

GLOSSARY

FOUNDING PRINCIPLES

Civil discourse: People share ideas in reasonable and respectful ways to influence change in a society or government.

Consent of the Governed: The government's power is only justified when its power comes from the will or approval of the people.

Due process: The government must obey the law and apply it equally to all citizens.

Federalism: Some powers are delegated [given] to the national government, while other powers are retained [kept] by the states and the citizens.

Individual Responsibility: Individuals must take care of themselves and their families and help to preserve their liberty.

Liberty: The government does not have the authority to limit freedom unless allowed by the Constitution.

Limited government: A limited government is only given the powers it needs to protect the life, liberty, and property of its people.

Majority rule/minority rights: The democratic concept of majority rule can sometimes mean that the rights of minorities or individuals are taken away by the more powerful majority. The Founders wrote the Constitution carefully to carry out the will of the majority while, at the same time, protecting the rights of individuals, especially those who have unpopular ideas.

Natural rights: Rights which belong to us by nature and can only be justly taken away through due process.

Private property: All or part of a person's personal things, beliefs, and opinions.

Republican/Representative 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. Laws are applied in a uniform and just way to protect liberty.

Separation of Powers/Checks and Balances: The federal government of the United States is separated into three branches (executive, judicial, and legislative). Each branch has different powers, which allows the branches to check each other to keep any one branch from becoming too powerful.

KEY TERMS

Accuse: To charge someone with something, usually a crime.

Amendment: To change or add to something to change the meaning of a law or bill.

Anti-Federalists: A group of Founders that supported amending the Articles of Confederation, were concerned about a strong central government, wanted to continue with strong state governments, and fought for the Bill of Rights as a way to protect citizens from a strong central government.

Assembly: A group of people acting together.

Branches of Government: The separate divisions of government including the executive, legislative, and judicial branches.

Coercion test: A test used by the Supreme Court to determine if someone is being forced into participating in a religious ceremony, or by offering aid to private religious schools.

Colony: A territory ruled by a distant nation.

Colonist: The people of a colony.

Commerce: The system for buying and selling goods.

Commerce Clause: Article I, Section 8 of the Constitution states that Congress shall have the power to regulate commerce [business and trade] if it involves more than one state or if it involves the U.S. and other countries.

Common Law: A group of legal customs and traditions that have the same force as written law.

Compromise: The settlement of an argument or discussion where each side gives a little up to come to an agreement.

Constitution: The plan for a system of government of a nation or state.

Constitutional Convention: The meeting held in Philadelphia in the summer of 1787 to write the United States Constitution.

Double jeopardy: The government cannot prosecute a person for the same crime repeatedly to obtain the verdict it wants.

Eighth Amendment: No excessive bail, fines, or cruel or unusual punishments can be forced on someone who commits a crime.

Eminent domain: The government can obtain private property for public use as long as they pay for it.

Endorsement test: A test used to decide whether government policies or actions support a specific religious message and violate the Establishment Clause.

Equal protection: The Fourteenth Amendment states that “No state shall...deny to any person within its jurisdiction the equal protection of the laws.”

Establish: To bring into existence.

Establishment Clause: The clause in the First Amendment that states that Congress shall not pass a law to set up an official religion of the United States.

Expand: To increase in number, size, or amount.

Federal: a form of government in which power is divided between a central government and smaller units like states.

Federalists: A group of Founders that believed the central government was not strong enough under the Articles of Confederation and advocated for the new Constitution. They believed a bill of rights was not needed because the Constitution itself limited the government’s powers. They also feared that creating a list of rights might lead to other dangers, such as implying powers that had not been granted to the government.

Fifth Amendment: The amendment states that a person cannot be held for committing a capital crime unless they have been brought before a Grand Jury; a person cannot be tried for the same crime twice; a person cannot be forced to testify [speak in court] against himself; a person cannot have their life, liberty, or property taken away without due process; a person cannot have their property taken away for public use without being compensated [paid] for it.

First Amendment: The amendment states that Congress cannot establish a religion,

keep someone from exercising their religion; remove the freedom of speech, press, or assembly peaceably, or petition the government.

Fourteenth Amendment: The amendment that guaranteed citizenship to all people who are born or naturalized in the United States, protected citizens from states depriving them of life, liberty, or property without due process of law, and provided for the equal protection of citizens.

Fourth Amendment: The amendment protects people from unreasonable searches and seizures and stated that warrants will only be issued with probable cause.

Free Exercise Clause: The clause of the First Amendment that states that Congress shall not keep people from exercising [practicing] their religion

Fundamental: Forming a foundation.

Fundamental fairness: Deciding whether or not laws are fairly written and fairly applied.

General Law Test: A test to determine the constitutionality of laws relating to religion. Laws that apply to all religions in general are usually constitutional. Laws that apply to only one religion are unconstitutional.

Hate Speech: Derogatory speech directed toward a specific group.

Incorporation: Originally, the Bill of Rights applied only to the actions of the federal government, but beginning in 1925, the Supreme Court began to apply portions of the Bill of Rights to the states through the Fourteenth Amendment's Due Process Clause.

Infringe: To fail to obey an agreement; to limit.

Intellectual property: Things that belong to people, but cannot be touched, such as songs, books, poems, music, and art.

Interpret: To explain the meaning of something.

Jim Crow laws: Laws enacted after the Civil War which created "legal" racial discrimination and segregation.

Just compensation: The amount paid to someone whose property is taken for public use (like a park or a road) should be the same amount as a buyer would pay in cash to a willing seller at the time.

Lemon test: Three-part test sometimes used by the Supreme Court to decide whether the government can be involved in religious policies or actions. Acceptable policies or actions must a) have a primarily non-religious purpose; b) neither aid nor harm religion above all; and c) not cause the government to be overly involved with religion.

Libel: Writing that intentionally spreads harmful untruths about someone's character

John Locke: Locke believed that a government's purpose is to protect individual natural rights such as life, liberty, and property, and therefore citizens must be able to change or bring an end to the government if it failed to protect them.

Magna Carta: The oldest document (1215) in the British and American heritage of rights. It contributed to the adoption of the 1st, 3rd, 4th, 5th, 6th, and 8th amendments of the Bill of Rights and speaks of these rights as ancient.

Militia: An individual or group of individuals who come together to protect themselves and their neighbors.

Ninth Amendment: The amendment states that the list of rights in the Constitution shall not be used to deny other rights the people already have.

Oppress: To control or rule in a harsh way.

Origin: A beginning or source.

Parliament: The legislative branch of government in Great Britain.

Partial taking: When citizens have lost some of their property or their property's value through government actions.

Petition: A request.

"Picket Fence" Approach: The idea that there is some room for religion to influence government or government to influence religion in the constitutional system.

Preserve: To keep or save.

Protestant: A member of a Christian church that separated from the Roman Catholic Church.

Property: Things such as land, houses, cars, and other material things; future money made from selling an object or idea; a person's conscience, thoughts, and reputation.

Protected speech: All speech that does not cause unlawful action or illegal behavior is legal.

Public use: The building of highways, railroads, schools, parks, or other facilities that help improve the public welfare or public interest of the community as a whole

Ratify: To approve.

Ratification: Official approval.

Republic: Form of government in which the people hold the power and approve representatives to make and carry out laws.

Revolution: The overthrow of one government in favor of another government.

Rights: The Founders believed that natural rights, or freedoms with which were people were born, could not be denied to anyone.

Roots: The background or ancestors of a person.

Scope: The opportunity for action or thought.

Second Amendment: The amendment states that the right to a militia and the right to keep and bear arms shall not be violated.

Sedition Act of 1798: This law made it illegal for people to criticize the president or any member of Congress.

Segregation: Discrimination against a particular group based on race, gender, or sexual orientation.

Self-incrimination: The Fifth Amendment prevents the government from being able to force a person to testify against himself.

Seventh Amendment: This amendment states that people have a right to a jury trial if the value of a lawsuit is above \$20. It also says that if a jury decides a case, the case cannot be brought to another court unless it is within the rules of common law.

Separation of Church and State: The principle that the federal government and religious institutions should be separate. This language is not actually included in the Constitution or Bill of Rights, but can be found in a letter written by President Thomas Jefferson.

Significant: Important

Sixth Amendment: The amendment states that in criminal cases, the person who is accused has the right to a speedy, public trial by an impartial jury in the area where the crime was committed. The person who is accused shall be told what he is accused of doing, should be able to face witnesses who speak against him, have witnesses speak on his behalf, and have the assistance of a lawyer.

Slander: Speech that purposely spreads false statements about someone's character

Standing Army: A permanent military group maintained during times of peace and of war.

Takings clause: This clause of the Fifth Amendment states that the government cannot take private land for the purpose of "public use" without paying the property owner.

"Taxation Without Representation": The American colonists objected to being taxed by the British government since they didn't have representatives in the British government to speak on their behalf.

Tenth Amendment: The amendment states that the powers not given to the United States in the Constitution are left to the states or the people.

Third Amendment: The amendment states that soldiers shall not be quartered [housed] without the consent of the owner during times of peace nor in an unlawful way during times of war.

Total Incorporation: The idea that every part of the Bill of Rights should be applied to the states.

Tradition: The information, customs, or beliefs that are handed down from one generation to another.

Treatise: A paper or essay.

Unprotected speech: Speech that intentionally spreads falsehood about someone's character, such as libel or slander, or speech that maliciously puts others in harm's way, such as speech that may start a riot, incite a panic, or otherwise threaten public safety

Unenumerated rights: Rights not listed in the first eight amendments or elsewhere in the Constitution, but still protected by the Constitution under the Ninth Amendment.

Unjust: Unfair.

Violate: To do harm, damage, or break.

Voucher System: Parents receive a fixed amount of public funds called a voucher to pay for a charter, private, or religious school of their choice.

“Wall of Separation” principle: The idea that there should be significant separation between government and religion.

Warrant: A document that must be obtained by showing evidence in order to search an individual or place or to make an arrest.