

New Bedford Public Schools
Division of Adult & Continuing Education

New Bedford High School Evening Extension

2019 – 2020 School Year
Trimester III

Learning Packet #2
for
U.S. History I

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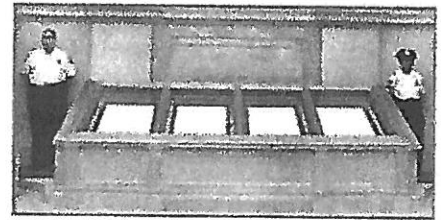
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Anatomy of the Constitution

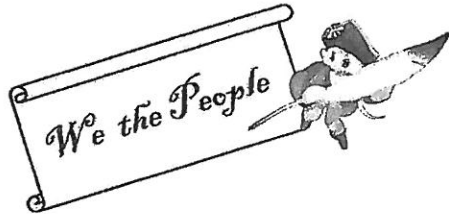
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How Do They Govern?

The U.S. Constitution is the document that creates our nation's government. The contents of the Constitution create the three branches of our government and give directions for how the federal government works. (It does this with a little over 4,500 words covering only four sheets of paper!) Although the Constitution was written in 1787, over 220 years ago, it still guides our officials in running our country today. It is the oldest written constitution in the world that is still in use.



The Constitution on display at the National Archives in Washington, DC.

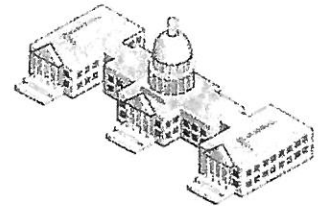


Introducing... The Preamble

Our Constitution is divided into nine parts. The first paragraph is called the *Preamble*. Its job is to introduce the Constitution, explain what the Constitution is meant to do, and describe the purpose of the new government. The first three words of the Constitution—"We the People"—contain the important idea of **self-government**.

Creating Congress: Article I

Article I is the first and longest part of the Constitution. It creates the legislative branch of our government. *Legislative* means law-making. This section is the longest because the people who wrote the Constitution believed that a legislative branch is very important in a government that represents the citizens. Members of the *legislature*, or law-making body, are responsible for turning citizens' wants and needs into laws.



Represent Me!

The legislative branch makes our government a representative democracy. In a *representative democracy*, citizens elect people to represent their needs and concerns in government. Article I creates a legislature called Congress and divides it into two parts: the Senate and the House of Representatives. Article I describes how Congress should be organized, tells what qualifications legislators must have, and says how often Congress should hold elections and meet as a group. It also describes other details of operation that each house of Congress gets to decide for itself.

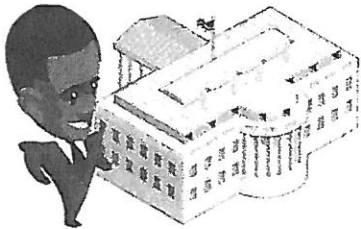
	The Senate	The House of Representatives
Qualifications	You must be at least 30 years old, been a U.S. citizen for at least 9 years, and live in the state you represent	You must be at least 25 years old, been a U.S. citizen for at least 7 years, and live in the state you represent.
Size	2 senators per state = 100 total	Number per state depends on population = 435 total (in 2011)
They represent...	the interests of the citizens in the entire state for 6 years per term.	the interests of the citizens who live in the district they represent within the state for 2 years per term.
Special Duties	The Senate acts as a court during impeachments.	All bills that raise money must start in the House of Representatives.
Role in Lawmaking	A bill must be approved by BOTH houses of Congress before it can go to the President to become a law.	

Anatomy of the Constitution Name: _____

The Powers of Congress

Article I lists the powers Congress has. Even though Congress is a law-making body, it is not allowed to make laws about anything that's not on this list:

- Collect taxes
- Borrow money and pay debts
- Make rules for how to become a citizen
- Regulate *commerce* (trade) with other nations, between the states, and with Indian tribes
- Coin money and punish counterfeiters
- Establish post offices
- Give patents to new inventions
- Create the lower federal courts
- Punish pirates
- Declare war and support an army and navy
- Make any other laws that are "necessary and proper" to carry out the powers in this list.



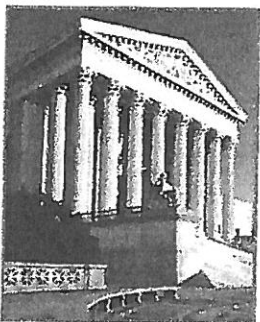
Creating the President: Article II

Article II of the Constitution describes the job of the executive branch. This branch *executes*, or carries out, laws. The president heads this branch, which also includes the vice president and many departments in charge of carrying out the government's day-to-day business. Article II describes who qualifies to be the president, what powers the office has, and what happens if a president misbehaves! It also explains the Electoral College, which is the process of how the president is selected.

Presidential Powers

The overall job of the executive branch is to carry out and enforce laws, but Article II gives the president a list of specific duties:

- Act as the commander-in-chief of the armed forces
- Maintain a *cabinet* of advisors who run the 15 executive departments like the State Department and the Treasury
- Grant pardons in all federal criminal offenses, and *reprieves* (postpone punishments like executions)
- Negotiate treaties with other countries
- Appoint ambassadors, Supreme Court Justices and federal court judges, and Cabinet members
- Make a State of the Union address to Congress
- Represent the United States when dealing with foreign countries
- Make sure that laws are carried out (*executed*)



The U.S. Supreme Court in Washington, DC

Creating the Courts: Article III

Here come the judges! Article III creates the judicial branch. The judicial branch interprets laws to decide what they mean and whether they have been followed in specific cases.

Article III creates the Supreme Court and authorizes Congress to create federal courts below the Supreme Court. These are courts that deal with United States laws, not state laws. Article III also gives directions about what kinds of cases the Supreme Court and federal courts can hear. Under Article III, federal judges are appointed, not elected. They stay on the bench until they retire, die, or are removed for bad behavior. Article III also guarantees trial by jury for criminal cases and explains the crime of treason.

Anatomy of the Constitution

Name: _____

The States: Article IV

States have the power to create and enforce their own laws. Article Four of the Constitution describes how the states should interact with each other.

- Each state has to respect the laws and court decisions of the other states.
- If a criminal flees from one state to another, the state where the crime was committed can request that the criminal be returned to face charges. This is called *extradition*.
- New states can be admitted to the Union with the authorization of Congress and the president.
- All states must have a *republican*, or representative, type of government. (Sorry, states can't have kings.)

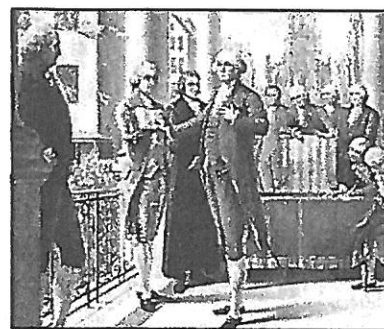


Amending the Constitution: Article V

The Constitution is not set in stone, and Article Five describes how it can be changed! A change or addition to the Constitution is called an **amendment**. Given what you've learned so far, do you think the Founding Fathers made it easy or difficult to amend the Constitution? If you guessed difficult, you're right. You'll read all about it on the next page.

Supreme Law of the Land: Article VI

Federalism is the idea that the national government shares power with the state governments. But what happens if a state law disagrees with a national or federal law? Article Six states that the laws and treaties of the U.S. government are "the supreme law of the land." If a state law disagrees with a federal law, federal law wins. This article also requires officials working in the state and federal governments to take an oath to support the Constitution no matter what.



George Washington taking the oath of office for President of the U.S.

- Delaware
- Pennsylvania
- New Jersey
- Georgia
- Connecticut
- Massachusetts
- Maryland
- South Carolina
- New Hampshire

RATIFIED

The list of states in order of ratification of the Constitution.

Ratification: Article VII

Article Seven says the Constitution could not take effect until at least nine out of the thirteen states approved it. (Back then, there were only thirteen states.) Each state held its own convention to discuss and vote on the Constitution's plan for government. But getting approval wasn't easy. Some people thought the seven articles weren't enough. After much debate, it was agreed that ten amendments would be added to the Constitution. These amendments, called the Bill of Rights, would list specific rights not already mentioned in the Constitution. This put people's minds at ease, and the Constitution became the law of the land in March 1789. The Bill of Rights was added in 1791.

Anatomy of the Constitution

Name: _____

The Amendment Process



The Constitution has only been amended 27 times in all these years. Does that tell you anything about how easy it is to change? Believe it or not, there are only two steps to the amendment process: approval in the U.S. Congress and approval by the states. But these steps are hugely difficult (especially the second one). Getting members of Congress to agree on something is hard enough... but getting states to agree?? That's an awful lot of agreement! With so much approval required, changing the Constitution can take years.

Here are the ways it can be done:

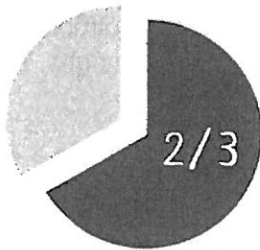
STEP 1: PROPOSE

Choose one of these methods:

Congressional Vote

(All existing amendments proposed this way)

Two-thirds (2/3) of both houses of Congress vote YES to the amendment.



Congressional Convention

(Never actually been used)

Two-thirds (2/3) of state legislatures ask Congress to hold a convention. The amendment is proposed at this meeting.



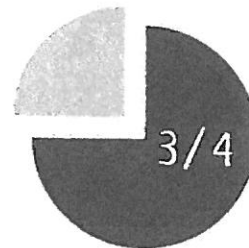
STEP 2: RATIFY

Choose one of these methods:

State Legislature Vote

(Most common method)

Three-fourths (3/4) of state legislatures vote YES to ratify (approve) the amendment.



Special State Conventions

(Only been used once)

Each state holds a special convention to consider the proposed amendment. Three-fourths (3/4) of state conventions vote YES to ratify the amendment.

So Few Amendments, So Much Time

Hundreds of amendment proposals are introduced in Congress each year. Only 33 have ever received enough votes to actually be proposed. Of those, 27 were ratified and are now part of our Constitution. The first twelve amendments were proposed only a year after the Constitution took effect! Only ten of these were ratified by the states. They became the first ten amendments to the Constitution, and we call them the **Bill of Rights** because they define many of the rights guaranteed to U.S. citizens. The 27th Amendment was actually one of those original twelve... but it wasn't ratified until 1992! The 21st Amendment, which repealed the prohibition against alcohol in 1933, was the only amendment where states held special conventions to ratify the proposal.



This postage stamp commemorated the 19th Amendment, which gave women the right to vote in 1920.

Reading p.4

Anatomy of the Constitution

Name: _____

A. Vocabulary. Match the term with the correct definitions from the lesson.

- | | |
|-------------------|---|
| ___ 1. ratify | A) Introduce a new amendment |
| ___ 2. execute | B) Carry out a law |
| ___ 3. federalism | C) A representative form of government |
| ___ 4. republican | D) Approve or pass an amendment |
| ___ 5. propose | E) System where the national government shares power with state governments |



B. Multiple Choice. Use what you have learned in this lesson to answer the following questions.

- | | |
|---|---|
| ___ 6. How many senators are in the U.S. Senate? | ___ 8. What was added to the Constitution that listed rights not already in the Constitution? |
| a. 50 | a. The 14th Amendment |
| b. 435 | b. The approval of all 13 states |
| c. 100 | c. The Bill of Rights |
| d. It depends on the population. | d. The Necessary and Proper Clause |
| ___ 7. What does the Constitution say is the 'supreme law of the land'? | ___ 9. What is the term for members of the House of Representatives ? |
| a. The Bill of Rights | a. 2 years |
| b. State laws | b. 4 years |
| c. The amendments | c. 6 years |
| d. U.S. or federal laws | d. Life |

C. Separate Those Powers! Draw a line connecting each branch to the powers it has.



10. We write the bills that become laws.



11. We make sure the laws are carried out and enforced.



12. We hear cases about the laws and decide what the laws mean.

D. Article Match-Up. Draw a line connecting each Constitutional article with the subject that it covers.

Articles 1-3

13. Discusses how states should interact with each other.

Article 4

14. Supreme Law of the Land

The Amendments

15. Creates the three branches of the U.S. government

Article 6

16. Additions to the Constitution

Article 7

17. How to amend the Constitution

Article 5

18. How to Ratify the Constitution

Anatomy of the Constitution Name: _____

E. Table of Contents. Complete the Constitutional Table of Contents by filling in the missing pieces with words from the lesson. Use the word bank below if you need help.

legislative amended Constitution steps executive
 federalism purpose judicial states

Section	Answers these questions...
Preamble	What does the Constitution do? What is the _____ of the government?
Article I	How does the _____ branch create laws? What powers do the states have?
Article II	How does the _____ branch execute laws?
Article III	How does the _____ branch interpret the laws?
Article IV	How should the _____ get along with each other?
Article V	How can the Constitution be _____, or changed?
Article VI	How does _____ work? Which law is supreme?
Article VII	What _____ have to be taken to make the Constitution the law of the land?
Amendments	What changes have been made to the _____?

F. Who Said It? First, match the quote about working in government to the correct branch. Then name the article that describes the powers of this branch.

Floor debate [on a bill] is an exhilarating experience and important duty.
Carolyn Cheeks Kilpatrick, D-MI

The presidency has many problems, but boredom is the least of them.
Richard Nixon, R-CA

We apply laws to facts. We do not apply feelings to facts.
Justice Sonia Sotomayor



Article _____
 The Executive Branch



Article _____
 The Judicial Branch



Article _____
 The Legislative Branch

Anatomy of the Constitution Name: _____

Whose Job Is It?

E=Executive L= Legislative J= Judicial

(For each description show the correct side of your tent.)

- ___ 1. Prints money
- ___ 2. Enforces the laws
- ___ 3. Decides what a law means
- ___ 4. Declares war
- ___ 5. Includes the president, vice president, and the cabinet
- ___ 6. Divided into the House and Senate
- ___ 7. Punishes pirates!
- ___ 8. Makes treaties with other countries
- ___ 9. Can declare laws unconstitutional
- ___ 10. Selected by the Electoral College
- ___ 11. Selected by popular vote
- ___ 12. Appoints Supreme Court Justices, federal judges, ambassadors and cabinet members
- ___ 13. Approves presidential appointments
- ___ 14. Makes a State of the Union address each year
- ___ 15. Collect taxes



Name _____ Class _____ Date _____

The Living Constitution

Section 1

**The Preamble and Article 1:
The Legislature**

Terms and Names

Preamble Introduction to the Constitution

Congress National legislature

House of Representatives Lower house of the national legislature

Senate Upper house of the national legislature

checks and balances Provisions of the Constitution that keep one branch of the government from controlling the other two branches

enumerated powers Powers specifically granted in the Constitution

implied powers Powers not specifically stated in the Constitution

elastic clauses Clause in the Constitution that allows Congress to pass laws necessary to carry out its enumerated powers

Before You Read

In the last section, you saw how the new government began to work under the Constitution. In this section, you will learn about the Constitution itself—how the Preamble introduces the Constitution and explains its purpose and how Article 1 sets up the Congress.

As You Read

Use an outline to take notes on the Preamble and on the powers of Congress.

PREAMBLE. PURPOSE OF THE CONSTITUTION (Page 84)

What does the Preamble do?

The **Preamble**, or introduction, sets out to do two things. The first is to show the legitimacy of the new government, or its right to rule. The Preamble shows that this government is based on the agreement of those who are to be governed. It is the people themselves who have the power to create a government. That is why the Constitution begins with, "We the people of the United States . . . do ordain and establish this Constitution."

This statement also shows that the legitimacy of this government does not come from the states. Instead, it comes from the people. The Confederation was an agreement among the states, and the national government was too weak.

The second purpose of the Preamble is to state why this new government is being formed:

- to improve the structure of the government,
- to create justice and peace within the nation,
- to protect the nation from outside attack,

Name _____ Class _____ Date _____

Section 1, *continued*

- to ensure the well-being of the people,
- to keep citizens and their descendants free.

1. What are the two purposes of the Preamble?

ARTICLE 1. SECTIONS 1–7: THE LEGISLATURE (Pages 84–86)

How are the House and Senate different?

The framers of the Constitution set up **Congress** first. It was to be the legislature, or law-making branch of government. The framers saw the Congress as the central branch of government because it represents the people most directly.

Congress is made up of two houses. The **House of Representatives** is sometimes called “the House” or “the lower house.” Its members are most responsible to the people who elect them because they serve for only two years. Then they must run for reelection. The number of representatives each state can send to the House is based on population. Thus, the House reflects the will of the majority of the people of the nation.

The **Senate** is sometimes called the “upper house.” To make the government more stable, the framers made the Senate more removed from the will of the people. To do this, they had Senators chosen by state legislatures. (They are now elected directly by the voters in each state [Amendment 17]). Senators are elected for longer terms than House members, six-years.

Only one-third of the Senate is elected every two years. That also adds stability. Each state, regardless of population, has two Senators. This equal representation

gives small states more power in the Senate than they have in the House.

Section 2.5 of Article 1 gives the House the power of impeachment. It can bring charges of misbehavior in office against officials in other branches of government, including the president. When the House impeaches a federal official, the Senate tries the case. It takes a two-thirds vote of the Senate to convict the impeached person.

The power of impeachment means that the legislative and judicial branches can make sure that a president does not take too much power. It is part of the system of **checks and balances**, in which the Constitution prevents any branch from dominating the others.

2. What are two important differences between the House and the Senate?

SECTIONS 8–10: POWERS OF THE LEGISLATURE (Pages 86–90)

What power does Congress have?

Section 7 of Article 1 explains how new laws are passed. A bill may be introduced in either the House or the Senate. But it must be approved by a majority vote in both houses. To become a law, a bill needs the approval of the president. That is part of the system of checks and balances. It gives the president, who is elected by all of the people, a say in what becomes the law of the land. If the president does not sign, or approve, the bill, he is said to veto it. The bill can still become law if two-thirds of both houses vote to override the veto. This procedure ensures that the president does not have too much power.

Section 7 also states that all bills for raising money—such as taxes—must

Name _____ Class _____ Date _____

Section 1, continued

begin in the House of Representatives. That is the house most responsive to the people. The Senate may propose changes to the bill.

Section 8 lists particular powers of the Congress. They are often called the federal government's **enumerated powers**. They include the power to tax, to borrow money, and to set up courts. Clauses 11-16 in Section 8 make sure that the civilians control the military. This is designed to prevent the armed forces from staging a coup, or seizing control of the government.

The 18th clause is different. It gives Congress the power to do what is "necessary and proper" to carry out its other powers. This is the basis of the **implied powers** of the federal

government. It is called the **elastic clause** because it can be used to stretch, or expand, the government's power.

Section 9 tells what powers the federal government does not have. Clauses 2 and 3 say the government cannot take away a citizen's right to a fair trial. Section 10 tells what powers the states do not have. It emphasizes that they cannot make treaties or war. Only a sovereign nation can do that.

3. How does Congress limit the power of the president and the military?

The Living Constitution

Section 2

Articles 2 and 3: The Executive and the Judiciary

Terms and Names

chief executive President of the United States

electoral college Electors chosen by the states to elect the president and vice president

succession Order in which the office of president is filled if it becomes vacant before an election

State of the Union Address Message delivered by the president once a year

Supreme Court Highest federal court in the United States

judicial power Authority to decide cases involving disputes over the law or behavior of people

judicial review Authority to decide whether a law is constitutional

Before You Read

In the last section, you saw that the Preamble introduced the Constitution and that Article 1 dealt with the powers of Congress. In this section, you will see that Article 2 covers the powers of the president and Article 3 lists the powers of the judiciary.

As You Read

Continue your outline of the Constitution, and take notes on the powers of the executive and the judicial branches of government.

ARTICLE 2. THE EXECUTIVE

(Pages 90–92)

What are the powers of the president?

The president is the **chief executive**, or administrator of the nation. It is his or her responsibility to “take care that laws be faithfully executed,” or carried out.

Section 1.2 sets up the **electoral college**. The president and vice-president are elected by electors chosen by the states. At first, this clause did not work well in practice. In 1800, when only one ballot was used to elect both president and vice-president, two candidates received

the same number of votes. The election had to be settled by the House of Representatives. To prevent this from happening again, the Twelfth Amendment was passed in 1804. It calls for separate ballots for president and vice-president.

However, the electoral college is still important. Each state has as many electors as it has senators and representatives in Congress. That is why presidential candidates work hard to “carry,” or get the majority of the popular vote in, the largest states. The candidate that gets the majority of votes in a state gets all the electoral votes of that state.

Section 1.6 explains **succession**: what happens if a president dies in office or leaves office for another reason. It is important that everyone understands who will assume the power of the president. That prevents a struggle for power or a time when no one is in charge. It also makes sure that power will be transferred in a peaceful and orderly manner.

The president's salary cannot be changed during his or her term of office. In other words, the president cannot be punished or rewarded by payment for particular policies or official acts.

Section 2.1 makes the president commander-in-chief of the armed forces. This authority is another way to ensure civilian control of the military. It is also another example of checks and balances, because only Congress has the power to declare war. In practice, this authority has caused some problems. Since the president has the power to give orders to American military forces, some presidents have taken military action against the wishes of Congress and without a declaration of war.

Presidential appointments are another example of the separation of powers. The president can appoint ambassadors, justices of the Supreme Court, and other officials only "with the advice and consent of the Senate." In other words, the Senate must approve these appointments. The president can also make treaties, but these must also be approved by the Senate.

"Heads of departments" are mentioned in Section 2.1. These departments actually carry out the functions of the executive branch of government under the direction of the president. The heads of important departments make up the president's Cabinet.

The framers included reporting to the Congress as one of the president's

duties. This requirement has led to the president making a **State of the Union Address** once a year. It is a report to the other branches of government and to the people. Its subject is the condition, or state, of the nation. The address includes the president's plans and policies for the year.

1. What are two examples of checks and balances found in Article 2?

ARTICLE 3. THE JUDICIARY

(Pages 92–93)

What are the powers of the federal courts?

Article 3 sets up the judicial branch of the federal government. It establishes one **Supreme Court** but leaves the rest of the "inferior," or lower, federal courts to be set up by Congress. District courts and federal courts of appeal are now part of the regular federal court system. (States have their own court systems that deal with state laws.) Federal judges are appointed by the president with the approval of the Senate.

Judges serve "during good behavior." In other words, they are appointed for life, unless they are found guilty of misbehavior, or inappropriate conduct. The salary of a judge cannot be lowered while the judge is in office.

The federal courts have jurisdiction, or authority, only in certain kinds of cases. These are listed in Section 2. The Constitution gives the courts **judicial power**—the authority to decide cases involving disputes over the law or behavior of people. It does not specifically grant the Supreme Court the power of **judicial review**—the authority to decide

Name _____ Class _____ Date _____

Section 2, continued

whether a law is constitutional. The Supreme Court claimed this authority in the famous case of *Marbury v. Madison* in 1803.

Clause 3 again protects citizens' rights to a trial by jury. (See Article 1, Section 9.) The framers' concern for this right is a result of the American colonists' experiences under British rule.

2. What does the federal judiciary do?

