unruly and dangerous place where the things that we hold dear are in jeopardy, like our lives, our liberty, and our possessions; the people agree to leave it. They agree to create a government rather than remain in the 'state of nature.' This agreement among free people to create a government is called **the social contract**. According to the theory, this is the only way legitimate governments are formed. The term **sovereignty** means *the authority or power to rule*. This doctrine that all legitimate political power flows from the people, from the consent of the governed, is called **popular sovereignty**. It means that the people have the power to rule. No question here, but this is all **important** for the test.

8. Why do people agree to set up a government (Always be complete)?

9. Since, in the social contract, the people agree to obey the government so long as it protects their rights, what are people entitled to do if the government does not protect their rights (if it 'violates the contract')?

10. We will discuss the opening or "preamble" to the Declaration later. For now, after the preamble, what does the Declaration do (Note - "enumerates" means "lists")?

11. All of these wrongs pertain to...?

12. What eventually becomes of many of these rights that are listed in the Declaration?

Name _____ Hour _____

Guided Reading - Analyzing the Declaration of Independence (Your Declaration cut and paste)

Directions: Use your copy of the Declaration of Independence to FULLY ANSWER the following questions. Although you do not need to write full independent sentences, you do need fully complete answers for credit and to make this a usable resource to prepare you for your upcoming test.

Section 1:

1. According to this paragraph, why did the founders publish the Declaration of Independence (Note: The answer is not simply to inform King George III that we were separating from England)?

Section 2:

2. What does it mean to say that men are created with "unalienable rights?"

3. Why do men create governments?

4. Where does government legitimately get its power from?

5. According to the Declaration, what can people do when government endangers rather than secures their rights (Note: Locke called the answer, "**The right of revolution.**")?

Sections 3 & 4:

6a. What is Jefferson saying about when people should or should not overthrow the government?

6b.) What is Jefferson saying about when people historically do or do not overthrow the government?

Sections 5 - 31:

7. Jefferson refers to the rights to life, liberty, and pursuit of happiness (which included a right to acquire private property). The term, "liberty" is very broad. Sections 5 - 31 list many rights or liberties that the founders believed King George III had violated. Some of these rights are listed in the table below. Read the selected numbered sections and indicate which right is being referred to by writing its number in the appropriate column. **Note: You do NOT have to do every single section. Just do the ones below.** Some can be listed in more than one column.

A. Section numbers to be listed in the appropriate column below:

7, 9, 12, 13, 14, 15, 16, 18, 21, 22, 23, 26, 27, 28

B. Partial list of rights violated by King George III				
Right to a fair trial (by a jury of our peers)	Right to the Pursuit of Happiness (which largely meant a right to privacy and private property which included all of your private possessions, not just land)	Right to Life	Right to Political Representation (in the colonial legislatures)	Civilian Control of the Military

Section 32:

8. How has the King reacted when the colonists peacefully objected to these wrongs?

Section 33:

9. How have the British people responded to the colonist's pleas for support?

Section 34:

10. What does the document clearly "publish and declare..." about the political status of the colonists?

11. By signing the Declaration, the founders pledged their "Lives..., Fortunes, and [their] sacred honor." Why is it especially true that by signing this document, the founders were "pledging their lives?" What do you think King George III would have done to these men if they were captured?

Name _____ Hour _____

Guided Reading – Creating the Constitution (TB – Page 53)

1. In the blank space to the right, fully recreate figure 3.1 in its entirety leaving nothing out, including all words.

Note: Our first form of government after winning our independence from England was not the Constitution but the **Articles of Confederation**. As its name indicates, it was a confederal system like the one you just drew with a weak (in this case ineffective) central government. Skip to the next page of this assignment and match each weakness of the Articles of Confederation with its result. Then, return here.

10. Go to page 22, first fill paragraph, "Many of the leaders..." What did Revolutionary War leaders like George Washington and Alexander Hamilton believe was necessary?

11. Regarding the Constitutional Convention, what was:
a. The advertised and congressionally authorize purpose of the meeting:

b. The actual product of the meeting:

12. Read the entire section titled, "The Lessons of Experience." Then, explain what Madison meant when he said, history consists only of beacon lights "which give warning of the course to be shunned without pointing out that which ought to be pursued."

13. What problems did Madison find with:

a. confederacies:

b. stronger forms of government:

14. Go ahead to page 23, Shay's Rebellion. What was **Shay's rebellion**?

Figure 3.1 - Page 53

Weakness of the Articles of Confederation	
Weaknesses	Results
<p>_____ 2. Each state was allowed to print its own money. Congress could not regulate the value of this money</p> <p>_____ 3. There was not federal court system provided for</p> <p>_____ 4. Congress could ask, but not force, states to send troops for national use</p> <p>_____ 5. Nine out of 13 states had to agree to an important bill before it could become law</p> <p>_____ 6. All thirteen states had to agree to any amendment to the Articles</p> <p>_____ 7. Congress did not have the power to tax people directly</p> <p>_____ 8. Congress could not regulate interstate or foreign commerce</p> <p>_____ 9. No executive branch was provided for to carry out the laws of Congress (Back to page 1 of the assignment.)</p>	<p>A. Amendments to the Articles never passed</p> <p>B. Congress had a difficult time passing legislation</p> <p>C. Economic quarrels between the states occurred. Foreign trade was restricted.</p> <p>D. Congress Could not settle disputes between states unless both sides submitted the dispute to Congress</p> <p>E. Congress had to ask states for money. They often refused, making it hard for the government to pay its debts.</p> <p>F. Money from one state was not always accepted in another. Money was becoming worthless</p> <p>G. Congress was not able to carry out the laws with any effectiveness.</p> <p>H. States often refused this request. Congress did not have the means to make England and Spain live up to the terms of the Treaty of Paris ending the war.</p>

15. Complete these sentences about Massachusetts's response to Shay's rebellion:

a. The governor of Massachusetts asked the Continental Congress to send troops to suppress the rebellion, but (without the power to effectively collect taxes) it could not...

b. Then he turned to his own state militia, but ...

16. The governor finally succeeded in dispersing the rebels by using private funds to hire a...

17. What effect did Shay's rebellion have on the delegates to the Constitutional Convention (aka the Philadelphia Convention)?

18. Go ahead to page 25, The Challenge. When Governor Edmund Randolph of Virginia put presented his Virginia Plan, the whole purpose of the meeting immediately shifted towards designing a new national government and away from what?

19. The text gives a lot of details about the Virginia and New Jersey Plans, but, essentially, both favored a stronger national government consisting of 3 branches: A legislative, executive, and judicial branch. Which plan included a provision to allow for *Proportional Representation* in the legislative branch (that is, states with larger populations would get more members of Congress than states with smaller populations)?

20. Which plan called for representation in the legislative branch to be based on state equality (that is, each state, large and small, would get the same number of members of Congress)?

21. Describe the Great Compromise (aka, the Connecticut Compromise). The explanation at the bottom left of page 26 in good.

22. Go to page 27, the bottom paragraph on the left. What two methods of selecting the president were proposed?

23. In the end, who or what would choose the president (Note, we will study it in detail later)?

24. Go to page 36 - The Constitution and Slavery. Skim through the first 5 paragraphs. Then, read more carefully starting on page 37. What would have happened to the Constitution if the delegates to the Constitutional Convention tried to end slavery? Refer to the southern states in your answer.

25. So rather than end slavery, northern and southern states had to compromise on it. Under the new Constitution, the greater a states' population, the more it would have to pay in taxes. Also, the greater a states' population, the more members it would get in the House of Representatives (under the Great Compromise). So Southern states wanted slaves to count as part of their population when determining how many members of the House of Representatives they would get but not to count as part of their population when determining how much they would have to pay in taxes. In the end, slaves were counted as a fraction of a person for both purposes. What fraction?

26. Although the textbook does not use this term, you must know that the compromise described in the last question is known as the **Three-Fifths Compromise**. (No question here. Just know it for the test).

27. Describe the **1808 Compromise**?

28. Finally, describe the **Fugitive Slave Clause**:

Name _____ Hour _____

Forms of Government Power Point

I. What is Government?

A. There are several Definitions

B. Simple one –

II. What kinds of governments exist?

A. For Aristotle, Governments are different depending on ... _____.

B. Rule by...		C. Dangerous?	
a.	B1 One person	a.	C1
b.			
a.	B2 A small group	a.	C2
b.			
The difference between them may be more semantic than actual			
a.	B3 By the (usually poor) majority	a.	C3
		b. Examples	
		1.)	
		2.)	

III. Other Problems with Democracy According to the Founders

A. It can be dangerous to _____ rights

B. It is _____ for large communities
(how can 300 million people work as a group to make laws?)

C. Most people (the majority) ...

1. Don't have the _____ to make...

2. _____, too easily become a dangerous mob when riled up
by fiery speakers (called _____)

D. But...Although the majority of people are not good rulers themselves, they can be good at _____

IV. The Founders Solution

A. A new form of government which mixes the other forms of government together

1. Rule by 1. Who in America is kind of like a monarch?

a.

2. Rule by a small group. What in America is kind of like an Aristocracy?

a.

3. Rule by the majority. How is America a democracy?

a.

B. Two Types of Democracy

1.

- The people vote directly for their laws.

2.

- The people vote for other people who will make their laws for them.

3. America is _____. We believe in _____.

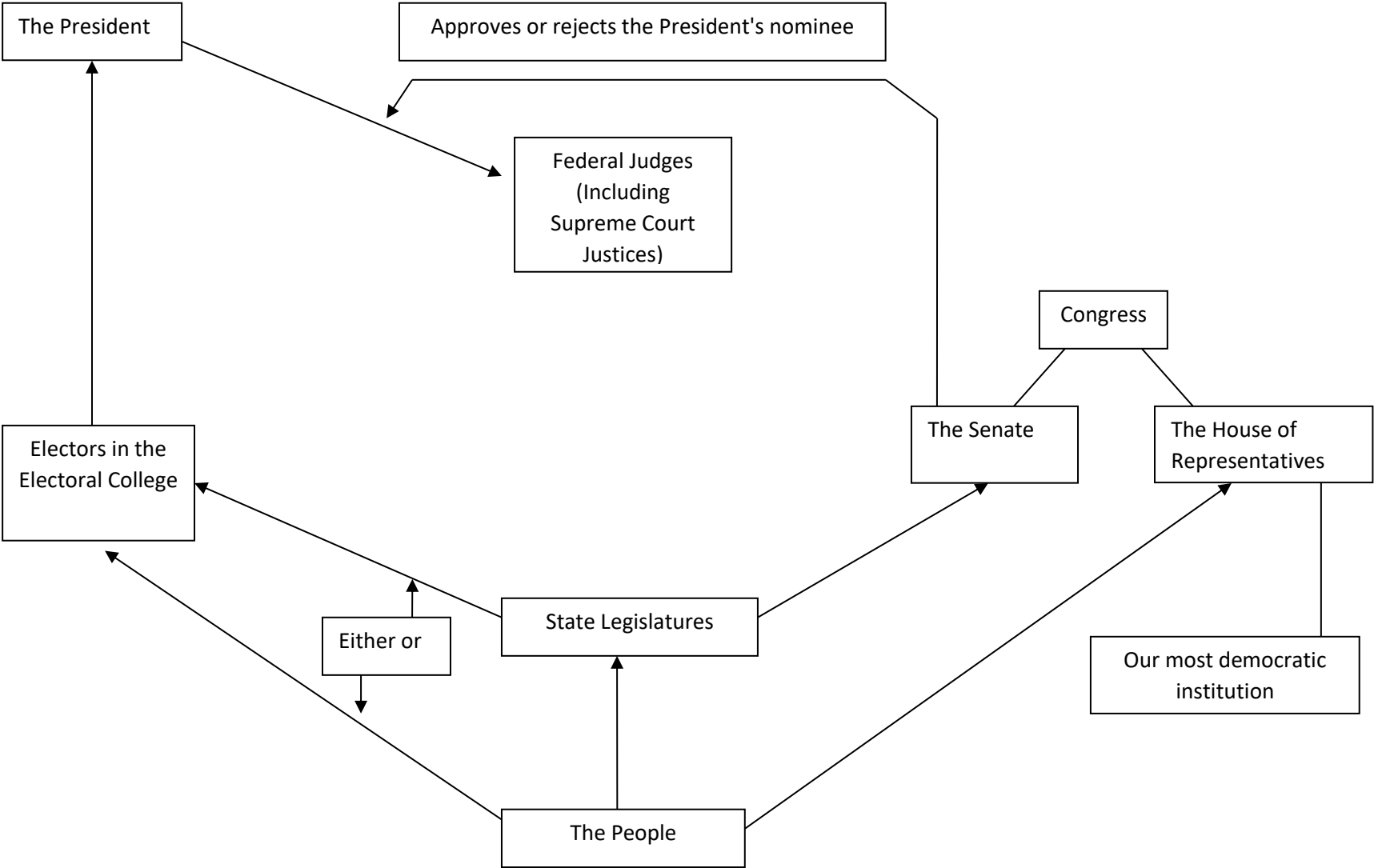
V. Advantages of a Republic

- A. It is more _____ for a large nation.
- B. _____ leaders can be selected who will make wise decisions rather than rash, emotional ones.
- C. Since they are elected by the people, they will, hopefully, serve the people rather than _____ them.
- D. These leaders can protect _____ from _____.

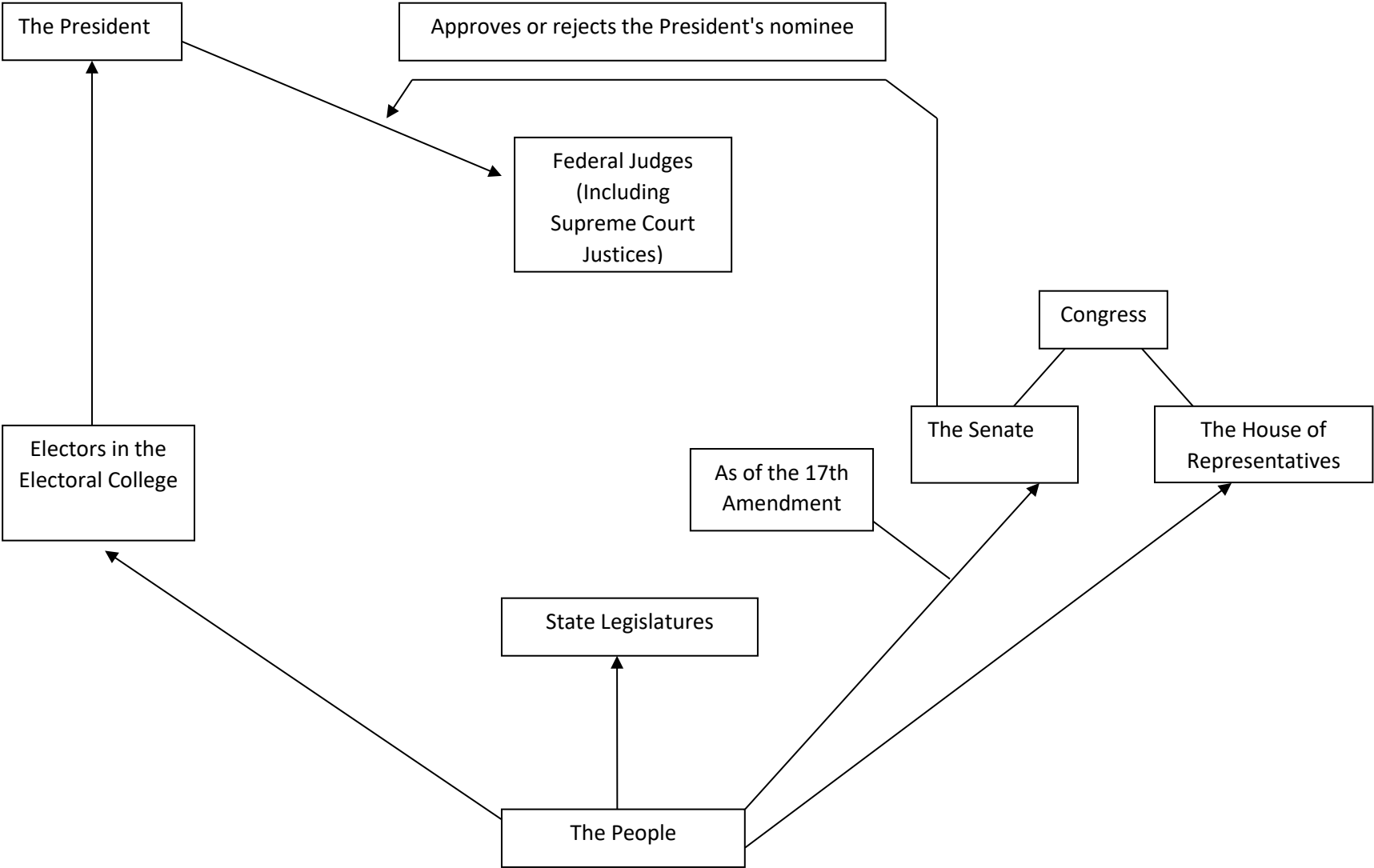
VI. Dangers that remain

- A. Once elected, can't this government still abuse everyone else just like a tyranny or an oligarchy?
 - 1. Example –
- B. Even though the majority cannot violate minority rights directly anymore, can't they just elect people who will do it for them?
 - 1. Example –
- C. Can a government be minimizes these problems too?

Republicanism Back then



Republicanism Now



Name _____ Hour _____

Guided Reading – Federalist #10, 51, and The Fight for Ratification (TB page 30)

1. Start on page 30 – The Constitution and Liberty. Who were **the federalists**?

2. Who were the **antifederalist**?

3. Explain the process for **ratifying** (accepting) the Constitution.

4. How was this process democratic?

5. How was this process technically illegal?

6. According to the antifederalists, liberty can only be protected in what kind of republic?

7. Believing that the Constitution's new national government would annihilate the powers of the states, what were three specific fears that these antifederalist had?
 - A.

 - B.

 - C.

8. According to the antifederalists, most government powers should be kept where?

9. If a new stronger national government had to be created, antifederalists insisted that what be added?

Federalist #10

10. Go to page 32. Who wrote the Federalist papers and why?

11. Describe the historical significance of the federalist papers.

12. What are the most famous of the federalist papers, and who wrote them?

13. In Federalist 10, Madison is concerned about the danger of faction. How does he define a faction?

14. What term might we use today rather than faction?

15. So a faction is a group of people in a society who pursue a goal that is contrary to the common good. Some extreme examples might be Neo-Nazis or the Ku Klux Klan. With that in mind, read the following excerpts from the Federalist #10 and answer the questions that follow:

(15) There are two methods of curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.

There are again two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

15a. What are the two methods for solving the problem of factions?

a.

b.

15b. What are the two ways to accomplish method a, removing the causes of faction?

a.

b.

(16) It could never be more truly said than of the first remedy, that it was worse than the disease. Liberty is to faction what air is to fire, an aliment without which it instantly expires. But it could not be less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency

16. Based on the text, why does Madison reject this first method of removing the causes of faction?

(17) The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed.

From [people's] different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

17. Here, Madison says that the second method is 'impracticable.' Why? What are the two reasons that people will form different opinions and interests and therefore tend to form factions?

a.

b.

18. Therefore, according to Madison, instead of trying to prevent factions from forming, we should try to control the harmful effects of factions. Madison argues that **large republics**, like the one that would exist under the new Constitution, minimize the harmful effects of faction. The first argument is about a **republic** is helpful. The second argument is about how being **large** is helpful.

*(18) The effect of [a **republic**] is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations.*

18. Paraphrase Madison's argument. How does a **republic** minimize the effects of faction?

(19) *Extend the sphere* [make it a **large** republic], and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other.

- James Madison, the *Federalist Paper* number 10

19. What are two ways that a **large** republic minimizes the effects of faction (use your own words)?

a.

b.

Federalist #51

Read this excerpt from Federalist #51 and answer the questions that follows.

It is equally evident, that the members of each department [branch] should 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.

- James Madison, the *Federalist Paper* number 51

20. What aspect of our Constitution is Madison describing here?

21. Why is this (the answer from your last question) necessary?

25. In the end, after it was promised that a bill of rights would be added, the states, with their ratification conventions, approved of the new Constitution and it replaced the Articles of Confederation. (There is no question here. Just be sure you know this final sentence too for the test.)

Balancing Government Power and Individual Rights - Montesquieu's Separation of Powers

No one influenced the framers of the US Constitution more than the 18th century French philosopher Charles de Secondat, more commonly known by his title, The Baron de Montesquieu. In fact, the writers of The Federalist Papers refer to Montesquieu's book, The Spirit of the Laws, more than any other philosophic work. Like most philosophers from the Enlightenment era, Montesquieu believed that the goal of government ought to be to protect the individual rights of the citizens. This is government's purpose. However, in studying the governments of the past, Montesquieu discovered that even though governments are supposed to protect our liberties, governments often turn out to be the greatest threats to our liberties. It is the government that is supposed to protect our property that so often confiscates it at its leisure. It is the government that is supposed to protect our freedom that so often imprisons us without a fair trial. And it the government that is supposed to protect our lives that so often executes us without cause. Montesquieu believed that all of these abuses stem from what seems to be an insolvable problem. In order to protect our individual rights, those who run the government need to have power to keep order, like the power to enforce the law. The problem is that when people are given power, they usually abuse it. Government power eventually becomes a danger to rather than a protector of individual rights. As Montesquieu writes, "Political liberty is found only in moderate governments... It is present only when power is not abused, but it has eternally been observed that any man who has power is led to abuse it." So we seem to be left with an irresolvable paradox. In order to protect our liberties, we need to give our government power to keep order, but if we give our government power to keep order, it will use that power to violate our liberties. In Chapter 11 of The Spirit of the Laws, Montesquieu sets out to try to resolve this paradox.

Montesquieu reasoned that one very effective way to give a government the power that it needs and also prevent it from becoming abusive with that power is to divide the government up into separate parts. Each part of the government can then be given only a portion of the total power that the government needs. The different parts or "branches" of the government would then keep the other branches from becoming abusive. In The Spirit of the Laws, Montesquieu describes the three powers of government. "In each state there are three sorts of powers...that of making the laws, that of executing [or putting into effect] public resolutions [or laws], and that of judging the crimes...of individuals." The power of making laws is called legislative power. The power to put these laws into effect and enforcing them is called executive power. And the power to determine whether or not someone who has been arrested has actually broken the law is called judicial power. This includes the power to interpret exactly what the law means, what it does and does not allow. If someone possesses all three of these powers, abuse is almost certain because no one else has any power to limit him. "When legislative power is united with executive power in a single person or in a single body [of people]...there is no liberty. Nor is there liberty if the power of judging is not separate from legislative power and executive power. All would be lost if the same man or the same body of principal men...exercised these three powers."

However, according to Montesquieu, if these three powers are kept separate and held by three separate branches of the government, each branch will have the ability and the motive to keep the other branches from becoming abusive. So long as each branch is distinct from the others, it would have no interest in doing the others' bidding. In fact, each branch would have every reason to interfere with the other branches if they were becoming dangerous and abusive. Consider how we ourselves would behave. If I possess the legislative power and the executive power, I could make a law that is very abusive, but since I also enforce the law and punish those who break it, I can just be sure not to punish myself when I break it. So with both the legislative and executive powers, I can make abusive laws and make sure that everyone has to obey them except me. However, if I have the legislative power only, I will be very hesitant to make an abusive law because I know that someone else is going to enforce it, even enforce it on me. And as long as we are separate and distinct branches, the executive would have no motive to assist me in this or any other tyrannical plans. In fact, if the person with the executive power assists me in becoming more powerful and abusive, eventually, there will be no way to stop me from one day abusing him? Therefore, to protect himself from possible abuse, the executive branch will have every reason to try to restrain the abuse of the legislative branch and keep it from becoming too powerful. If the executive branch were to become abusive and starts arresting people unjustly, the person with the power of judging, the judicial branch, will likely set them free in court. Judges in the judicial branch have no reason to serve the executive branch's interest and assist him in becoming abusive. After all, an abusive executive branch might one day abuse them. So it is wise for the judicial branch to try to undermine a dangerous executive and keep it restrained. And the judicial branch cannot be abusive to anyone until they end up in court. To get there, they must first be accused of breaking a law created by the legislative branch and then be arrested by the executive branch. So both of these branches can greatly limit the

ability of the judicial branch to become abusive because they decide who the judicial branch can and cannot pass judgment over. And, as before, it is in their own self-interest to keep the judicial branch in line.

By dividing up the power of government this way, Montesquieu believed that each branch would likely limit the other. The government as a whole would still have the power it needs, but it would be arranged in a way that would likely protect individual rights rather than endanger them. Each branch of the government would be as concerned about abuse from the other branches as ordinary citizens would be. Therefore, each branch would constantly watch the others for possible abuse and would use its own power to keep the other branches in line. The government as a whole could not act unless all three parts were in agreement, and they would not agree upon an action unless it was fair to all and served the abusive interest of no one. With such an arrangement, Montesquieu believed that the danger of an abusive government could be greatly reduced and that the paradox of government power could be resolved. This doctrine of Montesquieu's came to be known as the doctrine of *separation of powers*. The framers incorporated this doctrine of his, along with another principle, the doctrine of *checks and balances*, into the US Constitution. They created a government with three separate branches, each possessing one of the three powers of government that Montesquieu described. By including other safeguards for our liberty like federalism and limited government into our Constitution, the framers strove to create a system of government that would balance order with individual liberty.

Vocabulary of The Three Branches of Government

<p>The Legislative Branch: The branch of government which makes laws. It almost always consists of a group of people.</p> <p>The Legislature: Another name for the legislative branch</p> <p>To Legislate: To make laws</p> <p>Legislating: Making laws</p> <p>Legislation (or statutes or ordinances): Laws</p> <p>Congress: Our legislative branch (or you could say, our national legislature).</p> <p>Parliament: England's legislative branch (and the name of many nation's legislative branches)</p> <p>The Knesset: Israel's legislative branch</p> <p>The Federal Assembly: Russia's legislative branch.</p> <p>The State Legislature: The legislative branch of a state government (like the Congress of Michigan which makes state laws)</p>	<p>The Executive Branch: The branch of government which puts the laws into effect and enforces them. It almost always is headed by a single person.</p> <p>To Execute: To put into effect or to do</p> <p>Executing: Putting into effect or doing</p> <p>Execution: The putting into effect of something</p> <p>The President: The head of our executive branch</p> <p>The Prime Minister: The head of the executive branch of England (and many other nation's executive branches)</p> <p>The Governor: The head of the executive branch of a state government</p> <p>The Mayor: The head of the executive branch of a local government</p>	<p>The Judicial Branch: The branch of government which interprets the laws and decides guilt or innocence. It is a nations system of courts.</p> <p>Judiciary: Another name for the judicial branch.</p> <p>The Supreme Court: The highest court in our judicial branch</p> <p>Conseil d'État: The highest court in France's judicial branch</p> <p>The State Supreme Court: The highest court of a particular state like the Michigan Supreme Court.</p>
---	--	--

Name _____ Hour _____

Balancing Government Power and Individual Rights - Montesquieu's Separation of Powers

1. Who is the philosopher who created the doctrine of Separation of Powers?
2. What was the name of this philosopher's book?
3. Which government branch makes the laws?
4. Which government branch puts the laws into effect?
5. Which government branch interprets the laws?
6. Which government branch executes the laws?
7. Which branch of government decides guilt or innocence?
8. Which government branch enforces the laws?

Directions: Put an "M" on the line next to statements that Montesquieu would agree with. Put an "X" on the line next to statements that Montesquieu would not agree with.

9. _____ When people get power, they become abusive

10. _____ The goal of government should be to protect our individual rights

11. _____ Throughout history, most governments have been very gentle to their citizens.

12. _____ The surest way to protect individual rights to is give the government as much power as possible so that it can do the job.

13. _____ Each branch of government will use its power to limit the other branches so that the other branches don't become abusive to it.

14. _____ Each branch of government will use its power to limit the other branches because it's a nice thing to do.

15. _____ In order for my plan to work, it is very important that the three branches remain separate and distinct so that they remain interested in limiting each other.

16. Besides separation of powers, list a few other constitutional principles that the founders included to protect our individual rights (toward the end of the reading):

More on the back →

Directions: Replace the incorrect italicized word with the correct word from the "Vocabulary of The Three Branches of Government."

17. Congress is the name of our *Judicial Branch*
 18. Our Legislative Branch is headed by *the President*
 19. The Supreme Court is the highest court in *the executive branch*
 20. The fighter pilot had a hard time *legislating* the maneuver
 21. Since the public demanded it, Congress created new *execution* to regulate sanitation in meatpacking plants.
 22. Since President Jefferson believed that a law called the Alien and Sedition Act violated our freedom of speech, he refused to *legislate* it.
 23. "You're in the legislature! *Execute!*"
 24. My uncle is a federal judge, a member of the national *legislature* (use the one word answer)
 25. The *President* did a great job executing a local curfew.
 26. The *Mayor* did a great job executing the state minimum wage.
 27. We've got a President. They've got a *Knesset*. They're basically the same.
 28. We've got the Supreme Court. They've got the *Federal Assembly*. They're basically the same.
 29. We've got a Congress. They've got a *Prime Minister*. They're basically the same (a few answers are possible for this one)
-
30. Constitutional principles like separation of powers, checks and balances, federalism, and limited government are all attempts to balance what two things?

Name _____ Hour _____

Unit 1A: Who's checking who?

Directions: Read each scenario below and circle which branch is checking which. Then, use that information to cut and paste the checks and balances appropriately on your checks and balances poster.

1. After President Woodrow Wilson negotiated the Treaty of Versailles which ended World War I, Congress refused to ratify the treaty because it did not want the U.S. to become a member of the League of Nations

Executive Checking Legislative

Executive Checking Judicial

Legislative Checking Executive

Legislative Checking Judicial

Judicial Checking Executive

Judicial Checking Legislative

2. Believing that Congress' Alien and Sedition Acts were an unconstitutional violation of the right of free speech, President Jefferson refused to enforce them.

Executive Checking Legislative

Executive Checking Judicial

Legislative Checking Executive

Legislative Checking Judicial

Judicial Checking Executive

Judicial Checking Legislative

3. Frustrated that the Supreme Court was striking down some new laws that he thought were important, President Franklin Delano Roosevelt threatened to **ask Congress** to increase the number of judges to the bench that he would then fill with judges who would approve of his policies. (Careful with this one. Who would actually be increasing the number of judges?)

Executive Checking Legislative

Executive Checking Judicial

Legislative Checking Executive

Legislative Checking Judicial

Judicial Checking Executive

Judicial Checking Legislative

4. Furious with President Johnson for being too lenient with the South after the Civil War, Congress impeached him for violating the Tenure of Office Act. (They ended up being one vote short of actually removing him, but still...)

Executive Checking Legislative

Executive Checking Judicial

Legislative Checking Executive

Legislative Checking Judicial

Judicial Checking Executive

Judicial Checking Legislative

5. Except of course for George Washington, President Franklin Delano Roosevelt nominated more Justices to the Supreme Court than any other president, eight total. And that's the only way to get to become a Supreme Court Justice.

Executive Checking Legislative

Executive Checking Judicial

Legislative Checking Executive

Legislative Checking Judicial

Judicial Checking Executive

Judicial Checking Legislative

6. When the North Vietnamese invaded the South after the United States left the country, President Ford asked for funds to assist our former allies, but Congress refused to provide any more funding for military activity of any kind in Vietnam.

Executive Checking Legislative

Executive Checking Judicial

Legislative Checking Executive

Legislative Checking Judicial

Judicial Checking Executive

Judicial Checking Legislative

7. For seizing US commercial vessels in the Mediterranean, President James Madison asked Congress for a declaration of war against Algiers. Congress refused, but did authorize Madison to use the navy to protect US vessels in the area.

Executive Checking Legislative

Executive Checking Judicial

Legislative Checking Executive

Legislative Checking Judicial

Judicial Checking Executive

Judicial Checking Legislative

8. After the Supreme Court ruled in favor of the Cherokee Indians in a land dispute in Georgia, President Andrew Jackson apparently said something like, "John Marshall [the Chief Justice of the Supreme Court] has made his decision.

Now let him enforce it [meaning that he had no intention of enforcing the Court's decision, and the Court had no power of its own to enforce it]."

Executive Checking Legislative	Executive Checking Judicial	Legislative Checking Executive
Legislative Checking Judicial	Judicial Checking Executive	Judicial Checking Legislative

9. In the case of Hamdi v Rumsfeld, the US Supreme Court ruled that the military, under President George W. Bush, acted unconstitutionally by refusing to allow US citizens who were being detained as "illegal enemy combatants" the right to legally challenge their imprisonment.

Executive Checking Legislative	Executive Checking Judicial	Legislative Checking Executive
Legislative Checking Judicial	Judicial Checking Executive	Judicial Checking Legislative

10. Exercising its authority under the US Constitution, Congress passed the Judiciary Act of 1789 which created 13 district courts and 3 circuit courts (So which branch is effecting which branch)?

Executive Checking Legislative	Executive Checking Judicial	Legislative Checking Executive
Legislative Checking Judicial	Judicial Checking Executive	Judicial Checking Legislative

11. In the case of Dred Scott v Sanford, the US Supreme Court ruled that slaves and children of slaves could never be US Citizens. After the Civil War, Congress was able to nullify this decision by passing the 14th amendment to the constitution which stated that all persons born within the United States are US citizens.

Executive Checking Legislative	Executive Checking Judicial	Legislative Checking Executive
Legislative Checking Judicial	Judicial Checking Executive	Judicial Checking Legislative

12. President George W. Bush chose his personal attorney, Harriet Miers, to replace retiring US Supreme Court Justice Sandra Day O'Connor, but he was forced to withdraw her nomination after it became clear that the Senate would not approve of it. .

Executive Checking Legislative	Executive Checking Judicial	Legislative Checking Executive
Legislative Checking Judicial	Judicial Checking Executive	Judicial Checking Legislative

13. Believing that he was allowing his political views to affect his judicial decisions, US Supreme Court Justice Samuel Chase was Impeached by Congress in 1804 (He was acquitted in 1805, but still...).

Executive Checking Legislative	Executive Checking Judicial	Legislative Checking Executive
Legislative Checking Judicial	Judicial Checking Executive	Judicial Checking Legislative

14. Despite enacting a tremendous amount of legislation during the New Deal, President Franklin Delano Roosevelt actually vetoed (rejected) more laws proposed by Congress than any other President, 635!

Executive Checking Legislative	Executive Checking Judicial	Legislative Checking Executive
Legislative Checking Judicial	Judicial Checking Executive	Judicial Checking Legislative

15. In 1990, Congress passed the Guns Free School Zones Act, but in the case of United States v Lopez, the US Supreme Court ruled that the law was unconstitutional since the US Constitution did not give Congress the right to regulate the carrying of handguns. Therefore, the law became invalid.

Executive Checking Legislative

Executive Checking Judicial

Legislative Checking Executive

Legislative Checking Judicial

Judicial Checking Executive

Judicial Checking Legislative

16. Although many people were found guilty **in court** of violating the Alien and Sedition Acts, President Jefferson pardoned (legally forgave) all of them.

Executive Checking Legislative

Executive Checking Judicial

Legislative Checking Executive

Legislative Checking Judicial

Judicial Checking Executive

Judicial Checking Legislative

Separation of Powers & Checks and Balances Poster

Directions: Demonstrate the power relationships that exist between the different branches of our government by following the steps below.

1. Place a large sheet of paper landscape style ("Hot dog style) and write "Separation of Powers & Checks and Balances" at the top with your name and block under it (You will need a lot of room on this paper, so don't write this title very large).
2. Cut out the three boxes for the three different branches of our government (The executive box is bigger because more information will eventually be in that box). Attach them as follows:
 - a. Legislative - top left
 - b. Judicial - top right
 - c. Executive - Bottom Middle.
3. Demonstrate your understanding of the principle of separation of powers by cutting and pasting the "powers that are separate" in the correct box for each branch of government.
4. Demonstrate your understanding of the principle of checks and balances as follows:
 - a. Look at the list of "powers to check and balance."
 - b. Cut and Paste each example from the list between the branch that is checking and the branch that is being checked. Use your completed "Who's Checking Who?" activity for guidance. You must somehow show direction from the "checking" branch to the "checked" branch. You can do this by drawing a large balloon arrow going from one branch to the other and inserting each example in this arrow, you can cut each example out in the shape of an arrow, or you can show direction in any other way you wish, but you must somehow clearly show the direction from checking branch to checked branch.
5. Be sure you poster is neat and orderly and that all information that is pasted is secure. Paste well. Missing items will be marked incorrect.

The Executive Branch - The President



Powers that are Separate:

The Legislative Branch - Congress



Powers that are Separate:

The Judicial Branch - The US Supreme Court (and lower federal courts)



Powers that are Separate Powers:

Powers that are Separate

- A. To execute (enforce) all Laws
- B. To make laws
- C. To act as Commander-in-Chief of the military

Powers that are Separate Continued

- D. To interpret federal laws and the US Constitution
- E. To negotiate treaties with other nations
- F. To nominate people to various government positions

Powers to Check and Balance

<p>G. To veto (reject) proposed Laws</p> <p>H. To impeach the President</p> <p>I. To execute (or not execute) laws that have been passed</p> <p>J. To provide ("appropriate") or deny funding for the military</p> <p>K. To declare war</p> <p>L. To pardon (forgive) people found guilty in court</p> <p>M. To ratify or reject treaties</p> <p>N. To rule laws unconstitutional</p>	<p>O. To determine the overall number of judges</p> <p>P. To create or eliminate federal courts</p> <p>Q. To approve of nominations to various government positions</p> <p>R. To nominate all federal judges</p> <p>S. To execute (or not execute) the decisions of judges</p> <p>T. To rule executive actions to be unconstitutional</p> <p>U. To impeach federal judges</p> <p>V. To propose changes (amendments) to the Constitution</p>
---	---

AP Government Study Guide for Unit 1-2 Test – Federalism – Exam Date: _____ (+/- a day)
--

1. Guided Reading - The Structure of the Constitution? - Handout

What are the 3 parts of the US Constitution? What does the "preamble" do? What do articles I, II, and III establish? What do the last 4 articles as a whole deal with? What is the Full Faith and Credit Clause? What is the Supremacy Clause? What is Preemption? According to Article V, how can the Constitution be amended? What is Article VI's Supremacy Clause?

2. Federalism Powerpoint

What are the three governmental systems that we studied? What are the advantages of a Federal System or Federalism (as always, thoroughly understand them all)? What are the other consequences of federalism? What are enumerated powers and what is their constitutional source? What are reserved powers and what is their constitutional source? What is the most significant reserved power? What are concurrent powers and what constitutional stipulation exists regarding them? What are implied powers and what is their constitutional source? What other constitutional clause is most often used with the necessary and proper clause in the "implied powers" formula? What has happened with this clause over time? What are THE different enumerated powers? What are THE different reserved powers? What are THE different concurrent powers?

3. The LIMITED Powers of Congress - Article 1, Section 8

What is limited government? What is one way to limit a government? How does Article 1, Section 8 of our Constitution limit our government? What are the two clauses in Article 1, Section 8 of the Constitution that have been used more than any others to expand the power of the national government?

4. The National Government vs. The States (Guided Reading) - Wilson

Fully understand the case of McCulloch v. Maryland, one of the most significant Supreme Court cases in US history. What were the details of the case, the questions of the case, the clause of the Constitution that these questions dealt with, the resolutions (answers) to these questions, the reasoning of John Marshall, and the future significance of the case? Regarding federalism, what was determined by the outcome of the US Civil War? What was dual federalism, its goal, and its eventual fate (that is, could it be maintained or not, and why)?

5. Cooperative Federalism Powerpoint

What is cooperative federalism, dual federalism, and the "cake" analogies? What is fiscal federalism, conditions of aid, and grants-in-aid? What are the different kinds of grants-in-aid and how are they more or less appealing to states? What is revenue sharing? What are the different kinds of mandates and what are examples of each kind? What is Devolution? Devolution began by changing what policy? What was the change? Fully understand the details of the case of Lopez v. United States. What was constitutional question of the case (which, of course, requires that you know what clause of the Constitution was involved)? What was the resolution of the case? What is the 'federalism significance' of the case?

6. Brutus #1

Reread the whole assignment, the original language along with the questions and answers. Firstly, you should have a good general understanding of the author's various positions on ratification, the type of government that the Constitution would create, and his overall concerns about states' rights and individual liberty. In addition, you may be given a section of text from this assignment, a section of text from another part of Brutus #1 that is not included in this assignment, or a section of text that is from a similarly written but different document altogether. You will then be asked to answer some interpretation questions about the text just as you did for this assignment.

Name _____ Hour _____

Guided Reading 4 - The Structure of the Constitution (SR 3-6)**I. Parts of the Constitution****A. The Preamble**

1. What does the introduction or "preamble" of the Constitution do?

B. The Articles

2. **Carefully fill in the blanks:** The main body of the Constitution is the seven _____.

These seven _____ are divided up into _____,

and these _____ are divided up into _____.

C. The Amendments

3. What are Amendments?

4. This reading is outdated regarding the number of Amendments that have been made. Check the appendix of your textbook and find the copy of the Constitution there. How many Amendment have there actually been?

II - The Articles

5. What is the subject of each of the following articles?

a. Article I -

b. Article II -

c. Article III -

d. The last 4 articles overall -

e. Article IV -

f. Article V -

g. Article VI -

h. Article VII -

III - Making the Constitution Work (articles IV - VII)

6. After establishing the three branches of our government, what three subjects still needed to be dealt with?

- a.

- b.

- c.

7. We needed to include articles IV, V, VI, and VII to deal with these subjects because our government is of a certain kind. What kind of government do I mean?

8. Article IV includes **The Full Faith and Credit Clause** of the Constitution. It is described in the section "**Relations Among the States.**" The Full Faith and Credit Clause makes two requirements of states. Read this section and explain what these two requirements are.

Requirements of the Full Faith and Credit Clause

- a.

- b.

9. Article IV also dealt with how *what* would happen (you don't need details about the procedure)?

10. Who has the power to admit new states?

11. Even though each state will have an independent government in our federal system, Article IV, section 4 guarantees that each state's government must be of what kind?

12. Again, what process does Article V explain?

Continue →

13. **Recreate the graphic of the Amendment process.** You don't need to redraw the icons if you don't want.

Methods of Proposing Amendments	Methods of Ratifying Amendments
_____	_____ =

14. Looking at the graphic, circle the government entity(s) listed below that can **propose** amendments.

Congress

States

15. Circle the government entity(s) that can actually **ratify** (pass) proposed amendments (for some reason, everyone gets this one wrong).

Congress

States

16. Article VI contains **the Supremacy Clause** described in the section, "Supreme Law of the Land." This clause was needed to resolve what kind of possible conflicts?

17. According to **the Supremacy Clause**, what happens if a state passes a law contrary to either the Constitution, federal laws, or any national treaties?

18. This process is called **preemption**. For example, Michigan state law currently allows the use of marijuana for medical purposes, but according to the national controlled substances act, there is "no currently accepted medical use" for marijuana. It is an illegal drug. Because national law **preempts** state law, what is the final legal status of medical marijuana in Michigan or any other state?

19. What process was described in Article VII of the Constitution (just name it. We already have or will learn the details about it in another activity)?

Name _____ Hour _____

The LIMITED Powers of Congress - Article 1, Section 8

Directions for Part 1: First, read the top section on the concept of limited government. Answer the questions. Then, read the Directions for Part 2.

Limited Government

Although we, as Americans, cherish freedom, we realize that it is necessary to have an effective government that places some limits on those freedoms. We accept that, in society, the government must have the power to make laws and place some restrictions on what we can do, but we believe that this power should not be unlimited and that those restrictions must necessary. We do not want a government with absolute power that imposes restrictions on us that are excessive. We want **Limited Government**, a government that is restrained in what it can do and in the freedoms that it can restrict. In other words, we want a government that is limited in its ability to limit us.

One way to achieve **limited government** is with a Constitution. Our Constitution limits the national government by listing exactly what powers Congress has, the things that Congress can do. And if a power is not on the list, Congress cannot exercise it. Congress can pass laws to collect taxes because the Constitution lists "the power to lay and collect taxes" as a power of Congress. It's on the list. But Congress cannot pass a law requiring Americans to eat healthy foods and exercise because the power to do that is not listed in the Constitution. This is how a constitution limits the government, by listing exactly what the government can do and forbidding it from doing anything that is not listed.

1. Explain the concept of **Limited Government**:

2. How does a constitution limit the government?

Continue →

The LIMITED Powers of Congress - Article 1, Section 8 - PART 2

Directions for part 2: Look at the list of powers granted to Congress by Article 1, Section 8 below. Even though this list creates a limited government, let us say that several states have decided that the list is too long. They believe that the national government is too powerful and they have decided to hold Constitutional Conventions to propose amendments to the Constitution that will eliminate some of these powers. Pretend that YOU are a member of Congress, and you are **POWER HUNGRY**. If you were able to protect just two powers on this list, two powers that increase your overall power in Congress more than any other two, which two would they be? Pick what you think are the two most expansive powers of Congress and briefly justify your selections.

Article 1, Section 8 of the United States Constitution

1. 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;
2. To borrow money on the credit of the United States;
3. To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;
4. To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
5. To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
6. To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
7. To establish Post Offices and Post Roads;
8. 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;
9. To constitute Tribunals inferior to the supreme Court;
10. To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;
11. To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
12. To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
13. To provide and maintain a Navy;
14. To make Rules for the Government and Regulation of the land and naval Forces;
15. To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
16. 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;
17. 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
18. 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.

Power 1:

Justification:

Power 2:

Justification:

Name _____ Hour _____

Federalism PowerPoint

I. What is Federalism?

A. Recall the other two governmental systems that we studied:

1. _____ – Where the central government holds virtually all government powers.
2. _____ – Where the State government hold virtually all government powers

B. Federal System – A system in which both a national government and state governments...

C. Federalism –

D. Note - All smaller local governments like city and township governments are created and authorized by the _____ of the state in which they are located.

II. Advantages of a Federal System.

A. According to the founders, federalism can protect _____

1. Dividing up government power makes those who have power less dangerous.
2. Two ways that the constitution divides up or ' _____ ' government power:
 - a. _____ - Separating government powers among three different branches; i.e, dividing _____ .
 - b. _____ - Separating government powers among 1 national and 50 state governments (and many local governments too); i.e., dividing _____
 - 1.) This decentralization means that no one person or group has sufficient power to violate our liberties - hopefully!
 - 2.) If the new national government becomes abusive, citizens can still seek protection from their state government and vice versa.

B. _____ - Each level of government can make laws appropriate for their particular constituents

1. The _____ can make laws for all citizens all citizens when one common standard is appropriate.

2. _____ can make laws that suite their citizens particular circumstances.

a. Border states are different from inland states are different from coastal states are different from agricultural states are different from industrial states are different from tourist states, etc.

C. _____ - Different approaches to problems (different 'experiments') can be tried in different states.

- If they succeed, they can spread to other states or to the national government.

1. A version of Obama's health care law was first implemented at the state level in Massachusetts by, would you believe it...

D. _____ - Dividing up the government gives citizens many different parts to try to _____ to try to change public policy; i.e., multiple "access points."

1. With separation of powers, we can try to influence the executive, legislative, or judicial branches.

2. With federalism, we can try to influence the **US** Congress, the **state** legislature, the **local** town hall, the **local** Mayor, the **state** governor, etc.

3. These multiple access points increase _____ because they provide more _____ to participate.

III. Other consequences of Federalism (good or bad?)

A. There is little _____ from state to state.

1. Gun control, capital punishment, taxes, etc.

B. Each level of government can _____ with the other (for good or bad purposes)

1. Southern state governments resisted the national government's effort to end segregation for a long time.

2. However, states can resist national efforts to put a nuclear waste dump within their borders.

IV. Our Federal Division of Powers.

A. Enumerated Powers (aka _____) - Powers exclusive to the _____ government.

1. Constitutional Source – Article 1, section 8 lists or "enumerates" specific powers of the national Congress

B. Reserved Powers - Powers exclusive to the _____ governments.

1. Constitutional Source - _____ - "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."

- a.) Recall that under the Articles of Confederation, _____ had virtually all powers of government.
- b.) The Constitution took some of those powers away and gave them to the new stronger national government.
- c.) The ones that the Constitution did not take away, the states kept or " _____ "
- d.) Hence, they are called " _____ "

2. _____ – The power to make laws that promote the health, safety, and morals of the citizens.

- a.) It is the most significant state / reserved power
- b.) Examples include the powers to:
 - 1.) make and enforce criminal laws (including perhaps the death penalty)
 - 2.) make laws regarding public education
 - 3.) oversee roads and highways.

C. _____ – Powers that the state governments and the national government are both allowed to practice.

- 1. Giving these powers to the national government did not require that they also be taken from the states.
 - a. Saying Congress can collect taxes DOES / DOES NOT mean that the states can't also
 - b. But saying Congress can declare war DOES / DOES NOT mean the states can't.

2. What is and is not a concurrent power has often been determined by the _____ in various court cases throughout US history.

3. Constitutional Stipulation - _____ -
 "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties 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."

2. In other words, _____

VI. Implied Powers - The "other" powers of Congress (Besides the enumerated powers)

A. Constitutional Source –

1. After enumerating the specific powers of Congress, Article 1, section 8 concludes by stating that Congress has the power,

"To make all laws which shall be necessary and proper for carrying into execution the foregoing [previously listed] powers..."

2. In other words, in addition to the powers listed here, Congress can do whatever else it needs to do in order to carry out the powers listed here.

3. Formula:

= A new power of Congress

4. Implied Powers are these _____ that come from the necessary and proper clause combined with an enumerated power.

5. Another clause / power that Congress has often used on its own or combined with the Necessary and proper clause to expand its power is...

Congress shall have the power, "To regulate commerce with foreign nations, and among the several states..."

6. Over time, the Supreme Court has determined that commerce (trade) is related to almost any kind of economic activity whatsoever!

B. By using these two clauses, Congress has taken the following actions and thousands of others that are not explicitly authorized by the Constitution.

- 1.) Created the National Bank of the United States (now gone)
- 2.) Built Hydro-electric dams
- 3.) Built the 47,000 mile interstate highway system
- 4.) Prohibited racial discrimination in privately owned establishments.
- 5.) Created the CCC, TVA, WPA, and the rest of FDR's huge New Deal program.
- 6.) Required Americans to purchase health insurance (Pres. Trump repealed this "individual mandate.")

7.) _____ **not enumerated in Article 1, Section 8!**

C. As the national government has acquired more power in this way, states have necessarily become relatively weaker in comparison.

D. Is this good or not?

1. Republican Answer -

2. Democratic Answer -

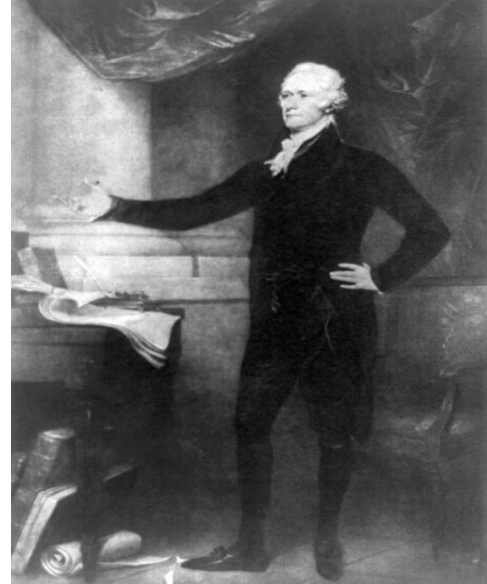
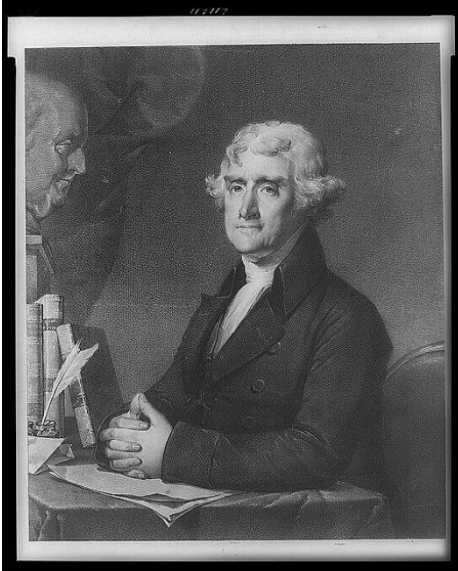
V. Examples of the division of government power.

<p>Enumerated Powers The Powers Delegated by the Constitution Exclusively to the National Government</p>	<p>Concurrent Powers Powers Practiced by both National and State Governments</p>	<p>Reserved Powers Powers that were kept exclusively by the State Governments</p>

Name _____ Hour _____

Guided Reading 5 - The National Government vs. The States (TB page 54)

The great supporter of States Rights – Thomas Jefferson	The great supporter of National Supremacy – Alexander Hamilton
--	---



Constitutional Provisions that Protect States Rights:	Constitutional Provisions used to expand Federal Authority:
---	---

- **The Tenth Amendment:** 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.

- **The Necessary and Proper Clause:** The Congress shall have Power - 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.
- **The Commerce Clause:** [The Congress shall have power] To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

Directions: Start reading on page 54, "The Debate on the Meaning of Federalism," and fully answer the questions below.

Key Court Case - McCulloch v. Maryland (1819)

1. Of the two men above, whose view did early Supreme Court Chief Justice John Marshall support?
2. What did the early Congress of the United States create in Baltimore, Maryland (Keep in mind, this is the **national** Congress)?

Name _____ Hour _____

Cooperative Federalism Power Point

I. Cooperative Federalism – The idea that there is _____ between state powers and national powers.

A. _____ Federalism - The _____ conception of Federalism that attempted to clearly _____ national and state areas of authority.

1. Thought of as a _____ with separate national and state "layers"

2. Recall the failed attempt to keep "interstate" commerce and "intrastate" commerce separate.

B. _____ Federalism - The _____ conception of Federalism that recognizes that there are _____ areas of national and state authority.

1. Thought of as a _____ with the different parts swirling and mixing into each other.

2. For example, there are overlapping national and state powers and agencies.

a. Education policy is set at the state and even local (city) level, and there is also national education policy implemented by the US Department of Education.

II. Fiscal Federalism - An example of _____ federalism, it is the practice of the national government providing _____ to the states for various projects (schools, highways, etc.) in the form of _____.

A. _____ - Instructions from the national government that the states must follow in order to qualify for the grant money.

1. If you don't want to abide by the conditions then don't take the money.

2. Unfortunately over the years, states have become very dependent upon federal grant money to meet their own budget requirements.

3. Therefore, grants-in-aid with conditions of aid attached have become a way for the federal government to exert control _____ the states.

B. Types of Grant-in-Aid

1. _____ - Grants for a very _____ purpose determined by the federal government (The money must be used to build *this* bridge, *this* school, etc.)

a. These grants allow the states almost _____ in how the money is spent.

2. _____ - Grants for _____ purposes (Infrastructure or Education)

a. These grants allow the states much _____ in how the grant money is spent.

C. _____ - Federal aid provided to state governments to be used for _____ that the state saw fit.

1. Begun in 1972, Revenue sharing was ended by Ronald Reagan in 1986

III. _____ - _____ by the national government to the states that they cannot refuse.

A. _____ Mandates - Mandates that provide federal funding that the state can use to comply with the new federal instructions.

1. Example: Update your highway infrastructure in accordance with these new federal regulations, and here is some federal money to do it with.

B. _____ Mandates - Mandates that do not provide any funding to the states to assist them in complying with the new federal instructions.

1. The Classic Example: _____ ct - Required state and local governments to provide the disabled with equal access to services, employment, buildings, and transportation systems, but did not include funds to help defray the cost.

IV. _____ - Efforts to _____ more governmental functions back to the state government.

A. It started with the election of Republican majorities to the House and Senate in 1994

B. The first key issue was _____ which turned management of the AFDC Program (Aid to Families with Dependent Children) over to the states.

V. _____ (_____)

A. In 1990, Congress passed The _____ which made it a federal offense "for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone."

1. Congress claimed that they had the power to do this under the _____

2. The government argued that guns in schools:

a. lead to violent neighborhoods that hurts local commerce.

b. Cause students to become less economically productive adults.

B. In a 5 to 4 decision, the US Supreme Court ruled that the law was _____ (violated the constitution and had to be cancelled) because creating gun-free school zones was not an example of regulating commerce.

1. Chief Justice William Rehnquist wrote, "Under the theories that the Government presents in support of [the Act], it is difficult to perceive any limitation on federal power, even in areas such as criminal law enforcement or education where States historically have been sovereign. Thus, if we were to accept the Government's arguments, we are hard pressed to posit any activity by an individual that Congress is without power to regulate."

2. Unlike *McCulloch v Maryland*, *Lopez v US* is an example of the Supreme Court _____ rather than supporting the expansion of Congress' powers under the Commerce Clause.

VI. The Future of Federalism

A. The relationship between and responsibilities of the state and national government continues to evolve.

B. Federalism will be with us...

Name _____

Hour _____

Brutus #1

Directions: When the new Constitution was proposed for ratification in 1787, the American people deliberated freely and publicly, especially in newspaper editorials, about whether to accept or reject a form of government for themselves. Antifederalists (those who opposed immediate ratification) contributed to the public debate by questioning whether the proposed Constitution would lead to the security or destruction of the rights Americans then enjoyed under their state constitutions. One of the most eloquent Antifederalists, writing under the pseudonym Brutus, voiced a concern shared by many Americans: Could a widely dispersed and diverse people be united under one government without sacrificing the blessings of liberty and self-government? Brutus' powerful arguments prompted Federalists to articulate a more thorough explanation of what the Constitution meant and why it should be ratified. Taken together, the Federalist and Antifederalist debates over the Constitution provide Americans with a deeply insightful conversation about politics, human nature, and the difficulties of establishing good government. Read the excerpts on the left and answer the questions on the right.

Excerpts from Brutus No. 1 18 October 1787	Questions
<p>A. To the Citizens of the State of New-York. When the public is called to investigate and decide upon a question in which not only the present members of the community are deeply interested, but upon which the happiness and misery of generations yet unborn is in great measure suspended, the benevolent mind cannot help feeling itself peculiarly interested in the result.</p>	<p>1. According to Brutus, why should a "benevolent mind" be interested in the question of ratifying or rejecting the new Constitution? What's at stake?</p>
<p>B. It is insisted, indeed, that this constitution must be received, be it ever so imperfect. If it has its defects, it is said, they can be best amended when they are experienced. But remember, when the people once part with power, they can seldom or never resume it again but by force. Many instances can be produced in which the people have voluntarily increased the powers of their rulers; but few, if any, in which rulers have willingly abridged their authority. This is a sufficient reason to induce you to be careful, in the first instance, how you deposit the powers of government.</p>	<p>2. What warning is the author giving here?</p> <p>3. Without looking it up, based on the context, what do you think the word 'abridged' means?</p>
<p>C. With these few introductory remarks, I shall proceed to a consideration of this constitution: The first question that presents itself on the subject is, whether a confederated government be the best for the United States or not? Or in other words, whether the thirteen United States should be reduced to one great republic, governed by one legislature, and under the direction of one executive and judicial; or whether they should continue thirteen confederated republics, under the direction and controul of a supreme federal head for certain defined national purposes only? This enquiry is important, because, although the government reported by the convention does not go to a perfect and entire consolidation, yet it approaches so near to it, that it must, if executed, certainly and infallibly terminate in it.</p>	<p>4. Multiple Choice: According to the text, despite what the Federalists might say, which of the two are the people actually choosing between?</p> <p>A. Remain a confederal system or become a federal system.</p> <p>B. Remain a confederal system or become a unitary system.</p>

<p>D. This government is to possess absolute and uncontrollable power, legislative, executive and judicial, with respect to every object to which it extends, for by the last clause of section 8th, article 1st, it is declared “that the Congress shall have power 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 office thereof.” And by the 6th article, it is declared “that this constitution, and the laws of the United States, which shall be made in pursuance thereof, and the 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 law of any state to the contrary notwithstanding.”</p>	<p>5. Name the two clauses that we have studied that the author believes would result in an all-powerful central government under the Constitution?</p>
<p>E. It is true this government is limited to certain objects, or to speak more properly, some small degree of power is still left to the states, but a little attention to the powers vested in the general government, will convince every candid man, that if it is capable of being executed, all that is reserved for the individual states must very soon be annihilated, except so far as they are barely necessary to the organization of the general government. The powers of the general legislature extend to every case that is of the least importance—there is nothing valuable to human nature, nothing dear to freemen, but what is within its power. It has authority to make laws which will affect the lives, the liberty, and property of every man in the United States;</p>	<p>6. Compare the kinds of things that the state governments will have power over with the kinds of things that the national government will have power over.</p>
<p>F. The legislative power is competent to lay taxes, duties, imposts, and excises; —there is no limitation to this power, unless it be said that the clause which directs the use to which those taxes, and duties shall be applied, may be said to be a limitation: but this is no restriction of the power at all, for by this clause they are to be applied to pay the debts and provide for the common defence and general welfare of the United States; but the legislature have authority to contract debts at their discretion; they are the sole judges of what is necessary to provide for the common defence, and they only are to determine what is for the general welfare; this power therefore is neither more nor less, than a power to lay and collect taxes, imposts, and excises, at their pleasure;</p>	<p>7. What is the so-called limit on the new government's power to collect various taxes, and why is this limit actually no limit at all?</p>

<p>G. And if they may do it [annihilate the state governments], it is pretty certain they will; for it will be found that the power retained by individual states, small as it is, will be a clog upon the wheels of the government of the United States; the latter therefore will be naturally inclined to remove it out of the way.</p>	<p>8. How will the central government view the few remaining powers of the state governments, and what will this motivate it to do to them (You may use the author's words, but explain in your own words too)?</p>
<p>H. Besides, it is a truth confirmed by the unerring experience of ages, that every man, and every body of men, invested with power, are ever disposed to increase it, and to acquire a superiority over every thing that stands in their way.</p>	<p>9. People with power can always be counted on to try to do what?</p>
<p>I. This disposition[from section H], which is implanted in human nature, will operate in the federal legislature to lessen and ultimately to subvert the state authority, and having such advantages, will most certainly succeed, if the federal government succeeds at all. It must be very evident then, that what this constitution wants of being a complete consolidation of the several parts of the union into one complete government, possessed of perfect legislative, judicial, and executive powers, to all intents and purposes, it will necessarily acquire in its exercise and operation.</p>	<p>10. Complete the sentence: "Because the central government will have so many advantages over the states, even if it doesn't start out as an all-powerful unitary government..."</p>
<p>J. In a large republic, the public good is sacrificed to a thousand views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is easier perceived, better understood, and more within the reach of every citizen; abuses are of less extent, and of course are less protected." Of the same opinion is the marquis Beccarari.</p>	<p>11. What might the sentence, "In a large republic, the public good is sacrificed to a thousand views," mean? (Note, I'm not entirely sure myself. You must read the entire passage, the 'context,' to even attempt to answer intelligently).</p>
<p>K. History furnishes no example of a free republic, any thing like the extent of the United States. The Grecian republics were of small extent; so also was that of the Romans. Both of these, it is true, in process of time, extended their conquests over large territories of country; and the consequence was, that their governments were changed from that of free governments to those of the most tyrannical that ever existed in the world.</p>	<p>12. What happened to the Greek and Roman republics as they grew large?</p>

The author then makes several practical arguments against the new Constitution. Many of them are critical of the large republic that it will create in direct opposition to the arguments in Federalist #10 and 51. Match the text from Brutus 1 on the left with the paraphrasing on the right - NOTE: MORE ON THE NEXT PAGE

___13. The territory of the United States is of vast extent; it now contains near three millions of souls, and is capable of containing much more than ten times that number. Is it practicable for a country, so large and so numerous as they will soon become, to elect a representation, that will speak their sentiments, without their becoming so numerous as to be incapable of transacting public business? It certainly is not.

___14. In a republic, the manners, sentiments, and interests of the people should be similar. If this be not the case, there will be a constant clashing of opinions; and the representatives of one part will be continually striving against those of the other...The laws and customs of the several states are, in many respects, very diverse, and in some opposite; each would be in favor of its own interests and customs, and, of consequence, a legislature, formed of representatives from the respective parts, would not only be too numerous to act with any care or decision, but would be composed of such heterogeneous and discordant principles, as would constantly be contending with each other...

___15. In despotic governments, as well as in all the monarchies of Europe, standing armies are kept up to execute the commands of the prince or the magistrate, and are employed for this purpose when occasion requires: But they have always proved the destruction of liberty, and [are] abhorrent to the spirit of a free republic...

___16. A free republic will never keep a standing army to execute its laws. It must depend upon the support of its citizens. But when a government is to receive its support from the aid of the citizens, it must be so constructed as to have the confidence, respect, and affection of the people...The confidence which the people have in their rulers, in a free republic, arises from their knowing them, from their being responsible to them for their conduct, and from the power they have of displacing them when they misbehave: but in a republic of the extent of this continent, the people in general would be acquainted with very few of their rulers: the people at large would know little of their proceedings, and it would be extremely difficult to change them...The consequence will be, they will have no confidence in their legislature, suspect them of ambitious views, be jealous of every measure they adopt, and will not support the laws they pass. Hence the government will be nerveless and inefficient, and no way will be left to render it otherwise, but by establishing an armed force to execute the laws at the point of the bayonet—a government of all others the most to be dreaded.

L. Because this constitution attempts to make the confederation of 13 states into a unitary government of 1 nation, it must be rejected.

M. In a large republic, a small number of rulers must be given so much power to govern that they soon become uncontrollable. Self-interested ambitious men come to seek this political power for their own self-aggrandizement, which they will achieve as the people will be powerless to stop them.

N. The population is already big and will grow even larger. Eventually, the number of representatives needed to speak for the people will be so large that it will be impossible for them to govern.

O. Standing armies are dangerous to liberty.

P. Citizens in a republic should have similar opinions and interests. Otherwise, there will be internal conflict. The various states already have such different opinions and opposing interests that if they were joined together under one legislature, there would be constant conflict within the legislature.

Q. In a large republic, there are so many different situations that need to be dealt with that arise in different areas of the country that that it is impossible for the government to effectively deal with all of them. Many will be left unattended.

R. Free republics depend on the citizens serving in the army as needed rather than on a permanent army. But the citizens will only serve in the army if they respect and care for the government, and that only happens when they know their rulers and the rulers are answerable to them. In a large republic, very few people know and respect their rulers, so the government will need to keep a permanent army that will eventually be used against the citizens to enforce the laws at gunpoint.

____17. In a republic of such vast extent as the United-States, the legislature cannot attend to the various concerns and wants of its different parts. It cannot be sufficiently numerous to be acquainted with the local condition and wants of the different districts, and if it could, it is impossible it should have sufficient time to attend to and provide for all the variety of cases of this nature, that would be continually arising.

____18. In so extensive a republic, the great officers of government would soon become above the control of the people, and abuse their power to the purpose of aggrandizing themselves, and oppressing them...The command of all the troops and navy of the republic, the appointment of officers, the power of pardoning offences, the collecting of all the public revenues, and the power of expending them, with a number of other powers, must be lodged and exercised in every state, in the hands of a few. When these are attended with great honor and emolument, as they always will be in large states, so as greatly to interest men to pursue them, and to be proper objects for ambitious and designing men, such men will be ever restless in their pursuit after them. They will use the power, when they have acquired it, to the purposes of gratifying their own interest and ambition, and it is scarcely possible, in a very large republic, to call them to account for their misconduct, or to prevent their abuse of power.

____19. These are some of the reasons by which it appears, that a free republic cannot long subsist over a country of the great extent of these states. If then this new constitution is calculated to consolidate the thirteen states into one, as it evidently is, it ought not to be adopted.

Brutus.