American Government: Roots and Reform

Length:
- 4 Weeks

Assignments:
- Unit 1 UGRP
- Unit 1 UPSP
- Chapter 1-3 Vocab Notecards
- Unit 1 Mini-Paper ➔ Start thought process

Unit 1
Chapters 1-3
-2020 Version-
Chapter 1 – American Government: Roots, Context, and Culture

EQ: Explain how you would explain the concept of “American Identity” to a foreigner
Chp1.1 – Trace the Origins of American Government

• Jamestown was founded in 1607 → they all die

• In 1626 the Dutch West India Company “buy” Manhattan Island from the Canarsees tribe for cost of a basic European tool kit (60 Dutch Guilders).
  • The Dutch build a new city on the island named “New Amsterdam” which is renamed “New York” in 1664 and was a working colony → the people who worked there were PAID to be there
Chp1.1 – Trace the Origins of American Government

Religion Comes to America

- Starts in 1620 when a group of Protestants come to America on the Mayflower
- Generally speaking; as each religious movement came to the American Colonies, they increasingly become more tolerant of other religious movements
  - Thomas Hooker, William Penn and Anne Hutchinson are just a few of these religious leaders
Chp1.2 – Explain the Functions of American Government

The United States of America is a Democratic Republic → we vote for individuals (democracy) to represent us in the government (republic)

- American Government is based on:
  - Establishing Justice → Creates a system of laws and how those laws are applied to the population
  - Ensuring Domestic Tranquility → Creates the idea of a non-military police force to keep the people and trade safe from domestic threats
  - Providing for the Common Defense → Creates the idea of a standing defense force (military) to keep the people and trade safe from foreign threats
  - Promoting the General Welfare → Creates the idea that the government must care for its citizens; Social Security, interstate highways, and public colleges are a few examples
  - Securing the Blessings of Liberty → Creates the idea that citizens have the right, the duty, to criticize their government openly without fear of gov reprisal
Chp1.2 – Explain the Functions of American Government

The question is then: **Who should control the creation of public policy . . . In essence; who should control the government?**

- **Government** = Rule of the People via Popular Sovereignty ‘*We the People...*’
- **Politics** = Who gets what, the purpose of Gov. linkage institutions (poli-parties, voting, interest groups, media)
- **Public Policy** = Linkage institutions form to influence policy making institutions (POTUS, SCOTUS, Congress, Bureaucracies)
  - **Impacts Us** = The policy agenda (serious concerns of the public) creates division that is pacified via linkage institutions to create public policy via the use of government

Public policy impacts us b/c it is **LAW**; law is created via the public policy system which is really the power of the government to enact/enforce the will of the people (*We the People*)
In a generation, minorities may be the U.S. majority.
Chp1.3 – Analyze the Changing Characteristics of the American Public

American is in constant flux
  • Aging

You are Generation Z
Chp1.3 – Analyze the Changing Characteristics of the American Public

American is in constant flux
  • Religious Beliefs

[RELIGIOUS AFFILIATION]

2003 AVERAGE

- Protestants: 50%
- Catholics: 22%
- All Christians: 83%
- Other Christians: 11%
- No Religion: 12%
- Other Religions: 4%

2017 AVERAGE

- Protestants: 36%
- Catholics: 22%
- All Christians: 72%
- Other Christians: 14%
- No Religion: 21%
- Other Religions: 6%

American is in constant flux

• Regional Growth/Expansion

Population loss now widespread in the Eastern United States

Nonmetro population change, 2010-16

- Population loss (1,351 counties)
- Population growth below 5 percent (487 counties)
- Population growth, 5 percent or higher (138 counties)
- Metro areas (1,166 counties)
- Urbanized areas

Source: USDA, Economic Research Service using data from the U.S. Census Bureau.
Chp1.3 – Analyze the Changing Characteristics of the American Public

American is in constant flux

• Family and Family Size

All data is from 2008
Chp1.4 – Characterize Changes in Americans’ Attitudes Toward and Expectations of Government

Politics → the study of who gets what, when and how; it’s basically the process in which PUBLIC POLICY (laws) is created

- The traditional “American Dream”, a house, car, kids, dog, is rapidly changing with the ethnic and cultural changes found within America → as a result, many Americans perceive their government in a different light than their parents
# Chapter 1 Vocab Review #1

<table>
<thead>
<tr>
<th>Person on Right</th>
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</tr>
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<tbody>
<tr>
<td>Democracy</td>
<td>Republic</td>
</tr>
<tr>
<td>Government</td>
<td>Politics</td>
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</table>
1 – The Four Theories on Democracy

**Traditional**
A theory that rests on a number of key principles that specify how governmental decisions are made. Those include:
- Equality in voting
- Effective participation
- Enlightened understanding
- Citizen control of the agenda
- Inclusion → Majority rule v. minority rights

**Pluralist**
A theory of government and policies emphasizing that politics is mainly a competition among groups, each one pressing for its own preferred policies
- Groups will work together but stay independent of each other
- Public interest will prevail through bargaining and compromise

**School Elections**
A theory of government and policies emphasizing that politics is mainly a competition among groups, each one pressing for its own preferred policies
- Groups will work together but stay independent of each other
- Public interest will prevail through bargaining and compromise

**US Poli System**
A theory of government and politics contending that societies are divided along class lines and that an upper-class elite will rule, regardless of the formal niceties of governmental organization
- Not all groups equal
- Policies benefit those with money and power
- A little too cynical to really exist

**Elite/Class**
A theory of government and politics contending that societies are divided along class lines and that an upper-class elite will rule, regardless of the formal niceties of governmental organization
- Not all groups equal
- Policies benefit those with money and power
- A little too cynical to really exist

**Washington Elite**
A theory of government and politics contending that groups are so strong that government is weakened.
- Groups control policy and prevent government from acting
- Difficulty in coordinating policy implementation
- Confusing and contradictory policies result from politicians trying to placate every group

**Hyperpluralism**
A theory of government and politics contending that groups are so strong that government is weakened.
- Groups control policy and prevent government from acting
- Difficulty in coordinating policy implementation
- Confusing and contradictory policies result from politicians trying to placate every group

**NRA**
1. What are some striking differences between the four theories? Explain.

2. In your opinion, what is the biggest issue facing each theory? Explain.

1. Voting
2. Competition
3. Inclusion
4. Groups

1. Traditional
2. Elite/Class
3. Pluralist
4. Hyperpluralism

1. Too many Groups = Gridlock
2. Rich control System = You Don’t Rule

1. What are some striking similarities between the four theories? Explain.
2. In your opinion, what is the biggest contribution that each theory brings to the table? Explain.
Chapter 1 Concept Review #1

1. State why young people are apathetic toward government
2. Explain the purpose of democratic government
3. Describe the purpose of politics
4. Identify the four theories of American democracy
5. Why did the chicken cross the road?
Chapter 2 – The Constitution

**EQ:** How have theory, debate, and compromise influenced the U.S. Constitutional system?
• List the names of the Founding Fathers portrayed here
• Do you think the cartoonists assumption (their statement) about the Founding Fathers is correct? Explain.
• What do you think is the “original intent” of the First and Second Amendment? Explain.
Chp 2.1 – Identify the Causes of the American Revolution and the Ideals on Which the United States and the Constitution are Based

- The French and Indian War (The Seven Years War)
  - Parliament increase taxes on the colonists to cover the costs of the war
  - The colonists start to form bonds with each other over the “unfair and unequal representation” of the colonies in Parliament \( \rightarrow \) they start form their own constitutions
  - The Stamp Act (1765) is the final straw for many colonists

- The Stamp Act Congress is the direct result \( \rightarrow \) the boycott of all British goods (tea, sugar, wine, etc.) went into effect and caused Parliament to repeal the tax in 1766
Chp2.1 – Identify the Causes of the American Revolution and the Ideals on Which the United States and the Constitution are Based

• The First Continental Congress
  • Occurs after the British enact the Intolerable Acts against Boston
  • 56 delegates meet from September 5 to October 26, 1774
  • Demand that King George III give colonial rights of petition and assembly, trial by peers, freedom from standing army, and the selection of representative councils to levy taxes → called The Declaration of Rights and Resolves
  • King George refuses to sign
Chp2.1 –Identify the Causes of the American Revolution and the Ideals on Which the United States and the Constitution are Based

- The Second Continental Congress
  - Convenes AFTER the first shots of the American Revolution are fired at Lexington and Concord on April 19, 1775
  - Write the *Olive Branch Petition* in which they try to make amends with King George on July 5, 1775 → King George says NO WAY!!!
  - Thomas Paine then pens *Common Sense* which effectively galvanizes the colonist’s feelings toward England

Thomas Paine
Complete Problem
Set #3 – Key Phrase(s) Only; We Will Finish the Rest

1. Why write a preamble? What was the purpose of it?

2. List 5 complaints and restate these complaints in modern English.

3. What are the prior attempts to redress grievances?

4. What will change in the colonies because of the DI?

What we don’t get done is H.W.
Chp2.1 – Identify the Causes of the American Revolution and the Ideals on Which the United States and the Constitution are Based

• The Declaration of Independence (DI)
  • Approved by the 2nd Continental Congress on July 4, 1776
  • Preamble explaining the why
  • 27 complaints specifically against King George III → why?
  • Lists failed prior attempts at rectification and their failures
  • Concludes with how things will be different and better
  • Basically the DI is a list of natural rights violations, failed attempts at correction and a thesis of how things will be better → if the revolution fails, all who sign would have been executed as traitors.
  • Called a POLEMIC
Chp2.1 –Identify the Causes of the American Revolution and the Ideals on Which the United States and the Constitution are Based

• Basic Tents of American Democracy → where did these ideas come from?
  • Jean Jacques Rousseau wrote about the social contract theory → rights of the people. Right on Rousseau!!!
  
  • Baron de Montesquieu wrote about the “spirit of the law” → separation of powers (3 parts, dude has 3 names)
  
  • Thomas Hobbes wrote about the purpose of law and the individual(s) who should wield that power → think stable and just government. Hobbes is Hell w/o a strong gov.
Chp2.1 – Identify the Causes of the American Revolution and the Ideals on Which the United States and the Constitution are Based

- Basic Tents of American Democracy → where did these ideas come from?
  - John Locke
    - **Natural rights**: rights inherent in human beings, not dependent on government
    - **Consent of the governed**: government derives its authority by sanction of the people (Popular Sovereignty)
    - **Limited Government**: certain restrictions should be placed on government to protect natural rights of citizens

<table>
<thead>
<tr>
<th>Locke Ideals</th>
<th>DI Ideals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Natural Rights</strong> → The state of nature has a law to govern it</td>
<td>Laws of nature and natures god → life, liberty and the pursuit of happiness</td>
</tr>
<tr>
<td><strong>Purpose of Gov</strong> → preserve himself, liberty and property</td>
<td>To secure these rights → live, liberty and the pursuit of happiness</td>
</tr>
<tr>
<td><strong>Equality</strong> → man being by nature all free, equal, and independent</td>
<td>All men are created equal</td>
</tr>
<tr>
<td><strong>Limited Gov</strong> → absolute arbitrary power, or governing without settled laws, can neither of them consist with the ends of society and gov</td>
<td>The history of the present King of Great Britain is a history of repeated injuries and usurpations</td>
</tr>
<tr>
<td><strong>Right to Revolt</strong> → The people shall be the judge</td>
<td>When a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their duty, to throw off such a Government</td>
</tr>
</tbody>
</table>
Study Guide: Right on Anachronism

Study Guide: Thomas Hobbes

Complete Problem Set #2
Chapter 2 Vocab Review #1

Person on Right

*The Stamp Act*
*The Olive Branch Petition*
Jean Jacques Rousseau
Thomas Hobbs
Natural Rights

Person on Left

*Common Sense*
Baron de Montesquieu
Thomas Paine
Consent of the Governed
Limited Government
Chapter 2 Concept Review #1

1. What issues drove the colonies to declare their independence from G.B.?
2. What ideas do we get from other relevant political thinkers?
3. What ideas do we get from our British political heritage? (name two)
4. Explain the most important concept to come from John Locke’s noggin’.
5. How many country singers does it take to unscrew a lightbulb?
Chp2.2 – Identify the Components of the Articles of Confederation and the Reasons for Their Failure

- In 1777 the Second Continental Congress adopted the Articles of Confederation (AC)

- The AC included the following components:
  - National gov w/a congress who could make peace, money, appointments, post offices, and neg. w/Indian tribes
  - The states have total power over themselves
  - One vote in Congress regardless of states size
  - Nine states must pass legislation and a unanimous vote for any amendment
Complete Problem
Set #4 – AC Side
ONLY → use the internet to look up these six specific topics

<table>
<thead>
<tr>
<th></th>
<th>Articles of Confederation</th>
<th>Constitution</th>
</tr>
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<tbody>
<tr>
<td>Levying Taxes</td>
<td>Congress could “request” states to pay but couldn’t force</td>
<td></td>
</tr>
<tr>
<td>Federal Courts</td>
<td>No system of federal courts</td>
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<td>Regulation of Trade</td>
<td>No provision to regulate interstate trade</td>
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</tr>
<tr>
<td>Executive</td>
<td>No executive w/power. Pres. of Congress</td>
<td></td>
</tr>
<tr>
<td>Amending the Document</td>
<td>13/13 to amend Articles; EXTREMELY HARD</td>
<td></td>
</tr>
<tr>
<td>Representation of States</td>
<td>1 vote regardless of size or population</td>
<td></td>
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</tbody>
</table>
Chp2.2 – Identify the Components of the Articles of Confederation and the Reasons for Their Failure

- Problems and Unrest
  - The AC did not have the power to tax; thus it did not have the power to make roads, pay for an army, etc.
  - The AC could also not regulate trade among the States → this leads to trade wars between the independent states
  - A weak to non-existent central government meant that it could not deal with issues like *Shay’s Rebellion* in 1878
    - An uprising of 1,500 farmers in Massachusetts due to banks reposition of their land
    - Eventually put down by George Washington → this incident makes it apparent the AC is junk and needs work
Chp2.3 – Outline the Issues Resolved by the Compromise During the Writing of the Constitution

- **Constitutional Convention** begins on May 25, 1787 and concludes on September 17, 1787 for state approval.

- Many argue over the motives of the Framers, or Founding Fathers, but we do know the following elements played a role:
  - Trade, private property, payments of debt, wealth, social status, religious ideology, moral ideology, the rule of law and nature, etc.

- All 55 delegates were men, white and educated
  - *George Washington* is the President of the Convention and *James Madison* is charged with writing it out.
Chp2.3 – Outline the Issues Resolved by the Compromise During the Writing of the Constitution

**The Great Compromise (The Constitution)**

- Two house legislative body
- House: Population of state determines representation
- Senate: Each state gets 2 chosen by the state legislative bodies
- Voting is left to the states = instantly creates **FEDERALISM**
- National power is supreme to that of the states (this is affirmed via SCOTUS rulings over the years)

**The Virginia Plan**

- Powerful central gov w/3 branches
- Two house legislature (bicameral) w/one being directly elected by the people, the other chosen by the state legislators
- Leg. Branch can select the executive/judicial members

**The New Jersey Plan**

- Strengthen the AC
- One house legislature (unicameral) w/one vote for each state and representation chosen by state legislators
- Congress can raise money via taxes on imports/postal service fees
- National supreme court w/members appointed for life by the executive

**The 3/5ths Compromise**

- Slaves will count for 3/5 of a person for population in the House and for taxation.
- Importation of slaves will stop in 1821

**The Executive Branch**

- One president will serve for a four-year term and will be elected via the Electoral College to prevent the masses from having too much power
Chapter 2 Vocab Review #2

Person on Right
Articles of Confederation
Shays Rebellion
Virginia Plan
3/5\textsuperscript{th} Compromise

Person on Left
Problems with the Articles of Confederation
Constitutional Convention
New Jersey Plan
The Great Compromise
Chp 2.4 – Describe the Framework for Government Expressed in the Constitution

The Preamble

'We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.'
Part A.
Read the Preamble to the Constitution paying special attention to the meanings of the words. Then use a dictionary or thesaurus to write two synonyms—words that mean the same or nearly the same—for each word listed below.

1. perfect ____________________________
2. union ____________________________
3. justice ____________________________
4. domestic ____________________________
5. tranquility ____________________________
6. common ____________________________
7. defense ____________________________
8. general ____________________________
9. welfare ____________________________
10. blessings ____________________________
11. liberty ____________________________
12. posterity ____________________________

Part B.
Rewrite the Preamble by replacing the original wording with the synonyms you’ve written above. Choose your synonyms carefully to avoid changing the meaning of the Preamble.

WE THE PEOPLE of the United States, in Order to form a more ____________________________, establish ____________________________, insure ____________________________, provide for the ____________________________, promote the ____________________________, and secure the ____________________________ of ____________________________, to ourselves and our ____________________________, do ordain and establish this Constitution for the United States of America.
Chp2.4 – Describe the Framework for Government Expressed in the Constitution

• Basic Principles of the Constitution
  • Federalism → the relationship between the federal and state governments
  • Separation of Powers → the Constitution is broken-down into three branches:
    • Article I → The Legislative Branch (Law)
    • Article II → The Executive Branch (Enforce the law)
    • Article III → Judicial Branch (Judge the Constitutionality of the law)
• Checks and Balances → each branch has a check on the other, thus creates separation of powers

Complete Problem Set #5 - Articles
Chp2.4 – Describe the Framework for Government Expressed in the Constitution

• The Structure of the Constitution – Article I The Legislative Branch

<table>
<thead>
<tr>
<th>Article Number:</th>
<th>I</th>
<th>Article Name: Legislative</th>
<th>Commonly Called: Congress</th>
</tr>
</thead>
</table>

Requirements of Members in **HR**:

25 years old, resident of the state they represent 7 years, citizen in country 7 years

Requirements of Members in **Senate**:

30 years old, resident of the state they represent 9 years, citizen in country 9 years

Powers Given to **HR**:

- Taxes (only in HR), Borrowing, Commerce, Naturalization, Weights/Measures,
- Counterfeiting, Post Offices, Copy Rights/Patents, Federal Courts, Piracy, Declaration
  of war, Military, Regulation of the Militia, National Capital, All Necessary Laws, Write
  of Habeas Corpus, No Bill of Attainder, No Ex Post Facto Laws, Presidential
  Conformation (Senate only), Enumerated Powers (listed) and Implied Powers
  (hinted at via specific verbage in the document)

Powers Given to **Senate**:

- The legislative branch makes laws, but the President in the executive branch can veto those laws with a Presidential Veto.
- The legislative branch makes laws, but the judicial branch can declare those laws unconstitutional.
- The legislative branch has the power to approve Presidential nominations, control the budget, and can impeach the
  President and remove him or her from office.

Checks on Other Branches:
Chp2.4 – Describe the Framework for Government Expressed in the Constitution

• The Structure of the Constitution – Article II The Executive Branch

<table>
<thead>
<tr>
<th>Article Number: II</th>
<th>Article Name: Executive</th>
</tr>
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<tbody>
<tr>
<td>Requirements of Members:</td>
<td></td>
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<tr>
<td>35 years old, 14 years in country, natural born citizen</td>
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Powers Given to President:
Able to veto/reject law proposals from Congress,
Appoint federal posts, Negotiate foreign treaties w/countries, Grant pardons, Lead military, executive orders
Checks on Other Branches:
Veto Congressional bills, enforcement of standing laws, pick federal judges/posts, Inherent Powers
Intra-Branch Checks (if any):
NA

Donald Trump – 45th President
Mike Pence – 45th Vice President
Chp2.4 – Describe the Framework for Government Expressed in the Constitution

• The Structure of the Constitution – Article III The Judicial Branch

<table>
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<th>Article Name: Judicial</th>
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Requirements of Members:

- Good Behavior, nominated by president and approved via the Senate

Powers Given to Judicial:
- Interprets the US Constitution, Judicial review,
- Interprets laws/makes sure they are faithfully applied, original jurisdiction, appellate jurisdiction,
- Deals with treaties and state conflicts

Checks on Other Branches:
- Interprets laws passed and approved by Congress/President

Intra-Branch Checks (if any):
- Can review lower court decisions and overturn

SCOTUS Chief Justice
John Roberts
Chp2.4 – Describe the Framework for Government Expressed in the Constitution

• The Structure of the Constitution – Article IV Through VIII
  • Article IV → Full Faith and Credit Clause
    • Contracts/judicial results in one state will be respected by other states
  • Article V → Amending the Constitution
  • Article VI → Supremacy Clause
    • The Constitution and the Laws of the United States (federal laws) are superior to those of the states
  • Article VII → Ratification process for the Constitution
### The Articles of Confederation and the Constitution Compared

Directions: Please visit our class website to find the Foundational Documents for the Articles of Confederation and the Constitution. Complete the AC one first, then when we are done with the Constitution, come back to this assignment and complete the information for the Constitution.

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<td>2/3 of Congress plus ¾ of state legislatures can amend</td>
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Federalist Papers → Fed. push for the Constitution
• A collection of 85 articles written by Alexander Hamilton, John Jay, and James Madison under the name “Publius” to defend the Constitution

Anti-Federalist Papers → Individuals push back
• A collection of over 85 articles written by a variety of people that raise concerns about the power structure of the Constitution
• Countered by the writings of the Anti-Federalists in the Anti-Federalist Papers → Brutus is their nom-de-plume

Bill of Rights → Anti-Fed gift to all of us for ratification
• The first 10 Amendments to the U.S. Constitution, drafted in response to some of the Anti-Federalist concerns about the lack of basic liberties in the Constitution
Course Reader → *Federalist No. 10*

1. How did James Madison view the existence of “faction” in America?

2. Which factors was most likely at the source of any faction that arose, according to James Madison?

3. To James Madison, the size of the American nation should be:

4. James Madison placed a lot of trust in elected representatives in order to prevent the masses in America from having too much direct power. Is this statement true or false? Explain.

5. “Liberty is to faction what air is to fire,” James Madison wrote. Is this statement true or false? Elaborate by connecting this statement to your perceptions of America today. Be detailed.
Course Reader → *Federalist No. 51*

1. By “the partition of power among several departments,” James Madison meant that:

2. James Madison defended a governmental system based on checks and balances. Why?

3. What concerns did James Madison express about the relative power of the legislative branch in relation to the executive branch?

4. James Madison designed the Constitution with protections for the minority. Explain and elaborate.

5. Getting rid of state governments was one of James Madison’s key goals in developing a plan for the Constitution. Explain and elaborate.
Directions — Compare and contrast Federalist No. 10 and Brutus No. 1 using the following info-graph and questions.

**Federalist No. 10**

What is the problem discussed in Federalist 10?

1. of 2 ways to solve the problem

What are the 2 results of this solution?
1.
2.

What are the 2 ways to have governmental control?

What are some major problems with this form of government?

**LARGE**

List the benefits

**SMALL**

List the problems

**Complete Problem Set #9**
Chapter 2 Vocab Review #3

**Person on Right**
- Preamble
- Implied Powers
- Original Jurisdiction
  - *Federalist Papers*

**Person on Left**
- Separation of Powers
- Enumerated Powers
- Appellate Jurisdiction
  - *Anti-Federalist Papers*
Chp2.6 –Describe the Process by Which the Constitution can be Amended

Formal Methods of Amending the Constitution

• Article V sets out two steps and four methods of amendment creation:
  • **Proposal**: something that is presented to a person or group of people to consider. Can be done in two ways: Congress or Nat. Con. Always a 2/3rd vote.
  • **Ratification**: to make the proposal official by signing it or voting for it. Can be done in two ways: State Leg. or State Con. Always a 3/4 vote.
  • This allows for FOUR methods to officially amend the Constitution.
7 – Amending the Constitution Problem Set

Part I
Directions: Article V in the Constitution proposes two ways for the amendment process. Read Article V and complete the following questions with a partner.

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 Clause 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 V U.S. Constitution

Article V of the Constitution spells out the processes by which amendments can be proposed and ratified.

To Propose Amendments:

In the U.S. Congress, both the House of Representatives and the Senate approve by a two-thirds supermajority vote, a joint resolution amending the Constitution. Amendments so approved do not require the signature of the President of the United States and are sent directly to the states for ratification.

Two-thirds of the state legislatures ask Congress to call a national convention to propose amendments. (This method has never been used.)

To Ratify Amendments:

Three-fourths of the state legislatures approve it, or Ratifying conventions in three-fourths of the states approve it. This method has been used only once -- to ratify the 21st Amendment -- repealing Prohibition.

The Supreme Court has stated that ratification must be within "some reasonable time after the proposal." Beginning with the 18th amendment, it has been customary for Congress to set a definite period for ratification. In the case of the 18th, 26th, 21st, and 22nd amendments, the period was 7 years; there has been no determination as to just how long a "reasonable time" might extend. Of the thousands of proposals that have been made to amend the Constitution, only 33 obtained the necessary two-thirds vote in Congress. Of those 33, only 27 amendments (including the Bill of Rights) have been ratified.

The Formal Amendment Proposal/Ratification Process: The Key to the Living Constitution

I. The Amendment Process
   A. An amendment is
   B. National amendment procedure is laid out in _____________ of the Constitution

II. To Purpose an Amendment via the Constitution (propose)

Example:

-OR-

Example:
Chp2.6 – Describe the Process by Which the Constitution can be Amended

**Proposal**
- Proposal by two-thirds vote of both houses of Congress
- Proposal by two-thirds vote of national convention called by Congress on request of two-thirds of state legislatures

**Ratification**
- Used successfully twenty-six times
- Passage by three-quarters of state legislatures
- Passage by three-quarters of special state conventions

Used once to repeal Prohibition (Amdt. 21)
First Method

• Federal Level, Proposed and voted in favor of in $\frac{2}{3}$ in each chamber of Congress
• State Level, Ratified by $\frac{3}{4}$ of the state’s legislatures
• 26 of 27 Amendments were adopted this way
Second Method

- Federal Level, Proposed and voted in favor of in $\frac{2}{3}$ in each chamber of Congress
- State Level, ratified by conventions (political meeting) in $\frac{3}{4}$ of the states.
- Only the 21st Amendment was adopted this way.
Third Method

- Federal, Proposed by a national convention approved by \( \frac{2}{3} \) of Congress via two-thirds of the state legislatures
- State, Must be ratified by \( \frac{3}{4} \) of the state legislatures
- **Never used**
Fourth Method

- Federal, Proposed by a national convention approved by $\frac{2}{3}$ of Congress
- State, ratified by conventions in $\frac{3}{4}$ of the states.
- Never used
Formal Amendment Process By #’s

**USA**

- Proposed by Congress by a 2/3 vote in both houses
  - 144 votes in House
  - 66 votes in Senate
- Proposed by a national convention by 2/3 of state legislatures
  - 34 states needed
- Ratification by state legislatures of 3/4 of the states
  - 38 states needed
- Ratification by conventions held within 3/4 of the states
  - 38 states needed

*Must have 210 votes total to move on*

**Room 701**

- Proposed by Congress by a 2/3 vote in both houses
  - House is my Left Side (P2-8, P5-7)
  - Senate is my Right Side (P2-8, P5-5)
  - Need total of P2-16, P5-11
- Proposed by a national convention by 2/3 of state legislatures
  - 34 “states” needed (P2-16, P5-11)
- Ratification by state legislatures of 3/4 of the states
  - 38 “states” needed (P2-20, P5-14)
- Ratification by conventions held within 3/4 of the states
  - 38 “states” needed (P2-20, P5-14)
1. Permit Immigrants to Become President
   - Allow foreign-born citizens to be eligible after being American citizens and residents for a specified number of years.

2. Prayer in Schools
   - Reverse the SCOTUS ruling in *Engel v. Vitale* (1962) which prohibited prayer in schools and allow for a morning, school-wide prayer

3. English Language Amendment
   - Make English the official language of the United States. Proponents see such an amendment as a way to promote national unity; critics fear that it could be used to discriminate against people for whom English is a second language.

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<tbody>
<tr>
<td>Permit Immigrants to Become President</td>
<td>P.2 - P.5 -</td>
<td>H – 8, 7 S – 8, 5</td>
<td>20, 14</td>
<td>16, 11</td>
<td>20, 14</td>
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<tr>
<td>Prayer in Schools</td>
<td>P.2 - P.5 -</td>
<td>H – 8, 7 S – 8, 5</td>
<td>20, 14</td>
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<tr>
<td>English Language Amendment</td>
<td>P.2 - P.5 -</td>
<td>H – 8, 7 S – 8, 5</td>
<td>20, 14</td>
<td>16, 11</td>
<td>20, 14</td>
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</tr>
</tbody>
</table>
Chp2.6 – Describe the Process by Which the Constitution can be Amended

Informal Methods of Amending the Constitution

• Judicial Interpretation
  • Marbury v. Madison (1803) ➔ SCOTUS can nullify acts of Congress; thus SCOTUS has the power to change the Constitution!!!

• Social and Cultural Change
  • Those in power write the narrative ➔ conservative Congress, POTUS, SCOTUS will result in conservative legislation and interpretation of the Constitution

• Technological Change
  • New technology will have an impact on the interpretation of the Constitution ➔ the Fed’s now need a warrant to search your phone; kinda.

“**A mind stretched by a new idea can never go back to its original dimensions.**”

---

Notes:

- Marbury v. Madison (1803) is a Supreme Court case that established the principle of judicial review, allowing the Court to declare acts of Congress unconstitutional.

- The assertion that the Constitution can be changed through judicial interpretation is controversial and not universally accepted. The principle is more nuanced than simply allowing the Supreme Court to change the Constitution.
### Complete Problem Set #6

**Part 1:** Listed below are the powers that are delegated or denied in the Constitution. Identify who has the power and where the source of the power can be found in the Constitution. An example is provided.

C = Congress (as a holistic unit)
H = House of Representatives
S = Senate
P = President
X = Power denied to the government

<table>
<thead>
<tr>
<th>Power</th>
<th>Who Has the Power</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Declare war</td>
<td>C</td>
<td>Art. 1, Sec. 8</td>
</tr>
<tr>
<td>Appoint judges to federal courts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Award titles of nobility</td>
<td></td>
<td></td>
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<tr>
<td>Admit new states to union</td>
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<td></td>
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<tr>
<td>Establish a system of post roads</td>
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<td></td>
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<tr>
<td>Regulate foreign trade</td>
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<td></td>
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<tr>
<td>Place a tariff on exports</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enforce laws passed by Congress</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Create federal courts</td>
<td></td>
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</tr>
</tbody>
</table>

<p>| Establish an army and navy         |                   |                      |
| Nominate Ambassadors               |                   |                      |
| Establish a post office            |                   |                      |
| Borrow money                       |                   |                      |
| Give “district of the nation” power|                   |                      |
| Lead the army and navy             |                   |                      |
| Censor a book or newspaper         |                   |                      |
| Coin money                         |                   |                      |
| Make treaties with foreign nations |                   |                      |
| Establish laws on copyrights       |                   |                      |
| Make rules for people who go Bankrupt |               |                      |</p>
<table>
<thead>
<tr>
<th>Person on Right</th>
<th>Person on Left</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal</td>
<td>Ratification</td>
</tr>
<tr>
<td>1\textsuperscript{st} Method</td>
<td>2\textsuperscript{nd} Method</td>
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<tr>
<td>3\textsuperscript{rd} Method</td>
<td>4\textsuperscript{th} Method</td>
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<tr>
<td>Judicial Interpretation</td>
<td>Social and Cultural Change</td>
</tr>
</tbody>
</table>
Chapter 2 Concept Review #2

1. What did the AC lack that the Constitution strived to fix (two examples)?
2. Describe a MAJOR difference between the Madisonian system and AC.
3. How does the original Constitution give the federal government more power than the states?
4. Describe three checks each branch of gov has on the other. Why are these there?
5. Why was the Constitution not approved by all of its “fathers”?
6. Why is a bill of attainder important to our freedom to speech?
7. Describe the Federalist and Anti-Federalist movements.
8. Why do the keys on drive-up ATMs have Brail?
Chapter 2 FRQ Review

1. The United States Constitution’s ratification resulted from a political process that required compromise between the Federalists and Anti-Federalists. Many of the debates in government today continue to reflect the concerns of each perspective.

   (a) Compare the positions of Federalists and Anti-Federalists regarding the power of the national government.
   
   (b) Describe two features of the original Constitution that have led to a growth in the power of the national government.

**Part (a): 1 point**

One point is earned for making an accurate comparison of both Federalist and Anti-federalist positions.

- The Federalists wanted a stronger national government and weaker state governments, while the Anti-federalists wanted a weaker national government and stronger state government.
- The Federalists wanted a balanced relationship between federal and state governments, while the Anti-federalists wanted a weaker national government and stronger state government.

**Part (b): 2 points**

One point is earned for each accurate description of a feature of the original Constitution that led to the growth of the national government’s power. Acceptable descriptions include:

- Necessary and Proper clause/Elastic clause
- Supremacy clause
- Commerce clause
- General Welfare clause
- Taxing power
- Unitary Executive
Chapter 3 – The Federal System

Topic: Federalism
EQ: How does the development and interpretation of the Constitution influence policies that impact citizens and residents of the US?
Chp3.1 – Trace the Roots of the Federal System and Distinguish it from Other Types of Government

Choosing a Type of Government

- **Monarchy** → Rule by a hereditary king/queen: King George III
- **Totalitarianism** → Rule of a country by one powerful individual: Adolf Hitler
- **Oligarchy** → Rule by a few wealthy individuals: Vladimir Putin’s Russia
- **Democracy** → Rule by the [Polity](#)
  - Can be direct: School elections
  - Can be indirect: the United States
  - 123 of 190 countries in the world fall into this category
Chp3.1 –Trace the Roots of the Federal System and Distinguish it from Other Types of Government

• **Federalism** ➔ The philosophy that defines the allocation of power between the national govt. and the states.
  
  • Article VI and the 10th Amendment
  • The national govt. draws its powers directly from the people (*We the People* . . .)
  
  • Both national and state governments are accountable directly to the public (*We the People*) . . . but the Constitution was written to limit the amount of power the People have . . . Remember the Founders distrust of the “mob”
Chp3.2 – Explain the Constitutional Foundations for Federalism

National Powers → Article I, Section 8

- **Enumerated Powers** (sometimes called *Delegated Powers*) are specifically stated and given to Congress
  - Coin money, conduct foreign relations, provide for a defensive force, declare war, collect taxes, set the budget (called Power of the Purse),
  - Contains the **NECESSARY AND PROPER CLAUSE** → anything that is necessary/proper to conduct the business of government is IMPLIED meaning that Congress can create new laws to fulfill their enumerated ones
- Backed by Article VI → the **Supremacy Clause**

**Required SCOTUS #10**

<table>
<thead>
<tr>
<th>Required SCOTUS Cases</th>
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<tbody>
<tr>
<td>Use the SCOTUS case briefs to complete the required information below</td>
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<tr>
<td>Case/Important Information</td>
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<tr>
<td>--------------------------</td>
</tr>
<tr>
<td>McCulloch v. Maryland</td>
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</tbody>
</table>
**MCCULLOCH v. MARYLAND**

**Case Basics**
Petitioner
McCulloch

Respondent
Maryland

**Decided By**
Marshall Court (1812-1823)

**Opinion**
17 U.S. 316 (1819)

**Argued**
Monday, February 22, 1819

**Decided**
Saturday, March 6, 1819

**Location:** Maryland State House

**Facts of the Case**
In 1816, Congress chartered The Second Bank of the United States. In 1818, the state of Maryland passed legislation to impose taxes on the bank. James W. McCulloch, the cashier of the Baltimore branch of the bank, refused to pay the tax.

**Question**
The case presented two questions: Did Congress have the authority to establish the bank? Did the Maryland law unconstitutionally interfere with congressional powers?

**Conclusion**
**Decision:** 7 votes for McCulloch, 0 vote(s) against

**Legal provision:** US Const. Art 1, Section 8 Clauses 1 and 18

In a unanimous decision, the Court held that Congress had the power to incorporate the bank and that Maryland could not tax instruments of the national government employed in the execution of constitutional powers. Writing for the Court, Chief Justice Marshall noted that Congress possessed unenumerated powers not explicitly outlined in the Constitution. Marshall also held that while the states retained the power of taxation, "the constitution and the laws made in pursuance thereof are supreme. . .they control the constitution and laws of the respective states, and cannot be controlled by them."
Chp3.2 – Explain the Constitutional Foundations for Federalism

**State Powers → 10th Amendment**

- Powers left to the states via the 10th Amendment are called the **RESERVE POWERS**
  - Setting voting regulations, public health/safety/moral (marriage, divorce) legislation are left to the states AS LONG as they don’t violate the Constitution
  - The reserved powers also give states the ability to form their own criminal justice legislation and court systems → the states are allowed to put people to death for example
Chp3.2 – Explain the Constitutional Foundations for Federalism

Concurrent Powers

• Powers the federal and state governments SHARE
  • Power to borrow money
  • Power to tax
  • Power to establish courts
  • Power to make and enforce laws
  • Eminent Domain
  • Charter banks and Corporations
Chp3.2 – Explain the Constitutional Foundations for Federalism

Powers Denied

- Found in Article I, Section 8 (States) and 9 (Fed)

Powers DENIED to the State Governments Article I Section 8

1. Entrance into treaties with foreign countries.
2. Declaration of war
3. Maintenance of standing army
4. Printing money
5. Granting titles of nobility.
6. Imposition of import or export duties.

Powers DENIED to the Federal Governments Article 1 Section 9

1. Tax articles exported from one state to another
2. Violate Bill of Rights
3. Change state boundaries – once set, only states can change via their population vote
4. Grant titles of nobility
5. Bills of attainder – congress cannot make a law against a specific person or a group and then hold them viable for it
6. Ex post facto laws – congress cannot make a law and then you are held responsible for breaking that law after it becomes a law.
Chp3.2 – Explain the Constitutional Foundations for Federalism

Interstate Relations → Article III for disputes (SCOTUS original jurisdiction and Article IV (Relations amongst the states)

- Full Faith and Credit Clause: Judicial decrees/contracts are binding and enforceable in all states

- Privileges and Immunities Clause: Citizens of different states have the same rights as all other citizens

- Extradition Clause: States must return criminals to states where they have committed crimes to stand trial

- Interstate Compacts: Agreements between many states to deal with a public policy issue
Chp 3.2 – Explain the Constitutional Foundations for Federalism

Local Governments → No power under the Constitution
• Dillon’s Law → States can create and eliminate local governments!
• Types of local governments:
  • Counties: basic administrative gov. in states. Louisiana calls the *parishes* and Alaska calls them *boroughs*
  • Municipalities: city governments to regulate highly populated areas BUT can also be county-wide agencies (think Los Angeles and Los Angeles County)
  • Town: Varies in responsibilities and structure
  • Special Districts: Local government that is topic-specific. TUSD is an example of this
California Laws Define Federalism

- California prison workers will *no longer be allowed to have sex* with inmates.
- It’s unlawful to let a dog pursue a bear, bobcat or squirrel at any time.
- You may only throw a *Frisbee* at the beach in Los Angeles County with the lifeguard’s permission.
- Animals are banned from mating publicly within 1,500 feet of a tavern, school, or place of worship.
- Sunshine is guaranteed to the masses.
- It is a misdemeanor to shoot at any kind of game from a moving *vehicle*, *unless the target is a whale.*
- No child can wear a Halloween mask without permission from the sheriff.
- In San Francisco, it is illegal to store your things in your garage. The housing code makes this explicit and allows fines of up to $500 for improper use of the garage.
Chapter 3 Vocab Review #1

Person on Right
- Monarchy
- Enumerated Powers
- Reserve Powers
- Full Faith and Credit Clause

Person on Left
- Federalism
- Implied Powers
- Concurrent Powers
- Privileges and Immunities Clause
Complete Problem
Set #8

8—Federalism Problem Set

Although the term federalism is not found in the United States Constitution, it is clearly defined in the delegated, concurrent, and reserved powers of the national and state governments. (See Figure 7-1.)

- **delegated powers**—expressed, or enumerated powers, those specifically given to the national government (Articles I–V)
- **implied powers**—although not expressed, powers that may be reasonably inferred from the Constitution (Article I, Section 8, Clause 18—the Necessary and Proper Clause, or Elastic Clause)
- **inherent powers**—powers that exist for the national government because the government is sovereign
- **concurrent powers**—powers that belong to both the national and state governments
- **reserved powers**—powers belonging specifically to the state because they were neither delegated to the national government nor denied to the states (Article IV: Amendment 10)
- **prohibited powers**—powers that are denied to the national government, state governments, or both (Article I, Sections 9 and 10: Amendments)

For example, neither the national government nor state governments may pass an ex post facto law or a bill of attainder.
Chp3.3 – Trace the Evolution of Federalism, from Ratification to the Present

Federalism truly starts with the first Chief Justice of SCOTUS John Marshall

- **McCulloch v. Maryland** (1819) → Upholds the power of the Fed to setup a bank and not have the state tax it b/c Fed. Institution are superior to those of the states (Supremacy Clause)

- **Gibbons v. Ogden** (1824) → Upholds the power of the Fed to regulate interstate commerce (Commerce Clause)

- **Barron v. Baltimore** (1833) → Upholds the concept that Americans are “dual-citizens” and the Fed laws do not necessarily apply to those of the states. The Bill of Rights are only for Fed, not state, laws
Chp3.3 – Trace the Evolution of Federalism, from Ratification to the Present

The Civil War and Dual Federalism (*Layer Cake*) - 1789 to 1938

- After Marshall dies, Roger B. Taney takes over as Chief Justice
  - He moves SCOTUS decisions toward the approval of concurrent powers, or, the creation of Dual Federalism
- Dual Federalism finds its power in the 10th Amendment and the Enumerated Powers → The Fed has the powers listed AND NO MORE; the remainder of powers are left to the states
  - This is a NARROW interpretation of the Necessary and Proper Clause
Chp 3.3 – Trace the Evolution of Federalism, from Ratification to the Present

Cooperative (*Marble Cake*) Federalism and the Growth of National Government (1938-Current)

- The Great Depression cause the Feds to take-on a larger role in government
  - FDR tries to pack SCOTUS; this does not work so he uses his party, the Democrats, to provide federal funds (money) to the states to rebuild the economy via The NEW DEAL Programs

- There are three main elements:
  - National and state agencies work together jointly
  - State and nation routinely share power
  - Power is not concentrated on any government level or in any agency

- **This is a BROAD interpretation of the Necessary and Proper Clause**
Chp3.4 – Analyze the Impact of Federalism on the Relationships Among National, States, and Local Levels of Government

Different types of Cooperative Federalism:

- **Progressive Federalism** → Pragmatic approach to federalism that views relations between national and state governments as both coercive and cooperative
  - Provides states with greater control over issues previously reserved for the fed gov such as environmental/consumer protection issues
  - Allows the states to operate as “laboratories of democracy”
  - States still rely on the Feds for money
  - Supported by President Obama

44th President Barak Obama
Chp3.4 – Analyze the Impact of Federalism on the Relationships Among National, States, and Local Levels of Government

Different types of Cooperative Federalism:

- **Fiscal Federalism** → The pattern of spending, taxing, and providing grants in the federal system; it is the cornerstone of the national government’s relations with state and local governments today.
  - **Categorical Grants** → Congress appropriates funding for specific categories that makeup about 90% of total gov. spending. Very popular with Democrats b/c the funding is specific.
  - **Formula grants**: Categorical grants distributed according to a formula specified in legislation or in administrative regulations.
  - **Project grants**: Given for specific purposes and awarded based on the merits of application.
  - **Block Grants** → Started under President Reagan in which funding is determined via blocks and is less restricted in usage. Very popular with Republicans b/c it allows more local control of the funding; sometimes referred to as New Federalism.

- All fiscal federalism contain **mandates** → requirements that must be met to qualify for funding.
Chp3.4 – Analyze the Impact of Federalism on the Relationships Among National, States, and Local Levels of Government

Different types of Cooperative Federalism:
- Pragmatic (Earmark) Requests → Federal funds designated for special projects within a state or congressional district
  - Usually referred to as Earmarks or Pork → this is money that is funneled to representatives' constituents (think Kevin McCarthy and oil in Bakersfield)

Federalism and SCOTUS
- SCOTUS decisions have gradually redefined the power between the states and the Feds
  - The Rehnquist Court starts to transfer power back to the states during the time of New Federalism
  - The Roberts Court began moving power back to the Feds but time will only tell what happens . . .
Chapter 3 Vocab Review #2

**Person on Right**
- *McCulloch v. Maryland*
- Dual Federalism
- Progressive Federalism

**Person on Left**
- *Barron v. Baltimore*
- Cooperative Federalism
- Fiscal Federalism
- Earmarks
Chapter 3 Concept Review #2

1. What did the AC lack that the Constitution strived to fix (two examples)?

2. Describe a MAJOR difference between the Madisonian system and AC.

3. How does the original Constitution give the federal government more power than the states?

4. Describe three checks each branch of gov has on the other. Why are these there?

5. Why was the Constitution not approved by all of its “fathers”?

6. Why is a *bill of attainder* important to our freedom to speech?

7. Describe the Federalist and Anti-Federalist movements.

8. Why do the keys on drive-up ATMs have Brail?
3. The United States Constitution gave Congress and the president specific legislative powers. As a result, the interactions between the two are dynamic and complex.

(a) Describe the constitutional principle of checks and balances.

**Part (a): 1 point**

One point is earned for describing the constitutional principle of checks and balances.

One branch of government exercises power in order to prevent another branch from becoming too powerful.