Principles and Precepts of Government

This chapter requires a companion activity book in which students respond to questions on text content. Answers are found in the Teacher's Resource Kit.



Chapter 2 Text

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CHAPTER 2
TABLE OF CONTENTS



Section 1:
Exploring the Constitution

Topic 1 1-4
Introducing the Constitution

Topic 2 5-8
Overview of Article I

Topic 3 9-11
Building the Legislative Branch

Topic 4 12-15
The Executive Branch

Topic 5 16-20
Article III: The Judicial Branch



Section 2:
Analyzing the Bill of Rights

Topic 6 21-23
The Bill of Rights

Topic 7 24-27
Understanding American Rights

Topic 8 28-31
The First Rights of the Bill of Rights

Topic 9 32-36
Rights of Security

Topic 10 37-40
Is Our Constitution a Living Document?



Section 3:
Modern US Government

Topic 11 41-45
Bringing the Constitution Up-To-Date

Topic 12 46-49
How Our Government Works Today

Topic 13 50-53
The Upper Chamber of Congress

Topic 14 54-58
The Executive Branch of Government

Topic 15 59-63
The Third Branch of Government

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Principles and Precepts of Government

Topic 1
Exploring the Constitution

Chapter 2

Section One
Topics 1-5

Introducing the Constitution



The overarching goal in studying US Government is to arrive at a deep understanding of what is meant by the power of government being vested in the people, and to realize that citizens *are* the government.

The Constitution of the United States of America, a body of laws and principles, defines itself as "The Supreme Law of the Land." It describes the form of US Government, how that form is constituted, and how it is to function. Yet, it is comparatively brief, can be read by the average reader in little more than half an hour, and is simply outlined as follows:

Outline of The Constitution

Section	Subject
Preamble	Purpose statement
Article I	Legislative Branch
Article II	Executive Branch
Article III	Judicial Branch
Article IV	Relations with States
Article V	Amending Process
Article VI	National Laws, Debts, Oaths of Office
Article VII	Ratifying the Constitution

VOCABULARY

Semblance: actual or apparent resemblance.
Egregious: flagrant, gross
Tranquility: free from agitation of mind or spirit.
Posterity: descendants

The Preamble provides an introduction. The first three Articles form the blueprint for constructing the Government, while the final four Articles define and direct how to perform the particular functions of Government.

The genius of this Constitution is that it is not cluttered with numerous details and restrictions, but is formulated to operate on the same six basic principles that were defined by the colonies and states, as examined in Chapter One.

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1. **Popular Sovereignty:** all political power resides in the people.
2. **Limited Government:** government can do only those things that citizens have granted it power to perform.
3. **Separation of Powers:** legislative, executive, and judicial powers are each confined to a separate branch of government.
4. **Checks and Balances:** each branch of government has power to exert certain restraints upon the other two branches.
5. **Judicial Review:** the judiciary has the power to determine the constitutionality of a law or government action.
6. **Federalism:** a division of powers among the federal government and the state governments.

We know a preamble to be an introduction to a document that sets forth the underlying understandings and assumptions of that document; stating its purpose, basic principles, and philosophy. In 1776, the Preamble to the Declaration of Independence blazed into history, declaring equality among all men on earth based on the concept that each had received the rights of life, liberty, and the pursuit of happiness as unalienable individual rights from their Creator. Hence, governments can only be based on "the consent of the governed," who can alter, change, or "throw off" a government that denies their rights, or adversely affects their safety and happiness.

On May 25, 1787, eleven years later, fifty-five delegates representing the peoples of the 13 original states, met in the Philadelphia State House to formulate a permanent, unified government to provide the unalienable rights they had envisioned. The press and public were barred, and delegates vowed not to discuss outside that room what was said therein until all was completed. Four months they labored in intense dialog, debate, committee meetings, writing and rewriting; with only one recess of 11 days. Then, on September 17, 1787, the final draft was completed, printed, and distributed to the delegates.

The delegates, as representatives of "the people" emerged, having conceived a new government, a representative democracy, in which every lawmaker was a direct representative of the people who elected him. No longer was it the people of the separate states; it was now "We the People of the United States", as so eloquently declared in the Preamble introducing the Constitution:



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."

Six signal statements within the Preamble defined the purpose and principles that had occupied the minds and driven the labor of those delegates for nearly 100 working days, in isolation and secret, to compile the Constitution and construct a government *"*of the people, by the people, and for the people*."*

Purpose Statement One was "To form a more perfect Union." The Articles

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of Confederation had been their governing document since March 1, 1781. The purpose statement for the Articles of Confederation was made between *states*, which had joined in *"a firm league of friendship, for their common defense, the security of their liberties, and their mutual and general welfare."* A confederation of 13 sovereign states had agreed among themselves to limit their sovereignty for certain aspects of defense, security, and welfare. The ***semblance*** of centralized government was extremely weak. The Constitution, on the other hand, was an agreement of the combined *people* of the various states who agreed to form a union: one body politic of all the peoples of these states with a central representative government.

Purpose Statement Two was to "establish justice." The Revolution addressed *injustice*, and under the Articles of Confederation each state had its own civil laws and courts. Although each state constitution provided trial by jury and due process of law, justice concepts varied from state to state. The Constitution established an independent Supreme Court, a federal judiciary, and protections against any ***egregious*** state practices, present or future.

Purpose Statement Three was to "insure domestic ***tranquility***." One feature of frontier people who populated the colonies-become-states, was the tendency to resort to "taking up arms" against whatever threats ensued. Under the Articles of Confederation, Shays' Rebellion of angry farmers in Massachusetts (1786–1787) and less known uprisings in New Hampshire and Delaware had shattered domestic tranquility.

The Constitution gave Congress control of militias, provided each state with guarantees of a republican form of government, and protection against domestic violence. The force of this promise was demonstrated very early under these provisions with the Whiskey Rebellion in 1794, and Fries' Rebellion in 1799, both against taxation, and both uprisings were quickly abated without bloodshed.

Purpose Statement Four was to "provide for the common defense." Under the Articles of Confederation, the states had agreed to assist one another against all attacks made upon any of them, on account of religion, sovereignty, trade, or any other pretense.



Common defense was a central theme. Concurrently, there was a great fear of standing armies among the people, and many dismissed the need since the militia of common Americans had won the Revolutionary War over the finest fighting force in Europe.

However, those who had fought in that war, and/or had served in government during those dark days, understood that new wars would come. With these different views in focus, the framers of the Constitution made provision for the common defense, but placed the military under civilian control.

Purpose Statement Five was to "*promote the general Welfare*." Good governments must have a genuine concern for the health, peace, morality, and safety of their citizens. Such welfare is the primary purpose for the Constitution and is also stated in legal documents of the states. The Constitution (Article 1, Section 8) states: "*The Congress shall have power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States.*"

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This Section provides Congress authority to spend federal money *for* the general welfare but does not authorize Congress to pass legislation *providing* general welfare. This has been one of the most controversial provisions of the Constitution; since it has a tendency to allow the Federal Government to overreach its stated limitation of powers. (More on this later.)

Purpose Statement Six is to "secure the Blessings of Liberty to ourselves and our ***posterity***". This may state the central purpose of the entire Constitution, and provide insight into two profound concepts of liberty:

First, the Constitution includes laws that guard critical, individual liberties which provide blessings derived from those liberties and open the doors for the pursuit and attainment of happiness.

Second, as Americans, we seek not merely to enjoy the blessings of liberty for ourselves, but to pass them on to the next generation. Only when we see our descendants enjoying the blessings of liberty will we know that we have lived up to this responsibility. President Regan pointed out that "*Liberty is guaranteed not by government restrictions on citizens, but rather by restraints placed on government interference with citizens' free exercise of rights and responsibilities."*

LIFE PRINCIPLE:



"Don't interfere with anything in the Constitution...., for it is the only safeguard of our liberties."

– Abraham Lincoln (16th US President)

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Principles and Precepts of Government

Topic 2
Exploring the Constitution

Chapter 2

Section One
Topics 1-5

Overview of Article I



For well over two hundred years, this Constitution of the United States has successfully piloted the nation through turbulent growth, development, and diversification—amidst depression, dust bowls, devastating wars, and international upheavals, thanks to the strong historic foundations and roots deposited by the Founding Fathers into the Constitution. Each Article of the Constitution (herein summarized) is divided into *Sections*. Article I (following) is comprised of ten Sections which define legislative powers.

Section 1: Structure of Legislature

All legislative powers shall be vested in a Congress of the United States, a bicameral legislative body comprised of two houses: the Senate and the House of Representatives, which have the responsibility and power to create all federal laws subservient to the Constitution of the Unites States.

Section 2: House Organization, Power of Impeachment

The election, membership, and responsibilities of the House of Representatives are defined. Its membership is elected by qualified voting citizens of each state for a two-year term. Candidates must be at least 25 years old, residents of the state wherein they are being elected, and have lived there for the previous seven years. Each state shall have at least one representative with additional representatives in a ratio of one for each thirty thousand residents (represents change effected by section 2 of the 14th Amendment). ***Enumeration*** shall be based on a census every 10 years. Vacancies in the House shall be filled by the governor of the state being represented by calling a special election to fill the vacancy. The House is responsible for its organization by electing a speaker and other officers.

VOCABULARY

Enumeration: to ascertain the number of something
Impeach: to charge a public official with a crime, or misdemeanor.
Indictment: to charge with a crime in a court of law
Habeas Corpus: one cannot be held in jail without being charged with a crime and without due legal process
Bill of Attainder: a law that declares a person guilty of crime and imposes punishment without due process.
Ex Post Facto Law: one which criminalizes an act *after* it was committed.
Capitation: a head tax, charged to each person

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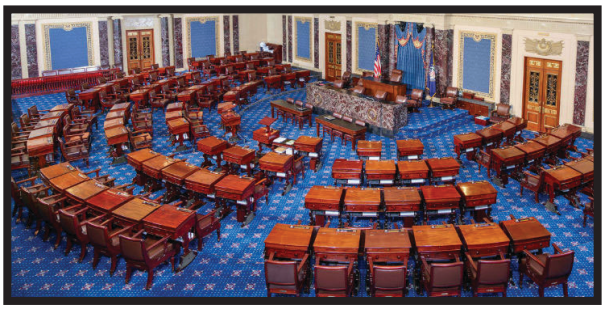
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The House of Representatives has the sole power to ***impeach*** government officials, which is similar to an ***indictment*** in the court system.

Section 3: Senate Organization, Powers of Impeachment

The Senate is comprised of two senators from each state (originally elected by the legislature of each state but was changed by the seventeenth Amendment). The term of office is six years, arranged in three groups so that only a portion of the senators is elected every two years. Vacancies are filled by the governor of the state represented.

A senate candidate must be at least 30 years of age and have been a citizen of the United States for at least nine years. At the time of election, he must be a resident of the state he is representing.



US Senate

The Vice President of the United States is the President of the Senate. He does not vote unless needed to break a tie. The remainder of the officers are elected by the Senate, including a President ***pro tempore***.

While the House of Representatives has the power of *impeachment*, the Senate holds the sole power to *prosecute* the person so impeached. Senate members must take an oath or make an affirmation that they will perform their duties honestly and with due diligence. If the impeachment is for the President of the United States, the Chief Justice of the Supreme Court presides. For other officers, either the President of the Senate or the President Pro Tempore presides.

The verdict of guilty requires a two-thirds vote of the Senators present and requires the guilty party to abdicate office. It also disqualifies him, or her, from holding any other federal public office. The person so judged may also be subject to additional indictment and trial in a court of law.

Section 4: Congressional Elections and Meetings

Section Four prescribes the time, place, and manner of elections for both houses of Congress and the annual requirement for their official meetings. States are responsible for the details of elections, although Congress reserves the right to make changes, except in respect to the places for elections. Congress is required to convene a minimum of once a year, beginning at noon on January 3rd (originally the first Monday in December, changed by the Twentieth Amendment), unless a different day is appointed by law.

Section 5: Procedural Rules, Powers, Journals, Meetings, Adjournments

Congress, it is to be the judge of its own members regarding elections and qualifications. A majority constitutes a quorum for business. Each House determines its own internal rules for conduct, voting, and expulsion. Each House keeps a Journal of Proceedings which is published, minus any classified content. Neither House can adjourn for more than three days, nor meet in a different place than normal without the consent of the other House.

Section 6: Pay, Privileges, Limitations

Compensation is herein authorized for members of both houses of Congress and provides immunity against arrest for any breach of law, except for cases of treason, a felony, or breach of the peace

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during travel to, from, and during attendance at Congressional sessions. They also have immunity for what they state in any speech or debate in either House, and cannot be questioned about it in any other location. No member of either house can hold any other government position during his/her term in Congress.

Section 7: Procedure in Passing Bills, President's Veto Power

The House has the power to originate any law, called a *bill*, for raising taxes and gives the Senate power to propose or concur with any amendment to tax bills.



US Congressional Session

If both houses pass a bill, it is presented to the President and becomes law with his signature. If he does not sign it, which is called a *veto*, he must resubmit it to the chamber where it originated with his objections. If that house chooses to reconsider it, and it passes by a two-thirds vote, the bill is submitted to the other house for reconsideration. If it passes that house by a two-thirds vote, it becomes law without the president's signature. This is called an *override* of the president's objection. There is one other way a bill can become law without the president's signature. If Congress submits a bill to the president and he neither signs nor returns it to Congress for ten days (excluding Sundays), it becomes law unless Congress adjourns its session before those ten days are completed; in which case, it will not become law.

All orders, resolutions, and votes requiring the concurrence of both House and Senate (expect the matter of adjournment) must also be submitted to the president for finalization with his signature; or if unapproved by him, follow the same procedure as for a bill.

Section 8: Powers Delegated to Congress

A brief overview of the original eighteen powers are herein listed (and are to be studied in detail later). Several amendments later-on added to, or modified, these powers:

- To establish tax laws and collect taxes and uniform duties, pay the debts, provide for the defense and general welfare of the United States;
- To borrow money;
- To regulate commerce with other nations, among the states, and with the Indian tribes;
- To establish uniform rules for naturalization, and uniform laws governing bankruptcies for the Nation;
- To coin money and regulate its value and the value of foreign coins, and fix the value of weights and measurements;
- To provide punishment for counterfeiting US money and securities;
- To establish post offices and postal roads;
- To promote science and useful arts by securing exclusive rights during a limited period of time of the writings and discoveries of authors and inventors, providing Congress the authority to set up a system of copyrights and patents;
- To establish a system of Tribunals/federal courts under the Supreme Court;
- To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;
- To declare war, grant Letters of Marque and Reprisal, and to make rules

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concerning captures both on land and water;
- To raise and support Armies, but with appropriation of money limited to two years;
- To provide and maintain a Navy;
- To make rules for the governance and regulation of both land and naval forces;
- To provide for the call of the Militia to execute the law of the nation, to suppress insurrections and repel invasions;
- To provide for the training, arming and discipline of the Militia, and for the governing of those subordinate to the federal government; but to reserve to the states the appointment of officers and training according to the disciplines prescribed by Congress;
- To exercise exclusive legislative powers over the site which will become the seat of government for the United States, and over sites procured, with the consent of the state, where forts, magazines, arsenals, dock-yards, and other needful buildings are located;
- To make all Laws which shall be necessary and proper to execute 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.

Section 9: Powers Denied to Congress

- Congress was prohibited from ending the importation of slaves until 1808. (But it could impose a tax, not to exceed ten dollars, per slave imported.)
- The Writ of ***Habeas Corpus*** cannot be suspended except in crises such as rebellion or invasion when public safety may require it.
- No ***bill of Attainder*** or ***ex post facto*** law shall be passed.
- No ***Capitation*** or other direct tax unless in proportion to the Census. (Revoked by the 16th Amendment)
- No export taxes on any articles
- No preference is given by any regulation of commerce or revenue to the ports of one state over another.
- No money can be withdrawn from the Treasury without a duly passed appropriations bill
- No title of nobility shall be granted by the United States

Section 10: Restrictions on States' Powers

- No State has authority to conduct foreign diplomacy, print money, pass Bills of Attainder, ex post facto laws, or grant titles of nobility.
- States are prohibited from placing levies on imports, or exports, since these monies are to be assigned to the Treasury of the federal government.
- States are not to keep troops or ships of war in times of peace, without the consent of Congress; and they are prohibited from making agreements with states or foreign countries or engage in war.

LIFE PRINCIPLE:



"The representative system of government is calculated to produce the wisest laws, by collecting wisdom where it can be found."

– Thomas Paine (Revolutionary War Political Activist)

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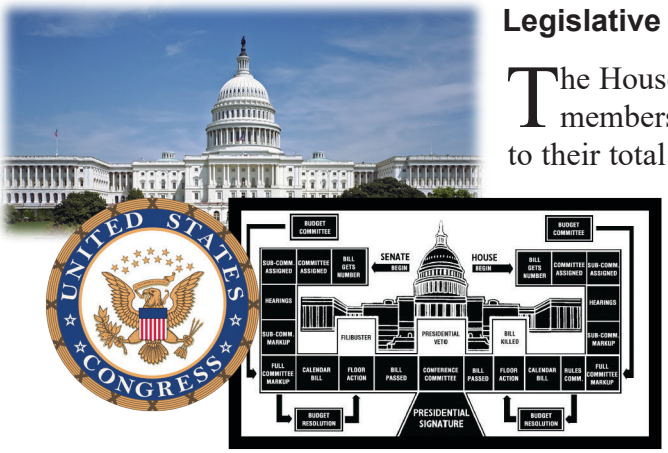
Principles and Precepts of Government

Topic 3
Exploring the Constitution

Chapter 2

Section One
Topics 1-5

Building the Legislative Branch



Legislative Overview

The House of Representatives is made up of 435 elected members, divided among the 50 states in proportion to their total population. Six additional members include representatives of the District of Columbia, the Commonwealth of Puerto Rico, and four other territories of the United States. The presiding officer of the chamber is the Speaker of the House, elected by the Representatives. He or she is third in the line of succession to finish the President's elected term of office in the event the President is unable to do so.

Members of the House are elected every two years, must be at least 25 years of age, have held US citizenship for at least seven years, and be a resident of the state (but not necessarily the district) they represent.

The Senate is composed of 100 Senators, two from each state, elected to six-year terms by the people of each state. Senate terms are staggered so that about one-third of the Senate is up for reelection every two years. Senators must be at least 30 years of age, US citizens for at least nine years, and residents of the state represented.

The Vice President of the United States serves as President of the Senate and may cast the decisive vote in the event of a tie in the Senate.

VOCABULARY

***Subpoenaed*:** ordered by law to appear in court or Congress under penalty for failure to comply
***Filibuster*:** the extreme use of speech as a tactic to delay or prevent action in a legislative assembly
***Levies*:** imposes or collects by legal authority.
***Oversight*:** regulatory supervision.

The Legislative Process

The first step in the legislative process is the introduction of a bill to Congress. Anyone can write it, but only members of Congress can introduce legislation. Some important bills are traditionally introduced at the request of the President, such as the annual federal budget. During the legislative process, however, the initial bill can undergo drastic changes.

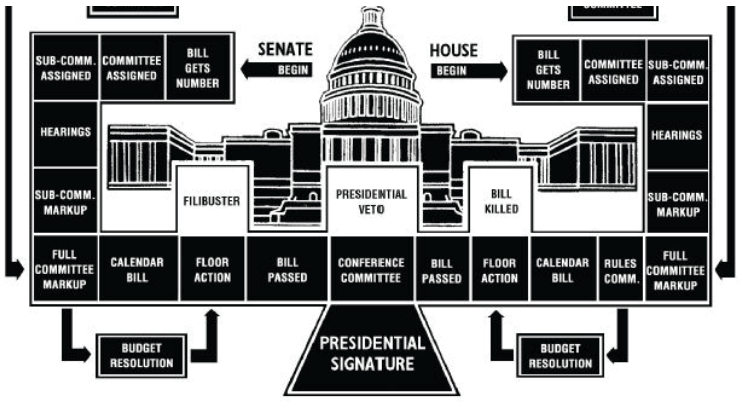
After being introduced, a bill is first numbered and referred to the appropriate committee for review. There are 17 Senate

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committees, with 70 subcommittees, and 23 House committees, with 104 subcommittees. The committees are subject to change in number and form with each new Congress as required for the efficient consideration of legislation. Each committee oversees a specific policy area, while subcommittees take on more specialized policy areas. For example, the House Committee on Ways and Means includes subcommittees on Social Security and Trade.

A bill is first considered in a subcommittee. It may be accepted, amended, or rejected entirely. If the members of the subcommittee agree to move a bill forward, it is reported to the full committee, where the process is repeated. Throughout this stage of the process, both committees and subcommittees call hearings to investigate the merits and flaws of the bill. Experts, advocates, and opponents are invited, or ***subpoenaed*** if necessary, to appear before the committee to provide testimony.



Legislative Process

If the full committee votes to approve a bill, it is reported to the floor of the House or Senate, and the majority party leadership decides when to place the bill on the calendar for consideration. If a bill is particularly pressing, it may be considered right away. Others may wait for months or never be scheduled at all.

When the bill comes up for consideration, the House has a very structured debate process. Each member who wishes to speak has only a few minutes, and the number and kind of amendments are usually limited. In the Senate, debate on most bills is unlimited—Senators may speak to issues other than the bill under consideration during their speeches, and any amendment can be introduced. Senators can use this to ***filibuster*** bills under consideration, a procedure by which a Senator delays a vote on a bill—and by extension its passage—by refusing to stand down. A supermajority of 60 Senators can break a filibuster by invoking *cloture*, which stops debate on the bill, and forces a vote. Once debate is over, the votes of a simple majority passes the bill.

A bill must pass both houses of Congress before it goes to the President for consideration. Although the Constitution requires that the two bills (House and Senate versions) have the exact same wording, this rarely happens in practice. To bring the bills into alignment, a Conference Committee is convened, consisting of members from both chambers. Members of that committee produce a conference report, intended as the final version of the bill. Each chamber then votes again to approve the conference report. Depending on where the bill originated, the final text is then enrolled by either the Clerk of the House or the Secretary of the Senate and presented to the Speaker of the House and the President of the Senate for their signatures. The bill is then sent to the President.

When receiving a bill from Congress, the President has several options. If he agrees substantially with the bill, he may sign it into law, and the bill is then printed in the Statutes at Large. If the President believes the law to be bad policy, he may veto it and send it back to Congress. Congress may override the veto with a two-thirds vote of each chamber,

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at which point the bill becomes law and is printed.

There are two other options that the President may exercise. If Congress is in session and the President takes no action within 10 days, the bill becomes law. If Congress adjourns before 10 days expire and the President takes no action, then the bill dies, and Congress may not vote to override. This is called a *pocket veto*, and if Congress still wants to pass the legislation, it must begin the entire process anew.

Powers of Congress

Article I of the Constitution enumerates the powers of Congress and the specific areas in which it may legislate. Congress is also empowered to enact laws deemed "necessary and proper" for the execution of the powers given to any part of the government under the Constitution.

Part of Congressional legislative authority is the establishment of an annual budget for the government. To this end, Congress ***levies*** taxes and tariffs to provide funding for essential government services. If enough money cannot be raised to fund the government, then Congress may also authorize borrowing to make up the difference. Congress can also mandate spending on specific items: legislatively directed spending, commonly known as "earmarks," specifies funds for a particular project, rather than for a government agency.

Both chambers of Congress have extensive investigative powers and may compel the production of evidence or testimony toward whatever end they deem necessary. Members of Congress spend much of their time holding hearings and investigations in committee. Refusal to cooperate with a Congressional subpoena can result in charges of contempt of Congress, which could result in a prison term.

Government Oversight

Oversight of the executive branch is an important Congressional check on the President's power and a balance against his discretion in implementing laws and making regulations.

A major way that Congress conducts oversight is through hearings. The House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Government Affairs are both devoted to overseeing and reforming government operations, with each committee conducting oversight in its policy area.

Congress also maintains an investigative organization: the Government Accountability Office (GAO). Founded in 1921 as the General Accounting Office, its original mission was to audit budgets and financial statements sent to Congress by the Secretary of the Treasury and the Director of the Office of Management and Budget. Today, the GAO audits and generates reports on every aspect of the government, ensuring that taxpayer dollars are spent effectively and efficiently.

The executive branch also polices itself: Sixty-four Inspectors General, each responsible for a different agency, regularly audit and report on the agencies to which they are attached.

LIFE PRINCIPLE:



"No man is good enough to govern another man without the other's consent."

– Abraham Lincoln (16th US President)

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Principles and Precepts of Government

Topic 4
Exploring the Constitution

Chapter 2

The Executive Branch

Section One
Topics 1-5



The Second Article of the United States' Constitution, comprised of four sections, sets forth the Executive Office and defines the credentials, responsibilities, and functions of the President. The total government is composed of three branches, each being an independent body of government, designed to carry out a unique function, while neither usurping nor infringing upon the functions of another branch, yet interrelating with the other branches. This relationship of checks and balances is designed to contain and modify the power of each branch, and thus to protect against any branch assuming tyrannical power.

In Topic One we studied the functions and limitations of Congress and learned that its unique function is to *enact laws* for the nation. As we study the office of the President, we will see that its responsibility is to *implement and enforce* those laws as the chief executive of the federal government. The word *executive* denotes having the power as well as the responsibility of putting plans, actions, or laws into effect.

VOCABULARY

Executive: having administrative or managerial power and responsibility.
Electoral College: a body of electors who elect the President and Vice President of the United States.
Certify: to attest legally as being true or accurate.
Joint session: both Houses of Congress meeting together
Reprieve: the commutation or lessening of a sentence.
Dereliction: intentional or conscious neglect.

Section 1

The opening section addresses the general function of the Office of President, term of office, the election process, credentials for the office, vacating the office, and the mandatory oath or affirmation before taking office.

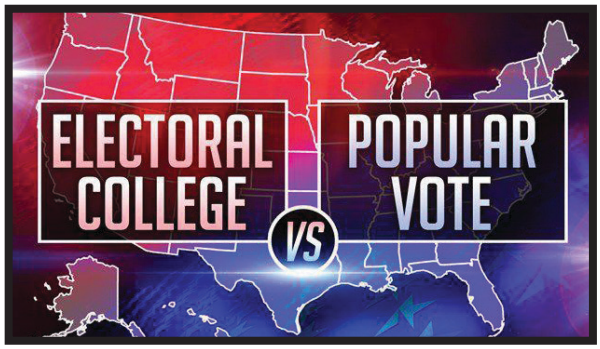
The general function and power of the President is Chief Executive of the United States of America. His term, and the term of the Vice President, is four years. The description of how a President and Vice-President are elected by an ***Electoral College*** is given in detail. This 'college' is not an instructional institution, but instead is the body that actually elects the President and Vice-President.

Many people think that a president is elected solely by the popular vote. However, as this Article enumerates (and as modified

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by the 12th Amendment), in voting for a president and vice president you are actually voting for your candidates' electors to the Electoral College. The electors meet in their respective states, where they cast their votes for President and Vice President on separate ballots. Therefore, generally speaking, the popular vote determines the winner of a presidential election by determining the electoral vote.



The electors are selected by each state in the ratio of one for each member the state has in both Houses of Congress. No member of Congress or other officer of the federal government may be an elector. The total electors presently number 538. These electors meet in their own state the first Monday after the second Wednesday in December following a presidential election.

The electors then vote by ballot for President and Vice-President, one of which shall not be an inhabitant of the same state as themselves. One ballot shall be for President and another ballot for Vice-President. They shall make lists of all persons voted for as President, and all persons voted for as Vice-President and of the number of votes for each. They shall sign, ***certify*** and seal these lists, and transmit them to the President of the Senate.

The ballots are then unsealed and counted before a ***joint session*** of the Congress. The person receiving the highest number of Electoral votes—a majority of the total votes cast for president—is declared elected to the Office of President, If no one receives a majority vote for President, the House of Representatives will select the top three contenders and vote by ballot, each state having one vote with a quorum of two-thirds of the states and a majority vote decision. If no one receives a majority of the Electoral vote for Vice President, the Senate shall vote on the two persons with the most votes. Each Senator shall have one vote with a quorum of two-thirds of the Senators and a majority vote decision. If the House fails to elect a president before the fourth day of the following March, the Vice-President shall assume the Office of President on the same basis as a death or disability of a president.

The qualifications for President require a candidate to be a natural born citizen of at least 35 years of age and having been a resident of the United States at least 14 years previous to the election



The Vice-President must meet the same qualification as a presidential candidate and will assume the office of president if the President is removed from office, dies, resigns, or is unable to discharge the powers and duties of the office. The Congress may, by law, remove both the President and Vice President and declare what officer will act as President until the problem be resolved or a new president elected. The 25th Amendment to the Constitution defines the succession to the presidency if the Vice-President is unable to ascend to the office.

The President is provided with compensation, and the Section closes with the oath or affirmation which the President-elect must give before he enters into the position of President: *"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States,*

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and will to the best of my ability, preserve, protect and defend the Constitution of the United States." (As an act of solemnity, the President-elect raises his right hand and traditionally places his left hand on a Bible while reciting the oath.)

Section 2

In addition to the President's responsibility as Chief Executive of the United States, he is empowered by this Section with the awesome responsibility of protecting the nation as Commander in Chief of the Army and Navy, and of the several state militias when they are called into the service of the United States.
The President, as Chief Executive, is herein authorized to develop and administer the departments of government and the President's Cabinet. The Department of State, Department of War, and Department of the Treasury were established by 1789 with each administered by a Secretary. These Secretaries became members of the President's Cabinet. The Cabinet's role is to advise the President as he requires the opinion of the principal officer in each of the departments in relation to the responsibilities of his or her office. The number of departments has greatly increased over the years as the nation grew and governance became more complex.

The President is also empowered to act with a degree of judicial authority to grant ***reprieves*** and pardons for persons convicted of federal crimes, with the exception of impeachments.

Several of the President's actions are limited by a cooperative action of the Congress. With consent of two-thirds of the Senate the President may make treaties with other nations as well as appoint ambassadors, public Ministers and Consuls, judges of the Supreme Court, and other officers of the federal government. Congress may also make laws that vest the appointment of subordinate officers in the President, in the courts, or in heads of departments.

The President is also authorized to fill vacancies during a recess of the Senate, but these appointments will expire at the termination of their next session.

Section 3



2020 State of the Union Address

The President is required to inform Congress periodically concerning the state of the Union and recommend actions he believes should be taken. In serious situations, or for disagreements between the Chambers, the President may convene one or both houses of Congress. He is to carry on the affairs of State through proper relations with foreign officials, ascertain that the Nation's laws are faithfully executed, and commission offices of the United States. One of the most critical functions of the Executive Office is the responsibility to oversee the "Rule of Law", and to make certain that laws are being executed in a manner consistent with their original meaning.

Section 4

The President, Vice-President, and all civil officers of the United States are to be removed from office if they are impeached and convicted of treason, bribery, or other high crimes and misdemeanors. (High crimes and misdemeanors would include such actions as perjury, abuse of authority, misuse of

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assets, ***dereliction*** of duty, and/or failure to perform requirements of the office.)

Summarizing the Framer's Intent

The terms defining the basic roles of the President of the United States are: Chief Executive, Commander in Chief, and Administrator. The Oath of Office further defines general duties such as faithfully performing executive functions, and preserving, protecting and defending the Constitution.

The executive functions are divided into three major operations: *First*, to finalize the work of the Congress by either accepting or rejecting bills presented to him; thus, the president is executor and guardian of the laws of the land. The *Second,* to manage the work of all operational departments of government; and *third*, to evaluate and report to Congress the status of these operations to determine the present state of the Union. This means how well or how poorly each operation is functioning. Based upon this state of the Union, the President then projects his vision and plans to improve the state of the Nation.

As we consider the role of the President executing each of these functions, based on the oath to which he or she must swear or affirm, it becomes clear that the prime role to be achieved is that of leadership. Leadership has many dimensions and has been defined in many different ways. President Eisenhower avowed, "The supreme quality of leadership is integrity". WWII General Douglas MacArthur asserted, "A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others."

Effective leadership provides the following skills and functions: (1) Unify the people to perceive a future *vision* and inspire them to engage in achievement of that vision. (2) Build a leadership team to achieve that vision more effectively. (3) Plan and communicate a step-by-step process to transform the vision into reality.

***LIFE PRINCIPLE*:**



"Without a vision, the people perish".... "Everything rises and falls on leadership."

– Old Proverb.... John C. Maxwell
(Leadership speaker, author)

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Principles and Precepts of Government

Topic 5
Exploring the Constitution

Chapter 2

Section One
Topics 1-5

Article III: The Judicial Branch



The third Article of the US Constitution created the federal court system with the responsibility to interpret the laws of the nation and to punish all who break such laws whether they be common citizens or members of government.

Section 1

Section One established one Supreme Court, and authorized subordinate courts as Congress may establish. The judges of both levels of courts were granted continuing terms, limited only by unbecoming behavior, and received regular compensation which could not be reduced during their continuance in office. This prevented Congress from punishing a judge for an unfavorable verdict.

It is commonly stated that the term of office for federal judges is "life"; however, the Constitution does not provide a time limit to their term, but rather places a *conduct* limit upon it, as the Framers of the Constitution believed the moral character of a judge was more important than a time period or age.

In its first session, Congress responded to the above law and passed The Judiciary Act of 1789, which was signed into law by President Washington on September 24, 1789. This Act created the structure and jurisdiction of the federal court system, and the position of Attorney General. Through intervening years, the Judicial Act has been amended many times, but the basic structure and issues of jurisdiction have remained quite similar to the pattern of the original legislation.

VOCABULARY

Adjudicate: to act as judge.
Original jurisdiction: refers to the court which first hears a case
Appellate jurisdiction: a higher court has the power to review a lower court's decision
Legal precedents: principles or rules established in previous legal cases.

Section 2

This Section states that the federal courts will ***adjudicate*** all cases based on an interpretation of the Constitution, all laws enacted by Congress, and US disputes concerning other nations.

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Furthermore, federal courts can hear disputes between states, between citizens of different states, and cases arising from disputes between states and the federal government.

The second paragraph identifies the court of ***original jurisdiction***. Cases concerning ambassadors and other public officials, and in cases in which a state is a party, the Supreme Court has the original jurisdiction. In all other cases, the Supreme Court will have ***appellate jurisdiction*** unless Congress directs otherwise by legislation.

This Article also defines that all crimes, except cases of impeachment, shall be tried before a jury in the state where the crimes were committed.

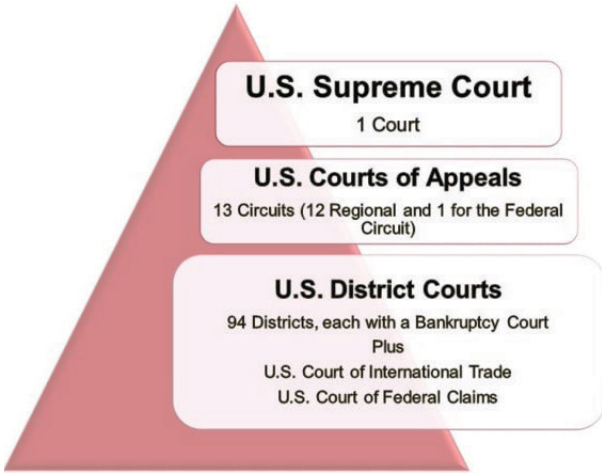
Section 3

Section Three identifies the only crime specifically defined by the Constitution and provides regulations for punishment. *Treason* against the United States is defined as going to war against the United States, joining the forces of an enemy, or by providing aid and comfort to the enemy. A person does not have to engage in physical fighting against the Nation to commit treason; but providing aid to an enemy such as supplying classified information, weapons, or hiding enemy forces, are treasonous acts.

Evidence to convict a person of treason can only be by confession of the crime in an open court by the person in question, or by the testimony of two witnesses to the same act of treason. Punishment for the crime of treason may be set by Congress, applicable only to the guilty person and cannot adversely affect friends or family who were not parties to the crime.

The Federal Court System

Section One of this Article referenced Congressional authority to form subordinate courts in the Judiciary Act of 1789. Having been amended several times, today we have three different types of subordinate federal courts: The US Court of Appeals, Special Courts, and US District Courts.



Courts of Appeals. Directly below the Supreme Court is the Courts of Appeals, comprised of 13 Appellate Courts. The task of this system of courts is to hear appeals from District Courts, other designated federal courts, and administrative agencies. The entire nation is divided into 94 federal districts, and these are organized into 12 regional circuits. An Appellate court is situated in each of the 12 circuits to hear appeals from its circuit. There is one national court of appeals: The United States Court of Appeals for the Federal Circuit. This Court hears appeals from specialized trial courts such as the United States Court of International Trade, the United States Court of Federal Claims, all patent cases, and certain specialized issues.

The Appellate Court cases are not heard by a jury, but rather by a three-judge panel. Their main focus is to determine whether the law was correctly applied to the cases appealed. The judges are nominated by the President and confirmed by the Senate.

Most Appellate Court judgments stand as pronounced, as the Supreme Court chooses to review less than one percent of more than 10,000 annual appeals filed with it from Appellate Courts. Thus, it sets many ***legal***

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precedents and exerts strong policy influence on US law.

District Courts. The trial courts of the 94 federal districts are called US District Courts. At least one District Court exists in each of the fifty states and the District of Columbia. District Courts each have a presiding judge and a jury that hear cases and render verdicts. Magistrate judges assist district judges.

Specialized courts also operate within the District Court system. A Bankruptcy Court is a unit of each District Court. Federal Courts have jurisdiction over all personal or farm businesses. Bankruptcy is a legal process whereby persons who can no longer pay their creditors may file for a court-supervised liquidation of assets, or appeal for reorganization of their financial obligations with a plan to pay creditors.

Bankruptcy Appellate Panels are specialized units of the federal appellate system designed to hear appeals of Bankruptcy Court's decisions. They are also comprised of a three-judge panel and must be established by one of the Federal Circuits. Presently, five Circuits have established Bankruptcy Appellate Panels.

Article I Courts

Article I Courts are courts established under the first article of the Constitution, which gives Congress power over territories, and are known as Legislative Courts, rather than Constitutional Courts. These courts were established in Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands. Although these are special courts, they function the same as District Courts in the States.

In addition to these territorial courts, Congress, authorized (Article I) United States Court of Appeals for the Armed Forces, United States Court of Military Commission Review, United States Court of Appeals for Veterans Claims, United States Court of Federal Claims, and the United States Tax Court.



The Bronze Doors

At the entrance of the Supreme Court building, and under the inscription "Equal Justice Under Law", stand two monumental bronze doors measuring 17 feet high, 9.5 feet wide, and weighing 13 tons. As bronze has symbolized judgment in some ancient cultures, this door depicts the weighty principles of law and justice cast within the system of jurisprudence designed by the US Constitution. Portrayed in bas-relief upon these doors are eight historic representations symbolizing the development of western law and jurisprudence.

Article IV
Relations Among the States

Section 1

The Fourth Article provides understandings and guarantees between states and between the federal government and states. Section 1 ensures that all states will honor the laws and court orders of other states, even when their laws are different. If a court in one state orders a person to take a certain course of action, the other states will honor and enforce that order.

Congress is also given the authority to determine how states should recognize laws

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and orders from another states, and how they are to enforce the court orders of other states.

Section 2

This section guarantees that citizens of one state may enjoy the rights and privileges of another state on the same basis as it provides for its own citizens. Secondly, if an alleged criminal escapes to another state, that state must return the escapee to the state from which he fled. This is called *extradition*. The original text of the Article also contained a clause which allowed slave owners to capture and return fugitive slaves to the state from which they fled, even if the sanctuary state opposed slavery. This was voided by the adoption of the Thirteenth Amendment which abolished slavery in the United States.

Section 3

Congress was granted the authority to admit new states, formed from territories, into the United States; but no state was allowed to form another state within its boundaries, and no two states can form a state from a union of their states, or parts of states, without the approval of the legislatures of both states and Congress (Except West Virginia whose citizens refused to remain part of Virginia when it joined the Confederacy). US territories and other properties that have not become states are under Congressional jurisdiction.

Section 4

This Section is called the *Guarantee Clause* and provided a guarantee by the United States government that it will enforce a Republican Government for each state and defend them from foreign invasion, insurrection, and other uprisings. The legislatures of the states are authorized to request aid from the Federal Government if riots or other violence ensues.

Article V
Amendment Procedures

Article V enumerates the methods by which the Constitution may be amended. Two different methods are set forth, and either procedure may be selected. First, the Congress may originate an amendment by a joint resolution, which requires a two-thirds vote of both the House of Representatives and the Senate. When both Houses have passed the bill by a two-thirds vote, it is sent directly to the states for ratification. The President does not sign it, nor have any official duty regarding the amendment.



Constitutional Convention of 1787

The second method requires two-thirds of the state legislatures to call for the formation of a Constitutional Convention to propose one or more amendments. Amendments adopted by the Convention will be sent to the states for ratification.

In both of these methods for origination, the bill may define whether the state legislatures are to act on ratification, or whether a state Convention will be called for this action. Only the Twenty-first Amendment has called for a State Convention to be formed for ratification. Ratification is achieved by three-fourths of the state legislatures, or three-fourths of the state ratification Conventions passing the amendment. In both bodies, a simple majority vote is required for passage. Although the Constitution does not provide a time limit on the ratification process, Congress

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has customarily affixed a seven-year time limit for ratification.

Article VI
Supremacy of the Constitution and Federal Laws

This Article contains three items concerning supremacy of federal law. First, it guaranteed the debts and contracts of the nation which had been made under the Articles of Confederation. Second, it affirmed the Constitution, and all laws and treaties of the United States would be the supreme law of the land, binding on judges, Constitutions, and laws in every state. Lastly, all officers of the United States and individual states would be required to swear an oath of allegiance to the United States and the Constitution before assuming a government office, but no religious test would ever be required for any office or position of public trust in the United States.

Article VII
Ratification

This final Article defined the process by which the proposed Constitution would become the official Constitution of the original states of the United States: with the ratification of nine states, it would become the official Law of the Land, binding the individual states into one Constitutional Union.

LIFE PRINCIPLE:



"A well-educated people alone can be permanently a free people."

– James Madison (Founding Father, 4th US President)

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Principles and Precepts of Government

Topic 6
Analyzing the Bill of Rights

Chapter 2

Section Two
Topics 6-10

The Bill of Rights



The Constitution of the United States, as adopted by the delegates of the Constitutional Convention on September 17, 1787, guaranteed few individual rights for citizens. A month previous to the adoption, a delegate attempted to have several individual rights, including the freedom of the press and a ban against the quartering of soldiers in private homes, included in the Constitution, but it was defeated. Just five days before the signing of the Constitution, an attempt was again made to include a Bill of Rights in the document, but it was also defeated. Those delegates who framed the Constitution, including James Madison, its principal architect, believed that the strict division of powers was enough to protect individual liberties.

As the Constitution began its journey to the States for ratification, the fires of fierce debate raged across the young nation. The *anti-federalists* opposed ratification, believing that the Constitution threatened individual rights and liberties of the people. The *federalists,* on the other hand, thought it was a foolish debate, since unalienable rights belonged to the people and nothing in the Constitution gave Congress the authority to restrict unalienable rights. This raging debate seriously threatened ratification. Thomas Jefferson, who did not attend the Constitutional Convention, wrote to Madison that omitting a Bill of Rights was a major error and stated: "*A bill of rights is what the people are entitled to against every government on earth."* Five states ratified the Constitution in December 1787, but the remaining eight states, led by Massachusetts, refused to ratify since the document failed to reserve un-delegated powers to the states and did not extend freedom of speech, freedom of religion, and freedom of the press to the people.

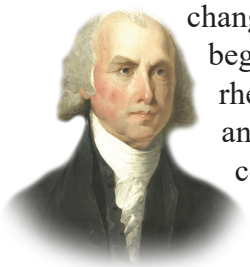
By the beginning of 1788 even Madison, began to have second thoughts. He engaged in correspondence with Jefferson, fearing the failure of ratification, He agreed with Jefferson that a bill of rights would assist the judiciary as "guardians" of individual rights against the other branches of government. Following this

VOCABULARY

Rancorous: characterized by bitterness or resentment
Abridging: the act of shortening in duration or extent
Infringed: to encroach upon, in a way that violates law or the rights of another
Capital crime: a criminal offence of such magnitude as to be punishable by death
Disparage: to degrade, decry, or speak in a derogatory manner
Duress: coercion; compulsion by threat

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James Madison

change by Madison, federalists began to soften their rhetoric—deals were made, and in February 1788, a compromise was reached. Massachusetts and other states agreed to ratify, in response to a promise to add a Bill of Rights through the amendment process as defined by Article V. As required by the Constitution, nine states ratified the Constitution by June 21, 1788 and it became the law of the land, which today remains the oldest operative written constitution in the world.

In the first session of Congress, on September 25, 1789, Madison presented his draft of the Bill of Rights, and the first Congress of the United States adopted 12 amendments and sent them to the States for ratification. Following are the ten Amendments which were ratified by the States in 1791 and became The Bill of Rights for the United States of America.



Thomas Jefferson

Although it was a fiercely contested and ***rancorous*** process, we owe a deep debt of gratitude to those who insisted-on a Bill of Rights. Jefferson described the effort: "There has just been opposition enough" to force adoption of a Bill of Rights, but not to drain the federal government of its essential "energy."

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or ***abridging*** the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be ***infringed***.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a ***capital crime***, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be

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confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII
In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

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

Amendment X
The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Historic Sources of the Bill of Rights

The Bill of Rights placed significant limitations upon the power and authority of the new federal government of the United States and wrapped the people of the nation in a huge protective blanket of freedom and rights. Many features of the Bill were not new to freedom-loving people in the Anglo-American tradition. As far back as 1215 in British history, King John, under ***duress*** from barons, signed the Magna Carta (which we studied in Chapter 1). It required that legal proceedings and prosecutions be in compliance with the "law of the land." This was a forerunner to the law of "due process" which is quite prominent in the Bill of Rights.

In 1628 British Parliament adopted the Petition of Rights to curb the despotic actions of King, Charles I. This document made imprisonments for political reasons illegal and also prohibited taxation without the "common consent of parliament." Later in the same century, in response to the Glorious Revolution, Parliament adopted a British Bill of Rights. Not only was this name a forerunner to the American Bill of Rights, but the latter also echoed several rights (such as a ban on excessive bail and fines, and the ban on cruel and unusual punishment).

The concept of a permanent written legal document to protect individual liberties was also conceived early in the Colonies of the new world, such as in the Charter of Virginia in 1606 which stated that those who migrated there would have the same "privileges, franchises, and immunities" they had enjoyed in England. Later, as Colonies multiplied and became states, they each developed a written Constitution with either rights specified in the main document or an attached Bill of Rights. Individual freedom was considered a birthright, and with the signing and amending of a Constitution enumerating those individual freedoms and protections, the American dream of freedom was crystallized.

LIFE PRINCIPLE:



"The God who gave us life gave us liberty at the same time."

– Thomas Jefferson
(Founder, 3rd US President)

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Principles and Precepts of Government

Topic 7
Analyzing the Bill of Rights

Chapter 2

Section Two
Topics 6-10

Understanding American Rights



We examined the Bill of Rights and discovered how it had become an integral part of the Constitution of the United States of America: how each Amendment passed in one bill in the first session of the new Congress in 1789, and was processed in one ratification procedure by December 15, 1789. Now we will study each Amendment, one by one, and attempt to comprehend the detailed meaning packed into each declaration of an American right.

Succeeding generations often change the meaning of words, and a single generation may develop ***connotations*** of their vocabulary words. In this study, we will attempt to search for the primary meaning that the founders of our nation understood when they choose to place that word, and its exact meaning in our Constitution. Even as they forged the name, "Bill of Rights," their minds formed a concept of exactly what they meant as "rights."

Ample historic documents surrounding the birth and early years of the American Republic leave little room for question of their meaning of the word "rights" as applied to the people of the United States of America. In our previous lesson we presented the historic British background to individual rights, and how they continued in the Colonies of the new world.

VOCABULARY

Connotations: ideas or feelings that a word evokes in addition to its literal or primary meaning.
Indispensable duty: absolutely necessary thing to do.
Inherent: belonging by nature.
Culminating: to reach the highest, or a climactic, or decisive point.
Habeas Corpus: a writ requiring a person under arrest to be brought before a judge or into court, to secure the person's release unless lawful grounds are shown for his detention.

First Declaration of Rights

In 1765, more than a decade prior to the Declaration of Independence, British Parliament began a series of legal maneuvers (studied in Chapter 1) to exact taxation revenues from the Colonies to assist in the repayment of fighting to maintain their British colonies. Parliament passed the Stamp Act. In response to it, the Colonies convened the First Congress of the American Colonies (sometimes called the Stamp Act Congress) comprised of representatives from the legislatures of nine of the Colonies: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina.

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This Declaration enumerated and defined the rights of the Colonists, and stated how Britain was violating the rights of the Colonists. The first paragraph of the Declaration expressed their devotion to the person and government of the crown, but in considering the present and future misfortunes of the Colonies, they esteemed it their "***indispensable duty***" to make the following declarations "respecting the most essential rights and liberties of the Colonists, and of the grievances under which they labored, by reason of several acts of parliament."

They declared that they were Englishmen who deserved rights that had been granted by historic British laws providing freedom and rights. Hence, they affirmed that they were entitled to all "the ***inherent*** rights and privileges of the natural born subjects within the kingdom of Great Britain." Therefore, they asserted that "no taxes should be imposed on them, but with their own consent, given personally, or by their representatives."

They were not permitted to have representatives in Parliament, but they subscribed to the right of representative government and stated that the only representatives of the people of these Colonies are persons chosen therein, by themselves; and that no taxes ever have been or can be constitutionally imposed on them, but by their respective legislatures."

They argued further that it was a violation of their rights and "unreasonable and inconsistent with the principles and spirit of the British constitution, for the people of Great Britain to grant to his majesty the property of the Colonists."

The Declaration continued that every British subject in the Colonies had the inherent and invaluable right of trial by jury, and that Parliament in levying taxes on the Colonists, had extended the jurisdiction of the court beyond its ancient limits and had "a manifest tendency to subvert the rights and liberties of the Colonists." The future hope of prosperity and happiness of these Colonies was entirely dependent upon the full and free enjoyment of their rights and liberties.

The final right they claimed was "the right of the British subjects in these Colonies, to petition the king or either house of parliament." Although this was a petition based on British Law, there can be little question of Colonist firm convictions of what their rights were, and their entitlements under that law.

The Second Declaration of Rights



As we studied in Chapter 1, the harassment by Great Britain continued and worsened, finally ***culminating*** in the American Prohibitory Act passed by Parliament in August 1775, which made all American vessels and cargoes in danger of being forfeited to the British Crown. In May 1776, news came to America that the King had negotiated to hire German mercenaries to fight for the British to put down what was termed colonial rebellion. On July 1, the Congress reconvened and began debating separation from England. Just before noon July 4, church bells rang throughout Philadelphia announcing the adoption of The Declaration of Independence. Twelve of the thirteen Colonies had voted and five days later New York also ratified, making the Declaration a unanimous document. This second Declaration of the citizens of America

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enumerated their rights but now not as British subjects appealing to the King of England under British Law, but as free citizens of the world granted natural rights by the sovereign Creator of the universe.

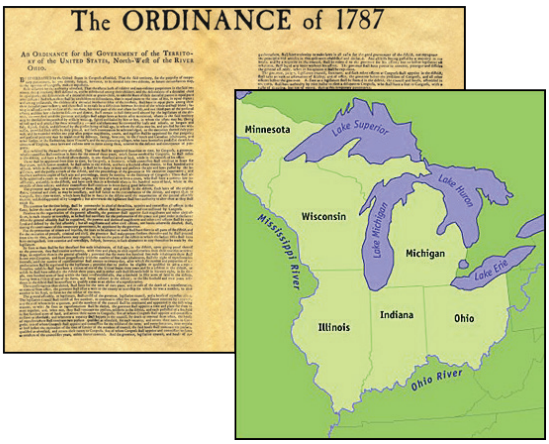
The definition of rights of the American people now took on an entirely new status. These came not by declaration of kings and drafts of charters; they were now defined as unalienable Rights directly endowed by their Creator. Among these rights were the right of Life, the right of Liberty, and the right to pursue happiness which included the rights of property ownership. One other unalienable right blazed forth from this Declaration—the right to change and establish government by the consent of the governed to perpetuate their safety and happiness.

These were the foundational understandings of the terms that would be interwoven into the fabric of the Bill of Rights to protect the people of the United States from the rules and regulations of a despotic government.

Northwest Ordinance

One additional legal document adopted by the Continental Congress, July 13, 1787, was the Northwest Ordinance, which provided a frame for the government for the territories that later became the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin. This Ordinance and its description of the future anticipated governments, and the description of individual rights of the people was written by the same generation that composed the Constitution and the Bill of Rights.

This Ordinance has been referred to as our first national bill of rights and "*the Magna Charta of American Freedom.*" Daniel Webster suggested that no single law of any lawgiver, ancient or modern, has produced effects of more distinct, marked and lasting character than the Ordinance of 1787.



This document began with provisions to ensure establishment and continuance of representative government of the people in the territorial, as well as future state governments. Next , it established the property rights of families living in the territory and defined the inheritance rights of succeeding generations.

In following sections, The Northwest Ordinance carefully laid out governmental regulations addressing the role of a governor, a legislative assembly, and judiciary, to provide laws and regulations *"necessary for the preservation of the peace and good order.... and for the prevention of crimes and injuries, laws to be adopted in all parts of the district, for the execution of process, both criminal and civil...."*

It then proceeded to establish the voting rights and the process of representative government "*to fix and establish those principles as the basis for all laws, constitutions, and governments which forever would be formed in said territory."*

It then ordained Six Articles as a compact between the original United States and the people and states in the territory, that would forever remain unalterable, unless by common consent. The first Article guaranteed religious freedom in the mode of worship and religious sentiment as long as the worshipper conducted himself in a peaceable and orderly manner.

The second Article provided the legal rights for the individual including the writ of

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habeas corpus, trial by jury, a proportionate representation of the people in the legislature, judicial proceedings based on the common law, and presumption of innocence until proven guilty. It also protected the citizenry from inordinate fines, cruel and unusual punishments, and being deprived of liberty and property. In the preservation of rights and property, The Ordinance implied that no law would ever be made, that would in any manner interfere with private contracts or engagements, which were bona fide and without fraud.

Article 3 addressed one of the foremost rights and desires for the future of the territory and the nation by providing for an educated citizenry. *"Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."*

The Article continued extending "*utmost good faith"* to the Indians and providing property rights and liberty based on laws "*founded in justice and humanity."*

Articles 4 and 5 defined how the territory could become states and how their laws and constitutions would be compiled for a representative government. Then in Article 6, reaching far ahead of their time, the Continental Congress declared that in this Territory slavery would not be allowed. It is noteworthy that even the wording of the Thirteenth Amendment in 1865, nearly a century later, providing for the abolition of slavery in the United States quoted directly from the Northwest Ordinance.

Summation

As we ponder the rights that we enjoy as citizens of the United States, and understand what the founders of our great nation sacrificed to achieve for us. All of these definitions of rights and liberties, and the detailed formulation of government was to limit government, not the people. There are four foundational documents of law to guarantee the basic freedom and liberty for "*we the people."* They are called Organic Laws of the United States of America. Organic Laws are defined in the Merriam-Webster Dictionary as *"relating to, or constituting the law by which government or organization exists."* On the first page of Volume One of the United States Code is printed the heading: Organic Laws of the United States of America." Listed below are the Four Organic Laws in order of their occurrence:

Declaration of Independence, July 4, 1776
Articles of Confederation, November 15, 1777
Northwest Ordinance, July 13, 1787
The Constitution, September 17, 1787

LIFE PRINCIPLE:



"If a nation expects to be ignorant and free, it expects what never was and never will be"

– Thomas Jefferson (Founder, 3rd US President)

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Principles and Precepts of Government

Topic 8
Analyzing the Bill of Rights

Chapter 2

Section Two
Topics 6-10

First Rights of the Bill of Rights



As we have seen, the First Amendment to the US Constitution declared that "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*"

The central purpose of the Bill of Rights was to limit the Government from invading and restricting the natural and unalienable rights of free people. Recall the Declaration of Independence which stated that equal and natural rights flowed from *"nature and nature's God"* and that the Creator had endowed all persons with *"certain unalienable rights"*. This Bill of Rights was designed to identify and publish those basic rights that Government has no right to deny or abridge.

VOCABULARY

Underpinnings: foundational support and basis of something
Cult: an unorthodox, spurious entity with strange, secret rituals
Antithetical: being in direct and unequivocal opposition to a thing
Venue: a statement showing that a case is brought to the proper court or authority
Personal sovereignty: self-ownership, expressed as the moral or natural right of a person to have bodily integrity, and be the exclusive controller
Neutering: rendering a thing impotent or incapable of its original purpose

First Liberty—Religious Freedom

As we know, a large majority of the first Colonists who migrated to America did so to escape the heavy hands of governments that had restricted religious freedom. Many Colonies were established by people of a particular religious doctrine; and some Colonies restricted the conscience and faith of persons with slightly different doctrines. Religious skirmishes produced some of the greatest moments and some of the bleakest sagas in our Colonial history. Yet, the Founding Fathers believed that religious liberty was the "first liberty" since freedom of conscience and mind are both logically and philosophically foundational to all other liberties protected by the Constitution. This right grants the freedom to practice any, (or no) religion, free from government intrusion. It also prevents the government from establishing a mandated State church, the likes of which early emigrants to America fled.

The two clauses of the First Amendment form two protective barriers: *from* the establishment of a State religion, and *from* government interference in the individual exercise of religious convictions. These are not "walls" ostensibly between Church and

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State to prohibit the voluntary exercise of conscience and remove the acknowledgement of God from the public square; rather, they are walls surrounding the government to prohibit it from any interference or control of the voluntary expression of religious liberty by the people. Modern, Colonial-Era researcher and historian David Barton stated, *"The Founders intended only to prevent the establishment of a single national denomination, not to restrain public religious expressions."*



Today the religious profile is significantly different than it was in early America. When the Constitution was adopted, only about a dozen different religious groups existed, mostly from Judeo-Christian heritage. To the Founders, freedom of religion pertained to denominations within Judaism and Christianity. The Founders and succeeding generations represented an era of biblical-literacy as the ***underpinnings*** of the United States Republic: basics such as the three branches of government—judicial, legislative, and executive—emanating from a biblical passage proclaiming, respectively, *"the Lord is our judge… our lawgiver… our king"*; or quotes from past leaders like John Quincy Adams, sixth US President, who said, *"…the Bible…is of all the books in the world, that which contributes most to make men good, wise, and happy…"*

Today, more than three hundred religions and denominations operate in the United States. Many believe in one God in the Judeo-Christian tradition; some believe in a different or no God. Others believe in many gods: as represented by animal spirits, alien groups, or psychoactive substances. In the "anything goes" modern world, a ***cult*** claiming the status of "religion", yet whose practices are ***antithetical*** to the Constitution, could pose a serious challenge to the First Amendment.

The right of religious freedom is much broader and deeper than we usually define. Foundational, unalienable rights *produce* what we have called religious rights and the rights of conscience. *First*, we have the right to adopt a personal value system by which we will live. Values are the basis for choice and decision. Every personal decision we make is based on the priority of our values. *Secondly*, each individual has the right to interpret knowledge and reality as he chooses. This is what we call our worldview or our interpretive system. In a free society, we have the right to interpret all knowledge by our worldview, and to make application of that knowledge to our lives. The third foundation is an authority system. Whatever we claim as the sovereign (god) of our reality system is our *religious* right. As it is the highest authority in our home or social structure it becomes our *social* right. What we allow governmental structures to establish as law becomes our *political* rights in America. This concept is basic to what our Founders meant by the power of government "*is in the people*;" and by which they gave us a government "*of the people, and by the people*."

Rights of Political Freedom

The next four rights addressed in the First Amendment were probably thought of as political rights in the minds of the Founders, since they included rights that had been denied to them as British citizens living in the Colonies. Freedom of speech, and

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of the press, had been the major tools used by the Sons of Liberty, and other patriots, to communicate the Intolerable Acts of the British king and Parliament in violating the rights of the Colonists. The assemblage of the people to deliberate their proper response had been absolutely necessary, and Colonists recognized that the Crown's refusal to respond to Colonial petitions for a redress of their grievances had led to the Revolutionary War.



They had already declared that Governments are instituted among men to secure their unalienable rights, and *"that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it."* Thus free people have to have the right of free speech, the right of a free press, the right to peaceably assemble, and the right and ***venue*** for petitioning their government when government has harmed the people or restricted their rights as a free people. The necessity of Freedom of Speech in all its forms cannot be overstated. Benjamin Franklin's words stand as a warning to all succeeding generations: *"Whoever would overthrow the liberty of a nation must begin by subduing freedom of speech."*

Today, we must carefully examine the true definition of a right and not confuse it with a want, or a comfort, or weapon to infringe upon the rights of others. The rights expressed and made secure by our Constitution were those granted equally to all persons by *"nature or nature's God."*

What is a right?

A right is our ***personal sovereignty*** to act without the permission of government, society, or any other person. Our individual rights are defined and empowered by our conscience. Hence, every right is a concept of conscience. Once we add society—other people, each having personal rights, our personal rights only extend to the boundary where the other person's rights begin. We do not have a right to invade that boundary and limit another's rights.

Our Government was not erected to *grant* us rights, the Constitution very clearly defines its purpose is to *protect* the rights of its citizens. Essentially, we have one basic right—it is the right to life, and the quality of that life is dependent upon self-generating, and self-sustaining actions to optimally fulfill life. Therefore, all of our other unalienable rights are voluntary actions driven by our conscience, based upon our own rational judgment, to achieve our own goals.

There are therefore, two basic and interrelated rights granted, by what our founders called, *"nature and nature's God."* These are the right of life, and the right of conscience. There is one more item stressed loudly by many of the Founders: it is the concept of morality. There are literally hundreds of references by the Founding Fathers for the need of a moral society to ensure the *continuance* of a democratic republic. Underscoring that point, President Ronald Reagan stated, *"Freedom is never more than one generation away from extinction. It must be fought for, protected and handed on* (to our children)".

President Abraham Lincoln is often credited with the truism, *"The philosophy of*

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the school room in one generation will be the philosophy of the government in the next." Therefore, students who will be the governors of emerging generations should be challenged to study and comprehend the original intent of the Framers of the Constitution, in order to make wise political choices and defend their liberties by defending the Constitution against those who may seek its ***neutering.***

The study of government and the Constitution is not only to understand how it works, but to enable one to engage in a pro-active defense of liberties enumerated therein, by being a "watch dog" and challenging legislators, judicial officers, and executives of government when they violate Constitutional principles.

LIFE PRINCIPLE:



"It is religion and morality alone which can establish the principles upon which freedom can securely stand...."

– John Adams (2nd US President)

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Principles and Precepts of Government

Topic 9
Analyzing the Bill of Rights

Chapter 2

Section Two
Topics 6-10

Rights of Security



The United States Constitution was established to secure the rights its citizens. Thus, the Government was designed not only to protect those rights, but was to make no law nor engage in any practice that would hinder a citizen in the protection of his own rights.

Amendment II: The Right to Bear Arms

The Second Amendment was established to guarantee the citizens this kind of protection and is stated succinctly as follows:
A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

As we have seen, there was a lurking distrust of a monarchy or federal government in this first generation of American citizens. Colonial armaments over the years had been purchased from England. However, as tensions between the two escalated, England not only cut off sale of armaments to the Colonists but forbade any such imports as well as placing a ***moratorium*** on Colonial-made arms. It is important to note that historically, governments disarm their citizenry to avoid rebellion against ***draconian*** government measures, rendering citizens helpless to defend themselves.

The Revolutionary War had demonstrated dependence upon citizen soldiers who, for the most part, had to furnish their own weapons. However, with the recent military experience, the members of the Constitutional Convention had given the federal government authority to establish and supply peacetime standing armies, and to regulate the militia. This caused considerable controversy between Federalists and anti-Federalists as they debated ratification. The Anti-Federalists thought that this weakened the defense of states, especially against problems with the Federal Government. The Federalists responded that this was not a grave danger since the American people were armed and would be able

VOCABULARY

Moratorium: suspension of activity
Draconian: cruel, severe measures
Rogue: deceptive, dishonest, out-of-bounds
Domicile: a person's home, habitat, or residence
Eminent domain: the right of a government or its agent to appropriate private property for public use, with just compensation.

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to deter any military force of the federal government. Hence, both sides agreed that the federal government should *not* have authority to disarm the citizens, they only disagreed whether the citizen force would adequately defend against an unruly federal force.



Today, arguments still rage concerning this Amendment. One argument, raised many years after this Amendment was adopted, is whether it protects the right of *individuals* to keep and bear arms, versus a right that can be exercised only through *militia* organizations like the National Guard. Another problem is that state militias have been incorporated into the federal military.

Other changes have increased pressure on the full support of this right. The changes in weaponry have rendered the arms of private citizens an extremely weak defense against a ***rogue*** federal government, but they are still valued as giving security against criminal threats. Tragically, at this time in history, an increasing number of mass-shootings have taken place, and with each episode the cries for "gun control" grow louder. Hence, many restrictions have been placed on law-abiding, gun-owning citizens. Criminals, on the other hand, ignore such laws, giving rise to the sayings, *"When guns are outlawed, only outlaws will have guns"*, and *"Guns don't kill people—people kill people."* Democratic nations that disarmed their citizens experienced huge surges in criminal activity, as citizens were unable to protect themselves. On the other hand, one US county that requires its citizens to own a firearm has the lowest crime rate of any US county.

Amendment III: Quartering of Soldiers

This Amendment was written in the shadow of the Revolutionary War in which the British had followed their practice of wartime quartering of soldiers in private residences, and thereby confiscated Colonists' homes as quarters for their soldiers. Parliament had, during the Glorious Revolution in 1688, declared that they were *not* to keep troops in private homes without the consent of their owners. However, in the American Colonies, British troops ignored that law. Thus, with these fresh memories, the Third Amendment was an important right for the US Constitution.

> *No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.*

While this Amendment may not seem relevant to contemporary America, there is a domestic privacy issue here that is not addressed elsewhere in the Constitution. It demonstrates that the people are protected from government intrusion into their private ***domiciles***. This amendment could be applied to governmental response to terror attacks and natural disasters. It could also impact certain issues related to issues of ***eminent domain*** and militarization of police.

Amendment IV: Security from Unreasonable Searches and Seizures

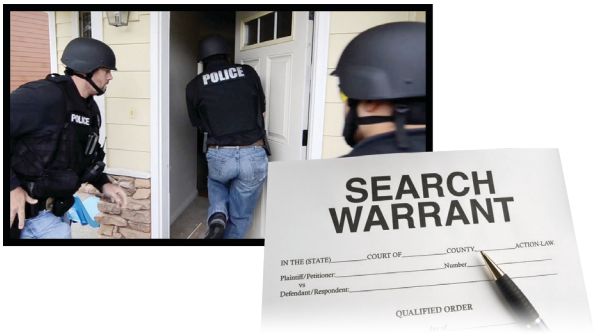
The Fourth Amendment continues the rights of security in one's person, houses, papers, and effects. The war with England for freedom was to create a system of government based on the Rule of Law. Therein, the right of the people was to establish such laws, and the role of government was to keep citizens secure by these laws. This amendment guaranteed the security of both person and property, and was stated as follows:

> *The right of the people to be secure in their persons, houses, papers, and*

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effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.



This statement of security rights creates a protective buffer between a citizen and government officials. While the power of law enforcement is committed to these officials, it must be carefully exercised under the rules of this buffer, or it becomes unauthorized power. First, these rules establish a right of privacy afforded to all US citizens which the government cannot penetrate unless it carefully follows the details of this privacy rule. Secondly, it provides a protective barrier which guards against searches and seizures unless they are based on probable cause, reasonableness, and a properly issued legal warrant. Furthermore, this warrant must provide a defined area to be searched, and the persons or effects to be seized.

Amendment V: Rights of Due Process of Law

The Fifth Amendment provides the Legal Defense Rights for those accused of capital and infamous crimes. Capital crimes are those punishable by death, and infamous crimes are those that carry more than a year of imprisonment. The text of this Amendment is comprised of five clauses:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Three of the five clauses state procedures that must, or must not, be used in federal criminal prosecutions. The first requires indictment by a Grand Jury. A grand jury is a panel of citizens to whom the prosecutor presents evidence against the accused. This jury then decides whether a formal charge should be filed against him.

The second clause, called double jeopardy, forbids a person from being tried in court twice for the same crime. This is followed by the third clause which protects against self-incrimination, meaning that a witness cannot be compelled to testify against himself.

The Amendment declares that a citizen cannot be deprived of life, liberty, or property without *"due process of law."* This is a Constitutional doctrine that dates back to the Magna Carta and means that the government must act within legal rules. Today we have an enhancement of this right called *"*procedural due process*,"* which means that government decisional actions must meet the test of fairness and lawfulness.

The last clause of the Amendment has to do with protecting property rights. It declares that the government cannot take private property for public use without the payment of just compensation. This is the basis for ***eminent domain*** laws.

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Amendment VI: Right to a Fair Trial

This Amendment continues the Legal Defense Rights of citizens in all federal criminal prosecutions and names seven rights afforded the accused.

> *In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense*.

The accused has the right of a speedy public trial by an impartial jury in the state or district where the alleged crime was committed. Next, he has the right of being informed of the charges against him. He has the right to confront witnesses against him, and to cross-examine them; as well as compel witnesses to testify in his behalf. Finally, he has the right to legal counsel.



Amendment VII: Trial by Jury

This Amendment extends the right of trial by jury to federal civil cases, and it provides the supremacy of jury trials since it cannot be overturned by any other US court.

> *In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.*

At the time of its passage, twenty dollars was a substantial sum. Even with the inflationary seasons in America the same sum continues today. The criteria for this civil action are as follows: (1) It must be a civil rather than criminal claim; (2) It must be a federal case in a federal court; (3) It must be a claim for more than $20; and it must be the type of claim that the English common law of 1791 would have allowed a trial by jury. This last rule limits the type of cases that qualify to trial by jury. There are two types of civil law: *common* and *equity*. Common law cases seek a monetary payment, and equity cases seek a remedy to the problem by a court order.

Amendment VIII: Fair Bail and Punishments

The Eighth Amendment continues to address the rights of citizens and extends rights even to those convicted of cries. *"Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted."*

The issue of excessive bail extends the right of being considered innocent until proven guilty and prevents punishment prior to conviction. Then it adds that the bail, and any fines, will not be excessive.

The statement, that *no cruel and unusual punishments inflicted,* should be viewed in terms of historic punishments of torture (such as beheading, burning alive, drawing and quartering) which are forbidden by this Amendment.

Amendment IX: Rights Retained by the People

The Ninth and Tenth Amendments contain clarification of certain rights. The Ninth Amendment states "*The enumeration in the Constitution, of certain rights, shall*

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not be construed to deny or disparage others retained by the people." This statement was necessitated because of controversy between Federalists and Anti-federalists about whether a Bill of Rights was necessary. This was a clarification that the failure to state a right in the Constitution did not negate a natural or unalienable right of the people.

Amendment X: Powers Reserved to States and People

The Tenth Amendment states that "*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."*

This is quite similar to a provision in the Articles of Confederation: *"Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled."*

As stated previously, the Bill of Rights limited the Federal Government from violating the rights of the states and the people. It therefore underscores the statement of the people's rights granted by their Creator with a declaration that the powers not delegated to the United States by this Constitution, nor prohibited by it to the States, are reserved to the States—or to the people.

LIFE PRINCIPLE:



"The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government."

– Thomas Jefferson (Founder, 3rd US President)

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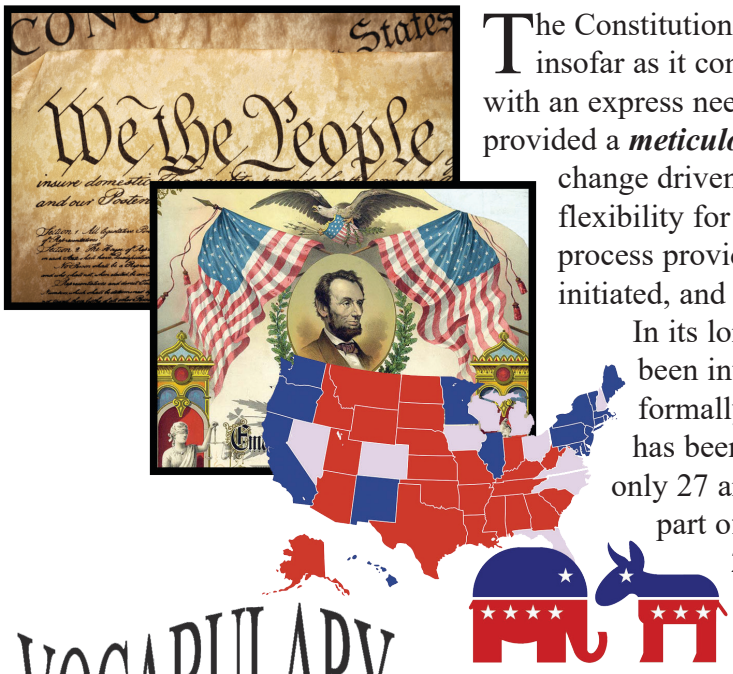
Principles and Precepts of Government

Topic 10
Analyzing the Bill of Rights

Chapter 2

Section Two
Topics 6-10

Is Our Constitution a Living Document?



The Constitution of the United States is a 'living document', insofar as it contains the methodology for change, in keeping with an express need of the American people. The Founders provided a ***meticulous*** process for guarding against *excessive* change driven by contemporary whims yet provided flexibility for *needed* change. We studied this two-step process provided in Article V: how an amendment may be initiated, and how it can be ratified.

In its long history, over 5000 amendments have been introduced in Congress. Congress has only formally proposed 33 of these, and no amendment has been proposed by a special convention. To date only 27 amendments have been ratified and become part of the Constitution. Recall that 10 of these 27--- the Bill of Rights--- became Law as a single bill, almost immediately following the ratification of the Constitution. Thus, in over 225 years, only 17 additional amendments have been ratified. This demonstrates how remarkable a governing document the Constitution is to provide a rule of law to a rapidly expanding and changing nation without the need for voluminous changes.

The Constitution as a 'living document' has been touted by some to mean that the Constitution can, in essence, be changed without the Amendment process. They advocate that interpreting it by the original meaning held by its Framers is not acceptable for contemporary America. Rather, they espouse an evolving interpretation based on contemporary understandings and political bias. Thus, judges become *initiators* of law rather than *interpreters* of the law. We will study this in more detail when we review the Judicial System.

VOCABULARY

Meticulous: marked by extreme or excessive care in the consideration or treatment of details.
Abolition: the act of ending the observance or effect of something.
Emancipation: the act of freeing from restraint, control, or the power of another; to set free.
Immunities: the right of citizens preventing a state from treating citizens of other states in a discriminatory manner.

Amendment XI: Suits Against States

During the ratification, debates arose over a provision of Article III which allowed federal courts to hear disputes between

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a state and citizens of another state, or subjects of a foreign state. Following ratification several cases were filed against states by citizens of another state. In 1793 a citizen of South Carolina sued Georgia for unpaid debts. Georgia claimed that this was a violation of States' Sovereignty and refused to appear before the Supreme Court. However, the Court ruled that the suit could proceed in federal court.

A Senator from Massachusetts immediately proposed the Eleventh Amendment which stated:

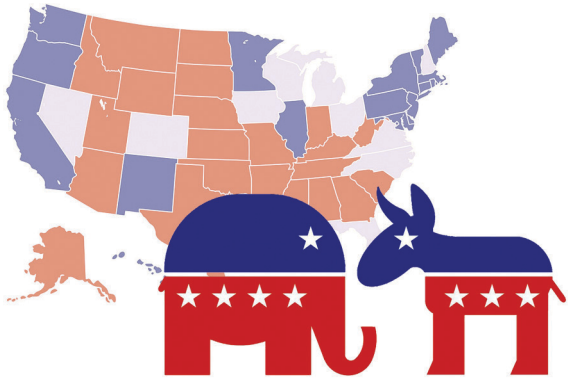
> *The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.*

This Amendment was passed by Congress March 4, 1794, and Ratified February 7, 1795. It changed a portion of Article III, Section 2 of the Constitution. It has been a controversial Amendment, and the Courts have circumvented it on several occasions.

Amendment XII: Electoral College

The Electoral College was established by Article II, Section 1 of the Constitution. It specified the number of electors from each state who would meet, state by state, and each elector cast two votes for president with at least one being a vote for someone from another state. These were then submitted to the President of the Senate who opened them before a joint session of Congress. The votes were counted and the person with the largest number of votes became president, and the person with the second highest number became vice-president.

This was prior to the two-party system of politics and was viewed as a deterrent to the development of two parties. However, the two-party system was already under development, and the possibility of having a vice-president from a different party than the president, caused significant problems. By the fourth presidential election in 1800, Thomas Jefferson and Aaron Burr were tied for president. It then went to the House of Representatives as provided by the Constitution, however it took 36 votes, and some serious political deals, before Jefferson was elected. This was what the Electoral College was supposed to prevent.



That election prompted Congress and the states to adopt and ratify the Twelfth Amendment in 1804. The change made by this Amendment was to have each elector vote for both a president and a vice president, with one being from a different state than the elector. The other change was, that for both the offices of president and vice president, if no one receives a majority vote, the House of Representatives will elect the president from the top three contenders. If there is no majority vote for the Vice-President, the Senate will elect the Vice-President from the top two contenders, each state having one vote.

Amendment XIII: Abolition of Slavery

The Declaration of Independence had been declared, the Revolutionary War won, and the US Government had been formed. Yet freedom and liberty for nearly 700,000 Americans had not been granted. In the Northern States, two percent of the people, and in the Southern States over 34 percent were slaves. Non-racially based slavery, as an

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institution, had been an accepted practice for thousands of years prior to 1619 in America when African slaves were brought to Virginia to aid in agricultural production. These contributed greatly to the building of the economic foundations of the nation. However, as the Constitution was being written, slavery became a very divisive issue, as Northern States opposed slavery; but Southern states, that depended on slave labor, were pro-slavery. A compromise was reached: the importation of slaves would continue until 1808 and then be prohibited. The issue mushroomed as the nation expanded westward and reached crisis in 1861 as the nation was torn apart in civil war. President Lincoln entered the Civil War, not only for the ***abolition*** of slavery, but to preserve the Union.



By summer of 1862, thousands of former slaves who recognized the central issue of the war were joining the Union forces. Following a significant victory by Union forces in Maryland, President Lincoln on September 22, issued an Executive Order declaring that on January 1, 1863, all slaves in the rebel states *"shall be forever free."* This ***Emancipation*** Proclamation, although it did not immediately free any slaves, became an historic turning point. It transformed the bloody civil conflict into a war, in like manner as the American Revolution—a war for human freedom.

It soon became apparent that the Proclamation was not sufficient to officially end slavery; and in April 1864, Congress drafted a Constitutional Amendment which was approved by the Republican controlled Senate 38 to 6. However, the House was controlled by Democrats, and on the basis of states' rights, voted against complete abolition. During the election of that same year, Lincoln made abolition the central component of his re-election. He called for the people to vote for those who would pass the Thirteenth Amendment. Lincoln was reelected, placing pressure upon the Democrats to pass the Amendment. On January 31, 1865 the House of Representatives passed the Amendment 119 to 56, nearly three months before the War ended.

The Thirteenth Amendment contains two sections:

Section 1. "*Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."*

Section 2. "*Congress shall have power to enforce this article by appropriate legislation."*

Although Section 1 of this Amendment struck down slavery in the United States, the issues of freedom and rights were addressed further by the Fourteenth and Fifteenth Amendments. Congress continued *"to enforce by appropriate legislation"* for the next century.

Amendment XIV

During the Reconstruction period following the Civil War, Southern states began passing laws restricting the rights of former slaves. In June 1866, Congress passed the Fourteenth Amendment and sent it to the states for ratification. It contained five Sections.

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Section One contained four significant principles concerning citizenship.

1. All persons born or naturalized in the United States, regardless of race, are citizens of the United States.
2. No State shall abridge the privileges and ***immunities*** of citizens.
3. No person shall be deprived of life, liberty, or property without due process of law.
4. No person shall be denied equal protection of the laws.

Section Two declared that all citizens, except for the non-taxed Indians, will count as whole persons for representation in Congress; and all male citizens of 21 years of age shall have the right to vote, unless having participated in rebellion or other crimes.

Section Three denied any who had engaged in insurrection or rebellion against the United States, or had given aid or comfort to the enemies, to hold any government position in the United States government or any state government, unless Congress by a two-thirds vote of both Houses removed such disability.

Section Four authorized public debt for suppressing insurrection or rebellion, including pensions and other payments for military service, but denied all debt or obligation to those involved in any acts of insurrection or rebellion against the United States.

Section Five provided Congress with the power to enforce the provisions of this Amendment, by appropriate legislation.

This Amendment, providing limitations on state power, opened the door for various interpretations by the courts under "the doctrine of incorporation" to apply many provisions of the Bill of Rights against state and local governments. This has led to more numerous uses of this Amendment in litigation than any other Constitutional provision.

Amendment XV: Voting Rights for Former Slaves

The Fifteenth Amendment is the last of the Reconstruction Amendments dealing with the aftermath of the Civil War, slavery and the rights of former slaves.

Section 1. *"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.*

Section 2. *"The Congress shall have the power to enforce this article by appropriate legislation."*

LIFE PRINCIPLE:



"Those who deny freedom to others, deserve it not for themselves."

– Abraham Lincoln (16th US President)

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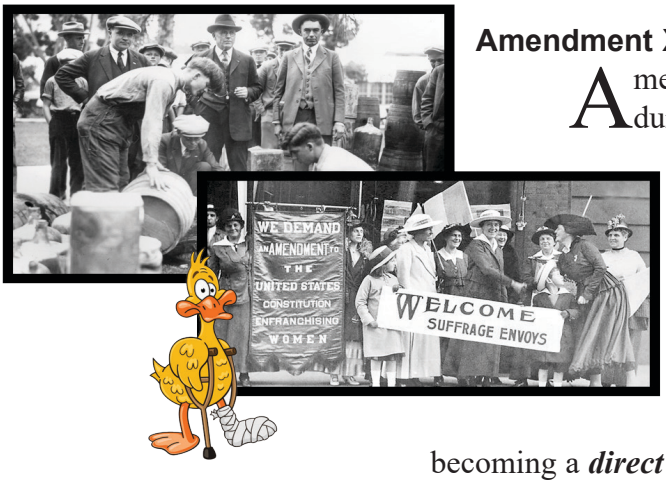
Principles and Precepts of Government

Topic 11
Modern US Government

Chapter 2

Section Three
Topics 11-15

Bringing the Constitution Up-To-Date



Amendment XVI: The Income Tax

Americans first began paying federal income taxes during the Civil War, as required by the Acts of 1861-1870. These were apportioned taxes based upon the value of personal property and real estate. However, the Income Tax Act of 1894 allowed for a direct, peacetime levy on the personal profits gained from employment or business transactions such as shares of stock. The result was a ***flat tax*** that no longer took into consideration a state's population, thus becoming a ***direct tax***. An ensuing lawsuit propelled this case into the Supreme Court where it was ruled unconstitutional since it was determined to be a direct tax.

In 1909, William Taft became President. He believed that the only way the federal government could obtain sufficient tax revenue was to amend the Constitution to allow the federal government to tax income as a direct tax. The Sixteenth Amendment was passed by Congress in 1909 and ratified in 1913. The Amendment states:

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Amendment XVII: Senate Election

The Constitution had originally provided that each state legislature would elect two state senators for a six-year term. It was fashioned similarly to the British House of Lords representing the states as a more elite body; contrasted to the House of Representatives, who were elected by popular vote to represent the people for a two-year term. However, two problems arose: One was corruption as seats were being bought and secondly, legislative deadlock became common. In 1911, the House of Representatives proposed a Constitutional Amendment for direct election of senators.

VOCABULARY

Flat tax: everyone pays the same rate or percentage regardless of income
Direct tax: a tax exacted directly from the taxpayer
Debauchery: extreme indulgence in sensuality
Speakeasies: dimly-lit rooms or night clubs where alcoholic beverages were illegally sold during Prohibition
Lame-duck session: a session of Congress taking place after the election of a new Congress but before the current Congressional term is finished

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When it reached the Senate, it was changed. Nearly a year later, the House accepted the change, and the conference report became the Seventeenth Amendment in May 1912 and was ratified in June 1914.

This Amendment provided for election of two Senators from each state, elected by the people for a six-year term. It also provided for State legislatures to authorize the Governor to fill the vacancy by appointment until it is filled by a duly authorized election.

Amendment XVIII: Prohibition of Alcoholic Beverages

The Eighteenth Amendment to the Constitution was to prohibit the sale and consumption of liquor by the American people. It was born out of religious revival movements during the early decades of the 1800s, that also inspired the anti-slavery movement. Drunkenness was viewed by Christian leaders as a national curse which led to breakdown of families, ***debauchery***, ill health and crime. Several states had passed state prohibition laws by the time of the Civil War.



Men pouring alcohol in the sewer

In the late decades of the nineteenth century, several populace movements, often led by women, were very active across the Nation, declaring that the elimination of the vice of drinking would help rid society of poverty and reduce immoral behavior and violence.

By the beginning of World War I, nearly one-half of the states had passed anti-saloon legislation; and the election of 1916 had produced a Congress with nearly two-thirds of its members favoring prohibition. Still, legislative wars erupted in Congress. President Woodrow Wilson, a moderate drinker, opposed Prohibition. However, In 1919, Congress passed the 18th Amendment which was ratified within a year by forty-three of the forty-four States in the Union at that time. The central concept of the Amendment was stated in the first Section:

> *After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.*

Congress also passed the Volstead Act, which defined how the government would enforce Prohibition. However, it was a very weak bill with little provision for enforcement and allowed medicinal, sacramental, industrial alcohol, and fruit beverages made in the home to remain without restriction.

With still-smoldering division in the halls of government, the war began in earnest in the cities and country sides. Illegal manufacture and sale of liquor, with weak legal controls and huge profits, fueled an underground business controlled by gangs and Mafia. A weak system for control became weaker, as corruption of politicians and police by organized crime spawned ***speakeasies***, gambling, and prostitution. Many began to blame Prohibition for this moral decay and political disorder and described it as an infringement of individual freedom and economic opportunity.

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Amendment XXI: Repeal of Prohibition

After more than a decade of Prohibition, another huge issue plagued the nation. The calamity of the Great Depression created bank closures and breadlines.

Then, in 1932, Franklin D. Roosevelt, the Democratic candidate for President, not only held out hope for economic recovery, but also included a plank in his platform to repeal the Eighteenth Amendment. He was elected in February 1933, and Congress passed a bill the same year for the Twenty-first Amendment: to repeal Prohibition and the Volstead Act. Additionally, Congress required ratification by state conventions, instead of state legislatures. This limited ratification to one vote for each state, rather than chance a popular vote in legislative action. The central purpose of this Amendment was stated as follows in Section 1: "*The eighteenth article of amendment to the Constitution of the United States is hereby repealed."*

Amendment XIX: Women Gained the Right to Vote

In the early history of our Nation, the rights and liberties defined for citizens were largely granted to men. Married women could neither own property nor vote. In the middle of the nineteenth century, the first women's rights convention was convened in New York, resolving that women should have better opportunities for education, employment, and political identity.



Women's Suffrage Protest

Following the Civil War, several national suffrage groups began to form. *Suffrage* meant the right to vote in political elections. A major victory was achieved in 1869 as the Wyoming Territory granted all female residents of 21 years of age the right to vote and retained it after achieving statehood. Several other territories followed suit as they became states; and, between 1910 and 1918, seventeen additional states extended voting rights to women. In 1918, President Wilson changed his view and supported women's suffrage based on their support of the war effort as the United States entered into WWI.

In June 1919, Congress passed the Nineteenth Amendment allowing female suffrage and sent it to the states for ratification. Southern states were opposed and the outlook for ratification appeared bleak. Ratification lacked one vote and Tennessee's legislature was tied with one member yet to vote. The one vote was up to a 23-year-old Representative, who had stated his opposition to the bill; however, at the urging of his mother, he voted "yea". The Amendment was ratified by the required three-fourths of the States and became law August 26, 1920. Three months later, over eight million American women voted in elections. However, six decades passed before the remaining 12 States voted ratification, with Mississippi being the last on March 22, 1984.

Amendment XX: Terms of Office of President, Vice-President and Congress

The Constitution required Congress to convene at least once a year beginning the first Monday in December, but it set no dates for elections, terms of office, nor dates for elections. It did, however, authorize Congress to pass laws to empower the President to summon Congress for special sessions. The Continental Congress had established March 4 as the date for newly elected officials to take office, and this was carried on under

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the Constitution. During the first term of the first President, Congress had decided to hold elections in November, which resulted in a four-month period before a newly elected president would take office. It was even more difficult for Congressmen, since their mandated meeting in December was after the election, but the term of office for the person they replaced was in March. In even numbered years, the Constitution required a ***lame-duck session***. Hence, new members of Congress might not assume office for more than a year after their election. This placed the Country at high risk, should a serious issue arise.



One such crisis could happen if there was a tie for President, and the selection went to the House of Representatives. The old Congress would have to elect the president, rather than the newly-elected Congress. Congress attempted to address these problems, but as legislative issues multiplied, the problem grew worse. Finally, in March 1932, Congress proposed the Twentieth Amendment, which was ratified in January the following year. This Amendment resolved the lame-duck problem by reducing the time between election and the beginning of the term of office for the President, Vice President, and Congress. The first section defined the ending of the old terms and the beginning of the new terms: *"The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January."* In Section 2, Congress is directed to convene for an annual session on January 3rd. Section 3 clarified the terms served by the President and authorized the Vice-President to assume the presidency if the elected President did not qualify for his position, or if the President died while in office.

Amendments XXII Through XXVII: Remaining Amendments

The six remaining Amendments were brief and mostly single-issue Amendments. Following is a brief summary of each:

Amendment 22: This Amendment was necessitated by Franklin Roosevelt not following George Washington's precedent of two terms as President. Roosevelt was elected for four consecutive terms. This Amendment limited the tenure of President to two, four-year terms. It provided a possible tenure of ten years for a Vice-President who was elevated to the Office to fill the remaining term of one year plus two, four-year terms if reelected to the Office. However, if he has served more than two years of the other person's term, he can be elected to only one additional four-year term.

Amendment 23: This Amendment authorized the citizens of Washington, DC, to vote for President and Vice-President. It granted them electors equal to the whole number of Senators and Representatives in Congress to which the District would be entitled, if it were a State, as long as that number is less than the least populated State.

Amendment 24: This Amendment rendered a poll tax, ***levied*** for the privilege of voting, unconstitutional.

Amendment 25: This Amendment defines the process by which a Vice President assumes the presidency if the President is unable to fulfill the duties of the office.

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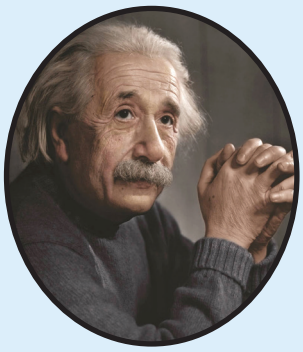
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Amendment 26: The voting age in both State and National elections was lowered to 18 by this Amendment.

Amendment 27: No law changing Congressional salaries can take effect until after the next election of House Representatives. This Amendment was proposed along with the first Ten Amendments which became the Bill of Rights; however, it was not ratified until 1992, 203 years after being proposed.

The Constitution of the United States, comprised of its Seven Articles and Twenty-seven Amendments, is the Supreme Law of the Land.

LIFE PRINCIPLE:



"The strength of the Constitution lies entirely in the determination of each citizen to defend it. Only (then) are the constitutional rights secure"

– Albert Einstein (Premier Scientist)

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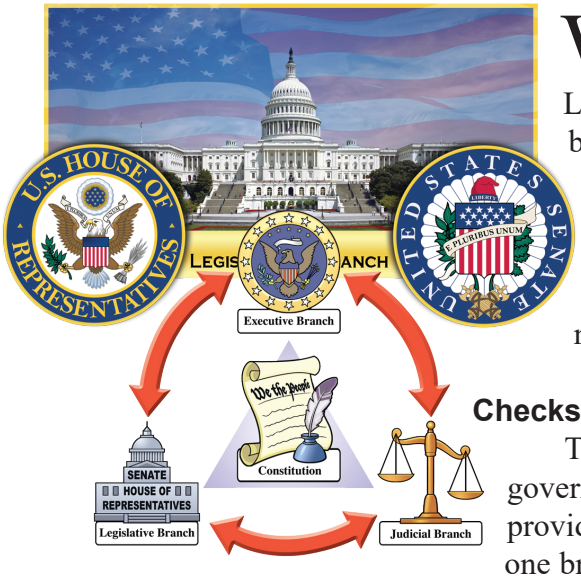
Principles and Precepts of Government

Topic 12
Modern US Government

Chapter 2

Section Three
Topics 11-15

How Our Government Works Today



We have studied the formation of our nation by its adopting a Constitution as the Supreme Law of the Land. The birth of the American Republic, administrated by a representative government, empowered the people to determine their own destiny. Distrust of government was further demonstrated by the outcry to have a Bill of Rights incorporated into the Constitution, citing the specific rights and liberties the government may *not* negate.

Checks-and-Balances of Power

The architectural construction of the three branches of government in the first three Articles of the Constitution provided a network of decisional functions that limited any one branch from usurping power over the others. Congress, as a representative body, was given responsibility to create law. The President, as the Chief Executive, is chosen by the people through a process of elections, with his central function being to implement and enforce laws as created by Congress. The Judicial Branch is guardian of law. It interprets new laws to ascertain if they are Constitutional, and settles disputes, based on law, across the nation.

As the powers of each branch were devised by the Founders at the Constitutional Convention, each was granted certain powers to check the authority of the other branches. This system of checks-and-balances is probably the greatest safeguard of our rights and liberties, that has kept our Republic operating for over two centuries.

To understand this system more completely, we will seek to ascertain a few of the details of how it operates. First, recall that Congress writes and approves a law. However, it normally does not *become* law unless the President signs it. Thus, the President holds a ***check*** on the actions of Congress – an examination to test or ascertain accuracy, quality, or satisfactory condition. If the President does not believe this law is satisfactory, he may veto, or refuse to sign the law, thus voiding it.

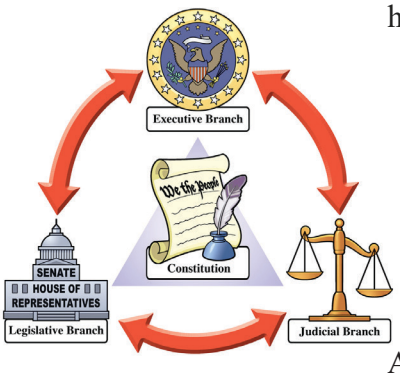
VOCABULARY

Check: a restraining action
Assiduously: diligently, persistently
Whip: a party's Congressional "enforcer" who works to keep members voting in line with the party platform
Caucus chairman: leader of a group of members of Congress that meet to pursue common legislative goals

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However, Congress may refuse to let the President stop the legislation by utilizing its power to override the President's veto and make the legislation law without the President's signature. The Judicial Branch may examine a law and determine that it is not in conformity with the Constitution, and declare it void. However, the Congress may propose Constitutional Amendments that could lessen the impact of the Supreme Court's decisions. The Judicial Branch may also declare an Executive Act to be unconstitutional.



The Executive Branch has a check on the Judiciary, since the President appoints Supreme Court judges and Federal judges. Congress, also, holds power to check both the Executive and the Judiciary, since all appointments made by the President to the courts, must be confirmed by the Senate. The Legislative Branch holds the power to impeach federal officers, including Supreme Court Justices.

The Executive Branch has the right to make treaties with foreign nations, however, the Senate may refuse to ratify such treaties. Such checks and balances abound in the entire system; suffice to say that each Branch of Government is a guardian of the rights and will of the people to prevent an overreach of power in any Branch. However, this guardianship depends on the integrity of each Branch abiding by its constitutional duty.

Starting the Engine of US Government

On July 2, 1788, the President of Congress announced that the Constitution of the United States, having been newly ratified, was in effect. Representatives to the Electoral College were summarily selected by the States, and George Washington was unanimously elected. On April 30, 1789, he was sworn in as the first President of the United States on the balcony of New York's Federal Hall.

Congress was ***assiduously*** working on the first national tax bill, establishment of the US Army, and the first twelve Amendments to the Constitution. On September 25, 1789, the Amendments were adopted and sent to the states for ratification. On December 15, 1791, the first Ten Amendments—the Bill of Rights—was ratified and became operative.

Article One of the Constitution required that a census be taken every ten years for the apportionment of Congress and taxes. Hence, in August 1790, the first census was taken, and the total population registered 3.9 million. Philadelphia was the largest city with 42,000, followed by New York with 33,000, and Boston with 18,000. This same year the Capital was moved to Philadelphia and then relocated to Washington, DC, in 1800.

Today the population of the United States has increased to over 323 million people, yet the government designed by the Founders in the US Constitution continues in the same format and functions. Detractors who claim the Constitution is outdated fail to realize that, while times have changed, human nature has not; therefore the principles remain the same, with the "engine" of the three branches of government having stood the test of time.

The Legislative Branch

The First Term of Congress began March 4, 1789 and continued until March 4, 1791. During this term there were 65 members of the House of Representatives and 26 Senators. Over 200 years later, on January 4, 2015, the 114th Congress convened with 435 members of the House

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of Representatives and 100 members of the Senate.



The two houses have similar roles and functions except the House is the only body that can originate revenue bills, and only the Senate confirms Presidential nominees and approves treaties. To enact legislation that will be presented to the President, both houses must separately agree to the same legislation.

The Role of Congress for Impeachments

The Constitution, as we have studied, provides for the removal from office of the President, Vice President, and all civil officers of the United States for treason, bribery, or other high crimes and misdemeanors.

Based on the House's oversight and investigatory responsibilities, an individual representative may introduce charges, or a resolution authorizing an inquiry may be passed. The Judiciary Committee usually has jurisdiction over impeachments and decides whether to pursue Articles of Impeachment against the accused official. The Articles of Impeachment are to be adopted by a bi-partisan, majority vote in conformity with due process. The process is not to be weaponized by the majority party as a type of vendetta against an officer. Impeachment is somewhat equivalent to an indictment in a court of law.

The role of the Senate is to hold a trial for the impeached officer. The Senate is seated as judge and jury, and the case is prosecuted by a committee of House Representatives called *Managers*. In the case of impeachment of a President, the Chief Justice of the Supreme Court presides. A two-thirds vote is required to convict, and the penalty is immediate removal from office. No appeal is possible.

Organization of the Houses

The organization of both Houses is substantially different because each House has authority to formulate its own rules of order. House rules allow for a rapid pace of processing legislation, while the Senate rules produce a more deliberative body with individual Senators having less restrictions for debate and other procedures. In the House, majority party leaders have greater authority to drive the agenda; while in the Senate, the majority leader determines the floor agenda through negotiation.

The House of Representatives is often referred to as "The People's House," since each House member represents a district in which the average population is about 700,000 people. This number was about 30,000 in the early years of the Republic. Representatives are elected to a two-year term. This keeps them in close contact with their districts since they have to stand for reelection every two years.

With the rise of the two-party political system, the House is organized under the leadership of the majority party, and the presiding officer, The Speaker of the House, is elected by the majority party House members. Each party also elects other organizational officers. The Republican Party elects a Leader, ***Whip***, Conference Chairman, and Committee Chairman. The Democratic Party elects a Leader, Whip, Assistant Leader, and ***Caucus Chairman***.

Committee Organization

The majority of work in the House is done in committees. The House presently has 20 Standing Committees and one Select

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Committee. All of the committees, except the Budget, Ethics, and House Administrative Committee, are divided into subcommittees. The one Select Committee is the Committee on Intelligence. The Standing Committees each address one major segment of government responsibility.

Joint Committees

Joint Committees are comprised of both House and Senate members.

There are four standing Joint Committees and one Special Committee, all ranging in size from six to twenty persons. Following are the Committees with a brief summary of their responsibilities:

1. Joint Economic Committee
   a. Studies the Economic Report of the President and seeks to coordinate programs described in the Report.
   b. Files an annual report relating to this Study.
   c. Makes recommendations to the Senate and House concerning the Economic Status of the Nation.
   d. Holds hearings on the Report and other economic matters.
2. Joint Congressional Committee on Inaugural Ceremonies
   This is the one Special Committee formed every four years to manage Presidential inauguration.
3. Joint Committee on the Library
   Supervises the Library of Congress.
4. Joint Committee on Printing
   Provides oversight to the functions of Government Publishing Office and general printing for the federal government.
5. Joint Committee on Taxation
   a. Investigates the operation and administration of internal revenue taxes.
   b. Investigates measures and methods for the simplification of taxes.
   c. Reports the results of these investigations and makes recommendations.
   d. Reviews any proposed refund or credit of taxes in excess of $2,000,000.

Each of the above Committees, both House and Joint, represent from 6 to 63 people working extended hours to provide research and background for legislation, oversight, security, and management of the resources and needs of our great nation. A politician's work is much greater than one may understand from Media reports.

STANDING COMMITTEES OF ★★★★★ THE HOUSE ★★★★★

Agriculture
Appropriations
Armed Services
Budget
Education and the Workforce
Energy and Commerce
Ethics
Financial Services
Foreign Affairs
Homeland Security
House Administration
Judiciary
Natural Resources
Oversight and Government Reform
Rules
Science, Space and Technology
Small Business
Transportation and Infrastructure
Veterans' Affair
Ways and Means

LIFE PRINCIPLE:



"...if the citizens neglect their duty and place unprincipled men in office, the government will soon be corrupted...and the rights of the citizen will be violated or disregarded."

– Noah Webster (Father of American Scholarship and Education)

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Principles and Precepts of Government

Topic 13
Modern US Government

Chapter 2

Section Three
Topics 11-15

The Upper Chamber of Congress



The Senate is the upper house of the bicameral legislature. Its name is derived from the Latin word, *senates,* which means "council of elders", and is regarded as a ***deliberative*** body. It is comprised of 100 Senators with two being elected from each state regardless of population. The District of Columbia, and other territories, do not have representation; but the District of Columbia elects two, so-called *shadow Senators* who are elected and seated, but do not have membership or voting privileges in the Senate. This has historically been seen as a precursor to the desired status of statehood.

Senators were originally elected by each state legislature; but the Seventeenth Amendment changed the election to a popular vote. Senators serve for a six-year staggered term so that approximately one third of the Senate stands for election on the first Tuesday after the first Monday in November of even-numbered years. This date holds true for regular, general elections involving federal and state officer holders.

In event of a vacancy during its term, the Seventeenth Amendment directs that a special election be called to fill the vacancy until the end of that term. However, State Governors may be empowered to fill the seat by appointment until an election can be held. States vary in procedures for these appointments and elections.

The annual date for the Senate to convene, established by the Constitution, was originally the third day of December. However, the Twentieth Amendment changed this date to noon on the third day of January, and further stating that Congress shall assemble at least once every year and determine its own time to convene and adjourn for the remainder of the year.

Of the two Senators elected from each state, one is designated the *senior* Senator, as determined by which has had the longer tenure. *Seniority* provides preference in committee assignments, certain appointment-type privileges, and in assigning offices and seating.

VOCABULARY

***Deliberative*:** reflecting, thinking deeply about and discussing issues in detail before reaching a decision.
Pro tempore: for the time-being; temporary.
Parliamentarian: an expert in parliamentary rules and usages of a deliberative assembly.
Plank: an individual belief, goal or principle stated in a political party's platform
Platform: a composite or formal set of standards and objectives forming the basis of a party's political philosophy
Pages: high school/college age persons hired to execute a variety of legislative errands for Senators
Protocol*:* the official procedure or system of rules governing affairs of state or diplomatic occasions.
Dilatory: delaying; intended to cause delay

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The Majority Party

The general operations of the Senate are largely controlled by the Majority Party. This means that the political party that has either the larger number of senators or can form a coalition or caucus with the larger number is the Majority Party. If there is an equal number of elected senators from each party, the party of the Vice President will be the Majority Party. Unless Independents and members of third parties caucus with one of the major parties, they are not considered in determining the Majority Party.

Officers of the Senate



48th Vice President Mike Pence

The Vice-President of the United States is the ex officio President of the Senate and may preside over the Senate. His only voting privilege is to break a tie vote. The Senate elects a President ***pro tempore***, to preside in the absence of the Vice President. He, or she, is usually the most senior Senator of the Majority Party. The President pro tempore usually delegates the duties of presiding, for blocks of time, to other members of the Majority Party. The presiding officer of the Senate does not have extensive power compared to the Speaker of the House, but acts more as ***parliamentarian*** to carry out the following duties: recognizing Senators who wish to speak, ruling on points of order, and announcing voting results.

Leadership

The Senate Majority Leader provides leadership for the Senate by planning the agenda, scheduling debates and voting. Each party elects an assistant leader, who is called "party whip", and seeks to align his party's votes with the party leadership, as expressed in the ***planks*** of each party's ***platform*** or philosophy, to which it adheres. [In today's political arena, party platforms are polar opposites. For example, one promotes socialism, big government, abortion, gay and lesbian 'rights' and anti-traditional religious and family values, while the other supports free-market capitalism, limited government, pro-life issues and other traditional family and religious values.] Other organizational officers are not Senate members but are paid party officials. These include the Secretary of the Senate, Assistant Secretary of the Senate, Sergeant-at-Arms, Chaplain (elected by the Senate) and ***Pages***.

Operations



Senate Majority Leader Mitch McConnell

Standing Rules of the Senate provide ***protocol*** for Senate procedures and operations; however, the Senate often waives stricter rules by unanimous consent. These are usually negotiated beforehand and are often orchestrated by the Majority Leader. If a Senator desires to object to unanimous consent, review a bill, negotiate changes, or kill a bill, he notifies the Majority Leader that he desires to place a *hold* on such issues. A *hold* is a private communication between a Senator and the Leader, which may remain secret or be disclosed by the Senator who requested the *hold*.

The Constitution defines a quorum as a majority of Senators. A quorum is always assumed present when a meeting is convened; it becomes an issue only when a Senator requests a *quorum call* to certify the presence of a quorum.

Senate debate is governed by rules adopted by the Senate. Senators may speak only when called upon by the presiding

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officer, and the officer is required to recognize the first Senator who rises to speak. The Majority Leader and the Minority Leader are usually granted privilege even if another Senator rises first. Other than rules guarding civility, there are few restrictions on content or length of speeches, unless time limits have been adopted earlier. A Senator may address the Senate no more than twice on the same bill on the same day.

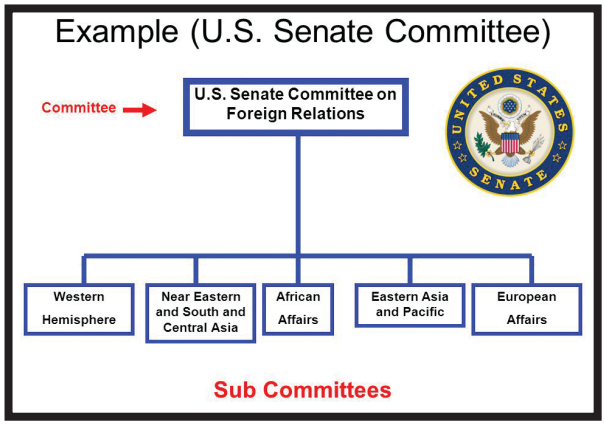
A *filibuster* is a debate tactic endeavoring to defeat or delay a bill by extreme ***dilatory*** debate, rather than "calling for the question" or vote on the bill. The Senate can end a filibuster by "invoking closure" which means ending the debate and usually proceeding to vote; but it requires a three-fifths vote, or 60 members supporting closure. Then it is successful, unless another three-fifths vote extends the duration of debate. If the matter being filibustered is a rule change, it would require a two-thirds vote.

When debate is ended, a voice-vote is taken on the motion before the Senate. A Senator may call for a recorded vote, where each vote is duly counted and recorded. If there is a tie vote, the Vice-President may break the tie, but only if he is present. If he is not present, the motion is lost.

Committee Structure and Work of Senate Committees

Committees are the major workplace of Senators. This is where bills both begin and end, and most of the legislative work of Congress (organizing, researching, holding hearings, shaping, and refining laws for the nation) is accomplished. Due to the quantity and complexity of the work of the Senate, there are 20 committees, 68 subcommittees, and 4 Joint Committees. Annually, about 8000 bills are in committees, but fewer than 10 percent are sent to the floor for consideration.

There are four types of Senate Committees: Standing Committees, Select Committees, Joint Committees and Conference Committees. The Standing Committees are probably the most important, as they continue from one Congress to the next and formulate most of the proposed laws. Select Committees are formed for special purposes. They are temporary and are mostly investigative. Some Standing Committees (such as the Committee on Aging) have existed for many years as Select Committees before becoming Standing Committees. Joint Committees, comprised of both House and Senate members, are convened to conduct business between the House and Senate, to make the public aware of special issues, and to supervise certain governmental business (such as the Library of Congress). Lastly, the Conference Committees are established to reconcile different versions of the same bill coming from the two Houses. The membership of these Committees is comprised of members from both Houses that originated the bills. When a compromise is reached, the bill is sent back to each House for consideration. When the bill either becomes law, or is rejected, the Committee is disbanded.



Rank of Committees

Senate Committees fall into three categories, based on the relative importance or nature of the work they handle: Class A, Class B, and Class C. Individual Senators

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may serve on two Class A, and one Class B committee. Class C assignments are made without reference to serving on other classes of committees.

Of the 16 Standing Committees, 12 are Class A including the following: Agriculture; Appropriations; Armed Services; Banking, Housing and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Judiciary; and Health, Education, Labor and Pensions.

Four Standing Committees are Class B and include the following: Budget; Rules and Administration, Small Business; and Veterans' Affairs. Select Committees and Joint Committees are usually ranked either Class B or Class C committees.

LIFE PRINCIPLE:



"(Big) Government isn't the solution; (big) government is the problem"

– Ronald Reagan
(40th US President)

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Principles and Precepts of Government

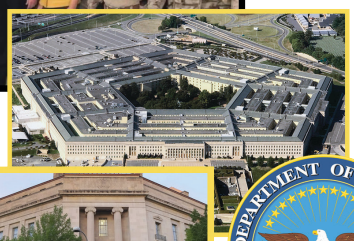
Topic 14
Modern US Government

Chapter 2

Section Three
Topics 11-15

The Executive Branch of Government







The President of the United States is Chief Executive Officer (CEO) of the government, Head of State, and Commander-in-Chief of the armed forces. The President is responsible to implement laws created by the Legislative Branch, and to enforce all existing laws. The Executive Office of the President (EOP) consists of close advisors to the President: Chief of Staff and his assistants, senior staff and about ten other Councils and Offices, plus nearly fifty other offices (including Press Secretary, Council of Domestic Policy, National Economic Council, and Office of the First Lady). The Vice President is part of the Executive Branch with the primary responsibility of assuming the office of President as the need arises. He also serves as the President of the Senate and casts the deciding vote in the case of a tie.

The President as Chief Executive Officer

Office of Management and Budget. The Office of Management and Budget (OMB) operates directly under the Executive Office of the President, as confirmed by the Senate. Its major functions include preparation and management of the President's annual budget, the overseas budgetary activities of several other federal agencies and provides advice to senior White House officials for policy development, legislation, management, plus other issues.

The President's Cabinet. The next layer of the Executive branch embodies 15 departments, each headed by a member of the President's Cabinet whose title is *Secretary*, except for the Department of Justice, whose title is *Attorney General*. These are responsible to advise the President on matters pertaining to their departments and to administer their day-to-day operations. The President's Cabinet was established by Article II, Section 2 of the US Constitution. Following are overviews and mission statements of the Cabinet Posts.

VOCABULARY

Joint Chiefs of Staff: highest ranking military officers from all branches of the armed services who advise the President and other departments on military matters
Ferreting out: diligently searching out, driving out, uncovering subversive information or activities
Sleeper cells: secretive groups of spies or terrorists that remain inactive in a targeted population until ordered to act

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Department of Defense. The US Department of Defense, administered by the Secretary of Defense, is comprised of the Departments of the Army, Navy, Air Force and other defense agencies, including the ***Joint Chiefs of Staff***. Housed in the Pentagon, the department's chief tasks are to protect our nation through the provision of military forces, to provide humanitarian aid, and deliver disaster relief services. It is the largest governmental agency with nearly one and one-half million military personnel and 700,000 civilian personnel.

Department of Agriculture. The US Department of Agriculture is administered by the Secretary of Agriculture. It provides policies and oversees agriculture and food production safety. It promotes trade of agricultural products and oversees food programs, nutritional assistance, and environmental conservation. The Department consists of 17 agencies employing over 100,000 persons with an annual budget of $95 billion.

Department of Commerce. The US Department of Commerce, administered by the Secretary of Commerce, provides technical support to business and industry, and promotes economic development to improve the standard of living for American citizens. It also provides assistance to, and enforcement of, international trade agreements. This Department has about 40,000 employees and spends approximately $6.5 billion annually.

Department of Education. The role of the US Department of Education, under the direction of the Secretary of Education, is to strengthen the preparation of American students to compete globally by promoting excellence in education and guaranteeing equal educational opportunity for all students. It creates and administers federal financial aid to education; it collects and distributes data pertaining to educational statistics, educational literature, and educational improvement.

However, as education in not one of the duties granted to the Federal Government by the Constitution; the growing intrusion by the Federal Government into State and local districts has been a continuing source of agitation and tension between Federal and State governments.

The Department of Education was created in 1867 to collect and report statistics of education to improve schools' effectiveness. However, over the years, programs and functions of the Department of Education have continued to grow, greatly expanding the role of the Department. Although it is the smallest Cabinet Department with only about 5000 employees, its annual budget of over $77 billion is the third largest. Hence, a responsibility originally left to the States and the People has become a huge function and expenditure of the Federal Government, subject to political agendas that have helped move US educational performance statistics from near the top of international ratings to near the bottom.

The Department of Energy. The Department of Energy was created in 1977 by joining several governmental energy offices. It is the responsibility of this Department to advance the national energy and economic security of the United States by implementing policies to regulate the development and use

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of energy. It is also charged with research and innovation of alternative energy sources, nuclear security, environmental cleanup, and the formulation of a National Energy Policy. The Department has approximately 100,000 employees with a budget of approximately $23 billion.

Department of Health and Human Services. The Department of Health and Human Services is responsible to protect the health of all citizens and to provide them with essential human services. It performs research of health issues on disease, food and drug safety and is responsible for the oversight of health insurance. In this role, it also administers Medicare and Medicaid and oversees the Centers of Disease Control, the National Institutes of Health and the Food and Drug Administration. The budget of this Department is about $700 billion and has over 79,000 employees.

Department of Homeland Security. Administered by the Secretary of Homeland Security, its Mission is to ensure a homeland that is safe, secure, and resilient against terrorism, such as ***ferreting-out*** terrorist ***sleeper cells*** before they can launch attacks, protecting our borders, and other hazards.

Department of Housing and Urban Development. HUD is administered by the Secretary of Housing and Urban Development whose mission is to create strong, sustainable, inclusive communities and quality affordable housing. HUD work***s*** to strengthen the housing market; to bolster the economy and protect consumers; utilize housing as a platform for improving quality of life, and build inclusive and sustainable communities free from discrimination.

Department of the Interior. Administered by the Secretary of the Interior, the department's Mission is to protect and provide access to our nation's natural and cultural heritage and resources, honor our trust responsibilities to Indian Tribes and our commitments to US island Protectorates.



Department of Justice. The Department of Justice is administered by The Attorney General of the United States, whose mission is to enforce law and defend the Nation's interests; to ensure public safety against threats foreign and domestic; to provide federal leadership in preventing and controlling crime; to seek just punishment for those guilty of unlawful behavior; and to ensure fair and impartial administration of justice for all Americans.

Department of Labor. Administered by the Secretary of Labor, the department's Mission is to foster, promote, and develop the welfare of wage earners, job seekers, and retirees of the United States; to improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights.

Department of State. The Mission of the Department of State, administered by the Secretary of State, is to execute the President's foreign policies **to c**reate a more secure, democratic, and prosperous world for the benefit of the American people and the international community through Ambassadors and diplomatic relations with numerous other countries.

Department of Transportation. The Secretary of Transportation administers the Department's Mission to serve the United States by ensuring a fast, safe, efficient, accessible and convenient transportation system that meets our vital national interests, and enhances the quality of life of the American people.

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Department of the Treasury. The Mission of the Department of the Treasury, administered by the Secretary of the Treasury is to collect revenue (the IRS being the largest of the Treasury's bureaus), print money, and formulate economic policy.

Department of Veterans Affairs. Administered by the Secretary of Veterans Affairs, the Department's Mission stands to fulfill President Lincoln's promise "To care for him who shall have borne the battle, and for his widow, and his orphan" by serving and honoring America's Veterans.

Additional Executive Duties of the President. There are hundreds of federal offices and agencies to which the President appoints personnel. The President makes from 1200 to 1400 appointments with Senate approval. He also appoints approximately 300 persons to federal jobs and agencies without Senate approval. He appoints federal judges, ambassadors, and other federal officers.

The president is also involved in legislative action and has the authority to sign or veto laws that Congress enacts. The President can issue Executive Orders to direct action or clarify laws, and he has power to give pardons, or ***commutations***, for federal crimes. As Head of State, the President is involved in diplomatic actions with other nations as well as making treaties which must be ratified by two-thirds of the Senate.

The President is responsible to appraise Congress of the State of the Union and recommend actions he judges necessary and expedient. The President may choose how he desires to present this information, but most presidents have delivered a State of the Union message to a joint session of Congress each January.

The President as Commander-in-Chief

The Joint Chiefs of Staff meet with the President and the Secretary of Defense to provide reports, advice and intelligence briefings pertaining to military issues. The Joint Chiefs of Staff report directly to the President.

Wartime Responsibilities. The Constitution gives Congress the right to declare war but provides the President the responsibility for *prosecuting* a war. This includes the deployment of troops, ordering air strikes, invasions, and other wartime maneuvers. A President may issue Executive Orders to act quickly on military problems or to authorize special orders in the heat of war. Both Executive Orders and Proclamations (such as President Lincoln's Emancipation Proclamation) carry the force of law as long as they stand. However, one President's Executive Orders may be judiciously revoked by the incoming President.

Peacetime Responsibilities. Preserving the peace is a major responsibility of the President which includes the stationing of armed forces in strategic locations and trouble zones to protect, enforce, and maintain peace. Presidents can also use military forces to quell civil disruptions.



President and First Lady Trump Visiting Troops in Iraq

Ceremonial Responsibilities. The President receives soldiers returning home as well as attending to those wounded or killed. He decides those who are to be recognized for outstanding service or receive the Medal of Honor. He determines those who deserve a State funeral. Other Ceremonial duties include visits to military sites, placing a wreath at the

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Tomb of the Unknown Soldier, and being present for special occasions.

The President of the United States is only one person who must fill many different roles at the same time: The President is the Chief of State, Chief Executive, Chief Administrator; Chief Diplomat, Commander in Chief, Chief Legislator, Party Chief, Chief Citizen, and Leader of the Free World. Therefore, when deciding for whom to vote for President, wise people look past gender, ethnicity, rhetoric, and Party affiliation to the critical issues of character, experience, and leadership ability: "It's a big job."

***LIFE PRINCIPLE*:**



"Government's first duty is to protect the people, not run their lives."

– Ronald Reagan (40th US President)

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Principles and Precepts of Government



Topic 15
Modern US Government

Chapter 2

Section Three
Topics 11-15

The Third Branch of Government



VOCABULARY

Maritime: relating to navigation or commerce on the sea
Circuit riders: historically, traveling horseback from one place of assignment to another
Judicial tyranny: unelected Federal judges ignoring or circumventing either State or Federal Constitutional guidelines and precedents in issuing verdicts which become law
Judicial activism: judges' verdicts going beyond the *wording* of the Constitution; allowing personal views and contemporary values to interpret the Constitution
Judicial restraint: the quality of a judge not injecting his/her own preferences and biases into legal proceedings and rulings
Judicial review: a Constitutional doctrine giving the Supreme Court power to annul legislative or executive acts it deems unconstitutional
Veracity: habitual conformity to truth and facts; accuracy

In Lesson 5 we studied the creation of the Supreme Court as specified in Article III of the Constitution, and how Congress was authorized to form subordinate courts. Recall that Congress formed a system of three different types of subordinate federal courts: US Court of Appeals, Special Courts, and US District Courts that filter into every state and region of the Nation.

Since its beginning in 1789, this national court system has demonstrated the Federal concept of government as created by the Constitution; However, the major fear present within the Constitutional Convention, and among the original states, was how could a Federal judiciary be integrated with the State judiciary systems without obliterating the State systems.

Congress met this challenge, and, in the First Congress, passed the Judiciary Act of 1798 which provided the Supreme Court with a Chief Justice and five associate justices. Various Congressional Acts have altered the number of Justices over the years; but since 1869, the number has stayed at nine. They were to convene twice a year to hear appeals from lower Federal courts and from the Supreme Courts of the states. District Courts were established in each state with a single judge to hear minor Federal crime and ***maritime*** cases. Congress then established a special type of court, called Circuit Courts, which met in the same judicial districts as the District Courts to hear the most important Federal cases involving the United States, cases involving financial suits above a certain monetary value, and cases between citizens of different states. Hence, these were mostly trial courts. They did not have Circuit judges, but two Supreme Court Justices served them along with the judge of the District Court.

Supreme Court justices becoming "***circuit riders***" provided integration of Federal judges into state and regional legal cultures. To localize Federal courts, the Judiciary Act required civil trials to

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be in the district where the writ was served, and trials of crimes that involved the death penalty were to be held in the county where the crime was committed.

As the nation grew, added states and expanded westward, caseloads exploded resulting in nearly constant pressure and appeals to change the system. Multiple bills in the late 1800s and into the twentieth century provided evolutionary changes to the third branch of government. Today we have a nearly seamless integration of Federal and State Courts throughout the 50 states of the Union. As we previously studied the five different types of Federal courts; let us now get an overview of the top three major courts in the US Judicial System.

There is one Supreme Court, with its first responsibility being to determine the constitutionality of every law in the Nation. Secondly, it selects appeals from lower court decisions that it will hear and provide final judgments or verdicts.

Beneath the Supreme Court are Circuit Courts, which are *appellate* in nature, meaning that their cases are appeals from lower courts—District Courts which comprise its Circuit, and other designated Federal courts and agencies. These are considered powerful courts, as they have the ability to establish legal *precedence*. Thus, they provide a fixed understanding of a certain law. They operate in 12 Circuits organized within 94 US Judicial Districts and are serviced by 179 judges. There is a thirteenth Circuit: a Federal Judicial Circuit covering the Nation as a whole.

District Courts constitute the third layer of the Court system. Four US territories (Protectorates) also have District Courts that hear both Federal and bankruptcy cases. District Courts are trial courts and resolve disputes by determining the facts of the case, and rendering a verdict based on legal principles. There is at least one District Court in each state as well as in the District of Columbia. Each District also has a Bankruptcy Court. Two other special trial courts exist. Cases involving international trade and custom laws are heard in the Court of International Trade; while claims against the US Government for monetary damages are heard in the US Court of Federal Claims.



Supreme Court Judges

The Supreme Court has been called the "Court of last resort", simply meaning that its rulings define the "highest law of the land" on the specifics of the case and its decision. These rulings have often changed the course of history, and some have come very close to being legislative in nature.

If the citizens really are a government of the people, by the people, and for the people, then judicial philosophies are matters we should consider very deeply. Thomas Jefferson, who was hesitant to place too much power in a federal government, was quite apprehensive about a Supreme Court having only limited restrictions on its actions. He wrote of these fears to friends and colleagues, as the following samples illustrate:

> *If [as the Federalists say] "the judiciary is the last resort in relation to the other departments of the government... "The Constitution, on this hypothesis, is a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they may please. It should be remembered, as an axiom of eternal truth in politics, that whatever power in any government is*

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independent, is absolute also; in theory only, at first, while the spirit of the people is up, but in practice, as fast as that relaxes. Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law ... Letter to Judge Spencer Roane, Nov. 1819

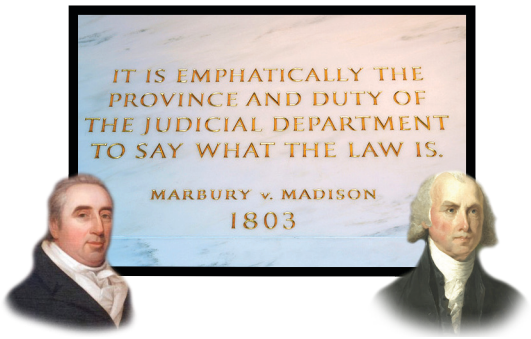
Jefferson was plainly alarmed by the possibility of ***judicial tyranny***.

You seem to consider the judges the ultimate arbiters of all constitutional questions; a very dangerous doctrine indeed, and one which would place us under the despotism of an oligarchy. Our judges… and their power [are] the more dangerous as they are in office for life, and are not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments co-equal and co-sovereign within themselves…. When the legislative or executive functionaries act unconstitutionally, they are responsible to the people in their elective capacity. The exemption of the judges from that is quite dangerous enough. I know of no safe depository of the ultimate powers of the society, but the people themselves... Letter to Mr. Jarvis, Sept,1820

Jefferson was pointing out two significant items. First, the Judiciary was to *interpret* law, not *legislate* it; but since it was empowered to pronounce the final meaning of the Constitution by interpretation, this could become the means to changing the Constitution and hence the new meaning would be equivalent to legislation. Today, this is known as ***judicial activism.***

The second problem, Mr. Jefferson feared, was that the judges were appointed and not elected; and their term is for life based on their good behavior. Therefore, the Constitutional danger is that they do not need to answer to the electorate nor be responsive to the will of the people in ignoring precedent or striking down State laws, as in *Judicial tyranny.* By contrast, judges are expected to exercise ***judicial restraint***. Controversial rulings by the Court have changed the course of history, sometimes for good, but more than a few times have divided the Nation. Examples follow.

Summaries of Sample Supreme Court Decisions



Marbury v. Madison (1803). One of the early decisions of the Supreme Court was rendered as John Adams was leaving office. He had appointed several Federalists to judicial positions, hoping to handicap incoming President Jefferson of the opposite political party. Adams directed his Secretary of State to deliver the appointments to the appointees, but he did not do so. A suit followed, petitioning the Court to require the appointments be delivered. The Court found that the law requiring such action, which was the Judiciary Act of 1789, conflicted with a section of the Constitution. Hence, the Court ruled that the law requiring that the appointments be delivered was unconstitutional. This ruling established the basis for ***judicial review*** by the Supreme Court of all laws passed by Congress.

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Dred Scott v. Sanford (1857). This was the first of several civil rights cases concerning the rights of blacks and the issue of slavery, in spite of the Declaration of Independence stating "all men are created equal." Dred Scott, a slave living in the free Wisconsin territory, moved to Missouri which was a slave state under the Missouri Compromise. Scott appealed to the Supreme court to be granted his freedom. The Supreme Court ruled that the Missouri Compromise was unconstitutional, but concluded that all blacks, whether they were free men or slaves, were not and could never become citizens of the United States. Abolitionists were outraged, enhancing the divide between the North and South.

Plessy v. Ferguson (1896). This was a landmark decision upholding the constitutionality of state laws requiring racial segregation in public facilities under the doctrine of "separate but equal".

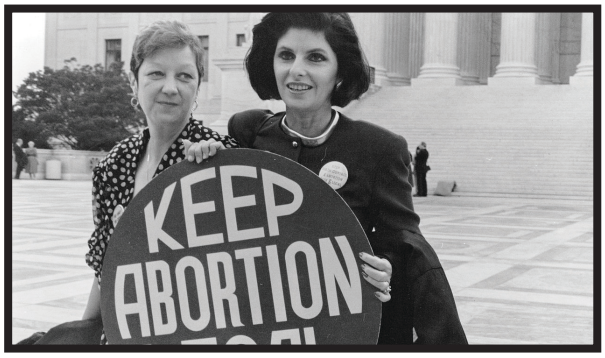
Brown v. Board of Education (1954). Following the Civil War and the Emancipation Proclamation, slaves were free, but schools in many states were segregated. Plaintiffs asserted that the doctrine of "separate but equal" was a masquerade claiming equal treatment of both white and black Americans; instead it perpetuated inferior accommodations, services, and treatment for black students.



Brown v. The Board of Education

The Court ruled that state laws, which established separate public schools for black and white children, were unconstitutional and had detrimental effects, especially on minority children. This ruling sparked the Civil Rights Movement; and although it took another stormy decade to be accepted, was largely responsible for the successful end to segregation.

Miranda v. Arizona (1963). Ernesto Miranda was arrested by Phoenix police who had circumstantial evidence linking him to a rape. After two hours of interrogation, he signed a confession which included a statement that he confessed by his own free will with no coercion or promises of immunity. However, he was not told of his right to counsel previous to signing. He was convicted of murder based on his confession. He appealed to the Supreme Court which reversed his conviction—stating that police need to follow procedures to protect the fifth amendment rights against self-incrimination. This ruling contained stipulations that suspects must be told their right to remain silent, that anything they said could be used against them, and that they had the right to an attorney. This formed the basis of the Miranda Rights warning now used by police nationwide.



Roe v. Wade

Roe v. Wade (1973). A single Texas mother, pregnant with her third child, determined she did not want the child. She sought an abortion, but Texas law prevented her on the basis of the rights of the unborn child. She appealed to the Supreme Court, and it ruled that the Constitutional rights to privacy, extends to a woman's decision to terminate the life of her child. Strong

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dissenting opinions were written by two justices that the Court could not value the rights of a pregnant woman over the existence of her unborn child; and that the Fourteenth Amendment did not encompass the right to terminate a pregnancy stating that all previous courts had upheld legislation prohibiting abortion. This decision divided the nation greater than most other decisions, since it depreciated the value of human life. Demonstrations pro and con have been ongoing. Doctor-turned-Senator Rand Paul bemoans," …a government that refuses to protect innocent life fails in its most basic responsibility and can never be trusted to defend our liberty or property."

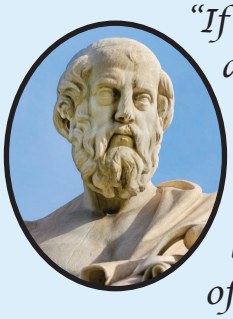
Bush v. Gore (2000). In one of the closest presidential elections on record, George W. Bush and Albert Gore both needed Florida to win the election. Under Florida law, the closeness of the race demanded a machine recount of ballots. A controversy began, that the design of the ballots confused voters, and questioned whether machines could correctly count ballots made by different methods of registering votes. The Florida Supreme Court ordered a manual recount, but the Supreme Court immediately ordered the recount to stop, stating that counting certain ballots by different methods violated the Equal Protection Clause of the Fourth Amendment. The Court found the recount to be invalid because it could not be completed within the State's legal time limit and ordered the original count to stand. Thus, Bush was elected President.

States v. Windsor (2013). Edith Windsor and Thea Spyer, a same-sex couple had been married in Toronto but were living in New York. Spyer died, leaving an estate to Windsor. When Windsor attempted to claim tax exemption for surviving spouses, she was denied because the law which uses the term "spouse" stated that it applied only to marriages between a man and a woman.

Windsor appealed to the Supreme Court. The Court ruled that the 1996 Defense of Marriage Act, which was a Federal law defining marriage as the union of one man and one woman, and allowed states to refuse to recognize same-sex marriages granted under the laws of other states, was unconstitutional. Furthermore, the Court ruled that the Defense of Marriage Act violated the rights of gays and lesbians.

As we have reviewed a very small sampling of the Supreme Court Decisions, we have seen how the Supreme Court has probably brought greater changes than most of the laws passed by Congress and the President. In the first case we reviewed, the Court was elevated above Congress as it determined whether a law passed by Congress was constitutional. In other decisions we reviewed, the original meaning of the Constitution was construed, and rights redefined apart from historical, traditional precedent and understandings to accommodate changing, contemporary narratives. Like any other entity, the ***veracity*** of the Supreme Court depends upon the makeup of its human constituents.

LIFE PRINCIPLE:



"If you do not take an interest in the affairs of your government, then you are doomed to live under the rule of fools."

– Plato (Greek Philosopher)

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