Who Can Say No?

Trace how the Constitution limits government power.

9-12.GOV.7 "Describe limited government within the Constitution, including: • Checks and balances • Popular sovereignty • Rule of law • Federalism • Separation of powers • Judicial review • Majority rule and protection of minority rights"

NAME _____ DATE _____

1 READ AND MARK

Read it twice

YOUR JOB Underline each named principle of limited government, then circle a government action or decision it affects.

A Ban on Criticism?

1. Imagine a national election in which many voters demand a ban on public rallies that criticize federal policies. Candidates who support the ban win seats in Congress. Elections show popular sovereignty: government gets its authority from the people, who can choose and replace representatives. Yet a winning candidate cannot turn every campaign promise into a valid law. The First Amendment protects speech and peaceful assembly, including criticism that most voters dislike. Majority rule helps decide who governs, but it does not erase the constitutional rights of people who voted for someone else.

2. Suppose members of Congress introduce the rally ban anyway. Under separation of powers, Congress writes and votes on federal laws, while the president leads the executive branch that enforces them. The president can veto a bill, and Congress can override that veto with a two-thirds vote in each chamber. These checks and balances make it harder for one branch to act alone. If the ban becomes law and someone challenges it in a proper court case, judges can use judicial review to decide whether the law violates the Constitution. A court can block enforcement of an unconstitutional law.

3. Federalism adds another limit: national and state governments have different powers. A state may set reasonable, content-neutral rules for using a crowded park, but it cannot ban peaceful rallies simply because speakers criticize officials. The First Amendment limits state governments as well as the federal government. Under the rule of law, officials must obey the Constitution, and everyone is subject to the law. Even when a majority wants a quick solution, officials must use lawful processes and respect the rights of a smaller group. Those protections allow political opponents to speak, organize, and compete in the next election.

2 ANSWER WITH EVIDENCE

Use the passage

1. Voters elected candidates who support the rally ban. How does this show popular sovereignty, and why does the election not make the ban constitutional?

2. If Congress passes the rally ban, how could the president and Congress check each other before it becomes law?

3. If the ban becomes law and someone challenges it in court, how could judicial review limit Congress?

4. How do federalism and protection of minority rights limit a state's power over rallies in a public park?

3 YOUR TURN

Your own words

A state legislature passes a law banning newspapers from criticizing the governor. Write a five-sentence advisory note explaining how federalism, judicial review, and protection of minority rights apply, and include one lawful way citizens could respond.

Who Can Say No?

PART 1 · READ AND MARK

Underline each named principle of limited government, then circle a government action or decision it affects. Accept any marking that follows this job and points at the right text.

PART 2 · ANSWERS

#	QUESTION	ANSWER
1	Voters elected candidates who support the rally ban. How does this show popular sovereignty, and why does the election not make the ban constitutional?	**Voters chose representatives, showing that government gets its authority from the people. An election cannot remove the First Amendment rights of people who oppose the majority.**
2	If Congress passes the rally ban, how could the president and Congress check each other before it becomes law?	**The president could veto the bill. Congress could override the veto with a two-thirds vote in each chamber.**
3	If the ban becomes law and someone challenges it in court, how could judicial review limit Congress?	**Judges could decide that the ban violates the Constitution and block enforcement of the unconstitutional law.**
4	How do federalism and protection of minority rights limit a state's power over rallies in a public park?	**A state can set reasonable, content-neutral park rules, but it must obey the First Amendment. It cannot ban a peaceful rally because the speakers criticize officials, even if most people dislike their views.**

PART 3 · YOUR TURN (SAMPLE ANSWER)

The state legislature can make state laws, but federalism does not let it ignore the U.S. Constitution. Even if most voters support the ban, the First Amendment protects people who criticize the governor. A newspaper could challenge the ban in court, where judges could use judicial review to rule it unconstitutional. State officials would have to obey that ruling because the rule of law applies to them too. Citizens could also vote for lawmakers who promise to repeal the ban.

Accept answers that distinguish an election result from constitutional authority. For the advisory note, accept other lawful responses, such as organizing opposition or petitioning legislators.