

Unit 2 Part 3 - Constitution

- Understand the reasons leaders called for the Constitutional Convention.
- Summarize the rival plans of government proposed at the convention.
- Describe the compromises made in order to reach agreement on the Constitution.
- Summarize the arguments for and against ratification of the Constitution.
- Describe how the Constitution was ratified.
- Explain the principles of the Constitution.

I. Constitutional Convention

(1787):

- Closed (not open to public) _____ between the _____ (representatives) from the _____ states.
- Meeting took place in _____, Pennsylvania between May 25th and September 17th, 1787.
- Delegates planned to _____ (change) The Articles of Confederation.

Results:

- Delegates decided to _____ The Articles of Confederation and develop a _____ form of government.
- It was a very _____ process which required a lot of _____ between states.
- George Washington was nominated to be _____ of the Convention.
- ****James Madison took very careful _____ of the debates and discussions during the Convention.**

1) Which state two states had the most delegates at the Constitutional Convention? Why?

II. Major _____ During The Constitutional Convention:

1. Representation of Large & Small States:

- Large & small states argued over how their state would be _____.
- Large (population) states felt they should have _____ say (power).
- Small (population) states felt they should have _____ say (power).

Results:

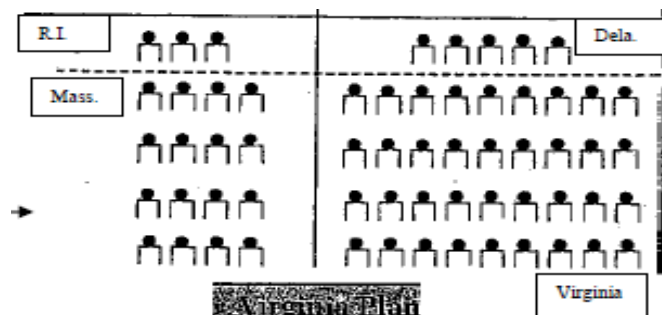
- _____ plans were proposed.
- The debates over the issue of representation got so heated, the Convention almost ended.

Number of delegates for each state at the 1787 Constitutional Convention	
Massachusetts (4 delegates)	New Hampshire (2 delegates)
New York (3 delegates)	South Carolina (4 delegates)
Pennsylvania (8 delegates)	Georgia (4 delegates)
Virginia (7 delegates)	New Jersey (5 delegates)
North Carolina (5 delegates)	Connecticut (3 delegates)
Delaware (5 delegates)	Maryland (5 delegates)
Rhode Island boycotted the Convention (zero delegates)	

a. Virginia Plan:

- - Favored the _____ states.
- Each state would be given a number of _____ / delegates based on their states' _____
- Proposed by James Madison of _____

James Madison, a delegate from Virginia, supported the establishment of three branches of government and believed that the number of state representatives in Congress (Legislative Branch) should be based on population. In other words, states with a higher population should receive more representatives in Congress. Basing the number of representatives on the population was (is) known as proportional representation because the number of representatives was proportional to the population. His plan was known as the Virginia Plan.



The Virginia Plan

Branches

Three – legislative, executive, and judicial. The legislature was more powerful, as it chose people to serve in the executive and judicial branches.

Legislature

Two houses (bicameral). The House of Representatives was elected by the people and the Senate was elected by the state legislatures. Both were represented proportionally.

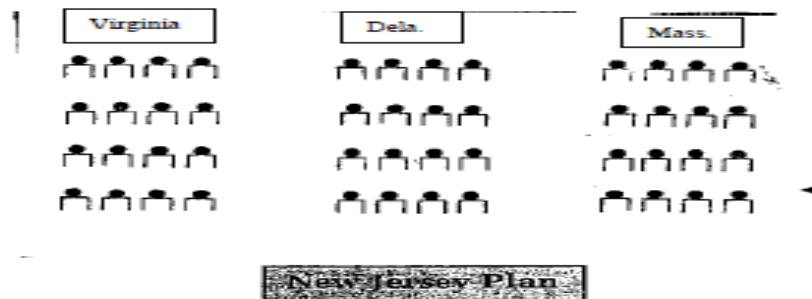
Other Powers

The legislature could regulate interstate trade, strike down laws deemed unconstitutional and use armed forces to enforce laws.

b. New Jersey Plan:

- Favored the _____ states.
- Each state would be given the _____ number of votes / delegates regardless of their states' population.
- Proposed by William Paterson of New _____.

The Virginia Plan gained opposition from delegates from small states, or states with a smaller population (number of people). They believed that the Virginia Plan would give too much power to the large states over the small states. Therefore, William Paterson, a delegate from New Jersey presented a different plan to the convention. In Paterson's New Jersey Plan each state would receive an equal number of representatives in Congress (Legislative Branch).



The New Jersey Plan

Branches

Three – legislative, executive, and judicial. The legislature appoints people to serve in the executive branch, and the executive branch selects the justices of the Supreme Court.

Legislature

One house (unicameral). States would be represented equally, so all states had the same power.

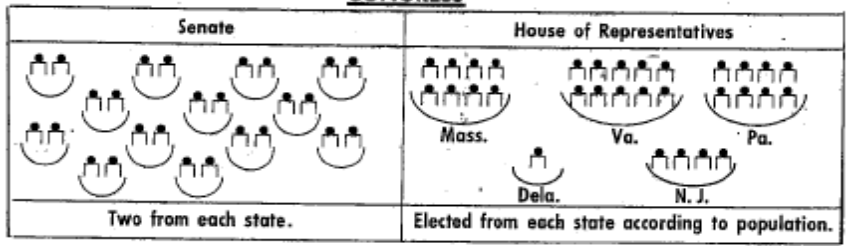
Other Powers

The national government could levy taxes and import duties, regulate trade, and state laws would be subordinate to laws passed by the national legislature.

A. Solution = The Compromise:

- Used _____ of both the Virginia & New Jersey Plan.
- Set up a _____ (two-house) legislature.
- Proposed by Richard Sherman of _____.
- Problem of how to _____ Congress was solved.
- The Great Compromise satisfied both large & small states.

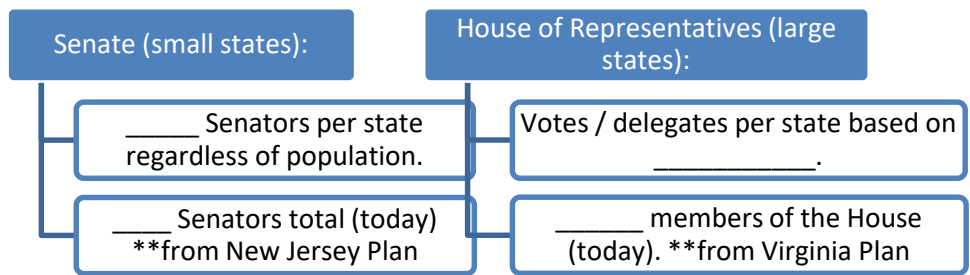
THE GREAT COMPROMISE
CONGRESS



The Great Compromise is also known as the Connecticut Compromise and the Sherman's Compromise. Although, on your unit and final exam it will always be called the Great Compromise.

You can tell from the photograph that neither the Senate nor the House is in session. If they were in session, there would be a flag flying over their respective house.

In 2013, Congress was in session for a total of 160 days. They worked a total of 942 hours which averaged to about 28 hours per week.



2. Slavery:

- - Some delegates from _____ states wanted to _____ (end) the slave trade and slavery.
- Many delegates from _____ states threatened to leave the _____ if the slave trade or slavery were abolished in the U.S.

Results:

- The word _____ does not appear in the Constitution.
- Delegates agreed that;
 - a. The slave trade would not be discussed in Congress until _____.
 - b. A \$10 _____ would be placed on the _____ of each slave.
 - c. Runaway slaves would be _____ to a state of slavery.
- *Slavery was formally abolished from the Constitution with the ratification of the _____ Amendment (1865).

The Constitution & Slavery:

"The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person".

"No Person held to Service or Labor in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labor, but shall be delivered up on Claim of the Party to whom such Service or Labor may be due".

3. Representation of the Slave Population:

- Southern states wanted to count their slave population toward _____.
- Southern states would get more _____ in The House of Representatives & have more _____ votes for the presidency.
- _____ states did not want the slave population counted.

Results:

- Solution = The _____ Compromise:
- Every _____ slaves counted as _____ free people for both _____ and _____.
- *Without the 3/5's Compromise, Thomas Jefferson would not have won the election of 1800.

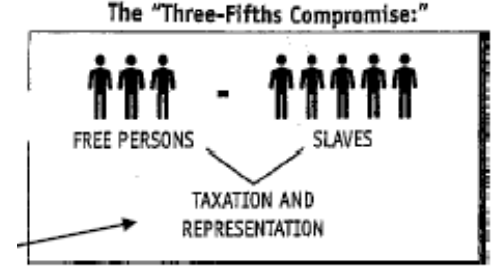
4. Ratification of the Constitution:

- ratification = _____,
- _____ of 13 states had to ratify (accept) the Constitution before it became _____.

Result:

- Two groups fought over this issue (Federalists & Anti-Federalists).

<http://funnytimes.com/cartoon-playground/>

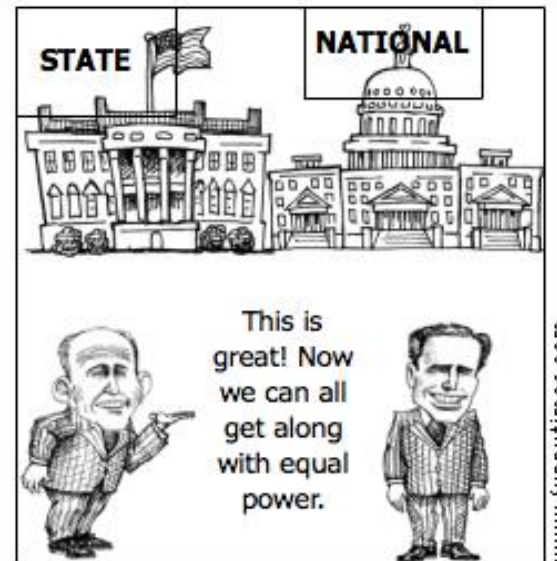
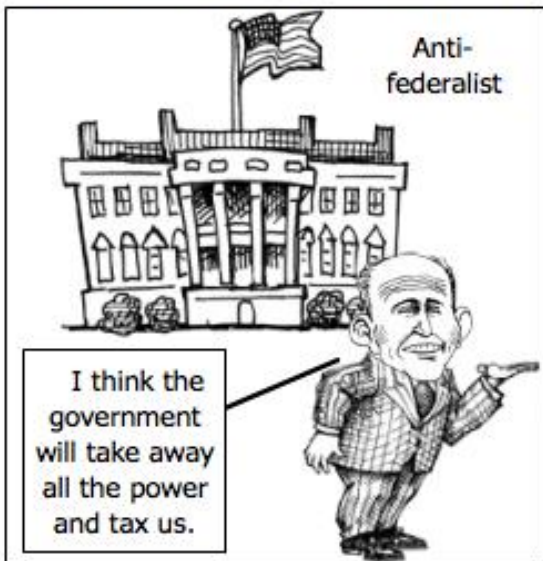


Using Funnytimes.com, you will create a cartoon for Federalist vs. Anti-Federalist.

Your cartoon needs to include evidence that shows the difference between the two and a solution to overcome their differences.

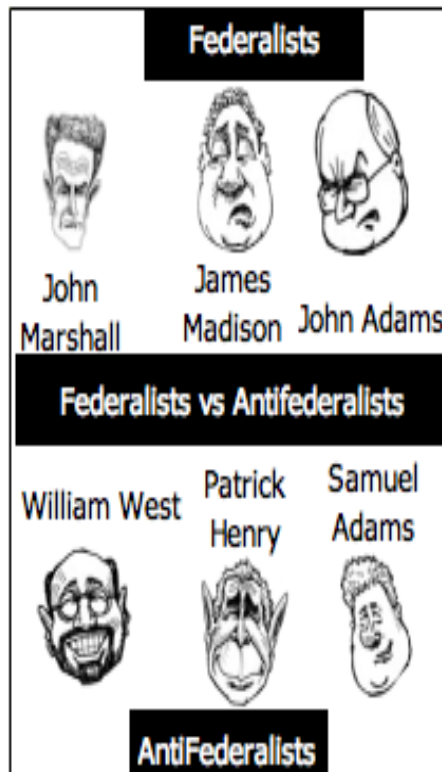
Position on the:	Federalists	Anti-federalists
Constitution	In favor	Against
Articles of Conf.	Abandoned	Amended or fixed.
Power of the States	Curb power of states by a central government.	States power is highest.
Bill of Rights	Saw no need, state constitutions already gave a bill of rights.	Lack of a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

Federalist vs. Anti-federalist by Leah Comisso



Federalists:

- - _____ the new Constitution.
- - Argued that a much stronger central (federal) government was needed to _____ (keep) the United States.
- - Believed the U.S. would not _____ under the Articles of Confederation.
- - Federalist Papers = a series of _____ written in _____ of the Constitution that were printed around the country.
- - Federalists papers were written by James _____, Alexander _____, and John Jay**



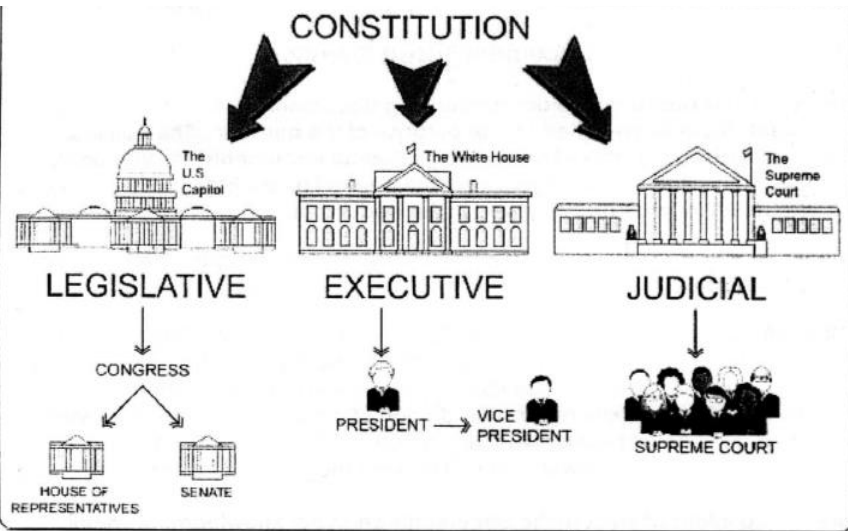
Anti-Federalists:

- _____ the new Constitution.
- Believed the Constitution would create too strong a _____ (federal) government that would threaten _____ freedom.
- Wanted individual freedoms (_____ of Rights) to be outlined in the Constitution.
- Anti-Federalists were supported by men like Patrick _____, Samuel _____, and George Clinton, New York's first governor.

The United States Constitution:

_____ = The document that describes the _____ of beliefs and laws by which a country, state, or organization are _____.

The U.S. Constitution was divided into 3 parts; _____, _____, & _____.



- The legislative branch makes the laws
- The executive branch carries out and enforces the laws
- The judicial branch interprets the laws




Under the model of separation of powers, government is divided into different branches of government, each with separate and independent powers and areas of responsibility so that the powers of one branch are not in conflict with the powers associated with the other branches.

Separation of powers was not something new that America created, it had been around for centuries. This political belief was first developed in Ancient Greece and Rome. In addition to being influenced by these two ancient civilizations, the framers of U.S. Constitution also took ideas from political philosophers, John Locke and Montesquieu.

A. 7 Basic Principles of the Constitution:

1. Popular Sovereignty = People have the right to _____ (change) or _____ (end) their government.
2. _____ Government = Government only has the _____ that the Constitution gives it.
3. _____ of Powers = Government is divided into _____ branches of government.
4. _____ and _____ = Each branch of government has the power to check, or _____ the power of the other two.

CHECKS AND BALANCES

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

Situation 1 - Marbury v. Madison _____

Justice Marshall, in the Marbury v Madison case of 1803, affirmed the Supreme Court’s power to review acts of Congress and be able to declare them unconstitutional. The Supreme Court also reviews actions made by the president. Over 160 acts of Congress have been found to be unconstitutional over the past 200 years.

Situation 2 - Judiciary Reorganization Bill 1937 _____

During President Roosevelt’s first term in office the Supreme Court struck down several of his “New Deal” programs. So, President Roosevelt proposed legislation that changed the makeup of the Supreme Court. He thought that the older justices were more resistant to the New Deal programs, so part of the bill allowed Roosevelt to appoint one new justice for each existing justice over the age of 70. This would have allowed Roosevelt to appoint six new justices bringing the Court to 15. The Senate eventually passed this bill but without the section allowing Roosevelt to appoint new justices.

Situation 3 - Impeachment of President Andrew Johnson _____

President Andrew Johnson was impeached by the House of Representatives but acquitted (found not guilty) by the Senate in 1868. The House’s main charge against Johnson was that he had violated the Tenure of Office Act when he fired Edwin M. Stanton, the Secretary of War. The Tenure of Office Act said that certain office-holders could not be removed without the approval of Congress. The Act was later repealed by Congress. A similar law was later found unconstitutional by the Supreme Court.

Situation 4- Jackson Hole National Monument _____

(Antiquities Act of 1906) President Franklin D. Roosevelt used the Antiquities Act of 1806 to add land from John D. Rockefeller Jr. to Grand Teton National Park. Congress had already decided that the park could not be expanded. Although FDR planned to call the new park Jackson Hole National Monument, it was directly connected to Grand Teton National Park. In 1943, Congress passed a bill that would disestablish Jackson Hole National Monument. FDR vetoed the bill.

Situation 5 - Executive Order 9881, Truman Desegregates the Army

In 1948, Congress failed to pass Civil Rights laws. President Harry Truman issued an Executive Order as Commander In Chief of the Armed Forces stating that “there shall be equal treatment of all persons in the armed services without regard to race, color, religion or national origin...”

Situation 6 - Nixon v United States _____

During the election year of 1972, burglars broke into Democratic Headquarters in Washington, DC, and stole campaign documents. Evidence led the FBI to believe that Republican President Richard Nixon’s campaign leaders were involved in the burglary. Nixon was ordered by the Supreme Court to turn over taped conversations of him and other suspects. Nixon refused, claiming “Executive Privilege” (the right of the President to do, or not do, certain things). The Supreme Court Justices said Executive Privilege only applied to matters of national security. Since the burglary was a criminal matter, the court ordered Nixon to surrender the tapes. Nixon finally turned over all 63 tapes before resigning the presidency.

Situation 7 - Line Item Veto -

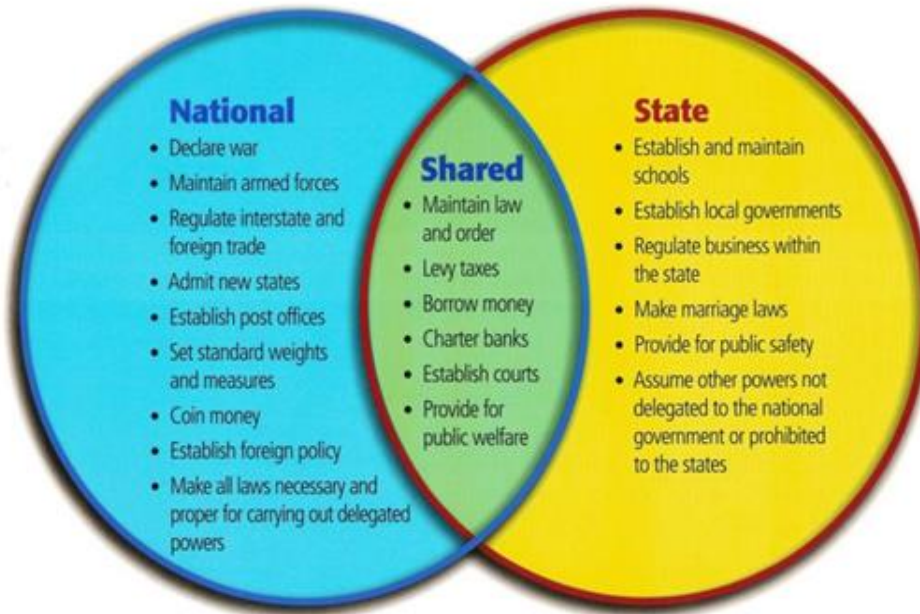
Presidents of the United States have repeatedly asked Congress to give them a line-item veto (power to veto just part of a bill). In all cases, either Congress has refused or the Supreme Court has taken the power away from the President after they have received it from Congress.

5. _____ = Divided the powers between the _____ and _____ governments.

6. Republicanism = Republican form of government (citizens elect _____ to carry out their will).

7. Individual _____ = The Constitution _____ individual freedoms (Bill of Rights)

Federalism



Federalism created to keep a balance of power between the central and state governments.

PREAMBLE

We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity do ordain and establish this Constitution for the United States of America.

In the context of 1787, who do you think the founders considered to be “the people” in “We the People?” How do you know? What historical evidence can be used to back up your claim?

In 1787, after years of struggle for independence from Great Britain, the men who would later be known as the founding fathers gathered in Philadelphia to form a government that would not only strengthen the new nation, but unify it. Realizing that the country needed a stronger government than the one that had been established following the Revolutionary War, the founding fathers carefully considered the foundation and principals of government before crafting the central guiding document of our democracy—the Constitution of the United States.

1. The Preamble:

- Preamble = The opening statement or _____ that outlines the Founding Fathers’ intentions goals.

Results:

- “We the People” = Shows that government gets their _____ (power) from the people.
- The Preamble defined 6 goals;
 1. To Form a More Perfect Union = _____ the states.
 2. To Establish _____ = Create a uniform (constant) system to settle legal _____ (arguments).
 3. To Insure Domestic Tranquility = Insure _____ and order at home.
 4. To Provide for the Common _____ = Protect citizens against a foreign _____.
 5. To Promote the General Welfare = Promote the _____ - _____ of all citizens.
 6. To Secure the Blessings of Liberty = Make sure citizens have _____.

2. The Articles:

- The seven sections of the Constitution that establish the _____ of the government.
- **I. Article I (1): Legislative Branch (_____)**
 - Congress makes the nation's _____
 - Congress is made up of _____ houses called a _____ legislature. House of Representatives & Senate

Powers of the House & Senate

Legislative Branch :

1. Make the Nation's _____:

- Bill = A proposed law.
 - A bill is _____ by Congress or the President.
 - A bill must be passed by a _____ vote (one more than half) in both the House and Senate.
 - If a bill passes through Congress, it must be signed by the _____ to become a law.

Results:

- Today, more than _____ new bills are introduced each year.
- _____ were formed to examine & study bills to provide _____, presentations, and insight.

Office	Number	Term	Selection	Requirements
_____	At least ___ per state based on population	2 years	Elected by voters (commoners) of congressional district	Age ___ or over Citizen for 7 years Resident of state in which elected
_____	___ per state	6 years	Original Constitution – elected by state legislature Amendment 17 – elected by voters (commoners)	Age ___ or over Citizen for 9 years Resident of state in which elected

Powers of the House & Senate Legislative Branch:

2. The _____ Clause:

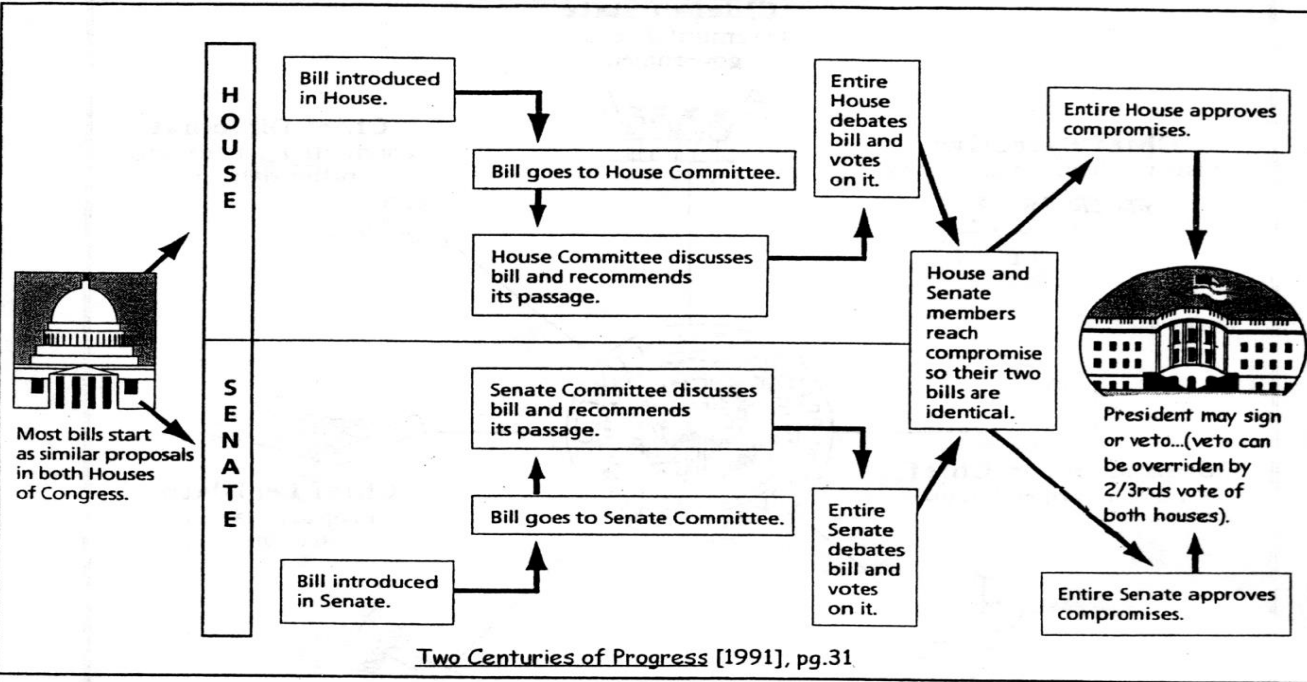
- Congress can make all laws “_____ and _____” to carry out the duties of the federal government.
- Interpreted as “_____” the power of the national government beyond what is written in the Constitution.
- Levy & collect _____, borrow money, _____ money, establish _____ offices, fix standard weights & measures, and to declare _____.

Example:

- Congress set up a national _____ to combat the U.S. debt.

Why? It is impossible for every Senator, Congressman, or Congresswoman to read every part of every bill.

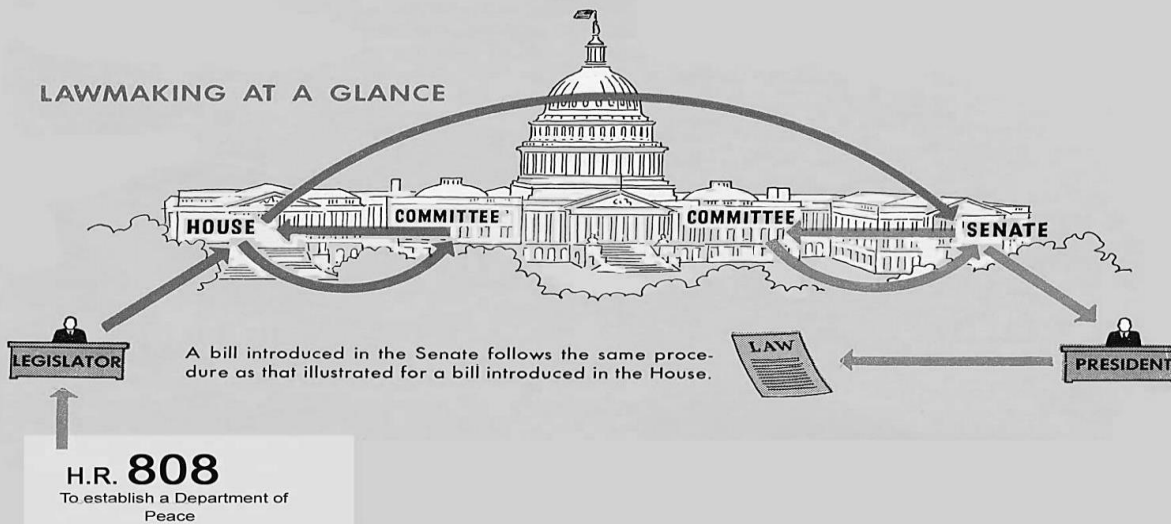
HOW A BILL BECOMES A LAW



1. What two houses of Congress can introduce bills into law making process?

2. What are two possible outcomes should a bill make it to the President?

LAWMAKING AT A GLANCE



II. Article II (2): Executive Branch (President)

➤ Enforces (_____) the laws passed by Congress and runs the national government.

Results:

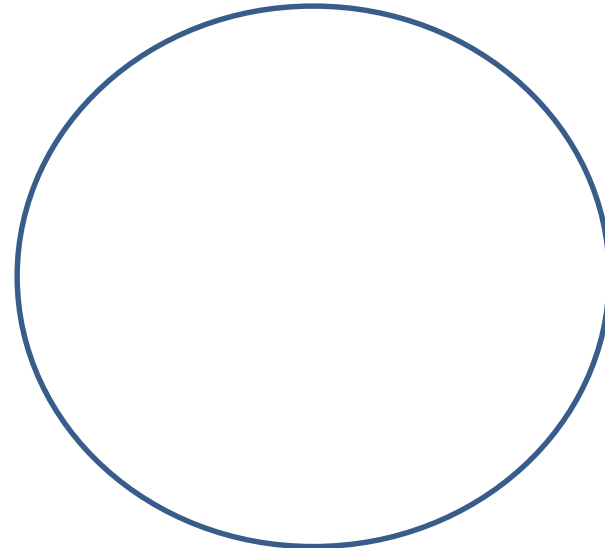
- President & Vice President are the nations _____ elected officials.
- President & Vice President is the only elected position
- That represents the _____ U.S.

The seal of the President of the United States. The bald eagle holds a banner that reads E Pluribus Unum (Out of Many, One), a shield with thirteen stripes, and thirteen arrows and an olive branch with thirteen olives. The olive branch represents peace and the arrows represent that sometimes war must be fought to preserve peace. President Harry S. Truman redesigned the seal in the late 1940's by including all 50 states (stars) and had the eagle's head face the olive branch to signify the importance of peace first and war as a last resort.

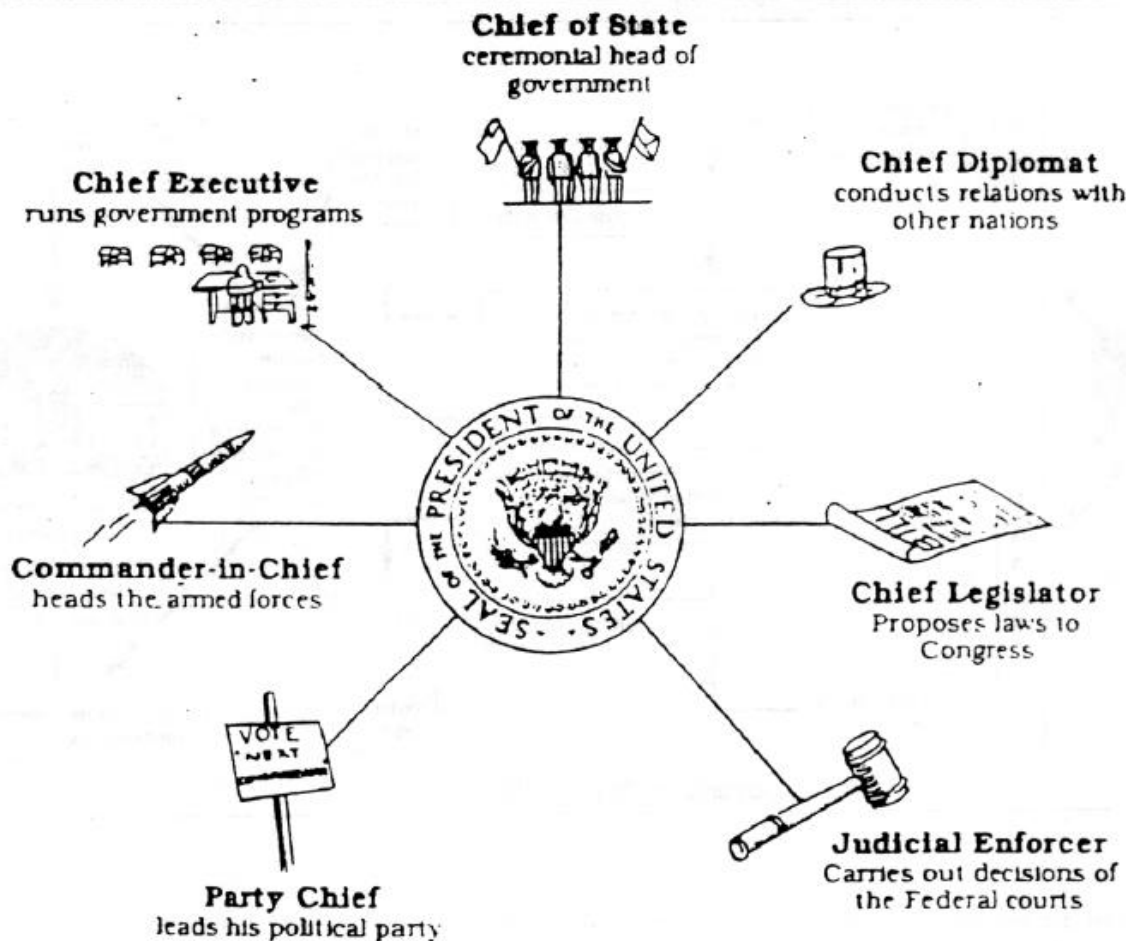
b. Powers of the President:

1. Direct America's Foreign Policy:
 - Can make _____ with foreign nations.
2. Commander in Chief of the Armed Forces:
 - Can guide or _____ troops (army), warships (navy), & planes (air force).
 - Only _____ can declare war.
3. Chief Legislature:
 - Can propose _____ to Congress.
 - Can _____ laws passed by Congress.

Create Your Own Version of the Presidential Seal Below



Office	Number	Term	Selection	Requirements
President and Vice President	_____	_____ years	Elected by _____ college	Age _____ or over Natural-born citizen Resident of United States for over 14 years



1. What is the president's executive responsibility?

2. What is the president's responsibility as commander and chief?

3. What are two executive departments that are included within the president's cabinet?

4. What is the purpose of the president's cabinet?

The tradition of the Cabinet dates back to the beginnings of the presidency itself. One of the principal purposes of the Cabinet (drawn from Article II, Section 2 of the Constitution) is to advise the president on any subject relating to the duties of their respective offices.

The Cabinet includes the vice-president and the heads of 15 executive departments—the Secretaries of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Labor, State, Transportation, Treasury, and Veterans Affairs, and the Attorney General.

c. Electing the President:

1. Electoral College:

- Every _____ is assigned a number of electoral _____ (electors).
- Elector = _____ appointed by state legislatures to _____ for the President.
- A _____ number of electors is based on the number of Senators and Representatives it elects to Congress.

Example:

- California has the greatest number of electoral votes:
- _____ Representatives + _____ Senators = 55 electoral votes (electors)
- *Electors meet a few weeks _____ the election and cast their electoral vote.

2. Counting Votes:

- In all but _____ states, a presidential candidate wins a state's electoral votes by winning the majority (more than half) of the state's popular (people's) vote.
- _____ & _____ electors are not bound to cast their vote for President based on their state's election outcome.

3. To Win the Presidency:

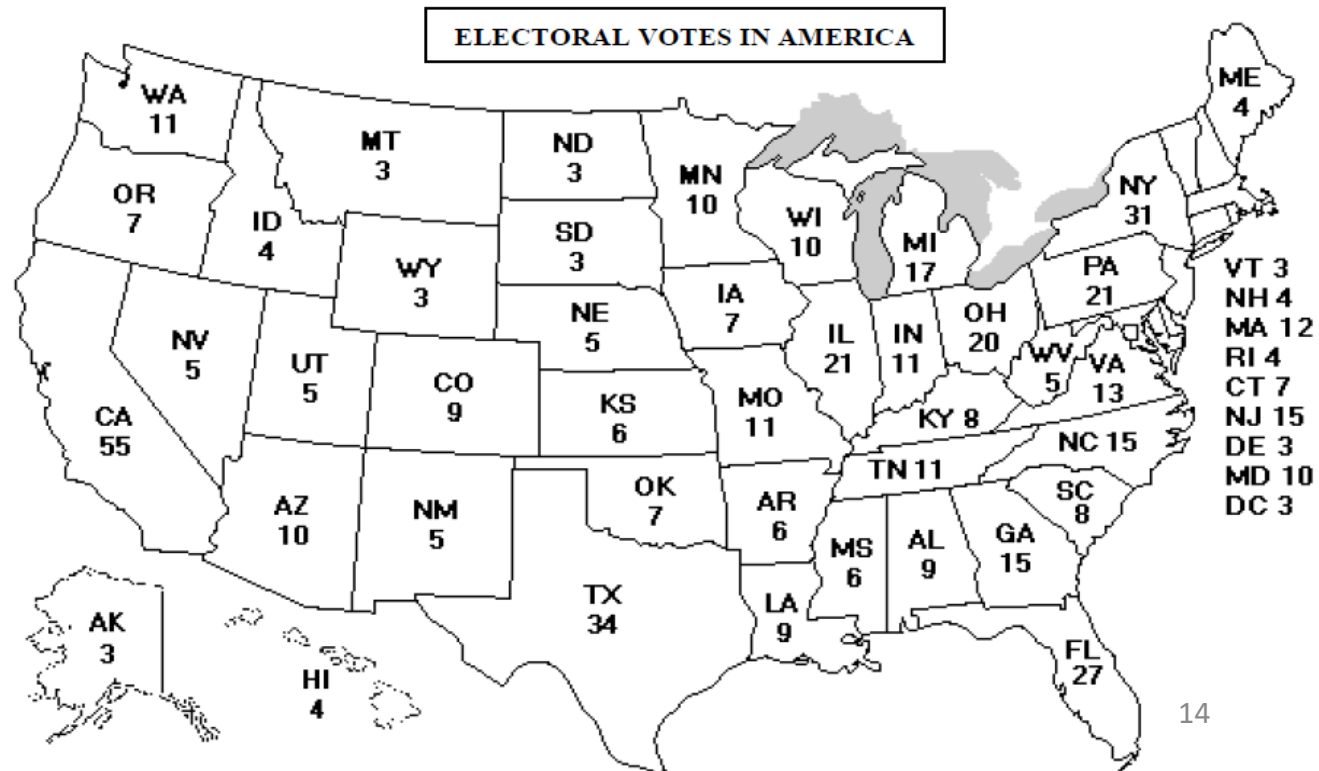
- When a candidate wins a majority of the _____ votes of the states he/she is elected President.

Example:

- 100 Senators + 435 Representatives = _____ electoral votes
- _____ of 535 electoral votes = 267.5
- This makes _____ a majority (more than half)

Result:

- When a candidate wins 268 electoral votes on election night he/she wins the Presidency.
- 4 times the candidate with the most _____ votes lost the electoral vote (1824, 1876, 1888, & 2000)



D. Impeaching a President:

- Impeach = To bring _____ against.
 - _____ has the power to impeach a President. (checks & balances)
 - Impeachment is the _____ of the President. Both the legislative & judicial branches play a role.
1. _____ of Representatives
 - Impeaches or charges President with a _____.
 - Done by a _____ vote.
 2. Senate
 - There is a _____ in the Senate and the Senate acts as the _____.
 - The chief justice of the Supreme Court is the _____.
 - If _____ of the Senators vote guilty, the President is _____ from office.

Results:

- Only 2 Presidents have been impeached;
 - Andrew _____ (1868) &
 - Bill _____ (1998).
 - Neither were _____ by the Senate.

III. Article III (3):

Judicial Branch

- (_____ Court)
- Includes the Supreme Court and other _____ Courts.
- _____ (explains laws) passed by Congress, signed by the President and makes sure the law(s) agree with the U.S. _____.

Impeachment Process

Article 1, Section 2, Clause 5; Section 3, Clauses 6 & 7



The House can impeach a President for treason, bribery, or other high crimes and misdemeanors. Johnson was impeached for violating the Tenure of Office Act and Clinton was impeached for perjury, obstruction of justice, and abuse of power.

Powers of the Supreme Court:

- Judicial _____
- Gives courts the _____ to determine whether the _____ and _____ of the legislative and executive branches agree with the Constitution.

- Agree = _____
- Don't agree = _____ constitutional

Result:

- If the Supreme Court feels a law is _____ the Constitution it can declare the law Unconstitutional and stop the law – majority vote (5 to 4)

IV. Article IV (4): Relations Among States

- Outlines the relations between the states.

Results:

- States must _____ one another's _____ and legal decisions.
- Provides the system for admitting _____ states.

VI. Article VI (6): National Supremacy

- - The Constitution is the “_____” law of the _____.”

Result:

- ☐ States may not make laws that _____ the Constitution or federal laws.

VII. Article VII (7): Ratification

- _____ of the 13 states had to ratify the Constitution.
- Many delegates believed that the U.S. Constitution needed a Bill of Rights to protect individual _____.
- To ensure the Constitution was ratified, it was agreed that a Bill of Rights would be added to the Constitution.

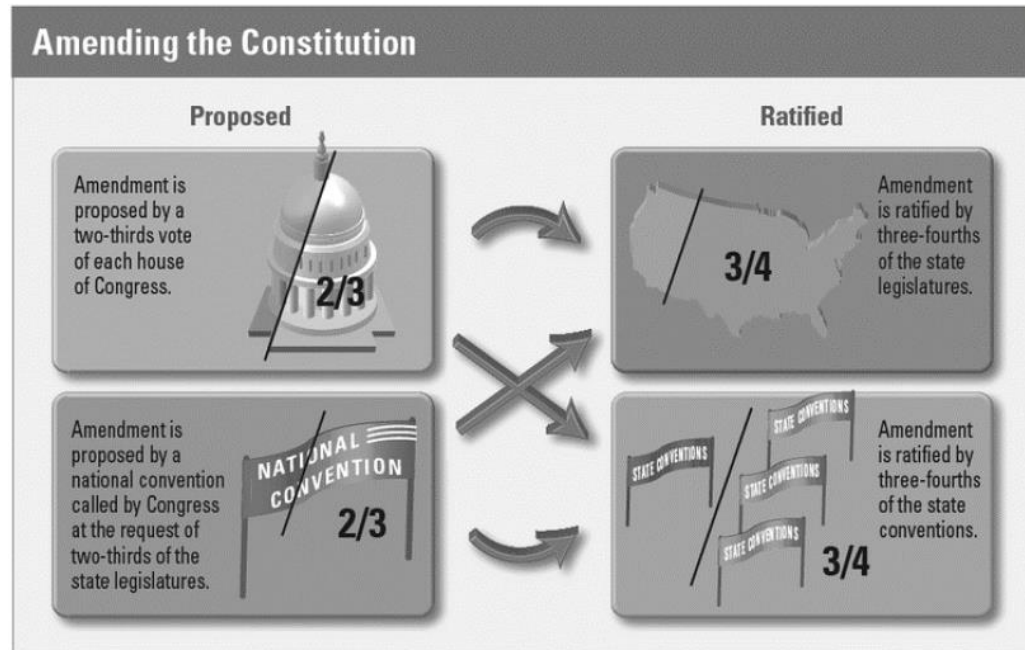
V. Article V (5): Amending the Constitution

- Provides the process to amend (_____) the Constitution.

Results:

- Amending the Constitution is very _____ to do.
- In more than 200 years, only _____ amendments have been added to the Constitution.

Until 1865, when slavery was formally abolished in the U.S., slavery was legal in southern states. According to Article IV of the Constitution, free states had to honor southern laws. In other words, if a slave escaped to a free state, and was captured, they had to be returned. To reach freedom, runaway slaves had to reach Canada (code name: North Star).

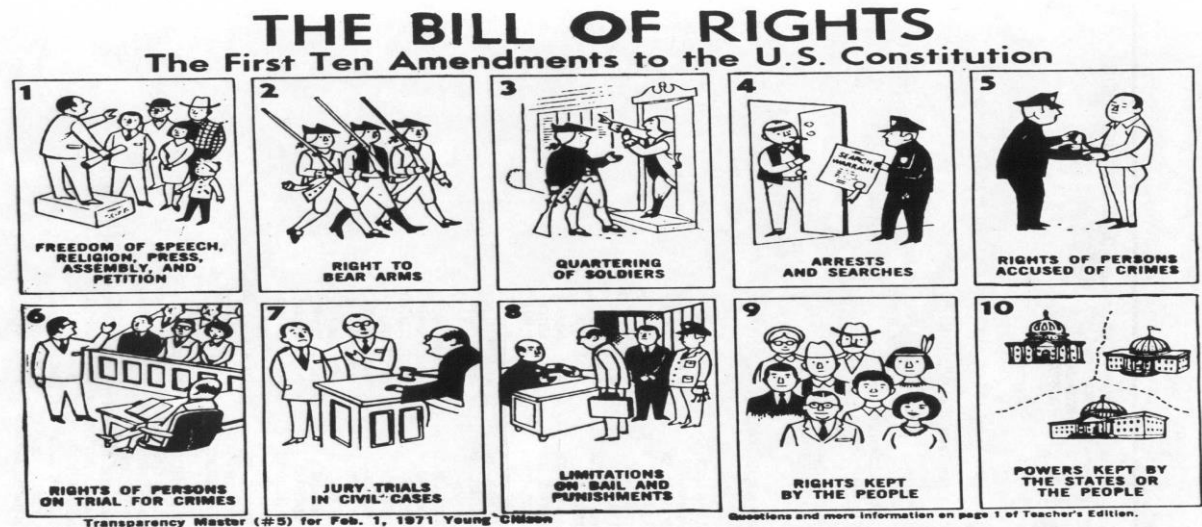


Background:

The Anti-Federalists believed that the Constitution should clearly protect speech, religion, and other rights. Many Federalists agreed. They insisted that the Constitution needed a bill of rights to make the nation's citizens truly free. The first Congress proposed a series of amendments to the Constitution in 1789. The first ten amendments, known as the **Bill of Rights**, were added to the Constitution in 1791. They embody those principles in the Declaration of Independence that claim the right to "life, liberty, and pursuit of happiness."

The Bill of Rights:

- The first _____ amendments to the Constitution.
- Amendment = written _____ to the Constitution.
- Added so all 13 states would _____ the Constitution.

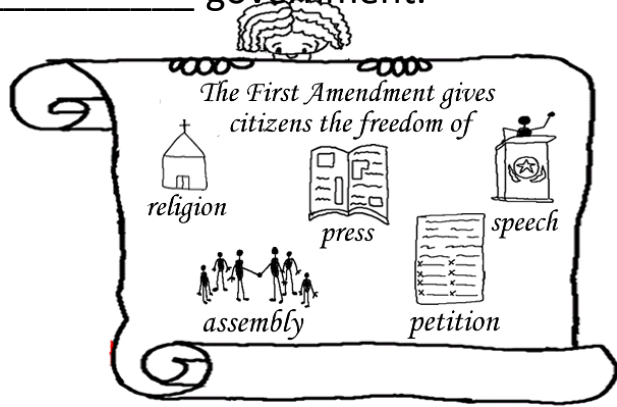


- King George III had limited colonists' liberty
- * America had fought a revolution to protect freedoms
- * Antifederalists wanted a specific list of rights that protected citizens' basic liberties
- * Some states refused to ratify the Constitution unless a bill of rights was added later

- First 10 amendments identify and guarantee basic rights and freedoms
- * The federal government cannot take away rights spelled out in the Bill of Rights
- **Bill of Rights Added to Constitution in 1791**

1st Amendment:

➤ Freedom of _____, _____, _____, peaceful _____, & _____ government.



Freedom of Religion Restrictions:
<ul style="list-style-type: none"> • The Constitution protects religious _____, not practice. Religious practice cannot violate civil _____. • Some examples argued in the Supreme Court; _____, animal _____, & illegal _____ use.

Free Speech Restrictions:
<ul style="list-style-type: none"> • Illegal Speech: Speech that involves incitement (encouraging _____ or illegal activity), _____ statements (slander), obscenity, _____, and speech _____ by others (plagiarism).

3rd Amendment:

- No quartering of _____ in private homes.

2nd Amendment:

- Right for states to have a _____.
- Right to keep & bear _____ (guns).

States' Right / Collective Right:
<ul style="list-style-type: none"> • Right to bear arms applies to the _____ right to collect weapons and maintain / train a militia for defense.

Individual Right:
<ul style="list-style-type: none"> • Right to bear arms applies to the _____ right to own a weapon.

Before the outbreak of the American Revolution, England sent troops to enforce taxes and regulate trade (smuggled goods). The 13 colonies were overwhelmed with British troops and England forced colonists to allow British troops to live in their homes. The 3rd amendment was created to avoid this from happening again



Under British rule, British troops could search colonist's homes without a search warrant. The 4th amendment was added to the Constitution to make sure this would not happen in America.

4th Amendment:

- Freedom from unlawful _____
& _____ of private property.

“The right of the people to be secure in their persons, houses, papers, and effects . . .”

a. What does “persons” really mean?

- What about a person's clothes? _____
- How about the wallet they are carrying? _____
- How about a person's blood or bodily fluid? _____

b. What does “houses” really mean?

- What about an apartment? _____
- A mobile home? _____

c. What does “papers” really mean?

- What about a diary? _____
- Your email? _____

d. What does “effects” really mean?

- What about your backpack? _____
- Your collection of comics? _____

5th Amendment:

- Freedom from self-incrimination; you do not need to _____ against yourself.

- Freedom from double _____; cannot be tried for the _____ crime

twice. *According to the 5th amendment of the U.S. Constitution, in an American court you do not have to testify against yourself. Now you know what it means when a defendant in court says, “I plead the 5th”*

6th Amendment Right to a Fair Trial:

- Right to be defended by a _____.
- Right to be tried by an impartial (fair) _____ & _____.
- Right to call _____ at your trial.
- Right to a _____ and _____ trial.
- Right to know the _____ against you.

Miranda vs. Arizona (1966)

- Ernesto Miranda was arrested and charged with two crimes and signed a _____ to the crimes.
- Miranda was never read his right to remain _____ or have an _____ present during questioning

Even though Miranda signed a written waiver that he did not want an attorney present during questioning, his lawyer argued that since Miranda was not given a verbal reminder of his 5th amendment rights, his confession could not be used to incriminate him.

Gideon vs. Wainwright (1963)

- Clarence Gideon was arrested and charged with _____ and _____.
- Gideon could not _____ an attorney and was _____ an attorney by the state of Florida because his offense was not a capital crime.

Even though Gideon requested a lawyer represent him in court, he was denied. From a prison cell in Florida, Clarence Gideon appealed to the Supreme Court, arguing that his 6th amendment right to council had been denied by the Florida Department of Corrections.

7th Amendment: - Right to a _____ trial in civil cases.

7th Amendment Right to a Fair Trial:

Miranda vs. Arizona (1966)

- The Supreme Court ruled that Miranda’s freedom from _____ - incrimination & right to an _____ was violated.
- His signed _____ was therefore not admissible in court.
- Miranda was _____ using witnesses and other evidence and _____ of his crimes.
- The rights you here read on TV shows & movies when somebody is getting arrested are called “Miranda Rights”.

Gideon vs. Wainwright (1963)

- The Supreme Court ruled that the _____ must appoint an _____.
- Over _____ individuals that were convicted in Florida were freed.
- Gideon was retried, this time with an attorney and was _____ (found innocent) on all charges.

8th Amendment: - Freedom from _____ & _____ punishment

U.S. detention camp, located on the U.S. naval base in Cuba. Prisoners have reported the use of torture and poor treatment.

Some Americans argue that the methods used at this prison violates the 8th Amendment. What do you think?

Some Americans argue that the death penalty violates the 8th Amendment. What do you think?

9th Amendment:

Protects a _____ rights that are not mentioned in the Constitution.

Recent uses of the 9th Amendment: = Right to _____ & equal _____ rights.

10th Amendment:

Powers that are not given to the _____ government belong to the _____. - _____ the power of the federal government.

Examples: Driving _____, cell phone use while driving laws, public _____ policies, _____ policies, etc.

*Since the Bill of Rights was ratified, there have been _____ additional amendments added to the Constitution, making a total of 27 amendments. ²¹

Other Notable Amendments:

- 13th amendment (1865) = Abolished _____.
- 19th amendment (1920) = Gave _____ the right to vote
- 22nd amendment (1951) = Limited the President to _____ terms of office.
- 26th amendment (1971) = Changed the voting age from 21 to _____ years old.

Franklin D. Roosevelt (FDR) was elected president four times. Prior to FDR, every president elected to two terms followed George Washington's precedent (example) by not running for a 3rd term.

Why do you think the 22nd Amendment was added to the Constitution?

The 26th Amendment was added to the Constitution at the height of the Vietnam War.

Americans that were 18 years of age were being drafted into military service.

Many believed this was unfair as they could not vote until the age of 21.

Directions: Read the story and underline the sections where Johnny's rights are violated.

- Johnny Q. Public dozed off to sleep while watching a crime show on TV. Suddenly there was a noise on his porch and then, "BAM!" Five men in police uniforms stood in his living room with guns pointed at him. The captain shouted to the other officers, "You, go search the basement. You, search the garage. You, search the kitchen!" "Wh- wh- where's your search warrant?" asked Johnny nervously. "We don't need a warrant!" replied the police captain.
- After searching his house, the captain announced, "Johnny Q. Public, you are under arrest." Johnny was booked and led to a prison cell. He wondered what he had been arrested for. "Guard, why I have been arrested?" Johnny asked each day. But the guards said they didn't know. Months went by.
- Finally Johnny was told that if he could post one million dollars bail, he could get out of jail until his trial. "I don't have that kind of money. Can I talk to an attorney?" He'd beg, but the answer was always, "No." A year passed, and finally Johnny was transported from Virginia to Pennsylvania for trial.
- He found out that he was charged with shoplifting a t-shirt. As he entered the courtroom, he saw an empty jury box. He asked, "Where's my jury?" He was told he couldn't have a jury because judges were better at knowing when someone was guilty. Then the district attorney said, "The prosecution calls Johnny Q. Public to the stand." Johnny didn't want to testify. But he was told he would be sent back to jail if he did not. Johnny put on the best defense he could. By some miracle, he was found not guilty.
- A month later, Johnny was arrested again on the same charge. He had to prepare for another trial. The prosecution had new evidence this time. Johnny wanted to question the prosecution's witnesses, but the judge would not let him. When it was time for Johnny to present his case, Johnny said, "I'd like to call my neighbor to the stand. He knows that I was at home alone that night." But the judge said, "Your neighbor didn't want to get involved, and so he would not agree to testify. There's nothing we can do."
- Johnny was found guilty. The judge asked Johnny to stand while he read the sentence: "Johnny Q. Public, since this is your first offense, you have been sentenced to five years in a maximum security prison." Johnny felt dizzy and sat down. He thought, "I wish there were something that could protect me from these abuses!"

For each of the following examples decide which amendment is involved, and which rights are being violated. What is the right thing to do according to The Bill of Rights?

- 1. Mrs. Jones hears a knock at the door. She opens the door and finds 3 police officers asking if they can come into her home to talk about neighborhood safety. She is very friendly and so she says yes. While sitting in the living room one of the officers sees a bomb under the sofa and gets up to get it. Mrs. Jones is immediately arrested.***
- 2. Sam Davis is planning a public meeting in front of the town library to protest against a new city tax for playgrounds. He has filed all of his permits and the city has said that he can have his meeting. The night before the meeting, however, the mayor finds out that Sam was arrested 2 years ago in another town for starting a riot. On the day of the meeting, police show up to prevent the meeting and Sam is not allowed to hold his meeting.***
- 3. Gina DeLong has lived in her home for 26 years. During that time the city has tripled in population, traffic is a mess, and there just are not enough roads. Tuesday morning the sheriff came to her house and told her that she had to move because a new road was going to be built right through her house. When she complains that she has lived there for so long and doesn't want to move, she is told, "Too bad, you have 30 days to get out."***

For each of the following examples decide which amendment is involved, and which rights are being violated. What is the right thing to do according to The Bill of Rights?

- 1. Kennedy Elementary School is a normal school, so it surprised everyone when the principal, Mrs. Salinas, decided that all students could have extra holidays from school for the Jewish holiday of Yom Kippur. Most of the students were happy, but some parents were mad because they didn't have baby-sitters.**
- 2. Hans Schlemming was new to this country. In Germany he was an auto mechanic. On Saturday night he was coming out of a store and the police arrested him for stealing. He said he didn't do anything, but the police were convinced that they had the right person. When he told them that he wanted a lawyer, one of the policemen said, "You don't need a lawyer, you guilty pig. You and your German friends killed my grandfather during the war. I know that you're guilty. We're locking you up and throwing away the key."**
- 3. Stephanie Manus was arrested, tried, and convicted of kidnapping. There was no doubt that she was guilty. The judge said, "I can either send you to prison for 12 years or I can make you shave your head and make you stand on the freeway for 8 hours a day so that you will know what it is like to be scared." "Prison is too good for you," said the judge.**
- 4. Mr. Wiegold had worked in the same place for 36 years and only had one raise. He felt like the boss owed him something, so one day he took a computer home and kept it. When the boss found out he had him arrested. Mr. Wiegold demanded a trial because he said he was innocent. But the boss and the police said he didn't get a trial because they already caught him with the stolen computer, he was guilty.**

For each of the following examples decide which amendment is involved, and which rights are being violated. What is the right thing to do according to The Bill of Rights?

- 1. At a gun collecting show, George Samuels picked out 13 guns that he wanted to add to his expensive collection of guns from the 1800s. When he tried to pay for the 13 guns he was told by a security guard that he wasn't allowed to take so many guns. The security guard would only allow George to buy 5 guns because the Constitution allows citizens to have one gun per family member.***
- 2. Trina Lening and her friends had recently robbed a liquor store. Trina's friend Lori did not help, she was sick at home. When the police picked up all of the girls the following Friday, they arrested the whole group including Lori. At the trial, Lori said that she was innocent and could prove it because she had witnesses. But her witnesses were her friends, and if they said she wasn't there, it would mean that they were at the liquor store.***
- 3. The city of Manville was in crisis. For 3 days there had been riots and fires. The National Guard was called out to restore peace. When officers showed at Mrs. Mayberry's door demanding some food and a place to sleep she was so afraid of their guns that she let them in and gave them what they wanted.***