



## **Clay County Civics Review**

### **Unit 2:**

#### **The Constitution**

**C.1.5, C.1.6, C.1.7,  
C.1.8, C.2.5, C.3.3**

Review content provided by Florida Joint Center for Citizenship

Review tasks created by Kelly Watt, unless otherwise indicated



## **Clay County Civics Review Packet: Important Notes and Directions**

### **Important Notes:**

#### **1. Limitations:**

This packet was created as a self-paced review tool for 8<sup>th</sup> graders enrolled in M/J United States History & Civics in preparation of the state-mandated Civics EOC. This packet will never replace the value of daily teacher instruction. Because it is designed to be completed independently of regular class instruction, success with this material is heavily dependent upon student effort. Students are encouraged to seek the assistance of their social studies teacher throughout the process. Additional resources, including videos for every benchmark, can be found on Escambia County Schools' EOC review site:

<http://www.ecsd-fl.schoolloop.com/civics>

#### **2. Organization**

The civics curriculum is comprised of 35 tested benchmarks. A benchmark identifies what a student should know and be able to do. Every benchmark contains benchmark clarifications (BC) which indicate how achievement of that benchmark must be demonstrated.

In this packet, students have a set of notes providing background information on every benchmark clarification, courtesy of [Florida Joint Center for Citizenship](#). For each BC, they also have a learning activity. Following completion of the BC tasks, students use what they've learned to complete a single benchmark task.

### **Directions:**

Note: These are standardized directions. Teachers can modify this fit each individual student's needs. Students should be aware of their teacher's expectations for each unit.

1. Review what the benchmark is asking you to know and be able to do.
2. Review the tasks associated with each benchmark clarification (BC).
3. Conduct a close read of the first set of notes with BC1.
4. On a separate sheet of paper (unless otherwise indicated), create your written response to the task associated with BC1. Take time to create a quality response, explaining all of your answers with details from the notes.
5. Repeat steps 2-4 with the remaining BC tasks.
6. Read and complete the benchmark task at the bottom of the page. Your response to these questions should be a minimum of 7 sentences long.
7. Turn in entire packet plus written work to your teacher with your name at the top.

\*\*You are encouraged to seek the assistance of your teacher if you have any questions.



**C.1.5:**

**Identify how the weaknesses of the Articles of Confederation led to the writing of the Constitution.**

Benchmark Clarification	Task
BC1	Read the benchmark clarification summary for a general overview of the Articles of Confederation. Then read the article and respond to the questions, citing text evidence for each question.

**Extra Practice:** [Ben's Guide on Articles of Confederation](#)

**Benchmark Task:**

Write an argument explaining the weaknesses of the Articles of Confederation. Cite specific evidence from the reading to support your argument.

**SS.7.C.1.5**

Identify how the weaknesses of the Articles of Confederation led to the writing of the Constitution.

**SS.7.C.1.5 Benchmark Clarification:** Students will identify the weaknesses of the government under the Articles of Confederation.

After drafting the **Declaration of Independence**, the colonists needed to create a system of government for the new and independent nation. The first government of the United States was the **Articles of Confederation**. The colonists chose to create a **confederation** which is a state-centered, decentralized (no central power) government where the main powers of government were controlled by the states. The Articles of Confederation was a direct response to the long list of grievances (complaints) against King George III, the **monarch** who controlled the executive, legislative, and judicial powers for the colonies. When one person controls all aspects of government, this is called a unitary system.

To avoid a unitary system from forming in the new nation, the colonists decided to create a confederal government that was very different. This new confederation would have a system of government with no central power that would reflect the colonists' fear of a powerful national government. Since the colonists were hoping to avoid a powerful national government and leader, they included some very strict limits on the government that have been identified as weaknesses of the Articles of Confederation. Below is a list of these weaknesses:

<b>Weakness of the National Government</b>	<b>What does this mean?</b>
Congress had no power to tax	Congress could not collect money from the states to create and pay for an army and navy to defend the nation.
Congress had no power to <b>regulate</b> trade	Congress could not make laws about the types of goods coming into the country. As well, the states may have had different policies related to trade.
Congress had no power to <b>enforce</b> its own laws	The laws that Congress passed had no real influence on the people because they were not being enforced, and therefore, did not have to be followed.
The national government lacked a national court system	There was not a set of national rules or national organizations that would determine how the laws should be applied. This means there was no judicial branch.
The national government lacked central leadership	There was no chief executive who could manage the national government. This means there was no executive branch.
Amendments to the Articles of Confederation required <b>unanimous</b> consent of the 13 state legislatures	Changing the government was very difficult. If one state legislature did not like a proposed change, it could vote against the <b>amendment</b> which would prevent change from taking place even if the other 12 states agreed on the amendment.



Because the Articles of Confederation created a decentralized (no central power) system of government, each state operated as an independent country in many ways. Each state was able to make trade agreements with other nations, each state established its own military, and each state made laws that its residents were expected to follow. The result of these actions was that the states were not operating as one nation and were, therefore, weak and could be attacked by other countries.

Adding to these concerns was **Shays's Rebellion**. Shays's Rebellion is the name given to an event where 2000 western Massachusetts farmers protested in county courthouses to prevent the government from taking their farm lands. The government of Massachusetts was threatening to take the land from these farmers because they had not paid their **taxes** and other debts (something owed, such as money) during the Revolutionary War, even though the government told them they did not have to pay those taxes. Because the government of Massachusetts had not held up their end of the bargain, the farmers **revolted**.

Shays's Rebellion made leaders within the national government examine the Articles of Confederation a little more closely. In February of 1787, five states sent representatives to meet in Annapolis, Maryland to determine what to do next. They decided to call for a meeting of all 13 states to meet in Philadelphia that summer with the main purpose of fixing the Articles of Confederation. This meeting in Philadelphia would later be known as the **Constitutional Convention**, because this is where the U. S. Constitution was written to replace the Articles of Confederation.

**amendment** - a change to the U.S. Constitution

**Articles of Confederation** - the first constitution of the United States

**Constitutional Convention** - a meeting in Philadelphia in 1787 where delegates decided to throw out the Articles of Confederation and draft the Constitution

**Declaration of Independence** - a document written in 1776 that listed the basis for democratic government and the grievances of the colonists

**confederation** - a system of government where power is located with the independent states and there is little power in the central government

**enforce** – to carry out effectively

**monarch** - a form of government headed by a king or queen who inherits the position, rules for life, and holds power that can range anywhere between limited to absolute

**regulate** - to control, govern, or direct according to rule

**revolt** - to rise up against the authority of a ruler or government

**Shays's Rebellion** - an event when 2000 Massachusetts farmers rebelled against land foreclosures and debt from the Revolutionary War

**tax** - money levied by a government for specific facilities or services

**unanimous** - in complete agreement



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## The Articles of Confederation

The Articles of Confederation was written in 1776 and finally ratified, or approved, by the original thirteen states in 1781. Maryland was the last state to ratify the document in 1781. The confederation was the first government of the newly formed United States. A confederation is a government system where power is located with the independent states and there is little power in the central government. The desire for a confederation came from the colonists' experience under King George III from England. They wanted to create a system that wouldn't allow for unfair taxing or limiting individual rights.

Under the Articles of Confederation, most power was with the states. The articles stated that each colony was to act as an independent state, and that each state had the right to pass laws within their borders. The articles also established a weak national legislature to oversee interactions between the states.

Under the Articles of Confederation, states maintained their freedom and independence. As a result, states functioned in many ways as independent countries. For example, several states negotiated their own trade agreements with other countries, while other states established their own militaries.

With the states having the majority of government power, the central government had no control over the states' actions and people began to fear that this system of government was not working because the national government was too weak. The Congress did not have the power to tax, so it could not pay for the army and navy needed to defend the nation. It also couldn't regulate the trade agreements states were making with other countries. The Congress could also not enforce any laws they passed because there was no central leadership to make sure that laws were being enforced in each state or a central judicial system to interpret laws or settle disputes between states. Finally, if any changes were to be made to the Articles of Confederation, unanimous approval from all 13 states was required. This made it difficult to make any changes to the articles. As a result, the lack of powers held by the weak national Congress combined with each state's independent actions, raised concerns that the Articles of Confederation were not designed in a way to protect the new nation.

By 1786 the economy of the United States was struggling due to debt, or money owed, from the Revolutionary War and because states were arguing over boundary lines and taxes. This economic situation impacted individual states and also individual citizens, especially farmers and merchants. These circumstances led to Shays's Rebellion, a revolt by 2,000 western Massachusetts farmers who marched on county courthouses to prevent land foreclosures. A foreclosure is when a bank or other entity takes back property when taxes or debts are not paid. The farmers' land was threatened with foreclosure because they were promised that they did not have to pay taxes and other debts on their land during the Revolutionary War. These promises were not kept and this led the farmers to revolt. Congress did not respond because it was too weak and did not have its own army. The Massachusetts militia finally ended the rebellion, but the situation made it clear that the national government did not have the ability to maintain order in this new nation. After Shays's Rebellion, Alexander Hamilton of New York organized a meeting in Philadelphia in 1787. This meeting, called the Constitutional Convention, would eventually throw out the Articles of Confederation and draft the Constitution.

The freedom that the American Revolution sought to preserve proved to create a government under the Articles of Confederation that could not keep law and order. However, the experience with the Articles of Confederation led to the writing of the Constitution in 1787.

Adapted from: Florida Joint Center for Citizenship, Elementary Civics Module for SS.5.C.1.4, #2, <http://www.ushistory.org/gov/2b.asp> and <http://www.kidspast.com/world-history/0368-articles-of-confederation.php>.

## **Understanding the Articles of Confederation**

Directions: While you read, mark text that helps you answer the following guiding questions. After reading, cite the specific text-based evidence that helps you answer each question. Then, write your answers in complete sentences and in your own words.

### **What is the Articles of Confederation?**

Evidence from Text	
Answer in complete sentences	

### **What is a confederation?**

Evidence from Text	
Answer in complete sentences	

### **What were the weaknesses of the Articles of Confederation?**

Evidence from Text	
Answer in complete sentences	

### **What does the term debt mean? What does debt have to do with Shays's Rebellion?**

Evidence from Text	
Answer in complete sentences	

### **How did Shays's Rebellion lead to the Constitutional Convention?**

Evidence from Text	
Answer in complete sentences	

### **What happened at the Constitutional Convention?**

Evidence from Text	
Answer in complete sentences	



**C.1.6: Interpret the intentions of the Preamble of the Constitution**

\*See an easy-to-read copy of the Constitution [here](#)

Benchmark Clarification	Task
BC1	What is the purpose of the Constitution? What is the purpose of the Preamble as it applies to the Constitution? Respond in complete sentences.
BC2	This handout explains each of the six goals and purposes of the US government. For each one, draw a picture that reflects what this means to our government. Add a caption to each picture.
BC3	What is the importance of beginning the Constitution with “We the People?”

**Extra Practice:**

[\*\*School House Rock Video “The Preamble”\*\*](#)

**Benchmark Task:**

Using what you have learned from the analysis of the Preamble, explain where the government gets its power and what the six goals and purposes of government are according to the Preamble.

**SS.7.C.1.6**

*Interpret the intentions of the Preamble of the U.S. Constitution.*

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**SS.7.C.1.6 Benchmark Clarification 1:** Students will explain how the Preamble serves as an introduction to the U.S. Constitution, establishing the goals and purposes of government.

The U.S. Constitution begins with a one-sentence introduction called the Preamble. The Preamble explains the goals and purposes of the government. The Preamble begins with the phrase “We the People, of the United States” and then states six goals and purposes of the government: 1. **form a more perfect union**, 2. **establish justice**, 3. **insure domestic tranquility**, 4. **provide for the common defence**, 5. **promote the general welfare**, and 6. **secure the blessings of liberty to ourselves and our posterity**. The Preamble ends with the phrase: “do **ordain** and establish this Constitution for the United States of America”. The final phrase of the Preamble means that the people establish the U.S. Constitution to begin a new national government.

**establish justice** - make a fair and honest system for all

**form a more perfect union** - create an even better government that will make life better for all

**insure domestic tranquility** - government will protect citizens from conflict in the country and make sure that states do not go to war with each other

**ordain** - to establish something by law

**provide for the common defence** - protect the country from other countries or groups that might try to harm us

**promote the general welfare** - government is focused on the public interest and that every state and individual can benefit from what the government can provide

**secure the blessings of liberty to ourselves and our posterity** - secure liberty and freedom for current and future generations



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**SS.7.C.1.6**

*Interpret the intentions of the Preamble of the U.S. Constitution.*

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**SS.7.C.1.6 Benchmark Clarification 2:** Students will identify the goals and purposes of government as set forth in the Preamble of the U.S. Constitution.

The **Preamble** of the U.S. Constitution lists six goals and purposes of the U.S. government. The first goal listed in the Preamble is “form a more perfect union” and means that the purpose of the U.S. Constitution was to create an even better government than the one that was in place during the writing of the document (the Articles of Confederation). The next goal listed in the Preamble is that the government will “establish justice”. This means that the government places the law higher than any individual, including government officials. Establish justice also means that all people will be treated fairly and equally under the law. The third goal listed in the Preamble is “insure domestic tranquility”. This goal means that the government will protect citizens from conflict in the country and make sure that states do not go to war with each other.

The fourth goal listed in the Preamble is “provide for the common defence”. This means that government will provide one central defense against any attacks from outside countries or groups. The next goal is “promote the general welfare”. This means that government is focused on the public interest and that every state and individual can benefit from what the government can provide. This goal relates to other goals listed in the Preamble. Establishing justice, insuring domestic tranquility, and providing for the common defense are all things that benefit the public interest. The sixth and final goal is “secure the blessings of liberty for ourselves and our posterity”. This means that by having a government focused on the public interest, current and future generations will have a government that protects liberty and freedom.

**Preamble** – the introduction to the U.S. Constitution



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**SS.7.C.1.6**

*Interpret the intentions of the Preamble of the U.S. Constitution.*

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**SS.7.C.1.6 Benchmark Clarification 3:** Students will recognize that the intention of the phrase “We the People” means that government depends on the people for its power and exists to serve them.

The **Preamble** begins with the phrase, “We the People”. The writers of the U.S. Constitution began the Preamble with these words to guarantee that the people would be the source of the government’s power and that power would not fall into the hands of a single king or ruler. By starting the Preamble in this way, the writers were making it clear that the government not only receives its power from the people, but also exists to serve them. The writers of the U.S. Constitution also knew that the power of the document depended on the approval of the majority of the people.

**Preamble** – the introduction to the U.S. Constitution



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**C.1.7:**

**Describe how the Constitution limits the powers of government through separation of powers and checks and balances.**

Benchmark Clarification	Task
BC1	How does the Constitution limit government? Which historical document did we get this idea from? (See benchmark C.1.2 in Unit 1)
BC2	Draw a picture or graphic organizer illustrating each of the two limitations to power: SEPARATION OF POWERS and CHECKS AND BALANCES
BC3	How does separation of powers protect Americans against tyranny? And how does checks and balances <i>further</i> protect citizens? Use details and examples to explain your answer.
BC4	Create a diagram, with arrows, that shows how the three branches of government check up on each other. Use examples from the reading.

**Extra Practice:** [FLVS Civics Video: Checks and Balances](#)

[iCivics Branches of Powers game](#)

[Sheppard Software Checks and Balances Game](#)

**Benchmark Task:**

In Federalist No. 47, James Madison wrote the following:

*“...Montesquieu was guided... in saying ‘There can be no liberty where the legislative and executive powers are united in the same person, or body’ ... he did not mean that these departments ought to have ... no CONTROL over, the acts of each other.”*

Explain the passage in your own words and how this passage is related to the concept of checks and balances.

**SS.7.C.1.7**

*Describe how the Constitution limits the powers of government through separation of powers and checks and balances.*

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**This material is adapted from resources developed by the Center for Civic Education.**

**SS.7.C.1.7 Benchmark Clarification 1:** Students will explain the concept of limited government as set forth in the U.S. Constitution.

The Constitution includes the principle of **limited government**. This means that government can do only what the people allow it to do. In the United States the government is limited in power by a constitution, or written agreement. **Constitutional government** is a form of government based on a written set of laws to which all citizens agree. In this form of government, the Constitution is the highest law of the land. The Constitution limits the power of both the federal and state governments. It says what each may and may not do. Constitutional government is organized in such a way that one person or group cannot get enough power to control the government.

**constitutional government** - a form of government based on a written set of laws that all citizens agree to; in this form of government, the constitution is the highest law of the land

**limited government** - a government that has been limited in power by a constitution, or written agreement

**Source**

Quigley, C., & Rodriguez, K. *We the People: The Citizen and the Constitution*. Calabasas, CA: Center for Civic Education, 2007. Print.



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**SS.7.C.1.7**

*Describe how the Constitution limits the powers of government through separation of powers and checks and balances.*

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**SS.7.C.1.7 Benchmark Clarification 2:** Students will describe and distinguish between the concepts of separation of powers and checks and balances.

The writers of the U.S. Constitution, known as Framers, acted to protect Americans against governmental abuse of power. In order to set limits on power, the Framers divided the federal government into three branches. This **separation of powers** sets up three branches with their own distinct powers and responsibilities. Influenced by French thinker Baron de Montesquieu, the Framers believed that in order to protect the people's liberty, each branch would have different tasks. This separation of powers, the Framers believed, would limit the ability of any one branch from gaining too much power.

This system was set up to limit the authority of the government. However, the Framers still feared that one branch of government could gain control of the other two. In order to ensure no one of the three branches would become too powerful, they established checks and balances. The principle of **checks and balances** allows each branch of government to limit the power of the other branches.

**checks and balances** - a principle of the federal government, according to the U.S. Constitution, that allows each branch of government to limit the power of the other branches

**separation of powers** - the structure of the federal government, according to the U.S. Constitution, that sets up three branches with their own distinct powers and responsibilities

**Source:**

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**SS.7.C.1.7**

*Describe how the Constitution limits the powers of government through separation of powers and checks and balances.*

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**SS.7.C.1.7 Benchmark Clarification 3:** Students will analyze how government power is limited by separation of powers and checks and balances.

To prevent the government from abusing its powers, the U.S. Constitution is organized around a **separation of powers** system that utilizes **checks and balances**. The power to make laws, enforce laws, and interpret laws is separated into three different branches of government while the government is further limited by checks and balances by allowing each branch to check or restrain the powers of the other two branches. These are ways that each branch can limit the power of the other two branches.

**checks and balances** - a principle of the federal government, according to the U.S. Constitution, that allows each branch of government to limit the power of the other branches

**separation of powers** - the structure of the federal government, according to the U.S. Constitution, that sets up three branches with their own distinct powers and responsibilities

**Source:**

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**SS.7.C.1.7**

*Describe how the Constitution limits the powers of government through separation of powers and checks and balances.*

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**SS.7.C.1.7 Benchmark Clarification 4:** Students will be able to recognize examples of separation of powers and checks and balances.

In a **separation of powers** system, the power of government is not given to any one branch. Instead, some of the power is given to each branch. The legislative branch has the power to create new laws, the executive branch has the power to carry out and enforce laws, and the judicial branch has the power to interpret laws.

Each branch of government can check the powers of the other branches. The executive branch may **veto** laws passed by Congress, nominate certain government officials and Supreme Court justices, and propose new legislation. The president can make treaties, but they must be **ratified** by the Senate. The legislative branch can **impeach** and convict the president, other members of the executive branch, and federal judges. Congress may pass laws over the president's veto by two-thirds majority vote of both houses. The legislative branch may reject appointments made by the president as well as propose amendments to the United States Constitution. The judicial branch may declare executive actions and laws passed by Congress unconstitutional. This power of **judicial review** allows U.S. courts to examine the laws or actions of the legislative and executive branches of the government and to determine whether such actions are consistent with the U.S. Constitution. Judicial review is an important check on the legislative and executive branches because it prevents them from straying too far from the Constitution. The Supreme Court case that established the power of judicial review is ***Marbury v. Madison***. Since the judicial branch has the power to interpret laws, it must be able to determine if a law is unconstitutional and declare it "null and void".

This system of distributed and shared powers spelled out in the U.S. Constitution provides limited government to prevent the abuse of power.

**impeach** - to bring formal charges of wrongdoing against a public official (such as the U.S. President)

**judicial review** - the power of the U.S. courts to examine the laws or actions of the legislative and executive branches of the government and to determine whether such actions are consistent with the U.S. Constitution

**Marbury v. Madison** - U.S. Supreme Court case that established judicial review

**ratify** - to confirm by expressing consent or approval

**separation of powers** - the structure of the federal government, according to the U.S. Constitution, that sets up three branches with their own distinct powers and responsibilities

**veto** - to a decision by an executive authority such as a president or governor to reject a proposed law or statute

**Source:**

Quigley, C., & Rodriguez, K. *We the People: The Citizen and the Constitution*. Calabasas, CA: Center for Civic Education, 2007. Print.



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**C.1.8:**

**Explain the viewpoints of the Federalists and the Anti-Federalists regarding the ratification of the Constitution and inclusion of a bill of rights.**

Benchmark Clarification	Task
BC1	<b>Paragraph 1:</b> What did the Federalists want? Why did they think they were right?  <b>Paragraph 2:</b> What did the Anti-Federalists want? Why did they think they were right?
BC2	Read and complete the chart, "Federalists and Anti-Federalists Viewpoints."
BC3	Why did the Anti-Federalists believe that a bill of rights was absolutely needed in the Constitution?

**Extra Practice:** [Video on Federalists and Anti-Federalists](#)

**Benchmark Task:**

Using what you have learned from the reading and activity sheets, explain the viewpoints of the Federalists and Anti-Federalists regarding the ratification of the Constitution. As part of your response, explain why the Anti-Federalists found it necessary to include a bill of rights.

**SS.7.C.1.8**

*Explain the viewpoints of the Federalists and the Anti-Federalists regarding the ratification of the Constitution and inclusion of a bill of rights.*

**SS.7.C.1.8 Benchmark Clarification 1:** Students will identify the viewpoints of the Federalists and the Anti-Federalists about the ratification of the U.S. Constitution.

The **Federalists**, who spread their views in writings called the **Federalist Papers**, wanted the states to **ratify** the Constitution as written in 1787. This would create a federal system of government in the United States where the central government would share power with the states. Federalists believed that the way the government was set up under the new Constitution provided protection for people's rights in the following ways:

- Constitutional big ideas such as separation of powers and the system of checks and balances protected the people because no branch of government could get too strong.
- By *not* listing specific rights in the Constitution, the people were protected better than they would be if the rights were actually listed. This is because it is impossible to list all of the rights of the people. Listing any specific rights might have meant the government could violate any unenumerated (not listed) rights.
- Federalists thought that the Constitution would better unite the country and would lead to the growth of more business than would be possible if the Articles of Confederation were kept as the system of government.

The **Anti-Federalists**, who published their views as the **Anti-Federalist Papers**, were against the ratification of the Constitution and only wanted to make minor changes to the government as set up under the Articles of Confederation. They thought that the Constitution made a national government that was too strong and thought that the Constitution shouldn't be passed for the following reasons:

- Too much power would be taken away from the states.
- The Constitution needed a specific listing of rights to protect the people from the national government.
- The national government would be allowed to keep an army in times of peace.
- The “**necessary and proper**” clause, also known as the “elastic clause,” of the Constitution would give too much power to the Congress.
- The Executive Branch would be too strong.
- The system of government (federalism) described in the Constitution was too new and untested – few governments around the world had tried such a method.
- The way that the Constitution was to be ratified would conflict with the Articles of Confederation (which required unanimous consent of all 13 states for any amendments; the ratification of the Constitution required 9 of 13 states in order for the new government to take effect).
- A country the size of the United States could not be governed by one central government.

**Anti-Federalist Papers** - a series of essays written to counter and defeat the proposed U.S. Constitution

**Anti-Federalists** - a group of people in the early United States who opposed ratification of the U.S. Constitution because they feared a strong national government and a lack of protection for individual rights

**Federalist Papers** - a series of essays written to explain and defend the proposed U.S. Constitution

**Federalists** - a group of people in the early United States who favored the establishment of a strong national government and who worked for ratification of the U.S. Constitution

**necessary and proper clause** - the power of Congress to make laws they view as necessary and proper to carry out their enumerated powers; also known as the elastic clause

**ratify** - to confirm by expressing consent, approval, or formal sanction



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**SS.7.C.1.8**

*Explain the viewpoints of the Federalists and the Anti-Federalists regarding the ratification of the Constitution and inclusion of a bill of rights.*

**SS.7.C.1.8 Benchmark Clarification 2:** Students will compare the viewpoints of the Federalists and the Anti-Federalists about the ratification of the U.S. Constitution.

<b>Concern about Government Power</b>	<b>Federalist Viewpoint</b>	<b>Anti-Federalist Viewpoint</b>
Power between the states and national government	The national government would have enumerated (listed) powers that would protect all the people no matter the state in which they lived.	Too much power would be taken from the states; a <b>federal</b> system was too new and untested.
An enumerated listing of individual rights	By not listing specific rights in the Constitution, the people were protected better than they would be if the rights were actually listed. It is impossible to list all of the rights of the people which would put the people at risk of the government violating unenumerated (not listed) rights.	The Constitution needed a specific listing of rights to protect the people from the national government
Legislative powers	The <b>necessary and proper clause/elastic clause</b> would allow Congress to respond to the needs of all the people.	The necessary and proper/elastic clause would give too much power to Congress. Congress would use the necessary and proper/elastic clause to abuse its power.
Powers of the national government	<b>Separation of powers and checks and balances</b> protected the people from any branch of government becoming too strong.	Separation of powers and checks and balances did not protect the people from any branch of government becoming too strong.
The country needed to be united	The Constitution would better unite the country than the Articles of Confederation.	The nation could be united while the states would keep their individual identities.

**checks and balances** - a principle of the federal government, according to the U.S. Constitution, that allows each branch of government to limit the power of the other branches

**federal** - a system of government where power is shared between a central government and states

**necessary and proper clause** - the power of Congress to make laws that they need to carry out their enumerated powers

**separation of powers** - the structure of the federal government, according to the U.S. Constitution, that sets up three branches with their own distinct powers and responsibilities



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## Comparing Viewpoints: Federalists and Anti-Federalists

	<b>Anti-Federalists Arguments</b>	<b>Federalists Responses</b>
<b>1.</b>	Under the Constitution as written, too much power is given to the federal government, and too much power is taken away from the states.	The only tasks the federal government may address are those that affect the nation as a whole, such as defense, trade, and currency. A strong central government is necessary in order to complete those tasks. The Constitution will protect the governments of the individual states.
Write a summary in your own words.		
How do these viewpoints compare?		
<b>2.</b>	There is no list of rights held by the people and states in the Constitution. Such a list is necessary to protect the people from abuses by the federal government.	There is no need for a list of rights guaranteed to the individual and the states. The powers of the federal government are limited, and to include such a listing would suggest that the individual can only expect to have those rights listed protected.
Write a summary in your own words.		
How do these viewpoints compare?		
<b>3.</b>	The Necessary and Proper (elastic) Clause is too vague, and can be interpreted in too many ways. This clause gives too much power to the federal government – there are many dangers of the federal government using this clause to gain more power over the states and individuals.	The Necessary and Proper (elastic) Clause is needed, so that the federal government is able to address the tasks for which it is responsible.
Write a summary in your own words.		
How do these viewpoints compare?		

Adapted from: <http://const4kids.forums.commonground13.us/?p=72%20-%20compare%20and%20contrast>

**SS.7.C.1.8**

*Explain the viewpoints of the Federalists and the Anti-Federalists regarding the ratification of the Constitution and inclusion of a bill of rights.*

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**SS.7.C.1.8 Benchmark Clarification 3:** Students will recognize the Anti-Federalists' reasons for the inclusion of a bill of rights in the U.S. Constitution.

Most importantly, the **Anti-Federalists** thought it was important for the Constitution to include a bill of rights. This listing of specific rights protecting the speech, property and religious expression of the people, among many other rights, would protect the people from the federal government abusing its power. The way that the British treated the colonists before they declared independence was fresh in their minds and many Americans felt that a specific listing of rights was needed.

The Constitution was eventually **ratified** by all of the states. Soon after **ratification**, Congress and the states also ratified the **Bill of Rights**. This compromise allowed the **Federalists** to get the Constitution ratified while also respecting the Anti-Federalist belief that to ensure that the protection of the rights of the people the Constitution needed a Bill of Rights.

**Anti-Federalists** - a group of people in the early United States who opposed ratification of the U.S. Constitution because they feared a strong national government and a lack of protection for individual rights

**Bill of Rights** - the first ten amendments of the U.S. Constitution

**Federalists** - a group of people in the early United States who favored the establishment of a strong national government and who worked for ratification of the U.S. Constitution

**ratification** - the process of formally approving something; ratification of the U.S. Constitution

**ratify** - to confirm by expressing consent, approval, or formal sanction



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**C.2.5: Distinguish how the Constitution safeguards and limits individual rights.**

Benchmark Clarification	Task
BC1	Read and complete the attached reading/questions titled “The US Constitution: Limiting and Safeguarding Individual Rights”
BC2	
BC3	
BC4	

**Extra Practice:** [The Constitution WebQuest](#)

**Benchmark Task:**

In a paragraph of at least 8 sentences, explain how the U.S. Constitution protects rights and explain how rights can be limited.

**SS.7.C.2.5**

*Distinguish how the Constitution safeguards and limits individual rights.*

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**This material is adapted from resources developed by the Center for Civic Education.**

**SS.7.C.2.5 Benchmark Clarification 1:** Students will recognize that rights are protected, but are not unlimited.

The writers of the U.S. Constitution wanted to create a **federal government** that was effective and powerful, but one that also **safeguards** the rights of individuals. The U.S. Constitution establishes a system that protects the rights of individuals and in turn, limits the powers of the federal government. The Bill of Rights lists many individual rights and guarantees that the government will not interfere with these rights. Other individual rights safeguarded in the U.S. Constitution are located in Article I, Section 9. These rights include the writ of ***habeas corpus*** and ***ex post facto laws***.

Although the Constitution safeguards rights, it is reasonable and fair to place limits on most rights. This means that rights are not absolute and can be limited in certain situations. Over the years, courts in the United States have developed various guidelines for limiting individual rights. These guidelines are used to help decide when individual rights interfere with other important rights and interests, including the rights of other individuals. Citizens may not exercise their freedoms to the full extent that they might like because doing so would threaten the **common good**. Federal and state laws, and U.S. Supreme Court decisions, have all placed limitations on **First Amendment** freedoms in order to protect the **public interest**. Rights and freedoms have been safeguarded because they are a foundation of the system of government in the United States while they are also limited in order to insure that the government is stable.

**common good** - beliefs or actions that are seen as a benefit to the larger community rather than individual interests, also known as the public good

**ex post facto law** - a law that makes an act a crime after the crime has been committed

**federal government** - a system of government where power is shared between a central government and states, government of the United States

**First Amendment** – an amendment to the U.S. Constitution prohibiting Congress from establishing a religion, and from interfering with freedom of religious exercise, press, speech, assembly, or petition

***habeas corpus*** - the principle that keeps the government from holding a citizen indefinitely without showing cause

**public interest** - common benefit, the general benefit of the public

**safeguard** - to protect

**Source:**

Quigley, C., & Rodriguez, K. *We the People: The Citizen and the Constitution*. Calabasas, CA: Center for Civic Education, 2007. Print.



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**SS.7.C.2.5**

*Distinguish how the Constitution safeguards and limits individual rights.*

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**This material is adapted from resources developed by the Center for Civic Education.**

**SS.7.C.2.5 Benchmark Clarification 2:** Students will examine rationales for limited individual rights.

Freedom of expression includes the **First Amendment** rights of free speech, press, assembly, and petition. The unlimited right to free expression may be dangerous to public safety, national security, or other important interests. If the danger is great enough, the courts have allowed freedom of expression to be limited. Also, some rights may be limited when they conflict with other rights or with other important values and interests. In situations where the rights of one citizen may conflict with the rights of other citizens, limitations to protect everyone's rights may be put into place.

In the landmark case *Schenck v. U.S.* (1919), the Supreme Court set the **precedent** of the "balancing test." This balancing test focuses on the relationship between individual rights and the **public interest**. Rights may be limited when the public interest is threatened or at risk. The U.S. Supreme Court has ruled on different occasions that the government may be allowed to limit individual rights in order to protect the public interest. In these situations, there must be a balance of **individual rights**, the rights of others, and the **common good**.

**common good** - beliefs or actions that are seen as a benefit to the larger community rather than individual interests, also known as the public good

**First Amendment** - an amendment to the U.S. Constitution prohibiting Congress from establishing a religion, and from interfering with freedom of religious exercise, press, speech, assembly, or petition

**individual rights** - rights guaranteed or belonging to a person

**precedent** - a court decision in an earlier case with facts and legal issues similar to those in a case currently before a court

**public interest** - common benefit, the general benefit of the public

**Source:**

Quigley, C., & Rodriguez, K. *We the People: The Citizen and the Constitution*. Calabasas, CA: Center for Civic Education, 2007. Print.



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**SS.7.C.2.5**

*Distinguish how the Constitution safeguards and limits individual rights.*

**SS.7.C.2.5 Benchmark Clarification 3:** Students will use scenarios to examine the impact of limits on individual rights on social behavior.

The U.S. Supreme Court has ruled that the government sometimes may be allowed to limit **individual rights**, specifically **freedom of speech** and freedom of the press. In general, there must be a balance of individual rights, the rights of others, and the **common good**.

Listed below are additional conditions used to limit freedom of speech and freedom of the press.

- ✓ Clear and Present Danger – Will this act of speech create a dangerous situation?
- ✓ Fighting Words – Will this act of speech create a violent situation?
- ✓ Libel – Is this information false or does it put true information appear false?
- ✓ Conflict with Government Interests – During times of war the government may limit acts of speech due to national security.

One scenario where the U.S. Supreme Court upheld Congress' right to limit individual rights was in *Schenck v. U.S.* (1919). In this case, the U.S. Supreme Court upheld the Espionage Act of 1917, legislation that limited free speech during **World War I**. Charles Schenck was Secretary of the Socialist Party of America who printed and distributed 15,000 pamphlets to possible **draftees** (someone registered for **selective service**) encouraging them not to fulfill their obligation of serving in the military during World War I. Schenck argued that the Espionage Act of 1917 violated his First Amendment freedom of speech by limiting what he could say about the war. The U.S. Supreme Court upheld Schenck's criminal conviction because, it argued, the First Amendment does not protect speech that would create a "clear and present danger". In this case, draftees who refused to be drafted to defend the nation during World War I would threaten the **public interest** because it would reduce the nation's ability to defend itself.

**common good** - beliefs or actions that are seen as a benefit to the larger community rather than individual interests, also known as the public good

**draftee** – someone registered for selective service that is chosen by the government for military service

**freedom of speech** - the right for citizens to speak freely without government involvement; guaranteed in the First Amendment

**individual rights** - rights guaranteed or belonging to a person

**public interest** - common benefit, the general benefit of the public

**selective service** - a system by which men ages 18 through 25 register with the U.S. government for possible military service

**World War I** - a war between the allies (Russia, France, British Empire, Italy, U.S., Japan, Romania, Serbia, Belgium, Greece, Portugal, Montenegro) and the central powers (Germany, Austria-Hungary, Turkey, Bulgaria) from 1914 to 1918



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**SS.7.C.2.5 Benchmark Clarification 4:** Students will examine the role of the judicial branch of government in protecting individual rights.

The **judicial branch** plays an important role in how the government protects **individual rights**. The writers of the U.S. Constitution designed an **independent judiciary** where the judicial branch would have freedom from the executive and legislative branches. The U.S. Constitution guaranteed that judges would serve “during good behavior” and would be protected from any decrease in their salaries. Both of these features prevent the other two branches from removing judges or decreasing their salaries if they don’t like a judge’s opinion (decision) on a case. This gave the judicial branch the freedom to make decisions based on the law and not based on pressure from the other two branches.

The writers of the U.S. Constitution wanted to create a federal government that was effective and powerful, but one that did not step on the rights of the individual. In Article 1, Section 9 of the U.S. Constitution, there are two key individual rights that are protected, or safeguarded:

The first is in this statement:

*“The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.”*

**Habeas corpus** is an important individual right. This statement from Article I, Section 9 means that an authority has to prove to a court why it is holding someone. If the government cannot show why a person is being held in jail, that person must be released.

The second is in this statement:

*“No... ex post facto Law shall be passed.”*

An **ex post facto law** is one that makes an act a crime after it has been committed.

The appellate process in the federal and state court systems also protect the rights of the individual. The **appellate process** allows citizens to appeal a decision from a lower court to a higher court to make sure that the trial was conducted properly.

By ensuring that the rights of individuals would be protected, this created a system where the powers of the federal government also became limited. The judicial branch interprets the U.S. Constitution and establishes guidelines and sets **precedents** on when and how individual rights are safeguarded and limited.

**appellate process** - the process of asking a higher court to decide whether a trial was conducted properly

**ex post facto law** - a law that makes an act a crime after the crime has been committed

**habeas corpus** - the principle that the government has to provide a cause or reason for holding a person in jail

**independent judiciary** - the principle that decisions from the courts are fair and impartial and are not subject to undue influence from the other branches of government

**individual rights** - rights guaranteed or belonging to a person

**judicial branch** - the branch of government that interprets the laws made by the legislative branch

**precedent** - a court decision in an earlier case with facts and legal issues similar to those in a case currently before a court



## The United States Constitution: Limiting and Safeguarding Individual Rights

The Framers of the U.S. Constitution wanted to create a federal government that was effective and powerful, but one that did not step on the rights of the individual or the powers of the states. By ensuring that the rights of individuals and the powers of states would be protected, this created a system where the powers of the federal government also became limited.

In Article 1, Section 9 of the U.S. Constitution, there are three key individual rights that are protected, or safeguarded:

The first is contained in this statement:

*"The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."*

Habeas corpus is an important individual right. This statement in Article I, Section 9 means that an authority has to prove to a court why it is holding someone. If the government cannot show why a person is being held in jail, that person must be released.

The second and third are in this statement:

*"No Bill of Attainder or ex post facto Law shall be passed."*

A bill of attainder is a bill written to punish only one person or one group of people. An ex post facto law is one that makes an act a crime after it has been committed.

**1. Using complete sentences, define the terms *habeas corpus* and *ex post facto*. Highlight the text that helps you define these terms.**

**2. Why do you think the Framers determined that these were important rights to include in the U.S. Constitution?**

**3. Summarize why you think the Framers decided to protect the individual rights listed in Article I, Section 9 and in the amendments listed in “Rights Listed in Amendments.”**

## The Role of the Judicial Branch

The judicial branch plays an important role in how the U.S. Constitution is interpreted and the ways in which individual rights are safeguarded (protected) and limited. The Framers of the U.S. Constitution designed an independent judiciary where the judicial branch would have freedom from the executive and legislative branches. The U.S. Constitution guaranteed that judges would serve “during good behavior” and would be protected from any decrease in their salaries. Both of these features prevent the other two branches from removing judges or decreasing their salaries if they don’t like a judge’s opinion or decision in a case. This gave the judicial branch the freedom to make decisions based on the law and not based on pressure from the other two branches.

**4. In a complete sentence, define the term independent judiciary. Highlight the text that helps you define this term.**

How can individual rights be limited?

In the Supreme Court case *Schenck v. U.S.* in 1919, the court created the “balancing test.” The balancing test focuses on individual rights and the public interest and allows rights to be restricted, or limited, when the public interest is threatened. The public interest is something that has common benefit to the community or public. Justice Oliver Wendell Holmes stated in his opinion that “the most stringent [strict] protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic. [...]”

**5. What do you think was Justice Holmes’ rationale for stating that shouting “fire!” in a theatre would not be covered by the First Amendment?**

**6. How does this limit on individual rights impact social behavior?**

The U.S. Supreme Court has ruled that the government sometimes may be allowed to limit individual rights, specifically freedom of speech and freedom of the press. In general, there must be a balance of individual rights, the rights of others, and the common good.

Listed below are additional criteria used to limit freedom of speech and freedom of the press.

- ✓ Clear and Present Danger – Will this act of speech create a dangerous situation?
- ✓ Fighting Words – Will this act of speech create a violent situation?
- ✓ Libel – Is this information false or does it put true information in a context that makes it look misleading?
- ✓ Obscene Material – Is this material inappropriate for adults and children to see in public?
- ✓ Conflict with Government Interests – During times of war the government may limit speech due to

national security.

**7. Choose two of the above criteria. What is the rationale for limiting rights in the situation?**

**8. What is the impact of limiting these rights on social behavior?**



**C.3.3:**

**Illustrate the structure and function (three branches of government established in Articles I, II, and III with corresponding powers) of government in the United States as established in the Constitution.**

Benchmark Clarification	Task
BC1	Create a graphic organizer that displays the structure of the three branches. Be sure that any term that is in bold print in the benchmark article is included in your organizer.
BC2	Explain the benefit of assigning each branch roles and responsibilities.
BC3	Think of all the possible scenarios that could possibly involve both the Executive and Legislative branches. Now pick one and write about it, including the powers that each branch would execute. It doesn't have to be real, but it does have to be Constitutionally possible. Now review the powers of the Judicial branch. Add on to your story. How could the Judicial branch become involved, given their powers?

**Extra Practice:** [Ben's Guide to the Three Branches](#)

[iCivics Branches of Powers game](#)

**Benchmark Task:**

Although many people believe that the three branches of government are equal, the legislative branch is actually the most powerful. Use evidence from your readings and graphic organizer to argue why you think this statement is correct or incorrect.

**SS.7.C.1.1**

*Illustrate the structure and function (three of branches of government established in Articles I, II, and III with corresponding powers) of government in the United States as established in the Constitution.*

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**SS.7.C.3.3 Benchmark Clarification 1:** Students will recognize the structure of the legislative, executive, and judicial branches.

The U. S. government is made up of three separate branches: the legislative, the executive, and the judicial. Each branch is organized very differently. The **legislative branch** includes the **House of Representatives** and the **Senate** – together they are the lawmaking body of the United States called Congress. Article I of the Constitution discusses the powers and organization of Congress. The main job of the legislative branch is to make laws. The major items in Article I include:

- The United States will have a two house **legislature**.
- Lists specific powers for **Congress**.

The second branch of the U.S. government is the **executive branch**. The executive branch includes the **President** and Vice President. The main job of the executive branch is to enforce the laws. Article II of the Constitution outlines the powers of the President.

The third branch of the U.S. government is the **judicial branch**. The judicial branch includes the **U.S. Supreme Court** and all lower courts including federal, state and local courts. Article III of the Constitution states that there is “one supreme Court” and “inferior Courts as the Congress may from time to time ordain and establish.” Article III names only the Supreme Court and allows Congress to create all other federal, state and local court systems.

**Congress** - the national legislative body of the U.S., consisting of the Senate, or upper house, and the House of Representatives, or lower house

**executive branch** - the branch of government that enforces the laws made by the legislative branch

**judicial branch** - the branch of government that interprets the laws made by the legislative branch

**legislative branch** - the branch of government that creates laws

**legislature** - governing body responsible for making laws

**president** - the head of the executive branch

**U.S. House of Representatives** - the lower house of the U.S. Congress

**U.S. Senate** - the upper house of the U.S. Congress

**U.S. Supreme Court** - the highest court of the United States; it sits at the top of the federal court system



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**SS.7.C.1.1**

*Illustrate the structure and function (three of branches of government established in Articles I, II, and III with corresponding powers) of government in the United States as established in the Constitution.*

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**SS.7.C.3.3 Benchmark Clarification 2:** Students will compare the roles and responsibilities of the three branches of the federal government.

Each branch of the U.S. government has its own set of jobs and responsibilities. As well, the Constitution provides for a system of **checks and balances** that limits what each branch can do by allowing each branch to limit the other branches. Checks and balances prevent any one branch from becoming too powerful. Below is a chart that will review one of the powers and responsibilities and highlights the system of checks and balances.

<b>Branch of Government</b>	<b>Role/Responsibility “Laws”</b>
<b>Legislative</b>	The legislative branch makes the laws; <b>Congress</b> can override a presidential <b>veto</b> with 2/3rds of both houses voting to do so.
<b>Executive</b>	The executive branch enforces the laws; the president can veto a law if the President does not want a <b>bill</b> to become law.
<b>Judicial</b>	The judicial branch interprets the laws; the <b>Supreme Court</b> may determine that a law is not legal under the Constitution and strike it from the law books.

**bill** - an idea that is suggested to become a law

**checks and balances** - a principle of the federal government, according to the U.S. Constitution, that allows each branch of government to limit the power of the other branches

**Congress** - the national legislative body of the U.S., consisting of the Senate, or upper house, and the House of Representatives, or lower house

**executive branch** - the branch of government that enforces the laws made by the legislative branch

**judicial branch** - the branch of government that interprets the laws made by the legislative branch

**legislative branch** - the branch of government that creates laws

**U.S. Supreme Court** - the highest court of the United States; it sits at the top of the federal court system

**veto** - a decision by an executive authority such as a president or governor to reject a proposed law or statute



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**SS.7.C.1.1**

*Illustrate the structure and function (three of branches of government established in Articles I, II, and III with corresponding powers) of government in the United States as established in the Constitution.*

**SS.7.C.3.3 Benchmark Clarification 3:** Students will identify the general powers described in Articles I, II, and III of the U.S. Constitution.

Articles of the Constitution	General Powers
Article I – Legislative Branch	<p>The <b>legislative branch</b> is made up of the <b>House of Representatives</b> and the <b>Senate</b>, also called <b>Congress</b>. Congress makes the laws for the entire nation.</p> <p>In Article I, Section 8 of the US Constitution the powers of Congress are <b>enumerated</b>. These include:</p> <ol style="list-style-type: none"> <li>1. The power to collect taxes</li> <li>2. The power to coin money</li> <li>3. The power to make laws/control immigration</li> <li>4. The power to make laws/control trade</li> <li>5. The power to create an army and navy</li> <li>6. The power to <b>impeach</b> and remove officials from office</li> <li>7. To approve presidential appointments</li> </ol>
Article II – Executive Branch	<p>The <b>executive branch</b> is made up of the <b>President</b> and Vice President. The president enforces the laws that Congress makes.</p> <p>Article II of the Constitution describes the powers of the President. The president is fulfilling his Article II responsibilities when fulfilling these roles:</p> <ol style="list-style-type: none"> <li>1. The power to enforce the laws (Chief Executive; “he shall take Care that the Laws be faithfully executed”)</li> <li>2. The power to send troops into combat (Commander in Chief; “The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States”)</li> <li>3. The power to make <b>treaties</b> and with leaders of other nations</li> <li>4. The power to nominate people to serve in the Cabinet, in the Supreme Court and to other high government positions</li> <li>5. The power to grant <b>pardons</b>, except in cases of impeachment</li> </ol>
Article III – Judicial Branch	<p>The <b>judicial branch</b> is made up of the <b>United States Supreme Court</b> and all of the lower courts including federal, state and local courts.</p> <p>Article III of the Constitution describes the powers set aside for the <b>Supreme Court</b>. These include:</p> <ol style="list-style-type: none"> <li>1. The power of <b>original jurisdiction</b> (the power to be the first court to hear a case) in cases that involve:             <ol style="list-style-type: none"> <li>a. Ambassadors</li> <li>b. Maritime (high seas, naval) issues</li> <li>c. Arguments between two or more states</li> <li>d. Problems that involve the United States government</li> </ol> </li> <li>2. All other cases, not listed above, are given to the Court under their <b>appellate jurisdiction</b> (hearing a case that has been heard by a lower court first)</li> </ol>



**appellate jurisdiction** - the power to hear appeals of cases which have been tried in lower courts

**Congress** - the national legislative body of the U.S., consisting of the Senate, or upper house, and the House of Representatives, or lower house

**enumerated powers** - the powers specifically named and assigned to the federal government or prohibited to be exercised by the states under the U.S. Constitution, also known as delegated powers

**executive branch** - the branch of government that enforces the laws made by the legislative branch

**impeach** - to bring formal charges of wrongdoing against a public official (such as the U.S. President)

**judicial branch** - the branch of government that interprets the laws made by the legislative branch

**legislative branch** - the branch of government that creates laws

**pardon** - the formal act of forgiving someone or excusing a mistake

**president** - the head of the executive branch

**original jurisdiction** - the power of a court to be the first to hear a case on a specific topic; for the U.S. Supreme Court this involves cases involving conflicts between Congress and the president and in cases in which a state is a party

**treaty** - an agreement or arrangement between two or more countries

**U.S House of Representatives** - the lower house of the U.S. Congress

**U.S Senate** - the upper house of the U.S. Congress

**U.S. Supreme Court** - the highest court of the United States; it sits at the top of the federal court system



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