



CHAPTER

3

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.



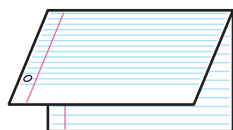
To learn more about the drafting of the Constitution, view the ***Democracy in Action*** video lesson 2: The Creation of the Federal Government.

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.

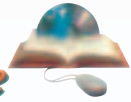


Reading and Writing

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



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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.



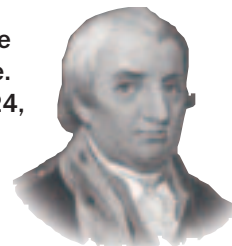
Read to Learn

- 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

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

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

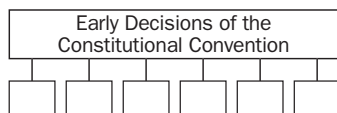
2. Explain Why did Rhode Island refuse to send a delegate to the Constitutional Convention? What did the delegates have in common?

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

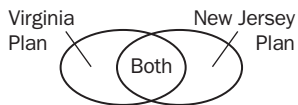
Delegates to the Constitutional Convention arrived with varying ideas and plans of government, which meant that compromise would be necessary to reach agreement.

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.



Ratifying the Constitution

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.

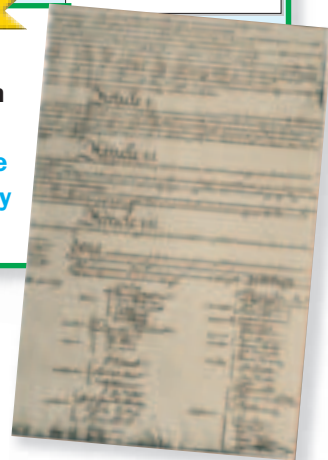
Other Compromises

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.



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... Schedules, two men walk with bills in... Making the world a more organized... the country's work...

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 ★

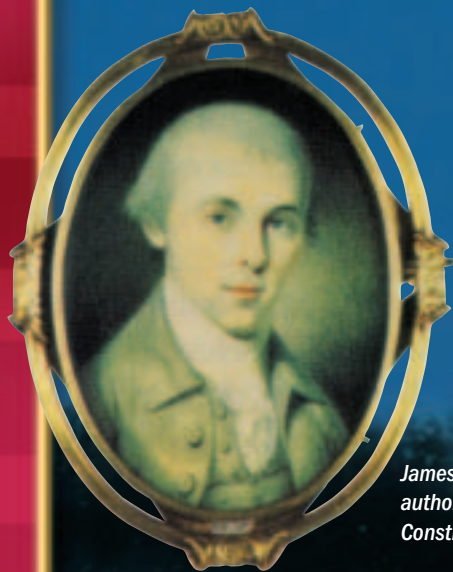
- 7. **Survey** Conduct a survey of at least 10 adults in which you ask them whether they favor continuing the Electoral College or amending the Constitution to have the presidency determined by the popular vote. Ask respondents to explain their answers.



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.

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.

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.

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.

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.

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?*

[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.

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.

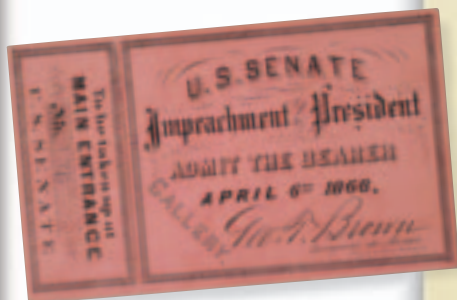
What It Means

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?*

Vocabulary

extradition: *surrender of a criminal to another authority*

amendment: *a change to the Constitution*

ratification: *process by which an amendment is approved*

[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.



[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*