

## LESSON 6

# Federalism and Amendments



 **BOUNCE**  
TO ACTIVATE

 **VIDEO**

## GET READY TO READ

### START UP


Look at the photograph. Write a few sentences to identify the First Amendment freedoms you see.

### GUIDING QUESTIONS


- How can the Constitution be amended?
- What rights does the Bill of Rights protect?
- Why have additional amendments to the Constitution been needed?
- How can state constitutions be amended?

### TAKE NOTES

#### Literacy Skills Summarize

Use the graphic organizer in your  Active Journal to take notes as you read the lesson.

### PRACTICE VOCABULARY

Use the vocabulary activity in your  Active Journal to practice the vocabulary words.

#### Vocabulary

Bill of Rights  
civil  
constitutional  
initiative

infrastructure  
local  
government

#### Academic Vocabulary

infringe  
incriminate

The Constitution of the United States spells out the powers of government. Its first 10 Amendments, or Bill of Rights, ensure the fundamental liberties of the American people. Although created more than 200 years ago, the Constitution is a living document that can be changed as the world changes.


### Constitutional Amendment

The Framers foresaw that Americans might need to change the Constitution to address flaws or changed circumstances. However, they did not want to make it too easy to change the Constitution. As a result, they created a complex amendment process. The process may take months, or even years, to complete.

Article 5 outlines two ways to propose an amendment. An amendment may be proposed by two thirds of both the House and the Senate, or by a national convention called by Congress at the request of two thirds of the state legislatures. The second method has never been used.

An amendment may also be ratified in one of two ways. An amendment may be approved by the legislatures of three fourths of the states. Every amendment but the Twenty-first was ratified using this method. In the second method, an amendment may be approved by special conventions in three fourths of the states.

Not all amendments proposed by Congress have been ratified. In fact, Congress has proposed six amendments that the states refused to ratify.

 **READING CHECK Identify** Which article of the Constitution outlines the amendment process?

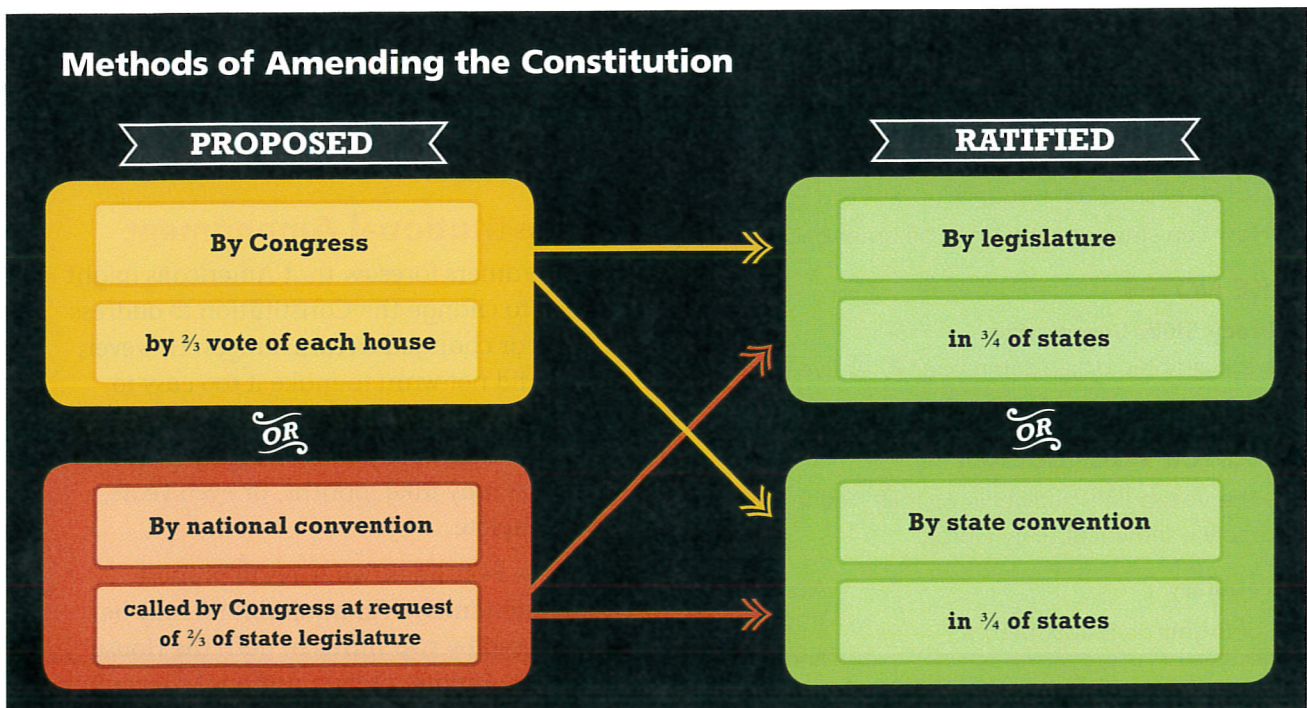
 **INTERACTIVE**  
The First Amendment

## What Fundamental Liberties Does the Bill of Rights Ensure?

As one of its first acts, the new Congress drafted a series of amendments in 1789 and sent them to the states for approval. In 1791, the **Bill of Rights**, the first ten amendments, became part of the Constitution.

**Free Speech, Press, and Religious Freedom** The First Amendment safeguards basic individual liberties. It protects freedom of religion, speech, and the press. It also guarantees the right to assemble peacefully and to petition the government to change its policies.

The First Amendment's guarantee of freedom of religion allows Americans to practice religion as they please, or not at all, without fear of government interference. This guarantee has encouraged the religious diversity that is part of the American way of life.



**Analyze Images** This graphic shows the process for amending the Constitution. **Use Visual Information** After an amendment to the Constitution has been proposed by both the Senate and the House of Representatives, what two options exist for the states to ratify the amendment?



### Analyze Images

Minutemen armed themselves before leaving for the Battle of Concord.

**Draw Conclusions** In what ways did the Framers' recent experience with revolution affect what they included in the Constitution and Bill of Rights?

Because of the First Amendment's guarantee of free speech, you cannot be arrested for criticizing a government official. Still, there are limits on the First Amendment. For example, the government can limit free speech if there is "a clear and present danger," such as in time of war.

Freedom of the press means that you can read newspapers that do not support the views of the government. A free press is independent and is responsible only to its readers. It functions as a "watchdog," keeping an eye on the government.

These freedoms are important in a constitutional republic. They allow citizens to make informed decisions and participate freely in the political process.

**Protection Against Abuse of Power** The Second Amendment states, "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**." This and other amendments reflect the colonists' experiences under British rule. The Third Amendment says that Congress may not force citizens to put up troops in their homes. The Fourth Amendment protects Americans from unlawful searches of home or property.

### Academic Vocabulary

**infringe** • v., to restrict or put limits on



### INTERACTIVE

Methods of Amending the Constitution

## Quick Activity

Discuss with a small group if there are ever times when speech should not be protected.

### Academic Vocabulary

**incriminate** • *v.*, to give evidence against

### Analyze Diagrams

Many amendments were suggested when the Constitution was being considered. Use **Visual Information** Approximately what percentage of the more than 200 amendments proposed by the states' ratifying conventions finally made it into the Bill of Rights?

Since early times, Americans have debated the exact meaning of the Second Amendment. Some believe that it guarantees individuals a basic right to bear arms. Others argue that it simply guarantees the individual states the right to maintain militias. The question of limits to gun ownership is one of the most complex and controversial constitutional issues facing Americans today.

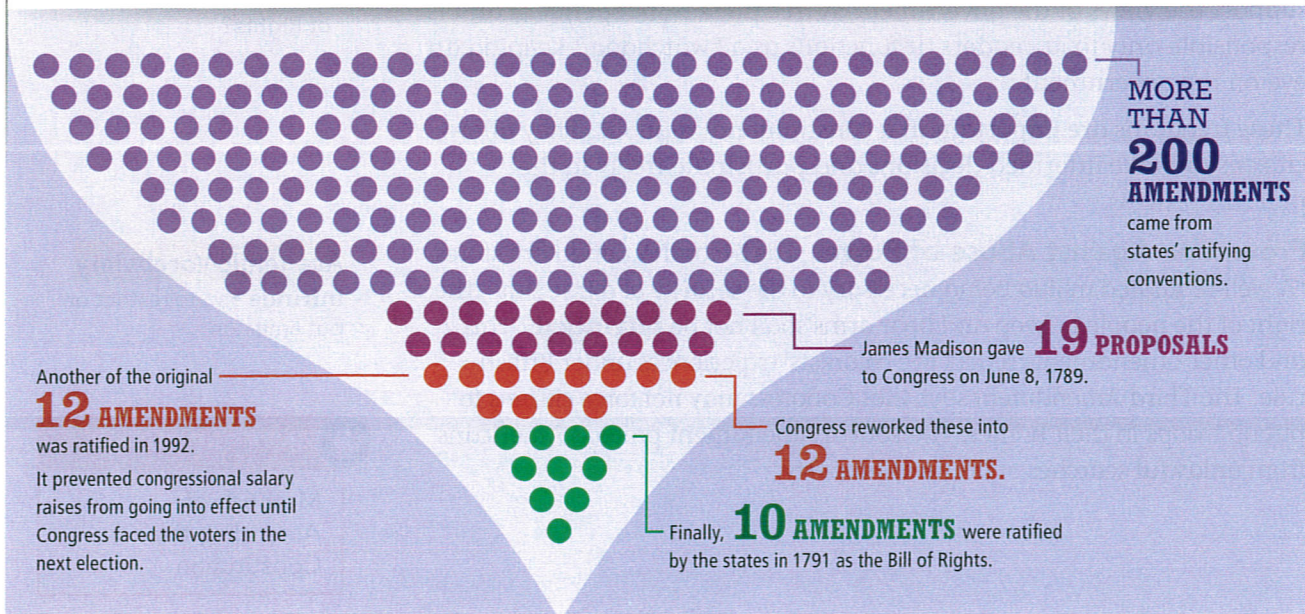
**Protecting the Rights of the Accused** The Fifth through Eighth amendments deal with the rights of people accused of crimes. The Fifth Amendment states that people cannot be forced to **incriminate**, or give evidence against, themselves. The Sixth Amendment guarantees the right to a speedy and public trial by an impartial, or fair, jury. It also states that people accused of crimes have the right to know the charges against them, as well as the right to confront the person making the charges. The Seventh Amendment provides for juries for **civil** trials. The Eighth Amendment forbids excessive bail or fines or "cruel and unusual punishments."

**Upholding Individual Rights** Some Americans had opposed adding a Bill of Rights. They argued that if specific rights were listed in the Constitution, Americans might lose other rights that were not listed. The Ninth Amendment makes clear that a citizen's individual rights are not limited to those listed in the Constitution.

The Tenth Amendment reaffirmed the Framers' plan to create a limited federal government. It states that all powers not given to the national government or denied to the states belong to, or are reserved for, for the states or the people.

**READING CHECK Draw Conclusions** Why do you think the Framers devoted four amendments to protecting the rights of the accused?

## CHOOSING AMENDMENTS FOR THE BILL OF RIGHTS





## Why Have Additional Amendments Been Created?

Since the addition of the Bill of Rights, the Constitution has been amended only 17 times. Additional amendments have adapted the Constitution to the needs of a changing society. Many later amendments reflect evolving attitudes about equality and the expansion of democracy.

The Thirteenth, Fourteenth, and Fifteenth amendments are known as the Civil War Amendments. The Thirteenth Amendment abolished slavery. The Fourteenth Amendment guaranteed citizenship to former slaves. The Fifteenth Amendment declared that states may not deny the vote to any citizen on the basis of “race, color, or previous condition of servitude.” This guaranteed African American men the right to vote.

Other amendments further expanded voting rights. The Nineteenth Amendment, ratified in 1920, gave women the right to vote.

Women achieved this victory after more than 70 years of struggle. In 1971, changing attitudes toward the rights and responsibilities of young people led to the Twenty-sixth Amendment. It lowered the minimum voting age from 21 to 18.

 **READING CHECK** **Understand Effects** How did the Fifteenth and Nineteenth amendments reflect changing attitudes about equality?

**Analyze Images** The members of both houses of the California legislature, as well as the governor, carry out their duties at the state capitol in Sacramento.

**Infer** Do you think having the legislative and executive branches in one building fosters cooperation? Why or why not?

## State Government

One principle of the Constitution is federalism, or the division of powers between the federal and state governments. The federal government deals with national issues. The states have the power to meet more local needs. There are also some powers that are shared. State governments provide many basic services that Americans use each day.

**The Question of States' Rights** Many Americans originally opposed the Constitution because they thought it gave too much power to the federal government at the expense of the state governments. The Tenth Amendment was written to help ensure that the states keep powers not granted the federal government:

### Primary Source

**"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."**

—Tenth Amendment to the Constitution

Some Americans point to the Tenth Amendment as support for what is often called states' rights, or the idea that the federal government should not infringe on states' powers. A similar idea is that of state sovereignty, or the idea that, within a state, the state government is supreme.

**Analyze Images** In 2016, members of the Standing Rock Sioux protested plans to build an oil pipeline that would cross the river that provides their water. Thousands of other people joined their protest, and the planned route was denied. **Draw Conclusions** What role might social media have played in the success of the protest?





The federal government has used the elastic clause to assume powers that some believe belong to the states. The debate over how power should be shared between the federal and state governments has been a matter of controversy through most of American history.

**State Constitutions** Each of the 50 states has a constitution that sets forth the principles and framework of its government. Although constitutions vary from state to state, they must all conform to the Constitution of the United States. If a conflict arises, the national Constitution—the “supreme law of the land”—prevails.

Most state constitutions resemble the national Constitution in form. They start with a preamble stating their goals and include a bill of rights guaranteeing individual liberties. State constitutions tend to be longer and more detailed than the national Constitution. Many include provisions on finance, education, and other matters.

State constitutions set up a government with three branches. The powers of the legislative, executive, and judicial branches on the state level are similar to those of the national government.

**Changing State Constitutions** State constitutions can be changed in several ways. In the most common method, amendments are proposed by the state legislature and approved by the people in an election.

**Analyze Images** State and local governments provide infrastructure, such as this bridge in California. **Infer** If a city gets most of its revenue from property taxes and property values decline sharply, will there be enough money for large projects? Why or why not?

In almost one half of the states, citizens can act directly to change the constitution. In a process known as the **constitutional initiative**, sponsors of an amendment gather signatures on a petition. When the required number of signatures is attained, the petition goes to the legislature or to the voters for approval.

Finally, a state can rewrite its constitution. With the approval of the legislature or the people, the state may call a constitutional convention. The new constitution is then submitted to the people for approval.

**The States' Obligations to Citizens** State governments provide a wide range of services. They maintain law and order, enforce criminal law, protect property, and regulate business. They also supervise public education, provide public health and welfare programs, build and maintain highways, operate state parks and forests, and regulate use of state-owned land.

The states, not the federal government, have the main responsibility for public education in the United States. Most students attend schools paid for and managed by the state. The state sets general standards for schools and establishes a recommended course of study. It also sets requirements for promotion and graduation.

Each state must build and maintain its own **infrastructure**, or system of transit lines, roads, bridges, and tunnels. State departments or agencies manage more than 6,000 state parks and recreation areas. To help maintain high standards, state governments license professionals, such as doctors, lawyers, and teachers.

**Analyze Images** Locally supported public education is important not only to the states but also to the nation. **Cite Evidence** How are a community's property values related to the quality of education its children receive?





When you are old enough to drive, the state will test you and, if you pass, give you a license. State police keep highways safe and protect us against criminal acts.

**READING CHECK** **Classify and Categorize** What are some examples of services that states provide to their citizens?

## What Responsibilities Do Local Governments Have?

The Constitution defines the powers of the federal and state governments. But it does not mention **local government**.

Local governments have perhaps the greatest impact on our daily lives. At the same time, it is on the local level that citizens have the greatest opportunity to influence government.

**Public Education** The service that local governments spend the most money on is education. While state governments set standards for schools, it is the cities, towns, or school districts that actually run them. Local school boards build schools and hire teachers and staff. They also have a strong say in which courses will be taught. However, school officials must make all decisions within the guidelines set by state law.

Education is one area of local government where citizens exert a great deal of control. Local residents may give up part of their time to serve on local school boards. In most communities, voters have the right to approve or turn down the annual school budget.

**Many Other Services** Local governments provide a variety of other services, including public safety, trash collection, public works, and library services. Many towns and cities also provide recreational facilities, such as parks.

**READING CHECK** **Identify Supporting Details** On what service for citizens do local governments spend the most money?



**Analyze Images** Local governments take responsibility for providing citizens with public services, such as firefighters and police as well as trash and snow removal. **Infer** Describe how a winter where there is more snowfall than normal would affect a city's budget.

## Lesson Check

### Practice Vocabulary

1. Which amendment in the **Bill of Rights** do you think meant more to Antifederalists, the First Amendment or the Second Amendment? Explain.
2. What is **constitutional initiative**?

### Critical Thinking and Writing

3. Why do you think the Framers thought it was important to be able to amend the Constitution, but then made it difficult to do so?
4. **Use Evidence** How would you use the Tenth Amendment of the Constitution to support the idea that the federal government should not assume more power than it already has?
5. **Writing Workshop: Shape Tone** Think about the tone you want to take in your essay. To help shape your tone, write a few sentences in your Active Journal that reflect your personality and your feelings about the subject matter, while maintaining the formal style and informative approach required in presenting an argument.

# Identify Sources of Continuity

Follow these steps to learn to identify sources of continuity in American society.



INTERACTIVE

Identify Trends

### 1 Gather information about the society.

Look at a variety of resources to learn about life in the society that you are studying. What resources might help you learn about life in early America?

### 2 Identify possible sources of continuity in the society.

Look for information about the society's government, values, economy, history, language, and culture. Imagine you are looking for information about these aspects of U.S. society. Would the source give you a complete picture? Which aspects would it help you with?

### 3 Choose the important sources of continuity.

You may want to list the sources of continuity and take notes about each one. Why are legal documents so important to establishing continuity in a society?

### 4 Summarize what you discover.

Use the information you have learned to make a general statement. Study the information in the source. What does it reveal about continuity in the political history of the United States?

## Secondary Sources

**Magna Carta:** In 1215, King John of England signed the Magna Carta. This document limited the king's power, ensuring that even the king had to obey the law. It protected certain individual rights, including the right to trial and the right to private property. It also forced the king to consult with his nobles. Over time, this led to the establishment of a two-house Parliament.

**English Bill of Rights:** A revolution in 1689 increased Parliament's power and decreased the power of the king. The resulting English Bill of Rights restated many of the rights listed in the Magna Carta. It added the right of habeas corpus, the idea that no person could be held in prison without first being charged with a specific crime. It gave citizens the right to bear arms and also called for regular parliamentary elections.

**State Constitutions:** Colonies established representative governments, based in part on ideas developed in England. Eventually, each colony elected its own legislature.

**U.S. Constitution and Bill of Rights:** In 1787, the Framers of the Constitution called upon their knowledge of English political history and existing state constitutions to establish a new national government. They sought to prevent abuse of power by dividing the government into a legislative branch with two houses, an executive branch and a judicial branch. The Constitution called for regular elections of members of Congress and the President. A Bill of Rights, aimed at protecting individual rights, followed.