



CHAPTER



The Constitution

★ CITIZENSHIP AND YOU ★

The Constitution is the nation's most important document. Written in 1787, it set up a system of government that has flourished for more than 200 years. Realizing that changes would be needed from time to time, the writers of the Constitution set up a process to add amendments. It is this ability to adapt, while preserving the basic form of American government, that is the Constitution's priceless heritage. Contact the National Archives in Washington, D.C., to learn more about the Constitution. Prepare a brief report that describes what you find.



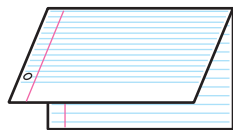
To learn more about the drafting of the Constitution, view the ***Democracy in Action*** video lesson 2: The Creation of the Federal Government.

FOLDABLES™

Study Organizer

Summarizing Information Study Foldable Make and use this study guide to record the main ideas of the chapter and information on the United States Constitution.

Step 1 Fold a sheet of paper in half from top to bottom.



Step 2 Fold the paper in half again from side to side.

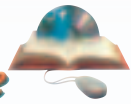


Step 3 Label your foldable as shown.



Reading and Writing

As you read the chapter, record events that led to the formation, ratification, and implementation of the United States Constitution.

The logo for 'Civics Online' features the word 'CIVICS' in a bold, blue, sans-serif font above the word 'Online' in a red, cursive script font.

Chapter Overview Visit the *Civics Today* Web site at civ.glencoe.com and click on **Chapter Overviews—Chapter 3** to preview chapter information.





SECTION

1

The Road to the Constitution

GUIDE TO READING

Main Idea

In 1787 a remarkable group of American leaders from all but one state gathered in Philadelphia to address the weaknesses of the Articles of Confederation, but they soon decided that a new constitution was needed.

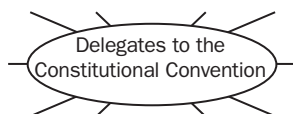
Key Terms

Constitutional Convention

Reading Strategy

Identifying Information

As you read, list prominent leaders and characteristics of delegates to the Constitutional Convention in a web diagram like the one below.



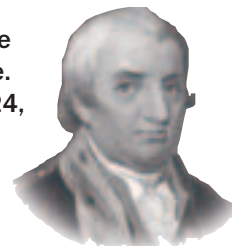
Read to Learn

- Who attended the Constitutional Convention?
- What rules did the delegates adopt to conduct their business?



Americans in Action

Charles Pinckney was so intent on impressing his colleagues—the other delegates to the Constitutional Convention—that he lied about his age. Pinckney's vanity led him to boast that he was only 24, allowing him to claim distinction as the youngest delegate. He was, in fact, 30 years old. In spite of certain personal qualities, Pinckney distinguished himself in the process of creating an improved plan of government for the United States.



Charles Pinckney

A Distinguished Gathering

By early 1787, it was clear that the national government had to be strengthened. The Congress agreed there were serious problems with the Articles of Confederation. Each state was asked to send delegates to a convention in Philadelphia to fix the flaws. (This was to become the Constitutional Convention.) Only Rhode Island chose not to take part because its leaders opposed a stronger central government.

The convention began in Philadelphia's Independence Hall on May 25, 1787. Rain fell heavily during the opening week, leaving the roads to the city choked with mud. Many delegates had to travel long distances and arrived late. Once all were assembled, however, they were an extraordinary group.

Most of the 55 men present were well-educated lawyers, merchants, college presidents, physicians, generals, governors, and planters with considerable political experience. Eight of the delegates had signed the Declaration of Independence. Seven had been governors of their states, and forty-one were or had been members of the Continental Congress. Native Americans, African Americans, and women were not considered part of the political process, so none attended.

Benjamin Franklin of Pennsylvania, 81, was the oldest delegate. He was famous as a diplomat, writer, inventor, and scientist. Most delegates, however, were still young men in their thirties or forties with great careers ahead of them. Two delegates, George Washington and James Madison, would go on to become presidents of the United States. Nineteen would



become U.S. senators, and thirteen served in the House of Representatives. Four men would become federal judges, and four others would become Supreme Court justices.

A few notable leaders were not at the convention. Thomas Jefferson and John Adams were both in Europe as representatives of the American government—Jefferson in Paris and Adams in London. Patrick Henry, a prominent Virginian, was also missing. Although elected as a delegate, he was against the convention and did not attend.

Reading Check **Generalizing** How would you describe the delegates to the Constitutional Convention?

Early Decisions

The delegates agreed unanimously that George Washington should preside over the convention. Widely respected for his leadership during the American Revolution, Washington would now call on speakers and make sure that the meetings ran in an orderly, efficient manner. At the start, he reminded the delegates of the importance

of their task. He warned that if they could not come up with an acceptable plan of government, “perhaps another dreadful conflict is to be sustained.”

Operating Procedures

One of Washington’s first actions was to appoint a committee to set rules for conducting the convention. The committee decided that meetings could not be held unless delegates from at least seven states were present. Decisions were to be made by a majority vote of the states, with each state having only one vote. That meant that the delegates from each state would decide by majority rule how to cast their single ballot.

The participants at the convention also agreed to keep all discussions secret. The public was not allowed to attend meetings, the doors were guarded, and the windows were kept tightly shut despite the summer heat. Each delegate promised not to tell outsiders what was going on inside.

This secrecy rule enabled the delegates to speak freely, without worrying about the public’s reaction. That made it easier for them to bargain with one another and to

Independence Hall The Pennsylvania State House, later known as Independence Hall, hosted the Declaration of Independence signing and the Constitutional Convention. It is now a museum. **What was the delegates’ goal when they gathered at the convention?**





The Constitutional

Convention Delegates to the convention had to make many compromises before working out a plan for a government acceptable to all. **What were the rules for conducting the convention?**

change their minds on the many issues debated. However, the secrecy policy also meant that no formal records of the convention were kept. Most of the details we know come from a notebook of daily events written by James Madison.

the Articles was not enough. They decided instead to discard the Articles and write a new constitution. All of the delegates set out to strengthen the national government by creating a new plan of government. Thus the meeting in Philadelphia came to be known as the **Constitutional Convention**.

The Need for a New Constitution

The Congress had given delegates the job of revising the Articles of Confederation. They quickly agreed, however, that changing

Reading Check Explaining Why were no formal records kept at the Constitutional Convention?

SECTION 1 ASSESSMENT

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Checking for Understanding

1. Key Terms Write a sentence using the term below that explains the purpose of the gathering in Philadelphia.

Constitutional Convention

Reviewing Main Ideas

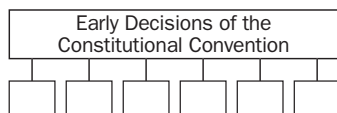
2. Explain Why did Rhode Island refuse to send a delegate to the Constitutional Convention? What did the delegates have in common?

3. Describe How were decisions made by the Constitutional Convention? What other decisions about operating procedures did the delegates make?

Critical Thinking

4. Drawing Conclusions If you had been a delegate to the Constitutional Convention, would you have voted for the secrecy rule? Why or why not?

5. Categorizing Information Organize information about the early decisions of the Constitutional Convention by completing a graphic organizer like the one below.



Analyzing Visuals

6. Infer Examine the painting of the Constitutional Convention on this page. Who is shown leading the Convention? Why did the delegates choose him?

★ BE AN ACTIVE CITIZEN ★

7. Research Find out about your city council and state legislature. What are the secrecy rules for those bodies? Can they meet in secret like the Constitutional Convention did? Under what circumstances can they meet without having the public present? Report your findings to the class.

Creating and Ratifying the Constitution

GUIDE TO READING

Main Idea

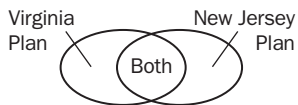
Delegates to the Constitutional Convention arrived with varying ideas and plans of government, which meant that compromise would be necessary to reach agreement.

Key Terms

legislative branch, executive branch, judicial branch, Great Compromise, Three-Fifths Compromise, Electoral College, Federalists, federalism, Anti-Federalists

Reading Strategy

Comparing and Contrasting As you read, compare the Virginia Plan to the New Jersey Plan by completing a Venn diagram like the one below.



Read to Learn

- What plans of government did delegates offer at the Constitutional Convention?
- What compromises were agreed upon by the delegates?



Americans in Action

Credit for the Great Compromise goes to Roger Sherman, whose name most Americans have never heard. As a boy, he was apprenticed to a shoemaker. Sherman's thirst for knowledge led him to learn on his own, even resorting to reading while sitting at his cobbler's bench. When Sherman was 19, his father died, and Sherman became the head of the household. Even as he struggled to support his mother and siblings, he read and acquired knowledge. In time, a self-educated Sherman became a practicing attorney. From there, appointments as justice of the peace, as a delegate to the colonial assembly, and as judge of the court of common pleas led him further into a life of public service.



Roger Sherman

Two Opposing Plans

The delegates to the Constitutional Convention, like Roger Sherman, were determined to create a framework of government that all states could accept. Everyone knew that failure could mean disaster. Elbridge Gerry of Massachusetts spoke for most when he said,

“I would bury my bones in this city rather than [leave] . . . the convention without anything being done.”

On May 29, 1787, shortly after the convention began, the Virginia delegates proposed a plan for the new government. James Madison had designed what became known as the Virginia Plan.

Under the Articles of Confederation, the national government had consisted of only a legislative branch with a one-house Congress. The Virginia Plan, by contrast, called for a government with three branches. In addition to the **legislative branch** (the lawmakers), there would be an **executive branch**



to carry out the laws and a **judicial branch**—a system of courts—to interpret and apply the laws. The legislature, moreover, would be divided into two houses. In each house, states would be represented on the basis of their population. Large states would have more votes than smaller states.

The Virginia Plan appealed to delegates from Massachusetts, Pennsylvania, and

New York, as well as Virginia. The small states, however, feared that a government dominated by the large states would ignore their interests.

After two weeks of angry discussion, William Paterson of New Jersey presented an alternative proposal. The New Jersey Plan, as it is known, also called for three branches of government. However, the legislature would have only one house and each state would get one vote, as under the Articles of Confederation. Delegates from Delaware, New Jersey, and Maryland approved of this plan. It made their states equal in power to the big states. Of course, the large states would not accept this plan. They thought larger states should have more power than smaller states.

Reading Check **Contrasting** How did the Virginia Plan differ from the New Jersey Plan?

Constitutional Compromises


For six weeks the delegates debated the merits of the two plans. Neither side wanted to give in. Some delegates even threatened to leave the convention; yet all the delegates shared the goal of creating a new constitution, so they kept working.

The Great Compromise

A committee headed by Roger Sherman of Connecticut finally came up with an answer. The committee proposed that Congress have two houses—a Senate and a House of Representatives. Each state would have equal representation in the Senate, which would please the small states. In the House, representation would be based on population, which would please the big states. (See Chapter 6 for more information.)

After much discussion, the delegates decided to accept Sherman’s plan. No group was completely happy, but this was a solution


American Biographies



Sam Ervin (1896–1995)
 Sam J. Ervin, Jr., described himself as nothing but an “old country lawyer.” However, members of the U.S. Senate, where he served for 20 years, knew otherwise. Whenever Ervin, the crusty senator from North Carolina, arched his eyebrows, they braced themselves for a lecture in constitutional law. “Senator Sam,” as he came to be known, believed the Constitution should be followed to the letter.

Born in Morganton, North Carolina, Ervin gained his love of the Constitution from his father, a fiery, self-taught lawyer. He defended the Constitution on the battlefields of World War I and upheld it in the North Carolina state legislature and on the North Carolina state supreme court.

In the U.S. Senate, Ervin helped break the power of Senator Joseph McCarthy, who had falsely charged hundreds of Americans in the 1950s with communist activities. In 1974 he headed the committee charged with investigating wrongdoings by President Richard Nixon (known as the Watergate investigation). Ervin believed the Constitution was “the wisest instrument the earth has ever known.” He spent his life ensuring that elected officials upheld it.



with which all could live. Historians call Sherman's plan the Connecticut Compromise or the **Great Compromise**. (A compromise is a way of resolving disagreements in which each side gives up something but gains something else.)

The Three-Fifths Compromise

Although the Great Compromise settled the structure of Congress, questions remained about how to calculate the population for purposes of representation. At the time of the Constitutional Convention more than 550,000 African Americans, mostly in the South, were enslaved. The Southern states wanted to count these people as part of their populations to increase their voting power in the House of Representatives. The Northern states, which had few enslaved persons, opposed the idea. They argued that because enslaved persons were not allowed to vote or otherwise participate in government, they should not be used to give Southern states a stronger voice in Congress.

In the **Three-Fifths Compromise**, delegates agreed that every five enslaved persons would count as three free persons. Thus three-fifths of the slave population in each state would be used in determining representation in Congress. That number would also be used in figuring taxes.

Other Compromises

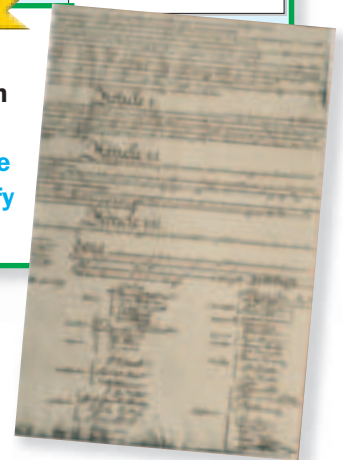
Northern and Southern delegates to the convention compromised on trade matters, too. The Northern states felt that Congress should be able to regulate both foreign commerce and trade between the states. The Southern states, however, feared that Congress would use this power to tax exports—goods sold to other countries. If this happened, the Southern economy would suffer because it depended heavily on exports of tobacco, rice, and other products.

Ratifying the Constitution



Interpreting Maps

The Constitution survived strong opposition among many of the 13 states. Why were some states hesitant to ratify the Constitution?



The delegates signed the Constitution about four months after they convened.

Southerners also feared that Congress might stop slave traders from bringing enslaved people into the United States. Again, Southern delegates objected because Southern plantations depended on the labor of slaves. Again a compromise among the delegates would settle the issue.



Federal Hall New York City became the nation's temporary capital. George Washington was elected president, and Congress met for the first time in 1789 in Federal Hall. **The Constitution took effect after which state ratified it?**

After some discussion, the Southern states agreed that Congress could regulate trade between the states, as well as with other countries. In exchange, the North agreed that Congress could not tax exports, nor could it interfere with the slave trade before 1808.

The delegates compromised on various other disagreements about their new government. Some delegates, for example, thought members of Congress should choose the president; others believed that the people should vote to decide the presidency. The solution was the **Electoral College**, a group of people who would be named by each state legislature to select the president and vice president. The Electoral College system is still used today, but the voters in each state, not the legislatures, now choose electors.

Reading Check Cause and Effect What two arguments resulted in the Electoral College compromise?

Approving the Constitution

All summer, the delegates to the Constitutional Convention hammered out the details of the new government. As their work drew to an end, some delegates headed home, but 42 remained. On September 17, 1787, they gathered for the last time. A committee, headed by Gouverneur Morris, had put their ideas in writing, and the Constitution was ready to be signed. All but three delegates signed their names at the bottom.

The next step was to win ratification, or approval, of the Constitution. The delegates had decided that each state would set up a ratifying convention to vote “yes” or “no.” When at least 9 of the 13 states had ratified it, the Constitution would become the supreme law of the land.

A Divided Public

Americans reacted to the proposed Constitution in different ways. Supporters of the document called themselves **Federalists**. They chose this name to emphasize that the Constitution would create a system of **federalism**, a form of government in which power is divided between the federal, or national, government and the states.

To win support, the Federalists reminded Americans of the flaws in the Articles of Confederation. They argued that the United States would not survive without a strong national government. In a series of essays known as *The Federalist*, Alexander Hamilton, James Madison, and John Jay defended the Constitution. Madison argued in *The Federalist*, No. 10:

“A republic, by which I mean a government in which the scheme of representation takes place . . . promises the cure for which we are seeking. . . .”



TIME

Political Cartoons



"Hey, the Constitution isn't engraved in stone."

and it seems to be directed toward money and
power. Making the world a more organized
place. Schedules, two men with briefcases
and the company's name.

Those who opposed the Constitution, the **Anti-Federalists**, felt that it gave too much power to the national government and took too much away from the states. The Anti-Federalists also objected to the absence of a bill of rights. They thought the Constitution failed to provide protection for certain individual liberties, such as the freedoms of speech and religion.

Analyzing Visuals The writers of the Constitution looked to the future in many ways—including their decision to allow amendments to the document they created. **What is the setting for this cartoon? What do you imagine prompted the speaker to make the statement he did?**

Reaching Agreement

The Federalists eventually agreed with the Anti-Federalists that a bill of rights was a good idea. They promised that if the Constitution was adopted, the new government would add a bill of rights to it.

That promise helped turn the tide. Several states had already voted for ratification. On June 21, 1788, New Hampshire became the ninth state to do so, and the Constitution took effect. In time, the four remaining states ratified the Constitution, ending with Rhode Island in 1790. The 13 independent states were now one nation, the United States of America.

Reading Check Identifying What promise helped get the Constitution ratified?

SECTION 2 ASSESSMENT



Study Central™ To review this section, go to civ.glencoe.com and click on **Study Central™**.

Checking for Understanding

- 1. **Key Terms** Write short paragraphs about the Constitutional Convention using the group of terms below: **Federalists, federalism, Anti-Federalists, Great Compromise.**

Reviewing Main Ideas

- 2. **Identify** With what issue did the Three-Fifths Compromise deal? How did it resolve this issue?
- 3. **Explain** What was the purpose of *The Federalist*? Why did the Anti-Federalists object to the Constitution?

Critical Thinking

- 4. **Drawing Conclusions** Why were Southerners at the Constitutional Convention fearful of government control of trade?
- 5. **Comparing and Contrasting** On a graphic organizer like the one below, compare the views of the Federalists and the Anti-Federalists.

Federalists	Anti-Federalists

Analyzing Visuals

- 6. **Interpret** Examine the map on page 57. Which states ratified the Constitution after it took effect?

★ BE AN ACTIVE CITIZEN ★

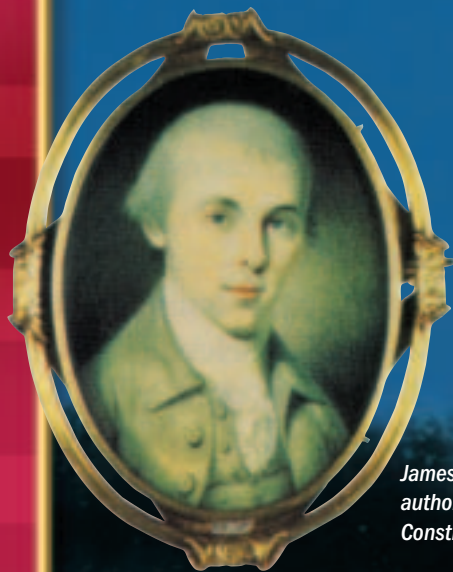
- 7. **Survey** Conduct a survey of at least 10 adults in which you ask them whether they favor continuing the Electoral College or amending the Constitution to have the presidency determined by the popular vote. Ask respondents to explain their answers.



The Constitution of the United States

The Constitution of the United States is truly a remarkable document. It was one of the first written constitutions in modern history. The Framers wanted to devise a plan for a strong central government that would unify the country, as well as preserve the ideals of the Declaration of Independence. The document they wrote created a representative legislature, the office of president, a system of courts, and a process for adding amendments. For over 200 years, the flexibility and strength of the Constitution has guided the nation's political leaders. The document has become a symbol of pride and a force for national unity.

The entire text of the Constitution and its amendments follows. For easier study, those passages that have been set aside or changed by the adoption of amendments are printed in blue. Also included are explanatory notes that will help clarify the meaning of each article and section.



*James Madison,
author of the
Constitution*





Preamble

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article I

Section 1

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

Section 2

[1.] The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

[2.] No person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[3.] Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, *which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.* The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; *and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three; Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.*

[4.] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[5.] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

The Preamble introduces the Constitution and sets forth the general purposes for which the government was established. The Preamble also declares that the power of the government comes from the people.

The printed text of the document shows the spelling and punctuation of the parchment original.

What It Means

Article I. The Legislative Branch The Constitution contains seven divisions called articles. Each article covers a general topic. For example, Articles I, II, and III create the three branches of the national government—the legislative, executive, and judicial branches. Most of the articles are divided into sections.

What It Means

Representation The number of representatives from each state is based on the size of the state's population. Each state is entitled to at least one representative. *What are the qualifications for members of the House of Representatives?*

Vocabulary

preamble: *introduction*

constitution: *principles and laws of a nation*

enumeration: *census or population count*

impeachment: *bringing charges against an official*



What It Means

Electing Senators Originally, senators were chosen by the state legislators of their own states. The Seventeenth Amendment changed this, so that senators are now elected by the people. There are 100 senators, 2 from each state. The vice president serves as president of the Senate.



John Adams, the first vice president

What It Means

Impeachment One of Congress's powers is the power to impeach—to accuse government officials of wrongdoing, put them on trial, and if necessary remove them from office. *Which body has the power to decide the official's guilt or innocence?*

Vocabulary

president pro tempore: *presiding officer of Senate who serves when the vice president is absent*

indictment: *charging a person with an offense*

quorum: *minimum number of members that must be present to conduct sessions*

adjourn: *to suspend a session*

immunity privilege: *members cannot be sued or prosecuted for anything they say in Congress*

emoluments: *salaries*

bill: *draft of a proposed law*

revenue: *income raised by government*

Section 3

[1.] The Senate of the United States shall be composed of two Senators from each State, chosen **by the Legislature thereof**, for six Years; and each Senator shall have one Vote.

[2.] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, **during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.**

[3.] No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

[4.] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

[5.] The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of the President of the United States.

[6.] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

[7.] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section 4

[1.] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

[2.] The Congress shall assemble at least once in every Year, **and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.**



Section 5

[1.] Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

[2.] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

[3.] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

[4.] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6

[1.] The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

[2.] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7

[1.] All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

[2.] 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



Senate gavel

What It Means

Congressional Salaries To strengthen the federal government, the Founders set congressional salaries to be paid by the United States Treasury rather than by members' respective states. Originally, members were paid \$6 per day. In 2005, all members of Congress received a base salary of \$165,200.

What It Means

Where Tax Laws Begin All tax laws must originate in the House of Representatives. This ensures that the branch of Congress that is elected by the people every two years has the major role in determining taxes.

What It Means

How Bills Become Laws A bill may become a law only by passing both houses of Congress and by being signed by the president. The president can check Congress by rejecting—vetoing—its legislation. *How can Congress override the president's veto?*



What It Means

Powers of Congress Expressed powers are those powers directly stated in the Constitution. Most of the expressed powers of Congress are listed in Article I, Section 8. These powers are also called enumerated powers because they are numbered 1–18. *Which clause gives Congress the power to declare war?*



Civil War money

Vocabulary

resolution: legislature's formal expression of opinion

naturalization: procedure by which a citizen of a foreign nation becomes a citizen of the United States.

tribunal: a court

letter of marque: authority given to a citizen to outfit an armed ship and use it to attack enemy ships in time of war

reprisal: taking by force property or territory belonging to another country or to its citizens

insurrection: rebellion

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.

[3.] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8

[1.] The Congress shall have the 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; but all Duties, Imposts and Excises shall be uniform throughout the United States;

[2.] To borrow Money on the credit of the United States;

[3.] To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

[4.] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

[5.] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

[6.] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

[7.] To establish Post Offices and post Roads;

[8.] To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

[9.] To constitute Tribunals inferior to the supreme Court;

[10.] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

[11.] To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

[12.] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

[13.] To provide and maintain a Navy;

[14.] To make Rules for the Government and Regulation of the land and naval Forces;

[15.] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;



[16.] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

[17.] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings, —And

[18.] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9

[1.] The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

[2.] The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

[3.] No Bill of Attainder or ex post facto Law shall be passed.

[4.] No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[5.] No Tax or Duty shall be laid on Articles exported from any State.

[6.] No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

[7.] No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

[8.] No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

What It Means

Elastic Clause The final enumerated power is often called the “elastic clause.” This clause gives Congress the right to make all laws “necessary and proper” to carry out the powers expressed in the other clauses of Article I. It is called the elastic clause because it lets Congress “stretch” its powers to meet situations the Founders could never have anticipated.

What does the phrase “necessary and proper” in the elastic clause mean? Almost from the beginning, this phrase was a subject of dispute. The issue was whether a strict or a broad interpretation of the Constitution should be applied. The dispute was first addressed in 1819, in the case of *McCulloch v. Maryland*, when the Supreme Court ruled in favor of a broad interpretation.

What It Means

Habeas Corpus A writ of habeas corpus issued by a judge requires a law official to bring a prisoner to court and show cause for holding the prisoner. A bill of attainder is a bill that punished a person without a jury trial. An “ex post facto” law is one that makes an act a crime after the act has been committed. *What does the Constitution say about bills of attainder?*



What It Means

Limitations on the States Section 10 lists limits on the states. These restrictions were designed, in part, to prevent an overlapping in functions and authority with the federal government.

Section 10

[1.] No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

[2.] No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports and Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

[3.] No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

What It Means

Article II. The Executive Branch Article II creates an executive branch to carry out laws passed by Congress. Article II lists the powers and duties of the presidency, describes qualifications for office and procedures for electing the president, and provides for a vice president.

Article II

Section 1

[1.] The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

[2.] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[3.] The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no person have a Majority,



United States coins

Vocabulary

appropriations: funds set aside for a specific use

emolument: payment

impost: tax

duty: tax



then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

[4.] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

[5.] No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[6.] In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

[7.] The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

[8.] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section 2

[1.] The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

What It Means

Previous Elections The Twelfth Amendment, added in 1804, changed the method of electing the president stated in Article II, Section 3. The Twelfth Amendment requires that the electors cast separate ballots for president and vice president.

What It Means

Qualifications The president must be a citizen of the United States by birth, at least 35 years of age, and a resident of the United States for 14 years.

What It Means

Vacancies If the president dies, resigns, is removed from office by impeachment, or is unable to carry out the duties of the office, the vice president becomes president. The Twenty-fifth Amendment sets procedures for presidential succession.

What It Means

Salary Originally, the president's salary was \$25,000 per year. The president's current salary is \$400,000 plus a \$50,000 nontaxable expense account per year. The president also receives living accommodations in two residences—the White House and Camp David.

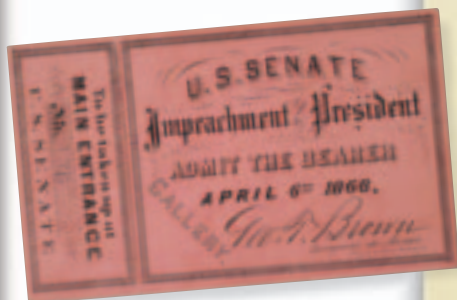
What It Means

The Cabinet Mention of "the principal officer in each of the executive departments" is the only suggestion of the president's cabinet to be found in the Constitution. The cabinet is an advisory body, and its power depends on the president. Section 2, Clause 1 also makes the president—a civilian—the head of the armed services. This established the principle of civilian control of the military.



What It Means

Presidential Powers An executive order is a command issued by a president to exercise a power which he has been given by the U.S. Constitution or by a federal statute. In times of emergency, presidents sometimes have used the executive order to override the Constitution of the United States and the Congress. During the Civil War, President Lincoln suspended many fundamental rights guaranteed in the Constitution and the Bill of Rights. He closed down newspapers that opposed his policies and imprisoned some who disagreed with him. Lincoln said that these actions were justified to preserve the Union.



Impeachment ticket

What It Means

Article III. The Judicial Branch The term *judicial* refers to courts. The Constitution set up only the Supreme Court, but provided for the establishment of other federal courts. The judiciary of the United States has two different systems of courts. One system consists of the federal courts, whose powers derive from the Constitution and federal laws. The other includes the courts of each of the 50 states, whose powers derive from state constitutions and laws.

What It Means

Statute Law Federal courts deal mostly with “statute law,” or laws passed by Congress, treaties, and cases involving the Constitution itself.

[2.] 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, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

[3.] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III

Section 1

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2

[1.] The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors,



other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—*between a State and Citizens of another State*;—*between Citizens of different States*,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

[2.] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

[3.] The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3

[1.] Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[2.] The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article IV

Section 1

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2

[1.] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

[2.] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

What It Means

The Supreme Court A Court with “original jurisdiction” has the authority to be the first court to hear a case. The Supreme Court has “appellate jurisdiction” and mostly hears cases appealed from lower courts.

What It Means

Article IV. Relations Among the States

Article IV explains the relationship of the states to one another and to the national government. This article requires each state to give citizens of other states the same rights as its own citizens, addresses admitting new states, and guarantees that the national government will protect the states.

Vocabulary

original jurisdiction: authority to be the first court to hear a case

appellate jurisdiction: authority to hear cases that have been appealed from lower courts

treason: violation of the allegiance owed by a person to his or her own country, for example, by aiding an enemy



What It Means

New States Congress has the power to admit new states. It also determines the basic guidelines for applying for statehood. Two states, Maine and West Virginia, were created within the boundaries of another state. In the case of West Virginia, President Lincoln recognized the West Virginia government as the legal government of Virginia during the Civil War. This allowed West Virginia to secede from Virginia without obtaining approval from the Virginia legislature.

What It Means

Republic Government can be classified in many different ways. The ancient Greek Philosopher Aristotle classified government based on the question: Who governs? According to Aristotle, all governments belong to one of three major groups: (1) autocracy—rule by one person; (2) oligarchy—rule by a few persons; or (3) democracy—rule by many persons. A republic is a form of democracy in which the people elect representatives to make the laws and conduct government.

What It Means

Article V. The Amendment Process Article V spells out the ways that the Constitution can be amended, or changed. All of the 27 amendments were proposed by a two-thirds vote of both houses of Congress. Only the Twenty-first Amendment was ratified by constitutional conventions of the states. All other amendments have been ratified by state legislatures. *What is an amendment?*

[3.] No Person held to Service of Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3

[1.] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

[2.] The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article VI

[1.] All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

Vocabulary

extradition: *surrender of a criminal to another authority*

amendment: *a change to the Constitution*

ratification: *process by which an amendment is approved*



[2.] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[3.] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth. In witness whereof We have hereunto subscribed our Names,

What It Means

Article VI. National Supremacy Article VI contains the “supremacy clause.” This clause establishes that the Constitution, laws passed by Congress, and treaties of the United States “shall be the supreme Law of the Land.” The “supremacy clause” recognized the Constitution and federal laws as supreme when in conflict with those of the states.

What It Means

Article VII. Ratification Article VII addresses ratification and declares that the Constitution would take effect after it was ratified by nine states.

Signers

George Washington, President and Deputy from Virginia

New Hampshire

*John Langdon
Nicholas Gilman*

Massachusetts

*Nathaniel Gorham
Rufus King*

Connecticut

*William Samuel Johnson
Roger Sherman*

New York

Alexander Hamilton

New Jersey

*William Livingston
David Brearley
William Paterson
Jonathan Dayton*

Pennsylvania

*Benjamin Franklin
Thomas Mifflin
Robert Morris
George Clymer
Thomas FitzSimons
Jared Ingersoll
James Wilson
Gouverneur Morris*

Delaware

*George Read
Gunning Bedford, Jr.
John Dickinson
Richard Bassett
Jacob Broom*

Maryland

*James McHenry
Daniel of St. Thomas Jenifer
Daniel Carroll*

Virginia

*John Blair
James Madison, Jr.*

North Carolina

*William Blount
Richard Dobbs Spaight
Hugh Williamson*

South Carolina

*John Rutledge
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler*

Georgia

*William Few
Abraham Baldwin*

Attest: *William Jackson,
Secretary*



What It Means

The Amendments This part of the Constitution consists of amendments, or changes. The Constitution has been amended 27 times throughout the nation's history.

What It Means

Bill of Rights The first 10 amendments are known as the Bill of Rights (1791). These amendments limit the powers of government. The First Amendment protects the civil liberties of individuals in the United States. The amendment freedoms are not absolute, however. They are limited by the rights of other individuals. *What freedoms does the First Amendment protect?*

What It Means

Rights of the Accused This amendment contains important protections for people accused of crimes. One of the protections is that government may not deprive any person of life, liberty, or property without due process of law. This means that the government must follow proper constitutional procedures in trials and in other actions it takes against individuals. *According to Amendment V, what is the function of a grand jury?*

What It Means

Rights to a Speedy, Fair Trial A basic protection is the right to a speedy, public trial. The jury must hear witnesses and evidence on both sides before deciding the guilt or innocence of a person charged with a crime. This amendment also provides that legal counsel must be provided to a defendant. In 1963, the Supreme Court ruled, in *Gideon v. Wainwright*, that if a defendant cannot afford a lawyer, the government must provide one to defend him or her. *Why is the right to a "speedy" trial important?*

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 II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining Witnesses in his favor, and to have the assistance of counsel for his defence.



Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

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.

Amendment XI

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment XII

The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such

What It Means

Powers of the People This amendment prevents government from claiming that the only rights people have are those listed in the Bill of Rights.

What It Means

Powers of the States The final amendment of the Bill of Rights protects the states and the people from an all-powerful federal government. It establishes that powers not given to the national government—or denied to the states—by the Constitution belong to the states or to the people.

What It Means

Suits Against States The Eleventh Amendment (1795) limits the jurisdiction of the federal courts. The Supreme Court had ruled that a federal court could try a lawsuit brought by citizens of South Carolina against a citizen of Georgia. This case, *Chisholm v. Georgia*, decided in 1793, raised a storm of protest, leading to passage of the Eleventh Amendment.

Vocabulary

quarter: to provide living accommodations

probable cause: police must have a reasonable basis to believe a person is linked to a crime

warrant: document that gives police particular rights or powers

common law: law established by previous court decisions

bail: money that an accused person provides to the court as a guarantee that he or she will be present for a trial



What It Means

Elections The Twelfth Amendment (1804) corrects a problem that had arisen in the method of electing the president and vice president. This amendment provides for the Electoral College to use separate ballots in voting for president and vice president. *If no candidate receives a majority of the electoral votes, who elects the president?*

What It Means

Abolition of Slavery Amendments Thirteen (1865), Fourteen (1868), and Fifteen (1870) often are called the Civil War amendments because they grew out of that great conflict. The Thirteenth Amendment outlaws slavery.

What It Means

Rights of Citizens The Fourteenth Amendment (1868) originally was intended to protect the legal rights of the freed slaves. Today it protects the rights of citizenship in general by prohibiting a state from depriving any person of life, liberty, or property without “due process of law.” In addition, it states that all citizens have the right to equal protection of the law in all states.

Vocabulary

majority: more than half

devolve: to pass on

abridge: to reduce

insurrection: rebellion against the government

emancipation: freedom from slavery

majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. **And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.** The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Amendment XIII

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for service in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Amendment XV

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any

What It Means

Representation in Congress This section reduced the number of members a state had in the House of Representatives if it denied its citizens the right to vote. Later civil rights laws and the Twenty-fourth Amendment guaranteed the vote to African Americans.

What It Means

Penalty The leaders of the Confederacy were barred from state or federal offices unless Congress agreed to remove this ban. By the end of Reconstruction all but a few Confederate leaders were allowed to return to public life.

What It Means

Public Debt The public debt acquired by the federal government during the Civil War was valid and could not be questioned by the South. However, the debts of the Confederacy were declared to be illegal. *Could former slaveholders collect payment for the loss of their slaves?*

What It Means

Right to Vote The Fifteenth Amendment (1870) prohibits the government from denying a person's right to vote on the basis of race. Despite the law, many states denied African Americans the right to vote by such means as poll taxes, literacy tests, and white primaries. During the 1950s and 1960s, Congress passed successively stronger laws to end racial discrimination in voting rights.



Internal Revenue Service

What It Means

Election of Senators The Seventeenth Amendment (1913) states that the people, instead of state legislatures, elect United States senators. *How many years are in a Senate term?*

What It Means

Prohibition The Eighteenth Amendment (1919) prohibited the production, sale, or transportation of alcoholic beverages in the United States. Prohibition proved to be difficult to enforce. This amendment was later repealed by the Twenty-first Amendment.

Vocabulary

apportionment: *distribution of seats in House based on population*
vacancy: *an office or position that is unfilled or unoccupied*

State on account of race, color, or previous condition of servitude.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XVI

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States and without regard to any census or enumeration.

Amendment XVII

Section 1

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

Section 2

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

Section 3

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII

Section 1

After one year from ratification of this article, the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.



Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XIX

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Section 2

Congress shall have power by appropriate legislation to enforce the provisions of this article.

Amendment XX

Section 1

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of the Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

What It Means

Woman Suffrage The Nineteenth Amendment (1920) guaranteed women the right to vote. By then women had already won the right to vote in many state elections, but the amendment put their right to vote in all state and national elections on a constitutional basis.

What It Means

“Lame-Duck” Amendments The Twentieth Amendment (1933) sets new dates for Congress to begin its term and for the inauguration of the president and vice president. Under the original Constitution, elected officials who retired or who had been defeated remained in office for several months. For the outgoing president, this period ran from November until March. Such outgoing officials had little influence and accomplished little, and they were called lame ducks because they were so inactive. *What date was fixed as Inauguration Day?*

What It Means

Succession This section provides that if the president-elect dies before taking office, the vice president-elect becomes president.



John Tyler was the first vice president to become president when a chief executive died.

What It Means

Repeal of Prohibition The Twenty-first Amendment (1933) repeals the Eighteenth Amendment. It is the only amendment ever passed to overturn an earlier amendment. It is also the only amendment ratified by special state conventions instead of state legislatures.

What It Means

Term Limit The Twenty-second Amendment (1951) limits presidents to a maximum of two elected terms. It was passed largely as a reaction to Franklin D. Roosevelt's election to four terms between 1933 and 1945.

Vocabulary

president-elect: *individual who is elected president but has not yet begun serving his or her term*

District of Columbia: *site of nation's capital, occupying an area between Maryland and Virginia*

Section 4

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment XXI

Section 1

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XXII

Section 1

No person shall be elected to the office of the President more than twice, and no person who had held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be



holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.



Presidential campaign buttons

Amendment XXIII

Section 1

The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV

Section 1

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

What It Means

Electors for the District of Columbia

The Twenty-third Amendment (1961) allows citizens living in Washington, D.C., to vote for president and vice president, a right previously denied residents of the nation's capital. The District of Columbia now has three presidential electors, the number to which it would be entitled if it were a state.

What It Means

Abolition of Poll Tax

The Twenty-fourth Amendment (1964) prohibits poll taxes in federal elections. Prior to the passage of this amendment, some states had used such taxes to keep low-income African Americans from voting. In 1966 the Supreme Court banned poll taxes in state elections as well.



What It Means

The Vice President The Twenty-fifth Amendment (1967) established a process for the vice president to take over leadership of the nation when a president is disabled. It also set procedures for filling a vacancy in the office of vice president.

This amendment was used in 1973, when Vice President Spiro Agnew resigned from office after being charged with accepting bribes. President Richard Nixon then appointed Gerald R. Ford as vice president in accordance with the provisions of the 25th Amendment. A year later, President Nixon resigned during the Watergate scandal and Ford became president. President Ford then had to fill the vice presidency, which he had left vacant upon assuming the presidency. He named Nelson A. Rockefeller as vice president. Thus individuals who had not been elected held both the presidency and the vice presidency. *Whom does the president inform if he or she cannot carry out the duties of the office?*



President Gerald Ford

Amendment XXV

Section 1

In case of the removal of the President from office or his death or resignation, the Vice President shall become President.

Section 2

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take the office upon confirmation by a majority vote of both Houses of Congress.

Section 3

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the power and duties of the office of Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice



Paul Conklin

President shall continue to discharge the same as Acting President; otherwise, the President shall resume the power and duties of his office.

Amendment XXVI

Section 1

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXVII

No law, varying the compensation for the services of Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

What It Means

Voting Age The Twenty-sixth Amendment (1971) lowered the voting age in both federal and state elections to 18.

What It Means

Congressional Pay Raises The Twenty-seventh Amendment (1992) makes congressional pay raises effective during the term following their passage. James Madison offered the amendment in 1789, but it was never adopted. In 1982 Gregory Watson, then a student at the University of Texas, discovered the forgotten amendment while doing research for a school paper. Watson made the amendment's passage his crusade.

Joint meeting of Congress



The Structure of the Constitution

GUIDE TO READING

Main Idea

The Constitution is a remarkable document, which serves as an adaptable blueprint for governing the United States.

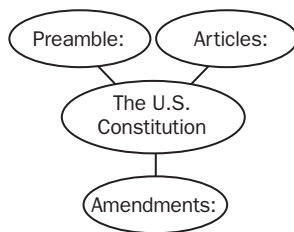
Key Terms

Preamble, amendment, Bill of Rights, income tax

Reading Strategy

Categorizing Information

As you read, create and complete a chart like the one below by listing important features of the U.S. Constitution.



Read to Learn

- How is the Constitution organized?
- What do the three parts of the Constitution accomplish?



Americans in Action

Throughout his remarkable career, Patrick Henry stood out as a supporter of the colonists and their rights. At the First Continental Congress in 1774, he energetically spoke for measures that assumed the unity of the colonies. At the same time, he was against a strong central government. Though selected to be a delegate, he refused to attend sessions in 1787 and 1788, while the Constitution was being drafted. Henry was perhaps the most famous Anti-Federalist to speak against ratification of the Constitution. With the addition of the Bill of Rights, however, Henry embraced the Constitution. As a Federalist, Henry won a seat in the Virginia legislature. He died before he could assume his post, though.



Patrick Henry

The Constitution and Its Parts

Men with strong but often opposing ideas about the role of government shaped the Constitution. When you read the Constitution, you discover how remarkable it is. In the words of Harry S Truman, our thirty-third president, “It’s a plan, but not a straitjacket, flexible and short.” In very few pages, it manages to provide an adaptable framework for government that has held up for more than 200 years.

Although the main purpose of the Constitution is to provide a framework for the U.S. government, it does much more than that. It is the highest authority in the nation. It is the basic law of the United States. The powers of all the branches of government come from the Constitution. Like the American flag, the Constitution is a symbol of our nation. It represents our system of government and our basic beliefs and ideals, such as liberty and freedom.

The Constitution has three main parts. First is the Preamble, an introduction that states the goals and purposes of the government. Next are seven articles that describe the structure of the government. Third are 27 amendments, or additions and changes, to the Constitution.



The Preamble

The opening section of the Constitution, the **Preamble**, tells why the Constitution was written. It consists of a single, concise sentence that begins and ends as follows:

“We the People of the United States . . . do ordain and establish this Constitution for the United States of America.”

These carefully chosen words make clear that the power of government comes from the people. The government depends on the people for its power and exists to serve them.

The middle part of the Preamble states six purposes of the government:

- “To form a more perfect Union”—to unite the states more effectively so they can operate as a single nation, for the good of all
- “To establish Justice”—to create a system of fair laws and courts and make certain that all citizens are treated equally
- “To insure domestic Tranquility”—to maintain peace and order, keeping citizens and their property safe from harm

- “To provide for the common defense”—to be ready militarily to protect the country and its citizens from outside attacks
- “To promote the general Welfare”—to help people live healthy, happy, and prosperous lives
- “To secure the Blessings of Liberty to ourselves and our Posterity”—to guarantee the freedom and basic rights of all Americans, including future generations (posterity)

The Articles

The seven articles that follow the Preamble explain how the government is to work. The first three articles describe the powers and responsibilities of each branch of government in turn. The remaining articles address more general matters.

Article I: The Legislative Branch It is no accident that the first article deals with the legislative branch. The Framers of the Constitution intended the legislature to take the leading role in government.

Article I says that a Congress made of two houses—the Senate and the House of Representatives—will have all lawmaking

The Oath of Office Every American president takes an oath to “preserve, protect, and defend the Constitution of the United States.” George Washington and George W. Bush were sworn in as the first and forty-third presidents. **What is the president really pledging to protect?**





Comparing Governments

CONSTITUTION

Legislature

Senate, with states represented equally, and House of Representatives, apportioned according to population, have power to:

- ★ Pass laws by majority vote
- ★ Declare war
- ★ Coin and borrow money
- ★ Approve treaties
- ★ Amend Constitution by 2/3 vote in both houses and approval by 3/4 of states
- ★ Tax
- ★ Regulate commerce
- ★ Confirm presidential appointments

Executive

President chosen by electors has power to:

- ★ Enforce laws
- ★ Make treaties
- ★ Command armed forces

Supreme Court and lower federal courts have power to:

- ★ Interpret laws
- ★ Settle disputes between states

ARTICLES OF CONFEDERATION

Congress of one house with equal representation of 13 states has power to:

- ★ Pass laws by vote of 9 states
- ★ Declare war
- ★ Coin and borrow money
- ★ Make treaties
- ★ Amend Articles if all 13 states agree

No executive branch

Judiciary

No judicial branch

Evaluating Charts

The Constitution replaced a weak central government with a strong one. Which branches of government did the Constitution add?



authority. The article then describes how members of each house will be chosen and what rules they must follow in making laws. For example, a majority of both senators and representatives must vote for a bill before it can become a law.

Article I also lists specific powers that Congress does and does not have. For example, Congress may collect taxes, regulate foreign and interstate trade, coin money, and declare war. It may not tax exports, however, or favor one state over another. You will learn more about Congress in Chapter 6.

Article II: The Executive Branch

Article II provides for an executive, or law-enforcing, branch of government headed by a president and vice president. Article II explains how these leaders are to be elected and how they can be removed from office. The article also describes some of the president's powers and duties. As you will learn in Chapter 7, these include commanding the armed forces, dealing with the leaders of other countries, and appointing certain government officials.



Article III: The Judicial Branch The judicial branch is the part of government that interprets the laws and sees that they are fairly applied. Article III calls for “one Supreme Court” and such lower courts as Congress deems appropriate.

Article III then lists the powers of the federal courts and describes the kinds of cases they may hear. These include cases involving the Constitution, federal laws and treaties, and disputes between states. Read about our federal judiciary in Chapter 8.

Articles IV–VII In Article IV of the Constitution, the Framers shifted their focus to the states. The article says that all states must respect each other’s laws, court decisions, and records. Article IV also explains the process for creating new states, and it promises that the federal government will protect and defend the states.

Article V reveals the foresight of the Framers. They realized that in a changing world, the Constitution might need modification over time. Thus they specified how amendments are to be made.

Article VI contains a key statement declaring the Constitution the “supreme Law of the Land.” It adds that if state laws or court decisions conflict with federal law, the federal law shall prevail.

In Article VII, the Framers dealt with practical matters. The Constitution would take effect, they wrote, when nine states had ratified it.

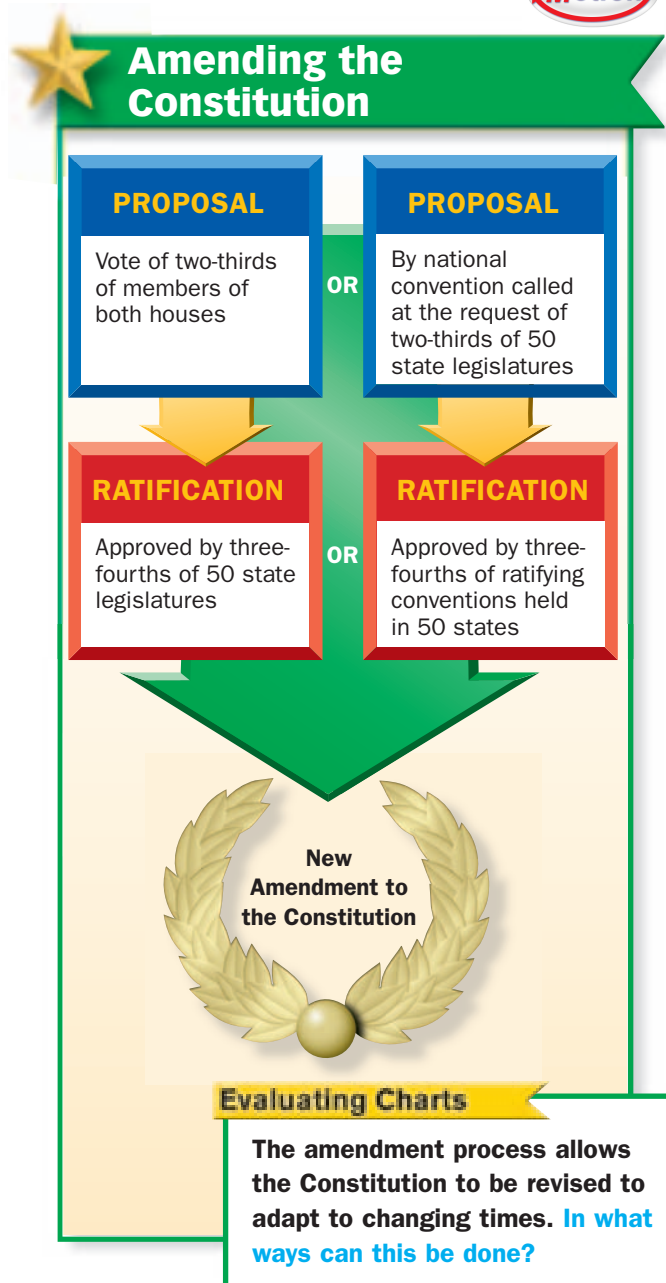
Reading Check **Describing** What is the main purpose of the U.S. Constitution?

Amending the Constitution

Since the Constitution was signed in 1787, it has been amended 27 times. (Any change in the Constitution is called an **amendment**.) The first 10 amendments, known as the **Bill of Rights**, were added in

1791. Chapter 4 discusses the Bill of Rights, along with other amendments that safeguard individual rights and liberties.

A number of amendments address entirely different matters, such as improving the way our government works. For example, the Sixteenth Amendment was passed in 1913 to allow Congress to collect an **income tax**—a tax on people’s earnings. This is now an important source of money for the government, helping it pay for services.





The Amendment Process

Would it surprise you to know that thousands of amendments to the Constitution have been considered over the years? Only 27 have become law because the Framers deliberately made the amendment process difficult. After months of debate and compromise, they knew how delicately balanced the Constitution was. Changing even one small detail could have dramatic effects throughout the government. Therefore, the Framers made sure the Constitution could not be altered without the overwhelming support of the people.

At the same time, the ability to amend the Constitution is necessary. Constitutional amendments safeguard many of our freedoms. For example, the abolition of slavery and the right of women to vote were added in amendments. If the Constitution could not have been amended to protect the rights of African Americans, women, and other oppressed groups, it—and our government—might not have survived.

The process for making an amendment to the Constitution, as outlined in Article V, involves two steps: proposal and ratification. An amendment may be proposed in either of two ways. The first method—used for all amendments so far—is by congressional action. A vote of two-thirds of the members of both houses of Congress is required. The second method is by a national convention requested by two-thirds of the state legislatures.

Once a national amendment has been proposed, three-fourths of the states must ratify it. The states have two ways to do this: by a vote of either the state legislature or a

special state convention. Only one amendment, the Twenty-first Amendment, has been ratified by means of state conventions. Congress proposed and the state legislatures ratified all others.

Reading Check **Inferring** Why are amendments to the Constitution necessary?

Interpreting the Constitution

Although the Constitution has been amended only 27 times, there have been many other changes to it. These changes have taken place through interpretation. The Framers of the Constitution wrote a general document, so many matters are left open to interpretation.

The Necessary and Proper Clause

Article I lists the powers of Congress. In this article, the Constitution gives Congress the power “to make all Laws which shall be necessary and proper” to carry out its duties. This necessary and proper clause allows Congress to exercise powers that are not specifically listed in the Constitution. These powers are known as “implied powers.”

Americans, though, do not agree about which laws are “necessary and proper.” Some people feel Congress should be allowed to make any laws the Constitution does not specifically forbid. These people believe in a loose interpretation of the Constitution. Others believe in a strict interpretation. They feel Congress should make only the kinds of laws mentioned by the Constitution.

Interpretation Through Court Decisions

The Supreme Court has the final authority on interpreting the Constitution. Over the years, the Supreme Court has interpreted the



Student Web Activity Visit civ.glencoe.com and click on **Student Web Activities—Chapter 3** to learn more about the U.S. Constitution.



Constitution in different ways—sometimes strictly, sometimes loosely. With each new interpretation, our government changes.

Interpretation Through Congressional and Presidential Actions

Actions taken by Congress and the president have also caused new interpretations of the Constitution. The Constitution allows the House of Representatives to impeach, or accuse, federal officials, while the Senate determines the person’s guilt or innocence. Congress has investigated more than 60 people on impeachment charges.

How has the president interpreted the Constitution? In 1841 William Henry Harrison became the first president to die in office. Vice President John Tyler assumed the powers of the president according to the Constitution. The Constitution, however, was unclear on this matter. Did Tyler automatically become president, or was he merely acting as president until the next election? Tyler went ahead and took the presidential oath. Not until 1967, when the Twenty-fifth Amendment was ratified, was Tyler’s action officially part of the Constitution.

Presidents interpret the Constitution in other ways, too. Not only does the president make agreements with other countries without congressional approval, the president also requests legislation from Congress. The Constitution does not direct the president to take these actions.

Interpretation Through Custom

The interpretation of the Constitution has also changed through customs that have developed. For example, although the Constitution does not mention political parties, they are a very important part of today’s political system. Today, parties help organize the government and conduct elections.

The government under the Constitution today is very different from the government set up by the Constitution in 1787. It will probably go through many more changes, too. However, the basic structure and principles of our government—a delicate balance between three branches—will no doubt remain.

Reading Check Identifying What type of powers does the necessary and proper clause give to Congress?

SECTION 3 ASSESSMENT



Study Central™ To review this section, go to civ.glencoe.com and click on **Study Central™**.

Checking for Understanding

- 1. Key Terms** Write a paragraph about the Constitution in which you use all of the following terms: **Preamble, amendment, Bill of Rights, income tax.**
- Reviewing Main Ideas**
- 2. Identify** What is the purpose of the Preamble to the U.S. Constitution?
- 3. Describe** In what two ways can an amendment to the U.S. Constitution be ratified? How are the states involved in these processes?

Critical Thinking

- 4. Evaluating Information** Which part of the Constitution do you think is the most important? Explain your answer.
- 5. Summarizing Information** In a chart like the one below, describe the features of Articles I, II, and III of the Constitution.

Article I	Article II	Article III

Analyzing Visuals

- 6. Compare and Contrast** Review the chart that compares the Articles of Confederation and the U.S. Constitution on page 84. How did Congress differ under both forms of government?

★ BE AN ACTIVE CITIZEN ★

- 7. Organize** Read a section of your state’s constitution. Find one similarity and one difference from the U.S. Constitution.

Critical Thinking SKILLBUILDER

Understanding the Parts of a Map

Why Learn This Skill?

Students and adult citizens need to acquire many different kinds of information. You gain knowledge through a variety of activities, such as observing, listening, and reading. Maps can present a great deal of information in brief and interesting formats. Maps can direct you down the street, across the country, or around the world. To make the most of map reading, you need to understand the parts of a map.

Learning the Skill

Follow these steps to read a map:

- Read the title to discover the subject of the map. The title may include a date, location, or special concept.
- Locate the map key, often found in a corner of the map. Identify the key's symbols, including colors and lines.
- Find the scale, which is often located in the key. The scale tells you what distance on the earth is represented by the measurement on the scale bar. For example, 1 inch (2.54 cm) on the map may represent 100 miles (160.9 km) on the earth.
- Note the compass, which shows directions on the map.
- Use the labels on the map, which identify physical and political features.

Land Area of the United States, 1787



Practicing the Skill

Look at the parts of the map on this page and answer the following questions.

- 1 What is the subject of the map?
- 2 What color are the 13 states?
- 3 What is the name of the large western territory unclaimed by any states?
- 4 Along which of the Great Lakes did the British hold forts?
- 5 What other countries claimed land near the United States?

Applying the Skill

List five types of information found on a map in your history or geography textbook. Describe this information to the class.



Practice key skills with Glencoe's **Skillbuilder Interactive Workbook CD-ROM, Level 1.**

Principles Underlying the Constitution

GUIDE TO READING

Main Idea

The Framers of the Constitution designed a government that incorporated the principles of popular sovereignty, rule of law, separation of powers, checks and balances, and federalism.

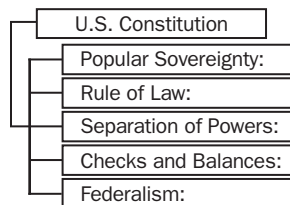
Key Terms

popular sovereignty, rule of law, separation of powers, checks and balances, expressed powers, reserved powers, concurrent powers

Reading Strategy

Summarizing Information

As you read, complete a graphic organizer like the one below to describe the five principles included in the U.S. Constitution.



Read to Learn

- How is power distributed in the U.S. government?
- What principles of government are contained in the U.S. Constitution?



Americans in Action

As Benjamin Franklin was leaving the last session of the Constitutional Congress, a woman asked, “What kind of government have you given us, Dr. Franklin? A republic or a monarchy?” Franklin answered, “A republic, Madam, if you can keep it.” Franklin’s response indicated that a republic—a system of government in which the people elect representatives to exercise power for them—requires citizens to take an active role.



Benjamin Franklin

Popular Sovereignty

In designing their plan for government, the delegates to the Constitutional Convention disagreed on many details. They had a common vision, however, of how the government should operate. It should be representative of the people and limited in scope. In addition, power should be divided among different levels rather than concentrated in a single, central authority.

To achieve these ends, the Framers embraced five fundamental principles: popular sovereignty, the rule of law, separation of powers, checks and balances, and federalism. These principles are the backbone of the Constitution.

In Article IV, the Constitution guarantees the American people “a Republican Form of Government.” Today the word “republic” can mean any representative government headed by a president or similar leader rather than a king or queen who inherits the position. To the Framers of the Constitution, though, a republic was a representative democracy. In a traditional republic, supreme power belongs to the people, who express their will through elected representatives. This idea was important to the English colonists who came to America.

The notion that power lies with the people is called **popular sovereignty**. (“Sovereignty” means the right to rule; “popular,” in this case, means the population or public.) The Declaration of Independence expresses strong support for popular sovereignty,



saying that governments should draw their powers “from the consent of the governed.” The Constitution echoes this idea in its opening statement that “We the People . . . establish this Constitution.”

Further, the Constitution includes several provisions that ensure the sovereignty of the people. Of special importance are provisions about the right of citizens to vote. It is through elections that the people exercise their power most clearly. By a majority vote, citizens decide who will represent them in Congress. Through the Electoral College, they also choose the president and vice president. Elected officials are always accountable to the people. Elections are regularly scheduled, and voters can reject and replace representatives who serve them poorly.

Reading Check **Defining** What is a republic?

Rule of Law

The Framers firmly believed that the government should be strong, but not too strong. As James Madison put it,

“You must first enable the government to control the governed, and in the next place oblige it to control itself.”

To limit the power of both the federal government and the states, the Constitution specifies what they may and may not do. English monarchs, prior to the Magna Carta, had unlimited government. There were few restrictions on what they did.

Under the Constitution, the government is also limited by the **rule of law**. This means that the law applies to everyone, even those who govern. No one may break the law or escape its reach.

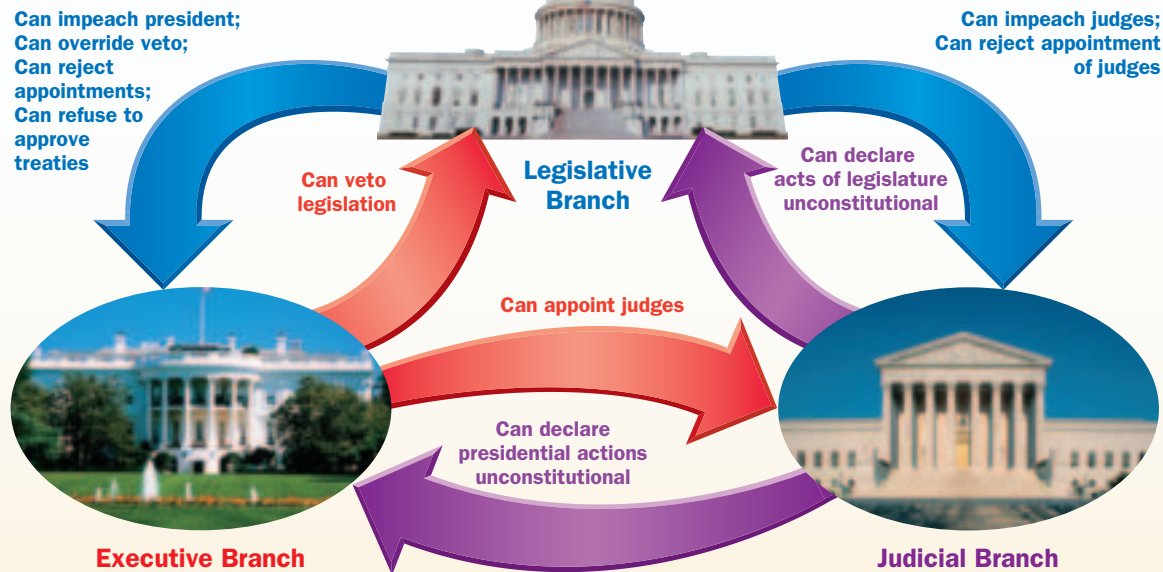
Foundations of Our Rights and Freedoms

RIGHTS AND FREEDOMS	Magna Carta (1215)	English Bill of Rights (1689)	Virginia Declaration of Rights (1776)	Bill of Rights (1791)
Trial by jury	★	★	★	★
Due process	★	★	★	★
Private property	★		★	★
No unreasonable searches or seizures	★		★	★
No cruel punishment		★	★	★
No excessive bail or fines	★	★	★	★
Right to bear arms		★		★
Right to petition		★		★
Freedom of speech				★
Freedom of the press			★	★
Freedom of religion			★	★

Evaluating Charts

The ideas for the rights and freedoms we enjoy today came from various documents. These rights and freedoms, though, have not always applied equally to all Americans. **Which rights or freedoms were included in all four documents?**

Checks and Balances



President George W. Bush gives the State of Union Address in 2005.

Evaluating Charts

The three branches of government check and balance one another. **How can the legislative branch check the power of the executive branch?**

Separation of Powers

To further protect against abuse of power and the possibility of one person or group gaining too much power, the Framers divided the government into three branches, each with different functions. The Framers were influenced by the ideas of French philosopher Baron de Montesquieu, who believed that the best way to protect the liberty of the people was to clearly separate the legislative, executive, and judicial functions of government and assign each to a separate governmental branch. This split of authority among the

legislative, executive, and judicial branches is called **separation of powers**.

Checks and Balances

To keep any one branch from becoming too powerful, the Constitution also includes a system of **checks and balances**. Each branch of government is able to check, or restrain, the power of the others. The president, for example, can veto laws proposed by Congress and name federal judges. Congress can block presidential appointments and treaties, control spending by the



Federal and State Powers

ENUMERATED POWERS

(Powers given to the federal government)

- ★ Pass all laws necessary and proper to carry out its powers
- ★ Regulate trade with other countries and among the states
- ★ Conduct foreign affairs
- ★ Raise and support an army
- ★ Coin and print money
- ★ Establish a postal system
- ★ Govern U.S. territories, admit new states, and regulate immigration

CONCURRENT POWERS

(Powers shared by state and federal governments)

- ★ Enforce the laws
- ★ Establish courts
- ★ Collect taxes
- ★ Borrow money
- ★ Provide for the general welfare



RESERVED POWERS

(Powers given to state governments)

- ★ Provide for the public safety, health, and welfare within the state
- ★ Regulate trade and commerce within the state
- ★ Establish local governments
- ★ Conduct elections, determine qualifications of voters
- ★ Establish a public school system

Evaluating Charts

The Constitution is very clear about the expressed powers of government. What are three powers that state and federal governments share?

executive branch, and, in cases of serious wrongdoing, remove the president from office. Congress can also reject judicial appointments and remove judges through the impeachment process. The Supreme Court can overturn laws and executive policies that it finds contrary to the Constitution.

Reading Check Explaining Why did the Framers divide the government into three branches?

Federalism

Further limits on government arise from our federal system. Under federalism, as you read in Section 3, power is shared by the national government and the states. Each level of government—national and

state—has independent authority over people at the same time. Americans must obey both federal and state laws.

Dividing Power

In outlining our federal system, the Constitution gives the national government certain exclusive powers. For example, Article I says that only the national government may coin money and make treaties with other nations. None of the 50 state governments may do these things.

The powers specifically granted to the national government are called the enumerated or **expressed powers**. You will read more about them in Chapter 6. Powers that the Constitution does not give to the national government are kept by the states. These **reserved powers**, as they



are called, include regulating trade within state borders, establishing schools, and making rules for marriage and divorce.

In some areas, the authority of the states and the national government overlaps. Powers that both levels of government can exercise are called **concurrent powers**. Examples include the power to collect taxes, borrow money, and set up courts and prisons.

The Supremacy of the Constitution

In a federal system, the laws of a state and the laws of the nation may conflict. To deal with this possibility, the Framers included the supremacy clause in Article VI of the Constitution. As you read earlier, Article VI declares that the Constitution and other laws and treaties made by the national government “shall be the supreme Law of the Land.”

Because the Constitution is the highest law, the national government is not supposed to act in violation of it. Likewise, states may do nothing that goes against either the Constitution or federal law.

Thomas Jefferson admired the Constitution. He wrote,

“I am persuaded no Constitution was ever before so well calculated as ours for . . . self-government.”

The Constitution is both durable and adaptable. It expresses our commitment to democracy, individual liberty, and equal justice under the law. The principles that underpin it—popular sovereignty, the rule of law, separation of powers, checks and balances, and federalism—ensure government restraint as well as power. The Constitution gives our chosen representatives enough power to defend our country’s freedom, keep order, and protect individuals’ rights. At the same time, it sets limits so that Americans need never fear tyranny. The United States Constitution stands as a powerful symbol of American values and a source of pride and unity.

Reading Check **Concluding** If a state law conflicts with a federal law, which law should you follow?

SECTION 4 ASSESSMENT



Study Central™ To review this section, go to civ.glencoe.com and click on **Study Central™**.

Checking for Understanding

1. Key Terms Use the group of words below to write a paragraph about the U.S. Constitution.

separation of powers
popular sovereignty
rule of law
checks and balances

Reviewing Main Ideas

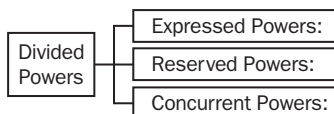
- Analyze** How are the principles of separation of powers and checks and balances related?
- Evaluate** What are the five principles of government embodied in the United States Constitution?

Critical Thinking

4. Drawing Conclusions Why do you think the Framers of the Constitution thought the supremacy clause was necessary?

5. Categorizing Information

Classify information about the way the Constitution divides powers by completing a graphic organizer like the one below.



Analyzing Visuals

6. Contrast Review the chart on page 90. Compare the Virginia Declaration of Rights to the Bill of Rights. How do the two documents differ?

★ BE AN ACTIVE CITIZEN ★

7. Analyze Read your local or national newspaper for a week. Find at least one example of each of the five principles of government embodied in the Constitution. Share your examples with the class.

Assessment & Activities

Review to Learn

Section 1

- In 1787, 55 men met at what would become known as the Constitutional Convention.
- The convention delegates agreed on several operating procedures.



Section 2

- Two major plans were offered at the Constitutional Convention.
- The Great Compromise settled the dispute over the two plans.

Section 3

- The Constitution is divided into three parts.

Section 4

- The Constitution ensures that the government's power comes from the people and is limited.
- The federal system further limits the U.S. government.



FOLDABLES™

Study Organizer

Using Your Foldables Study Organizer

Use the foldable journal you have created to answer the following essay question: What led to the creation of the U.S. Constitution, and when and how was it ratified?

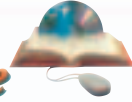
Reviewing Key Terms

Choose the **italicized term** that best completes each of the following sentences.

1. The idea of popular sovereignty is represented by *separation of powers/the right to vote*.
2. *Federalists/Anti-Federalists* favored ratification of the new Constitution.
3. *The Three-Fifths Compromise/Great Compromise* settled the question of whether the Virginia Plan or the New Jersey Plan would be adopted.
4. The first 10 amendments to the Constitution are called the *supremacy clause/Bill of Rights*.
5. The issue of how to count enslaved Americans for the purpose of representation in Congress was settled by the *Great Compromise/Three-Fifths Compromise*.
6. The idea of dividing power among different levels of government is found in the principle of *federalism/separation of powers*.
7. Those who opposed the Constitution because it gave too much power to the national government were called *Federalists/Anti-Federalists*.
8. No state law can conflict with the U.S. Constitution because of the *supremacy clause/separation of powers*.
9. Checks and balances are most closely associated with the principle of *popular sovereignty/separation of powers*.
10. The notion that governments draw their powers from the consent of the governed is *federalism/popular sovereignty*.

Reviewing Main Ideas

11. For what purpose did the delegates to the Constitutional Convention originally meet?
12. Why did convention delegates decide to keep the proceedings secret?
13. What two competing plans did delegates to the Constitutional Convention debate?
14. Explain the Three-Fifths Compromise.

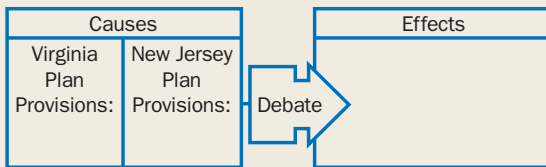


Self-Check Quiz Visit the *Civics Today* Web site at civ.glencoe.com and click on **Self-Check Quizzes—Chapter 3** to prepare for the chapter test.

15. What do the first three articles of the Constitution do?
16. What are the first 10 amendments to the Constitution called and what do they do?
17. What five fundamental principles are embodied by the U.S. Constitution?
18. Explain the difference among expressed, reserved, and concurrent powers.

Critical Thinking

19. **Predicting** What might happen if amendments were easier to propose and ratify?
20. **Cause and Effect** In a chart like the one below, explain the causes and effects of the major debate that occurred at the Constitutional Convention.



Practicing Skills

21. **Understanding the Parts of a Map** Study the map on page 57. Which states unanimously ratified the Constitution? How many states strongly opposed ratification?



Economics Activity

22. One of the concurrent powers in the Constitution is the power to collect taxes. The main source of tax revenue for the national government is personal and corporate income tax. Investigate your state tax structure. What taxes comprise the largest sources of revenue in your state?

Analyzing Visuals

23. Study the chart on page 91. How does the judicial branch check the Congress? How can the Congress check the president? Do you think the system works? Explain.

★ CITIZENSHIP COOPERATIVE ACTIVITY ★

24. With a partner, search your local newspaper for articles that deal with constitutional issues. Select an issue from one of the articles and write a letter to your senator or representative expressing your opinion about the issue.



Technology Activity

25. Do an Internet search to find a Supreme Court case. Use the information you find to write a brief report and describe the constitutional issues raised by the case.

Standardized Test Practice

Directions: Choose the *best* answer to the following question.

In what way are the Articles of Confederation and the U.S. Constitution similar?

- A Under both plans, the national government could impose taxes.
- B Under both structures, the national government could declare war.
- C The national government could take all necessary actions to run the government.
- D Both documents set up a judicial system.

Test-Taking Tip

Review what you know about these two documents and note all the areas in which the two structures of government were alike.