

# Shenandoah Middle School Museums Magnet



Civics  
EOC Review  
*by Benchmark*

This entire presentation is  
geared towards  
preparing you for the  
Civics EOC Exam.

They are organized by  
the tested Benchmarks.

# Benchmarks 1.1-1.5



### SS.7.C.1.1

**Recognize how Enlightenment ideas including Montesquieu's view of separation of power and John Locke's theories related to natural law and how Locke's social contract influenced the Founding Fathers.**

### SS.7.C.1.2

Trace the impact that the Magna Carta, English Bill of Rights, **Mayflower Compact**, and Thomas Paine's "**Common Sense**" had on colonists' views of government.

### SS.7.C.1.3

Describe how English policies and responses to colonial concerns led to the writing of the Declaration of Independence.

### SS.7.C.1.4

Analyze the ideas and complaints in the DOI

### SS.7.C.1.5

Weaknesses of the Articles of Confederation



# Early English Influence

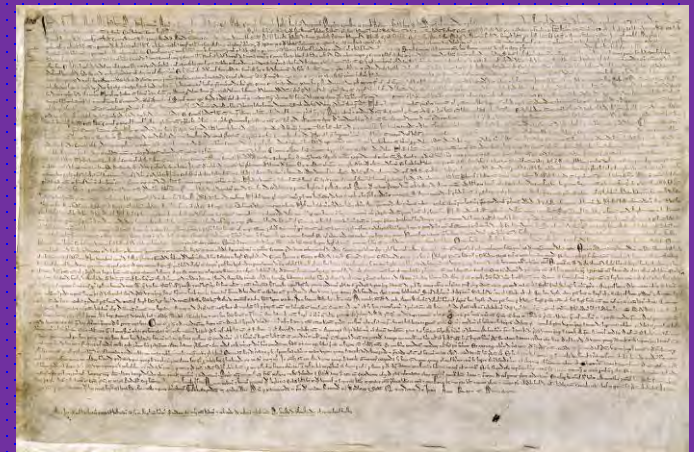


- Early American ideas of democracy and government can be traced back to early *English* rule.
- The English brought with them a tradition of limited and representative government.
- England was ruled by a “monarch” **for centuries. (now they have a parliamentary system with a Prime Minister)**

# The “Magna Carta” (1215)

King John was forced to sign this document which upheld the rights of landowners by:

1. protected the English nobles' rights
2. limited the power of the Monarch – thus led to a LIMITED MONARCHY!  
This is where we see the power of government



# Enlightenment Thinkers

- Influenced government over time
- John Locke believed in natural law & social contract.
- Natural Law means that you are born with certain rights not granted by the government.
  - “natural rights” that because we are human we are guarantee by the Heavens...life, liberty and property.
  - “social contract” – that people have a contract with their government and the gov’t should protect it’s people. (we are locked into a contract)
- Baron de Montesquieu
  - Separation of Powers – each branch of government is responsible for specific powers. (3 branches)





# “English Bill of Rights”

(1689)

- The new “English Bill of Rights” were drawn up by Parliament.
- They stated that the English monarch had no power over the Parliament and could **never again control its** actions.
- This limited the **government** and gave rights to the people!!!

Delusion Lawes and Liberties might not againe  
be in danger of being subverted Upon which  
Letters Patents having been accordingly  
made and thereupon the said Lordes Spiritual  
and Temporall and Commons pursuant to their  
respective Letters and Elections being now  
assembled in a full and free Representative of  
this Nation taking into their most serious  
consideration the best means for attaining  
the Ends aforesaid doe in the first place and  
first Consideration in this most solemn  
Manner and Liberties Declare That the pretended  
Power of suspending of Lawes or the Execution of  
Lawes by Special Commission without Consent of  
Parliament is illegal That the pretended power  
of suspending with Lawes or the Execution of  
Lawes by Special Commission as it hath been  
summed and exercised of late is illegal That  
the Commission for executing the late Oath of  
Commissioners for Ecclesiastical Causes and all  
other Commissions and Oaths of like nature  
are illegal and pernicious That levying money  
for or to the use of the Crown by pretence of  
 prerogative without Consent of Parliament for  
fourte first or in other manner than the same  
is or shall be granted is illegal That if in  
the right of the Subjects to petition the King  
and all Commissioners and prerogatives for such  
petitioning are illegal That the raising or  
keeping a standing Army within the Kingdom  
in time of Peace without Consent of  
Parliament is against Law That the Subjects  
which are Protestants may have Armies for their  
better assistance to their Conditions and as  
allowed by Law That Election of Members of  
Parliament ought to be free That the freedom

# ***“English Bill of Rights”***

(1689)

- The new document guaranteed the following:
  1. King could not suspend laws without **Parliament's approval.**
  2. King could not create special courts
  3. King could not impose new taxes
  4. King could not raise an army without consent
  5. Parliament would now be freely elected (by the people)
  6. All have right to fair trial
  7. Bans cruel and unusual punishment



# “Mayflower Compact”

(1620)

- 1620, the Pilgrims - members of the “**Mayflower**” voyage came to colonize to escape religious persecution.
- They drew up a written plan for how their government would run. This was the Mayflower Compact.
- A “compact” is an agreement or contract among a group of people.
- “Mayflower Compact” **established a** tradition of *direct democracy* – **SELF GOVERNMENT** - still seen in New England today.





# “Stamp Act” (1765)

- Under the rule of King George III, the colonies became a source of income
- The first significant tax **was the “Stamp Act”** of 1765.
- This act required expensive tax stamps on *all newspapers and legal documents*



Whereas by an Act made in the last Session of Parliament several new Duties were enacted and are appropriated towards defraying the Expenses of defending protecting and serving the British Colonies and Plantations in America And whereas it is a just and necessary that Provision be made for raising a further Sum of Money within your Majesty's Dominions in America to defray the said Expenses We your Majesty's most Dutiful and loyal Subjects the Commons of Great Britain in Parliament assembled have therefore resolved to give and grant unto your Majesty the several Rates and Duties therein after mentioned and do most humbly beseech your Majesty that it may be enacted And be it enacted by the King's most Excellent Majesty that the said

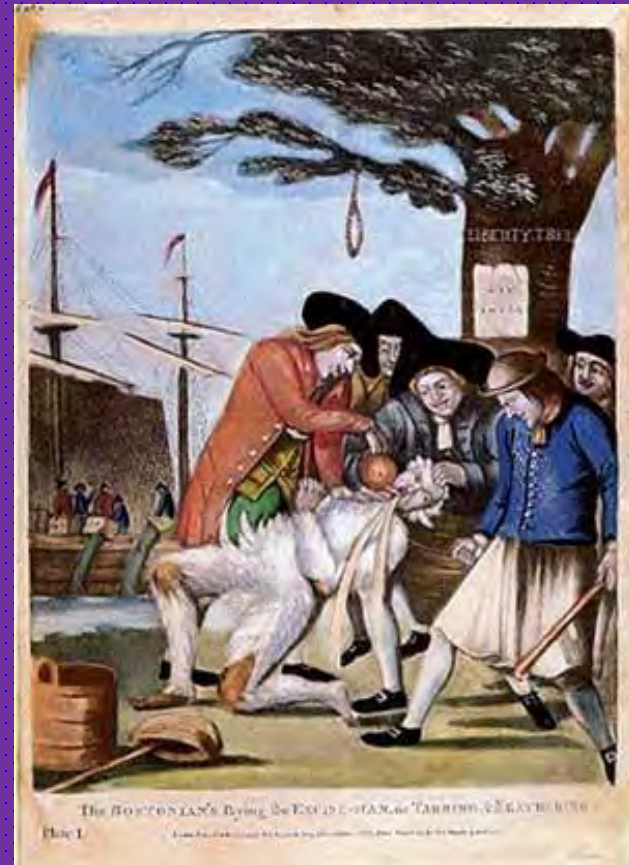
# ***“No Taxation Without Representation”***

- American colonists resented these new taxes by the British.
- Since they had *no representation* in the British Parliament, they felt they should *not have to pay taxes*.
- Their slogan *no taxation without representation!*  
Embodied this!



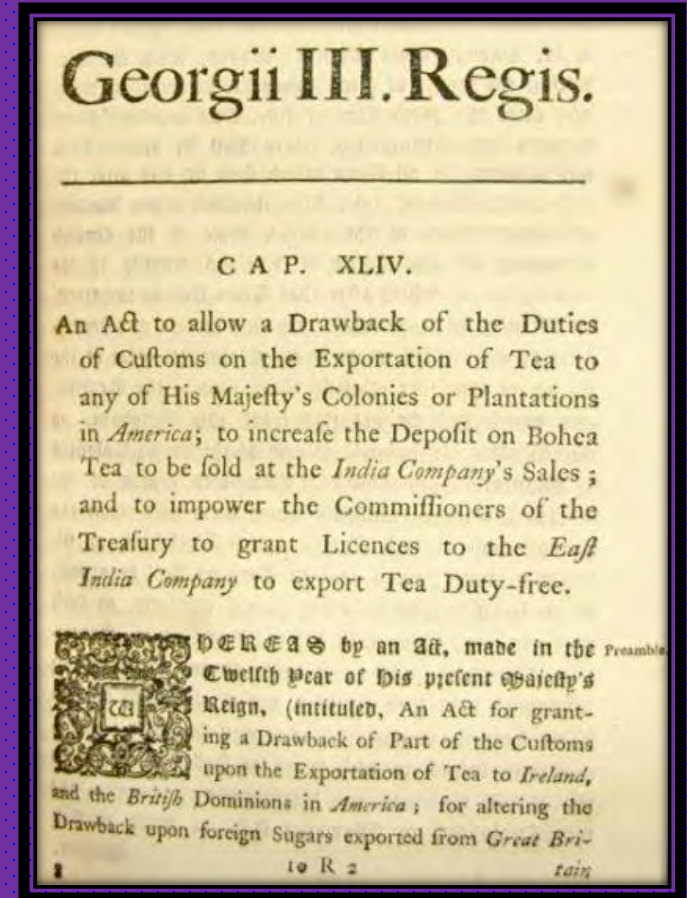
# American Boycotts

- In protest, many Americans began **to “boycott” or refuse to buy** British goods.
- As a result, the British government **“repealed” or cancelled** the act.



# “Tea Act” (1773)

- The “Tea Act” followed, allowing the *British East India Company* to bypass colonial government tax requirements.
- It lower taxes on tea which made merchants have to buy British tea over others
- American merchants were outraged and **decided to act....**





# ***“Boston Tea Party”***



# “Coercive” (“Intolerable”) Acts

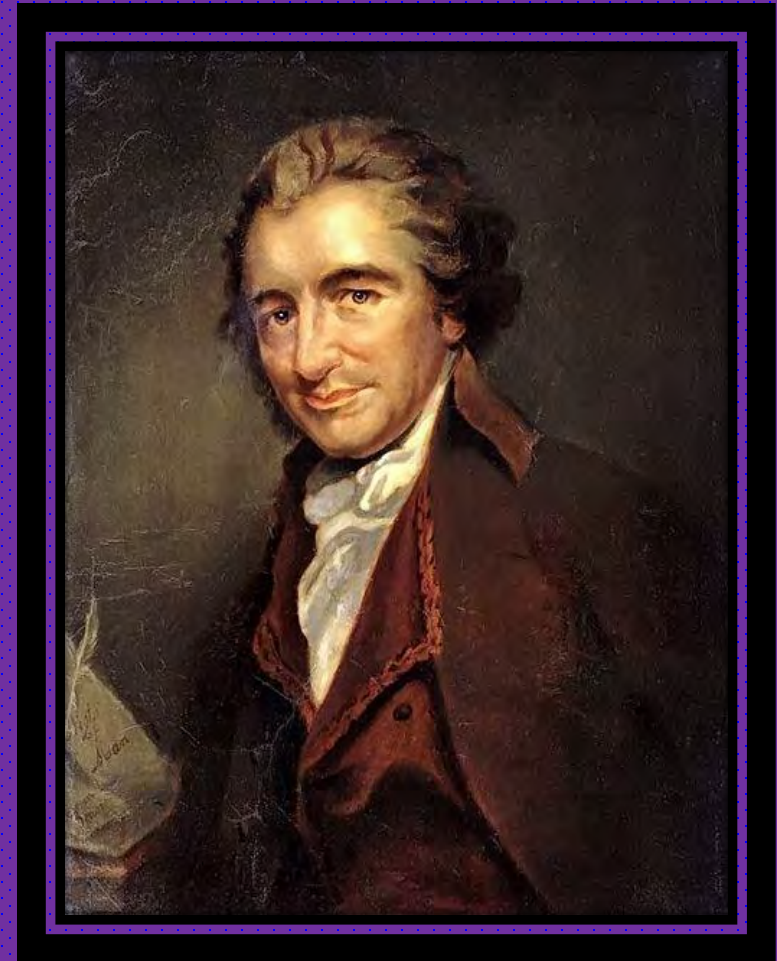
- To respond to the “Boston Tea Party”, the British Parliament instituted **the** “Coercive Acts”.
- Called the “Intolerable Acts” by America, these acts restricted colonial rights.





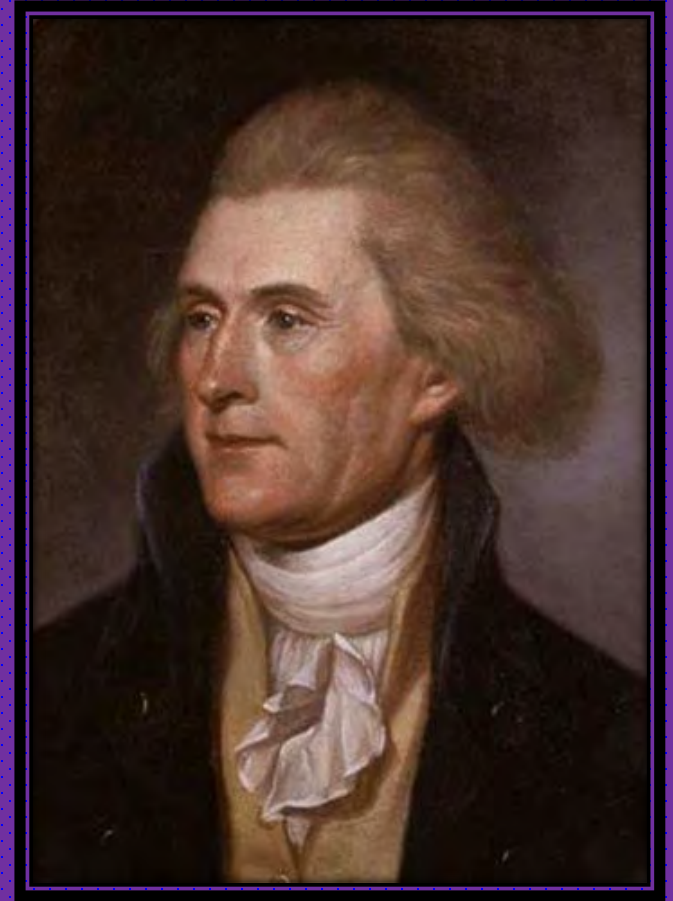
# Thomas Paine & “Common Sense”

- Thomas Paine argued in 1776 that it was only “common sense” for America to break with Great Britain (If you have **a bad gov’t get rid of it** and get a new one – **it’s** only common sense).
- King George was a **“royal brute”** and America had every right to sever ties.

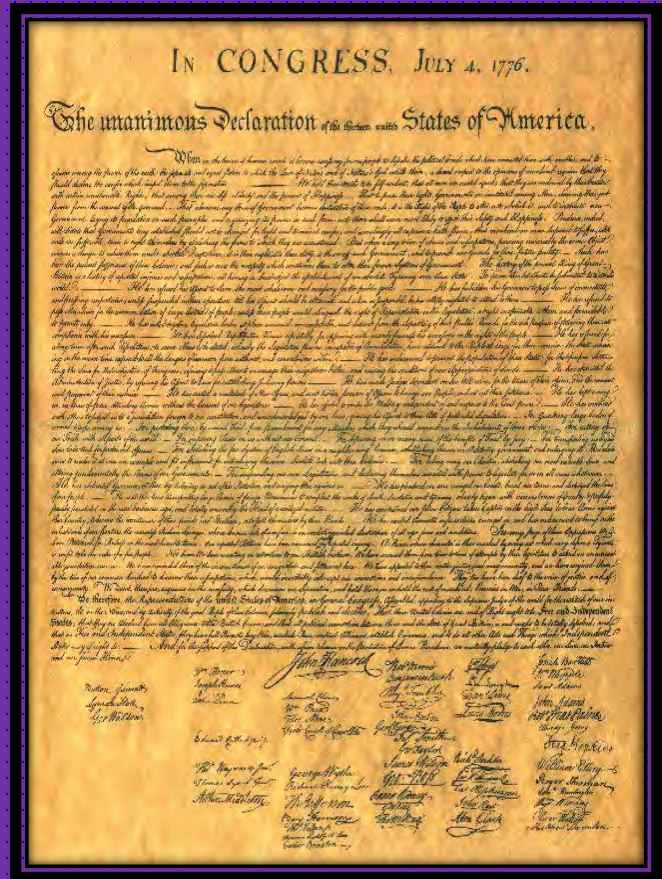


# ***“Declaration of Independence”***

- The ideas of Locke, Montesquieu and Paine, all influences Thomas Jefferson as he wrote the Declaration of Independence.
- The document clearly expresses to the world that purpose of government is to protect human or natural rights, basic rights that are entitled to all human beings.



# “Declaration of Independence”

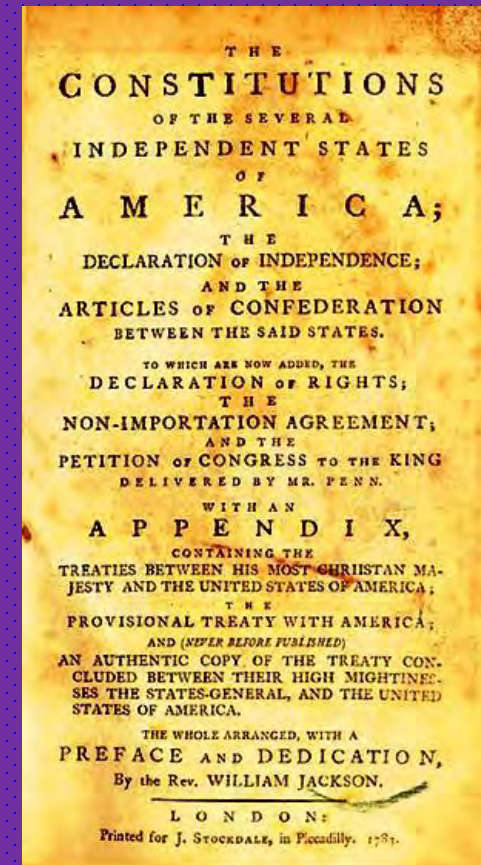


- In order to break away from Britain and protect the rights of **the people...**
- The **Second Continental Congress** approved the Declaration on July 4, 1776 and we celebrate that as the Birthday of our nation.
- **It's the gov't's job to** protect the rights of the people! (social contract)
- The people **ALLOW** the government to govern!



# “Articles of Confederation”

- The “Articles of Confederation” was the first attempt at a constitution for the United States.
- A “confederation” is a group of individuals (or governments) who band together for a common purpose.
- AofC established a system for cooperation among independent states.



# *Problems Quickly Begin!*

During the Revolution, the Articles was effective because it helped us UNITE to FIGHT – we won the **American Revolution.....but after the Revolution...this government proved to be too weak.**

- There was no central leadership (executive)
- Congress had no power to regulate trade
- Congress had no power to **enforce it's laws**
- There was no national court system to carry out justice
- The country was left deeply in debt because there was no money – Congress had no power to tax the people.
- Any changes made to the Articles required UNANIMOUS consent of all 13 states.

# *Failure of the* ***“Articles of Confederation”***

- **By 1787, most realized that the “Articles of Confederation” would not provide the type of government Americans wanted**



- The Aof **C Created a “confederal” government** system that was weak!!! ----- the delegates **wanted to create a “federal” system with a** strong central government where power was shared between the national government and the states.



Benchmarks 1.6-1.9  
Benchmarks 3.3, 3.5, 3.8 & 3.9



# Review – Timeline of Important Documents in US History

- Magna Carta
- English Bill of Rights
- Mayflower Compact
- Declaration of Independence (intro, rights, complaints and declaration)
- Articles of Confederation
- US Constitution
- Bill of Rights

### SS.7.C.1.6

*Interpret the intentions of the Preamble of the Constitution*

### SS.7.C.1.7

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

### SS.7.C.1.9

*Define the rule of law and its influence*

### SS.7.C.3.3/SS.7.C.3.8

*Illustrate the structure and function of the three branches*

### SS.7.C.3.5

*Explain the Constitutional Amendment process.*

### SS.7.C.3.9

*Identify the law making process (local, state, federal)*

### SS.7.C.1.8

*Viewpoints of Feds/Antifederalists*

# Three Parts of the Constitution



- Preamble - Introduction or Goals of the Constitution

- The 7 Articles - (LEJ RASR): Body of the Constitution

- The 27 Amendments - Changes to the Constitution



# “Preamble”

- The introduction to our Constitution is called the Preamble.
- “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.**”
- The phrases “We the People” illustrates our belief in popular sovereignty, that the government gets its power from the people – the people rule!
- This portion of the Constitution lists the six goals of our **government. It sets up the purpose of our gov’t** – it is the introduction of the Constitution!



# The “Articles”

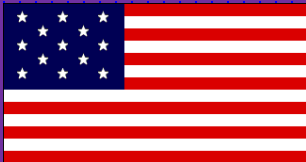
- Lists the functions and purposes of the government – There are seven (7) of them





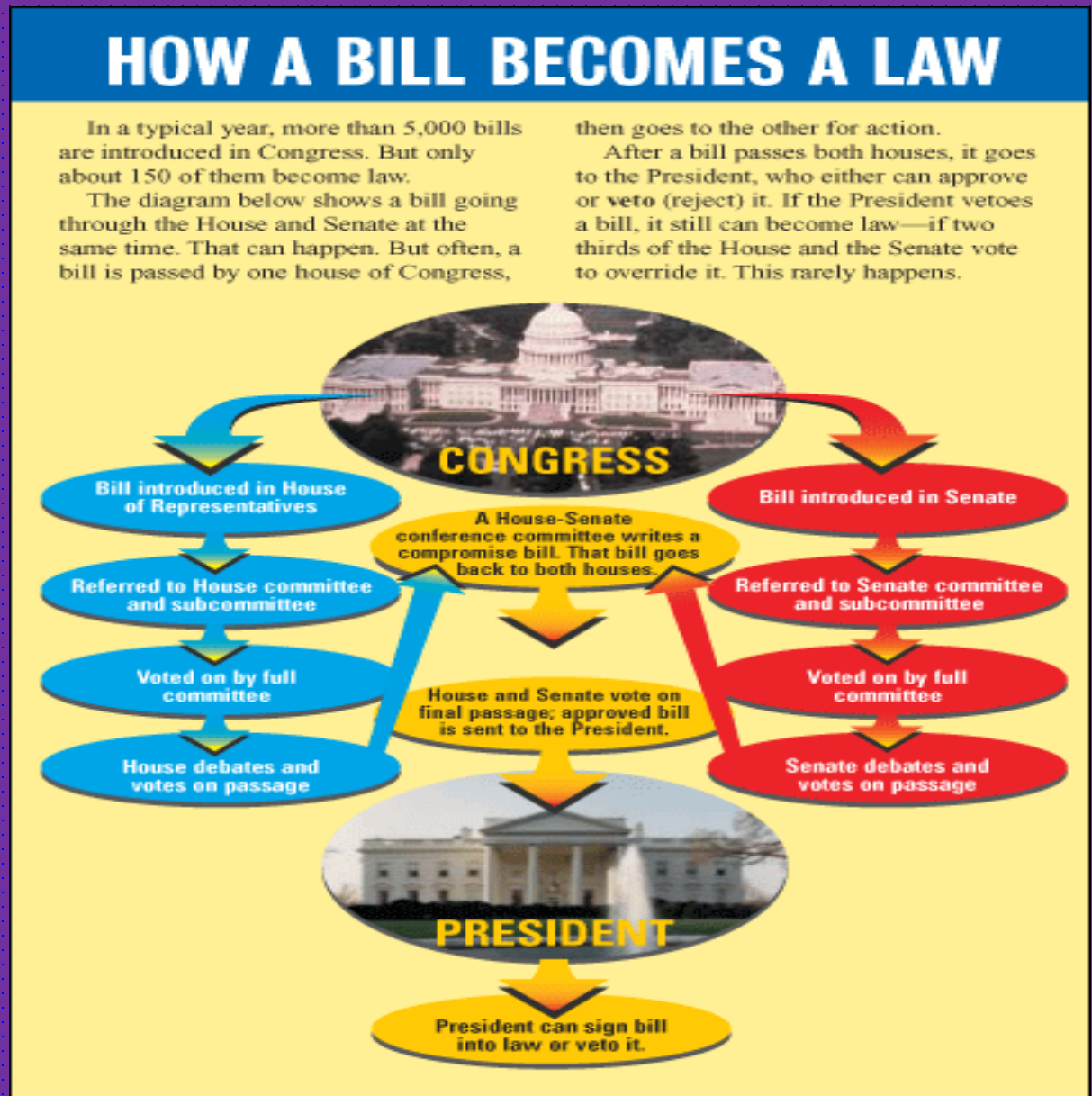
# Article I – “L” (for Legislative)

- Article I establishes the Legislative Branch (U.S. Congress).
- It creates the “Senate” and the “House of Representatives”.
- Congress has the task of “making laws”.
- Only Congress can declare war or coin money.



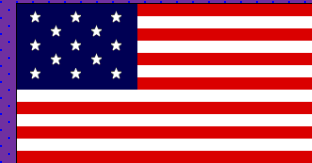
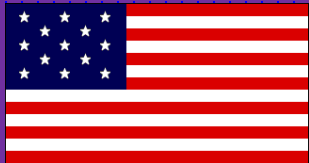
How would law making differ at the State Level??

How would law making differ at the local level?? (ordinance)



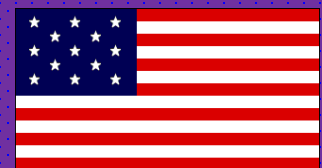
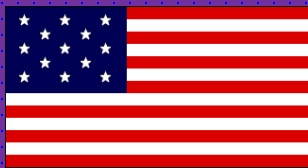
# Article II – “E” (for Executive)

- Article II establishes the Executive Branch (U.S. President & Vice President).
- It establishes procedures for electing the president and vice president
- President has the task of “carrying out laws”.
- Presidential Succession order



# Article III – “J” (for Judicial)

- Article III establishes the *Judicial Branch* (*U.S. Supreme Court and other lower courts*).
- Their main job is to *try cases and interpret the laws and the Constitution*
  - When they interpret the Constitution/Laws, this is called *Judicial Review*





# Article IV – “R”

## (relationship with states)

- Article IV establishes the relations of the states and the rights of citizens.
- It establishes “good will” among states.
- Promises U.S. protection of the states.



# Article V – “A” (amendments)

- Article V discusses the Amending the Constitution
- To amend (or change) allows the Constitution to change with the times.
- We currently have 27 Amendments
- “Bill of Rights” are the first 10 amendments



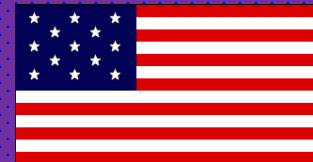
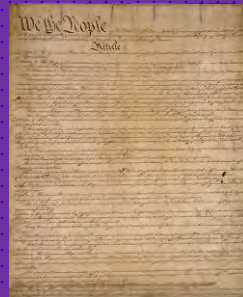
# Amending the Constitution

- The Amendment Process is a slow and difficult one.
- This is likely to avoid frequent changes to the structure of our government.



# Article VI -- “S” (for supremacy)

- Article VI discusses the “supremacy” of the Constitution.
- The Constitution is the *highest authority* in the land.
- If *state law* contradicts the Constitution, the *Constitution* wins.





# Article VII – “R” (for ratify)

- Article VII discusses the “ratification” of the Constitution.

To Ratify means to Approve



- It required 9 out of 13 states to ratify before the Constitution would go into effect.
- The Federalist and the Anti-Federalist disagreed on Ratification -
  - The Anti-Federalist demanded a Bill of Rights before they would ratify it
  - The Federalist wanted a stronger central government and liked the Constitution

# Constitutional Principles

- Popular Sovereignty
- Rule of Law
- Federalism
- Separation of Powers
- Checks and Balances

# ***“Popular Sovereignty”***

- ***“Popular Sovereignty”*** is the belief that the power lies with the **“people”** (right of the people to rule)
- *“We the People...”* - Power **comes from the** “consent of the governed”...
- ***Republic*** is where the **“people”** choose those to represent their interests in government.
- The right of the people to vote gives us the chance to vote and choose our leaders.



# “Rule of Law”

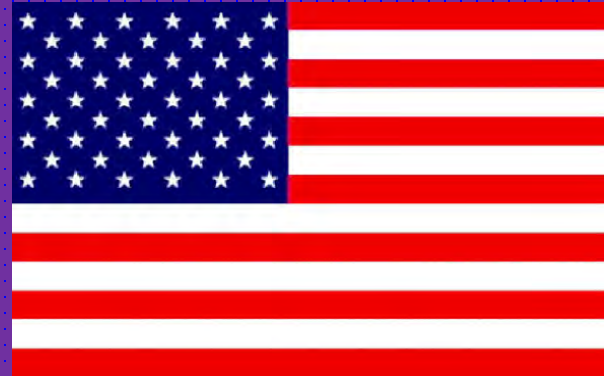
- Stemming back to the Magna Carta and The English Bill of Rights, our Constitution believes that the government should have certain limits.
- The government is limited by the law – and the LAW applies to everyone! Everyone is under the law!!!



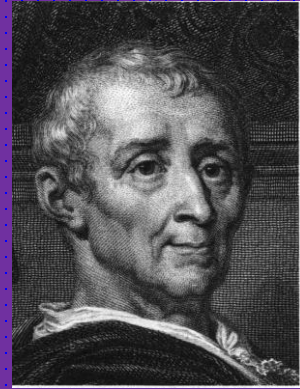


# “Federalism”

- “Federalism” means that the states and **federal gov’t** share power. States give up some of their powers to the national government.
- National and state governments share powers – this limits the power of the federal government by giving power to the states.



# “Separation of Powers”

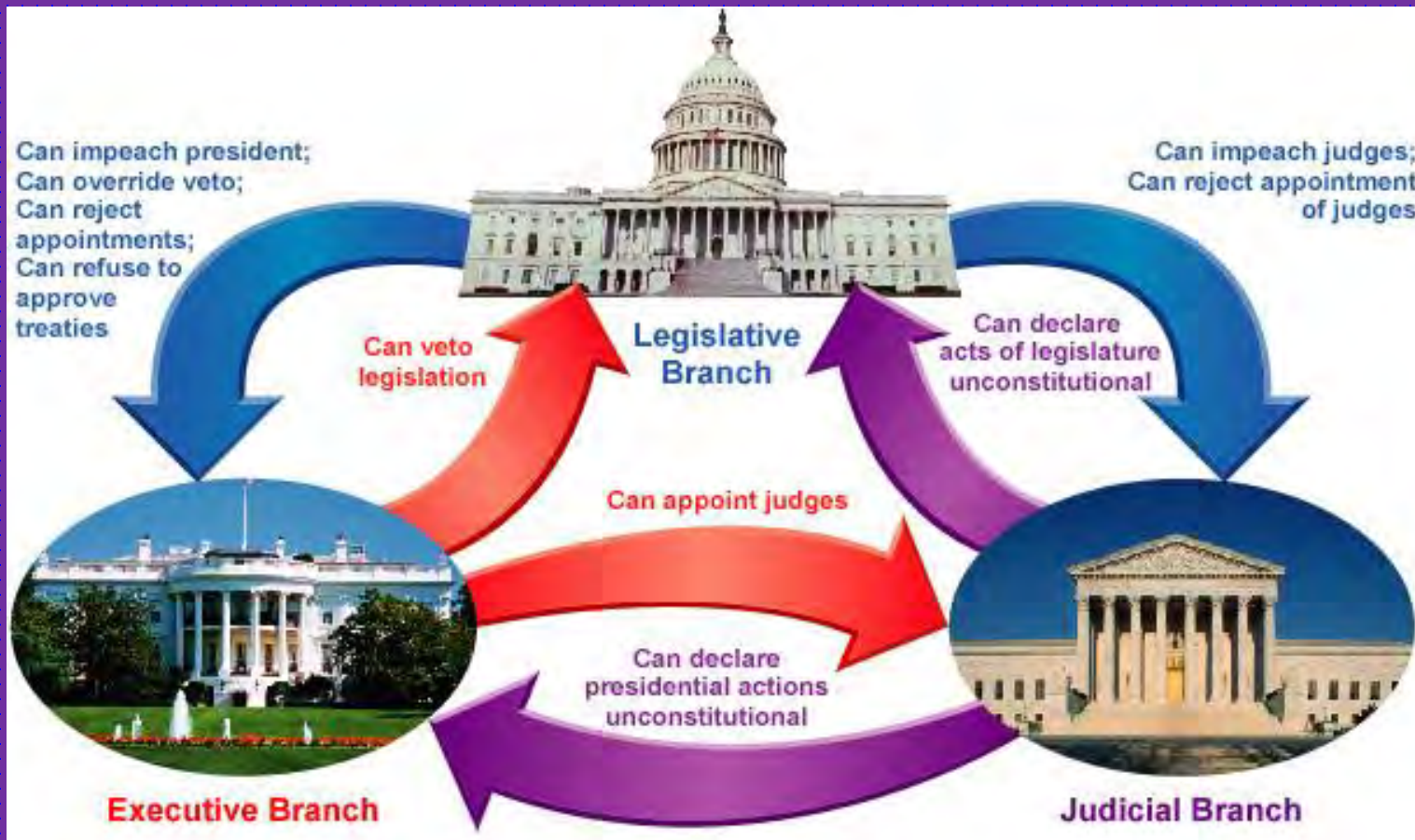


- Inspired by French philosopher
- Montesquieu.
- Believed the best way to protect the rights of **the “people”** is to **clearly** separate the functions of government.
- **The 3 “branches” of government are:**
  - Legislative Branch – make the laws
  - Executive Branch – enforce the laws
  - Judicial Branch – interpret the laws.
- **NO SINGLE “BRANCH” IS MORE POWERFUL AS POWERS ARE SEPARATE!**



# ***“Checks & Balances”***

“Checks & Balances” helps keep any one branch from becoming too powerful; each branch can “check” (limit) the other...



# Benchmarks 3.10



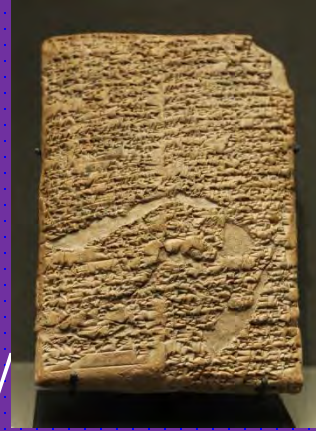
SS.7.C.3.10

*Identify sources and types (civil, criminal, constitutional, military) of law.*





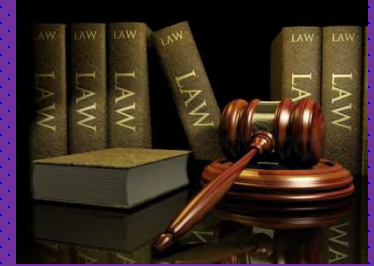
# Source of Laws



- Earliest example that impact our law  
Hammurabi's Code
  - A collection of 282 laws that set down rules for both criminal and civil law.
  - Informed citizens of what was expected of them.
  - Dealt with every possible area of life and listed a punishment for each crime.
  - Was meant to limit punishment and do away with blood feuds as well as protected the less powerful.



# Source of Laws



- Where do we get our laws from today?
  - **“Statutory” Law** – laws from statutes
  - **“Case” Law** – based on Supreme Court decisions
  - **“Common” Law** – based on tradition
  - The US Constitution also gives us law.

# “Statutory” Law



- Any law that is passed by a legislative body is called a statute, or statutory law. Statutes may be passed by Congress or the State Legislature
- Congress, state legislatures and local government all pass these kinds of laws.
- They can be criminal or civil and usually reflect what majority of people would consider to be right or wrong.
- *Example: The law that says all buildings have to have fire exits is a statute.*
- **Ordinance** – law passes by a local level of government

# “Case” Law

- A source of law based on the decisions and outcomes of cases heard by the Supreme Court
- Landmark Supreme Court Case: Gideon v. Wainwright (1963)
  - Gideon was not provided an attorney to represent him in court.
  - The Supreme Court interpreted the 6<sup>th</sup> Amendment to the Constitution to mean that all citizens will be given an attorney, even if they cannot afford one.



# “Common” Law



- Common Law is law that is based on precedent (ruling on earlier cases) and customs (tradition).
- Example: having a jury trial in front of a judge is a part of common law.





# *Types of Laws*

- There are several different types of law that affect Americans *directly* today that help maintain a *peaceful* and *orderly* society
  - “**Military**” Law
  - “**Constitutional**” Law
  - “**Criminal**” Law
  - “**Civil**” Law
  - “**Juvenile**” Law



# ***“Constitutional” Law***

- Based on the Constitution
- Is the basis for much of what becomes **“case” law**



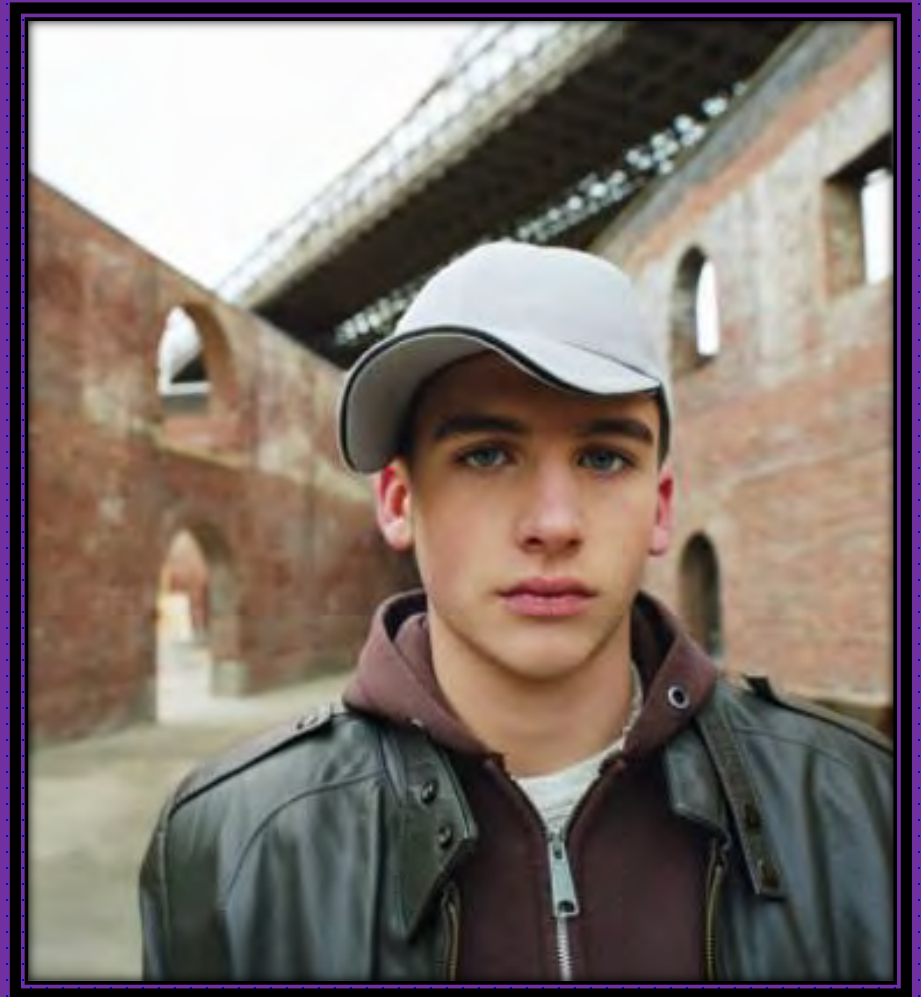
# “Civil” Law



- “Civil” laws are for disputes between people or groups of people in which no criminal laws have been broken.
- Since there is *no threat to society*, the state does not take action.
- In other words, civil disputes are disagreements over non-criminal matters.

- Citizens under a certain age are considered “juveniles” (18 in most states)
- Those who commit crimes against society are considered to be “juvenile delinquents” (not old enough for adult courts)
- Laws that are applied juveniles are called juvenile law.

## “Juvenile” Law



# Benchmarks 3.4 & 3.14



## SS.7.C.3.4

*Identify the relationship and division of powers between the federal government and state governments.*

## SS.7.C.3.14

*State, local and federal level obligations and services*



# **“Local” government**

*(Tallahassee / Miami Dade County)*

*Closest to the people and provides most services –  
what services/obligations does this level  
provide???*



# ***“State” government***

*(Florida)*

*Which services/obligations does the level provide??*



# ***“Federal” government***

*(United States of America)*

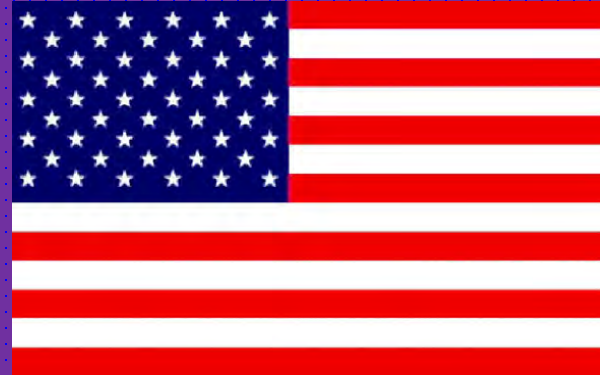
*Highest level – others must follow all from  
Federal – which services/obligations does  
this level provide??*





# “Federalism”

- “Federalism” means that the states and **federal gov’t** share power. States give up some of their powers to the national government.
- National and state governments share powers – this limits the power of the federal government by giving power to the states.



# Powers are Divided

## ENUMERATED POWERS

(Powers given to the federal government)

- ★ Pass all laws necessary and proper to carry out its powers
- ★ Regulate trade with other countries and among the states
- ★ Conduct foreign affairs
- ★ Raise and support an army
- ★ Coin and print money
- ★ Establish a postal system
- ★ Govern U.S. territories, admit new states, and regulate immigration

## CONCURRENT POWERS

(Powers shared by state and federal governments)

- ★ Enforce the laws
- ★ Establish courts
- ★ Collect taxes
- ★ Borrow money
- ★ Provide for the general welfare



## RESERVED POWERS

(Powers given to state governments)

- ★ Provide for the public safety, health, and welfare within the state
- ★ Regulate trade and commerce within the state
- ★ Establish local governments
- ★ Conduct elections, determine qualifications of voters
- ★ Establish a public school system



# *Expressed/Enumerated/ Delegated Powers*

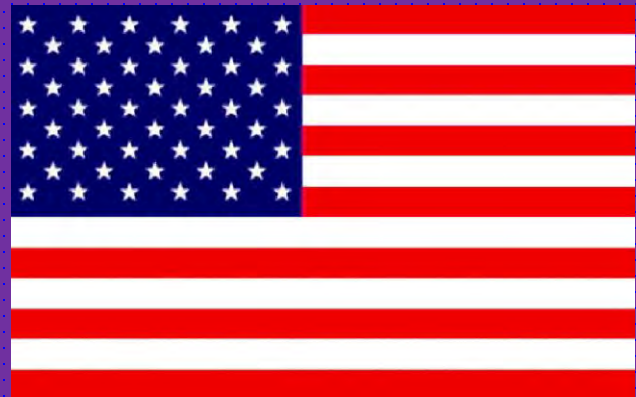
- Expressed/Enumerated/Delegated powers are specifically given to Congress in the Constitution.
- Article 1, Section 8 of the Constitution spells out the major powers of the Congress.



# ***“Expressed” Powers***

## EXAMPLES

- *Regulating all trade*
- *Conducting foreign affairs*
- *Raise & support armies*
- *Coin or print money*
- *Create postal system*
- *Govern U.S. territories*
- *Regulate immigration*



# “Reserved” Powers

- “Reserved” Powers are kept by the state governments.
- These are powers that are NOT specifically mentioned in the Constitution.
- In the Tenth Amendment, powers are reserved for the states and not given to the national government; these powers are called reserved powers.



# **“Reserved” Powers**

- Provide for public safety, health, welfare within state
- Regulate trade within state
- Create *local governments*- the level closest to the people and provide the most services!
- *Conduct elections*
- Establish public school systems.





# ***“Concurrent” Powers***

- **“Concurrent”**  
Powers are where the authority of the federal (U.S.) and state governments overlap, or are SHARED

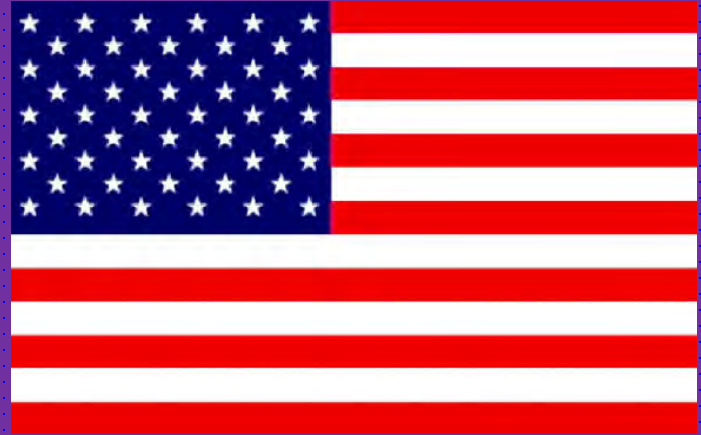




# ***“Concurrent” Powers***

## EXAMPLES:

- Enforce the laws
- Establish courts
- Collect taxes
- Borrow money
- Provide for the general welfare



# Implied Powers

- Implied powers are not specifically listed for Congress but are understood according to Article 1, Section 8, Clause 18.



This is often called the “elastic clause” **because it** gives Congress authority to stretch its power and do **whatever is “necessary and proper”** to do their job.

# ***“Implied” Powers***

- Examples of Implied Powers are:

- To raise and support an army implies Congress can implement a draft (require all 18 year old males to register for **Selective Service**)



- Collecting taxes implies that Congress could use the money to support programs



- Establishing naturalization rules implies that Congress can limit the number of immigrants.



# Limits to Congressional Powers

Congress can not:

- pass “bills of attainder” (laws that punish a person without a jury trial)
- Suspend the “writ of habeas corpus” (court order requiring police to bring a prisoner to court to explain why they are holding that person).
- pass “ex post facto laws” (or laws that make an act a crime AFTER it has been committed)

Benchmarks 2.4 & 2.5  
Benchmarks 3.6 & 3.7





#### SS.7.C.2.4

*Evaluate rights contained in the Bill of Rights and other amendments to the Constitution.*

#### SS.7.C.2.5

*Constitutional safeguards and limitations*

#### SS.7.C.3.6

*Evaluate the Constitutional rights and their impact on individuals and society.*

#### SS.7.C.3.7

*Analyze the impact of voting amendments*

# Bill of Rights and other Amendments

- To amend means to change
- The purpose of the Bill of Rights is to protect the rights of the people by **LIMITING** the Government!!!!

## The Amendments

1. Every citizen has the right to freedom of speech.
2. Every citizen has the right to bear arms.
3. No soldier in time of peace shall be quartered in a private citizens home without consent.
4. Personal property cannot be searched without a warrant.
5. No person must testify against themselves in a court of law.
6. A defendant has the right to a fair and speedy trial.
7. Every trial has the right to a jury.
8. No excessive bail or cruel and unusual punishment.
9. No one shall be denied their basic constitutional rights.
10. Power is to be retained by the states and people.
11. A citizen from one state cannot sue another state in court.
12. Electors will vote for president.
13. Slavery is hereby abolished.
14. Former slaves are legal U.S. Citizens
15. African Americans have the right to vote.
16. Congress shall have the power to levy taxes.
17. Power for electing Senators is taken from state to state.
18. Prohibition - People cannot make, sell or transport liquor. (REPEALED)
19. Women can vote
20. Puts term limits on the president and congress.
21. Repeal of Prohibition
22. Limits President to two terms
23. Women can vote in the District of Columbia
24. Give right to Americans to vote in primaries for public officials.
25. In case president cannot perform duties, Vice-President takes over.
26. 18 year-olds have the right to vote.

We only have 27 Amendments – changing the US Constitution is a very difficult and time consuming process!

# Bill of Rights

## Bill of Rights

### 1st Amendment

protected right to free speech, press, assembly, religion, and petition of government

### 2nd Amendment

protected right to bear arms

### 3rd Amendment

no quartering of soldiers during peace time in private homes without consent

### 4th Amendment

right to be secure in your property & person against unreasonable search or seizure

### 5th Amendment

grand jury, against double jeopardy & self incrimination, due process, eminent domain

### 6th Amendment

criminal procedure—speedy & public trial, impartial jury, counsel, etc.

### 7th Amendment

civil procedure—jury trial according to rules of common law

### 8th Amendment

no excessive bail or fine, no cruel and unusual punishment

### 9th Amendment

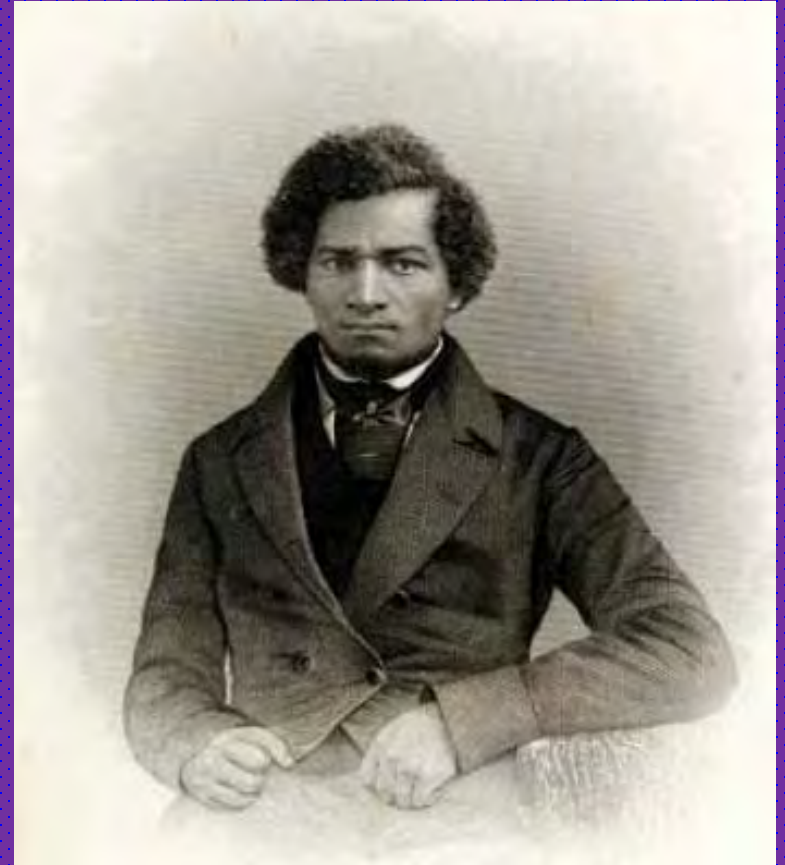
rights not enumerated belong to the people

### 10th Amendment

powers not delegated to US belong to the states & the people

# Protecting the Rights of All

- From 1865 to 1870, three
- “Civil War amendments”
- (13, 14, 15) were added to extend *civil liberties* to newly freed African Americans.



# The “Thirteenth Amendment”

- The “Thirteenth Amendment”

## (“Civil War Amendment”)

officially ended slavery (or forced labor) in the U.S., freeing thousands of African Americans in the South





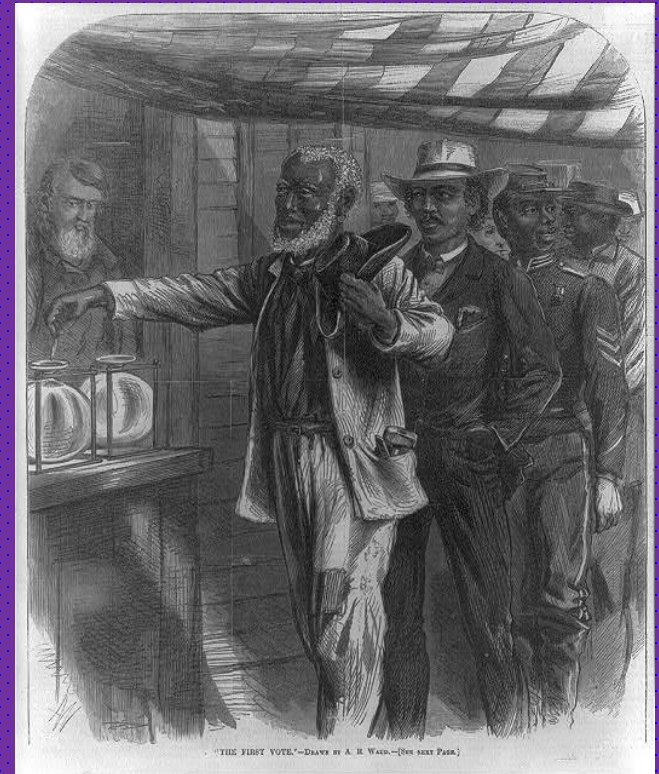
# The “Fourteenth Amendment”

- The “Fourteenth Amendment” (“Civil War Amendment”) defined a U.S. citizen as anyone “born or naturalized in the U.S.”
- This included most newly freed African Americans, who were required to be granted “equal protection of the laws”. In order to ensure the rights of African American citizens, every state was also now required to grant its citizens “due process of law” (equal protection under the law – known as Due Process Clause of the 14<sup>th</sup> Amendment). *This Amendment had a huge impact on individuals in society.....*

# The “Fifteenth Amendment”

- The “Fifteenth Amendment” (“Civil War Amendment”) granted African Americans “suffrage” (the right to vote).

This “suffrage”, however, was granted only to African American men in most states.



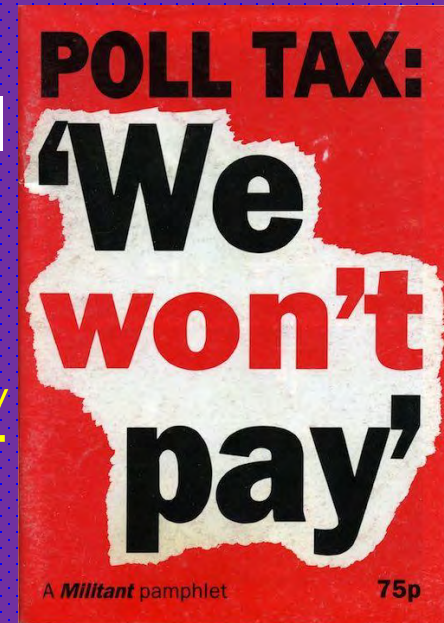
# The “Nineteenth Amendment”

- The “Nineteenth Amendment” extended “suffrage” (right to vote) to include women in all states and national elections
- Nicknamed “universal suffrage”...



# The “Twenty Fourth Amendment”

- The “Twenty Fourth Amendment” made “poll taxes” (money paid for the right to vote) illegal in national elections
- The U.S. Supreme Court would also **later rule that “poll taxes” were illegal** in state elections as well
- “Poll taxes” **were common** “Jim Crow Laws” that discriminated against African Americans in the South





# The “Twenty Sixth Amendment”



- The “Twenty Sixth Amendment” **lowered the voting age to 18** for all national, state, and local elections
- **Came about during the “Vietnam War” when** many believed if an 18 year old was old enough to fight in war, they should be able to vote.



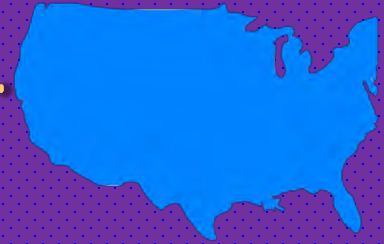
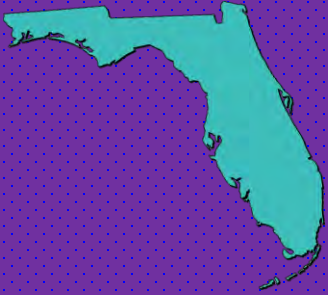
# Benchmark 3.13



SS.7.C.3.13

*Compare the constitutions of the United States and Florida*

# Differences between Florida Constitution & U.S. Constitution?



## Florida Constitution:

- Long
- 12 Articles
- 80 pages
- MANY Amendments!
- Easy to Amend (60% of votes by the people)

## National Constitution:

- Short
- 7 Articles
- 5 pages
- 27 Amendments
- Very tough to Amend (2/3 Congress & 3/4 of states)

# Benchmarks 3.11 & 3.12

## Benchmark 2.6



### SS.7.C.3.11

*Diagram the levels, functions, and powers of courts at the state and federal levels.*

### SS.7.C.3.12

*Landmark Supreme Court Cases*

### SS.7.C.2.6

*Trial process and role of juries*

# Judicial System

- “Jurisdiction” is the **court’s authority** to hear a case.
- Article III of the U.S. Constitution gives the federal courts “**jurisdiction**” over certain kinds of cases.



# Judicial System

- “Exclusive Jurisdiction” **means** only the federal courts may hear certain cases.
- Most U.S. court cases involve state law and are tried in state courts. But some are special and must be tried in Federal Courts.





# Judicial System

- “Concurrent Jurisdiction” means that courts *share authority* between state and federal courts.
- Cases where citizens of different states are involved in a dispute over \$50,000 may be tried in either court.

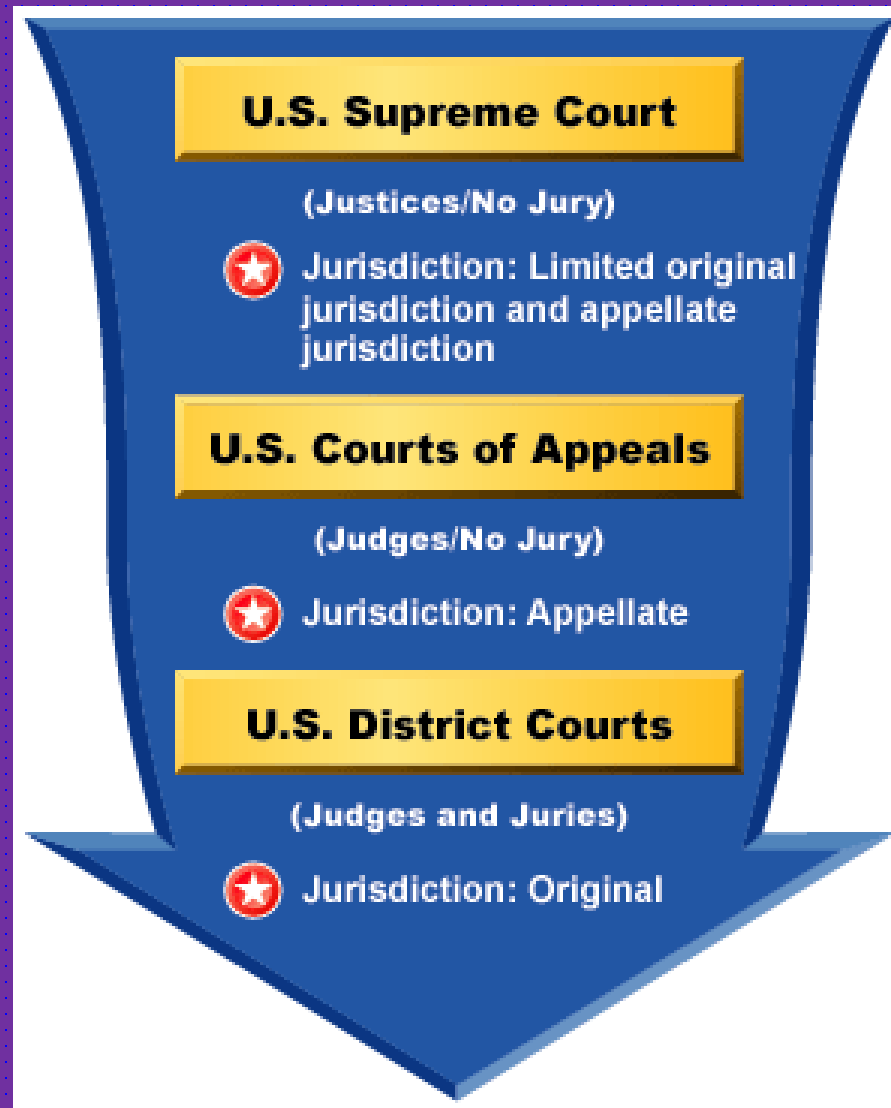


# Judicial System

- “District Courts” are where trials are held and lawsuits begin. Each state has at least one district court and sometimes more.
- District/County courts (Circuit) **have** “original jurisdiction” (means cases must begin here)
- Appellate Jurisdiction – is what appeals courts have to review the ruling of a lower court. – Appeals Courts (oral Arguments – NOT Trials)

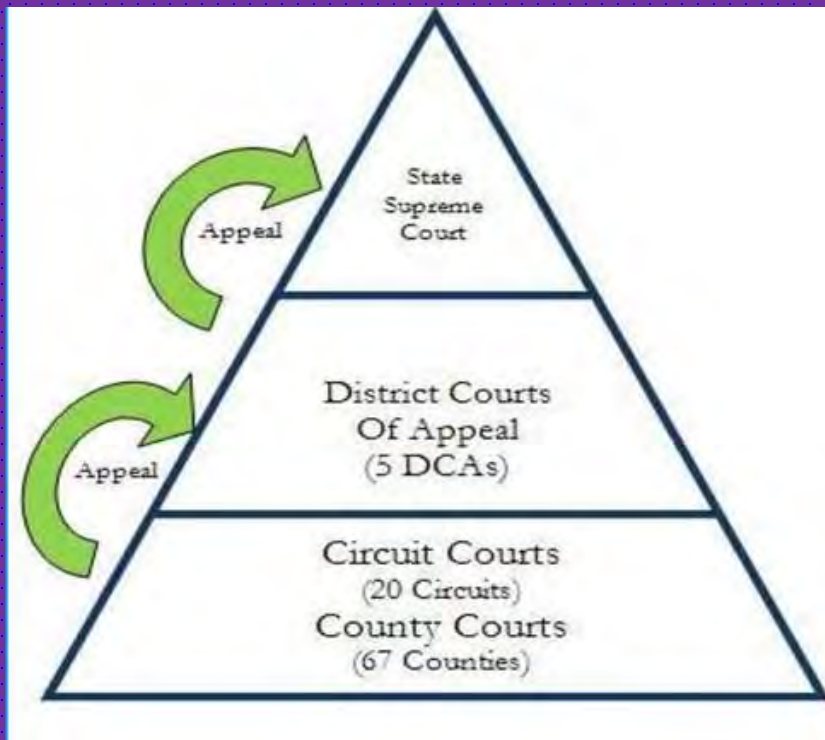


# Federal Court System



# Federal Court System

- Florida has a four-tiered court system.



- The lowest courts in Florida is the County Courts, if appealed cases move up a level to the Circuit Courts, the next level of appeals is the District Courts of Appeals, and the highest court is Florida Supreme Court.

# *Criminal Trial Process*

During a criminal trial,  
there are four steps:

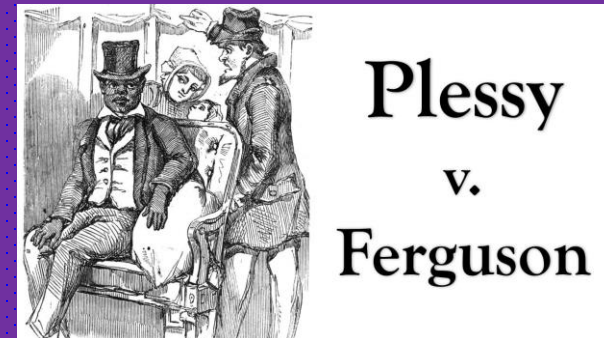
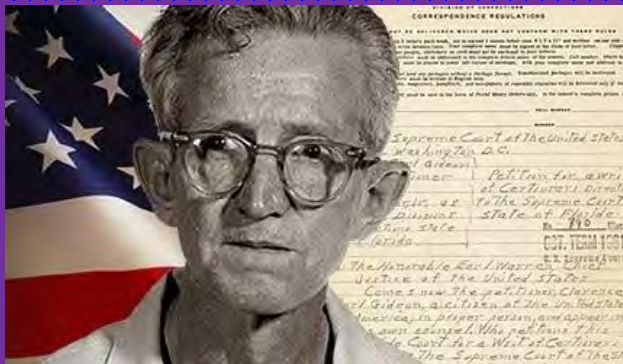
1. Opening Statements
2. Testimony of Witnesses
3. Closing Statements
4. Verdict (Outcome)

Role of the Jury – to  
deliver the verdict in a  
case – trial by a jury of  
your peers.





# Landmark Supreme Court Cases

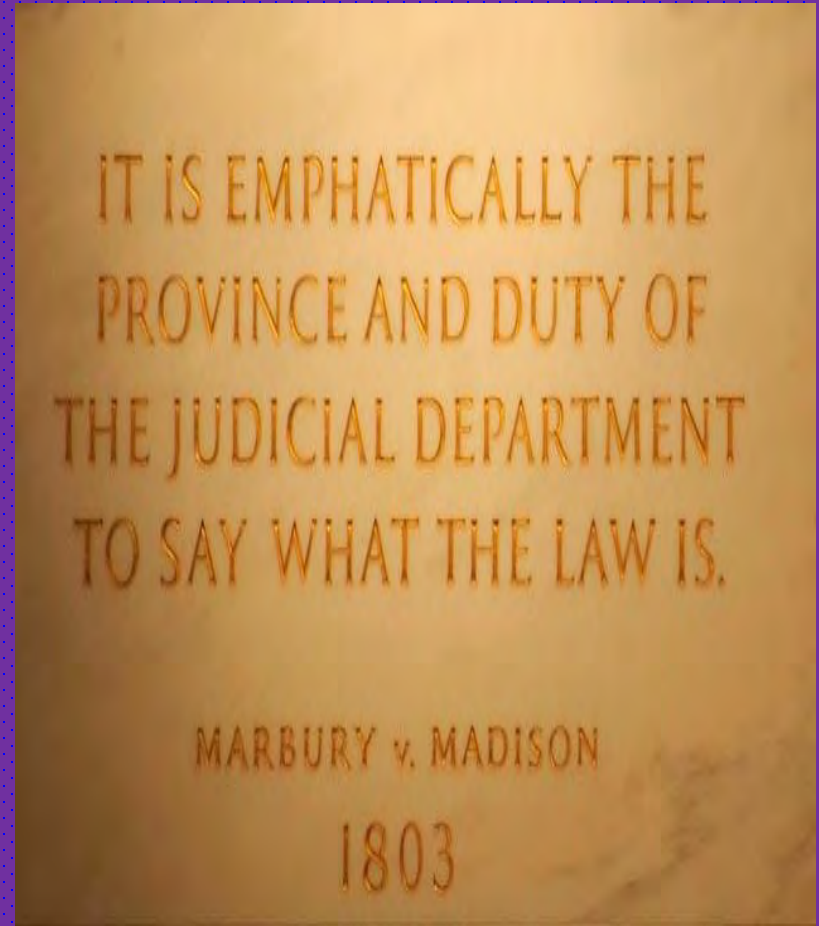


# Marbury v. Madison

- Helped define the checks and balances system.

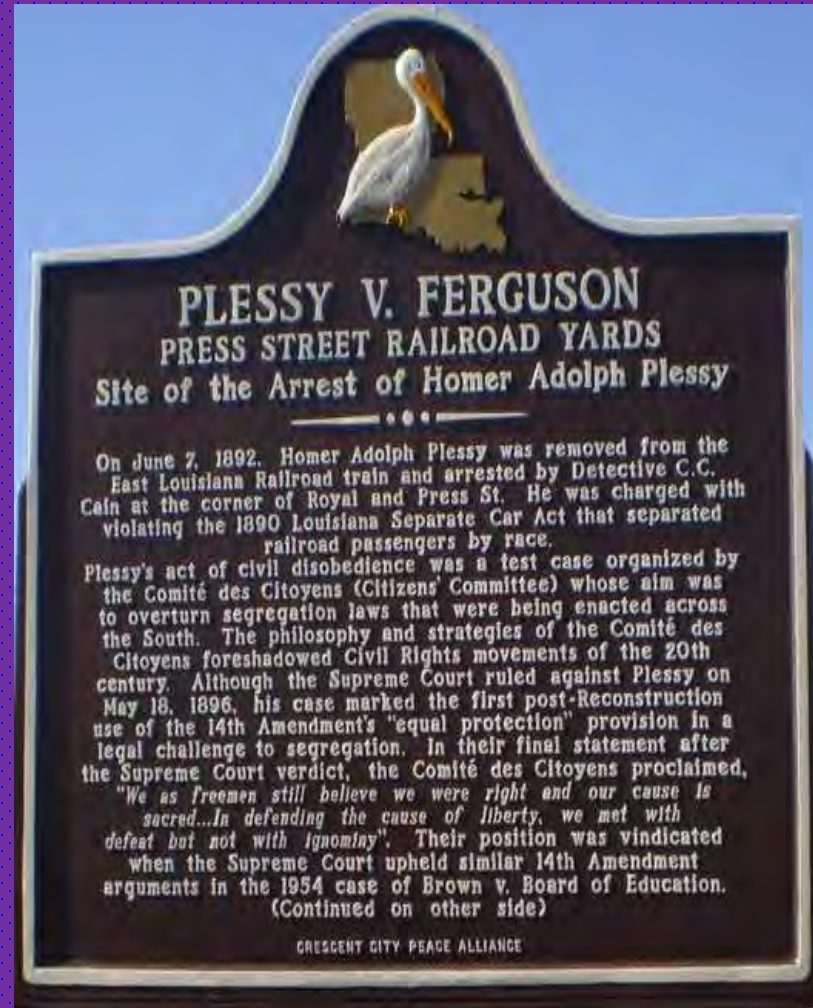
- Established the Supreme

**Court's power of judicial review.**



# Plessy v. Ferguson

- This decision upheld the separate-but-equal doctrine, that separate facilities for blacks and whites satisfied the Fourteenth (14<sup>th</sup>) Amendment as long as they are “equal”.



# Brown v. Board of Education

- The Supreme Court overturned Plessy v. Ferguson (did away with “**separate but equal**”)
- Racial segregation in public education is unconstitutional.





# Gideon v. Wainwright



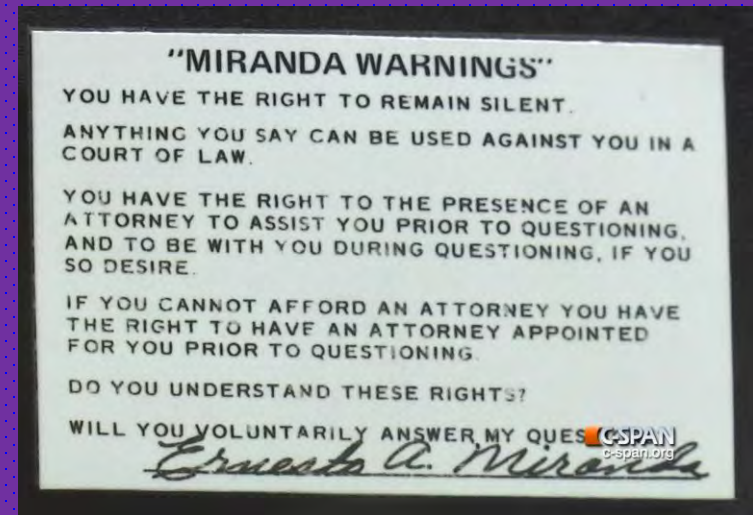
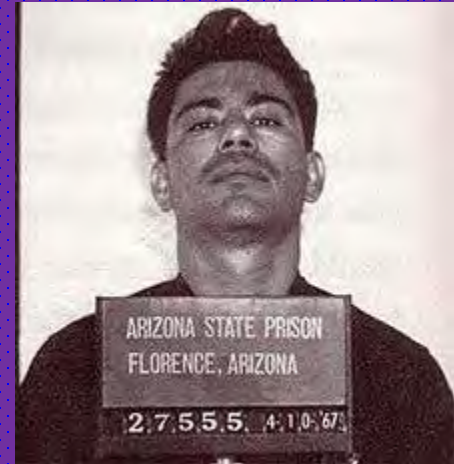
- The Supreme Court held that Gideon and other poor defendants in criminal cases have the right to a court-appointed attorney.



# Miranda v. Arizona

- The decision held that the police cannot question a person in custody unless they have been read their legal rights.

1. The right to remain silent
2. The right to an attorney (at government expense if the accused is unable to pay)
3. Anything the person says after stating that he or she understands these rights can be used as evidence in court.



# In Re Gault

- The Supreme Court ruled the *proceedings* of the Juvenile Court was unconstitutional.
- Criminal cases for *juveniles* must obey the *Fourteenth (14<sup>th</sup>) Amendment*.
- Minors have the *same rights* as adults – not a jury trial.



# Tinker v. Des Moines School District

- The students were allowed to wear armbands because it is protected by the First (1<sup>st</sup>) Amendment. (as long as it is NOT disruptive to the learning environment)
- Students DO NOT lose their 1<sup>st</sup> amendment rights because they have stepped into a school.



# United States v. Nixon



- The decision in this case made it clear that the president is NOT above the law.

- Nixon was required to turn in the tapes which revealed evidence linking the President to the conspiracy to obstruct justice .



- He resigned shortly after.



# Hazelwood School District v. Kuhlmeier

- The Supreme Court ruled that school officials have the right to censor articles in the student newspaper or limit speech that interferes with the school's educational mission.





# Bush v. Gore

- The Supreme Court ruled the recount must be stopped because the manual recount had no uniform way to judge each disputed vote equally, which violated the Constitution.
- George W. Bush won the presidential election.



# District of Columbia v. Heller

- Supreme Court held that the Second Amendment does protect an individual right to possess a firearm
- unconnected with service in a militia, and to use that firearm for traditionally lawful purposes, such as self-defense within the home.



# Benchmark 3.1

## Benchmarks 4.1 – 4.3



### SS.7.C.3.1

*Compare different forms of government.*

### SS.7.C.4.1

*Differentiate concepts related to United States domestic and foreign policy.*

### SS.7.C.4.2

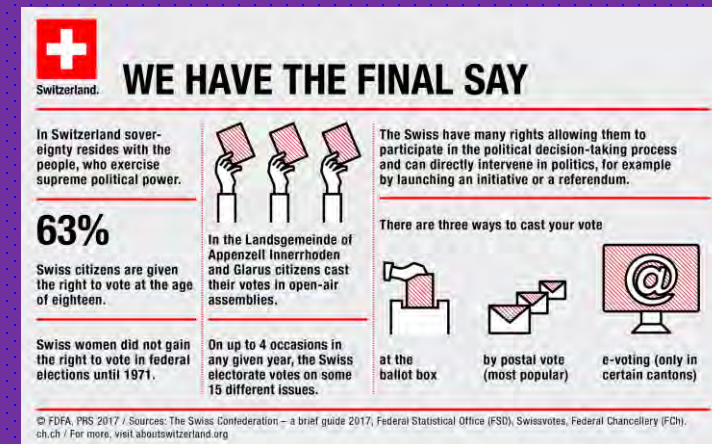
*Recognize government and citizen participation in international organizations.*

### SS.7.C.4.3

*Examples of how the US has dealt with international conflicts.*

# Different Forms of Government

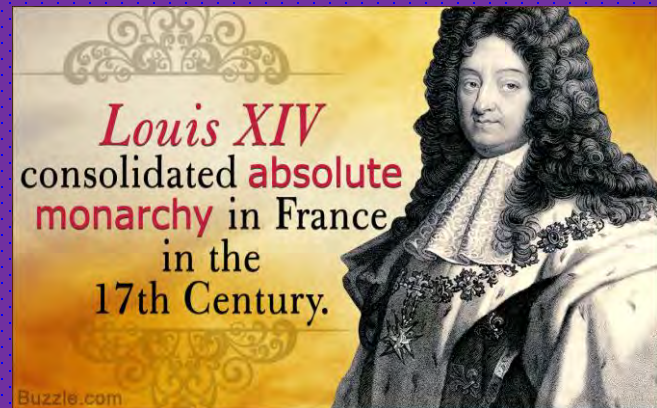
- Direct Democracy is a form of government in which all the people meet together at one place to make laws and decide what actions to take.
  - Example-Ancient Athens
- Representative Democracy is a form of government in which the people elect representatives to carry on the work of government for them. This is also known as a republic





# Different Forms of Government

- Monarchy is a government run by a King or Queen; usually hereditary (passed down from parent to child).
- An absolute monarchy exercises ultimate governing authority as head of state and head of government; his or her powers are not limited by a constitution or by the law

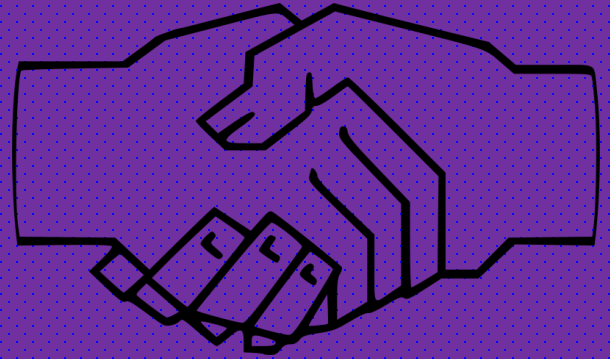


# Different Forms of Government

- Oligarchy is a government run by just a few people or a small group
- Autocracy is a government completely controlled by one person who can do anything they want as ruler. (dictatorship)
  - Example-North Korea

# Different Forms of Government

- Socialism is an economic and political system that pushes for society to oversee and run the economy and other parts of daily life.
- Communism is a governmental system that calls for the government to own and run all business and make all economic decisions.
  - Example-Cuba



# International Organizations

Non-Governmental Organizations / International Non-Gov Organizations -	NGO/NGO	 	Private organizations that pursue activities to relieve suffering, promote the interests of the poor, protect the environment, provide basic social services, or undertake community development. These operate independently from any government and maintains its non-governmental status by excluding government representatives from membership in the organization.
North American Free Trade Agreement	NAFTA		Allows free trade among the United States, Canada and Mexico and has opened new markets, created jobs, and encouraged growth in member economies.
North Atlantic Treaty Organization	NATO		A united front against aggression by the Soviet Union and its Communist Allies.
International Red Cross/ Red Crescent -	IRC		an international humanitarian movement with approximately 97 million volunteers, members and staff worldwide which was founded to protect human life and health, to ensure respect for all human beings, and to prevent and alleviate human suffering, without any discrimination based on nationality, race, sex, religious beliefs, class or political opinions.
United Nations	UN		An organization that promotes peaceful coexistence and worldwide cooperation.
United Nations Children's Fund	UNICEF		a United Nations Program headquartered in New York City, that provides long-term humanitarian and developmental assistance to children and mothers in developing countries.
International Court of Justice/ World Court			Handles international legal disputes such as boundary disputes and debt payments.
World Trade Organization	WTO		An organization that will set rules and supervise international trade.

# Domestic and Foreign Policy

- Domestic Policy – is policy (laws/decisions) for situations inside the **US borders (think “at home” or “inside our nation”)**
- Foreign Policy – is policy (laws/decisions) for situations that involve other nations or events happening outside the US borders (think **“away”**)



# How has the US dealt with international conflict?

Wars? – no formal declaration of war since 1941; this is a last resort

Foreign Aid? – offering money, military assistance, and support to countries in need

# International Conflicts

- 1917 – World War I - Germans used submarine warfare to sink the ship Lusitania which killed over 100 Americans and they tried to entice Mexico to fight against the US by offering them the land they lost in the Mexican/American War. This led to President Wilson declaring war.
- 1941 – World War II - Germans, Italians, and Japanese waged war on Europe and Asia. Nazi Party, led by Hitler, tried to conquer Europe, while Japanese Empire tried to conquer China and Korea. Japanese and US tensions were high and negotiations with Japan went nowhere. Japan attacked Pearl Harbor in Hawaii and war was declared.

# International Conflicts

1950 - Korean War - Tensions between N & S Korea were high. North was ruled by Communists, South was ruled by US. North crossed the 38th parallel - the line that divided both nations and war broke out.

1961- Bay of Pigs Invasion - Fidel Castro overthrew leader Batista in Cuba and US government and CIA tried to invade Cuba with CIA trained Cuban exile army. The invasion was a failure and 114 were killed and 1,100 were taken prisoner. Considered one of the biggest foreign policy failures in U.S. History.

1962- Cuban Missile Crisis - Fidel Castro allowed Communist Soviet Union to install nuclear-armed missiles 90 miles from US shores.. President Kennedy enacted a blockade and told Soviets to remove missiles and they would remove US missiles from Turkey. Stand off took 13 days. Brink of nuclear war.

# International Conflicts

- 1954-1973 – Vietnam War - North Vietnam taken over by Ho Chi Minh (communist) who wanted to unite the North and the South. He attacked the South and Americans came in to help stop the spread of communism. War lasted until 1973 with communists taking over in 1975.
- 1979- Iran Hostage Crisis - Iranian students stormed a US embassy and took 60 American hostages to stop American interference in Irani affairs. President Carter tried diplomacy and failed and tried to send a rescue mission. The mission failed and killed 8 soldiers. Carter lost presidency and hostages were released in 444 days.
- troops and war lasted 42 days. Hussein escaped.

# International Conflicts

- 1990- First Gulf War (Persian Gulf War) - Iraqi leader Saddam Hussein invaded Kuwait and demanded that his country's debt be erased. Nations condemned the invasion but Hussein refused to back down. US sent in troops and war lasted 42 days. Hussein escaped.
- 2003- Second Gulf War/Iraq War - US and Britain invaded Iraq & quickly defeated Iraqi troops. However, President Bush claimed Iraqis had weapons of mass destruction and support of terrorists groups led US asking Iraq to have UN led inspections for the weapons. Hussein refused and US invaded again. He was captured, jailed, tried, and executed. US then occupied until 2011.



# Benchmark



## SS.7.C.3.2

*Compare parliamentary, federal, confederal, and unitary systems of government.*

# Confederal vs. Federal vs. Unitary

- **Under the A of C we had a “confederal” system** of government where ALL the power belonged **to the states...there was no central power.**
- **Under the US Constitution we had a “federal”** system of government where power is shared between the national government and the states.
- A unitary system of government is where ALL power belongs to a strong national government - (i.e., France, North Korea, etc.)

# Parliamentary System

1. Has a parliamentary government that is run by the Parliament (legislative)– who work very closely together with the Prime Minister (executive, who is a member of the Parliament)
2. This type of government exists in Great Britain today.



# Benchmarks 2.1 & 2.2

## Benchmarks 2.8-2.12



SS.7.C.2.8

Identify major political parties

SS.7.C.2.9

Candidates qualifications, etc.

SS.7.C.2.10

Examine the impact of media, individuals, and interest groups on monitoring and influencing government.

SS.7.C.2.11

Analyze media and political communications (bias, symbolism, propaganda).

SS.7.C.2.12

Resolving a state or local issue

SS.7.C.2.1

Define a citizen

SS.7.C.2.2 & 2.3

Identify the obligations & responsibilities of citizens



# *Political Parties*

- The two major political parties are the Democrat and Republican parties.
  - Each party has a platform – which is where they stand on certain issues.
    - Democrats support greater government involvement and funding for social programs
    - Republicans support lesser government involvement
- Candidates that run for office must fulfill certain qualifications based on the office they are running for.
  - President?
  - House of Representatives?
  - Senate?

# Elections

- Elections are secret and determined by popular vote (non presidential)
  - Elections are a two-part process
    - Primary Election
    - General Election
1. First is the Primary Election – helps narrow the field of candidates
  2. Next comes the General Election – where the votes select the one final candidate to win
    1. Presidential Elections are held every 4 years



# The President and the Electoral College

- This process uses the winner-take-all system and is how a Presidential candidate is elected for office.
- Presidents are not chosen by direct popular vote but by the Electoral College.



# The Electoral College

- Voters vote in November for the candidates they best like – this is to let the Electors know who to vote for.
- Electors then meet in December to cast the state's electoral votes for the President and Vice President
- The votes are then sent to Congress, who counts them.
- The candidate who receives the majority (270 or more) of the 538 votes – wins the election



# Influencing Government

- How does the Media Influence Government?
- Watchdogs are organizations that seek to watch over government institutions and hold those institutions and officials accountable.

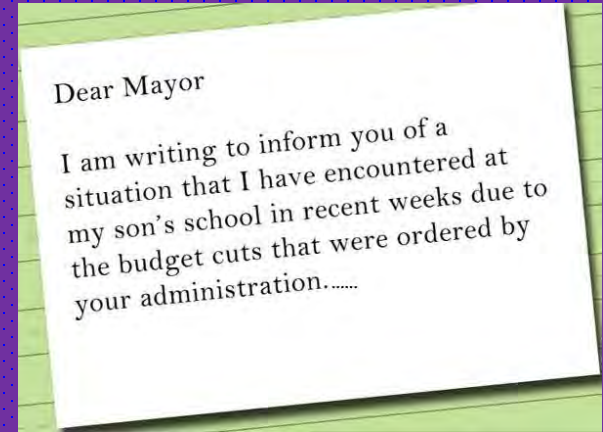




# Influencing Government

How can **Individuals** Influence Government?

- Voting
- Petitioning the government
- Joining civic groups and interest groups
- Running for political office
- Attending civic meetings
- Communicating with elected officials, participating in protests, and more...



# Interest Groups – Influence Gov't

- Interest Group – a group of people who share a point of view about an issue.
- They work towards influencing public opinion by trying to persuade people – including public officials – toward their point of view.
- By their very nature, interest groups are biased – supporting a particular viewpoint.
- Interest groups are NOT part of the government – they just try to influence the government!!!



# Techniques of Influence

- Propaganda – an attempt to promote a particular person or idea (print/media)
- Bias - an unfair preference for or dislike of something (showing preference to one side)
- Symbolism – the use of something to represent something else (i.e., Flag represents the USA)





# What is a citizen?

- The 14<sup>th</sup> Amendment defines a citizen as anyone born or naturalized in the US.
- The obligations (duties) – **must do** – of citizens are:
  - Paying Taxes
  - Obeying the Law
  - Serving on juries
  - *Defending the nation (when asked)* – **selective service**



# What is a citizen?



Responsibilities – things you should do!

- Voting
- attending civic meetings
- petitioning the government
- running for office



Common Good – reason we should fulfill our duties and obligations



# Resolving a state or local problem

1. Research Public Policy (government) alternatives
2. **Identify proper gov't** agency to address the problem
3. Determine a course of action (usually ends with presenting to gov't group)



# EOC Reminders

## Before the Test

- Review a little bit every night – at least 15 minutes.
- Review the items you had issues with throughout the school year.
- Practice vocabulary on Quizlet.
- **Visit our school's website for more review items.**

## Day of the Test

- **Get a good night's sleep.**
- Eat a healthy, protein-rich breakfast.
- Have a positive attitude!

