

## Foundations of the Country

### *The Declaration of Independence*

**Creation:**

- Adopted by the Second Continental Congress on July 4, 1776.
- Largely written by Thomas Jefferson, with revisions made by Benjamin Franklin and John Adams.
- Heavily influenced by the writings of Enlightenment thinkers like John Locke.

**Purpose:**

- Justify their decision to declare the colonies to be independent of England.  
*When in the Course of human events, it becomes necessary for one people to dissolve the political bands, which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.*
- List the grievances of the colonists against King George III.

**Key Ideas:**

- natural rights  
*We hold these truths to be self-evident, that all men are created equal, that they are endowed, by their Creator, with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness.*
- consent of the governed  
*That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.*

### *The Articles of Confederation*

**Creation:**

- Adopted by the Second Continental Congress on November 15, 1777.

**Purpose:**

- To create the basic framework of government by which the states could work together to fight the Revolutionary War.

**Facts:**

- In the effort to avoid tyranny, the Articles erred on the side of caution. It created a very weak central government in favor of power at the state level and protection of individual liberties.
- The government it created consisted of a legislature only.

- A major problem it faced was in finding sources of revenue for waging the Revolutionary War. Despite the difficulties of getting states to contribute, the Congress was able to successfully conclude the war, and ratified the Treaty of Paris (1783).
- The Congress passed the Land Ordinance (1785) and the Northwest Ordinance (1787) which together outlined the procedures for the entry of future states into the Union.
- In 1786, the Annapolis Convention was chaired by Alexander Hamilton for the purpose of revising the Articles to create a more effective national government. The end result was the Constitution.

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

### **Creation:**

- The Annapolis Convention called for states to send representatives to Philadelphia for the purpose of writing the Constitution.
- July 2, 1788, the ratification of the Constitution was formally announced.
- April 1, 1789, the House of Representatives convenes for the first time.

### **Purpose:**

- To solve the problems created by the weak nature of the Articles of Confederation.
- To create a union of the newly independent states which would balance the rights of those states with the need for a central government.
- The Constitution forms the framework of our government.
- It is the Supreme Law of the Land, meaning that all laws and actions must be in accordance with it.

### **Outline:**

- Preamble
  - states the rationale behind the creation of 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 defence, 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.*
- Article I
  - establishes the Legislative Branch (Congress) and lists its powers.
  - The Congress makes the laws for the nation.
  - bicameral: Senate (equal representation) & House of Representatives (proportional representation)
    - This arrangement was a result of the Great Compromise, or Connecticut Plan, which settled the dispute over representation among big and small states.
  - among other things, the powers delegated to Congress by the Constitution include: levying taxes, controlling government spending, raising an army & navy, to borrow money, to regulate foreign and interstate trade, to coin money, to declare war,

- Elastic Clause → made allowance for the fact that the framers of the Constitution could not possibly foresee everything Congress might need to do in the future.
  - ... *To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.*
- Establishment Clause → Congress may not pass any laws that establish any sort of national religion → separation of church and state
- Article II
  - establishes the Executive Branch and lists its powers.
  - The Executive Branch enforces the laws Congress creates.
  - the President is the Chief Executive, the Commander in Chief of the military, the chief diplomat of the nation with responsibility for formulating foreign policy.
  - The President is assisted by his Cabinet, and oversees a number of federal agencies.
- Article III
  - establishes the Judicial Branch.
  - The Judicial Branch sits in judgment of those accused of breaking the law.
  - *Marbury v. Madison* also established the power of judicial review.
  - The highest court in the land is the Supreme Court; it may overturn its own decisions, but there is no court of appeals above it.
- Article IV
  - governs the interaction between states.
  - Under the Articles of Confederation, states treated on another like sovereign nations.
  - The Constitution requires that states respect one another's laws and court decisions, even if they disagree with them.
- Article V
  - outlines the process by which the Constitution may be amended.
  - The inclusion of this process meant that the government could be changed to meet new circumstances without the necessity of a revolution, or without scrapping the Constitution entirely.
  - In order for an amendment to be added to the Constitution, it must have the approval of 2/3 of each house of Congress, then be approved by the voters in 3/4 of the states.
- Article VI
  - states that the Constitution is the Supreme Law of the Land.
  - Federal officials must swear to uphold the Constitution even if it contradicts state laws.
  - It also makes it clear that the government created by the Constitution will be supreme over state governments (though it took a war to prove this fact).

- Article VII
  - outlines the procedure by which the Constitution would be ratified.
  - The Constitution would go into effect when it was approved by nine of the thirteen states.
  - This led to the formation of the Federalists, those who supported the ratification, and the Anti-Federalists, who opposed the Constitution for fear that it created a federal government that was too strong.
- The Amendments
  - The first ten added as a condition of ratification in an attempt to get the Anti-Federalists on board by guaranteeing basic individual liberties.

### Bill of Rights

|                        |        |                                                                                                                                                                                                               |
|------------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1<sup>st</sup></b>  | (1791) | freedom of speech, of the press, of assembly, of religion, to petition the government.                                                                                                                        |
| <b>2<sup>nd</sup></b>  | (1791) | right to bear arms                                                                                                                                                                                            |
| <b>3<sup>rd</sup></b>  | (1791) | government may not quarter troops in private homes during times of peace                                                                                                                                      |
| <b>4<sup>th</sup></b>  | (1791) | protection against unreasonable search and seizure                                                                                                                                                            |
| <b>5<sup>th</sup></b>  | (1791) | guarantees the accused due process of law, freedom from double jeopardy, right not to incriminate oneself, and states that the government must pay for property it takes for the public good (eminent domain) |
| <b>6<sup>th</sup></b>  | (1791) | right to a fair trial, and right to legal counsel                                                                                                                                                             |
| <b>7<sup>th</sup></b>  | (1791) | trial by jury in civil cases                                                                                                                                                                                  |
| <b>8<sup>th</sup></b>  | (1791) | protects against cruel and unusual punishments, and excessive fines                                                                                                                                           |
| <b>9<sup>th</sup></b>  | (1791) | any rights not specifically mentioned in the Constitution still exist                                                                                                                                         |
| <b>10<sup>th</sup></b> | (1791) | any powers not specifically given to the federal government by the Constitution are reserved for the states and the people                                                                                    |

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| <b>11<sup>th</sup></b> | (1795) | lawsuits brought by citizens of one state against another state are heard in the state courts   |
| <b>12<sup>th</sup></b> | (1804) | members of the Electoral College must use separate ballots for the President and Vice President |

### Civil War Amendments

|                        |        |                                                                                                 |
|------------------------|--------|-------------------------------------------------------------------------------------------------|
| <b>13<sup>th</sup></b> | (1865) | abolishes slavery                                                                               |
| <b>14<sup>th</sup></b> | (1868) | defines citizenship, equal protection under the law                                             |
| <b>15<sup>th</sup></b> | (1870) | states that suffrage may not be denied based on race, color, or previous condition of servitude |

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|------------------------|--------|----------------------------------------------------------------------------------|
| <b>16<sup>th</sup></b> | (1913) | the federal government may collect an income tax                                 |
| <b>17<sup>th</sup></b> | (1913) | Senators will be directly elected                                                |
| <b>18<sup>th</sup></b> | (1919) | alcoholic beverages may not be made, sold, imported or transported (Prohibition) |
| <b>19<sup>th</sup></b> | (1920) | suffrage given to women                                                          |
| <b>20<sup>th</sup></b> | (1933) | incoming Presidents will take office in January rather than March                |

- 21<sup>st</sup>** (1933) repealed the 18<sup>th</sup> Amendment
- 22<sup>nd</sup>** (1951) Presidents may serve two four-year terms
- 23<sup>rd</sup>** (1961) The District of Columbia was given votes in the Electoral College
- 24<sup>th</sup>** (1964) abolishes poll taxes
- 25<sup>th</sup>** (1967) defines the line of Presidential succession, and procedures in the event the President is incapacitated
- 26<sup>th</sup>** (1971) voting age reduced to 18 from 21
- 27<sup>th</sup>** (1992) a sitting Congress may not raise its own salary