



The Government of the New Nation

Student Workbook

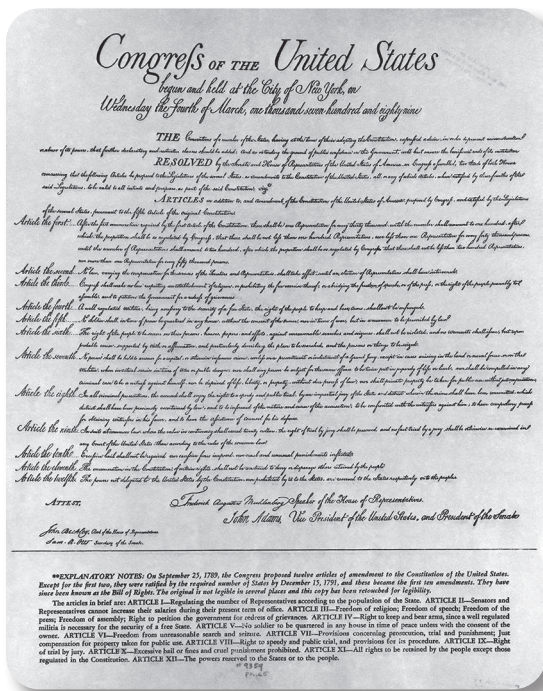
Judicial review



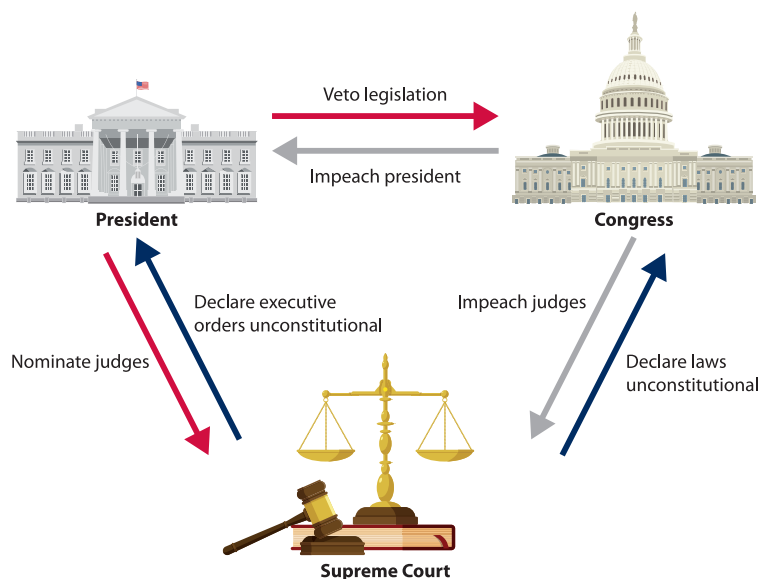
Patrick Henry



Bill of Rights

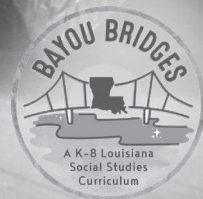


Checks and balances



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ISBN: 979-8-88970-427-0

The Government of the New Nation

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Chapter 1: Federalists, Anti-Federalists, and the Bill of Rights

Framing Question: How did the debate between the Federalists and the Anti-Federalists lead to the Bill of Rights?

Student Reading Notes

Use the information in your Student Reader to fill in the chart.

Section	Notes
Learning to Compromise	
The Federalists and the Anti-Federalists	

The Bill of Rights	
The Commerce Clause and Native Americans	

Primary Sources

PRIMARY SOURCE A: EXCERPT FROM *FEDERALIST* NUMBER 84 (1788) BY ALEXANDER HAMILTON

The *Federalist Papers* was a series of essays written by Federalists, including Alexander Hamilton, James Madison, and John Jay.

The most considerable of the remaining objections to the Constitution is that it contains no bill of rights. One response is that many states themselves lack a bill of rights. Another response is that the Constitution proposed by the convention contains a number of provisions that protect individual liberties.

I would also state that bills of rights are not only unnecessary in the proposed Constitution but would even be dangerous. They would contain suggestions that the national government had powers not granted and give false justifications to claim more than were granted.

There remains but one other view of this matter to conclude the point. The truth is that the Constitution is itself a bill of rights. The constitution of each state is its bill of rights. And the proposed Constitution, if adopted, will be the bill of rights of the Union [the United States].

Name _____ Date _____

Primary Source Analysis

Describe the source.	Connect the source to what you know.	SOURCE:	Understand the source. Identify its message, purpose, and/or audience.
			Draw a conclusion from or about the source.

Primary Sources

PRIMARY SOURCE B: FROM THE BILL OF RIGHTS

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 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.

Name _____ Date _____

Primary Source Analysis

Describe the source.	Connect the source to what you know.	SOURCE:	Understand the source. Identify its message, purpose, and/or audience.
			Draw a conclusion from or about the source.

Name _____ Date _____

Primary Source Analysis**Describe the source.****Connect the source to what you know.****SOURCE:****Understand the source. Identify its message, purpose, and/or audience.****Draw a conclusion from or about the source.**

Activity Page 1.4

Use with *The Federalist Papers*.**Federalist No. 1**

Alexander Hamilton wrote this essay about the debate over the Constitution.

After an **unequivocal** experience of the inefficiency of the subsisting federal government, you are called upon to deliberate on a new Constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire in many respects the most interesting in the world. It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force. If there be any truth in the remark, the crisis at which we are arrived may with propriety be regarded as the era in which that decision is to be made. . . .

Among the most formidable of the obstacles which the new Constitution will have to encounter may readily be distinguished the obvious interest of a certain class of men in every State to resist all changes which may hazard a **diminution** of the power, **emolument**, and consequence of the offices they hold under the State establishments. . . .

And yet, however just these sentiments will be allowed to be, we have already sufficient indications that it will happen in this as in all former cases of great national discussion. A torrent of angry and malignant passions will be let loose. . . . An enlightened zeal for the energy and efficiency of government will be stigmatized as the offspring of a temper fond of despotic power and hostile to the principles of liberty. An over-scrupulous jealousy of danger to the rights of the people, which is more commonly the fault of the head than of the heart, will be represented as mere pretense and artifice, the stale bait for popularity at the expense of the public good. It will be forgotten, on the one hand, that jealousy is the usual concomitant of love, and that the noble enthusiasm of liberty is apt to be infected with a spirit of narrow and illiberal distrust. On the other hand, it will be equally forgotten that the vigor of government is essential to the security of liberty; that, in the contemplation of a sound and well-informed judgment, their interest can never be separated. . . .

1. What does Hamilton say are the consequences of the vote regarding the Constitution?

2. What reason does Hamilton give as to why some people will resist the new Constitution?

3. What does Hamilton say about people with "an enlightened zeal for the energy and efficiency of government"?

4. What does Hamilton say is essential to the security of liberty?

Name _____

Date _____

Activity Page 1.4 (continued)

Use with *The Federalist Papers*.

It may perhaps be thought **superfluous** to offer arguments to prove the utility of the UNION, a point, no doubt, deeply engraved on the hearts of the great body of the people in every State, and one, which it may be imagined, has no adversaries. But the fact is, that we already hear it whispered in the private circles of those who oppose the new Constitution, that the thirteen States are of too great extent for any general system, and that we must of necessity resort to separate confederacies of distinct portions of the whole. This doctrine will, in all probability, be gradually propagated, till it has **votaries** enough to countenance an open **avowal** of it. For nothing can be more evident, to those who are able to take an enlarged view of the subject, than the alternative of an adoption of the new Constitution or a dismemberment of the Union.

5. To which point made earlier in the essay does Hamilton return at the end of his argument?

unequivocal, adj. without any doubt; clear; unquestionable

diminution, n. the act of decreasing in size

emolument, n. compensation or other benefits of a job

superfluous, adj. unnecessary or extravagant

votaries, n. believers; advocates

avowal, n. an acknowledgement

Activity Page 1.5

Use with *The Federalist Papers*.**Federalist No. 10**

James Madison wrote this essay about the ways in which larger representative governments, as opposed to smaller representative governments, are more capable of stopping any one group from gaining too much power.

Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. . . .

By a faction, I understand a number of citizens, whether amounting to a majority or a minority of the whole, who are united and **actuated** by some common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and **aggregate** interests of the community. . . .

From this view of the subject it may be concluded that a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the government in person, can admit of no cure for the mischiefs of faction. . . .

A republic, by which I mean a government in which the scheme of representation takes place, opens a different prospect, and promises the cure for which we are seeking. Let us examine the points in which it varies from pure democracy, and we shall comprehend both the nature of the cure and the efficacy which it must derive from the Union.

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens, and greater sphere of country, over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation, it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for the purpose. . . . The question resulting is, whether small or extensive republics are more favorable to the election of proper guardians of the public **weal**; and it is clearly decided in favor of the latter by two obvious considerations.

1. How does Madison define a faction?
2. What distinction does Madison draw between a pure democracy and a republic?
3. What personality traits does Madison name as those the chosen body of citizens would have?

Activity Page 1.5 (continued)**Use with *The Federalist Papers*.**

In the first place, it is to be remarked that, however small the republic may be, the representatives must be raised to a certain number, in order to guard against the **cabals** of a few; and that, however large it may be, they must be limited to a certain number, in order to guard against the confusion of a multitude. . . .

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practice with success the vicious arts by which elections are too often carried; and the suffrages of the people being more free, will be more likely to center in men who possess the most attractive merit and the most diffusive and established characters. . . .

The other point of difference is, the greater number of citizens and extent of territory which may be brought within the compass of republican than of democratic government; and it is this circumstance principally which renders factious combinations less to be dreaded in the former than in the latter. . . . Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other. . . .

Hence, it clearly appears, that the same advantage which a republic has over a democracy, in controlling the effects of faction, is enjoyed by a large over a small republic,—is enjoyed by the Union over the States composing it. . . .

In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government.

4. What does Madison say about the number of representatives of the republic?

5. Why does Madison argue that a union of states provides a better government than individual states?

actuated, v. put into motion; spurred to action

aggregate, adj. collective; taken together

weal, n. well-being

cabals, n. groups engaged in a secret plot, such as to overthrow a government

Activity Page 1.6

Use with *The Federalist Papers*.***Federalist No. 51***

Either Alexander Hamilton or James Madison—the author’s identity is unclear—wrote this essay about how to structure government to guard against abuses of power and to protect the interests of all people.

In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others. . . .

It is equally evident, that the members of each department should be as little dependent as possible on those of the others. . . . But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist **encroachments** of the others. The provision for defense must in this, as in all other cases, be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place. It may be a reflection on human nature, that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. . . . In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of **auxiliary** precautions. This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other. . . . These inventions of **prudence** cannot be less requisite in the distribution of the supreme powers of the State. But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates. The remedy for this inconveniency is to

1. The author implies that it is human nature to do what?

2. What does the author say is the aim of distributions of power?

Activity Page 1.6 (continued)**Use with *The Federalist Papers*.**

divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other as the nature of their common functions and their common dependence on the society will admit. . . .

. . . In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself. . . . It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure.

There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable. The first method prevails in all governments possessing an hereditary or self-appointed authority. This, at best, is but a precarious security; because a power independent of the society may as well espouse the unjust views of the major, as the rightful interests of the minor party, and may possibly be turned against both parties. The second method will be exemplified in the federal republic of the United States. Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests, and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. . . .

. . . Justice is the end of government. It is the end of civil society. It ever has been and ever will be pursued until it be obtained, or until liberty be lost in the pursuit.

3. Why does the author say the legislature should be divided?
4. What “double security” does the author say protects the rights of the people?
5. The phrase “tyranny of the majority” refers to the tendency of the larger group of people to trample the rights of the smaller group in a democracy. Highlight or underline the part of the essay where the author addresses how the United States government will handle this problem.

encroachments, n. small or gradual intrusions on another’s territory or rights; advancements beyond set limits

auxiliary, adj. supplementary; providing help

prudence, n. caution

[illegible]

Chapter 2: Structures, Powers, and Functions of the U.S. Government

Framing Question: What is the structure of the U.S. government, and how does it function?

Student Reading Notes

Use the information in your Student Reader to fill in the chart.

Section	Notes
Still Going Strong	
The Legislative Branch	

The Executive Branch	
The Judicial Branch	
Elections and Offices	

Federalism	
Amending the Constitution	
The Final Factor	

PRIMARY SOURCE C: FROM ARTICLE I OF THE U.S. CONSTITUTION

Section 1

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

Section 3

... The Senate shall have the sole Power to try all Impeachments. And no Person shall be convicted without the Concurrence of two thirds of the Members present. ...

Section 7

... Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law. ...

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 Defence and general Welfare of the United States; ...

To constitute Tribunals inferior to the supreme Court;

To declare War. ...;

To raise and support Armies. ...;

To provide and maintain a Navy;

... To make all laws that will be necessary and proper for carrying out these powers and all other powers given by this Constitution to the government of the United States.

Name _____ Date _____

Primary Source Analysis**Describe the source.****Connect the source to what you know.****SOURCE:****Understand the source. Identify its message, purpose, and/or audience.****Draw a conclusion from or about the source.**

Primary Sources

PRIMARY SOURCE D: FROM ARTICLE II OF THE U.S. CONSTITUTION

Section 1

The executive Power shall be vested in a President of the United States of America. . . .

Section 2

The President shall be Commander in Chief of the Army and Navy of the United 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. . . .

Name _____ Date _____

Primary Source Analysis**Describe the source.****Connect the source to
what you know.****SOURCE:****Understand the source. Identify its
message, purpose, and/or audience.****Draw a conclusion from
or about the source.**

Chapter 2 Check for Understanding: What is the structure of the U.S. government, and how does it function?

[illegible]

Name _____

Date _____

Activity Page 2.1

Use with Chapter 2

Three Branches of Government

Fill in each column with details about that branch of the government.

Legislative	Executive	Judicial

Activity Page 2.2

Use with Chapter 2

Domain Vocabulary: Chapters 1–2

For each word, write the letter of the definition.

- | | |
|---------------------------------|---|
| _____ 1. ratify | a) the ability of the Supreme Court to have the final say in whether laws adhere to the Constitution |
| _____ 2. nonpartisan | b) the process of bringing a legal case in front of a higher court to review the decision of a lower court |
| _____ 3. probable cause | c) money devoted to a particular purpose, such as a function of government |
| _____ 4. judicial review | d) powers of the federal government that are specifically listed in the Constitution |
| _____ 5. popular sovereignty | e) not affiliated with any political party |
| _____ 6. rule of law | f) a decision made by an executive head of government, such as a president, that has the force of law |
| _____ 7. federalism | g) the results of an election based on individual ballots cast by citizens |
| _____ 8. checks and balances | h) a system of government in which the national government shares power with other levels of government, such as the states |
| _____ 9. appropriation | i) the action of watching over something |
| _____ 10. budget | j) powers in the U.S. system of government that are shared by the state and federal governments |
| _____ 11. levy | k) powers in the U.S. system of government that belong to the states rather than the federal government |
| _____ 12. oversight | l) to approve |
| _____ 13. executive order | m) the principle that everyone, including government leaders, is subject to the same laws |
| _____ 14. appeal | n) reason to believe a person is guilty of a crime |
| _____ 15. original jurisdiction | o) to impose |
| _____ 16. popular vote | p) the division of power in the American government by which each branch prevents the others from becoming too powerful |
| _____ 17. enumerated powers | q) the idea that the government's authority depends on the people agreeing to respect and abide by that authority |
| _____ 18. reserved powers | r) the power to review a legal case and apply the law |
| _____ 19. concurrent powers | s) an amount of money available for spending based on a plan for how it will be spent |

Name _____

Date _____

Performance Task Activity: *The Government of the New Nation*

The U.S. Constitution created a republican government that was meant to balance the powers of federal and state governments and the rights of the people. To what extent is the U.S. government “of the people, by the people, and for the people”?

Use the Claims and Evidence Activity Page (AP 1.3) and the lines below to take notes and organize your thoughts. Remember to include details from the chapters and primary sources in *The Government of the New Nation*, as well as from the sources and resources in the unit activities.

[illegible]

Name _____

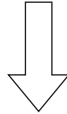
Date _____

Activity Page 1.3

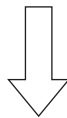
Use with Chapter 2

Claims and Evidence

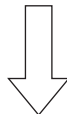
STATE THE CLAIM *What opinion or position are you defending?*



STATE THE REASON *Why should someone agree with this claim?*



IDENTIFY THE EVIDENCE *What details from the text and sources support the reason?*



RECOGNIZE A COUNTERCLAIM *What different opinion or position might someone have?
What argument might be used against you?*

ANSWER THE COUNTERCLAIM *How will you disprove the counterclaim?*

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Founding a New Nation

The Government of the New Nation

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