

## America's Founding Principles

**Directions:** Mark the text as you read along. Circle (○) any key vocabulary terms, underline central ideas, and draw a star (★) next to any founding documents mentioned. Then, after you read each section, answer each question in the space provided.

### Introduction

When the Founders were creating our nation, they took many things into consideration. Having fought for independence from the tyrannical King George III and the British parliament, the Founders were deliberate in making sure citizen freedoms would be protected by a government with limited powers over them. While opinions varied on how the national government should work, it was agreed that no one wanted the type of restrictive government they experienced under British rule. The Founders wanted to create a republican form of government, where citizens were important to the working of the country and government. By guaranteeing certain freedoms and limiting the power of the government, the Founders believed that the new nation they were creating would guarantee every citizen's right to life, liberty, and the pursuit of happiness.



### 1. Why did the Founders want to protect the rights of the people?



### Due Process of Law

The Founders wanted to build a country with a fair and impartial system of justice that guaranteed its citizens due process of law. Due process is the guarantee of fairness in all legal matters and requires that all people be treated the same under the law. If you are accused of a crime, there are laws that ensure you do not lose your life or freedom without having your legal rights protected.

One of the colonists' grievances against King George III in the Declaration of Independence (1776), was that he had deprived them "*of the benefits of Trial by Jury*," a violation of due process.

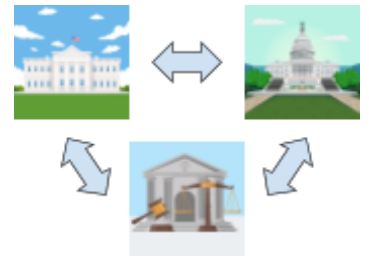
Other examples of due process that are protected by the U.S. Constitution are the right to legal representation, the right to prevent self-incrimination, protection against unlawful searches and seizures, the right to confront witnesses testifying against you or to call your own witnesses, and the right to a speedy trial.

### 2. Why did the Founders think protecting due process of law was important?

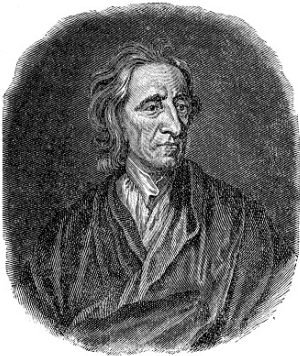
### Limited Government

Another important idea for the Founders was limited government. They wanted to ensure that the new government had limited powers and that the rights of the people would be secured and protected. This is why the Preamble to the U.S. Constitution starts with “*We the People*” and identifies the securing and blessings of liberty as one of the purposes of the new government.

Limited government means that even though the government makes the rules, it has limitations placed on it through the separation of powers, checks and balances, and the rule of law. In the United States, these limitations are written in the U.S. Constitution and the Bill of Rights.



### 3. What did limited government look like to the Founders?



### Equality of Mankind and Natural Rights

“Natural rights” is the idea that there are certain basic rights that all people are entitled to, not because a government says so (and could therefore take it away if it chose), but because they are people and exist. Every individual is born equal, has equal opportunity to succeed, and is entitled to the same set of basic rights.

The idea of natural rights came in part from the English philosopher, John Locke (1632-1704). One of Locke’s key beliefs was that the government gets its power from the people and that people create governments to ensure their safety and happiness. To Locke, natural rights at their most basic were the rights to life, liberty, and property.

Locke’s ideas were a central influence on the writing of the Declaration of Independence. Borrowing from Locke, Thomas Jefferson incorporated Locke’s idea that government gets its power from the consent of the governed, and using Jefferson’s words, that “*all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness.*”

### 4. Explain the idea of equality of mankind and natural rights.

## Rule of Law

The Founders also thought that a key to protecting our constitutional republic was the rule of law, or the idea that all people, from the weakest to the most powerful, are subject to the same laws. The Constitution and laws of the United States are the “*supreme law of the land*” to which everyone is accountable.

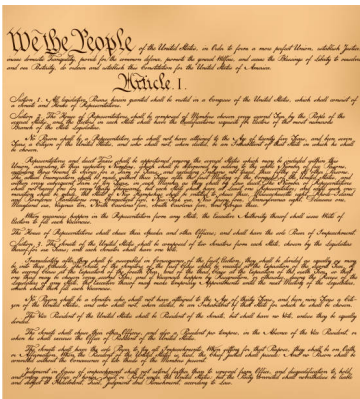
Holding all people accountable to the law is essential to creating a free and fair society. The rule of law is the idea that no one is above the law, and those who govern must follow it. It also incorporates due process of law as a central component. Not only must everyone follow the law, but the rules of law must be applied to all.

The rule of law is central to:

- Due process of law
- Limited government
- Enforcement of the law
- Consistent application of the law
- Transparency of institutions



## 5. Why did the Founders think that the rule of law is important to a free and fair society?



## Religious Liberty

One of the most important principles to the Founders was the idea that everyone should be able to practice their faith freely and without fear of government intrusion. This is called religious liberty. Religious liberty is an example of a natural right and is an illustration of the Founder's commitment to the idea of limited government.

During debates over the ratification of the U.S. Constitution (1787), a key concern of some of the Framers was ensuring that religious liberty would be protected, which is why it was included in the First Amendment of the Bill of Rights. Under this amendment, the government is prohibited from establishing an official religion and that it cannot prevent people from freely exercising their faith\*.

*\*the right to freely exercise one's faith is not absolute. U.S. Supreme Court precedent has restricted this right on occasion.*

## 6. Why was protecting religious liberty important to the Founders?

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