

CHAPTER 3

The Constitutional Era

3.1 The Constitutional Convention

3.2 Debate over Ratification and the Bill of Rights

During the American Revolution, the Articles of Confederation were adopted as the first framework of government for the United States. The Articles, however, proved to have many weaknesses. These weaknesses ultimately led political leaders to craft a new framework of government: the U.S. Constitution.

Analyzing Visuals

The Philadelphia Convention of 1787 convened on May 25 in the Pennsylvania State House. All states but Rhode Island sent delegates. They chose Revolutionary War general George Washington to preside over the proceedings.

Why do you suppose the artist chose to depict Washington standing next to a table with documents and a quill pen on it?



George Washington,
by Gilbert Stuart

The White House Historical Association (White House Collection)

Sequencing

8.15B, 8.29B

The Second Continental Congress drafted the Articles of Confederation in 1776–1777. Delegates wished to create a document that could protect the liberties of the people, but the Articles were soon found to have flaws. The Constitutional Convention wrote the U.S. Constitution in 1787, and it was ratified in 1788.

After the Revolution, trade issues, heavy war debt, and inflation caused an economic depression.



Economic problems and Shays' Rebellion led many Americans to call for a stronger national government.



Delegates to the Philadelphia Convention were divided on the issues of congressional representation and slavery and settled on compromises.



Arguments for and against ratification of the U.S. Constitution developed.



Many Anti-Federalists argued that the Constitution did not explicitly protect individual rights.



The Bill of Rights was officially added to the Constitution in 1791.

Constitution

- 8.15 Government.** The student understands the American beliefs and principles reflected in the Declaration of Independence, the U.S. Constitution, and other important historic documents.
- 8.15(A) identify the influence of ideas from historic documents, including the Magna Carta, the English Bill of Rights, the Mayflower Compact, the Federalist Papers, and selected Anti-Federalist writings, on the U.S. system of government
 - 8.15(C) identify colonial grievances listed in the Declaration of Independence and explain how those grievances were addressed in the U.S. Constitution and the Bill of Rights
 - 8.15(D) analyze how the U.S. Constitution reflects the principles of limited government, republicanism, checks and balances, federalism, separation of powers, popular sovereignty, and individual rights

Connected Knowledge and Skills 8.4, 8.7, 8.16, 8.17, 8.18, 8.19, 8.21, 8.25

- 8.4(E) analyze the arguments for and against ratification
- 8.7(C) analyze the impact of slavery on different sections of the United States
- 8.16(A) summarize the purposes for and process of amending the U.S. Constitution
- 8.17(A) analyze the arguments of the Federalists and Anti-Federalists, including those of Alexander Hamilton, Patrick Henry, James Madison, and George Mason
- 8.18(A) identify the origin of judicial review and analyze examples of congressional and presidential responses
- 8.19(A) define and give examples of unalienable rights
- 8.19(B) summarize rights guaranteed in the Bill of Rights
- 8.25(C) analyze the impact of the First Amendment guarantees of religious freedom on the American way of life

important words for concept development			
standard	words new to grade level	previously introduced words	social studies terms
8.4(E)	ratification*	individual freedoms* national government*	Federalist* Anti-Federalist* Bill of Rights* Patrick Henry*
8.7(C)		slavery	
8.15(A)		central government* historic documents	Magna Carta the English Bill of Rights the Mayflower Compact the Federalist Papers* Anti-Federalist writings English Bill of Rights* Constitution*

Constitution (continued)

important words for concept development				
standard	words new to grade level	previously introduced words		social studies terms
8.15(C)	consent* grievances* provision*	checks and balances* majority vote* treaties*		Declaration of Independence* U.S. Constitution* Bill of Rights Presidential veto* Houses (of government)*
8.15(D)	due process*	bill* checks and balances* delegated* federalism* individual rights limited government republicanism	popular sovereignty separation of powers speedy trial* unreasonable search and seizure* veto*	U.S. Constitution* Congress*
8.16(A)		amending propose* two-thirds* vote*		U.S. Constitution Congressional Houses*
8.17(A)	ratifying*	arguments central government* opposed* supported*		Federalists* Anti-Federalists* Alexander Hamilton Patrick Henry* James Madison George Mason*
8.18(A)	judicial review*	Congressional responses Presidential responses		Marbury v. Madison* Supreme Court*
8.19(A)	Unalienable rights:* life, liberty, and pursuit of happiness			
8.19(B)		guarantee* jury duty* summarize surveillance* violate*		Bill of Rights* Freedom of the press* First Amendment* Fourth Amendment* Sixth Amendment* Constitutional Right*
8.25(C)		guarantee* personal freedoms* religious freedom religious services*		First Amendment* American way of life*

Constitution (continued)

important words for concept development			
standard	words new to grade level	previously introduced words	social studies terms
related vocabulary from supporting standards	populous states*	civic duty*	religious freedom
		free press	representation*
		free speech	responsible citizenship
		jurors/juries*	rules
		laws	verdict*
		public issues	voting
			1787*
			Constitutional Convention*
			Great Compromise*
			New Jersey Plan*
		Virginia Plan*	
		Three-Fifths Compromise*	
		Articles of Confederation	
		Supreme Court*	
		Marbury v. Madison*	
		Articles of Confederation*	
		Congress*	

other words related to the content

accountability*
adequately protected*
concur*

functions*
government abuse*
judiciary*

power divided*
prosperous*
reflected*

speedy trial*
stable*
surrender power*

Diagnostic Test

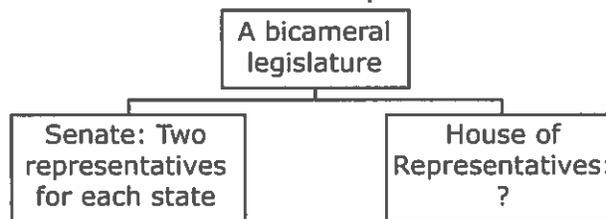
Read each question carefully and choose the best answer.

Having undertaken for the Glory of God . . . a Voyage to plant the first Colony in the northern Parts of Virginia; Do by these [people], solemnly and mutually . . . covenant and combine ourselves together into a civil Body Politick, for our better Ordering and Preservation, . . . And by Virtue hereof do enact . . . such just and equal Laws, Ordinances, Acts, Constitutions, and Officers, from time to time, as shall be thought most meet and convenient for the general Good of the Colony; . . .

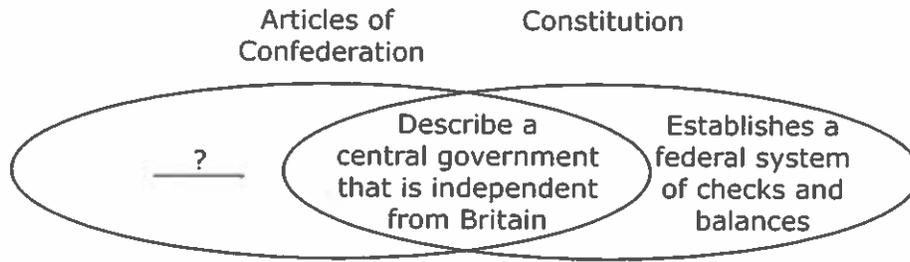
—*The Mayflower Compact, 1620*

- 1 In what way did the document excerpted above have a major influence on the U.S. system of government? (8.15A, 8.29B)
- A It established the idea of self-government and majority rule.
 - B It ensured there was a clear distinction between church and state.
 - C It guaranteed that each citizen had a number of basic civil rights.
 - D It allowed the people to democratically elect government officials.
-
- 2 The Philadelphia Convention of 1787 was originally called to — (8.1C)
- F create a new plan for the U.S. economy
 - G write a new constitution for the United States
 - H make changes to the Articles of Confederation
 - J pass laws to prevent the states from raising taxes

The Great Compromise



- 3 Which of the following best completes the chart? (8.1A, 8.29C)
- A Representation based on a state's population
 - B Representatives appointed by executive branch
 - C Representatives approved by judicial branch
 - D Representation depends on a state's size in square miles



4 Which of the following best completes the diagram? (8.15D, 8.29B)

- F Creates a central government with a single branch
- G Creates a central government that is stronger than the states
- H Gives more authority to the president than to lawmakers
- J Allows for states to have independent constitutions

5 Which of the following best describes how the *Federalist Papers* influenced the present-day U.S. system of government? (8.15A)

- A They were responsible for popularizing the idea of majority rule.
- B They argued that the nation should be a confederacy of sovereign states.
- C They were responsible for the inclusion of the Bill of Rights in the Constitution.
- D They played a major role in winning ratification of the Constitution.

6 What type of organization is most likely to advocate for the rights guaranteed by the Second Amendment of the Constitution? (8.19B)

- F One that fights discrimination based on race or ethnicity
- G One that works toward equal pay for women in the workplace
- H One that opposes federal regulation of gun ownership
- J One that provides humanitarian relief in disaster situations

LESSON 3.1

The Constitutional Convention

limited government
a political system in which government is held to certain powers by law, such as through a constitution

Magna Carta 1215
document signed by King John that limited the king's power and made everyone, including government officials, subject to the law of the land

English Bill of Rights
1689 act of Parliament that made it supreme to the monarchy and placed limits on the power of the monarchy

What kind of government did the Articles of Confederation establish?

8.15A, 8.15B

In June 1776, the Second Continental Congress formed a committee to draw up a plan for an American government. The committee finished the document, called the Articles of Confederation, the following year. The authors created a **limited government**—one bound by law to certain powers—hoping to avoid a national government that was too powerful. The Articles created an association of states held together by a “firm league of friendship” in which “each state retains its sovereignty [supreme power], freedom, and independence.”

Ideas from English Government When creating the document, the Articles' authors looked to their British heritage. They incorporated the rule of law, which means that everyone, including government officials, must follow the law. This idea came from **Magna Carta**. They also took concepts from the **English Bill of Rights**, which made Parliament supreme to the monarchy. Finally, they followed models of self-government like the **Mayflower Compact**, in which signers agreed to act as a single political body and to obey all laws made by the group.

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Diagnostic Test Item

8.15A, 8.29B

Having undertaken for the Glory of God . . . a Voyage to plant the first Colony in the northern Parts of Virginia; Do by these [people], solemnly and mutually . . . covenant and combine ourselves together into a civil Body Politick, for our better Ordering and Preservation, . . . And by Virtue here of do enact . . . such just and equal Laws, Ordinances, Acts, Constitutions, and Officers, from time to time, as shall be thought most meet and convenient for the general Good of the Colony; . . .

—The Mayflower Compact, 1620

- 1 In what way did the document excerpted above have a major influence on the U.S. system of government?
- A It established the idea of self-government and majority rule.
 - B It ensured there was a clear distinction between church and state.
 - C It guaranteed that each citizen had a number of basic civil rights.
 - D It allowed the people to democratically elect government officials.

Explanation

- A is correct. The Pilgrims formed a united “civil Body Politick.”
- B is incorrect. In the Pilgrims' colony, church and state were closely linked to one another.
- C is incorrect. There is nothing in the excerpt that specifically deals with basic civil rights.
- D is incorrect. Nothing in the document specifically deals with the election of government officials.

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The Articles of Confederation were ratified by 1781 and bound the new states together under one body of law. All states had an equal voice in Congress which was a single body. There was no president. Congress had the power to make war and sign treaties, raise an army, print money, and set up a postal system.

Problems with the Articles Problems soon developed with the Articles, however. Though Congress could request funds from states and raise an army, it did not hold the power of enforcement. States refused to send troops when asked. In addition, heavy debt from the Revolutionary War led many states to print extra money to help pay the debt, which caused a national financial crisis. Congress could not prevent the states from printing their own money.

In 1786, an incident known as **Shays' Rebellion** convinced many people that the federal government needed to be stronger. The Massachusetts government raised taxes to help pay its debts. Outraged farmers protested, saying they could not pay their bills. In August, farmers in three counties revolted, closing down courts that were trying to seize property. In September, Daniel Shays led hundreds of men in closing down the Massachusetts Supreme Court in Springfield and then in an attack on a building where government weapons were stored. Eventually, the rebellion was put down. When Massachusetts asked the federal government for help during the crisis, Congress could offer little assistance.

How did the Constitutional Convention resolve differences through compromise?

8.1A, 8.1C, 8.4D, 8.15C, 8.15D, 8.21C

In February 1787, the Confederation Congress asked all thirteen states to send a delegate to a convention for revising the Articles. The convention met in May and chose George Washington to preside over proceedings. Right away, there were differences of opinion. Some delegates believed that only small changes should be made to the Articles. Others thought that the Articles should be scrapped entirely. The delegates also argued over representation in Congress, tariffs, and slavery. **James Madison** of Virginia kept detailed notes of the proceedings. He was the author of the basic plan of government the convention finally adopted. For this reason, he is often called the Father of the Constitution.

Mayflower Compact document signed by the Pilgrims aboard the ship the *Mayflower* in which the signers agreed to act as a single political body and to follow laws made by the group

Shays' Rebellion revolt led by farmer Daniel Shays in 1786 in which participants shut down the Massachusetts Supreme Court to prevent the state government's seizure of property due to unpaid taxes; convinced many that the national government needed greater power

James Madison remembered as the Father of the Constitution for his role in crafting the document

Diagnostic Test Item

8.1C

- 2 The Philadelphia Convention of 1787 was originally called to —
- F create a new plan for the U.S. economy
 - G write a new constitution for the United States
 - H make changes to the Articles of Confederation
 - J pass laws to prevent the states from raising taxes

Explanation

- F is incorrect. The economy was a problem, but the Convention was not called to change the economy.
- G is incorrect. The Convention was not *originally* intended to write a new constitution.
- H is correct. The Convention was called to revise the Articles of Confederation.
- J is incorrect. The Convention was not concerned with states raising taxes.

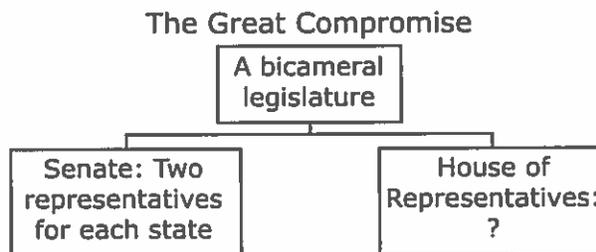
Great Compromise
agreement that created a legislature with a lower house based on population and an upper house with an equal number of members for each state

The Great Compromise Delegates Edmund Randolph of Virginia and William Paterson of New Jersey presented plans to address representation in Congress. The large states favored Randolph's Virginia Plan, which proposed a legislature with two houses, with membership based on state populations. The small states favored Paterson's New Jersey Plan. This plan called for a legislature in which each state had an equal number of representatives.

Roger Sherman of Connecticut then proposed the **Great Compromise**, which created a legislature (Congress) with two houses. Membership in the lower house, the House of Representatives, would be based on population; the upper house, the Senate, would have an equal number of members for each state.

Diagnostic Test Item

8.1A, 8.29B



- 3 Which of the following best completes the chart?
- A Representation based on a state's population
 - B Representatives appointed by executive branch
 - C Representatives approved by judicial branch
 - D Representation depends on a state's size in square miles

Explanation

- A is correct. The Great Compromise was a compromise between a plan favoring states with large populations and a plan favoring states with small populations.
- B is incorrect. Representatives for both houses of the legislature were elected.
- C is incorrect. The judicial branch plays no part in determining congressional representatives.
- D is incorrect. Representation in the lower house of Congress is not determined by land area.

Three-Fifths Compromise

agreement that three-fifths of slaves would be counted toward state populations for representation and taxation

The Three-Fifths Compromise Another disagreement involved counting the enslaved population toward population totals. Southern delegates wanted enslaved persons counted for representation. Northern delegates wanted them counted for taxation. With the **Three-Fifths Compromise**, the delegates agreed that three-fifths of the enslaved population would be counted toward the total population, not only for representation purposes but also for taxes.

Other Compromises In the debate over abolition of the slave trade, delegates agreed that the slave trade would not end before 1808. They also agreed that tariffs would be placed only on foreign imports, not on exports.

Key Principles of the Constitution By the end of the Convention, the delegates had created a document that holds the key principles of American government today. The Constitution was crafted around the principle of

republicanism—a belief that the people hold supreme power and elect others to represent their wishes in an assembly. Protecting the political power of the people, or **popular sovereignty**, was a primary concern of the framers. It had been part of the Declaration of Independence. One of the grievances listed in the Declaration of Independence, for example, was the British government’s “imposing taxes on us without our Consent.” Thus, under the Constitution, all bills of revenue (taxes) must originate in the House of Representatives. The House of Representatives was the only government body in the national government to which the people originally directly elected representatives. (Today, voters also directly elect U.S. senators, but the president is still indirectly elected through the Electoral College.)

The framers also wanted to protect the rights of the states. To do so, they created a federal system. **Federalism** is the sharing of power between the national government and the states. The states hold certain powers, but they must obey the national government.

To balance the power within the federal government itself, the framers established a **separation of powers**—the division of government power among three branches of government: legislative, executive, and judicial. The legislative branch (Congress) makes the laws. The executive branch (the president) carries out the laws. The judicial branch (the courts) interprets the laws. A system of **checks and balances** ensures that no one branch becomes too powerful. Each branch holds powers that check those of the other branches. The president, for example, can veto laws passed by Congress, but Congress can override a presidential veto if two-thirds of members vote again to approve the law.

republicanism
government in which people hold the power and elect others to represent them

popular sovereignty
the people hold the political power

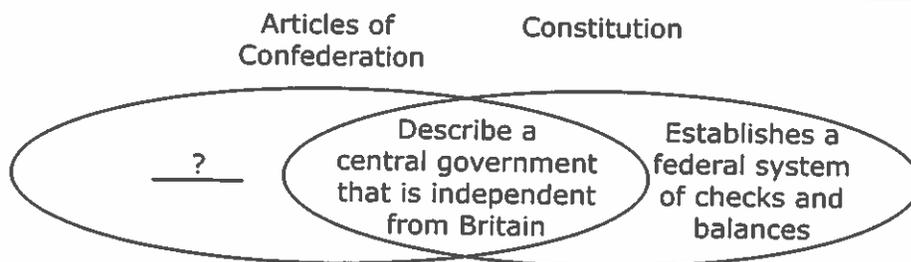
federalism the sharing of power between the national government and the states

separation of powers the division of government power among different branches

checks and balances the division of powers that prevents any one branch from becoming too powerful

Diagnostic Test Item

8.15D, 8.29C



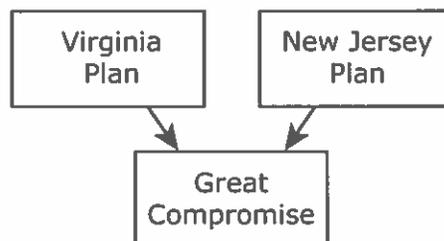
- 4 Which of the following best completes the diagram?
- F Creates a central government with a single branch
 - G Creates a central government that is stronger than the states
 - H Gives more authority to the president than to lawmakers
 - J Allows for states to have independent constitutions

Explanation

- F is correct. The Articles established a central government in which Congress was the only branch.
- G is incorrect. Under the Articles, the central government did not have much authority.
- H is incorrect. The Articles of Confederation made Congress the main body of the government.
- J is incorrect. The U.S. Constitution also allows for this.

Read each question carefully and choose the best answer.

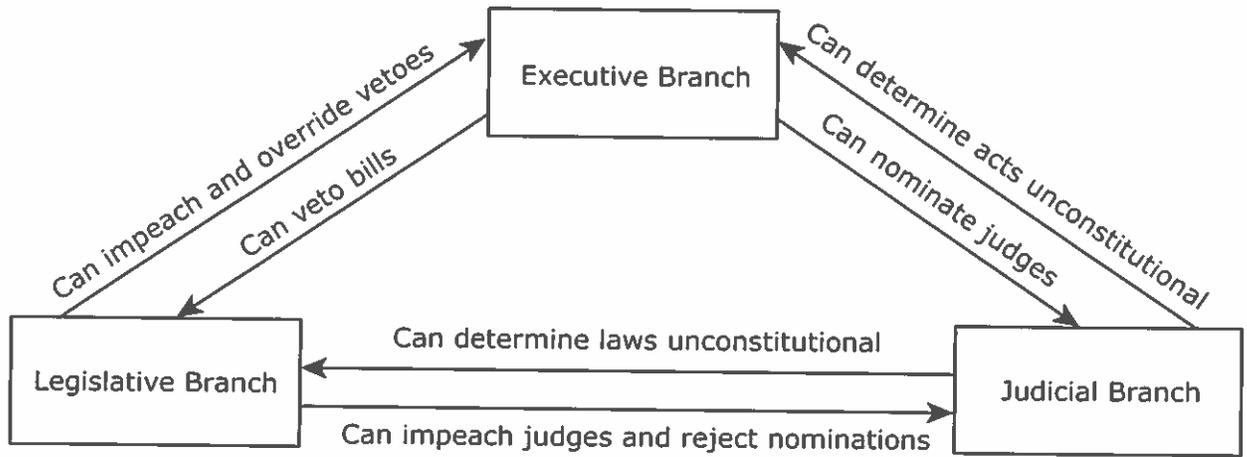
- 1 Which colonial document served as a model for the establishment of self-government under the Articles of Confederation? (8.15B)
- A The English Bill of Rights
 - B Magna Carta
 - C The Mayflower Compact
 - D The Virginia Plan
-
- 2 Which of the following best describes a main effect of Shays' Rebellion? (8.1A)
- F It showed the flexibility of the Articles of Confederation to deal with regional problems.
 - G It provided a strong argument that the central government should not be allowed to tax the states.
 - H It proved that state militias could not effectively maintain public safety.
 - J It led to support for a stronger central government and the writing of a new constitution.



Test-Taking Tip

When a question includes a graphic organizer, think about the form of the organizer. What is it telling you? For example, boxes with arrows to other boxes can sometimes indicate cause and effect or one thing leading to another.

- 3 How did the compromise shown in the diagram above address different needs? (8.4D, 8.29C)
- A It established a government system that spread powers between both the central government and the states.
 - B It created the Supreme Court to ensure that all states had equal political power.
 - C It imposed taxes on slaveholders while protecting the future of the slave trade.
 - D It allowed both small and large states to have fair representation in Congress.



- 4 Which feature of the government does this diagram illustrate? (8.4D, 8.29C)
- F Sectionalism
 - G Checks and balances
 - H Popular sovereignty
 - J Federalism
-
- 5 What was one major effect of the Three-Fifths Compromise? (8.4D)
- A It provided slaves with limited constitutional rights.
 - B It formally settled the constitutionality of slavery.
 - C It established limits on the international slave trade.
 - D It set a process for determining legislative representation.
-
- 6 The Articles of Confederation and the U.S. Constitution were alike in that both provided for — (8.15D)
- F a strong executive branch
 - G a separation of powers in the national government
 - H a federal form of government
 - J a Supreme Court

LESSON 3.2

Debate over Ratification and the Bill of Rights

Why was ratification of the Constitution controversial?

8.1A, 8.4E, 8.15A, 8.17A, 8.21A

Anti-Federalists
opponents of the U.S.
Constitution

George Mason
Virginia statesman who
opposed ratification
of the Constitution
because he believed the
states should remain
strong and the national
government weak and
that the document
should include a bill of
rights

Federalists
supporters of the U.S.
Constitution

The Constitution was sent to the states for ratification in September 1787. Immediately, the document became a source of debate. Those opposed to the plan were known as **Anti-Federalists**.

Anti-Federalists included Patrick Henry and Convention delegate **George Mason**. Anti-Federalists objected to a strong central government and thought that the Constitution would lead to a loss of state and local control over decisions and to upper-class control of society. Many Anti-Federalists also thought that the Constitution did not protect individual rights and believed it should include a bill of rights. Attacks in the press, including the “Centinel” essays published in Philadelphia and those written under the name Cato in New York, were frequent.

Federalists, or those who supported ratification, believed that the United States needed a stronger national government than the one that existed under the Articles of Confederation. They argued that the Constitution adequately balanced power between the states and the federal government, pointing to the separation of powers and the system of checks and balances.

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Diagnostic Test Item

8.15A

- 5 Which of the following best describes how the *Federalist Papers* influenced the present-day U.S. system of government?
- A They were responsible for popularizing the idea of majority rule.
 - B They argued that the nation should be a confederacy of sovereign states.
 - C They were responsible for the inclusion of the Bill of Rights in the Constitution.
 - D They played a major role in winning ratification of the Constitution.

Explanation

- A is incorrect. Federalists criticized the idea of majority rule because they thought it could be as tyrannical as the monarchy they had so recently escaped.
- B is incorrect. This is actually the point of view of the Anti-Federalists, who favored states’ rights over a strong central government.
- C is incorrect. It was actually the Anti-Federalists who were responsible for the inclusion of the Bill of Rights in the Constitution.
- D is correct. The main influence of the *Federalist Papers* was to convince the nation to replace the Articles of Confederation by ratifying the new Constitution.

Alexander Hamilton
supporter of the U.S.
Constitution and one
author of the *Federalist
Papers*

Federalists included James Madison, **Alexander Hamilton**, and John Jay. In an effort to convince New York voters to support ratification of the Constitution, Madison, Hamilton, and Jay wrote a series of eighty-five essays known as the *Federalist Papers*, which pointed out the weaknesses in the Articles and argued that the new Constitution would solve these problems and protect the rights of the

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people. In *Federalist 10*, Madison declared that the size and diverse population of the United States would also help prevent abuse of government power. Americans' competing interests would naturally lead to compromise. The Constitution's republican government would help preserve the liberty of the people because it provided institutions that would protect the rights and interests of those in the minority. The *Federalist* essays convinced many Americans that ratification of the Constitution was necessary to protect the country.

Why was the Bill of Rights added to the Constitution?

8.15C, 8.15D, 8.16A, 8.19A, 8.19B, 8.19D, 8.19E, 8.21B, 8.25C

By mid-1788, the required nine states had ratified the Constitution. Many had made the addition of a bill of rights a condition of ratification. James Madison lent his support to the push for a bill of rights and worked to get Congress to approve a list of amendments. Of the proposed amendments, Congress presented twelve to the states for ratification. Ten were ratified and are known as the **Bill of Rights**. Ideas about justice, limited government, and personal freedoms were taken from earlier documents—such as the English Bill of Rights, the Declaration of Independence, and the Virginia Declaration of Rights—and incorporated into the Bill of Rights.

Addressing Colonial Grievances The Constitution and the Bill of Rights addressed many colonial grievances. For example, in Article I, Section 7, the Constitution prevents “taxation without representation” by stating that spending bills must originate in the House of Representatives, whose members are elected by the people every two years. The Bill of Rights explicitly prevents the federal government from requiring citizens to “quarter” (house) troops (Third Amendment). The Bill of Rights also protects many of what the framers considered to be “unalienable rights.” The term **unalienable rights** was used in the Declaration of Independence and means those fundamental rights guaranteed to people naturally. Included in these are the right to trial by jury (Sixth Amendment) and other rights of the accused, including a ban against “cruel and unusual punishment,” “excessive bail,” and “excessive fines” (Eighth Amendment).

Bill of Rights
first ten amendments to the U.S. Constitution, guaranteeing fundamental American rights and freedoms

unalienable rights
fundamental rights guaranteed to people naturally, as a result of being human, such as “Life, Liberty, and the pursuit of Happiness” (from the Declaration of Independence)

Diagnostic Test Item

8.19B

- 6** What type of organization is most likely to advocate for the rights guaranteed by the Second Amendment of the Constitution?
- F** One that fights discrimination based on race or ethnicity
 - G** One that works toward equal pay for women in the workplace
 - H** One that opposes federal regulation of gun ownership
 - J** One that provides humanitarian relief in disaster situations

Explanation

- F** is incorrect. This group is not the most likely organization to advocate for gun rights.
- G** is incorrect. This group is not the most likely organization to advocate for gun rights.
- H** is correct. This group is most likely to advocate for the Second Amendment right to bear arms.
- J** is incorrect. This group is not likely to advocate for the right to bear arms guaranteed by the Second Amendment.

First Amendment
part of the Bill of Rights that guarantees freedom of religion, speech, the press, and assembly

Did You Know?

There are three ways to become an American citizen: by birth in the United States or its territories, by birth to a parent who is a U.S. citizen, or through naturalization. Naturalization is a process by which someone from a foreign country can become a citizen. To become a naturalized citizen, one must apply and pay a fee, be fingerprinted, take a citizenship test in English, be interviewed, and take an oath of loyalty to the country.

First Amendment Freedoms The **First Amendment** provides for many of the fundamental freedoms that Americans hold dear: freedom of religion, freedom of speech, freedom of the press, and freedom of assembly. The provision protecting religious freedom built upon the Virginia Statute for Religious Freedom. That law was written by Thomas Jefferson and enacted in Virginia in 1786. The First Amendment’s protection of freedom of religion means that Americans can worship however they choose and that government does not have the right to intervene in one’s religious beliefs or establish an official state religion. Freedom of speech and freedom of the press allow individuals or groups, like political parties, to express information, ideas, and opinions without government restrictions.

Civic Duties Along with these rights and protections, American citizens have certain responsibilities. Those who are eligible to vote should be informed on issues and cast their ballots at election time. Americans must also obey the law, pay taxes for government services, and serve on a jury when called to do so. In addition, at times the American government may require military service of men eighteen years or older (called a draft).

Amending the Constitution To add the Bill of Rights to the Constitution, the framers had to utilize the amendment process they had included in the Constitution. They knew that the Constitution needed to be a “living” document. Americans might someday need to make changes to it for changing times. However, the framers did not want to make the process too easy. For this reason, Article V requires that any proposed amendment be approved by both houses of Congress as well as ratified by three-fourths of the states before it becomes part of the Constitution. In this way, the Constitution can adapt and continue to be relevant for future generations.

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The Bill of Rights	
First Amendment	freedom of religion, speech, press, assembly, petition
Second Amendment	right to bear arms
Third Amendment	prevents forced quartering of troops in people’s homes during times of peace
Fourth Amendment	prevents unlawful search and seizure
Fifth Amendment	right to due process of law
Sixth Amendment	right to speedy trial, right to trial by jury in criminal cases, right to an attorney
Seventh Amendment	right to trial by jury in civil trials
Eighth Amendment	right not to have excessive bail or “cruel and unusual” punishment
Ninth Amendment	guarantees people have rights not explicitly mentioned in the Constitution
Tenth Amendment	guarantees rights of the states or the people not given to the federal government or prevented by law

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Read each question carefully and choose the best answer.

We . . . have reached almost the last stage of national humiliation . . . Have we valuable territories and important posts in the possession of a foreign power which . . . ought long since to have been surrendered? These are still retained . . . Are we entitled by nature and compact to a free participation in the navigation of the Mississippi? Spain excludes us from it.

—Alexander Hamilton, *Federalist 15*

- 1 According to this excerpt, Alexander Hamilton believed the confederation of states was weak because it was unable to — (8.4E, 8.29B)

- A produce income through taxation
- B protect the rights of its citizens
- C protect its commercial interests
- D sign treaties with foreign nations

Test-Taking Tip

Remember to read quotes, questions, and answer choices carefully. If necessary, read them more than once to make sure you understand what the question is asking.

- 2 The U.S. Constitution most reflects the principle of limited government by — (8.15D)

- F extending the right to vote to most citizens over the age of eighteen
- G restricting the number of terms that a person can serve as president
- H giving some powers to the government and reserving others for individuals
- J granting the federal government broad authority under the necessary and proper clause

- 3 Why are the First Amendment rights to freedom of speech and freedom of the press so important in a constitutional republic? (8.21B)

- A They allow people to criticize the government without fear of punishment.
- B They help ensure that the news media remains free of any political bias.
- C They allow people to exercise their democratic rights by voting on Election Day.
- D They prevent special interest groups from having too much influence on the political process.

- Right to due process
- Payment for seizure of private property
- Protection against double jeopardy
- Protection against having to testify against oneself

- 4 Which constitutional amendment is described by the chart above? (8.19B, 8.29C)
- F Third
 - G Fifth
 - H Sixth
 - J Eighth

- 5 Why is the U.S. Constitution considered a "living" document? (8.16A)
- A The system of checks and balances regulates it like an organism.
 - B The Preamble plants the seeds of liberty from which the government grows.
 - C The ability to make amendments allows it to evolve with the times.
 - D The Bill of Rights affects every person living in the United States.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

—*Ninth Amendment*

- 6 Based on this excerpt, which of the following best describes what the Ninth Amendment of the Constitution guarantees? (8.19B, 8.29B)
- F That certain rights are not listed in the Constitution does not mean those rights do not exist.
 - G None of the rights listed in the Constitution may be denied to anyone who fulfills citizenship requirements.
 - H The Constitution contains a complete list of rights, and any attempt to add new ones would violate it.
 - J Any rights or powers not specifically listed in the Constitution are to be retained by the individual states.

Study Guide and Review

Reviewing Key Terms of the Constitutional Era

8.4D, 8.15A, 8.15B, 8.17A, 8.19B

Enter the appropriate word(s) to complete the statement.

Shays' Rebellion
Great Compromise
popular sovereignty
Second Amendment

Magna Carta
checks and balances
James Madison
Sixth Amendment

Eighth Amendment
George Mason

- _____ was an English document, signed by King John in 1215, that made the monarch subject to the law.
- _____ was an incident involving Massachusetts farmers that contributed to the call for revising the Articles of Confederation.
- The plan for government that prevents any one branch from becoming too powerful is called _____.
- The agreement that created a two-house legislature with each state having an equal voice in the Senate and membership in the House of Representatives based on state population is called the _____.
- The term _____ means that political power and authority belong to the people.
- _____ was an American statesman who served in the Constitutional Convention and became known as the Father of the Constitution because of his role in the convention and the document's ratification.
- The _____ prohibits excessive bail and cruel and unusual punishment.
- _____ was an American statesman who served in the Constitutional Convention and opposed the ratification of the Constitution because he believed it did not guarantee individual rights.
- The _____ includes the right to bear arms.
- The _____ guarantees defendants in criminal trials the right to a speedy and public trial.

Identifying Points of View on the Ratification of the Constitution

8.17A, 8.29D

Write each statement below under the correct heading in the chart.

- The United States needed a strong central government.
- The Constitution would lead to a loss of state and local control over affairs.
- The Constitution adequately protected individual rights.
- The Constitution gave too much power to the central government.
- The Constitution would not protect personal freedoms.
- The Constitution balanced many different viewpoints.

Federalist	Anti-Federalist

Summarizing the Rights Guaranteed in the Bill of Rights

8.19B, 8.29B

Enter the correct constitutional amendments to complete the statements below.

1. The _____ protects Americans' right to worship as they choose.
2. The _____ protects Americans from unreasonable searches and seizures of property.
3. Excessive bail is prohibited by the _____.
4. The _____ guarantees that the people hold rights other than those listed specifically in the Constitution.
5. The _____ prohibits the government from quartering soldiers in citizens' homes.
6. The _____ provides for due process of law.

Cumulative Review

Read each question carefully and choose the best answer.

- 1 Which cause most contributed to the settlement of English Pilgrims in North America? (8.2A)
- A The success of representative democracy in England
 - B Diplomatic contact between Europeans and Native Americans
 - C The discontent caused by the American Revolution
 - D Religious persecution in England
-
- 2 Some Anti-Federalists opposed ratification of the U.S. Constitution because they feared that the national government would — (8.4E)
- F become oppressive like Britain prior to the Revolutionary War
 - G provoke a violent uprising similar to the French Revolution
 - H reduce the influence of republicanism through the expansion of slavery
 - J fail to adequately protect the United States from foreign threats



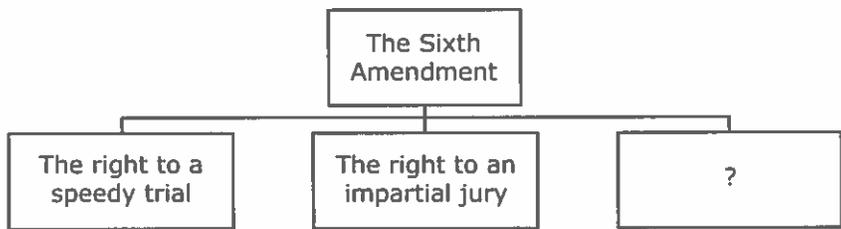
- 3 This illustration is based on the official stamp required by the Stamp Act. It was published in a Pennsylvania newspaper in 1765. What does it suggest about the colonies and the Stamp Act? (8.4A, 8.29A)
- A It expresses how the colonies had become dependent on British imports.
 - B It shows that many colonists were opposed to the tax.
 - C It demonstrates that the British were threatening the colonists.
 - D It illustrates how the Stamp Act encouraged piracy.

- 4 Which of the following geographic factors was most important in determining where the earliest English colonists settled in North America? (8.10C)
- F Relatively flat terrain suited for raising livestock
 - G A warm and temperate climate ideal for agriculture
 - H Abundant forests as a source for lumber
 - J Access to the Atlantic Coast for shipping and trade

During the colonial period, William Penn and his heirs were both Proprietors and Governors of Pennsylvania within the British Empire. However, except for the 44 months when William himself resided in Pennsylvania, government affairs were administered here by deputy or lieutenant governors (termed "Governor" within Pennsylvania), who were chosen by the Proprietors and obedient to them.

—Pennsylvania Historical and Museum Commission
<http://www.portal.state.pa.us> (accessed October 20, 2014)

- 5 What does this excerpt suggest about how the American colonies were typically governed? (8.3A, 8.29A)
- A Colonies were largely governed by local officials.
 - B Colonial governors were democratically elected.
 - C Colonial officials were appointed by the British monarchy.
 - D Colonial decisions were overseen by members of the British Parliament.



- 6 Which of the following best completes the chart above? (8.19B, 8.29C)
- F The right to an attorney
 - G The right to appeal a verdict
 - H The right to remain silent
 - J The right to due process

Post Test

Read each question carefully and choose the best answer.

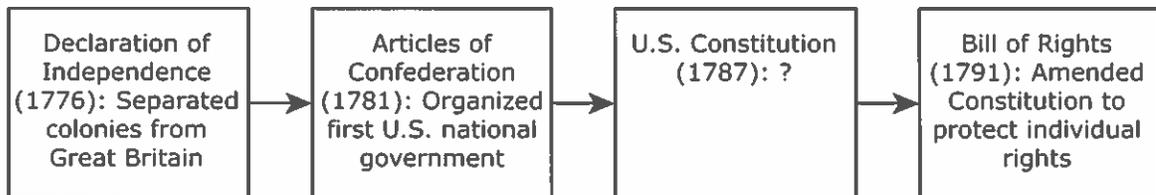
No freeman shall be taken, imprisoned . . . outlawed, banished, or in any way destroyed, nor will We proceed against or prosecute him, except by the lawful judgment of his peers or by the law of the land.

To no one will We sell, to no one will We deny or delay, right or justice.

—*Magna Carta, 1215*

- 1 The ideas expressed in the excerpt above most closely resemble — (8.15A, 8.29B)
- A the First Amendment, which protects the freedoms of speech, press, and assembly
 - B the Second Amendment, which grants the right to bear arms
 - C the Sixth Amendment, which guarantees the right to a speedy trial by one's peers
 - D the Eighth Amendment, which prohibits cruel and unusual punishment

Key Documents in the Early U.S. Government



- 2 Which option best completes the diagram above? (8.1C, 8.29C)
- F Organized first representative legislature in the Americas
 - G Created financial system that included a national bank
 - H Established U.S. government as a democratic republic
 - J Limited power of federal government provided in Articles of Confederation
- 3 The framers of the Constitution provided for a system of checks and balances in order to prevent — (8.1A)
- A any individual state or group of states from seceding
 - B the federal government from gaining too much power over the states
 - C the United States from entering into foreign alliances
 - D any one branch of government from becoming too powerful

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.

—Preamble to the U.S. Constitution

- 4 Which of the following political ideals is best reflected in this excerpt, and why? (8.15D, 8.29A)
- F Separation of powers, because the excerpt shows that justice, defense, and welfare are handled by different parts of government
 - G Limited government, because the excerpt discusses defense, which is one of the powers reserved for the federal government
 - H Federalism, because the excerpt emphasizes the powers of state government rather than the central government
 - J Popular sovereignty, because the excerpt refers to the people forming their own government
-
- 5 When the Constitution was sent to the states for ratification in 1787, a group known as the Anti-Federalists opposed it because — (8.15A)
- A they believed that the United States needed a stronger national government
 - B they objected to a strong central government and thought the Constitution would lead to a loss of state power
 - C they thought the Constitution adequately balanced power between the states and the federal government
 - D the Federalists wrote newspaper essays that attacked the Anti-Federalists



- 6 The woman pictured in the photo above is exercising rights guaranteed by the Constitution's — (8.19B, 8.29C)
- F First Amendment
 - G Second Amendment
 - H Fourth Amendment
 - J Fifth Amendment