

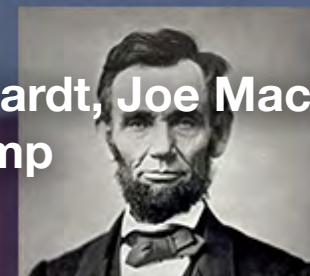
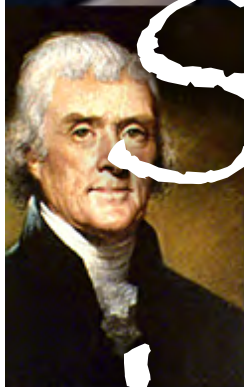
MI OPEN BOOK PROJECT

# United

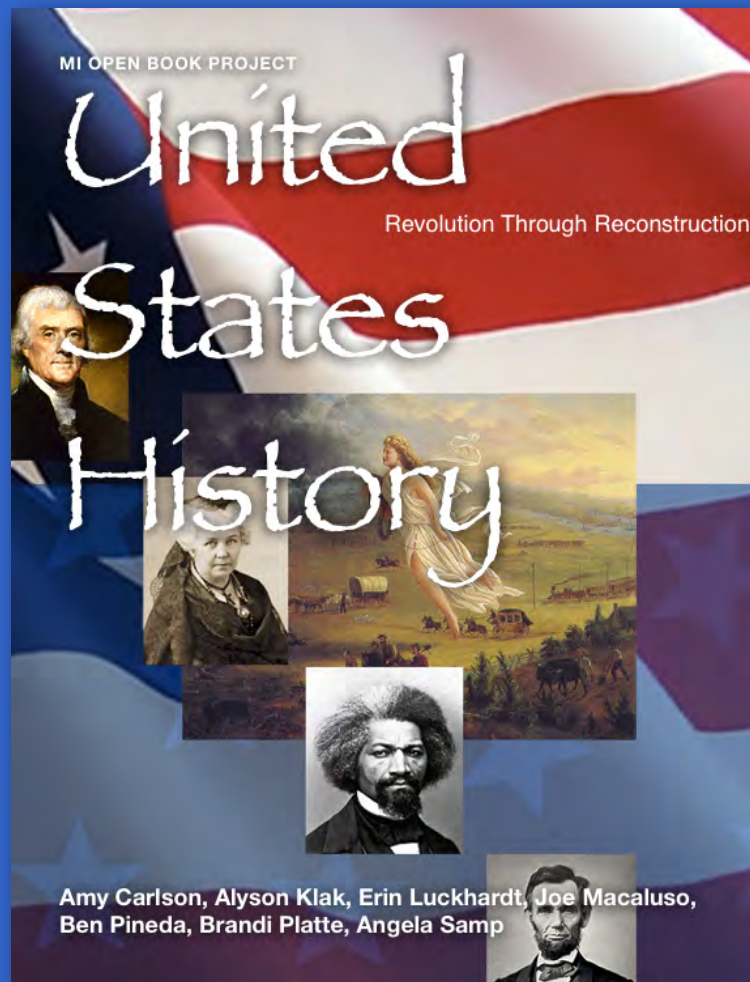
Revolution Through Reconstruction

# States

# History



Amy Carlson, Alyson Klak, Erin Luckhardt, Joe Macaluso,  
Ben Pineda, Brandi Platte, Angela Samp



This is version 1.0.9 of this resource, released in August 2018

Information on the latest version and updates are available on the project homepage: <http://textbooks.wmisd.org/dashboard.html>



# MICHIGAN OPEN BOOK PROJECT

The text of this book is licensed under a Creative Commons NonCommercial-ShareAlike (CC-BY-NC-SA) license as part of Michigan's participation in the national #GoOpen movement.

## You are free to:

**Share** — copy and redistribute the material in any medium or format

**Adapt** — remix, transform, and build upon the material

The licensor cannot revoke these freedoms as long as you follow the license terms.

## Under the following terms:



**Attribution** — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.



**NonCommercial** — You may not use the material for commercial purposes.

**No additional restrictions** — You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits.



Attribution-NonCommercial-ShareAlike CC BY-NC-SA



## The Michigan Open Book Project

Project Manager: Dave Johnson,  
Wexford-Missaukee Intermediate School  
District

8th Grade Team Editor - Rebecca J.  
Bush, Ottawa Area Intermediate School  
District

### Authors

Amy Carlson - Alpena Public Schools

Allyson Klak - Shepherd Public Schools

Erin Luckhardt - Boyne City Public  
Schools

Ben Pineda - Haslett Public Schools

Brandi Platte - L'Anse Creuse Public  
Schools

Angela Samp - Alpena Public Schools



**MICHIGAN**  
**OPEN BOOK PROJECT**



### Amy Carlson

**Thunder Bay Junior High**

*Alpena Public Schools*

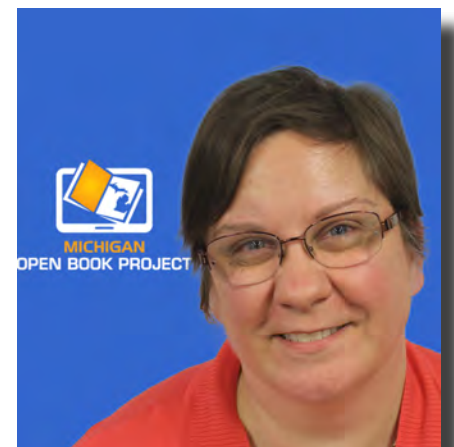
Amy has taught in Alpena Public Schools for many years. When not teaching or working on interactive Social Studies resources like this one she enjoys reading, hunting and fishing with her husband Erich, and sons Evan and Brady.

### Allyson Klak

**Shepherd Middle School**

*Shepherd Public Schools*

Bio Forthcoming



### Erin Luckhardt

**Boyne City Middle School**

*Boyne City Public Schools*

Erin is an 8th grade social studies teacher at Boyne City Middle School in Boyne City, MI. She formerly served as the district's technology coach when they were integrating their 1:1 iPad initiative. Before teaching in Boyne City, she taught high school social studies in the Lansing area for 4 years. Erin has her master's in Educational Technology and Educational Leadership, both from GVSU, and has an interest in effective integration of technology into the classroom for teachers as well as students.





## **Joe Macaluso**

### **Elk Rapids Schools**

#### *Cherryland Middle School*

Joe earned his Bachelor of Arts from the University of Michigan in 2000 with a major in History concentrating on early United States History. He minored in Social Studies and earned his Certificate of Secondary Education. He graduated from Michigan State University in 2004 with a Masters in Curriculum and Teaching. During his career at Cherryland Middle School in Elk Rapids, MI, Joe has served as Social Studies department head, technology coach, student council advisor, student senate advisor, YMCA Michigan Youth in Government trip coordinator and volleyball coach. He is passionate about using technology in the classroom to engage and enrich student learning. Joe lives with his wife, Amanda, and his two daughters in Elk Rapids. As a family they love traveling and spending their sum-

## **Ben Pineda**

### **Haslett Middle School**

#### *Haslett Public Schools*

MSU graduate - Go Green! Life is busy and life is good! Ben is a... teacher of 28 years, lead mentor teacher for the TE Social Studies department at MSU, workshop/conference professional development speaker, organization-skills tutor, writer, storyteller, V-ball and Ultimate player, fisherman, camper, cyclist, and MOST importantly, blessed with a loving wife, Meghan, and four amazing children, Emily, Matt, Conner, and Catherine.



## **Brandi Platte**

### **Central Middle School**

#### *L'Anse Creuse Public Schools*

Brandi Platte teaches Social Studies and Language Arts at Middle School Central in Macomb, Michigan. She holds a Bachelor of Science degree in education from Oakland University, and a graduate degree in Curriculum and Instruction from Concordia University. She spends a great deal of time writing curriculum for the Macomb Intermediate School District and the National Parks Service. She is a sponsor for the National Junior Honor Society at her school, and in her free time she enjoys spending time outdoors with her family, especially her two sons, Ethan and Ryan.

The Michigan Open Book Project Team would like to thank the following individuals for their help in reviewing some content in the book and guiding the development process.

Keith Erikson - The Church of Jesus Christ of Latter Day Saints

Eric Hemenway - Director of Repatriation, Archives and Records, Little Traverse Bay Bands of Odawa Indians

Jim Cameron, Michigan Department of Education



**MICHIGAN**  
**OPEN BOOK PROJECT**





### **Angie Samp**

#### **Thunder Bay Junior High**

*Alpena Public Schools*

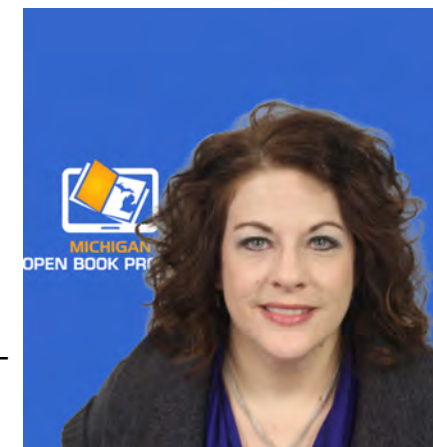
Angie has enjoyed teaching many grades in Alpena Public Schools over the last 13 years. Her passion lies in teaching history to 8th graders. Angie has a Bachelor of Arts in Group Social Studies from Grand Valley State University and a Masters in Education from Marygrove College. When she's not teaching, Angie enjoys many outdoor adventures including camping, traveling, and attending sporting events with her husband Gene, and sons Avery and Eli.

### **Rebecca Bush**

#### **Instructional Consultant**

*Ottawa Area Intermediate School District*

Rebecca Bush is currently the Social Studies Consultant at the Ottawa Area Intermediate School District (OAISD), where she assists K-12 social studies teachers in developing curriculum, modeling instructional strategies in social studies literacy, and designing district-level formative and summative assessments. Additionally, as Project Director, she has written and received multiple Teaching American History grants, working with teachers throughout an eight-county radius. She has presented at various national conferences on multiple topics surrounding social studies instruction as well as innovative techniques and topics in formative and summative assessment design. Currently she is Co-Project Director of The Performance Assessments of Social Studies Thinking (PASST) Project and assists with the professional development of teacher writers for the MI Open Book Project where she serves as an editor of several of the project's texts. Rebecca currently leads the Michigan Social



### **David A. Johnson**

#### **Project Manager**

*Michigan Open Book Project*

Dave began his career teaching 8th grade United States History in Mesick, Michigan. After almost a decade in the classroom, he took a job at Wexford-Missaukee Intermediate School District (WMISD) as an Instructional Consultant for Social Studies. He is shared across 11 ISDs in Northern Michigan that form the Northern Michigan Learning Consortium. He completed his Masters in Educational Leadership through Central Michigan University in 2011 and is Co-Project Director of the Performance Assessments of Social Studies Thinking (PASST) Project in addition to his duties as the Project Manager for MI Open Book.





## Chapter 2

---

# How is the Constitution Organized to Balance Conflicting Interests?

---

1. Would the Constitution be as powerful a document without the Preamble?
2. To what extent does the structure of the Constitution ensure the separation of powers between the three branches of government ?
3. How does the Constitution guarantee the principle of federalism?
4. How do the rights and responsibilities expressed in the Constitution balance tensions between personal rights and responsibilities as well as individual rights and the common good?





## Section 1

# The Constitution - The Preamble

## QUESTIONS TO GUIDE INQUIRY

1. Would the Constitution be as powerful a document without the Preamble?
2. To what extent does the structure of the Constitution ensure the separation of powers between the three branches of government?
3. How does the Constitution guarantee the principle of federalism?
4. How do the rights and responsibilities expressed in the Constitution balance tensions between personal rights and responsibilities as well as individual rights and the common good?

## TERMS, PLACES, PEOPLE:

preamble

We know much about the creation and implementation of the Constitution as the law of the land because of the extensive writings of James Madison. Because of this, Madison is referred to as the Father of the Constitution, due to the detailed amount of notes he took during the convention. You learned about this in the previous chapter.

## Interactive 2.1 Convention Debates



Explore this site to learn more about some of the many debates that took place during the Constitutional Convention.



Image source: [https://upload.wikimedia.org/wikipedia/commons/6/6c/Constitution\\_of\\_the\\_United\\_States,\\_page\\_1.jpg](https://upload.wikimedia.org/wikipedia/commons/6/6c/Constitution_of_the_United_States,_page_1.jpg)

The framers of the Constitution designed three branches of government. The role of the legislative branch was to make the laws, the role of the executive branch was to enforce the laws and the judicial branch was to interpret the laws. (graphic)The constitution is set up in seven sections or articles and also has an introduction called the preamble.

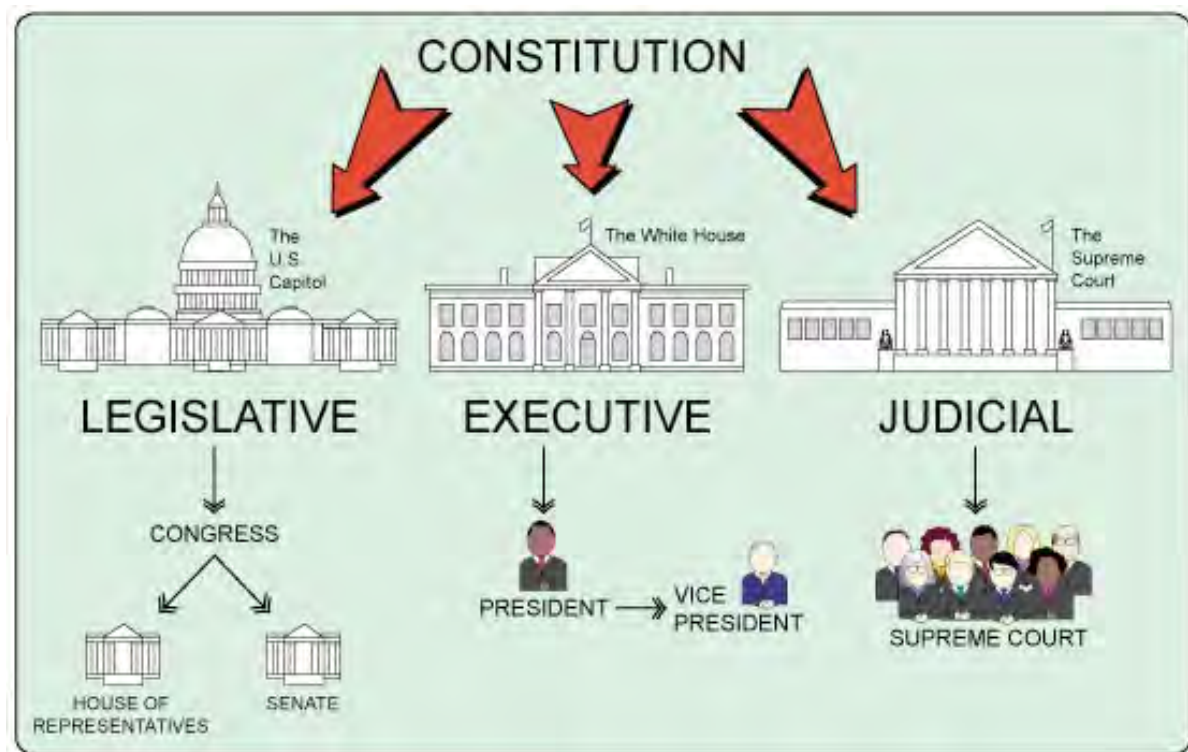


Image source: [https://upload.wikimedia.org/wikipedia/commons/8/84/Branches\\_US\\_gov.jpg](https://upload.wikimedia.org/wikipedia/commons/8/84/Branches_US_gov.jpg)

## The Preamble

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

## THE PREAMBLE

The Constitution starts with **the Preamble** and it explains why the founding fathers thought a Constitution was needed. The interesting thing is that the Preamble was added at the last minute. It was never discussed at the convention and was written by Governor Morris from Pennsylvania. Also, the wording of the Preamble has no legal standing or laws to back it in court. Still, it effectively introduces the principles that are outlined within the Constitution itself.

To best understand the Preamble, it is helpful to break down each of the key phrases. “We the people” refers to all the citizens in the United States. Even though this means all, women, Indigenous Peoples, and slaves were left out of this document. It would take many years (more than any of our founding fathers

## Interactive 2.2 Preamble Cloze activity

Complete the Preamble by dragging the words below into the blank spaces.

We the \_\_\_\_\_ of the United States, in order to form a more \_\_\_\_\_ union, establish \_\_\_\_\_, insure domestic \_\_\_\_\_, provide for the common \_\_\_\_\_, promote the general \_\_\_\_\_ and \_\_\_\_\_ the blessings of \_\_\_\_\_ to ourselves and our \_\_\_\_\_, do ordain and \_\_\_\_\_ this \_\_\_\_\_ for the United States of America.

perfect justice Welfare Constitution tranquility Liberty establish secure defense People

OPEN BOOK PROJECT



were alive to see) for this phrase to apply to everyone legally living within the United States. “In order to form a more perfect union” was included to emphasize the belief that the Framers held about the importance of developing a new document (as opposed to the Articles of Confederation) that would be a better way to govern the country.

The phrase, “Establish justice” was included as a reminder of the injustices that colonists had endured under the British crown before declaring independence and was to serve as a lasting guarantee that justice would also be the key to a successful democratic government. Shay’s Rebellion was fresh in everyone’s mind, so to ensure peace inside the country’s borders the phrase, “to insure domestic tranquility” was added. In order to address the concern that the new nation was still vulnerable to foreign attack, the phrases, “provide for the common defense” was included. The phrase, “promote the general welfare” was added to insure to citizens that the well-being of the general citizenry would be taken care of by the federal government.

The point of the next phrase, “secure the blessings of liberty to ourselves and our posterity” was to protect the nation’s hard-earned rights and core democratic values such as liberty, freedom from a tyrannical government, and from unjust laws. The last phrase of the Preamble, “ordain and establish the Constitution for the United States of America” is a powerful statement reinforcing the principle of democracy--that the people

of the country give the government its power. By the time you finish this chapter you will have read and explored the entire original constitution as well as the Bill of Rights. As additional amendments appear throughout United States History, both in this class and its accompanying high school resource, you will be introduced to, read, and explore the remaining 17 amendments.

### **Interactive 2.3** Newspaper Headline Match



*Use this Google Doc as a check for understanding regarding the Preamble to the Constitution.*

# The Constitution - The Legislative Branch

### QUESTIONS TO GUIDE INQUIRY

1. Would the Constitution be as powerful a document without the Preamble?
2. To what extent does the structure of the Constitution ensure the separation of powers between the three branches of government ?
3. How does the Constitution guarantee the principle of federalism?
4. How do the rights and responsibilities expressed in the Constitution balance tensions between personal rights and responsibilities as well as individual rights and the common good?

### TERMS, PLACES, PEOPLE:

legislative

### The Legislative Branch

The **legislative** branch is outlined in the first article which is also the lengthiest in the Constitution. Another name for this branch is Congress and it is made up of two houses or parts: the Senate and the House of Representatives. The main job for the legislative branch is to make laws.

The Senate has two members from each state totaling 100. They are elected for a six year term and have to be 30 years old or older. They also need to live in the state they represent and be a united States Citizen for at least 9 years.

The House of Representatives has 435 members. States with higher populations have more members in the house. They are elected every two years and have to be more than 25 years old. They also need to live in the state they represent and live in the US for 7 years. The leader of the House is the Speaker of the House. The Speaker of the House is third in line for the Presidency. You will recall from the previous chapter that the Great Compromise created this two house system.

Although there are many powers and jobs of members of Congress, the main job of Congress is to make laws. There is a process for a bill to become a law called the Legislative Process. It starts as an idea. The idea eventually makes it to a congressman who can suggest this to congress and then sends it to committee for review. Both houses have debates about the bill and make changes. If it get

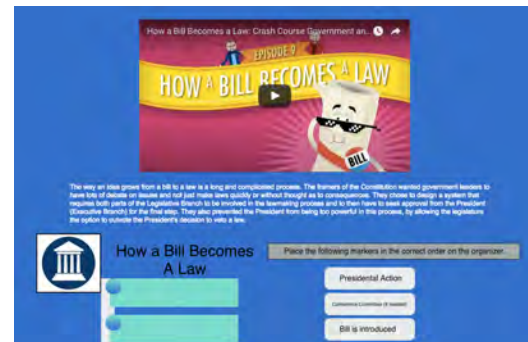


passed by a majority then it goes to the president. The president has two choices: to sign it into law or veto (reject) the bill. If congress feels strongly about the bill becoming a law they can override the president's veto by having two thirds of congress vote for the proposed bill.

Congress has the power to do all the following: declare war, tax, borrow money, regulate foreign trade, laws on becoming a citizen, bankrupt laws, coin money, establish roads, post offices and patents, punish pirates, raise an army, approve treaties and approve presidential appointments.

This article also explains how the Necessary and Proper Clause works in Congress. The Constitution gives Congress the power to do what they need in order to carry out their jobs or powers even if it is not listed in the Constitution. This is also known as the Elastic Clause because it stretches the powers listed in the Constitution. Many believe this was a brilliant addition to this article as the Framers had the foresight to know that many things would come about in the future that they couldn't have imagined when drafting the Constitution.

## Interactive 2.4 How a Bill Becomes a Law



*After watching this video, place the markers in the correct order on the graphic organizer.*

## Interactive 2.5 The Elastic Clause



*To watch a short video that explains the Elastic Clause and provides relevant examples, click here:*

### CLASSROOM ACTIVITY:

You will be in one of 8 groups which will be responsible for reading a portion of Article 1 of the Constitution from [this website](#).

Group 1: Sections 1-2

Group 2: Section 3

Group 3: Sections 4-5

Group 4: Section 6

Group 5: Section 7

Group 6: Section 8

Group 7: Section 9

Group 8: Section 10

Read and interpret the section assigned to you and create a visual (poster, media presentation, etc.) which explains your section. Be prepared to present to the whole class.



Why do you think the framers set up the Legislative branch as the first in the constitution?

# The Constitution - The Executive Branch

## QUESTIONS TO GUIDE INQUIRY

1. Would the Constitution be as powerful a document without the Preamble?
2. To what extent does the structure of the Constitution ensure the separation of powers between the three branches of government ?
3. How does the Constitution guarantee the principle of federalism?
4. How do the rights and responsibilities expressed in the Constitution balance tensions between personal rights and responsibilities as well as individual rights and the common good?

## TERMS, PLACES, PEOPLE:

executive

cabinet

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

-Article II, the Constitution

The **executive branch** is made up of the President of the United States, and the Vice-President of the United States. The President is the leader of the United States. The President and Vice President run together for office. This is not how the Constitution was originally set up. It was changed with the 12th amendment.

## Interactive 2.6 The 12th Amendment



*Learn more about the 12th Amendment in this article from Social Studies for Kids*

## Interactive 2.7 Presidents of the United States



*Explore this site to learn more about the past and current Presidents.*



No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

-Article II, the Constitution

In order to become the President of the United States you need to be 35 years old. The President needs to live in the US for the last 14 years and be a natural-born citizen. The President is elected for a four year term and may serve two terms if elected.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

-Article II, the Constitution

The President also has the power of Commander in Chief or head of the military. He can grant pardons for crimes, make treaties with foreign countries, and appoint ambassadors, his advisors (cabinet) and Supreme Court justices.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

-Article II, the Constitution

The Constitution also requires that the President give a periodic “State of the Union” to talk about their policies and suggested course for the country. Today the State of the Union is broadcast live across the country every year.

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

-Article II, the Constitution

There is a process for removing the President from Office should it become necessary to do so. This is explored in a little greater detail in the next sections of the text.

In addition to the cabinet, Article II Section II also outlines that the Executive branch is in charge of nominating ambassadors, judges, and other officers of the United States when necessary.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

-Article II, the Constitution

Section II of Article II establishes a group that helps advise the President. The President is an incredibly important role, but no one can be an expert on everything. The President appoints knowledgeable people to serve on his **cabinet**.

The role of the Cabinet is to advise the President on any subject he may require advice on. It dates back to President Washington but has grown and expanded over time. Today there are 15 executive departments with people advising the President on each specific role.

## Interactive 2.8 Presidential Cabinet



Learn more about each of the cabinet positions in this interactive graphic.



Why would the President need a cabinet? How is the executive branch the most important branch of government? Support your answer.



# The Constitution - the Judicial Branch

## QUESTIONS TO GUIDE INQUIRY

1. Would the Constitution be as powerful a document without the Preamble?
2. To what extent does the structure of the Constitution ensure the separation of powers between the three branches of government ?
3. How does the Constitution guarantee the principle of federalism?
4. How do the rights and responsibilities expressed in the Constitution balance tensions between personal rights and responsibilities as well as individual rights and the common good?

## TERMS, PLACES, PEOPLE:

judicial

## The Judicial Branch

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

The **judicial branch** is different than the other two branches. This branch is not elected by the people, but rather, as you read in the previous section, is appointed by the Executive branch.

The justices are appointed by the President and confirmed by the Senate. Another thing that is different for the judicial branch is the requirements to become a justice. Early on many justices didn't even have a law degree. They also do not have any term restrictions. They can serve for life.

The highest court in the United States is the Supreme Court. This court has nine members and the head of this group is called the Chief Justice. The Supreme Court only hears about 150 cases a year. They select what cases they hear. The Supreme Court was set up to have the final say in legal issues for the country.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction;--to Controversies to which the United States shall be a Party;-- to Controversies between two or more States;--between a State and Citizens of another State;-- between Citizens of different States;--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

Article III, The Constitution

The federal courts decide arguments over how to interpret the Constitution, laws passed by Congress, disputes between states, disputes between citizens of different states, and between the state and federal government. There have been many cases over the years where the Supreme Court has made decisions that effectively interpret laws for the rest of the country.

### Three Branches - Working Together (Checks and Balances, Separation of Power)

Each branch also has checks to keep the government powers balanced. We call this systems checks and balances or separation of power so that one branch of government cannot become too powerful. For example, Congress can override a

President's veto with a  $\frac{2}{3}$  vote in both houses, Congress approves Presidential appointments, and although members of The House of Representatives can bring impeachment charges against the President or Vice-President, and it is the responsibility of the members of the Senate to convict, both houses of Congress do share this responsibility.

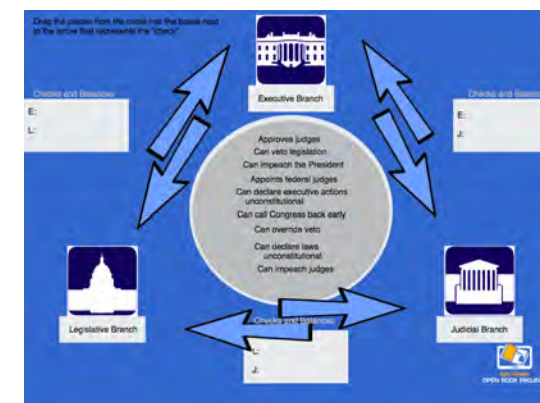
Within the executive branch, the President also has the ability to check other branches with his powers. He can veto a law passed by Congress, appoint justices, and make treaties.

And within the judicial branch, the Supreme Court can declare a law passed by Congress unconstitutional.



Why would the Constitution need a system of checks and balances? Give an example with information from the text.

### Interactive 2.9 Checks and Balances



Check your understanding with this interactive widget.



Let's look at the impeachment procedure to see an example of how the three branches work together but still hold their own power.

In the history of the U.S. three presidents have been brought up on impeachment charges. President Andrew Johnson in 1868 was brought up on impeachment charges for removing a government official from office. President Bill Clinton was impeached for lying on the stand about engaging in a personal relationship in 1998. And most recently, President Donald Trump was brought up on charges of alleged collusion during an election. President Richard Nixon resigned prior to Impeachment charges being brought against him. Even though these three presidents were brought up on impeachment charges, none of them were found guilty and removed from office.

The Supreme Court or judicial branch also has some checks and balances but it was not given to this branch in the Constitution. This power was given through the famous court case Marbury vs. Madison in 1803 and allows for judicial review or the power to declare laws unconstitutional. This is the most impactful check the judicial branch has on the other two branches of government.

## **Interactive 2.10**

### Presidential Impeachment Proceedings



*Learn about the Impeachment process [here](#).*

# The Constitution - Articles 4-7

**NATIONAL  
POWERS**

- Maintain military
- Declare war

**SHARED  
POWERS**

- Collect taxes
- Establish courts

**STATE  
POWERS**

- Establish local governments

## QUESTIONS TO GUIDE INQUIRY

1. Would the Constitution be as powerful a document without the Preamble?
2. To what extent does the structure of the Constitution ensure the separation of powers between the three branches of government ?
3. How does the Constitution guarantee the principle of federalism?
4. How do the rights and responsibilities expressed in the Constitution balance tensions between personal rights and responsibilities as well as individual rights and the common good?

## TERMS, PLACES, PEOPLE:

federalism

## Articles 4-7

The remaining four articles deal with how government functions and operates. Article four deals with the states, and article five is about the amendment process. Article six establishes the Constitution as being the supreme law of the land while Article seven clarifies the ratification process for amending it.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Article IV, the Constitution

Article four clarifies the relationship between the federal government and the states. It contains a carry-over from the Articles of Confederation known as the Full Faith and Credit Clause which stipulates that states must honor the laws, records, and court decisions of other states.

For a brief video that clearly explains the clause and provides excellent examples, visit the widget on the right (Interactive 2.11)

## Interactive 2.11 Full Faith and Credit Clause



View the introduction to this video for more information.



The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

#### Article V, the Constitution

Almost 10,000 amendments have been proposed to be added to the Constitution over the years. Currently, there are 27 amendments.

The twenty seventh amendment deals with Congressional pay raises starting on the next term was originally proposed in 1789 with the Bill of Rights. It was finally added with enough votes over 200 years later in 1992. And Michigan was the state to end that 200+ year wait for ratification.



Image source: <http://www.thisnation.com/media/figures/amendments.jpg>

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

#### Article VI, The Constitution

Article six reinforces the principle of federalism by establishing the supremacy of the national government. Often referred to as the supremacy clause, the US Constitution and other federal laws are the “supreme Law of the Land.” For a clear definition and examples of the supremacy clause in action, watch the following video:

### Interactive 2.12 The Supremacy Clause



*For a clear definition and examples of the supremacy clause in action watch the video at this website.*

### Interactive 2.13 Article VI



*Debts, Supremacy, Oaths, and Religions Tests*

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

-Article VII, the Constitution

Article seven explains how the Constitution is ratified. When nine of the thirteen states ratified or agreed to the Constitution, it

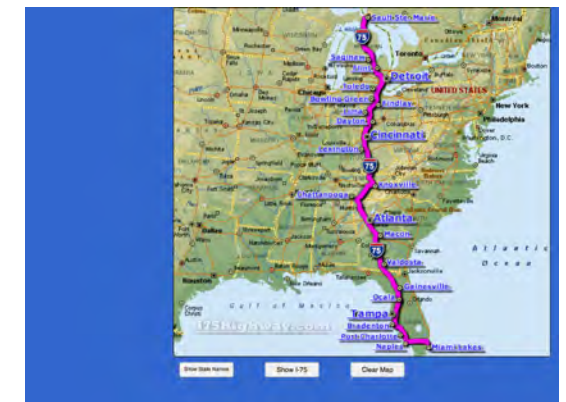
became the new guiding governmental document. Ratification did not come easily because some states wanted individual rights stated in the Constitution. When states were promised that a Bill of Rights would be added, reluctant states like Massachusetts ratified the Constitution.

### Federalism

The founding fathers decided that the power of the government needed to be split between the federal and state government. This form of government is called **federalism**. With federalism both the federal and states government have specific powers and share other powers.

Both federal and state government can collect taxes, make and enforce laws, borrow money and build roads. Did you ever wonder why roads have different labels like M-32 and I-75? This is an example of federalism the M in M-32 stands for Michigan road and I in I-75 stands for interstate or national road.

### Interactive 2.14 I-75 Map



What is the most important section in the constitution? Why? Is there a reason why the sections were placed where they are? How is federalism important to you? Why?



The federal government was given the sole power to print money, declare war, and make treaties with foreign governments. It both established and still controls the Army and Navy.

State governments have the power to create local governments, issue licenses (marriage, professional, hunting), control trade within a state, ratify US amendments, and run elections, among other powers.

Separating and designating powers in this fashion went a long way to winning over some of the holdouts when it came time to ratify the Constitution.

# The Bill of Rights

## QUESTIONS TO GUIDE INQUIRY

1. Would the Constitution be as powerful a document without the Preamble?
2. To what extent does the structure of the Constitution ensure the separation of powers between the three branches of government ?
3. How does the Constitution guarantee the principle of federalism?
4. How do the rights and responsibilities expressed in the Constitution balance tensions between personal rights and responsibilities as well as individual rights and the common good?

## TERMS, PLACES, PEOPLE:

amend

repeal

The Bill of Rights are the first ten amendments to the Constitution. These ten changes to the Constitution were promised to help states that wanted individual rights ratify the Constitution. James Madison was given the job of making these **amendments**. It was difficult for Madison take the 189 suggestions and choose 17 to bring to Congress to vote on. Congress supported 12 but only 10 were ratified by the states. The Bill of Rights was passed and added to the Constitution in 1791.

Over the years thousands of amendments have been suggested. We have had only 27 amendments added to the Constitution and of those one was **repealed**. In order for an amendment to be added to the Constitution it needs to be ratified by 3/4 of the states. The only time multiple amendments were added was with the Bill of Rights. These first ten rights protect our individual freedoms.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment I, the Constitution



The First Amendment protects the rights of all American citizens. It defines several basic freedoms including the freedom to practice your own religion, freedom to speak freely, protections for the press to do the same.

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment II, the Constitution

The Second Amendment guarantees that every American has the right to bear arms or own guns.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment III, the Constitution

The Third Amendment prevents the government from forcing citizens to house soldiers in their homes. This was a problem during the days prior to the Revolutionary War and a very important amendment when it was written.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

-Amendment IV, the Constitution

The Fourth Amendment protects the privacy of American Citizens. It prevents unnecessary or unreasonable searches of a person's property.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

-Amendment V, the Constitution

The Fifth Amendment guarantees all Americans protection from testifying against themselves. Maybe you've seen a movie where someone is on trial and they "plead the fifth" - This is what they mean.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VI, the Constitution

The Sixth Amendment guarantees that citizens have a right to a speedy trial.

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Amendment VII, the Constitution

The Seventh Amendment guarantees the right to a trial by jury in civil or private legal cases where damages are more than \$20

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

-Amendment VIII, the Constitution

The Eighth Amendment protects us from unreasonable bail being set when you are accused of a crime.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

-Amendment IX, the Constitution

The Ninth Amendment guarantees Americans that they have rights not listed in the Constitution.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

-Amendment X, the Constitution

The Tenth Amendment designates powers not expressly written into the Constitution would go to the states. This is a very forward thinking amendment as it allows for flexibility as the nation matures and encounters problems that the framers were unable to foresee.



Throughout the course of this text you'll learn more about the 11th-15th Amendments as they are added throughout your historical studies. The High School resource will introduce Amendments 16-27.



How is the Constitution organized to balance conflicting interests? Create an argument with evidence from the chapter to support your claim.

