



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.

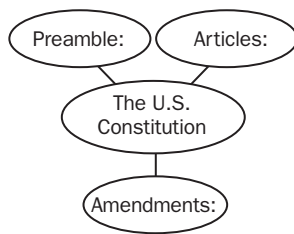
Key Terms

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

ARTICLES OF CONFEDERATION

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

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

Executive

President chosen by electors has power to:

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

No executive branch

Judiciary

Supreme Court and lower federal courts have power to:

- ★ Interpret laws
- ★ Settle disputes between states

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.

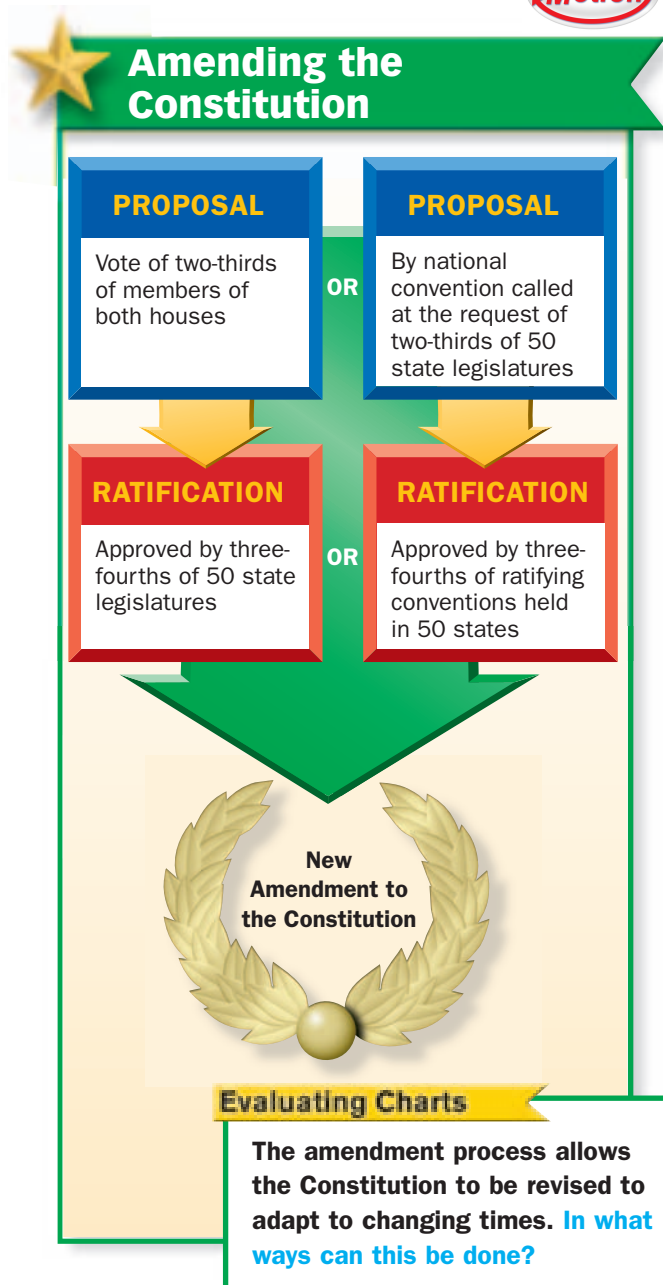
Reading Check **Describing** What is the main purpose of the U.S. Constitution?

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.**
- 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?

Reviewing Main Ideas

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.

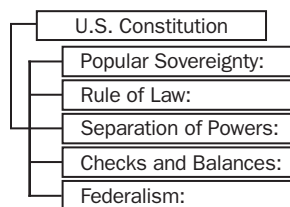
Key Terms

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.

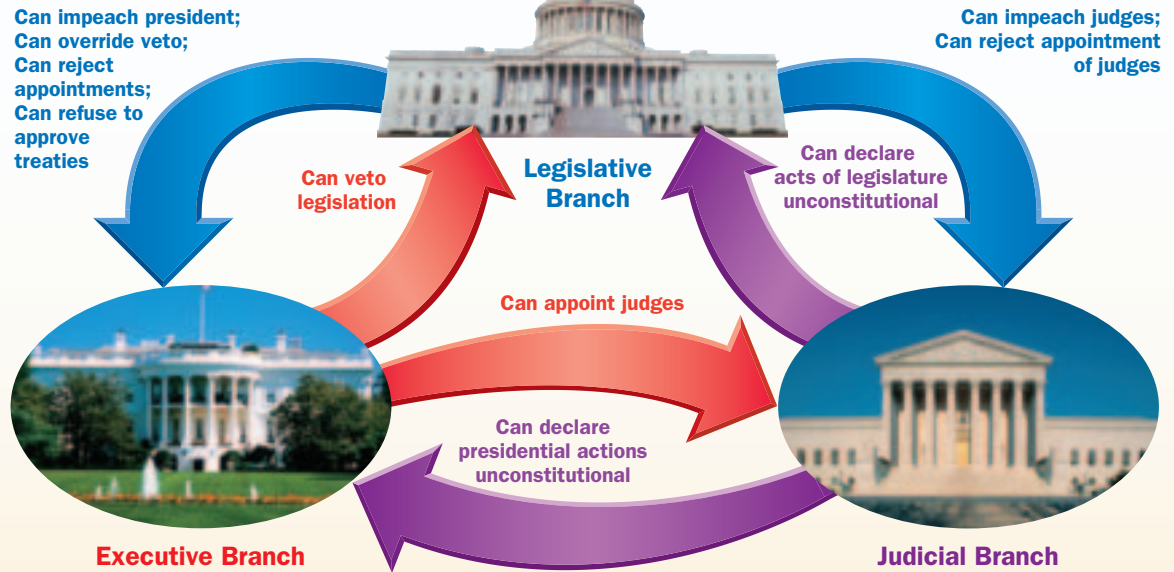
Foundations of Our Rights and Freedoms

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



Evaluating Charts

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

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

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

- 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

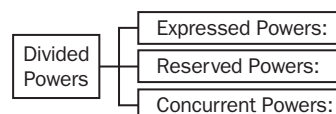
- Analyze** How are the principles of separation of powers and checks and balances related?
- Evaluate** What are the five principles of government embodied in the United States Constitution?

Critical Thinking

- 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

- 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 ★

- 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?

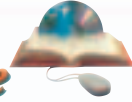
Reviewing Key Terms

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.

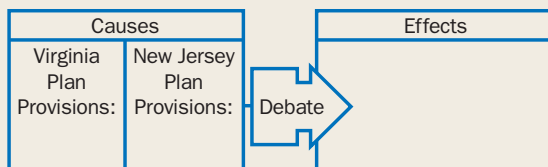


Self-Check Quiz Visit the *Civics Today* Web site at civ.glencoe.com and click on **Self-Check Quizzes—Chapter 3** to prepare for the chapter test.

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.