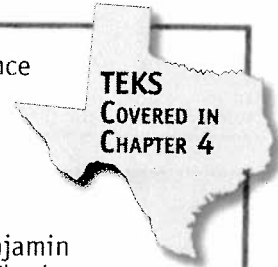




# FOUNDATIONS: BACKGROUND TO AMERICAN HISTORY



- **History 1(A)** Analyze and evaluate the text, intent, meaning, and importance of the Declaration of Independence and the U.S. Constitution, including the Bill of Rights, and identify the full text of the first three paragraphs of the Declaration of Independence.
- **History 1(B)** Analyze and evaluate the application of these founding principles to historical events in U.S. history.
- **History 1(C)** Explain the contributions of the Founding Fathers such as Benjamin Rush, John Hancock, John Jay, John Witherspoon, John Peter Muhlenberg, Charles Carroll, and Jonathan Trumbull Sr.
- **History 9(A)** Trace the historical development of the civil rights movement in the 19th, 20th, and 21st centuries, including the 13th, 14th, 15th, and 19th amendments.
- **Geography 14(C)** Understand the effects of governmental actions on individuals, industries, and communities, including the impact on Fifth Amendment property rights.
- **Government 21(B)** Discuss historical reasons why the constitution has been amended.
- **Citizenship 22(A)** Discuss Alexis de Tocqueville's five values crucial to America's success as a constitutional republic: liberty, egalitarianism, individualism, populism, and laissez-faire.
- **Citizenship 23(C)** Explain how participation in the democratic process reflects our national ethos, patriotism, and civic responsibility as well as our progress to build a "more perfect union."
- **Culture 26(E)** Discuss the meaning and historical significance of the mottos "E Pluribus Unum" and "In God We Trust."

In this chapter, you will learn some essential background to United States history since 1877. This background includes a review of three documents that have greatly influenced the development of our nation — the Declaration of Independence, the U.S. Constitution, and the Bill of Rights. You will also learn about some key individuals who participated in the American Revolution, and about the values Americans forged in these years. Finally, you will see how participation in the democratic process continues to shape our cultural beliefs, patriotism and civic responsibility as we try to achieve a "more perfect union."

## KEY TERMS AND PEOPLE IN THIS CHAPTER

- |                               |                         |                        |
|-------------------------------|-------------------------|------------------------|
| ■ Declaration of Independence | ■ Charles Carroll       | ■ Liberty              |
| ■ U.S. Constitution           | ■ John Witherspoon      | ■ Egalitarianism       |
| ■ Bill of Rights              | ■ John Jay              | ■ Individualism        |
| ■ John Trumbull Sr.           | ■ Bill of Rights        | ■ Populism             |
| ■ John Peter Muhlenberg       | ■ Fifth Amendment       | ■ <i>Laissez-faire</i> |
| ■ John Hancock                | ■ Eminent Domain        | ■ "E Pluribus Unum"    |
| ■ Benjamin Rush               | ■ Alexis de Tocqueville | ■ "In God We Trust"    |

**Characteristics of a Reliable Source**

- ★ Opinions, general statements, and conclusions are supported by facts.
- ★ Facts can be corroborated by the use of other sources.
- ★ The source was created at the time of the event it reports.
- ★ The author is recognized as being knowledgeable and impartial about the subject.

**Validity of a Source**

People evaluate a source's validity based on:

- ★ **Language of the Source.** Is it factual and logical, or emotional and biased?
- ★ **Corroboration with other Sources.** Do other sources confirm the same facts?
- ★ **Information about the Author.** Does the author have special qualifications? Does the author seem objective?

**CHECKING YOUR UNDERSTANDING**

**Directions:** Circle the letter that best answers the question.

The Treaty of Versailles (1919) ended World War I and established the League of Nations.

“The League of Nations is one of the great charters of human liberty, and the man who picks flaws in it forgets the majesty of it .... [The treaty] is a complete settlement of the matters which led to this war, and contains the machinery which provides that they shall stay settled ....”

— Woodrow Wilson on the League of Nations

“By joining the League of Nations, Woodrow Wilson was asking not for only a major change in the international system, but for a no less major change in the way the United States would conduct its own international business in partnership with other nations.”

— David M. Kennedy, Historian

- 1 Based on these documents, how do Wilson and Kennedy differ in their views?
- A** Wilson marveled at the League of Nations, while Kennedy predicted how it would harm relations with other nations. SSS 29(D)
- B** Wilson felt it contained the ability to avoid future wars, while Kennedy believed Americans would object to such a radical change.
- C** Wilson described what others believed, while Kennedy expressed how Wilson saw the League of Nations.
- D** Wilson thought America should avoid joining the League of Nations, while Kennedy saw Americans welcoming membership in the League of Nations.

**EXAMINE the question.** This question asks how the views of Woodrow Wilson and David Kennedy differ. Wilson introduced the League in 1919. Kennedy is a recent professor of history. **RECALL what you know.** Wilson supported the League and included it in his Fourteen Points. In this passage Kennedy questions the changes it brought. **APPLY what you know.** Choice A and Choice C are both wrong. These are not what David Kennedy stated. Choice D is also wrong, since President Wilson did not believe the United States should avoid joining the League of Nations. In fact, he believed just the opposite. **Choice B** is the best answer.



## — IMPORTANT IDEAS —

- A. Americans won their independence during the **American Revolution**. **Jonathan Trumbull** was the only colonial governor to side with the colonists. **John Peter Muhlenberg** was a Protestant minister who recruited soldiers and rose to the rank of general.
- B. The **Declaration of Independence** stated the colonists' decision to separate from Britain. The Declaration listed colonial grievances against Britain and provided a theory of government: government's purpose is to protect individuals' **unalienable rights** to "life, liberty, and the pursuit of happiness." When a government oppresses citizens' rights, they have a right to overthrow it.
- C. Signers of the Declaration included **John Hancock**, **Benjamin Rush**, **Charles Carroll**, and **John Witherspoon**.
- D. The first national government established by the new United States was a weak association. Americans created a stronger federal government when they ratified the **U.S. Constitution**. The Constitution created a national executive, a two-house legislature known as Congress, and a national judiciary. **John Jay** was the nation's first Chief Justice of the Supreme Court. To ensure the national government would not challenge citizens' rights, the Constitution rested on certain key principles — **limited government**, the **separation of power**, **federalism**, **checks and balances**, and **popular sovereignty**.
- E. The **Bill of Rights** was added to the Constitution in the form of the first ten amendments to further protect individual rights from government abuse.
- F. The **First Amendment** protects freedom of religion, speech, press, assembly and the right of citizens to petition their government.
- G. The **Second Amendment** protects the right of citizens to bear arms.
- H. The **Third Amendment** says government cannot "quarter" soldiers in private homes without their consent.
- I. The **Fourth Amendment** protects people from "unreasonable searches."
- J. The **Fifth Amendment** protects individuals from double jeopardy, and from being forced to incriminate themselves, and further guarantees citizens "just compensation" for property taken by government's right of **eminent domain**.
- K. The **Sixth Amendment** guarantees those accused of a crime a fair and public trial by a jury and the assistance of a lawyer.
- L. The **Seventh Amendment** guarantees jury trials in some civil cases.
- M. The **Eighth Amendment** prevents judges from setting bail that is too high, or from inflicting "cruel and unusual" punishments.
- N. The **Ninth Amendment** lists certain rights and does not deny other rights.
- O. The **Tenth Amendment** reserves powers not granted to the federal government to the state governments and the people.
- P. **Alexis de Tocqueville** observed five American values: **liberty**, **egalitarianism**, **individualism**, **populism**, and *laissez-faire*.

## ESSENTIAL QUESTIONS

- What do the Declaration of Independence, U.S. Constitution, and the Bill of Rights say?
- What has been the importance of these three documents to American history?
- What qualities led to America's exceptional success as a democratic republic?
- How did the characteristics of American culture found by John de Crevecoeur compare to those later identified by Alexis de Tocqueville?

## THE DECLARATION OF INDEPENDENCE

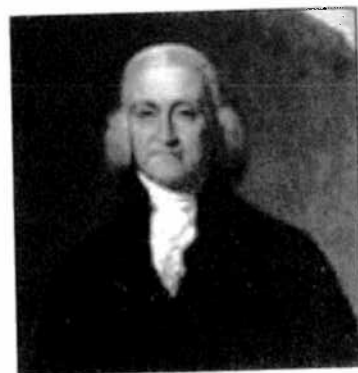
One of the most important formative events in American history was the American Revolution.

## THE AMERICAN REVOLUTION

After the **French and Indian War** (1754–1763), the British government was left with a large debt. To help repay this debt, the British government imposed a series of new taxes on the colonists, including the Stamp Act, Townshend duties, and the tea duty. Parliament acted without consulting the colonists, and many colonists saw this “taxation without representation” as a violation of their rights as “freeborn” Englishmen.

In 1773, a group of protesters, disguised as Indians, threw tea off British ships in Boston Harbor. The British government closed the harbor and banned public meetings until the tea was paid for. When British soldiers and colonists fired on one another at Lexington and Concord in 1775, they started the **American Revolution**. Other colonies quickly entered the war in support of Massachusetts. The **Second Continental Congress** appointed a Virginian, **George Washington**, to command the new Continental Army.

From Boston, British General Thomas Gage requested the assistance of Connecticut in support of the King. Governor **Jonathan Trumbull, Sr.**, however, refused to help, informing General Gage that he would act instead in support of the colonial patriots. A close friend of Washington, Trumbull was the only colonial governor to side with the colonists. He developed a reputation as one who spoke in favor of colonial rights and against English abuses. During the Revolutionary War, he supplied Washington's army with food, clothing, and munitions. Trumbull was also the only colonial governor to remain in office throughout the war, becoming Connecticut's last colonial governor and first state governor.



*Jonathan Trumbull, Sr.*  
(1710–1785)

Strong support for independence came from several colonial religious leaders. In colonial times, these religious leaders held great influence. Many colonists attended church on Sundays, where ministers made their views known in weekly sermons. **John Peter Muhlenberg** was born in Pennsylvania, studied in Germany and America, and became a Protestant minister.

At one of his sermons, Muhlenberg pulled off his clerical robe to reveal a uniform underneath. Then he enlisted more than a hundred men into the Continental Army. Rev. Muhlenberg became part of a group known as the “**Black Regiment**” — ministers who wore black clerical robes while preaching and who worked to recruit large numbers of volunteers for the Revolutionary cause. During the war, Muhlenberg rose to the rank of general under Washington. Later, he served as a U.S. Senator and Congressman.



*John Peter Muhlenberg  
(1746–1807)*

## THE DECLARATION OF INDEPENDENCE

Representatives at the Second Continental Congress began discussing the issue of American independence early in 1776. After much debate, the delegates decided to go ahead and declare their independence from Britain. A “Committee of Five” was charged with the task of writing a draft for the **Declaration of Independence**. The members of the Committee decided that **Thomas Jefferson** should write most of the document.



*Members of Congress sign the Declaration.*

The final Declaration of Independence, issued on **July 4, 1776**, explained the reasons why the colonists sought independence from Great Britain. The Declaration not only freed the colonists from Britain, but also put forward a theory of government. Many of its ideas were borrowed from **John Locke**. The Declaration explained that the purpose of government should be to protect citizens’ **unalienable rights**. These were rights that cannot be taken away, such as the rights to “life, liberty, and the pursuit of happiness.”

The Declaration further argued that ordinary citizens had the right to overthrow an oppressive government that failed to protect these unalienable rights. The Declaration of Independence then went on to list the grievances of the colonists against King George III. Most of these grievances were based on the belief that the British Crown was threatening the colonists’ rights in favor of tyrannical rule.



*The Declaration was read  
throughout the colonies.*

## ACTING AS AN AMATEUR HISTORIAN



The most important part of the Declaration of Independence is presented below:

“When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

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

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. — Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.”

- ★ Briefly summarize what each paragraph says in your own words.
- ★ What justification do these paragraphs give for the American Revolution?

## SIGNERS OF THE DECLARATION OF INDEPENDENCE

The Second Continental Congress consisted of more than 50 delegates representing all thirteen colonies (although Georgia sent representatives later). At the beginning of July, they accepted the June resolution of Richard Henry Lee to end all connection between themselves and Great Britain. Fifty-six delegates then met again to sign the Declaration.

They signed by state from North to South, starting with New Hampshire. They acted courageously since the British viewed the Declaration as an act of treason, punishable by hanging. Who were some of these signers of the Declaration?

**John Hancock.** The most recognizable signature on the Declaration of Independence was that of **John Hancock**, a prosperous merchant from Boston and the President of the Continental Congress. Hancock made his signature so large so that King George III could read it without his glasses. When the first version of the Declaration was printed and sent to each colony, it carried only John Hancock's signature, since the official document had not yet been drawn up for others to sign. Hancock's name quickly became second only to that of George Washington as a symbol of freedom in the colonies.



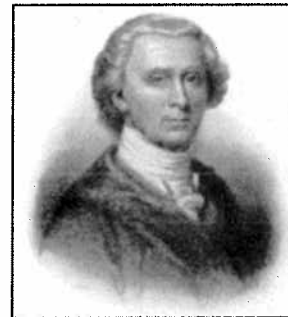
*John Hancock*  
(1737–1793)

**Benjamin Rush.** Another signer of the Declaration, Rush was a physician, educator, and humanitarian. Dr. Rush is sometimes known as the “Father of American Medicine.” He was a pioneer in the fields of physiology and psychiatry. Rush is also known for his proposal to establish a national public university to train public servants. He favored the education of women, and helped to establish and finance the oldest African-American church in the country (the African Methodist Episcopal Church) in Philadelphia. His son later became U.S. Ambassador to England.



*Dr. Benjamin Rush*  
(1745–1813)

**Charles Carroll of Carrollton.** One of the wealthiest men in the colonies, Carroll helped finance the Revolution with his own money. Carroll was one of the first to recognize the necessity for independence from Britain and strongly argued for armed resistance to Britain. From Maryland, Carroll was a Catholic. At that time, Catholics made up less than two percent of the colonial population and lacked political rights. Carroll helped in the struggle for the acceptance of the Roman Catholic religion in America.



*Charles Carroll*  
(1737–1832)

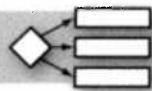
**John Witherspoon.** A Scottish immigrant, Witherspoon became a leading member of the Continental Congress and took part in more than a hundred of its committees. Shortly after signing the Declaration of Independence, he responded to a person who argued that the colonies were not ready for independence. Witherspoon commented that it “was not only ripe for independence, but in danger of rotting for the want of it.” He was a Presbyterian clergyman, and he became President of the College of New Jersey, later known as Princeton University. Under his leadership, the college rose to become a leading institution of learning in America.



*Dr. John Witherspoon*  
(1723–1794)

### APPLYING WHAT YOU HAVE LEARNED

- ★ Create a poster featuring some of the signers of the Declaration of Independence you learned about in this chapter. Highlight their contributions to independence.
- ★ Using the Internet, school or local public library, research the lives and contributions of two other signers of the Declaration of Independence.
- ★ Using an outline map of the thirteen colonies, write in the names of each of these signers surrounding the new 13 states. Then draw a line from each name to the state they came from. Under each name, write a one-sentence identification.



### LEARNING WITH GRAPHIC ORGANIZERS



Complete the graphic organizer below by describing the life and achievements of each of the following individuals who aided in the independence of the colonies:

<b>Jonathan Trumbull, Sr.</b> _____ _____ _____ _____	<b>John Peter Muhlenberg</b> _____ _____ _____ _____	
<b>Charles Carroll</b> _____ _____ _____ _____	<b>NOTEWORTHY PATRIOTS OF THE AMERICAN REVOLUTION</b>	<b>John Hancock</b> _____ _____ _____ _____
<b>Dr. Benjamin Rush</b> _____ _____ _____ _____	<b>John Witherspoon</b> _____ _____ _____ _____	

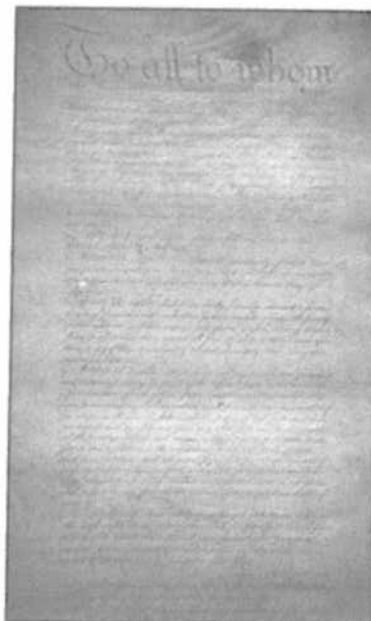


## THE U.S. CONSTITUTION

The Declaration of Independence only set up a series of aspirations, or goals, for Americans. It promised a system of government that promoted liberty, equality, and individual rights, and that was based on the will of the people. The U.S. Constitution actually turned these goals into a concrete system of government with a series of specific, fundamental laws.

The Constitution was not the first central government that the colonies established after independence. The colonies originally set up a very weak national association under an agreement known as the **Articles of Confederation**. This association was an experiment in government that failed. In 1786, American leaders met at Annapolis, Maryland, and decided that a stronger government was needed.

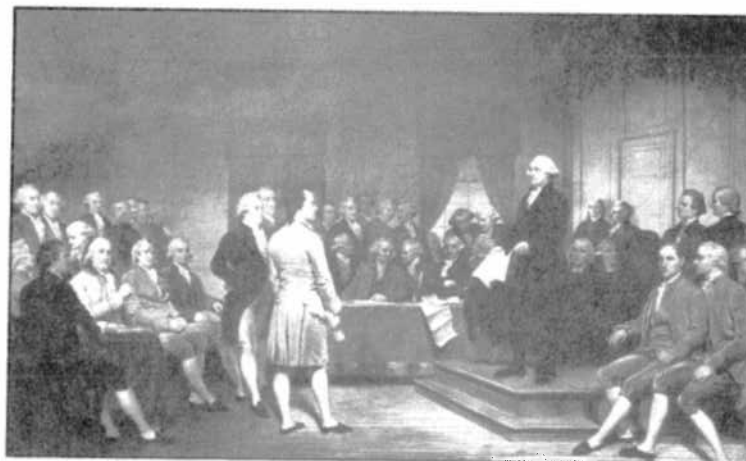
They decided to meet again and invited delegates to Philadelphia to revise the Articles. The **Constitutional Convention**, meeting in Philadelphia in 1787, quickly decided to abandon the Articles altogether and to write an entirely new constitution.



*The Articles of Confederation*

## PRINCIPLES OF THE U.S. CONSTITUTION

The **U.S. Constitution**, written by the Constitutional Convention, established the basic structure of our national government. It established a government in which power rested with the people, who elect their own representatives. The framers of the Constitution sought to create a national government strong enough to defend the nation's interests and to promote its general welfare. They gave the new national government many important powers, and made federal law supreme over state law.



*The signing of the U.S. Constitution at Independence Hall*

The new Constitution created an elected President, a Congress with two houses, and a Supreme Court. To ensure that this new national government was not too strong, the new Constitution also adopted a number of important principles:

## IMPORTANT PRINCIPLES OF THE U.S. CONSTITUTION

**Limited Government.** The powers of the federal government were limited to those specifically provided in the Constitution.

**Republicanism.** Americans created a **republican** form of government — a democratic government of representatives elected by the people.

**Popular Sovereignty.** The people are “**sovereign**” — they hold supreme power. The powers of the government thus come from the consent of the governed.

**Federalism.** The authors of the U.S. Constitution created a “federal republic.” The powers of government were divided between the national government and the states. State governments continued to enjoy control over local matters, such as education and the passing of laws defining most crimes.

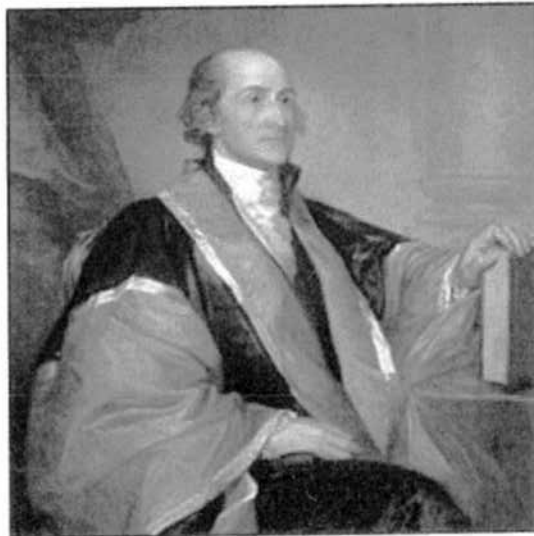
**Checks and Balances.** To prevent any one branch from becoming too powerful, the Constitution gave each branch ways to stop or “check” the other branches. The Supreme Court turned out to be especially important because it made sure that the other branches respected the Constitution.

**Separation of Powers.** The authors of the U.S. Constitution decided to divide the powers of the federal government among three separate branches: the **Congress**, the **President**, and the **Supreme Court**.

**Amendments.** The Constitution could be amended to take into account important changes. This allowed the Constitution to adjust to changing times and attitudes.

**John Jay** was a member of the Continental Congress who favored independence. He was absent at the time when the Declaration of Independence was signed. Later, he helped negotiate the peace treaty with England ending the Revolutionary War. After the new Constitution was written, it had to be ratified, or approved, by the states before it could be put into effect. Jay was the author of three essays in the *Federalist Papers*, which argued strongly in support of ratification.

In 1789, Washington appointed Jay as the first Chief Justice of the Supreme Court. Five years later, he was appointed as envoy to Great Britain to resolve conflicts over certain territories. His appointment resulted in the Jay Treaty (1795). When he returned home, Jay found that his friends had worked to get him elected Governor of New York. He was a popular Governor who introduced many changes, such as penal reform and the abolition of slavery. He also undertook extensive road and canal projects.



John Jay  
(1745–1829)

## THE BILL OF RIGHTS

The original Constitution contained few specific guarantees of individual rights. Ratification of the Constitution was only obtained when its supporters promised to add a Bill of Rights to protect individual liberties. As soon as the first Congress assembled in 1789, it began deciding which rights to include in the “**Bill of Rights**.” A list of possible rights was reduced to ten, which were approved by the members of Congress. They were then sent to the states for approval. Two-thirds of the state legislatures approved these amendments by 1791, when they came into effect.

## THE FIRST AMENDMENT

The **First Amendment** actually covers five separate rights at the same time. Let’s look at each of these rights more closely.

### FREEDOM OF RELIGION

The First Amendment guarantees freedom of worship. It also prohibits Congress from establishing an official, or “state” religion. This is sometimes called the separation of church and state.

### FREEDOM OF SPEECH

The First Amendment protects our freedom to say or write most things in public. Americans cannot be put in jail just for criticizing the government or for expressing unpopular beliefs. This does not mean, however, that we can say whatever we want. In some circumstances, our speech can be limited. For example, a person cannot yell “fire” in a crowded movie theater as a joke, since this might threaten other people’s lives. The Supreme Court has ruled that government can limit speech when that speech creates a “clear and present danger.”



### FREEDOM OF THE PRESS

The First Amendment allows newspapers, radio, and television to write or announce what they want without fear of punishment. This freedom is essential in a democratic society since people need to be well-informed to vote.

### THE RIGHT OF ASSEMBLY

The First Amendment states that Congress cannot deny individuals the right to “peacefully assemble.”

## THE RIGHT TO PETITION

Congress also cannot deny individuals the right to write to government officials to change the law, known as the **right to petition**.

### APPLYING WHAT YOU HAVE LEARNED

List the five rights in the First Amendment. Which rights in the First Amendment do you think are the most important? Explain your reasons.

## THE SECOND AMENDMENT

Americans recognized the important role played by the militia in winning the Revolutionary War. A **militia** is a “citizen’s army,” or force made up of ordinary citizens, who take up arms. The **Second Amendment** states that “a well-regulated militia” is “necessary to the security of a free state.” For this reason, it says people should have the right to “bear arms” (*carry weapons*). Some Americans question whether this right is still necessary today and whether it encourages violence.



*A rally in support of the Second Amendment.*

### APPLYING WHAT YOU HAVE LEARNED

Do you think Americans should be allowed to own guns, or should the Second Amendment be changed? Explain your answer. You may wish to consult the Internet or your school library for articles expressing different viewpoints.

## THE THIRD AMENDMENT

In the period before the American Revolution, the British government “quartered” its soldiers in colonists’ homes. The **Third Amendment** prohibits government from placing troops in people’s homes without their permission.

## RIGHTS OF THE ACCUSED

The Fourth, Fifth, Sixth, and Eighth Amendments prohibit government officials from taking away a person’s life, liberty or property without following certain fair and reasonable procedures.

## THE FOURTH AMENDMENT

In colonial times, people protested against British customs officers randomly entering their homes. The **Fourth Amendment** was added to protect individuals from “unreasonable” searches and seizures by government officials.

If there is a reasonable expectation of privacy, a judge must sign a “**search warrant**,” presented by a police officer, before the search can be conducted. Our laws provide that only in exceptional circumstances can the police make a search without a warrant.



*The police must follow certain procedures before they can enter a person's home.*

## THE FIFTH AMENDMENT

A citizen cannot be deprived of life, liberty, or property without “**due process of law**.” This means that certain legal procedures must be carried out according to established rules before a person can be punished.

- ★ A person cannot be tried for a serious federal crime, which could lead to imprisonment or execution, without an **indictment** by a grand jury — a formal accusation before a person is arrested. A **grand jury** is a group of citizens that meet to review if there is enough evidence available to even hold a trial.
- ★ No person can be subject to **double jeopardy** — being tried twice for the same crime.
- ★ An accused person cannot be forced to say things that will be used against him or herself (**self-incrimination**). Under the Supreme Court decision of *Miranda v. Arizona* (1966), a person's confession of a crime is not valid if he or she was not first informed of the right to have a lawyer present during police questioning.
- ★ **Eminent domain** refers to the power of a government over property in its territory. Sometimes the government needs to take over private property for public use. For example, the government may need to build a highway or construct a school where private homes are located. The government has the right to do so under the power of **eminent domain**. According to the Fifth Amendment, “private property [shall not] be taken for public use without just compensation.” In other words, before the government can exercise its power of eminent domain, it must provide the owner with “just compensation.”



*Persons cannot be made to testify against themselves.*

## ACTING AS AN AMATEUR HISTORIAN



Courts have usually upheld the government's right to use its power of eminent domain to take ownership of private property against an owner's objections. However, what happens if the government takes private property and then hands it over to other private individuals or developers for the purpose of economic development. Is this still taking private property for "public use"? In 2005, this very situation occurred in Connecticut.

The city of New London exercised its right of eminent domain against a group of homeowners in an area where the city wanted private developers to build a conference center, hotel, offices and condominiums. The homeowners, led by Susette Kelo, argued that eminent domain should not be exercised when the primary recipient of income would be private developers, not the city or its citizens. When the case was heard before the U.S. Supreme Court, the ruling reaffirmed the state's right to take private property for use in private development.

In *Kelo v. New London*, the Court held that the words in the Fifth Amendment "nor shall private property be taken for public use without just compensation" — can mean private use so long as the government expects this private use to provide some public benefit. The decision has led to a firestorm of controversy, public outrage, and media denunciations.

Imagine you are writing a newspaper editorial commenting on the decision in *Kelo v. New London*. Explain your view on whether the Supreme Court correctly interpreted the Fifth Amendment provision on eminent domain.



*Ms. Kelo and her attorney following their appearance before the Supreme Court.*

## THE SIXTH AMENDMENT

This amendment guarantees a fair and impartial trial to all persons accused of a crime: they must be told of the charges against them; they have the right to a trial by a jury; and they have the right to be represented by a lawyer.

## THE EIGHTH AMENDMENT

Federal courts cannot require unusually high bail. **Bail** is the money an accused person pays a court as security so that he or she need not remain in jail while awaiting trial. This amendment also bans a court from punishing someone in a cruel or unusual way.

## THE OTHER AMENDMENTS

The **Seventh Amendment** guarantees the right to a trial by a jury in many civil disputes — cases where one person sues another for injury or for breaking a contract.

The **Ninth Amendment** states that just because the Constitution lists some specific rights, this does not mean that citizens do not also hold other rights.

The **Tenth Amendment** states that the federal government has only those powers specifically given to it in the Constitution. All other powers are reserved to the states or the people.

### APPLYING WHAT YOU HAVE LEARNED

- ★ The freedoms our citizens enjoy because of the Bill of Rights are important to the fabric of life in America. Design and create a poster that showcases these freedoms. Some websites ([edu.glogster.com](http://edu.glogster.com)) can help you create interactive posters.
- ★ Select two amendments you just read about in this chapter. Search the Internet or your school library for an issue that deals with each amendment. The issue may include one settled by a case in the Supreme Court. For example, one issue often debated is the right of citizens to carry weapons under the Second Amendment.

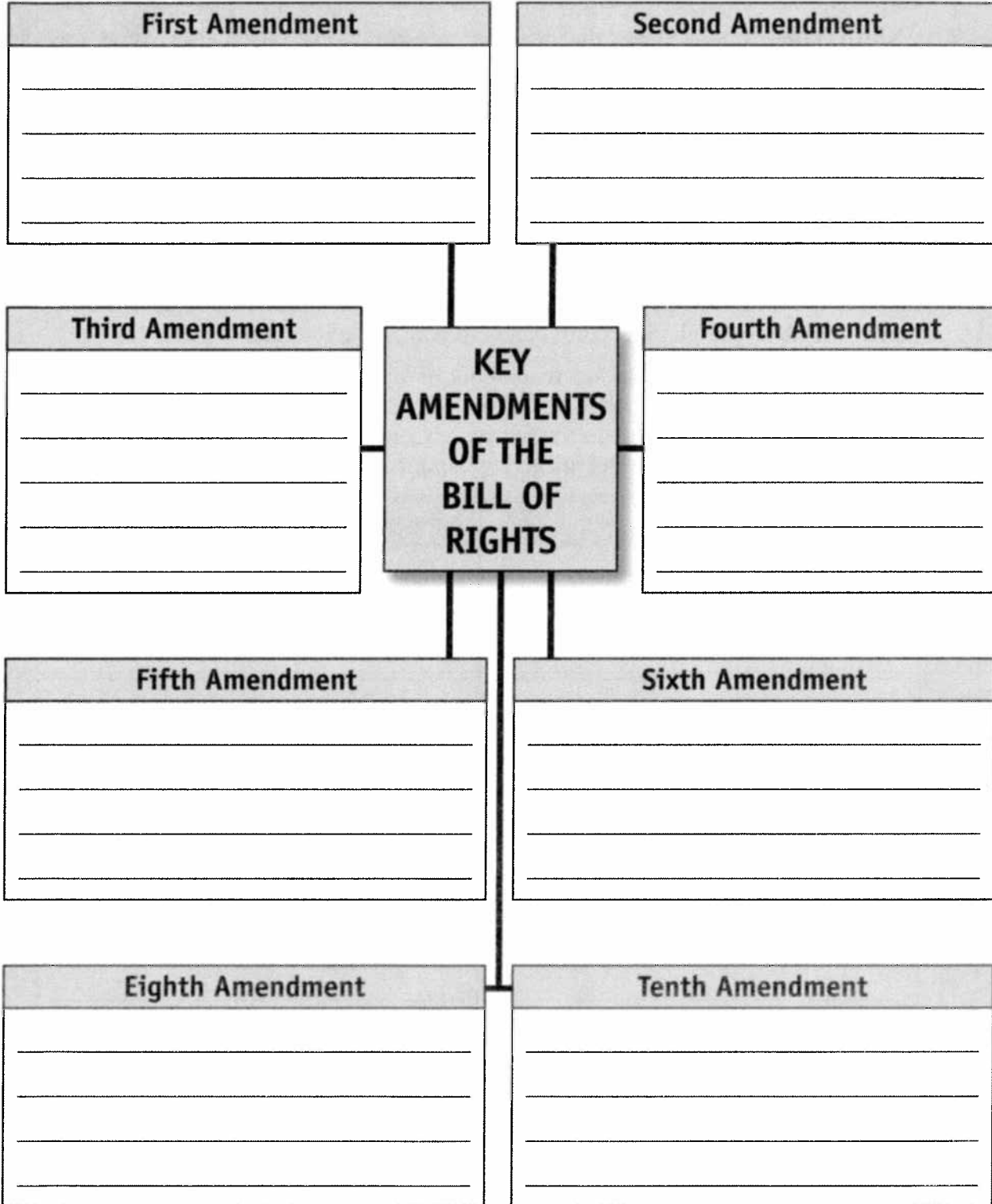
Amendment:	Amendment:
Issue: _____ _____ _____ _____ _____	Issue: _____ _____ _____ _____ _____
How was the issue resolved: _____ _____ _____ _____ _____	How was the issue resolved: _____ _____ _____ _____ _____



**LEARNING WITH GRAPHIC ORGANIZERS**



Complete the graphic organizer below by adding details about these important amendments.





## WHAT ARE AMERICANS?

At the time of the American Revolution, some writers began noticing that America was a very different place from Europe. At that time, most of Europe was still divided into hereditary social classes. Nobles enjoyed special privileges, while in many countries, there were still serfs with no rights at all. Throughout most of Europe, land was owned by a few wealthy families: there was very little free land available for people to settle or buy.

One of the first attempts to describe the new American culture was by a French immigrant, **Hector St. John de Crevecoeur**. In 1755, he moved to New France in North America and in 1759, he moved to New York. He was very intrigued by what he found in America. He tried to define what it meant to be an American in 1782. He was greatly impressed by the mixing of peoples of different nationalities, the rich resources of North America, the absence of kings and nobles demanding a share of the worker's labor, and the willingness of Americans to work hard out of their own self-interest:

### ACTING AS AN AMATEUR HISTORIAN

In his *Letters to an American Farmer*, Crevecoeur (1735–1813) wrote about how this mixture of different peoples was being transformed by the American environment to create a new American society and culture:

“What then is the American, this new man? He is either a European, or the descendant of an European, hence that strange mixture of blood, which you will find in no other country. *He* is an American, who, leaving behind him all his ancient prejudices and manners, receives new ones from the new mode of life he has embraced, the new government he obeys, and the new rank he holds.... Here individuals of all nations are melted into a new race of men, whose labors and posterity will one day cause great changes in the world.... Here the rewards of his industry follow with equal steps the progress of his labor; his labor is founded on the basis of nature, *self-interest*; can it want a stronger allurements? Wives and children gladly help their father to clear those abundant fields where crops grow to feed and clothe them all; without any part being claimed, either by a despotic prince, a rich abbot, or a mighty lord.”

- ★ According to Crevecoeur, what were the chief differences between Europeans and Americans?
- ★ What do you think surprised him most about Americans?



Forty years later, another young Frenchman came to America to observe the new American society.

In 1831, **Alexis de Tocqueville** was sent to America by the French government to study its prisons in order to help the French government reform its own prison system. It was at a time when Andrew Jackson sat in the White House and reform was in the air.

Like St. John de Crevecoeur, Tocqueville noticed that America was quite different from Europe, and he tried to identify the ways. The result was his book, *Democracy in America*, which was published in 1835. His book serves as a guide to measure how America has changed since it was written. It also allows us to gain some perspective on what aspects of American society have remained the same.

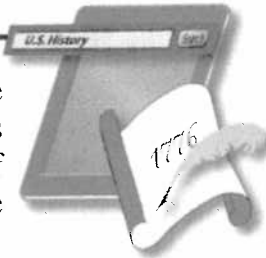


Alexis de Tocqueville  
(1805–1859)

Tocqueville asked how it was that the American system of democracy had survived so well, when France had undergone a series of revolutions and restorations during the same years and was still unable to find political stability. He looked for answers in America's social and cultural roots as well as in its political institutions.

## ACTING AS AN AMATEUR HISTORIAN

One of the things Tocqueville immediately observed was the absence of a hereditary nobility and the overriding concern of Americans with money. He also noted that closely related to the concept of social equality was that of popular sovereignty — in America, the common people exercised political power:



“Many important observations suggest themselves upon the social condition of the Anglo-Americans; but there is one that takes precedence of all the rest. The social condition of the Americans is democratic; this was its character at the foundation of the colonies, and it is still strongly marked ... [G]reat equality existed among the immigrants who settled on the shores of New England. Even the germs of aristocracy were never planted in that part of the Union....”

“I know of no other country where love of money has such a grip on men's hearts or where stronger scorn is expressed for the theory of permanent equality of property.”

“I have observed that universal suffrage has been adopted in all the states of the Union; it consequently exists in communities that occupy very different positions in the social scale. I have had opportunities of observing its effects in different localities and among races of men who are strangers to each other in their language, their religion, and their modes of life; in Louisiana as well as in New England.”

Summarize the main points that Tocqueville makes above in your own words.

Tocqueville also found, however, that the system of democracy did not always place the best people in positions of leadership in government: “On my arrival in the United States, I was surprised to find so much distinguished talent among the citizens and so little among the heads of the government. It is a constant fact that at the present day the ablest men in the United States are rarely placed at the head of affairs.” Indeed, Tocqueville came to the conclusion that by guaranteeing general prosperity and well-being, America did not necessarily promote the cultivation of excellence, as he believed Europe did.

Historians studying Tocqueville have identified five values that he found crucial to America’s success as a constitutional republic:

## EGALITARIANISM (EQUALITY)

**Egalitarianism** refers to a society of equals. In Europe, society was built around hereditary distinctions separating the nobles, middle classes, and peasants. In America, there were differences in wealth, power, and intelligence, but everyone was equal socially. The availability of free land also promoted equality. Owning land allowed Americans to view themselves as equal to their neighbors and further contributed to their feeling of equality. Tocqueville believed that the primary concern of the nation should be to safeguard liberty, since it created the conditions for Americans to become economically prosperous. Two exceptions to this were slavery and the treatment of Native Americans, which Tocqueville also wrote about.

## POPULISM (POPULAR SOVEREIGNTY)

Tocqueville wrote that democratic government, — “a government where the people more or less participate in their government,” — is closely bound up with the idea of “political liberty.” **Populism** refers to the participation of the common people in political life — another distinguishing characteristic that Tocqueville found in American society in the early nineteenth century. Since everyone in society was equal, everyone had the same right to participate in government. The goal of such a society was peace and prosperity for all.

## LIBERTY

By “liberty,” Tocqueville meant protection against tyrannical government. The great danger in democratic government was the tyranny of the majority. He noted that Americans were devoted to the rule of law, and that America’s federal system helped prevent the rise of an over-powerful government. Most important of all, American customs and manners were devoted to the spirit of liberty. In America, Tocqueville wrote, religious faith helped strengthen the belief in individual liberty.

## INDIVIDUALISM

In American society, the government did not direct individual activity to the same extent as Tocqueville had seen in Europe. People in America were free to flourish without hereditary distinctions, and individuals believed they could rise in society. Individuals even organized themselves into their own private, voluntary associations, such as charities.

## LAISSEZ-FAIRE

Because the role of government was more limited in America than Europe, people had to rely on themselves. Government took a *laissez-faire*, or “hands off,” approach to the economy. Tocqueville felt that a key value of Americans was that each individual was the best judge of his own interests. Americans should not allow government to become too protective. He feared if they relied too heavily on government, they would saddle it with a burden it was unable to perform.

### APPLYING WHAT YOU HAVE LEARNED

Choose one of Tocqueville’s five characteristics, or values of American society, and discuss whether this is still a characteristic of America today.

## THE EVOLUTION OF MID-NINETEENTH CENTURY AMERICA, 1830-1865

After Tocqueville’s visit, the United States continued to grow in both area and population. In the early nineteenth century, the three main sections of the country — the North, South, and West — were affected very differently by the rise of industry. These differences eventually led to the great conflict known as the **Civil War** (1861–1865).

Southern states attempted to secede under the theory that the Union was simply a compact of states. President Lincoln disagreed. After four years of bitter fighting, the North, with its greater population and resources, was able to defeat the South.

In the period following the Civil War, a group of amendments were passed. Slavery was abolished by the **Thirteenth Amendment**. Northern armies occupied the South during Reconstruction. The **Fourteenth Amendment** guaranteed all citizens “due process rights” and “equal protection” of the laws from state governments. The **Fifteenth Amendment** prohibited denying individuals their voting rights on the basis of race.

The federal government secured its supremacy over the states, the Great Plains were opened to settlement, new railroad lines criss-crossed the nation, and the Northeast accelerated its industrial growth as people began to move from the countryside into cities. The stage was now set for future American expansion and prosperity.

The notion that Americans stand together is expressed by the motto on the Great Seal of the United States, “*E Pluribus Unum*.” This motto means, “out of many [comes] one.” Its intent is to show that several states have joined together as one nation. First adopted by the Continental Congress in 1782, it became official in 1956. That same year, Congress also adopted “**In God We Trust**” as our national motto. Found in the words of the *Star Spangled Banner* it has been used on coins since 1864. “In God We Trust” is now printed on all American money. Often challenged, the courts have ruled that its meaning is ceremonial, not religious.

## CHAPTER STUDY CARDS

### Declaration Independence (1776)

- ★ Mostly written mostly by **Thomas Jefferson**.
- ★ Gave reasons why the colonists were demanding independence from Britain.
- ★ Listed the grievances of American colonists against the British King.
- ★ Argued that the purpose of government was to protect citizens' unalienable rights to life, liberty, and the pursuit of happiness.
- ★ Justified the overthrow of a government if that government abused people's rights.

### U.S. Constitution (1787)

- ★ Replaced the Articles of Confederation.
- ★ Established a new national government.
- ★ Provided for three branches of government:
  - Executive with a President.
  - Legislature with a two-house Congress.
  - Judiciary with a Supreme Court.
- ★ Provided a set of principles to ensure the federal government would not be too powerful:
  - Federalism.
  - Limited Government.
  - Checks and Balances.
  - Popular Sovereignty.

### First Amendment (1791)

#### Protections of Individual Freedoms

- ★ Congress cannot establish a state religion.
- ★ Congress cannot stop individuals from practicing their own religion.
- ★ Congress cannot make laws limiting someone's freedom of speech.
- ★ Congress cannot make laws limiting freedom of the press.
- ★ Congress cannot make laws prohibiting people from peacefully assembling.
- ★ People have a right to petition the government to correct wrongs.

### Bill of Rights (1791)

Other amendments in the Bill of Rights:

- ★ **Protections of Individual Freedoms**
  - Second Amendment: Gives citizens the right to bear arms.
  - Third Amendment: No quartering of soldiers.
- ★ **Protections of the Rights of the Accused**
  - Fourth Amendment: No unreasonable searches or seizures by government.
  - Fifth Amendment: established a series of "due process" protections.
  - Sixth Amendment: fair and impartial trial.
  - Eighth Amendment: No cruel or unusual punishments; no excessive bail.

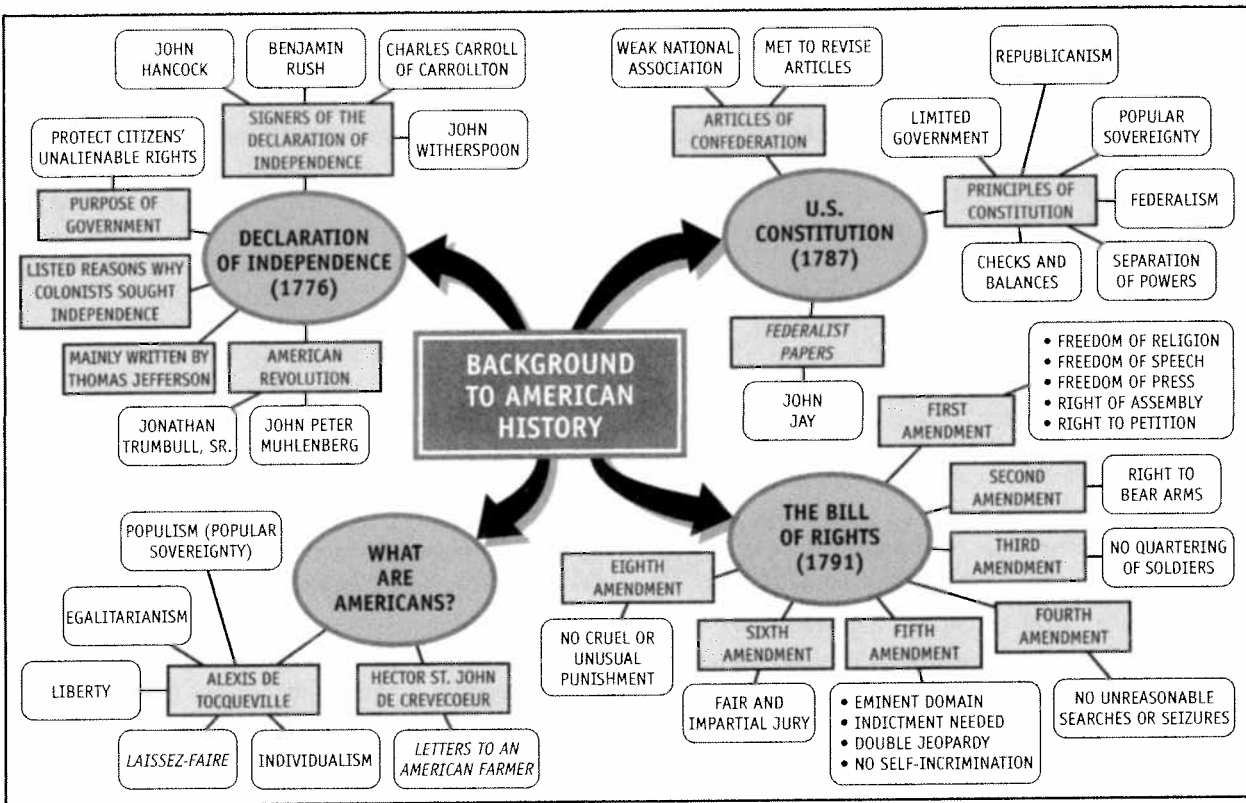
### Alexis de Tocqueville

- ★ A Frenchman who came to the United States to study its prison system.
- ★ Wrote *Democracy in America*.
- ★ Some historians have identified five key characteristics of American democracy that Tocqueville believed set Americans apart from Europeans:
  - Liberty.
  - Egalitarianism (equality).
  - Individualism.
  - Populism.
  - *Laissez-faire*.
- ★ **E Pluribus Unum.** "Out of many [comes] one."  
Several states have united to form one nation.

### Other Key Individuals

- ★ **John Trumbull, Sr.** Colonial governor who sided with the colonists against the British.
- ★ **John Peter Muhlenberg.** Clergyman who recruited soldiers to fight the British.
- ★ **John Hancock.** President of the Second Continental Congress; signer of the Declaration.
- ★ **Benjamin Rush.** Father of American Medicine; signer of Declaration of Independence.
- ★ **John Witherspoon.** Signer of the Declaration. President of New Jersey College (Princeton).
- ★ **John Jay.** Helped write *Federalist Papers*; first Chief Justice of Supreme Court; negotiated a boundary treaty with England.
- ★ **Charles Carroll.** Signer of the Declaration.

# CHAPTER 4 CONCEPT MAP



# CHECKING YOUR UNDERSTANDING

**Directions.** Put a circle around the letter that best answers the question.

"[no] warrants shall issue, but upon reasonable cause, supported by oath or affirmation, describing the place to be searched and the persons or things to be seized."  
— Fourth Amendment

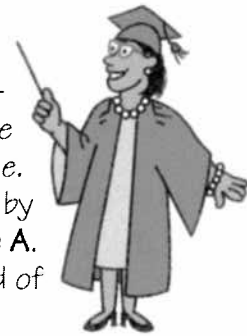
"No person shall be held to answer for a capital ... crime, unless on [an] indictment of a grand jury"  
— Fifth Amendment

"the accused shall be confronted with the witnesses against him; have [a] process for obtaining witnesses in his favor; and have the assistance of counsel."  
— Sixth Amendment

- 1 Which statement best summarizes the main idea behind all three amendments?
- A Even persons accused of a crime enjoy certain basic rights.
  - B Criminal defendants must be fully prosecuted.
  - C Criminal acts should lead to the loss of a person's liberty.
  - D Accused persons are usually guilty of committing some crime.

Hist 1(A)

**EXAMINE the question.** This question tests your ability to draw a conclusion from three amendments in the Bill of Rights. You should read each excerpt carefully. Then think about what they have in common. **RECALL what you know.** You should realize that each of these amendments establishes rights for individuals accused of a crime. These rights protect us from false accusations or unfair treatment by government officials. **APPLY what you know.** The best answer is **Choice A.** All three of these amendments deal with rights for someone accused of a crime.



*Now try answering some additional questions on your own.*

- 2 The Bill of Rights was added to the U.S. Constitution primarily to —
- F provide the President with power in times of emergency
  - G establish fair and impartial elections
  - H protect individual liberties
  - J guarantee voting privileges to minorities
- Hist 1(A)
- 3 Which guarantees freedom of the press, freedom of speech, and freedom of religion to individuals in the United States?
- A the Treaty of Paris of 1783
  - B the Articles of Confederation
  - C the First Amendment to the U.S. Constitution
  - D the Fifth Amendment to the U.S. Constitution
- Hist 1(A)

Use the chart and your knowledge of social studies to answer the following question.

Person A	Person B
Signed the Declaration of Independence	Signed the Declaration of Independence
President of the Continental Congress	"Father of American Medicine"
Signature on Declaration became a symbol of freedom in the colonies	Favored educating women and making a public university to train public servants

- 4 Which two individuals who played a role in the American Revolution are described in the table above?
- F John Trumbull, Sr. and Charles Carroll of Carrollton
  - G Benjamin Rush and John Witherspoon
  - H John Hancock and Benjamin Rush
  - J Alexis de Tocqueville and John Peter Muhlenberg
- Hist 1(C)
- 
- 5 Which of the following was an important characteristic of American society as noted by Alexis de Tocqueville in 1831–1832?
- A federalism
  - B imperialism
  - C populism
  - D isolationism
- Citi 22(A)

- 6 Which has been an important limitation on the power of eminent domain found in the Fifth Amendment?
- F The reciting of prayers in public schools has been prohibited. Hist 1(A)
  - G There must be a “clear and present danger” before it can be exercised.
  - H Individuals accused of committing crimes are protected from abusive behavior by the police.
  - J Governments must provide “reasonable compensation” when taking a person’s property.
- 7 Which of the following words are part of the Declaration of Independence?
- A “They are endowed by the Creator with certain unalienable rights, that among these are the right to life, liberty, and the pursuit of happiness.” Hist 1(A)
  - B “All persons born or naturalized in the United States are citizens of the United States.”
  - C “No soldier shall, in time of peace, be quartered in any house, without the consent of the owner.”
  - D “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.”
- 8 Which action would be protected by the First Amendment?
- F A reporter publishes an article critical of city officials. Hist 1(A)
  - G A man on trial refuses to testify against himself.
  - H A woman asks to see a lawyer before answering questions from the police.
  - J A family refuses to permit soldiers to be housed in their home.

Use the passage and your knowledge of social studies to answer the following question.

“As one digs deeper into the national character of the Americans, one sees that they have sought the value of everything in this world only in the answer to this single question: how much money will it bring in?”

- 9 Which individual expressed the views stated in this passage?
- A Benjamin Rush Citi 22(A)
  - B John Witherspoon
  - C Hector St. John de Crevecoeur
  - D Alexis de Tocqueville
- 
- 10 In the United States, illegally obtained evidence cannot be used in a court of law against someone. This rule is based on an individual’s constitutional right to —
- F face accusers in open court Hist 1(A)
  - G be protected against double jeopardy
  - H a speedy and public trial by an impartial jury
  - J protection against unreasonable searches and seizures



- 11 Which statement describes a limitation on government action established by the Bill of Rights?
- A Congress controls interstate commerce.
  - B The President shares control over foreign policy with Congress.
  - C The Supreme Court can declare acts of Congress unconstitutional.
  - D Government officials cannot enter a home without the owner's permission or a valid search warrant.
- Hist 1(C)
- 12 Which principle was adopted in the U.S. Constitution to ensure that no one branch of the federal government became too powerful?
- F republican government
  - G popular sovereignty
  - H judicial review
  - J checks and balances
- Hist 1(A)
- 13 What has been the impact of the First Amendment's separation of church and state on the American way of life?
- A It has brought about an end to religious differences.
  - B It has helped to promote religious freedom.
  - C It has increased American interest in religion.
  - D It has fostered inequality between religious groups.
- Hist 1(A)
- 14 The "due process" clause in the Fifth Amendment and the right to an attorney in the Sixth Amendment were both designed to —
- F protect freedom of expression
  - G assure that laws are properly enacted
  - H ensure fair treatment for those accused of crimes
  - J provide for judicial review of laws
- Hist 1(A)

Use the passage and your knowledge of social studies to answer the following question.

"... Now, one of the most essential branches of English liberty is the freedom of one's house. A man's house is his castle; and whilst he is quiet, he is as well guarded as a prince in his castle ...."

— James Otis, *Against the Writs of Assistance*, 1761

- 15 Which provision in the Bill of Rights shares this same belief?
- A right to a fair trial
  - B guarantee against double jeopardy
  - C protection against unreasonable searches and seizures
  - D prohibition of cruel and unusual punishment
- Hist 1(A)
- 16 St. John de Crevecoeur and Alexis de Tocqueville were similar in that both —
- F traveled from France to America to study prison reform
  - G came to America during the same time period
  - H identified values crucial to America's success as a constitutional republic
  - J were highly opposed to what they discovered in America
- Citi 22(A)

Use the passage and your knowledge of social studies to answer the following question.

“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.”

— United States Constitution, 10th Amendment

- 17** This amendment in the Bill of Rights was intended to — Hist 1(A)
- A** give people the right to vote on important issues
  - B** reduce the rights of citizens
  - C** limit the powers of the federal government
  - D** assure federal control over the states
- 
- 18** Which statement describes the achievements of John Jay? Hist 1(C)
- F** The only colonial governor to side with colonists, who remained in office throughout the American Revolutionary War.
  - G** A member of the “Committee of Five” that wrote the Declaration of Independence, and one of its original signers.
  - H** The author of three essays in the *Federalist Papers*, who also served as the nation’s first Chief Justice of the U.S. Supreme Court.
  - J** A member of the French nobility who traveled to the United States in order to study its prison system.
- 19** Why did the members of the Constitutional Convention place a provision in the U.S. Constitution that allowed it to be amended? Hist 1(A)
- A** Most of the members of the Convention opposed slavery.
  - B** They feared the decisions of the U.S. Supreme Court.
  - C** They wanted to enable the Constitution to adjust to changing times.
  - D** They needed support in state legislatures for ratification.
- 20** Why did Alexis de Tocqueville believe that American society was egalitarian? Citi 22(A)
- F** All Americans had the same wealth.
  - G** Americans lacked a hereditary social class of nobles.
  - H** Americans had just abolished slavery just before his visit.
  - J** The Declaration of Independence announced that all men were created equal.
- 21** Which branch of government established in the original U.S. Constitution was designed to be elected directly by citizens? Hist 1(A)
- A** President
  - B** Supreme Court
  - C** House of Representatives
  - D** the President’s Cabinet
- 22** Which pair of amendments proved most helpful to the development of the Civil Rights Movement? Hist 9(A)
- F** 2nd and 3rd Amendments
  - G** 7th and 8th Amendments
  - H** 9th and 10th Amendments
  - J** 14th and 15th Amendments