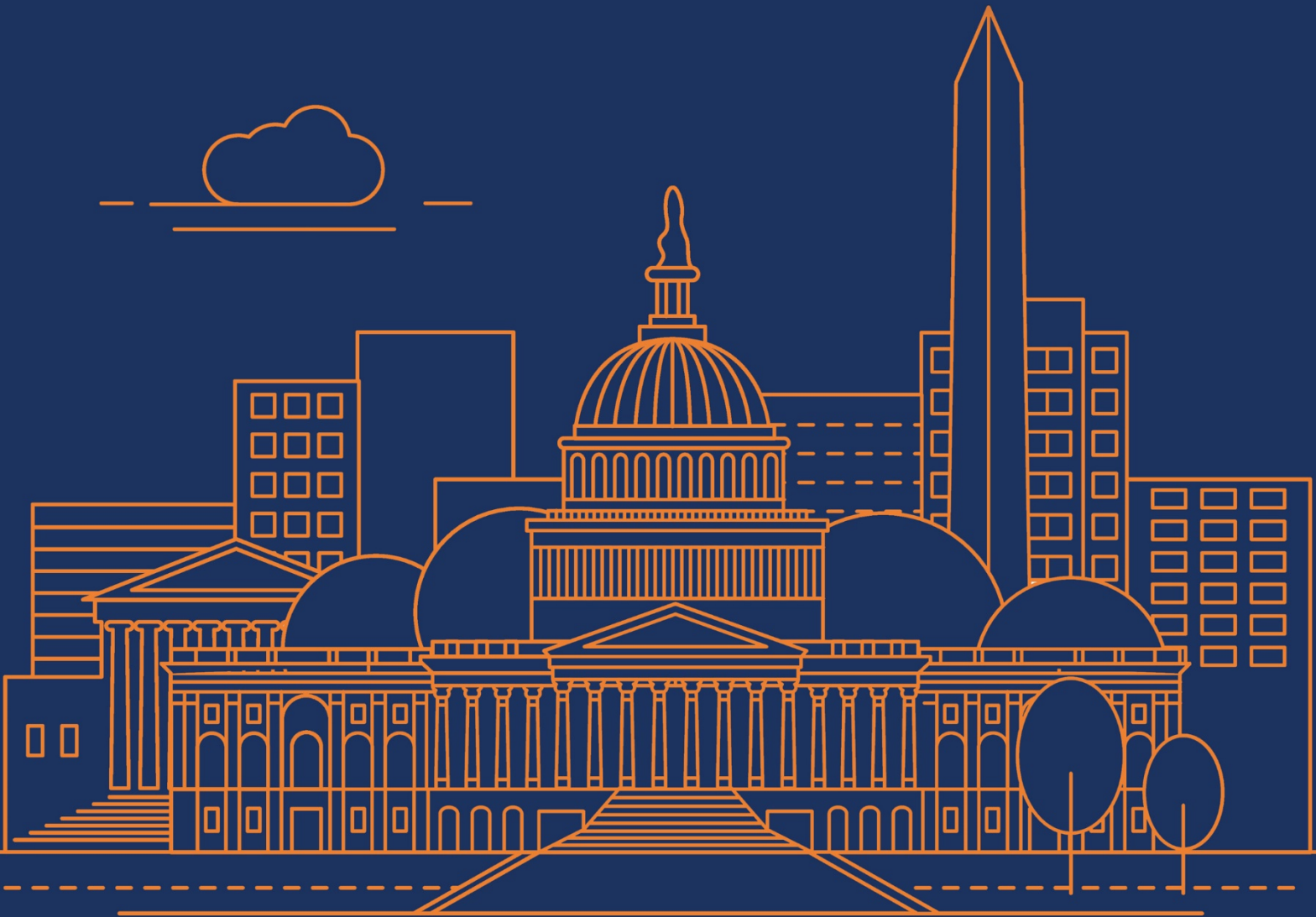


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# **Civics 101:** A Citizen's Guide to the Constitution



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# What Does It Mean to Be a Citizen?

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## What Is a Citizen?

The term, “citizen” is related to the Latin term, *civitas*, meaning “city,” and referred in early times to an inhabitant of a city. In modern times it denotes a legally recognized member of a state who is entitled to certain rights and bears certain responsibilities. In the United States, our understanding of what it means to be a citizen comes from a number of influences that predate the U.S. Constitution, which did not initially define citizenship, but left it to each of the states to determine the qualifications for participation in government. To the ancient Greeks, a citizen was a member of the community who participates in public affairs through informed, reasoned debate and discussion, respectfully considering the views of others. Aristotle taught that a citizen is capable of both ruling and being ruled through active participation in deliberation and decision-making. In the Roman Republic, *civitas* consisted of those city residents who were educated and had the right to vote and hold office. Ideally, they exercised moderation and good judgment by voting for the good of the people, sharing in the rights and responsibilities of self-government.

## Why did the Founders think virtue is necessary?

Building on this underpinning, the Founders of the United States took the position that citizens must exercise certain knowledge, skills, dispositions, and virtues in self-government. Among the many observations of Founders regarding the important role of a citizen are the following:

- John Adams wrote, “Public virtue cannot exist in a nation without private [virtue], and public virtue is the only foundation of republics.” John Adams to Mercy Otis Warren, April 16, 1776
- Benjamin Franklin wrote, “Only a virtuous people are capable of freedom. As nations become more corrupt and vicious, they have more need of masters.” Letter to Messrs, the Abbes Chalut, and Arnaud, April 17, 1787
- James Madison stated: “To suppose that any form of government will secure liberty or happiness without any virtue in the people, is a chimerical [imaginary] idea.” Speech in the Virginia Ratifying Convention, June 20, 1788
- Madison also wrote, “As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are other qualities in human nature which justify a certain portion of esteem and confidence. [America’s republican form of government] presupposes the existence of these qualities in a higher degree than any other form.” (*Federalist No. 55*, 1788)
- Thomas Jefferson wrote: “Convinced that the people are the only safe depositories of

their own liberty, and that they are not safe unless enlightened to a certain degree, I have looked on our present state of liberty as a short-lived possession unless the mass of the people could be informed to a certain degree.” Letter to Littleton Waller Tazewell, 1805

Ratified in 1868, the Fourteenth Amendment of the U.S. Constitution provides the legal definition of U.S. citizenship, stating, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside.” For purposes of this study, we will use the following description:

A citizen in a free society is a person who functions privately and publicly according to principles of moral and ethical excellence essential to leading a worthwhile life and to effective self-government. A citizen seeks to be active in public life, demonstrating civic virtues in everyday life and solving community problems.

### **What virtues are necessary in a free society, and who is responsible for cultivating them among the citizens?**

If citizens are to be free, how is it appropriate for government to be concerned about character formation? What does it mean to be free? The Founders believed that all humans are born with certain natural rights, and that legitimate government is based on the will of the people expressed through the laws they make for themselves through their representatives. Self-government in civil society depends on certain attributes of character, but the government

is not the primary institution responsible for inculcating those virtues. Rather, generating the necessary knowledge, skills, and dispositions is primarily the responsibility of families. The first and most powerful influences on character come from experiences and expectations learned in the family setting. In the endeavor to develop decent human beings who know how to work with one another, solve problems, and resolve disputes productively, families are supported by private institutions such as religious institutions and civic associations. Government plays a secondary role in encouraging these qualities in a variety of ways, including through its provision of tax-supported community schools.

There are many virtues that contribute to civil society, but the Founders’ public and private writings tell us that many of them understood at least the following attributes of character to be necessary: **justice, responsibility, courage, moderation, respect, initiative,**

**honor, perseverance, self-reliance, and civic knowledge.**

To preserve freedom citizens must first understand what **justice** is and have the **courage** to assert themselves when their rights or the rights of others are violated. If individuals are to be free, they must exercise **self-reliance** and **responsibility** to provide for themselves and their families. They must also **respect** others enough to behave generously when other community members face hardship. Another outgrowth of respect for others is that individuals exercise **moderation** in their thoughts and actions in order to listen and engage in civil discourse. Communities built on this foundation also require individuals who apply **initiative** to act energetically in solving problems, **perseverance** because problems often do not yield to easy solutions, and **honor** so that people can trust one another to do the right thing. **Civic knowledge** is necessary so that people understand their rights and can act with wisdom based on evidence and reason. In addition to applying these virtues in their own lives, citizens must hold their elected officials accountable to these standards. Seeking to serve the public in a representative office is a heavy responsibility, and voters must exercise vigilance and wisdom as they mark their ballots.

### **What principles guided the Founders in establishing the structure of the U.S. Constitution?**

Based on their long and diligent study of the kinds of governments that been established in human history, Founders like James Madison, Thomas Jefferson, John Adams, James Wilson, Alexander Hamilton, Benjamin Franklin, and George Mason, urged that certain principles must be incorporated in the framework of government in order for it to do its main job, which was protecting the natural rights of the citizens. Those principles of constitutional government included **rule of law** and **due process**, the idea that government and citizens alike abided by the same laws regardless of political power, and that those laws must reflect the virtue of justice. Because all humans are born with **equal and inalienable rights**, no one is born with a natural right to rule over others, so legitimate government is based on the principle of **consent of the governed**. In a large and complex society, the principle of consent is generally expressed through the principle of **republicanism** (or representation) as the people entrust to certain elected officials the responsibilities of day-to-day decision-making regarding law and policy.

Because humans are flawed and disposed to increase their own power at the expense of others, Founders believed it is important to preserve the principle of **limited government** through a complex structure of enumerated, divided, shared powers and checks and balances.

The Founders knew that the preservation of liberty would not be easy; it is often difficult for

flawed human beings to engage productively with one another to live peaceably in community. And they also knew that the American experiment in self-government had no chance to succeed without these constitutional principles, as well as personal and civic virtues.

# The Relationship Between Government and Citizenship

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## Is the individual a subject or a citizen?

Prior to the American Revolution, American colonists were considered subjects of the British crown. A subject is a person who is under the control of another. In a monarchy, the king or queen holds the sovereignty and authority of the nation, and the people living under his or her rule are subjects to the monarch's authority. Subjects of the crown are accountable for the decrees, orders, and laws of the crown. In a republic, like the United States, the people, or citizens, are sovereign. Citizens of a republic elect legislators to make laws and executives to enforce the laws, and judges are elected or appointed to interpret laws on their behalf. According to the U.S. Constitution, the national executive is indirectly chosen by the people and judges are appointed by the president, but the power of each branch of government ultimately lies with the citizens of the nation.

In modern times, a citizen is a legally recognized member of a state who is entitled to certain rights and bears certain responsibilities. Citizens of a constitutional republic like the United States participate in self-government rather than simply being ruled by a far-off monarch or legislature as was the case under British rule. In eighteenth-century Europe, the "divine right of kings" was the ruling philosophy in many nations. This was the belief that the monarch and his family had been destined by God to rule over the people. Subjects began to challenge that philosophy as early as the writing of the Magna Carta in 1215. The Magna Carta, written by English barons who were protesting King John's violations of traditional rights enjoyed by the nobility, stated that the monarch's powers were limited by law. It listed certain essential rights of the barons, such as trial by jury and protection from arbitrary arrest. In the midst of a later power struggle between King Charles I and Parliament, the Petition of Right (1628) reasserted this understanding and inspired the English Bill of Rights of 1689, which further limited the power of the monarch and asserted certain inalienable rights of Englishmen. England was a constitutional monarchy with government power limited by law. Inalienable, or natural, rights are those liberties that are inherent in human beings. They are not gifts of the government, but a natural condition of human beings. According to the natural rights philosophy as explained by John Locke in his *Second Treatise of Government*, 1691, every human is born equally free and independent, entitled to life, liberty, and property.

The American colonists asserted in the Declaration of Independence that King George III had violated the rights of Englishmen and their natural rights. The colonists claimed they were deprived the right of trial by jury, colonial legislatures were illegally suspended, and

taxes were imposed without their consent. Further, the British government violated natural rights like life, liberty, and property. These violations limited the colonists' liberty and right to self-government, and the colonists determined that they would dissolve their allegiance to the British government and create their own republic that would protect the rights of citizens.

The Declaration of Independence held that the purpose of government was to secure the rights of the people. American colonists believed that the British king was violating their rights to life, liberty, and the pursuit of happiness. The Declaration of Independence asserted: "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 abolish it." In the United States, American citizens are the source of power, and the republican government was created to protect against the infringement of inalienable rights.

Thus, the Americans established a limited government.

### **What framework of self-government did the people develop?**

After declaring of their independence, the now United States began their experiment in self-government. Their first attempt at a consolidated union, the Articles of Confederation, saw them through the Revolution but proved a less effective framework for government in the peace that followed. In 1787, a new constitution was drafted in Philadelphia and submitted to popular conventions in the states for ratification, or approval.

The United States Constitution protected inalienable rights by specifically listing the powers of the national government, and by implementing such principles as separation of powers, checks and balances, and federalism to guard against abuse of power. However, some members of the new nation did not believe these protections were adequate. Antifederalists, those who opposed a strong national government during the ratification of the Constitution, asserted that the document was not specific enough in its protection of inalienable rights.

Many Antifederalists called for the addition of a bill of rights to ensure that citizens' rights were protected. They believed the strongest repository for the protections of rights was in the states and feared that a strong central government would become tyrannical. Federalists, those who supported the stronger national government, argued that a Bill of Rights was unnecessary because the Constitution already protected individual rights and the government was limited. They were also afraid that listing only a few specific rights would not account for all the inalienable rights held by citizens. In addition, they believed that the vigilance of the sovereign people over their rights was the greatest protection of individual liberties. Publius states in *Federalist No. 84*, that, "whatever fine declarations may be



inserted in any constitution respecting [our rights], must altogether depend on public opinion, and on the general spirit of the people and of the government.”

After the Constitutional Convention concluded, several states ratified the Constitution with the stipulation that a bill of rights be added later. After ratification, Congress agreed upon twelve amendments and sent them to the states, which ratified ten of the amendments. These ten amendments became the United States Bill of Rights. The amendments in the Bill of Rights guarantee that the federal government will not infringe on the freedom of conscience, speech, press, assembly, the right to trial by jury, and the rights of life, liberty, and property, among others.

Many of the Antifederalists’ concerns were addressed by the addition of these amendments to the Constitution. The Ninth Amendment, which states, “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people,” helped to assuage concerns that by listing only a few specific rights, the document could not encompass all rights held by citizens. The Tenth Amendment, which states, “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” assured citizens that the states and the sovereign people would retain any powers not enumerated in the Constitution to the three branches of the national government.

### **How did the Fourteenth Amendment extend the reach of the federal government?**

For nearly one-hundred years, only two additional amendments were made to the Constitution. Following the Civil War in 1865, three more amendments were ratified. The Thirteenth Amendment outlawed slavery in the nation, the Fourteenth Amendment guaranteed that all persons born or naturalized in the United States, including former slaves, would be citizens, and the Fifteenth Amendment assures that no citizen will be denied the right to vote based on race, color, or previous condition of servitude.

The Fourteenth Amendment led to many Supreme Court cases related to inalienable rights in the twentieth century. Prior to this amendment, it had been understood that the Bill of Rights restricted only the actions of the federal government, but starting in 1925, the Supreme Court interpreted the Fourteenth Amendment to mean that the Bill of Rights also limited certain actions of state and local governments. The amendment states that “nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” These are called the Due Process and Equal Protection clauses, respectively. Through a series of Court cases in the twentieth century, most of the protections in the Bill of Rights have been applied to state and local governments through the Due Process Clause in a process called

incorporation.

Many people praise incorporation because the process has limited the actions of states and local government from infringing upon the peoples' rights. However, others believe that states and local governments should have greater voice in determining how to protect the liberties of their citizens through their own state constitutions. Incorporation of the Bill of Rights through the Fourteenth Amendment continues to be a contentious issue.

### **How can people participate in civil society?**

While individual rights are protected by the constitutional rule of law, people must continue to help protect the rights they enjoy in their daily lives. There are many ways that citizens can promote and protect inalienable rights.

Many people think about voting or campaigning for candidates as a part of their civic duties, but civic involvement should not be limited to politics. Community members help clean up a neighborhood park, donate time or money to a cause that is important to them, deliver meals to senior citizens, or help families take care of their homes, in addition to many other voluntary activities that help build strong community.

One of the ways that citizens help protect their own rights and those of others is to be involved in civic organizations. Civic organizations include community initiatives, volunteer organizations, religious institutions, clubs, nonprofits, charities, or other non-government groups. As noted by Alexis de Tocqueville in *Democracy in America*, Americans have been involved in associations since the founding of the United States. Tocqueville, a French historian and sociologist who toured the United States in 1831 and wrote about his observations, believed that these associations, or civil society, were the backbone of the American identity.

Through Americans' participation in voluntary associations, Tocqueville believed that power would be decentralized and that more decisions would be left to local communities rather than resting in the hands of the government. By being involved in one or more of these civic groups, people can help to promote and protect the rights, laws, and customs of their communities.

### **Why is education essential to self-government?**

Another way to promote and protect inalienable rights is for people to continue to educate themselves. The Founders believed that civic education was a way to ensure that principles of the American republic would endure from one generation to another. People must understand their rights, why they have them, and how they should be protected. As Thomas

Jefferson stated, “Educate and inform the whole mass of the people, enable them to see that it is their interest to preserve peace and order, and they will preserve it, and it requires no very high degree of education to convince them of this. They are the only sure reliance for the preservation of our liberty.” (Thomas Jefferson to Uriah Forrest, 31 December 1787). By educating themselves, people are better prepared to hold elected officials and fellow citizens accountable, as well as participating effectively in self-governance and civil discourse.

Americans have a long history of fighting for their rights from the colonial era as subjects of a monarch, to the Civil War, the women’s suffrage movement, and the civil rights movement, as well as many different current issues. To protect these rights, people can participate in government by holding elected officials accountable, by participating in civic organizations and education to improve their lives and the lives of others. By being active citizens, people can uphold the principles of the Declaration of Independence, U.S. Constitution, and Bill of Rights.

# Questions For Reflection

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1. What is the difference between a subject and a citizen?
2. Why did the Americans write the Declaration of Independence? What rights are outlined in the document? Why are they called inalienable?
3. How do the Constitution and Bill of Rights protect liberty? Why was it important to the Framers to protect liberty with these documents?
4. Why are the Due Process and Equal Protection clauses of the Fourteenth Amendment important?
5. What is incorporation? What effect did it have on the Bill of Rights? Why might it be considered a contentious issue?
6. In what ways can you be an active civic participant? Which civic organizations are you participating in currently?

# Excerpts from the Declaration of Independence

## *List of Grievances*

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He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the meantime exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and superior to the Civil power....

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offence

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever...

He has excited domestic insurrections amongst us and has endeavored to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

# Excerpts from the United States Constitution

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We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## ARTICLE I

**Section 1.** All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

**Section 3.** The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation.

When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

**Section 4.** The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day

**Section 8.** The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of

bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

...To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

...To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

**Section 9.** 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.

No bill of attainder or ex post facto Law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.



No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state

over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

## ARTICLE II

**Section 1.** The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term...

**Section 2.** The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states...

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States... he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

## ARTICLE III

**Section 1.** The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

**Section 2.** The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made,

under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more states;—between a state and citizens of another state;— between citizens of different states;—between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects...

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

**Section 3.** Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

## ARTICLE VI

**Section 2.** The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

**Section 3.** New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

**Section 4.** The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

## **Amendment I**

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

## **Amendment II**

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

## **Amendment III**

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

## **Amendment IV**

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

## **Amendment V**

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

## **Amendment VI**

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

## **Amendment VII**

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

## **Amendment VIII**

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

## **Amendment IX**

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

## **Amendment X**

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

# Founding Principles

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**Checks and Balances:** Constitutional powers are distributed among the branches of government allowing each to limit the application of power of the other branches and to prevent expansion of power of any branch.

**Consent of the Governed/Popular Sovereignty:** *The power of government comes from the people.*

**Due Process:** The government must interact with all people according to the duly enacted laws and apply these rules equally with respect to all people.

**Equality:** Every individual is equal to every other person with respect to natural rights and treatment before the law.

**Federalism:** The people delegate certain powers to the national government, while the states retain other powers; and the people, who authorize the states and national government, retain all freedoms not delegated to the governing bodies.

**Freedom of contract:** Freedom of individuals and corporations to make legally binding mutual agreements without arbitrary or unreasonable legal restrictions

**Freedom of religion:** The right to choose one's religion or form of worship, if any, without interference; freedom of conscience

**Freedom of speech, press, and assembly:** The legal right to express one's opinions freely, orally or in writing, and the right to gather with others in groups of one's choice without arbitrary or unreasonable restrictions.

**Liberty:** Except where authorized by citizens through the Constitution, government does not have the authority to limit freedom.

**Limited Government:** Citizens are best able to pursue happiness when government is confined to those powers which protect their life, liberty, and property.

**Majority Rule/Minority Rights:** Laws may be made with the consent of the majority, but only to the point where they do not infringe on the inalienable rights of the minority.

**Natural/Inalienable Rights:** Rights which belong to us by nature and can only be justly taken away through due process. Examples are life, liberty, property, and the pursuit of happiness.

**Private Property:** The natural rights of all individuals to create, obtain, and control their possessions, beliefs, faculties, and opinions, as well as the fruits of their labor.

**Representative/Republican Government:** Form of government in which the people are sovereign (ultimate source of power) and authorize representatives to make and carry out laws.

**Rule of Law:** Government and citizens all abide by the same laws regardless of political power. Those laws are justly applied, consistent with an ethos of liberty, and stable.

**Separation of Powers:** A system of distinct powers built into the Constitution, to prevent an accumulation of power in one branch.

# Virtues and Vices

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**Virtue** is conduct that reflects universal principles of moral and ethical excellence essential to

living a worthwhile life and to effective self-government. For many leading Founders, attributes of character such as justice, responsibility, perseverance, respect, and others were thought to flow from an understanding of the rights and obligations of human beings. Virtue is compatible with, but does not require, religious belief. One's thoughts and words alone do not make a person virtuous. According to Aristotle, virtue must be based on a just objective, it requires action, and it must become a habit.

**Private Virtue:** The idea that, in order to sustain liberty, individuals must be knowledgeable and must conduct themselves according to principles of moral and ethical excellence, consistent with their rights and obligations.

**Civic Virtue:** A set of actions and habits necessary for the safe, effective, and mutually beneficial participation in a society

**Vice:** Immoral or wicked behavior

## Virtues

**Civil Discourse:** Reasoned and respectful sharing of ideas between individuals is the primary way people influence change in society/ government, and is essential to maintain self-government.

**Contribution:** To discover your passions and talents, and use them to create what is beautiful and needed. To work hard to take care of yourself and those who depend on you.

**Courage:** The ability to take constructive action in the face of fear or danger. To stand firm as a person of character and do what is right, especially when it is unpopular or puts you at risk.

**Honor:** Demonstrating good character, integrity, and acting honestly.

**Humility:** To remember that your ignorance is far greater than your knowledge. To give praise to those who earn it.

**Integrity:** To tell the truth, expose untruths, and keep your promises.

**Initiative:** Exercising the power, energy, or ability to organize or accomplish something.

**Justice:** Upholding of what is fair, just, and right. To stand for equally applied rules that respect the rights and dignity of all, and make sure everyone obeys them.

**Moderation:** The avoidance of excesses or extremes.

**Perseverance:** To continue in a task or course of action or hold to a belief or commitment, in spite of obstacles or difficulty. To remember how many before you chose the easy path rather than the right one, and to stay the course.

**Respect:** Honor or admiration of someone or something. To protect your mind and body as precious aspects of your identity. To extend that protection to every other person you encounter.

**Responsibility:** Acting on good judgment about what is right or wrong, or deserving the trust

of others. To strive to know and do what is best, not what is most popular. To be trustworthy for making decisions in the best long-term interests of the people and tasks of which they are in charge. Individuals must take care of themselves and their families, and be vigilant to preserve their liberty and the liberty of others.

**Resourcefulness:** Taking constructive action in difficult situations quickly and imaginatively.

**Self-Governance:** To be self-controlled, avoiding extremes, and to not be excessively influenced or controlled by others.

**Vigilance:** Being alert and attentive to take action to remedy possible injustices or evils.

## Vices

**Ambition:** To be driven by self-interest while pursuing power and fame for yourself rather than serving the republic or the good of others.

**Avarice:** To allow the love of wealth to lead you to do wrong in acquiring it

**Deception:** To lie to yourself and others either to deceive them or because you are deluded into thinking that something is right when it is wrong and unjust.



**Demagoguery:** To lead others astray because you control or manipulate their emotions through moving words or a deceptive vision.

**Hubris:** To have excessive pride, vanity, and arrogance that usually leads to a tragic fall.

**Injustice:** To harm others by applying unequal rules and damaging another's inalienable rights and dignity.

**Political Intolerance:** Disrespect for the different political views of others and violating their inalienable right