*The Constitution and the Articles of Confederation*

*A Comparison*

**Directions**: Use the reading to complete your Venn Diagram.

The Articles of Confederation was the first plan for national government. It was needed to help the colonies be united during the Revolutionary War, but after the war it didn’t take long before it created some problems.

First of all, the states held most of the power. There was no strong national government to enforce laws or require states to do things like pay taxes or have the same currency. There was also no court system and no executive branch. The legislature was unicameral and each state only got one vote. To pass a law, 9 of 13 states had to agree (70%), and to amend the articles, *all* states had to agree.

Even though there were a lot of problems with the Articles, it did help the country get on its feet. It established post offices, allowed the national government to make treaties and declare war and peace, and provided a basic framework for government during the Revolutionary War.

The Constitution, however, was much better. This document created a strong national government with three branches. The legislative branch was composed of two houses: the Senate and the House of Representatives. Each state got two Senators and representation in the House was based on population. The Senators and Representatives were (and still are) responsible for making laws.

The next branch is the judicial branch. National courts were established to help settle problems and disputes between states or between states and the national government. The most powerful court is the Supreme Court. The Justices, or judges, are responsible for deciding if laws match what is required in the Constitution and its amendments.

The third branch is the executive branch. The head of the executive branch is the President of the United States. The President is responsible for enforcing laws and he or she also serves as commander-in-chief of the military. Since 1787, the executive branch has grown and now the President has several departments to help him/her carry out laws. For example, we have the Department of Education to make sure states are following laws related to public schools.

Overall, the Constitution completely flipped power from the states to the national government. Even though states still control many things such as schools, law enforcement, and local taxes, the national government still has supremacy. This means, national law ***always*** is more powerful than state laws.

**United States Bill of Rights**

**Amendment 1**  
The First Amendment protects the rights of every American. It defines the freedoms of religion, speech, and press. Most Americans believe that the First Amendment guarantees their most important rights.

**Amendment 2**  
The Second Amendment guarantees Americans the right to bear arms, or own guns.

**Amendment 3**  
The Third Amendment prevents the government from forcing citizens to house soldiers in their homes.

**Amendment 4**  
The Fourth Amendment protects the privacy of American citizens. It **prohibits**, or prevents, unnecessary or unreasonable searches of a person's property.

Key terms: probable cause, **unreasonable** searches and seizures

**Amendment 5**  
In the Fifth Amendment, all Americans are guaranteed the right to a fair and legal trial. It also protects someone from testifying against him- or herself under oath.

**Amendment 6**  
A right to a speedy trial is guaranteed in the Sixth Amendment.

**Amendment 7**  
The Seventh Amendment guarantees the right to a trial by jury in **civil**, or private, legal cases where damages are more than $20. Civil cases solve disputes between citizens.

**Amendment 8**  
Unreasonable bail or fines and cruel and unusual punishment are prohibited in the Eighth Amendment.

**Amendment 9**  
The Ninth Amendment recognizes that Americans have rights that are not listed in the Constitution.

**Amendment 10**  
The Tenth Amendment says that the powers not given to the United States government by the Constitution belong to the states or to the people.

***Respond to the following questions:***

Which of these rights were listed in Georgia’s 1777 Constitution?

Which Amendment do you think is most important? Why?

Which Amendments do not really apply to our lives today?

**Scenario**: A person is stopped by a police officer for speeding. The police officer approaches the car, asks for a driver’s license, and smells the odor of marijuana. Does the police officer have the right to search the car? Does the police officer have the right to search the driver’s cell phone?