**A Level Politics Year 12 into Year 13 preparation.**



*“The beauty of me is that I’m very rich.”*

*You are going to learn about the American Constitution. This is the absolute foundation of American Politics and Government and is arguably the highest authority in the land. Not even the President can ignore the Constitution. Unlike the British Constitution, America’s Constitution is CODIFIED, meaning it is found in 1 document and is entrenched in law. The Constitution forms the American national identity, and is the source of their heavy focus on the importance of “freedom”. We must understand this well in order to even begin to look at American politics.*

**The Constitution of the United States of America**

**The Constitution is the framework for the federal government of the United States. It is the highest form of law in the country. The Constitution creates the branches of government and gives them the power to govern. However, it also protects the citizens of the United States and guarantees their basic rights.**

**TASK 1 - History of the Constitution**

***To do: read the below information and answer the quiz questions at the end!***  
  
**Articles of Confederation**  
The first Constitution was called the Articles of Confederation, which was ratified in 1781. The Articles of Confederation had issues, however. The main issue was that the government had no money or way to get money under the Articles. The army wasn't being paid and was deserting. Debts to foreign countries weren't being paid. The government became too weak and a new constitution was needed.  
  
**Constitutional Convention**  
In May of 1787 the Constitutional Convention gathered to discuss changes to the Articles of the Confederation. After some debate it became apparent to the representatives that a new Constitution was needed. A lot of the debate was held in secret so that the delegates would feel free to speak their minds.

A primary aim of the new Constitution was to create a government that would be powerful enough to run the country, but would not impose on people's or state's rights. To avoid too much power being held by one person or group, they created the Balance of Power between the three branches of government: Executive, Legislative, and Judicial.

There were two primary competing plans for the Constitution:

* **Virginia Plan** - The Virginia plan was written by James Madison. It represented the desires of the larger states and said that the number of representatives to Congress should be based on the state's population.
* **New Jersey Plan**- The New Jersey plan was written by William Paterson from New Jersey. It represented the smaller states and said that each state should have the same number of representatives.

In the end, an agreement was reached called The Great Compromise. This allowed the number of representatives to the House of Representatives (the lower body of Congress) be based on the state's population while each state would have two representatives in the Senate (the upper body of Congress).  
  
**Articles of the Constitution**  
The Constitution is organized into seven articles:

1. Legislative Power (law making, about CONGRESS)
2. Executive Power (about the PRESIDENT and leadership)
3. Judicial Power (about the justice system, courts and specifically the Supreme Court)
4. States' Powers and Limits
5. Amendments (how the Constitution could be changed)
6. Federal Power (Power held by the NATIONAL government vs. STATE governments)
7. Ratification (who needed to support it for it to come into force)

**Ratification**  
In order for the Constitution to go into effect, 9 of the 13 states needed to ratify it. The first state to ratify the Constitution was Delaware on December 7, 1787. The last state was Rhode Island in May of 1790.  
  
**Preamble to the Constitution**  
"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."

**Fun Facts about the Constitution**

1. James Madison is often called the father of the Constitution since so much of his work and ideas were incorporated into the final document.
2. Governor Morris wrote the Constitution and is widely credited with authoring the famous preamble.
3. 39 of the 55 delegates at the convention signed the document. Many who refused did so because of the lack of a Bill of Rights.
4. The US Constitution is the oldest written constitution still used in the world today.
5. The Constitution that is on display at the National Archives was penned by Jacob Shallus.
6. There are currently 27 amendments to the Constitution.

**QUIZ ON THE CONSITUTION OF THE USA:**

1. What was the first draft of the Constitution called?
2. What was the main weakness of the first version of the Constitution?
3. When was the Constitutional Convention, and why did it meet?
4. What was to be the primary aim of the new Constitution?
5. Between which bodies did the new Constitution need to BALANCE the power?
6. Which plan was used to form the new Constitution?
7. What is the upper house of Congress called?
8. What is the lower house of Congress called?
9. How many Articles of the Constitution are there?
10. What is meant by “amendments”?
11. How many states were needed to “ratify” the Constitution?
12. Which was the first state to ratify it?
13. Who is often called the “father” of the Constitution and why?
14. Who wrote the actual Constitution?
15. Why did some people refuse to sign the Constitution?

**TASK 2: THE BILL OF RIGHTS**

***Read the following information and complete the tasks outlined in red.***

The Bill of Rights are the first 10 amendments to the United States Constitution. The idea behind the Bill of Rights was to insure certain freedoms and rights to the citizens of America. It put limits on what the government could do and control. Freedoms protected include freedom of religion, speech, assembly, the right to bear arms, unreasonable search and seizure of your home, the right to a speedy trial, and more.  
  
Many delegates of the states were against signing the Constitution without a Bill of Rights included. It became a major issue in ratifying the Constitution in some states. As a result, James Madison wrote 12 amendments and presented them to the First Congress in 1789. On December 15, 1791 ten of the amendments were passed and made part of the Constitution. They would later become known as the Bill of Rights.  
  
The Bill of Rights was based on several previous documents including the Magna Carta, the Virginia Declaration of Rights, and the English Bill of Rights.  
  
**Here is a list of the first 10 amendments to the Constitution, the Bill of Rights:**

***TASK: BELOW EACH AMENDMENT WRITE WHAT IT MEANS IN YOUR OWN WORDS. If you aren’t sure, google it!***  
**The First Amendment**- states that Congress shall make no law respecting the establishment of religion or prohibiting its free exercise. Also protected are freedom of speech, freedom of the press, freedom of assembly, and the right to petition the Government for a redress of grievances.

**The Second Amendment** - protects citizen's right to bear arms.

**The Third Amendment**- prevents the government from placing troops in private homes. This was a real problem during the American Revolutionary War.

**The Fourth Amendment** - this amendment prevents the government from unreasonable search and seizure of the property of US citizens. It requires the government to have a warrant that was issued by a judge and based on probable cause.

**The Fifth Amendment** - The Fifth Amendment is famous for people saying "I'll take the Fifth". This gives people the right to choose not to testify in court if they feel their own testimony will incriminate themselves.  
In addition this amendment protects citizens from being subject to criminal prosecution and punishment without due process. It also prevents people from being tried for the same crime twice. The amendment also establishes the power of eminent domain, which means that private property can not be seized for public use without just compensation.

**The Sixth Amendment** - guarantees a speedy trial by a jury of one's peers. Also, people accused are to be informed of the crimes with which they are charged and have the right to confront the witnesses brought by the government. The amendment also provides the accused the right to compel testimony from witnesses, and to legal representation (meaning the government has to provide a lawyer).

**The Seventh Amendment**- provides that civil cases also be tried by jury.

**The Eighth Amendment**- prohibits excessive bail, excessive fines, and cruel and unusual punishments.

**The Ninth Amendment**- states that the list of rights described in the Constitution is not exhaustive, and that the people still have all the rights that are not listed.

**The Tenth Amendment** - gives all powers not specifically given to the United States government in the Constitution, to either the states or to the people.

***Task: WATCH 2 videos on the Bill of Rights and jot down 5 NEW points from each.***

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| **TED ED video – A 3-minute guide to the Bill of Rights - Belinda Stutzman**  <https://www.youtube.com/watch?v=yYEfLm5dLMQ&t=4s> | **“The Bill of Rights: Pretty Important and Very Epic”**  <https://www.youtube.com/watch?v=QoeYhKCcW_Q> |
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**TASK 3: AMENDMENTS TO THE CONSTITUTION**

***Read the following information and complete the tasks outlined in red.***

An amendment is a change or addition to the Constitution. The first 10 amendments to the United States Constitution are called the Bill of Rights. The Bill of Rights was ratified in 1791, only a short time after the Constitution was first ratified. This is because some states only agreed to ratify the Constitution once they knew a Bill of Rights would soon be added.  
  
Over the years additional amendments have been added to the Constitution. Including the Bill of Rights there are 27 Amendments in total.  
  
**How Amendments Are Made**:  
*It takes two steps to add an amendment to the Constitution:*

* **Step 1: Proposal -** An amendment can be proposed by either a two-thirds vote in Congress, including both the House of Representatives and the Senate, or a national convention made up of two-thirds of the states. All our current amendments were proposed by Congress.
* **Step 2: Ratification -** Next, the amendment has to be ratified. It can be ratified by either three-fourths of the state legislatures or by state conventions in three-fourths of the states. Only the 21st amendment used the state convention method.

**List of Amendments**  
Today there are 27 total amendments. Below is a brief description of each.

* **1st through the Tenth** - See the Bill of Rights.
* **11th** (February 7, 1795) - This amendment set limits on when a state can be sued. In particular it gave immunity to states from law suits from out-of-state citizens and foreigners not living within the state borders.
* **12th** (June 15, 1804) - Revised the presidential election procedures.
* **13th** (December 6, 1865) - This amendment abolished slavery and involuntary servitude.
* **14th** (July 9, 1868) - Defined what it means to be a US citizen. It prohibits states from reducing the privileges of citizens and ensures each citizen the 'right to due process and the equal protection of the law'.
* **15th** (February 3, 1870) - Gave all men the right to vote regardless of race or colour or whether they had been slaves.
* **16th** (February 3, 1913) - Gave the federal government the power to collect income tax.
* **17th**(April 8, 1913) - Established that senators would be directly elected.
* **18th**(January 16, 1919) - Prohibition of alcohol making alcoholic drinks illegal. (It would later be repealed by the Twenty-first Amendment)
* **19th**(August 18, 1920) - The 19th amendment gave women the right to vote. It's also called women's suffrage.
* **20th** (January 23, 1933) - Gave details on the terms of office for Congress and the President.
* **21st**(December 5, 1933) - This amendment repealed the Eighteenth Amendment.
* **22nd**(February 27, 1951) - Limited the president to a maximum of two terms or 10 years.
* **23rd**(March 29, 1961) - Provided that Washington, DC be allowed representatives in the Electoral College. This way the citizens of Washington DC would have a vote for the president even though they are not officially part of a state.
* **24th** (January 23, 1964) - Said that people don't have to pay a tax, called a poll tax, in order to vote.
* **25th** (February 10, 1967) - This amendment defined the presidential succession if something should happen to the president. The first in line is the Vice-President.
* **26th**(July 1, 1971) - Set the national voting age at 18.
* **27th**(May 5 or 7, 1992) - States that Congressional salary changes can not take effect until the beginning of the next session of Congress.

***Task: In America the protection of Rights and Liberties is absolutely crucial to their entire government structure, but also makes a significant part of their national identity. How many times have you heard Americans on TV talk about their “constitutional rights”?***

* 1. ***Read the following definition of Civil Rights and Civil Liberties.***
  2. ***Then fill in the grid explaining the different CIVIL RIGHTS and LIBERTIES which are protected by the Constitution, the Bill of Rights and the other 17 Amendments! Make sure you explain where in the Constitution it is protected. I have done 1 for you.***

**What’s The Difference Between Civil Rights and Civil Liberties?**

It is easy to understand why many people confuse civil rights and civil liberties. While these terms may sometimes be used interchangeably, they have distinct meanings.

**What are civil rights?**

In the U.S., people may not be discriminated against on the basis of their protected characteristics in education, employment, access to public facilities, and housing. When people are discriminated against because of their protected characteristics in one of these settings, the discrimination is a violation of their civil rights. Laws that outline civil rights have been established by the federal government through legislation and case law.

## What are civil liberties?

Civil liberties are basic freedoms and rights that are guaranteed either by the Bill of Rights in the Constitution or by interpretations of those rights by the legislature or courts. **Civil liberties in the U.S. include all of the following rights:**

* Free speech
* Privacy
* Right to remain silent
* Right to be free from unreasonable searches
* Right to a fair trial
* Right to marry
* Right to vote

Civil liberties are basic freedoms while civil rights are the basic right to be free from discrimination based on such characteristics as race, disability, colour, gender, national origin, and others. Civil liberties include the basic freedoms (for example free speech, privacy) while civil rights include how an individual is treated regarding certain rights (for example the right to education, employment). Civil rights contain a protective aspect of the rights based on protected characteristic

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| ***CIVIL LIBERTIES PROTECTED BY THE BILL OF RIGHTS*** | ***CIVIL RIGHTS PROTECTED BY THE BILL OF RIGHTS*** |
| ***Women’s right to vote is a liberty that is protected by the 19th Amendment (1920).*** |  |