



RE: AP US Government & Politics, Summer Work

Welcome to AP GoPo! This next year will be awesome, and I am excited to get to know you all over the course of the next year! Because of the importance of the Constitution in this course and the depth of knowledge you need to have it, we have some summer work. **This summer work must be handwritten (contact me if there is an issue with this), and it is due on the 1st day of school, and we will have a test or project on the information from the summer work as early as the 2<sup>nd</sup> day of school.**

This first part of the document is the text you to read in order to answer the written summer assignment, which is the second section and starts on page 31 of this document (Amsco Ch. 1 & 2, Topics 1.1 through 1.6.) (I recommend only printing from that point through the last page and selecting two pages per sheet and front and back in order to save paper.) Think of this reading as freeing yourself up in May after the AP exam as we are traditionally scheduled for the very first one on the very first day of the exam schedule!!) Make sure that when you come across The BIG IDEA, you write it down! You will get a copy of the 3<sup>rd</sup> Edition of the Amsco text when we start school!

Below are links to some Required Documents you may need to reference when doing your Summer Work, and we will use them all year long!

Declaration of Independence <https://www.archives.gov/founding-docs/declaration-transcript>

Articles of Confederation: <https://www.archives.gov/historical-docs/articles-of-confederation>

Brutus 1 <https://teachingamericanhistory.org/library/document/brutus-i/> OR  
<https://www.khanacademy.org/humanities/us-government-and-civics/us-gov-foundations/us-gov-government-power-and-individual-rights/v/anti-federalists-and-brutus-i>

Federalist 10 <https://billofrightsinstitute.org/primary-sources/federalist-no-10> OR  
<https://www.khanacademy.org/humanities/us-government-and-civics/us-gov-foundations/us-gov-government-power-and-individual-rights/v/federalist-papers-10-part-1> AND  
<https://www.khanacademy.org/humanities/us-government-and-civics/us-gov-foundations/us-gov-government-power-and-individual-rights/v/federalist-papers-10-part-2>

Constitution found on <https://constitutioncenter.org/interactive-constitution/the-constitution> You can read in full or by different sections—we will refer to this all year so learn it well!

Bill of Rights <https://constitutioncenter.org/learn/educational-resources/historical-documents/bill-of-rights>

Federalist 51 <https://billofrightsinstitute.org/primary-sources/federalist-no-51>

## Ideals of Democracy

*"Britain is the parent country, say some. Then the more shame upon her conduct. Even brutes do not devour their young, nor savages make war upon their families . . . Every thing that is right or natural pleads for separation. The blood of the slain, the weeping voice of nature cries, 'TIS TIME TO PART."*

—Thomas Paine, *Common Sense*, 1776

**Essential Question:** How are democratic ideals reflected in the Declaration of Independence and the U.S. Constitution?

The ideals of American democracy are firmly rooted in the establishment of the United States after the Revolution of the late 1700s. More than a century before, however, American settlers began to define democracy and self-governance. When the Pilgrims landed in Massachusetts in 1620, they knew their survival depended on working together and forming a “civil body politic,” so they drafted a governing document, the Mayflower Compact. This agreement was grounded in Christian morals and the God-given right to self-rule, even while the Pilgrims remained British subjects. More than 150 years later, the Declaration of Independence, applying the principles of Enlightenment philosophy, provided a foundation for a government in which the people with protected rights, not monarchs, were the true source of governmental power. A decade later, the United States Constitution codified the ideals of self-government, consent of the governed, and representation into guidelines for a new nation.

### Influence of Enlightenment Thought

The leading revolutionaries were inspired by Enlightenment thinkers who championed natural, God-given rights and a social contract between a representative government and the people, the true source of power. They argued that if a government violated the understood compact, then the people could take that power back.

#### ***Enlightenment Philosophers***

Advocates for freedom from British rule drew on Enlightenment political theory. It had been developed when the principles of rationalism that had unlocked doors to the natural world during the Scientific Revolution were

applied to the social world as well. Especially influential were the writings of English philosophers Thomas Hobbes (1588–1679) and John Locke (1632–1704), Swiss-born philosopher Jean-Jacques Rousseau (1712–1778), and French philosopher Montesquieu (1689–1755).

**Thomas Hobbes and *The Leviathan*** In his famous work *The Leviathan*, Hobbes argues that when humans live in “a state of nature” rather than in a governed state, the result is anarchy and war, and human life is “solitary, poor, nasty, brutish, and short.” A modern example is Somalia after the collapse of its repressive government in 1991. The resulting stateless society endured a long series of bloody civil wars.

The remedy for this condition, according to Hobbes, was for people to give up some of their rights, as long as others did so as well, and agree to live in peace. In his view, an absolute sovereign—the Leviathan referred to in the title—would hold society together, yet still honor a social contract, as long as the sovereign’s rule took the good of society into account.

**John Locke and Natural Law** John Locke, a British philosopher, argued in *Second Treatise of Civil Government* (1690) that **natural law** is the law of God and that this law is acknowledged through human sense and reason. In contrast to Hobbes, he proposed that under natural law—in a state of nature—people were born free and equal. According to this law, Locke reasoned, “No one can be . . . subjected to the political power of another, without his own consent.” Locke argued further that natural law not only entitled but actually obligated people to rebel when the rule of kings did not respect the consent of the governed.

**Jean-Jacques Rousseau and *The Social Contract*** Rousseau was much influenced by Locke. He spoke for those “intending their minds” away from an irrational and oppressive political order, away from a governmental theory that rested in the divine right of kings and clergy to rule and misrule. The opening sentence of his influential treatise, *The Social Contract*, dramatically lays out a key human problem: “Man was born free, and he is everywhere in chains.” The social contract Rousseau describes is the agreement of free and equal people to abandon certain natural rights in order to find secure protections for society and to find freedom in a single body politic committed to the general good. He envisioned **popular sovereignty**—the people as the ultimate ruling authority—and a government of officials to carry out the laws.

**Baron de Montesquieu and *The Spirit of the Laws*** French philosopher Montesquieu (1689–1755), like Rousseau, recognized in *The Spirit of the Laws* (1748) both the sovereign and administrative aspects of governmental power. He saw a republican form of government as one having defined and limited power while granting political liberty to citizens. Montesquieu argued for the separation of powers in the administrative government, comprised of the executive, legislative, and judicial branches.

Enlightenment thought was well known among English colonists in North America. According to historian Carl Becker, “Most Americans had absorbed



Locke's works as a kind of political gospel." The American revolutionaries believed that men were entitled to "life, liberty, and property" and that these cannot be taken away except under laws created through the consent of the governed. These beliefs formed the bedrock of the political ideology known as **republicanism**. In a republic, citizens elect leaders for a limited period of time; the leaders' job is to make and execute laws in the public interest. The lack of colonial representation in Parliament, such as taxation without consent and subsequent infringements of liberty, violated fundamental rights and the values of republicanism. These violations were remedied by the creation of an independent, limited, and representative government based on the ideas of natural rights, popular sovereignty, republicanism, and the social contract.

## Declaring Independence

American-British tensions rose to new heights in the early 1770s. Colonists protested Parliament's taxing them without consent or representation. To enforce the tax laws and to quiet the discontent in America, the British government sent a military force to the colonies. Friction between the soldiers, trying to instill order, and the colonists, trying to enjoy their liberty, resulted in a decade of conflict that further divided the two sides.

British suppression of self-rule, economic punishments, and unfair trials and imprisonments finally brought the two sides to blows. In fact, the battles of

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Lexington and Concord had already taken place by the summer of 1776 when the Second Continental Congress met in Philadelphia. Virginia delegate Richard Henry Lee offered a short motion declaring American independence and the authority of this Congress to vote to officially end the relationship with Great Britain. Delegates from the colonies debated the motion for days before breaking the session to allow some delegations to travel back to their legislatures to make sure they were adequately representing them. The same gathering, before it temporarily adjourned, commissioned a committee of five men—**Thomas Jefferson, John Adams, Benjamin Franklin**, Roger Sherman, and Robert Livingston—to draft a full, more official statement to summarize the colonists' views.

On June 11, the five men met at Franklin's lodgings and planned the document's content and shape. When Franklin declined the invitation to draft it because of his shaky health, they handed the assignment to Thomas Jefferson. The Second Continental Congress reconvened on July 1 to debate the enhanced resolution. Over the next two days, Jefferson and the committee made 85 revisions or deletions. The full body debated and then voted on July 4, 1776, to approve the document, which became the **Declaration of Independence**. It provided a moral and legal justification for the rebellion.

The Revolutionary War intensified, and the Continental Congress sent diplomats to foreign countries and military generals to lead the fight. The colonies-turned-states created a more official government under the Articles of Confederation, the nation's first constitution. (See Topic 1.4.) The war raged on until General George Washington's army defeated the British at Yorktown, Virginia, in 1781. In 1783, the Treaty of Paris officially ended the war.



Source: Library of Congress

Declaration Committee (left to right): Thomas Jefferson, Roger Sherman, Benjamin Franklin, Robert R. Livingston, and John Adams

## The U.S. Constitution: A Blueprint for Government

After experimenting with a decentralized federal government under the Articles of Confederation, the Confederation Congress called a convention in Philadelphia for the sole purpose of revising the Articles of Confederation. In May 1787, delegates began to arrive at Independence Hall (the Pennsylvania State House) to get an early start on improving national governance. Thirty-six-year-old **James Madison** was among the first to arrive. The Virginia lawyer was well prepared for the deliberations. His friend Thomas Jefferson served in Paris as the U.S. ambassador to France and sent Madison books on successful and

unsuccessful governments. Madison's influence in creating the plan for the new government and his stalwart support of it during the ratification process (see Topic 1.5) earned him the nickname "Father of the Constitution."

The delegates elected **George Washington** as president of the Convention. He presided as a calming force during heated debate. In fact, Washington's participation alone elevated the validity of the endeavor. **Alexander Hamilton's** intellect, drive, and quest to elevate the nation made him instrumental in shaping the new design. Benjamin Franklin, the elder statesman at age 81, offered his experience as one who had participated in the drafting of the Declaration of Independence, the Articles of Confederation, and the Treaty of Paris with Britain. He also held distinction in discovery, invention, and civic endeavors, embodying Enlightenment ideals.

In addition to these leading statesmen, states sent representatives with significant experience in public affairs—some who became future Supreme Court justices, Cabinet members, and notable congressmen—intent on creating outcomes beneficial to their state. All were well versed in Enlightenment political thought and had served the Revolutionary cause.

The delegation decided on procedural matters and formed the **Grand Committee**. The committee was made up of one delegate from each of the states represented at the convention. George Mason, William Paterson, and Benjamin Franklin were among those on the Grand Committee. The Grand Committee was instrumental in forging the compromises needed to work out the many conflicting interests as the new form of government took shape. (See Topic 1.5 for more about the constitutional compromises.)

## ***An Enlightened Constitution***

When the delegates completed their work on September 17, 1787, they had created a blueprint for a unique form of political democracy. They recognized, as did Hobbes, the need for a strong executive, but they discarded his idea that such a person should have absolute power, as a monarch would. Instead, they created an executive branch headed by an elected president, ultimately subject to the will of the people. Like Locke and Rousseau, they believed that people committed to a social contract by giving up some individual rights in exchange for the benefits of a government that sought justice and preserved fairness. Like Montesquieu, they supported the separation of powers.

**BIG IDEA** The U.S. Constitution establishes a system of checks and balances among branches of government and allocates power between federal and state governments. This system is based on the rule of law and the balance between majority rule and minority rights. The plan for government under the new constitution included three separate branches—legislative, executive, and judicial—each having unique powers and each able to block the others from gaining too much power. Congress as the legislative branch could tax, borrow money, and regulate commerce. The president would serve as commander in chief. The judicial branch included a Supreme Court and a plan to create lower courts. The Constitution also outlined a system to elect the president.

## ***A Representative Republic***

The framers wanted the citizen representation of a democracy, but on a national level, so they created a **representative republic**, a collection of sovereign states gathered for the national interest, national needs, and national defense. To promote popular sovereignty, the framers required popular elections every two years for members of the House of Representatives, but those were the only popular elections they put in the original Constitution. State legislatures elected their senators until 1913. The state legislatures named their electors (done today by citizen voters), and then the Electoral College elects the president.



## Types of Democracy

*“To secure [our inherent and inalienable] rights, governments are instituted among men, deriving their just powers from the consent of the governed.”*

—Declaration of Independence, 1776

**Essential Question:** How are models of representative democracy visible in U.S. institutions, policies, events, and debates?

The Declaration of Independence laid the foundation for a new government to replace Britain’s oppressive rule. The Constitution, formally adopted in 1788, became the permanent plan for government with a workable balance between the states and the federal government and between individual freedoms and government power. The result was a **representative democracy**—a government in which the people entrust elected officials to represent their concerns.

### Three Forms of Representative Democracies

Representative democracies can take a number of forms. The structure and principles of the Constitution allow for the following types, among others.

#### ***Participatory Democracy***

In its purist form, a **participatory democracy** depends on the direct participation of many, if not most, people in a society, not only in government but in public life as well. Participatory democracy emphasizes broad involvement of citizens in politics. Most important, citizens vote directly for laws and other matters that affect them instead of voting for people to represent their interests.

However, a pure form of participatory democracy is unwieldy. Even in Ancient Greece, the birthplace of democracy, only those who had the time and resources took an active part in government. The larger the population, the more difficult it is to involve everyone in decision making in a timely manner.

The framers believed that such a large, diverse country as the United States was too big to function as a participatory democracy. Yet they left room for the individual to exercise self-representation at state and local levels. Small towns and villages hold town hall meetings with occasional votes to establish local policy. Cities and school districts hold votes among the entire local electorate to determine property tax rates and whether or not to construct new public buildings. In many states, the voting populace can establish state law or alter state constitutions.

## ***Pluralist Democracy***

In a **pluralist democracy**, people with widely varying interests find others who share their interests and organize and unite into nongovernmental groups to exert influence on political decision making. These **interest groups** (see Topic 5.6) compete in the “marketplace of ideas” and look for access points at the local, state, and federal levels to persuade policymakers. Groups form along a spectrum of interests, from associations of business executives pressuring the government to reduce environmental regulations on business to associations of environmentalists pressuring the government to preserve natural resources and combat climate change. Because of the competition among interests and the need for bargaining, the process of changing policy is usually slow. However, a pluralist democracy allows many people to voice their interests, preventing the wealthy and elite from grabbing all the power.

The founders knew such varying interests would dominate government, so they created structures to limit their influence. For example, they assumed each state would constitute an interest. In the House and Senate, states have representatives, yet these bodies are composed of so many members from across a broad geography and diversity of views that factions within these bodies often limit the dominance of any single interest. The system of the Electoral College—having electors vote independently while isolated in their state capitals on the same day—would prevent an overpowering influence fueled by interest.

## ***Elite Democracy***

The Electoral College demonstrates an elite element in the United States government. In an **elite democracy**, elected representatives make decisions and act as trustees for the people who elected them. Elite democracy recognizes an inequity in the spread of power among the general populace and the elites: People with resources and influence dominate. Despite the inequality of power, some people argue that the elected representatives are well equipped to secure the rights of the individual. They tend to have the necessary skills and education to represent the governed. Proponents of an elite democracy argue that elite leaders can prevent popular but possibly unwise positions from forcing their way into policy.



Elite democratic models are in all three branches of government. The most democratic of them, the House of Representatives, is composed of members elected directly by the people. They have short, two-year terms and represent a geographic constituency. The Senate, originally elected by state legislators, was another step removed from the citizenry, still representative, but more elite. And several appointees in the federal government—Cabinet officials and judges, for example—are appointed, the latter for life.

## Tension Over the Models of Democracy

The Constitution and the subsequent spirited ratification debate reflected the tension between the broad participatory model and the more filtered participation of the pluralist and elite models. The central question was, “What is the best way for citizens to participate in government?”

**Tensions Within the Constitution** The Constitution reflects a balance between citizen participation and a strong central government of representatives. The document and the national policies properly created under it are the supreme law of the land, but it also allows states to retain rights that are not in conflict with federal law. The strong central government reflects an elite model of democracy, since elected representatives have the power to represent their constituents. In fact, in the original Constitution, elected members of the state legislatures elected their U.S. senators. They are now elected directly by the people.

At the same time, the freedom of states to make their own decisions (as long as they are not in conflict with federal law) reflects the possibility for participatory democracy. Elected representatives serve at all levels of state and local governments, but states and the cities and towns that comprise them have the freedom to encourage widespread participation.

The lawmaking process outlined in the Constitution recognizes the necessity of finding agreement within pluralism. Representatives and senators from all regions of the country, representing a wide variety of views, negotiate agreements to pass laws.

**Tensions Between Political Beliefs** Those who supported the proposed constitutional structure, a strong federal government, and full ratification became known as **Federalists**. Federalist Alexander Hamilton, aware of anti-Constitution sentiment in his home state of New York, recruited James Madison and John Jay to help write and publish 85 essays supporting the Constitution and explaining the government it created. These authors adopted the pen name “Publius” after an ancient Roman who toppled a king and set up a republic. The *Federalist Papers* were the most comprehensive commentary designed to sell ratification. Their influence peaked as Virginia and New York ratified with slim margins. One of the more celebrated arguments is found in *Federalist No. 10*.

Strong, vocal opposition to the Constitution came about as quickly as the document was unveiled. Those who opposed the consolidation of the states under a federal government were known as **Anti-Federalists**. They, too, had well educated leaders, including New York delegates Robert Yates and William Lansing, who wrote newspaper articles to sway people's decisions to adopt or reject the Constitution. Anti-Federalists described what they saw as the impossibility of truly representing constituents' views in a large republic. A series of essays appeared in the *New York Journal* from October 1787 until April 1788 under the pseudonym Brutus, which evoked images of the heroic Roman republican who killed the tyrant Caesar. Brutus wrote 16 total essays, which in many ways paralleled the meticulous analysis of the Federalists from the other side.

"In every free government, the people must give their assent to the laws by which they are governed. This is the true criterion between a free government and an arbitrary one. The former are ruled by the will of the whole, expressed in any manner they may agree upon; the latter by the will of one, or a few . . . Now, in a large extended country, it is impossible to have a representation, possessing the sentiments, and of integrity, to declare the minds of the people, without having it so numerous and unwieldy, as to be subject in great measure to the inconveniency of a democratic government." —*Brutus No. 1* (See Topic 1.3 for a more in-depth look at *Brutus No. 1*.)

MODELS OF REPRESENTATIVE DEMOCRACY		
	Reflected in the Constitution	Reflected in Ratification Debates
<b>Participatory</b>	States are free to determine how to allow for direct citizen involvement.	Anti-Federalists feared in the large United States too many people with too many different views to be adequately represented, so they favored smaller units of government more responsive to local needs.
<b>Pluralist</b>	The lawmaking process requires compromise within a wide range of competing interests.	Federalists argued competing interests are unavoidable, but they prevent one single viewpoint from dominating.
<b>Elite</b>	Elected representatives are charged with representing their constituencies. The Electoral College enables elites to determine the president.	Federalists desired representative government and trusted the process of regular elections to remove representatives when they do not meet the needs of their constituents. Anti-Federalists argued only smaller units of government can represent their constituents.

## Representative Democracy in the United States Today

The three models of representative democracy continue to be reflected in contemporary institutions and political behavior.

**Examples of Participatory Democracy** One way in which citizens can participate directly is through state and local ballot initiatives. **Initiatives** give the people the power to place a measure on the ballot for a popular vote. Another is the **referendum**, which allows citizens to contest the work of the legislature. If the legislature passes an unpopular law, the public can gather support, usually through signatures on a petition, to call for a vote to defeat or uphold the law. Twenty-six states allow some form of ballot initiatives. On Election Day 2020, some of the issues voters were deciding through ballot measures related to the minimum wage, exemptions from vaccination requirements for students and health care employees, the use of renewable resources for energy, and gender-neutral language.

**Examples of Pluralist Democracy** Different interests form special interest groups in a pluralist democracy that allows for the sharing of political power. They interact with government officials searching for consensus among competing interests. They raise and spend money to elect people friendly to their ideas. These groups send professional researchers and experts to testify at congressional committee hearings in hopes of shaping or stopping a bill. They monitor the government as it enforces existing law, and they buy ads to influence public opinion. (See Topic 5.6.) So many policymakers put into effect so many rules and procedures at the local, state, and federal levels that no single force shapes our body of law. As an ethnically and ideologically diverse nation, the United States includes a large variety of viewpoints and public policy usually established and accepted by a consensus.

Several types of interest groups function within the United States today. Some of the strongest exert exceptional influence on policymaking. These groups include civil rights groups, such as the National Association for the Advancement of Colored People (NAACP) and the National Organization for Women (NOW), and economic interest groups that represent labor, such as the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO). Single-interest groups, such as the National Rifle Association (NRA), can also have a strong influence on laws and society.

**Examples of Elitism in Government** The Constitution's elite government model was weakened somewhat after Progressive Era reforms (1890–1920), when the masses became more involved in politics. Yet in many ways, elite-dominated politics prevail today. Individuals with the most time, education, money, and access to government will take more action than the less privileged, and because of their resources, they will be heard. People who serve in the leadership of a political party, whether on the local or national level, are usually from a higher socioeconomic level, better known, and better educated than the rank and file, the many members of a group who constitute the group's body.



## Government Power and Individual Rights

*"Different laws, customs, and opinions exist in the different states, which by a uniform system of laws would be unreasonably invaded."*

—Federal Farmer, *Poughkeepsie Country Journal*, 1787

**Essential Question:** How are Federalist and Anti-Federalist views on central government and democracy reflected in America's foundational documents?

Under the Articles of Confederation (see Topic 1.4), political power belonged largely to state governments, with a weaker national government. The delegates at the Constitutional Convention worked to design a stronger national government, yet not as overbearing as the British monarchy had been to the colonies. By 1787, a draft of the Constitution was sent to all 13 state legislatures, which created ratifying conventions to debate and vote for or against the plan. For the Constitution to go into effect, nine states needed to ratify it.

The Constitution was also published in local newspapers. The reaction of many Americans showed a nation divided over opposing beliefs about which level of government should hold more power.

### Opposing Beliefs

The differences between the beliefs of Federalists and Anti-Federalists regarding national government were vast. Intense debates over ratification of the Constitution took place between members of these groups. Some of the most substantive arguments appeared in widely circulated newspapers and were read and discussed by many Americans.

### ***Federalist Support for the Constitution***

With the insistence of fellow pro-Constitution Virginians, **James Madison** named himself a candidate for his state's ratifying convention to be held in Richmond. Federalists argued that a strong national government and the diversity of America's large population would protect the rights of all citizens from the elite and would protect the units of states from the collective whole. The Federalists also wanted to allay fears that their plan would subject people in the states to abuses by this new national government. Madison, in *Federalist No. 10*, addressed the concern that a few powerful individuals might unite into a **faction**, or interest group (see Topic 1.2), to dominate political decisions. He believed the Constitution was designed to limit the influence of factions.

## **Anti-Federalist Opposition to the Constitution**

Opponents of the Constitution, including Virginia's Patrick Henry and George Mason, desired a federal government more like the confederation under the Articles. These Anti-Federalist concerns came from the recent experience with an autocratic ruling country. Some feared the proposed single executive might replicate a monarchical king, potentially limiting state and individual rights. Congress's power to tax, to control a standing army, and to do anything else it felt "necessary and proper" made the Anti-Federalists wary. The Anti-Federalists suspected foul play and pointed to the thick veil of secrecy in which designing men had conspired to draft the document.

Anti-Federalists and Federalists differed in their views about a large republic. The *New York Journal* and *Weekly Register* published a series of 16 Anti-Federalist articles written under the pseudonym Brutus. In fact, the first Anti-Federalist article appeared a few weeks before *Federalist No. 1*.

**Reference [Federalist 10](#) and [Brutus 1!!!!](#)** (See video links at beginning of this document if you would rather use those.)

Newspapers published the text of the Constitution and essays for and against it, such as the *Federalist Papers* and the articles by Brutus, giving citizens of the newly independent nation the opportunity to read and digest views for and against the ratification of the Constitution. Debate was passionate and heated not only at the national level over the Constitution but also within states. The debate in Rhode Island nearly resulted in bloodshed when almost 1,000 Anti-Federalists organized and marched to Providence to prevent ratification. Other states, such as Massachusetts, New York, and Virginia, offered strongly worded responses regarding their fear of the federal power proposed in the Constitution.

OPPOSING VIEWS REGARDING GOVERNMENT AND DEMOCRACY	
<b>Federalists</b>	<ul style="list-style-type: none"><li>• Supported the strong national government created by the Constitution</li><li>• Believed existing Constitutional provisions would protect the rights of states and individuals</li><li>• Believed qualified representatives were best suited to lead the nation</li><li>• Believed unchecked factions would put the interests of a few above the interests of the nation</li></ul>
<b>Anti-Federalists</b>	<ul style="list-style-type: none"><li>• Wanted states to have more power</li><li>• Believed a bill of rights was needed to guarantee protection of the rights of states and individuals</li><li>• Believed many should have a voice in government to prevent the elite from having too much power</li></ul>

## Challenges of the Articles of Confederation

*"But the confederation itself is defective and requires to be altered. It is neither fit for war nor peace. The idea of an uncontrollable sovereignty in each state over its internal police [militia] will defeat the other powers given to Congress and make our union feeble and precarious."*

—Alexander Hamilton, to New York Mayor James Duane  
on the Articles of Confederation, 1780

**Essential Question:** How did the provisions of the Articles of Confederation lead to debates over granting powers formerly reserved for states to the federal government?

It took five drafts of the Articles of Confederation (formally known as the Articles of Confederation and Perpetual Union) before delegates agreed on the sixth version and sent it to the states for approval in 1777. The colonies had recently declared independence, and the Revolutionary War was underway, presenting an urgent need for a formal government. Disagreements over land charters between states slowed ratification of the Articles. Thomas Jefferson finally persuaded the thirteenth state to ratify in 1781.

The difficulties in ratifying the Articles of Confederation foreshadowed governing problems. A lack of national unity and a struggle for power were only two of many challenges the United States would face under the Articles.

### The Articles of Confederation

The Continental Congress created a committee of 13 men to draft the **Articles of Confederation**, the document that laid out the first form of government for the new nation. The Articles redefined the former colonies as states and loosely united them as a confederation or alliance under one governing authority. Each state wrote its own constitution, many of which were pointedly in response to the injustices the colonists had experienced under British rule. The state constitutions shared other features as well: they provided for different branches of government, they protected individual freedoms, and they affirmed that the ruling power came from the people.

John Dickinson wrote the 1776 draft of the Articles, which after revisions was submitted to the states for approval. This document defined "the firm



league of friendship” that existed among the states, which had delegated a few powers to the national government.

The question of how to apportion states’ representation in the newly designed Confederation Congress was beset with controversy. Some leaders recognized the merits of giving greater representation to the more populated states, something the Virginia delegation advocated. Leaders from smaller states opposed representation based on population. After a furious debate, the authors of the Articles created an equal representation system—each state received one vote in the new Confederation Congress.

The Confederation Congress met in New York. States appointed delegations of up to seven men who voted as a unit. National legislation required the votes of at least nine states. A unanimous vote was required to alter or amend the Articles of Confederation themselves or to alter the format of government. The Articles entitled the Congress to engage in international diplomacy, declare war, and acquire territory. They provided protection of religion and speech. They provided for extradition—the return of criminal fugitives and runaway slaves back to states they had fled. The Articles encouraged a free flow of commerce among the states. They required that states provide a public, fair government and that Congress could sit as a court in disputes between states.

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## Reference Articles of Confederation!

### **An Ineffective Confederation**

The people of the confederation feared a strong national government, having just suffered the abuses of the British crown as colonists. Yet, they wanted a structure to keep them organized and united, especially for the economic success of all. Many Americans felt the best way to achieve this outcome was to tip the power in favor of states over a national authority. States, which many felt a sense of loyalty to above the nation, had a wide variety of characteristics and needs to be accommodated by this new form of government.

The Articles of Confederation provided a weak system for the new United States and prevented leaders from making much domestic progress. The system had rendered the Confederation Congress ineffective. In fact, the stagnation and a degree of anarchy threatened the health of the nation.

The following chart summarizes some of the weaknesses.

## WEAKNESSES IN THE ARTICLES OF CONFEDERATION

- The requirements that at least nine states must agree in order to enact national law.
- The requirement that all states must agree in order to amend the system of government proved daunting.
- The Congress could not tax the people directly.
- The national government could not raise or maintain an army.
- There was no national court system or national currency.
- The Congress encouraged but could not regulate commerce among the states.

### ***Financial Problems and Inability to Tax***

The national government under the Articles lacked the power to mandate taxes, forcing it to rely on voluntary assistance from states to meet its financial needs. States did not lack the funds to pay those taxes, but they did harbor disdain for taxes imposed by a more remote authority after having fought a long war over the issue. One Massachusetts legislator wrote his member of Congress, stating citizens “seem to think that independency being obtained, their liberty is secured without paying the cost, or bestowing any more care upon it.” Without taxes, the new government couldn’t pay foreign creditors and lost foreign nations’ faith and potential loans.

For six years, the Confederation Congress and the infant country wrestled with how it would pay for the independence it had earned while remaining skeptical of giving too much taxing power to its national government. By January 1782, 11 states had approved a resolution to empower Congress to adopt a 5 percent import tax. But Rhode Island’s unanimous rejection of the bill and Virginia’s less-united “no” vote killed the plan. In 1783, Virginia Congressman James Madison tried again with a tax formula based on state populations (slaves would count as three-fifths a person). For four years, it had the popularity of a strong majority but not the unanimous vote necessary. Many already feared Congress’s power to make war and did not want to bestow it with the power to tax. After final defeat of the 1783 tax proposal, no one believed that the states would ever adopt serious tax reform under the Confederation.

### ***Shays’ Rebellion***

The lack of a centralized military power and readiness to respond to a violent uprising became the closing argument of the need for a strong central government. In western Massachusetts in 1786, a large group of impoverished farmers, including many Revolutionary War veterans, lost their farms to mortgage foreclosures and their failure to pay higher than average state taxes. They organized, disrupted government, and obstructed court claims. The insurgents demanded the government ease financial pressures by printing more money, lowering taxes, and suspending mortgages. In early 1787, Daniel Shays, a former captain in the Continental army, led a band of violent insurgents to the federal arsenal in Springfield. Local authorities had difficulty raising a militia and only did so from private funds. Massachusetts general William Shepard blocked Shays’ army. Artillery fire after a standoff killed four and wounded about 20 of Shays’ men. The protesting squads retreated, but additional face-offs, skirmishes, and sporadic guerrilla warfare followed. By February, the rebellion was largely suppressed.

Even if quashed, Shays’ Rebellion demonstrated to the nation’s leaders that the lack of a centralized military power posed a threat to America’s security.

A small group convened in Annapolis, Maryland, to discuss the economic drawbacks of the Confederation and how to preserve order. This convention addressed trade and the untapped economic potential of the new United States. Nothing was finalized, except to secure a recommendation for Congress to call a more comprehensive convention. Congress did so: It was to meet in Philadelphia in May 1787. By then few Americans viewed the Articles of Confederation as sufficient. John Adams, who was serving in Congress, argued that a man's "country" was still his state and, for his Massachusetts delegation, the Congress was "our embassy." There was little sense of national unity.



## Ratification of the U.S. Constitution

*“Only twelve of over ninety American newspapers and magazines published . . . essays critical of the Constitution during the ratification controversy.”*

—Pauline Maier, *Ratification: The People Debate the Constitution, 1787–1788*, 2010

**Essential Question:** What was the ongoing impact of political negotiation and compromise at the Constitutional Convention on the development of the constitutional system?

The Constitutional Convention’s quest for an improved government required countless compromises. The 55 delegates from the states had the difficult task of finding common ground for all of these interests under one governing body. In addition to uniting these diverse groups within the new nation, the delegates demonstrated a willingness to compromise to design a government that could meet the needs of the nation in years to come. In fact, the Constitution is a “bundle of compromises.”

### Competing Interests

Sharp differences arose between groups in the new nation. Each group wanted what they perceived as fair representation as the delegates at the **Constitutional Convention** hammered out a plan. They also had differing views on slavery, the nature of the executive, and the relationship of the states to the national government.

### Constitutional Compromises

During the summer of 1787, intense negotiations at the convention produced a number of compromises that resulted in a lasting document of governance.

**Differing Plans** Different delegates presented different plans at the convention. Virginia Governor Edmund Randolph proposed the **Virginia Plan** which called for a three-branch system with a national executive, a judiciary, and a **bicameral**—or two-house—legislature. The people would elect the lower house whose members would, in turn, elect the members of the upper house. This plan also made the national government supreme over the states and set clear limits for each of the branches. The comprehensive Virginia Plan,

authored largely by James Madison, created the blueprint or first draft of the Constitution.

Small states feared the overwhelming representation of larger states and supported the plan of New Jersey governor William Patterson. The **New Jersey Plan** assured states their sovereignty through a national government with limited and defined powers. This plan also had no national court system and each state would have one vote in a legislative body.

COMPETING INTERESTS IN EARLY AMERICA		
Issue	Questions to Answer	Groups Interested
Representation	Should a state's representation be based on population or equal representation for a state regardless of size?	Large states vs. small states
Slavery	Should enslaved individuals count toward a state's representation?	Southern states vs. Northern states
Office of the President	Should there be an executive and should the executive be chosen by a small elite or by a popular vote?	Privileged citizens vs. citizens of lower socioeconomic status
Federalism	What is a fair division of power among the levels of government?	Federal government vs. state government

**The Great Compromise** Representation had been the frustration of the colonists since they began seeking independence. The more populated states believed they deserved a stronger voice in making national policy decisions. The smaller states sought to retain an equal footing. The matter was referred to the Grand Committee (see Topic 1.1) made up of one delegate from each of the 12 states present (Rhode Island did not attend). When Roger Sherman of Connecticut joined the committee, taking the place of Oliver Ellsworth who became ill, he took the lead in forging a compromise that became known as the **Great Compromise** (or the Connecticut Compromise). Sherman's proposal created a two-house Congress composed of a House of Representatives and a Senate. His plan satisfied both those wanting population as the criteria for awarding seats in a legislature, because House seats would be awarded based on population, and those wanting equal representation, because the Senate would receive two senators from each state, regardless of the state's size.

**Slavery and the Three-Fifths Compromise** The House's design required another compromise. Delegates from non-slave states questioned how enslaved people would be counted in determining representation. Since enslaved people did not have the right to vote, others who were able to vote in slave states would have more sway than voters in non-slave states if enslaved people were counted in the population. Roger Sherman once more put forward a

compromise, this time with Pennsylvania delegate James Wilson. Using the formula from Madison's proposed-but-failed tax bill, they introduced and the convention accepted the **Three-Fifths Compromise**—the northern and southern delegates agreed to count only three of every five enslaved persons to determine representation in the House for those states with slaves.

**Importation of Enslaved People** Two other issues regarding slavery were addressed: whether the federal government could regulate slavery and whether non-slave states would be required to extradite escaped slaves. Delegates resolved the first matter by prohibiting Congress from stopping the international slave trade for twenty years after ratification of the Constitution (which it did). They also debated how to handle slave insurrections, or runaways. They resolved the second debate with an extradition clause that addressed how states should handle runaway enslaved persons and fugitive criminals.

SUMMARY OF MAJOR COMPROMISES	
<b>Virginia Plan</b>	Three branches, bicameral legislature, supremacy of national government, separation of powers
<b>New Jersey Plan</b>	Sovereignty of states, limited and defined powers of national legislature
<b>Great Compromise</b>	House membership apportioned by population; each state given two senators
<b>Three-Fifths Compromise and Importation of Slaves</b>	Only three of every five enslaved persons would be counted to determine representation  Congress could not stop the importation of slaves for 20 years after ratification
<b>Electoral College</b>	States decide how their electors are chosen, with each state having the same number of electors as they have representatives in Congress

Other compromises would be necessary during the summer-long convention in Philadelphia. For example, delegates debated whether or not the United States needed a president or chief executive and how to elect such an officer. Some argued Congress should elect the president. Others argued for the states to choose the president, and some thought the people themselves should directly elect the president. The **Electoral College** was the compromise solution. Under this plan, states could decide how their electors would be chosen. Each state would have the same number of electors that they had representatives in Congress, and the people would vote for the electors. Having electors rather than the citizenry choose the president represents one way in which the elite model of democracy helps shape government today.



Still other compromises were needed to resolve what powers the federal government would have and what powers the states would retain. A *confederal system*—a loose gathering of sovereign states for a common purpose—was the very relationship defined under the Articles of Confederation. A national government, however, would make the national lawmaking body supreme and create a stronger union than the confederal system. Delegates also considered what types of laws Congress could make and what citizen rights to protect.

They addressed the remaining issue with the Commerce Compromise. This agreement appealed to both sides by allowing the government to impose a tariff on imports but not exports. This compromise gave the federal government the ability to regulate trade between states, a power it lacked under the Articles.

## Reference the US [Constitution](#)!!

### The Amendment Process

Amid all the compromises was the realization that the framers would not get everything right or design the perfect system, so they included the amendment process in **Article V**. The Constitution can be altered or amended in a two-stage process. Stage one is a proposal from either two-thirds of the House and Senate, or with a two-thirds vote at a convention initiated by the states and called by Congress. Stage two, ratification, is completed by a vote of three-fourths of the state legislatures or three-fourths of state ratifying conventions. Every proposal was passed through Congress, and all but one, the repeal of the Twenty-first Amendment, was ratified via conventions.

The process offers a balance between rigid standards to change the operating system and flexibility if overwhelmingly desired by the populace. Initially, the framers were prone to allowing only Congress to initiate amendments, but in the later days of the conventions delegate George Mason pointed to the need for a path that didn't require Congress, so the formula to ratify was widened to a different constituency. In a recent count, since 1789, more than 5,000 bills to amend have been introduced in Congress. Thirty-three have been passed and sent to the states, with only 27 being ratified by the required number of states and added to the Constitution, including the Bill of Rights.

### Constitutional System

The framers included several governing principles. They ensured a level of democracy by mandating elections for members of Congress and the president. Yet instead of creating a democracy, the Constitution creates a representative republic that limits government and tempers hasty, even if popular, ideas. Under federalism, the national and state governments divide and share power as well, though the principle of national supremacy gives the federal government full authority within its defined sphere. The Constitution's necessary and proper clause gave the government the flexibility to face unforeseen circumstances.

Articles Of Confederation	Debate About State Powers	Resolution In Constitution
"Each state retains its sovereignty, freedom, and independence, and every Power, [not] . . . expressly delegated to the United States, in Congress assembled."	After their struggle with the British government, the founders were reluctant to turn over any but the most essential powers to the national government.	States retain sovereignty; the powers of national legislature are limited and defined.  (New Jersey Plan)
"In determining questions in the United States, in Congress assembled, each State shall have one vote."	Leaders of populous states wanted representation based on population. Leaders from smaller states did not.	Members of the House of Representatives are apportioned by population; each state is given two senators.  (The Great Compromise)

Articles Of Confederation	Debate About State Powers	Resolution In Constitution
"Full faith and credit shall be given in each of these States to the records, acts, and judicial proceedings of the courts and magistrates of every other State."	The states were unsure how their records, laws, and judgments would be regarded in other states and how they would regard those of other states.	Article IV's "full faith and credit" clause guarantees that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states."
"Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more States."	To resolve differences among states, leaders at the Constitutional Convention determined the federal government would have the final word.	Article VI's "supremacy clause" establishes the Constitution and the laws of the United States as the "supreme law of the land."

**Unforeseen Issues** The framers could not have anticipated how the population of the United States would grow when they gave all states equal representation in the Senate. Both the populous states and the less populous states have two votes in the Senate. This disparity also results in unequal representation in the electoral process. The vote of an elector from a state with a small population has a disproportionately large influence on an election compared to that of an electoral vote from a state with a high population.

### ***Ratification***

When the framers finished the final draft, the Constitution went out to states for **ratification**, or formal consent. Article VII called for states to hold ratifying conventions to approve it and for the document to go into effect when the ninth state ratified. Most framers signed the final document, though three refused. Among them was George Mason, who was concerned that the document did not go far enough to protect individual rights.

### ***A Bill of Rights***

George Mason was not the only one disturbed by the document's lack of rights. Those who fought for independence argued that a bill of rights was necessary to secure the liberties earned through the revolution. The document framed in Philadelphia lacked a guarantee of free speech and press. There were few protections against aggressive prosecution, and no promise against cruel and unusual punishments. The Constitution did, however, include a few basic rights.

The Anti-Federalists and some pro-Constitution leaders believed a list of rights necessary to complete the Philadelphia mission. James Madison and others opposed. He called bills of rights "parchment barriers," mere paper blocks to injustices and tyranny that could prevail if the government design itself did not have provisions to prevent such tyranny. He pointed to abuses by



majorities in states that did in fact have bills of rights. He also believed that by listing all the rights the federal government could not take away, a right could be inadvertently overlooked, and the new federal government *could* later take it away. He believed the Constitution never entitled the new federal government to take away any rights in the first place, so why was it necessary to list those that could not be taken away in the future? This final concern was the impetus for the Ninth Amendment.

The debate about adding a bill of rights overlapped the series of ratifying conventions that occurred throughout 1787–1790. With the Federalists' efforts and assurances that amendments protecting personal rights would be added, the reluctant states ratified and joined the Union. Additionally, as the new Congress began meeting in 1789, delegates petitioned for these rights. James Madison, now a House member, was persuaded that a bill of rights would complete the new government. He compiled the many suggestions into the amendments that became the **Bill of Rights**. The Bill of Rights was fully ratified by 1791.

The list includes the essential rights understood at the time and several temporarily lost under the oppressive British regime. The First Amendment declares freedoms of religion, speech, press, peaceable assembly, and the right to petition the government. Congress and the people put a high priority on the right to express political ideas, even if unpopular. (See Topic 3.1.) Other amendments protect private property, due process, fair trials, and prevent cruel and unusual punishments. The Tenth Amendment prevents the federal government from taking any powers that are reserved to the states. The text of the Bill of Rights begins on page 711.

Reference the [Bill of Rights!!!](#)

## Constitutional Debates Today

The Constitution has been the governing document of the United States for more than 230 years. Some of the same discussions that took place at the Constitutional Convention are relevant in the 21<sup>st</sup> century. Protections for the rights of individuals and the role of the federal government in relationship to that of state governments are topics still debated today.

### *Individual Rights and September 11*

Like states' rights, the individual rights guaranteed by the Bill of Rights have sometimes seemed in conflict with federal law. Knowing where individual rights end and governmental authority begins has been the subject of many legal cases and will be covered in depth in Unit 3. One vivid example here—surveillance resulting from the federal government's response to the 9/11/2001 terrorist attacks that killed nearly 3,000 Americans and brought down the twin towers of the World Trade Center—will illuminate a key constitutional issue about democracy and governmental power. **BIG IDEA** Governmental laws and policies balancing order and liberty are based on the U.S. Constitution and have been interpreted differently over time.

Not long after al-Qaeda terrorists hijacked four U.S. commercial aircraft to fly them into selected targets in New York and Washington, President George W. Bush addressed a joint session of Congress, stating, "Whether we bring our enemies to justice or bring justice to our enemies, justice will be done." Faced with an adversary that generally operated underground and not under the flag of any sovereign nation, the United States modified its laws and defense operations to create a series of federal policies to eradicate threats. These policies fueled an ongoing debate about proper recognition of the Bill of Rights.

**USA PATRIOT Act** Administration officials began to consider a response to the September 11 attacks and, further, how to prevent future attacks. By late October 2001, the Congress passed the **USA PATRIOT Act** (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism). The law covered intelligence gathering and sharing by executive branch agencies, points of criminal procedure, and border protection. It allowed government agencies to share information about significant suspects, and it widened authority on tapping suspects' phones. Government can now share grand jury testimony and proceedings, detain illegal immigrants for longer periods, and monitor email communications. The new bipartisan law passed with strong majorities in both houses.

Soon after its passage, however, people began to question the law's constitutionality and its threat to civil liberties, especially the rights protected by the Fourth Amendment. Muslim communities were especially affected, but every American experienced a loss of some degree of privacy. Many communities and states passed resolutions opposing sections of the Act, but supporters argued that the ability to tap phones and seize information was critical to the prevention of future terrorist attacks. Until 2013, when Edward

Snowden leaked a document that proved the government was engaged in widespread collection of information, many Americans were unaware of the extent of the government's reach. Protests against what were believed to be incursions into rights guaranteed in the Bill of Rights kept the practice in the spotlight. In 2015, after evidence showed that the bulk call record collection was not necessary to prevent terrorist attacks, Congress passed the USA Freedom Act, which upheld certain portions of the USA PATRIOT Act but phased out bulk collection of phone and Internet data and set limits for its collection in certain circumstances.

### ***Education: National Goals, State Management***

Protection of civil liberties and the right to privacy are not the only examples of central power still contested today. For most of America's past, education policy has been mostly left to the states, based on the Tenth Amendment's granting jurisdiction to the states in matters not reserved for federal authority. That began to change in the 20<sup>th</sup> century as the federal government began to take a larger role in education.

The Constitution and the federal government left the creation and management of schools largely to the states until the 1960s. There has always been a national concern for an educated citizenry, but the racial desegregation of public schools and the Cold War competition with the Soviet Union in the 1950s caused education to move up the national agenda. President Lyndon Johnson (a former teacher) and Congress passed the Elementary and Secondary Education Act in 1965. The law was as much an assault on poverty as it was reform of education, ensuring that lesser-funded schools received adequate resources. State officials generally welcomed the law because of the federal government's hands-off approach to school management and the broad discretion it gave local authorities on how to spend federal monies.

Additional significant changes in federal education law have occurred in the last two decades. The **No Child Left Behind Act (NCLB)**, passed in 2002, called for improvements in teaching methods, testing to measure progress, and sanctions for underperforming schools. To implement these changes, the federal government increased its role and level of oversight in education. Nearly 80 percent of U.S. schools could not meet the unrealistic standards of NCLB and the law received widespread criticism.

President Obama's **Race to the Top** initiative offered incentives, rather than the sanctions of NCLB, for states to adopt new national standards or develop their own that require students to be college- and career-ready at graduation. In 2015, Congress passed and President Obama signed a new education law—the **Every Student Succeeds Act (ESSA)**. Under this law, states are free to determine their own standards for educational achievement, while still upholding protections for disadvantaged students. However, the federal Department of Education must still approve each state's plan, assuring that the states live up to the requirements in the federal law.



## Principles of American Government

*"In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."*

—James Madison, *Federalist No. 51*, 1788

**Essential Question:** What do the principles of separation of powers and "checks and balances" mean to the U.S. political system?

The framers structured the United States government to deliver the people's will and to preserve the democratic process. The separation of powers among the three branches of government and the division between federal and state governments dilute the power and prevent abuses by majorities. Additionally, each branch can limit the others under the system of checks and balances. These types of political divisions derive from Enlightenment philosophies dating back to the 16<sup>th</sup> century. (See Topic 1.1.)

### The Three Branches in Practice

The legislative, executive, and judicial branches are headquartered in the nation's capital and remain busy creating and refining national policy. A busy and divisive Congress, a president and the executive's large administration, and a court system stretched across the land are all part of the policymaking process. The federal branches, as well as the three branches in state governments, provide multiple access points for citizens and special interests to voice views and shape policy.

#### **Legislative**

Congress operates on Capitol Hill, where 435 House representatives and 100 senators make the nation's laws, determine how to fund government, and shape the nation's foreign policy. On opposite sides of the Capitol, the House and Senate operate in separate chambers and with different rules of procedure. Both the House and Senate have an array of committees, usually between 10 and 40 members on each, that oversee certain topics of law or policymaking. Congress has thousands of employees who write the bills, gather research data, take the pulse of the citizens in each district, and let the voters know about all the good things their Congress member has done, especially near election time.

**Legislative Access Points** The legislative branch provides one access point for people to influence U.S. policy. One way **stakeholders**—people or groups who will be affected by the policies—exert their influence is through special interest groups. (See Topics 5.6 and 5.7.) These groups pay professionals to lobby lawmakers—meet face-to-face with them and provide them with information and reasons to support or reject certain proposed legislation. In 2020, for example, for every person in Congress, there were two lobbyists representing the interests of big pharmaceutical companies.

Individual citizens also have access to their representatives and senators. They can contact lawmakers by mail or email to make their voices heard. In addition to contacting their legislators, citizens can gain understanding of proposed bills through the Congressional Research Service through the Library of Congress, where they can read synopses of bills. Also, the media report on and analyze proposed laws and critique laws after they have taken effect. The House and Senate proceedings are aired live on C-SPAN television. An informed citizenry can use this knowledge on public policy to exert influence on lawmakers. Participation in town hall meetings sends a message to lawmakers about the population's stance on key issues.

## ***Executive***

Article II lays out the requirements for president and the executive's role. The presidency has grown in both scope and power. President George Washington had a four-person Cabinet and no more than a few hundred government employees. Today, the Cabinet has grown to about 20 members, and the federal executive branch has more than 2.7 million employees to carry out the nation's laws.

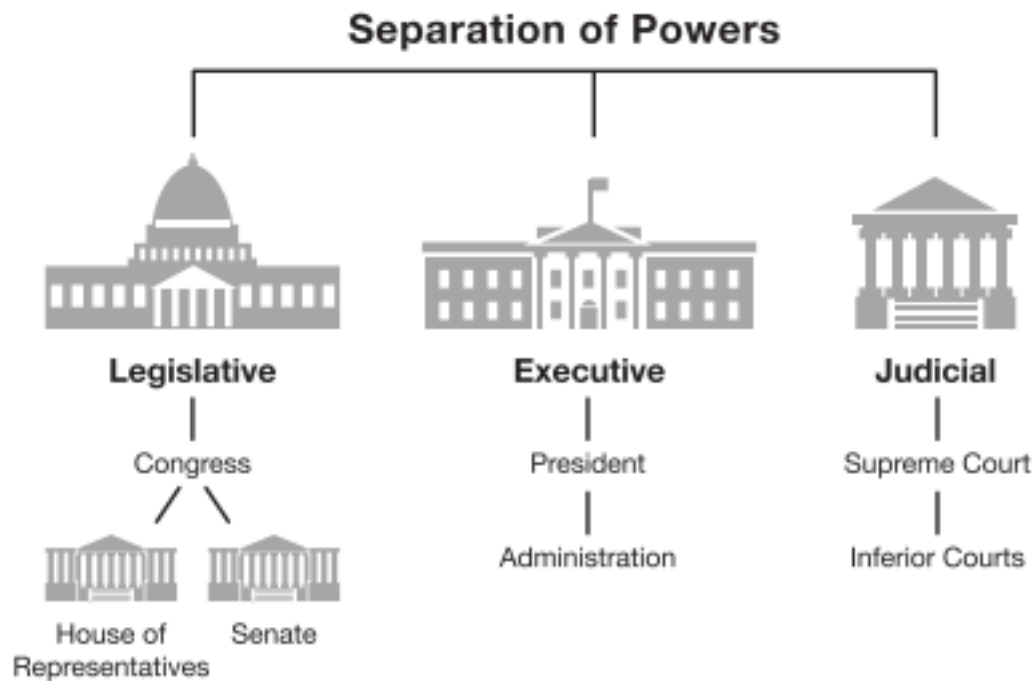
**Executive Access Points** People also have access to their government through the executive branch and its many agencies. Some agencies exist to protect citizens, who can file a complaint to assure enforcement of or fairness in the law. For example, the Equal Employment Opportunity Commission investigates complaints of discrimination in the workplace. Of course, citizens can also report federal crimes to the FBI or the Drug Enforcement Administration. And a voter can find where a federal candidate's donations come from at the Federal Election Commission's website.

## ***Judicial***

The U.S. Supreme Court, a series of lower appeals courts, and even more trial courts below them form the structure of the court system. The Supreme Court and lower courts have exercised judicial review (see Topic 2.8) to protect liberties and to properly initiate policy. Courts can use this power to check the legislature, the executive, or state actions. Courts can refuse to enforce a poorly written law and can disallow evidence obtained unlawfully by the police.

**Judicial Access Points** The judicial system offers additional access points for representation and justice. Citizens use the federal courts to challenge unfair government action, to appeal wrongful convictions, and to question

public policies. Because of citizen lawsuits in these courts and authoritative Supreme Court decisions, Americans can now say and print unpopular and even antigovernment ideas, challenge convictions made in unfair trials, attend equal schools without limitations based on race, and marry whom they want.



## Separation of Powers

The framers assigned the legislative, executive, and judicial branches distinct responsibilities to dilute power among the three branches. Earlier in school, you might have learned that “the legislature makes the law, the executive branch enforces the law, and the judicial branch interprets the law.” This simplification highlights the basic function of each branch but overlooks the fact that all three branches can establish law and policy. The legislature is the most representative branch and makes the public’s will become public policy. The powers of Congress are further separated between the two chambers. Neither house can pass a bill into law without the consent of the other chamber. The president is ultimately the authority to enforce the law and to carry out Congress’s policies, so the president and his administration shape policy in doing so. Members of the Supreme Court and the federal courts, appointed by the president and confirmed by the Senate, hear disputes and interpret laws and their application.

Reference [Federalist 51!!!](#)



## Checks and Balances

Each branch can limit the others with **checks and balances**. These are especially clear in the lawmaking process. A bill (a proposed law) can originate in either the House or Senate and must pass both bodies with a simple majority (50 percent plus 1). Then the bill is presented to the president, who may sign it into law if he agrees with the proposal. Or, exercising executive checks and balances, the president may reject it with a **veto** based on power granted in Article I, Section 7, of the Constitution. Routinely, if after ten days (excluding Sundays) the president has done neither, the bill becomes law. If the president receives the bill at the end of a legislative session, however, refusal to sign is known as a **pocket veto** and kills the bill.

After the president consents to a law, it is entered into the United States Code, the nation's body of federal statutes. If the president vetoes a bill, the Congress, each house acting separately, can overcome the veto with a **two-thirds override**, a super majority vote in each house.

The framers placed additional checks on power, such as the Senate's right to provide **advice and consent**. The Senate can suggest appointees and must formally approve most presidential appointments. Appointed Cabinet secretaries and Supreme Court judges sit before a Senate committee for their confirmation hearings.

The framers assigned to the House of Representatives the power of **impeachment**, an accusation of wrongdoing. Article I, Section 2 claims the House "shall have the sole power of impeachment" and can impeach the president, a federal judge, or another official of wrongdoing. The Senate then holds a trial for the accused official. The Chief Justice presides as the judge at the trial. The Senate must vote by a two-thirds majority to find an official guilty and remove him or her. **BIG IDEA** The U.S. Constitution establishes a system of checks and balances among branches of government and allocates power between federal and state governments. This system is based on the rule of law and the balance between majority rule and minority rights.

Three presidents have been impeached, Andrew Johnson, Bill Clinton, and Donald Trump, variously accused for abuse of power or breaking the law. In each case, the Senate did not remove the president because they determined the charges did not reach the standard for "treason, bribery, or other high crimes or misdemeanors."

**--end of Ch. 2 Reading assignment--**

Name:

Must be HANDWRITTEN!

AP GoPo (AKA: AP Gov)

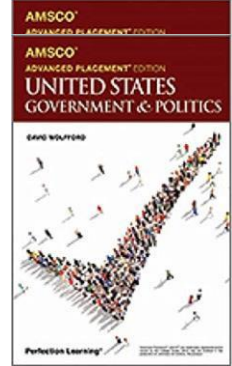
Amsco Reading Guide Unit 1: chapters 1, 2, and 3

Chapter 1 (Topics 1.1-1.3)

Learning Target 1: How are democratic ideals reflected in the Declaration of Independence and the U.S. Constitution?

AMSCO Topic 1.1 (page 3)

Influence of Enlightenment Thought



Thomas Hobbes and <i>Leviathan</i>	
John Locke and Natural Law	
Jean-Jacques Rousseau and <i>The Social Contract</i>	
Baron de Montesquieu and <i>The Spirit of the Laws</i>	

Republicanism-

Limited Government-

Natural Law-

Popular Sovereignty-

The Declaration of Independence (Excerpt on Page 6) (Complete text on pgs. 696-699)

Primary Author and Committee Members	
Unalienable Rights Meaning and Listing	Meaning-  1.  2.  3.



Abuses by the Crown	
Assent to Laws	Problem?
Called together legislative bodies at places...	Problem?
Has dissolved Representative Houses...	Problem?

Analyze the claims made in the Declaration of Independence. Explain how these claims relate to the Enlightenment thought and republican ideals-

The key claim in the Declaration of Independence- the claim on which the revolution was based- can be found in the second paragraph of the complete text. Identify that claim and describe it in your own words.

What role do the facts “submitted to the candid world” play in the argument?

What hints does the Declaration of Independence give as to what the nature of the new government the colonials hoped to form would be like and aspire to?

Articles of Confederation-

End of Revolutionary War-

The U.S. Constitution: A Blueprint for Government (p.7)

Purpose of Convention-	
James Madison-	
George Washington-	
Alexander Hamilton-	
Benjamin Franklin-	
Grand Committee-	

Lesson learned from Hobbes-

Disagreement with Hobbes-

Social Contract-

**BIG IDEA** -



Representative Republic-

Democratic Ideals	Examples in the Founding Documents

Learning Target 2: How are models of representative democracy visible in U.S. institutions, policies, events, and debates?

AMSCO Topic 1.2 page 10

Representative Democracy-

### Three Forms of Representative Democracy

Participatory Democracy	Definitions and Examples
Pluralist Democracy	Definitions and Examples
Elite Democracy	Definitions and Examples

Places where self-representation can be found:

Purpose of the Electoral College-

What role does Elite Democracy play in term lengths within our government?

Central Question in forming the Constitution:

Balance reflected in Constitution-

Tension Between Political Beliefs Regarding Ratification

	Federalists	Anti-Federalists
Leading Member(s)		
Position on Ratification		
Pseudonym and Classical Symbolism		
Number of Essays		

Initiatives-

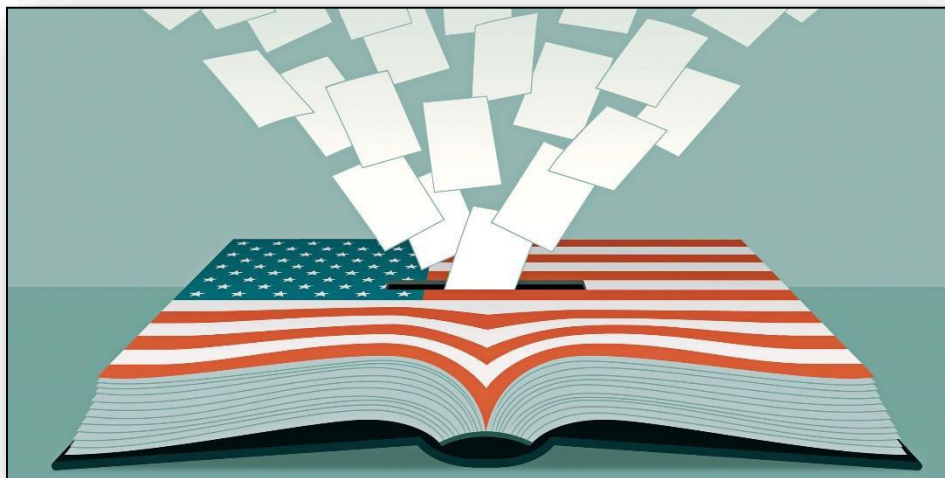
Referendum-

Interest Group-

What do Madison and Jefferson disagree about regarding the proposed Constitution?

How are models of representative democracy visible in U.S. institutions, policies, events, and debates?

Examples of Participatory	Examples of Pluralist	Examples of Elite





Learning Target 3: How are Federalist and Anti-Federalist views on central government and democracy reflected in America's foundational documents?

AMSCO Topic 1.3 (page 16)

Power Distributed under Articles of Confederation:

James Madison-

Federalist Argument-

Faction-

Concern addressed in Federalist 10:

Constitutional Solution Outlined in Federalist 10:

Patrick Henry and George Mason-

Explain Ant-Federalist fear over “necessary and proper”:

Concerns laid out in *Brutus I*:

How are Federalist and Anti-Federalist views on central government and democracy reflected in America’s foundational documents?

	View on Central Government	Evidence from Foundational Document
Federalists		
Anti-Federalists		

## Chapter 2 (Topics 1.4-1.6)

Learning Target 4: How did the provisions of the Articles of Confederation lead to debates over gaining powers formerly reserved for states to the federal government?

AMSCO Topic 1.4 (page 27)

Under the Articles, what does each state retain?

Key Provisions of the Articles of Confederation:

Identified Weaknesses of the Articles of Confederation:

What major power did the central government lack under the Articles of Confederation?

What problems did this cause?

James Madison's proposed tax formula:

Daniel Shays:

Rebel Demands:

1.

2.

3.

What did Shays' Rebellion expose the need for?

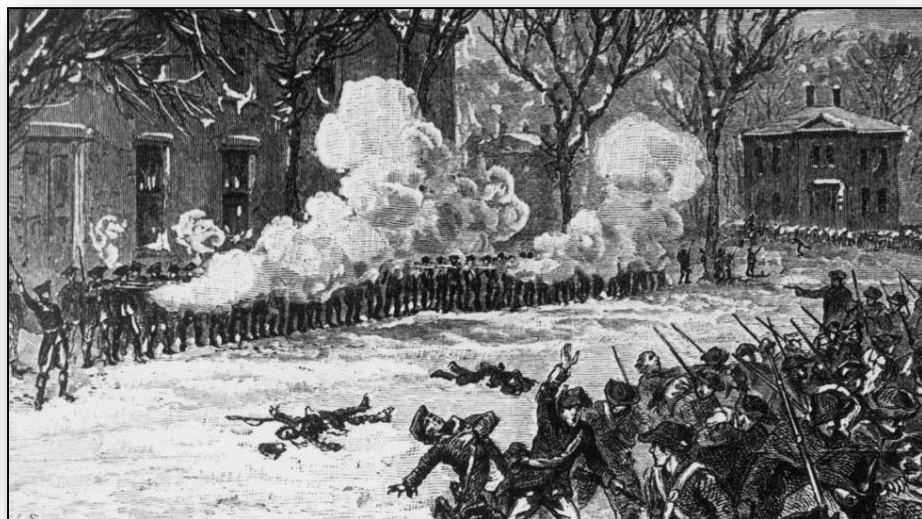


John Adams stated that a man's "\_\_\_\_\_ " was still his state, and that the Congress was

"\_\_\_\_\_."

How did the provisions of the Articles of Confederation lead to debates over gaining powers formerly reserved for states to the federal government?

Provision from the Articles of Confederation	How the Provision Proved to be a Weakness



Learning Target 5: What was the ongoing impact of political negotiation and compromise at the Constitutional Convention on the development of the constitutional system?

AMSCO Topic 1.5 (page 32)

Competing Interests:

Issue	Question to Answer	Groups Interested
Representation		
Slavery		
Office of the President (Executive Power)		
Federalism		

Bicameral-



Unicameral-



Summary of Major Compromises:

Virginia Plan	
New Jersey Plan	
Great Compromise	
Issue of Slavery	*  *
Electoral College	

Confederal System-

Federal System-

Purpose/ Subject of Each Article of the Constitution (p. 38)

Article I	
Article II	
Article III	
Article IV	
Article V	
Article VI	
Article VII	

Ratification-

Bill of Rights-

Why was it argued that a Bill of Rights would be necessary?



Selected Rights in the Bill of Rights

Amendment I	*  *  *  *  *
Amendment II	
Amendment III	
Amendment IV	
Amendment V	*  *  *  *  *
Amendment VI	*  *  *  *  *
Amendment VII	*  *

Amendment VIII	*  *
Amendment IX	
Amendment X	

**BIG IDEA** -

What was the ongoing impact of political negotiation and compromise at the Constitutional Convention on the development of the constitutional system?

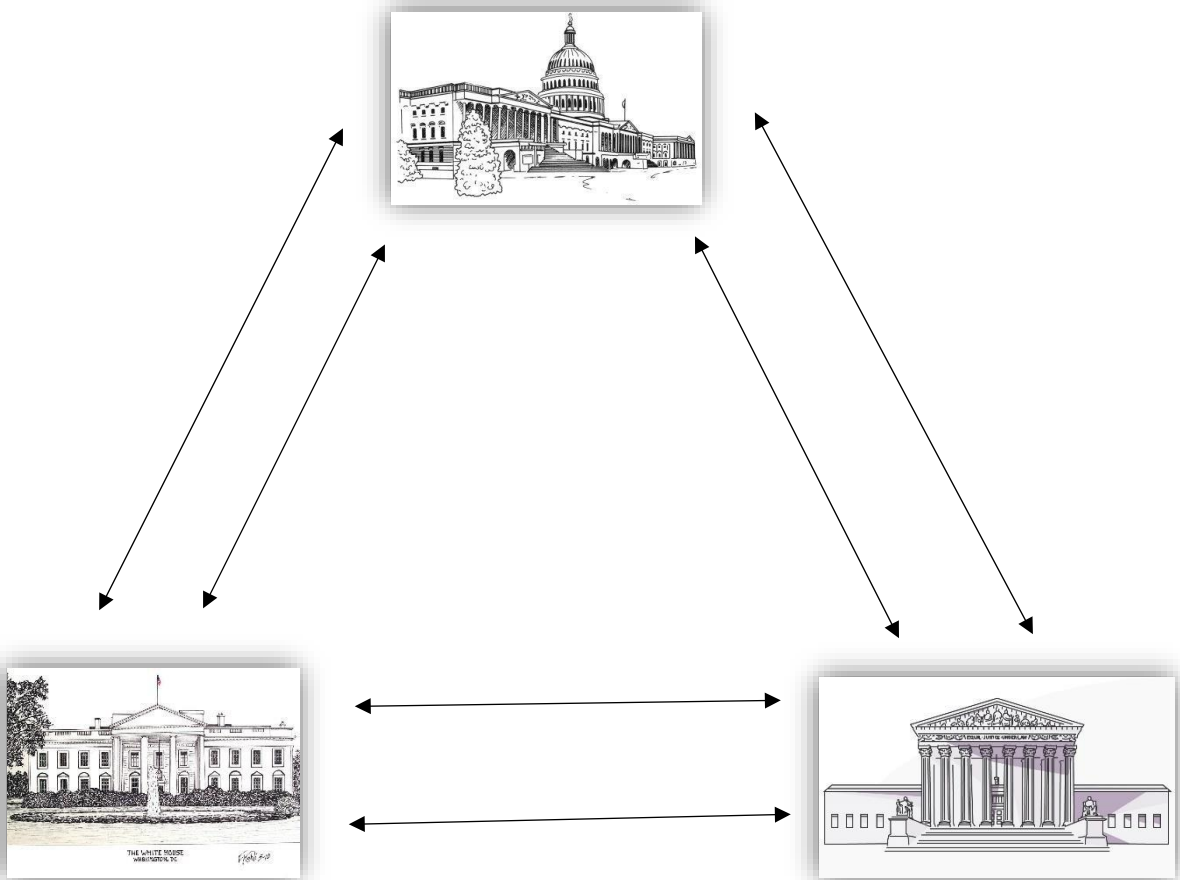
Constitutional Compromise	Impact (Historically or Currently)

Learning Target 6: What do the principles of separation of powers and “checks and balances” mean to the U.S. political system?

AMSCO Topic 1.6 (page 45)

<b>L</b>	<ul style="list-style-type: none"><li>• Makes the Laws</li><li>• Key structure and functions-</li></ul> <ul style="list-style-type: none"><li>• Access Points-</li></ul> <ul style="list-style-type: none"><li>• Article ____</li></ul>
<b>E</b>	<ul style="list-style-type: none"><li>• Carries out the Laws</li><li>• Key structure and functions-</li></ul> <ul style="list-style-type: none"><li>• Access Points-</li></ul> <ul style="list-style-type: none"><li>• Article ____</li></ul>
<b>J</b>	<ul style="list-style-type: none"><li>• Interprets the Laws</li><li>• Key structure and functions-</li></ul> <ul style="list-style-type: none"><li>• Access Points-</li></ul> <ul style="list-style-type: none"><li>• Article ____</li></ul>

Fill in this Illustration with possible checks and balances between the branches of government:



**BIG IDEA -**

Veto-

Pocket Veto-

Veto Override-

“Advice and Consent”-

Impeachment-

Examples of Separation of Powers	Examples of Checks and Balances
*	*
*	*
*	*