

Unit #1: Constitutional Underpinnings

AP US Government & Politics

Mr. Coia

Name: _____ Date: _____ Period: _____

Since this is the first unit guide, let me explain a few items.

- ✓ Each unit guide will cover anywhere from one-four weeks. You'll have all the information in case you are absent. Share this with your parents immediately. Print off an extra copy to put on the refrigerator.
- ✓ The bulleted points show what we will try to do in class. If we don't get to it, I'll have you move/remove activities.
- ✓ HW=homework. It's due the next class period unless stated otherwise.
- ✓ Items in **bold** show larger items (papers, tests, etc.)
- ✓ Remember, while major tests will always be listed, quizzes can spring up anytime.
- ✓ Write your name on this, and put in your Handouts section now

Mon 8/29 (60 mins)

- Introduction to the course
- Create name card with:
 - Name
 - Two-three issues in politics about which you are passionate
- Name tag presentations
- Evaluate political cartoons
 - What does it say?
 - What does it mean?
 - Bias involved?

HW: Find a political cartoon to clip and present. Make it about an issue in which you are interested.

Wed 8/31

- Presenting political cartoons
- Political Ideology Activity: Conservative or Liberal? (Circle which position most reflects your position)
- Take Citizenship quiz
- Read Article I of Annotated Constitution (64-71). Complete worksheet on Article I (as much as you can for today)

HW: Bring 50 blank index cards for an activity next class

Fri 9/2

- Finish presentation of cartoons
- Create Key Terms cards for Constitutional Underpinnings
- How Do I Outline?
- Read and outline chapter 1, p. 5-14

HW: Finish ALL 30 Key Terms cards for Constitutional Underpinnings

Wed 9/7

- Reading Quiz 1.5-14
- Introduction to the course/expectations
- Political Ideology
- Read Article II of Annotated Constitution (72-75)

HW: Prepare for notebook and supply check

Fri 9/9

- **Notebook and Supply Check**
- Lecture/Discussion topic: Begin Origins of the American Republic
- Read Articles II-VII of Annotated Constitution (75-77). Ask 3 questions about your reading
- Watch "Creating a Constitution" (20 mins)
- Check out textbook

HW: AG, 2.30-46 and outline; work on index cards for key Constitutional clauses

Tues 9/13

- Constitutional Clauses index cards must be completed
- Reading Quiz 2.30-46
- Watch: [Marbury v. Madison case](#) (8 mins)

HW: AG, 2.46-57 and outline

Thurs 9/15

- Reading Quiz 2.46-57
- Reading the first 10 of the 27 amendments and activity (79-93)
- Create a bumper sticker slogan for each of the amendments in the Bill of Rights

HW: AG, 10.334-345 and outline

Mon 9/19

- Reading Quiz 10.334-345
- Sharing bumper sticker activity
- Turn your best one into an actual bumper sticker with graphics and colors
- Lecture/Discussion topic: Principals of Constitution (III & IV)-limited government and judicial review

HW: AG, 2.57-62 AND 3.94-102; outline

Wed 9/21

- Reading Quiz 2.57-62 AND 3.94-102
- Lecture/Discussion topic: Principals of Constitution (V & VI)-formal and informal changes
- Handout: Guide to Federalism. Read and mark

HW: AG 3.99-110 and outline

Fri 9/23

- Reading Quiz AG, 3.99-110
- Lecture/Discussion topic: Federalism and federal grants and mandates
- Read, mark *Federalist #51*. Discuss in triads. Complete questions in unit guide p. 12

HW: AG, 3. 110-121 and outline

Tues 9/27

- Reading Quiz 3.110-121
- Read Conservative/Liberal chart. What in this unit seemed more conservative? More liberal?

HW: Study for test and exam

Thurs 9/29

- **Constitutional Underpinnings key terms and key clauses test**
- Practice Free Response Writing
- Review unit concepts

HW: Study for unit exam

Mon 10/3

- **Unit Exam:** 30 multiple choice, 1 FRQ
- DVD: *Checks & Balances*

Notebook and Supply Check

You'll need the following for our notebook check **Fri 9/9**. Remember, this is the first, and we'll add to this throughout the year to provide you with an orderly notebook. Therefore, you need ALL the pieces to receive credit. No partial credit offered on this.

You need **TWO TABS** with the following:

GOV Handouts:

- Unit guide 1 (TOP)
- AP GOV Syllabus
- Class Rules sheet, initialed

GOV Classwork:

Notes from lectures, presentations, mini-lessons. Remember you should be taking notes each class period. You will also **have at least 25 sheets of loose-leaf paper in your binder**, and your pens, pencils, highlighter, etc.

KEY TERMS:
CONSTITUTIONAL UNDERPINNINGS

Creating your first set:

- Create flash cards, one per term
- On the front, include the term and number
- On the back, include the definition of the term. This should have my definition as the least, and you can certainly add to it.
- Be sure that it is neat and clear. You may want to add color to assist in memorizing
- **Have a title card with your name and period # along with the title**

Key Terms Unit #1:

Constitutional Underpinnings

Tommy Jefferson
AP GOV
Period B3

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Centralists

- Those who favor greater national authority rather than state authority.
- (a CENTRAL power is more important than individual States)

1. **Bicameral legislature:** two-house legislature.
2. **Block grant:** money granted by the federal government to the states for a broad purpose (e.g., transportation) rather than for a narrow purpose (e.g., school lunch program).
3. **Categorical grant:** money granted by the federal government to the states for a narrow purpose (e.g., school lunch program) rather than for a broad purpose (e.g., transportation).
4. **Centralists:** those who favor greater national authority rather than state authority.
5. **Checks and balances:** system in which each branch of government can limit the power of the other two branches, e.g., presidential veto of a congressional law.
6. **Commerce clause:** gives Congress the power to regulate commerce among the states, with foreign nations, and among Indian tribes. Granted through Article 1, section 8 of the Constitution.
7. **Concurrent powers:** those held by both Congress and the states, e.g., establishing law enforcement agencies.
8. **Confederation:** system in which sovereign states are only loosely tied to a central government, e.g., the US under the Articles of Confederation.
9. **Decentralists:** those who favor greater state authority rather than national authority.
10. **Direct democracy:** system in which the people rule themselves.

11. **Elastic clause:** states that Congress can exercise those powers that are “necessary and proper” for carrying out the enumerated powers, e.g., establishment of the first Bank of the United States.
12. **Enumerated powers:** those that are specifically granted to Congress in Article 1, section 8 of the Constitution, e.g., the power to tax. Also known as expressed powers.
13. **Federalism:** constitutional sharing of power between a central government and state governments. Different varieties:
 - a. **Dual federalism:** system in which the national government and state governments are coequal, with each being dominant within its respective sphere.
 - b. **Cooperative federalism:** system in which both federal government and state governments cooperate in solving problems.
 - c. **New Federalism:** system in which the national government restores greater authority back to the states.
14. **Federalist Papers:** group of 85 essays written by Madison, Hamilton, and Jay for the purpose of persuading the people of New York to adopt the Constitution.
15. **Formal amendment:** a change in the actual wording of the Constitution. Proposed by Congress or national convention, and ratified by the states.
16. **Implied powers:** those that are “necessary and proper” to carry out Congress’ enumerated powers, and are granted to Congress through the elastic clause.
17. **Indirect democracy:** system in which the people are rule by their representatives. Also known as representative democracy, or republic.
18. **Inherent powers:** foreign policy powers (e.g., acquiring territory) held by the national government by virtue of its being a national government.
19. **Informal amendment:** a change in the meaning, but not the wording, of the Constitution, e.g., through a court decisions such as *Brown v. Board*.
20. **Judicial review:** power of the courts to rule on the constitutionality of laws and government actions. Established by *Marbury v. Madison*, 1803.
21. **Mandates:** requirements imposed by the national government upon the states. Some are **unfunded mandates**, i.e., they are imposed by the national government, but lack funding.
22. **Marbury v. Madison**, 1803: established the power of judicial review.
23. **McCulloch v. Maryland**, 1819: established principle of national supremacy and validity of implied powers.
24. **Police powers:** powers of the states to protect the public health, safety, morals, and welfare of the public.
25. **Popular sovereignty:** principle in which ultimate political authority rests with the people.
26. **Reserved powers:** powers held by the states through the 10th Amendment. Any power not granted to the US government is “reserved” for the states.
27. **Separation of powers:** principle in which the powers of government are separated among three branches: legislative, executive, judicial.
28. **Shays’ Rebellion:** 1786 revolt by Massachusetts farmers seeking relief from debt and foreclosure that was a factor in the calling of the Constitutional Convention.
29. **Supermajority:** a majority greater than a simple majority of one over half, e.g., 3/5, 2/3.
30. **Unicameral legislature:** one-house legislature.

KEY CONSTITUTIONAL CLAUSES

1. **Bill of Attainder Clause Article I, §9, clause 3**: No bill of attainder ... shall be passed.

Translation: Congress cannot pass a law that singles out a person for punishment without trial.

2. **Commerce Clause Article I, §8, clause 3**: The Congress shall have power . . . To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.

Translation: Congress can regulate trade between nations, between states, and among Indian tribes.

3. **Contracts Clause Article I, §10, clause 1**: No state shall ... pass any ... law impairing the obligation of contracts ...

Translation: No state can interfere with the execution of contracts. For example, a state could not pass a law that declares all debts to be null and void.

4. **Due Process Clause 5th Amendment**: No person shall ... be deprived of life, liberty, or property, without due process of law;

Translation: The national government must observe fair procedures when it denies a person life, liberty, or property.

5. **Due Process Clause 14th Amendment**: ... nor shall any state deprive any person of life, liberty, or property, without due process of law.

Translation: State governments must observe fair procedures when they deny a person life, liberty, or property.

6. **Elastic Clause Article I, §8, clause 18**: The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers ...

Translation: Congress can exercise powers not specifically stated in the Constitution if those powers are “necessary and proper” for carrying out its expressed powers that are specifically stated.

7. **Equal Protection Clause 14th Amendment**: ...nor shall any state ... deny to any person within its jurisdiction the equal protection of the laws.

Translation: States cannot unreasonably discriminate against individuals. They must treat people “equally.”

8. **Establishment Clause 1st Amendment**: Congress shall make no law respecting an establishment of religion.

Translation: Congress cannot establish an “official” religion. This, in effect, provides for separation of church and state.

9. **Ex Post Facto Clause Article I, §9, clause 3**: No ... ex post facto law shall be passed.

Translation: Congress cannot pass a law that punishes a person retroactively, i.e., after the fact. In other words, a person cannot be punished for something he/she did that was not a crime when committed.

10. **Extradition Clause Article IV, §2, clause 2**: A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

Translation: An accused person who flees to another state must be returned to the state in which he/she allegedly committed the crime.

11. **Free Exercise Clause 1st Amendment:** Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof ...

Translation: Congress cannot pass laws that ban freedom of worship.

12. **Full Faith and Credit Clause Article IV, §1:** 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.

Translation: A state must recognize the validity of the public acts, records, and court decisions of other states. For example, a state must recognize as valid the birth certificate issued by another state.

13. **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.

Translation: This introduction to the Constitution identifies its broad purposes.

14. **Privileges & Immunities Clause Article IV, §2, clause 1:** The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

Translation: A state cannot unreasonably discriminate against citizens of other states.

15. **Reserved Power Clause 10th Amendment:** The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Translation: Any power that is not granted to the national government, or denied to the states, automatically reverts to the states.

16. **Search & Seizure Clause 4th Amendment:** 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.

Translation: This is a protection against unreasonable search and seizure. The authorities do not have a general power to search and arrest individuals at any time, at any place, and in any manner; rather, they can only do so according to specified procedures that must be "reasonable."

17. **Supremacy Clause Article VI, clause 2:** 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, anything in the Constitution or laws of any State to the contrary notwithstanding.

Translation: Federal law is supreme over state law.

18. **Takings Clause 5th Amendment:** ... nor shall private property be taken for public use, without just compensation.

Translation: Government can take private property for a public purpose, but it must provide fair compensation to the owners of that property.

The Federalist No. 10

The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection

Daily Advertiser

Thursday, November 22, 1787

[James Madison]

To the People of the State of New York:

AMONG the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice. He will not fail, therefore, to set a due value on any plan which, without violating the principles to which he is attached, provides a proper cure for it. The instability, injustice, and confusion introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have everywhere perished; as they continue to be the favorite and fruitful topics from which the adversaries to liberty derive their most specious declamations. The valuable improvements made by the American constitutions on the popular models, both ancient and modern, cannot certainly be too much admired; but it would be an unwarrantable partiality, to contend that they have as effectually obviated the danger on this side, as was wished and expected. Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties, and that measures are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority. However anxiously we may wish that these complaints had no foundation, the evidence, of known facts will not permit us to deny that they are in some degree true. It will be found, indeed, on a candid review of our situation, that some of the distresses under which we labor have been erroneously charged on the operation of our governments; but it will be found, at the same time, that other causes will not alone account for many of our heaviest misfortunes; and, particularly, for that prevailing and increasing distrust of public engagements, and alarm for private rights, which are echoed from one end of the continent to the other. These must be chiefly, if not wholly, effects of the unsteadiness and injustice with which a factious spirit has tainted our public administrations.

By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community.

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

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

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

The second expedient is as impracticable as the first would be unwise. As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be formed. As long as the connection subsists between his reason and his self-love, his opinions and his passions will have a reciprocal influence on each other; and the former will be objects to which the latter will attach themselves. The diversity in the faculties of men, from which the rights of property originate, is not less an insuperable obstacle to a uniformity of interests. The protection of these faculties is the first object of government. From the protection of different and unequal faculties of acquiring property, the possession of different degrees and kinds of property immediately results; and from the influence of these on the sentiments and views of the respective proprietors, ensues a division of the society into different interests and parties.

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent

conflicts. But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation, and involves the spirit of party and faction in the necessary and ordinary operations of the government.

No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time; yet what are many of the most important acts of legislation, but so many judicial determinations, not indeed concerning the rights of single persons, but concerning the rights of large bodies of citizens? And what are the different classes of legislators but advocates and parties to the causes which they determine? Is a law proposed concerning private debts? It is a question to which the creditors are parties on one side and the debtors on the other. Justice ought to hold the balance between them. Yet the parties are, and must be, themselves the judges; and the most numerous party, or, in other words, the most powerful faction must be expected to prevail. Shall domestic manufactures be encouraged, and in what degree, by restrictions on foreign manufactures? are questions which would be differently decided by the landed and the manufacturing classes, and probably by neither with a sole regard to justice and the public good. The apportionment of taxes on the various descriptions of property is an act which seems to require the most exact impartiality; yet there is, perhaps, no legislative act in which greater opportunity and temptation are given to a predominant party to trample on the rules of justice. Every shilling with which they overburden the inferior number, is a shilling saved to their own pockets.

It is in vain to say that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good. Enlightened statesmen will not always be at the helm. Nor, in many cases, can such an adjustment be made at all without taking into view indirect and remote considerations, which will rarely prevail over the immediate interest which one party may find in disregarding the rights of another or the good of the whole.

The inference to which we are brought is, that the *causes* of faction cannot be removed, and that relief is only to be sought in the means of controlling its *effects*.

If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution. When a majority is included in a faction, the form of popular government, on the other hand, enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens. To secure the public good and private rights against the danger of such a faction, and at the same time to preserve the spirit and the form of popular government, is then the great object to which our inquiries are directed. Let me add that it is the great desideratum by which this form of government can be rescued from the opprobrium under which it has so long labored, and be recommended to the esteem and adoption of mankind.

By what means is this object attainable? Evidently by one of two only. Either the existence of the same passion or interest in a majority at the same time must be prevented, or the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression. If the impulse and the opportunity be suffered to coincide, we well know that neither moral nor religious motives can be relied on as an adequate control. They are not found to be such on the injustice and violence of individuals, and lose their efficacy in proportion to the number combined together, that is, in proportion as their efficacy becomes needful.

From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. A common passion or interest will, in almost every case, be felt by a majority of the whole; a communication and concert result from the form of government itself; and there is nothing to check the inducements to sacrifice the weaker party or an obnoxious individual. Hence it is that such democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths. Theoretic politicians, who have patronized this species of government, have erroneously supposed that by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests, of the people. The question resulting is, whether small or extensive republics are more favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations:

In the first place, it is to be remarked that, however small the republic may be, the representatives must be raised to a certain number, in order to guard against the cabals of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. Hence, the number of representatives in the two cases not being in proportion to that of the two constituents, and being proportionally greater in the small republic, it follows that, if the proportion of fit characters be not less in the large than in the small republic, the former will present a greater option, and consequently a greater probability of a fit choice.

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried; and the suffrages of the people being more free, will be more likely to centre in men who possess the most attractive merit and the most diffusive and established characters.

It must be confessed that in this, as in most other cases, there is a mean, on both sides of which inconveniences will be found to lie. By enlarging too much the number of electors, you render the representatives too little acquainted with all their local circumstances and lesser interests; as by reducing it too much, you render him unduly attached to these, and too little fit to comprehend and pursue great and national objects. The federal Constitution forms a happy combination in this respect; the great and aggregate interests being referred to the national, the local and particular to the State legislatures.

The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. Besides other impediments, it may be remarked that, where there is a consciousness of unjust or dishonorable purposes, communication is always checked by distrust in proportion to the number whose concurrence is necessary.

Hence, it clearly appears, that the same advantage which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic, -- is enjoyed by the Union over the States composing it. Does the advantage consist in the substitution of representatives whose enlightened views and virtuous sentiments render them superior to local prejudices and schemes of injustice? It will not be denied that the representation of the Union will be most likely to possess these requisite endowments. Does it consist in the greater security afforded by a greater variety of parties, against the event of any one party being able to outnumber and oppress the rest? In an equal degree does the increased variety of parties comprised within the Union, increase this security. Does it, in fine, consist in the greater obstacles opposed to the concert and accomplishment of the secret wishes of an unjust and interested majority? Here, again, the extent of the Union gives it the most palpable advantage.

The influence of factious leaders may kindle a flame within their particular States, but will be unable to spread a general conflagration through the other States. A religious sect may degenerate into a political faction in a part of the Confederacy; but the variety of sects dispersed over the entire face of it must secure the national councils against any danger from that source. A rage for paper money, for an abolition of debts, for an equal division of property, or for any other improper or wicked project, will be less apt to pervade the whole body of the Union than a particular member of it; in the same proportion as such a malady is more likely to taint a particular county or district, than an entire State.

In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit and supporting the character of Federalists.

PUBLIUS

The Federalist No. 51

Structure of the Government Must Furnish the Proper Checks and Balances Between the Different Departments

Independent Journal Wednesday, February 6, 1788 [James Madison]

To the People of the State of New York:

TO WHAT expedient, then, shall we finally resort, for maintaining in practice the necessary partition of power among the several departments, as laid down in the Constitution? The only answer that can be given is, that as all these exterior provisions are found to be inadequate, the defect must be supplied, by so contriving the interior structure of the government as that its several constituent parts may, by their mutual relations, be the means of keeping each other in their proper places. Without presuming to undertake a full development of this important idea, I will hazard a few general observations, which may perhaps place it in a clearer light, and enable us to form a more correct judgment of the principles and structure of the government planned by the convention.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. Were this principle rigorously adhered to, it would require that all the appointments for the supreme executive, legislative, and judiciary magistracies should be drawn from the same fountain of authority, the people, through channels having no communication whatever with one another. Perhaps such a plan of constructing the several departments would be less difficult in practice than it may in contemplation appear. Some difficulties, however, and some additional expense would attend the execution of it. Some deviations, therefore, from the principle must be admitted. In the constitution of the judiciary department in particular, it might be inexpedient to insist rigorously on the principle: first, because peculiar qualifications being essential in the members, the primary consideration ought to be to select that mode of choice which best secures these qualifications; secondly, because the permanent tenure by which the appointments are held in that department, must soon destroy all sense of dependence on the authority conferring them.

It is equally evident, that the members of each department should be as little dependent as possible on those of the others, for the emoluments annexed to their offices. Were the executive magistrate, or the judges, not independent of the legislature in this particular, their independence in every other would be merely nominal.

But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other -- that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State.

But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. It may even be necessary to

guard against dangerous encroachments by still further precautions. As the weight of the legislative authority requires that it should be thus divided, the weakness of the executive may require, on the other hand, that it should be fortified. An absolute negative on the legislature appears, at first view, to be the natural defense with which the executive magistrate should be armed. But perhaps it would be neither altogether safe nor alone sufficient. On ordinary occasions it might not be exerted with the requisite firmness, and on extraordinary occasions it might be perfidiously abused. May not this defect of an absolute negative be supplied by some qualified connection between this weaker department and the weaker branch of the stronger department, by which the latter may be led to support the constitutional rights of the former, without being too much detached from the rights of its own department?

If the principles on which these observations are founded be just, as I persuade myself they are, and they be applied as a criterion to the several State constitutions, and to the federal Constitution it will be found that if the latter does not perfectly correspond with them, the former are infinitely less able to bear such a test.

There are, moreover, two considerations particularly applicable to the federal system of America, which place that system in a very interesting point of view.

First. In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.

Second. It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority -- that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major, as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects.

The degree of security in both cases will depend on the number of interests and sects; and this may be presumed to depend on the extent of country and number of people comprehended under the same government. This view of the subject must particularly recommend a proper federal system to all the sincere and considerate friends of republican government, since it shows that in exact proportion as the territory of the Union may be formed into more circumscribed Confederacies, or States oppressive combinations of a majority will be facilitated: the best security, under the republican forms, for the rights of every class of citizens, will be diminished: and consequently the stability and independence of some member of the government, the only other security, must be proportionately increased. Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign as in a state of nature, where the weaker individual is not secured against the violence of the stronger; and as, in the latter state, even the stronger individuals are prompted, by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves; so, in the former state, will the more powerful factions or parties be gradually induced, by a like motive, to wish for a government which will protect all parties, the weaker as well as the more powerful. It can be little doubted that if the State of Rhode Island was separated from the Confederacy and left to itself, the insecurity of rights under the popular form of government within such narrow limits would be displayed by such reiterated oppressions of factious majorities that some power altogether independent of the people would soon be called for by the voice of the very factions whose misrule had proved the necessity of it. In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good; whilst there being thus less danger to a minor from the will of a major party, there must be less pretext, also, to provide for the security of the former, by introducing into the government a will not dependent on the latter, or, in other words, a will independent of the society itself. It is no less certain than it is important, notwithstanding the contrary opinions which have been entertained, that the larger the society, provided it lie within a practical sphere, the more duly capable it will be of self-government. And happily for the *republican cause*, the practicable sphere may be carried to a very great extent, by a judicious modification and mixture of the *federal principle*.

Name: _____ Date: _____ Period: _____

READING GUIDE FOR FEDERALIST #51

1. What is essential to the “preservation of liberty?” How should this “be so constituted?”

2. Explain the following: “A dependence upon the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.”

3. In a republican government, which branch is the strongest? Identify three ways of “remedying this inconveniency.”

4. List two ways in which the federal system of the US “places that system in a very interesting point of view,” i.e. protects against tyranny.

Make sure that you know the role of the following “auxiliary precautions” in guarding against tyranny:

- Separation of powers
- Checks and balances
- Federalism

Name: _____ Date: _____ Per: _____

Understanding the Amendments

For each, jot down the year ratified, main bullet points, and then create a catchy slogan for a bumper sticker if you were trying to get support for the passing. (e.g. “If we can die, we can vote” [26]; “All races get to the ballot” [15]; “Church and state-Separate” [1])

Amendment	Year Ratified	Main Points	Bumper Sticker Slogan
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

15			
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23			
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26			
27			

Name: _____ Date: _____ Per: _____

The Constitution Reading (AG 64-71)

AP GOV

For each of the ten sections of **Article I**, jot down something that you find new, interesting, or odd. If possible, include how you see it applied today.

Section 1	Section 6
Section 2	Section 7
Section 3	Section 8
Section 4	Section 9
Section 5	Section 10

Name: _____ Date: _____ Per: _____

Journeys with George clip 1
After watching this clip, what are your thoughts about George W. Bush?

Journeys with George clip 2
How did things change (with the media) after Bush got the presidential nomination?

Give three observations about the travelling presidential campaign press corps.

What does this movie tell you about the nature of presidential campaigns?

How did this documentary change your view of Bush?

