

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

Tues 8/29

- Introduction to the course
- Create name card with:
 - Name
 - Two or 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.

Thurs 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 (AG 64-71). Complete worksheet on Article I (as much as you can for today)

HW: Bring blank index cards for an activity next class

Tues 9/5

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

HW: Finish ALL 30 Key Terms cards for Constitutional Underpinnings (due next Monday)

Thurs 9/7

- Reading Quiz 1.5-14
- Political Ideology
- Read Article II of Annotated Constitution (AG 72-75)

HW: Prepare for notebook and supply check

Mon 9/11

- **Notebook and Supply Check**
- Key terms cards for Constitutional Underpinnings due
- Check out textbook
- Lecture/Discussion topic: Begin Origins of the American Republic
- Watch "[Creating a Constitution](#)" (22 mins)

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

Wed 9/13

- Reading Quiz 2.30-46
- **Constitutional Clauses cards due**
- Watch: [Marbury v. Madison case](#) (8 mins)
- How Do I Outline?
- Constitution Lecture/Discussion

HW: AG, 2.46-57 and outline

Fri 9/15

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

HW: AG, 10.334-345 and outline

Tues 9/19

- Reading Quiz 10.334-345
- Continue bumper sticker activity
- Turn your best one into an actual bumper sticker with graphics and colors
- Bumper Sticker presentations

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

Thurs 9/21

- Reading Quiz 2.57-62 AND 3.94-102
- DVD: *Checks & Balances*
- Federalist #51 reading and work

HW: AG 3.99-110 and outline

Mon 9/25

- Reading Quiz AG, 3.99-110
- Finish Federalist #51 work

HW: AG, 3. 110-121 and outline

Wed 9/27

- Reading Quiz 3.110-121
- Lecture/Discussion topic: Principals of Constitution-formal and informal changes

HW: Study for test and exam

Fri 9/29

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

HW: Study for unit exam

Tues 10/3

- **Unit Exam:** 30 multiple choice, 1 FRO

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Notebook and Supply Check

You'll need the following for our notebook check **Mon 9/11**. 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 **THREE 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.

GOV Outlines:

You'll put your work in here after receiving it back.

Standards for This Unit, or, Why We are Learning This!

Reading

CCR.ELA-Literacy.RH.11-12.1 Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the text as a whole.

CCR.ELA-Literacy.RH.11-12.2 Determine the central ideas or information of a primary or secondary source; provide an accurate summary that makes clear the relationships among the key details and ideas.

CCR.ELA-Literacy.RH.11-12.4 Determine the meaning of words and phrases as they are used in a text, including analyzing how an author uses and refines the meaning of a key term over the course of a text (e.g., how Madison defines faction in Federalist No. 10).

CCR.ELA-Literacy.RH.11-12.5 Analyze in detail how a complex primary source is structured, including how key sentences, paragraphs, and larger portions of the text contribute to the whole.

Writing

CCR.ELA-Literacy.WHST.11-12.1 Write arguments focused on discipline-specific content.

CCR.ELA-Literacy.WHST.11-12.1a Introduce precise, knowledgeable claim(s), establish the significance of the claim(s), distinguish the claim(s) from alternate or opposing claims, and create an organization that logically sequences the claim(s), counterclaims, reasons, and evidence.

CCR.ELA-Literacy.WHST.11-12.1b Develop claim(s) and counterclaims fairly and thoroughly, supplying the most relevant data and evidence for each while pointing out the strengths and limitations of both claim(s) and counterclaims in a discipline-appropriate form that anticipates the audience's knowledge level, concerns, values, and possible biases.

Name: _____ Date: _____ Per: _____

The Constitution Reading (AG 64-71)

AP GOV

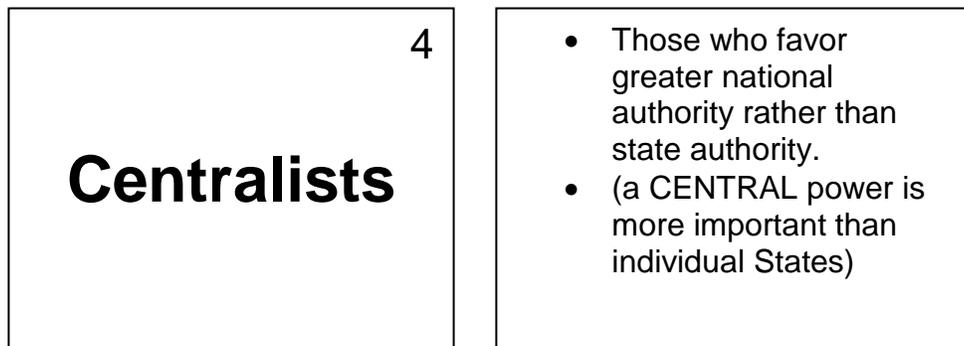
For each of the ten sections of **Article I**, jot down something that you find new, interesting, or odd. If possible, include how you see it applied today.

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

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**



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.

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
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3			
4			
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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