



Module 6

# Citizenship and the Constitution



## Essential Question

Which ideas in the Constitution are most important for preserving freedom?

About the Photo: Citizens like these must fulfill the duties and responsibilities of citizenship.

In this module you will learn about the Constitution of the United States, the Bill of Rights, and what it means to be an American citizen. You will also be able to read the full text of the Constitution.

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- Interactive Chart: The Pathway to Citizenship

### What You Will Learn ...

<b>Lesson 1: Establishing the Constitution.</b> . . . . .	<b>182</b>
<b>The Big Idea</b> A new Constitution strengthened the national government.	
<b>Lesson 2: Structure of the Government</b> . . . . .	<b>188</b>
<b>The Big Idea</b> The U.S. Constitution balances the powers of the federal government among the legislative, executive, and judicial branches.	
<b>The Constitution of the United States</b> . . . . .	<b>195</b>
<b>Lesson 3: The Bill of Rights</b> . . . . .	<b>223</b>
<b>The Big Idea</b> The Bill of Rights was added to the Constitution to define clearly the rights and freedoms of citizens.	
<b>Lesson 4: Rights and Responsibilities of Citizenship.</b> . . . . .	<b>234</b>
<b>The Big Idea</b> American citizenship involves great privileges and serious responsibilities.	

## United States

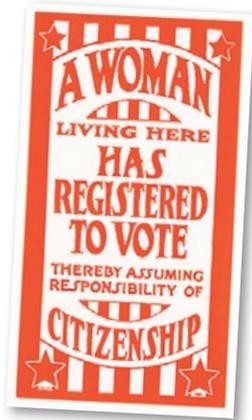
1785

**1787** On May 14, state delegates begin to arrive at the Constitutional Convention in Philadelphia.

**1791** The Bill of Rights becomes part of the Constitution on December 15.

**1788** The Constitution goes into effect after New Hampshire becomes the ninth state to ratify it.

1910



**< 1920** The Nineteenth Amendment gives all American women the right to vote.



**1942** The Fair Employment Act bans discrimination in the workplace.

1950

**^ 1954** In *Brown v. Board of Education*, the Supreme Court declares segregation in public schools to be unconstitutional.



**< 1971** The Twenty-Sixth Amendment is ratified, giving the right to vote to all U.S. citizens 18 years or older.

1995

**1990** The Americans with Disabilities Act is passed.

# Reading Social Studies

## THEME FOCUS:

### Politics

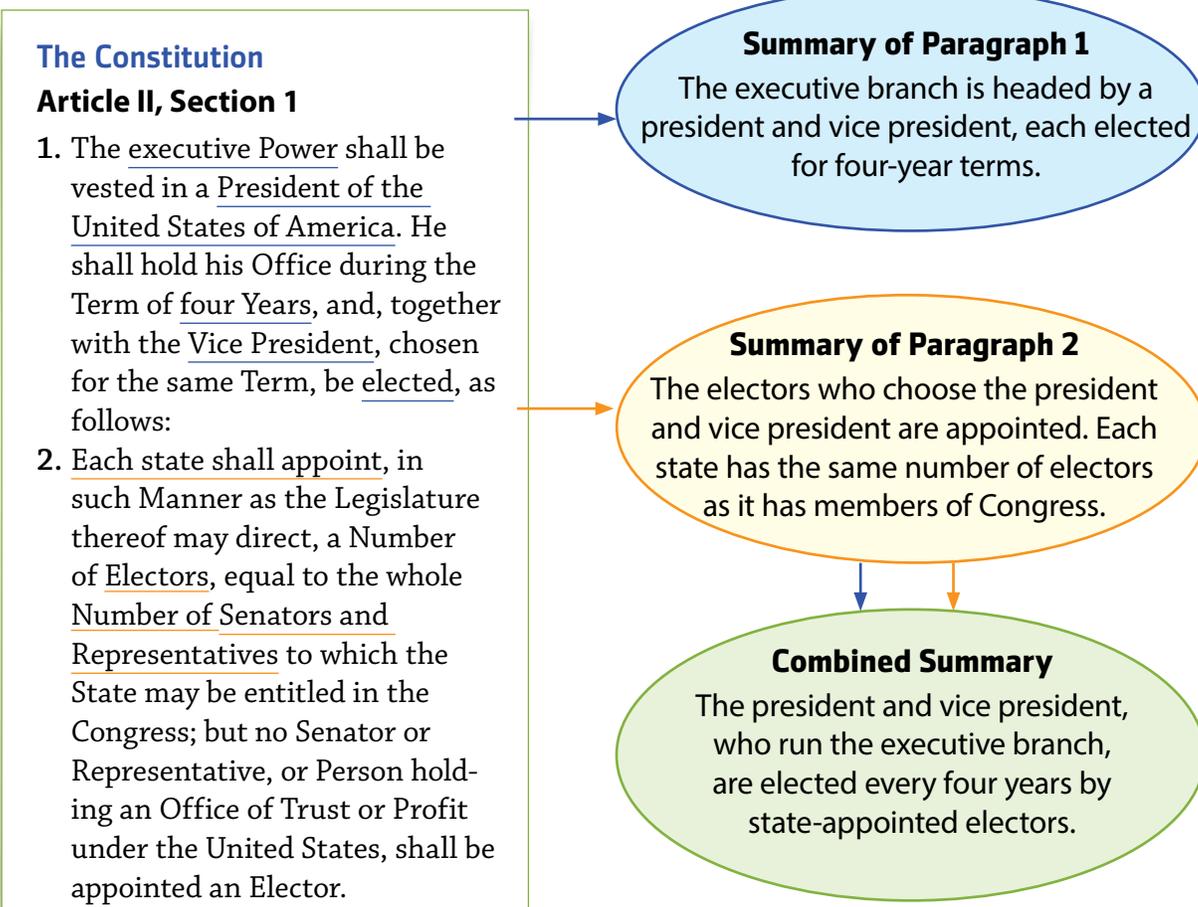
In this module you will read about the Constitution, the three branches of government, the Bill of Rights, and the duties and responsibilities of a United States citizen. As you read about each of these topics, you will see the American political system at work—not only in the Bill of Rights, but also through the responsibilities U.S. citizens have as they vote for leaders and work to help their communities and nation.

## READING FOCUS:

### Summarize Historical Texts

History books are full of information. Sometimes the sheer amount of information they contain can make processing what you read difficult. In those cases, it may be helpful to stop for a moment and summarize what you've read.

**Write a Summary** A summary is a short restatement of the most important ideas in a text. The example below shows three steps used in writing a summary. First, underline important details. Then, write a short summary of each paragraph. Finally, combine these paragraph summaries into a short summary of the whole passage.



# You Try It!

The following passage is from the U.S. Constitution. As you read it, decide which facts you would include in a summary of the passage.

## The Constitution

### Article I, 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 the State in which he shall be chosen.

After you read the passage, answer the following questions.

1. Which of the following statements best summarizes the first paragraph of this passage?
  - a. Congress has a House of Representatives.
  - b. Members of the House of Representatives are elected every two years by state electors.
2. Using the steps described on the previous page, write a summary of the second paragraph of this passage.
3. Combine the summary statement you chose in Question 1 with the summary statement you wrote in Question 2 to create a single summary of this entire passage.

**As you read Module 6**, think about what details you would include in a summary of each paragraph.

## Key Terms and People

### Lesson 1

Constitutional Convention  
James Madison  
Virginia Plan  
New Jersey Plan  
Great Compromise  
Three-Fifths Compromise  
popular sovereignty  
legislative branch  
executive branch  
judicial branch  
checks and balances  
federalism  
amendments  
Federalists  
*Federalist Papers*  
Antifederalists  
Bill of Rights

### Lesson 2

federal system  
impeach  
veto  
executive orders  
pardons  
Thurgood Marshall  
Sandra Day O'Connor  
Sonia Sotomayor

### Lesson 3

majority rule  
petition  
search warrant  
due process  
indict  
double jeopardy  
eminent domain

### Lesson 4

naturalized citizens  
deport  
draft  
interest groups  
political action committees

# Establishing the Constitution

## The Big Idea

A new Constitution strengthened the national government.

## Main Ideas

- Delegates met at the Constitutional Convention to improve the government.
- The Great Compromise and the Three-Fifths Compromise resolved controversial issues.
- The new government was based on popular sovereignty, balance of power, and federalism.
- Federalists and Antifederalists debated the Constitution.
- The Constitution was ratified.

## Key Terms and People

Constitutional Convention  
James Madison  
Virginia Plan  
New Jersey Plan  
Great Compromise  
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popular sovereignty  
legislative branch  
executive branch  
judicial branch  
checks and balances  
federalism  
amendments  
Federalists  
*Federalist Papers*  
Antifederalists  
Bill of Rights

## If YOU were there . . .

You are representing your county at the New York Convention in 1788. You will be voting on the new Constitution. The majority of delegates oppose the new Constitution. They think it will give the national government too much power. You have read that the Constitution proposes a government that is shared between a federal government and the states. By the time you arrive in Poughkeepsie for the convention, eight states have already ratified the Constitution.

**What do you want to know before you vote?**

## Constitutional Convention

The Confederation Congress invited each state to send delegates to a convention with the goal of improving the Articles of Confederation. The Convention opened on May 25, 1787, in Philadelphia. The first order of business was to nominate a president for the Convention. Every delegate voted for the hero of the Revolution, George Washington.

Delegates to the Constitutional Convention met in Philadelphia's Independence Hall.



The 55 delegates to the **Constitutional Convention**, as the Philadelphia meeting became known, were a very impressive group. Many had been members of their state legislatures and had helped write their state constitutions. Roger Sherman, a Connecticut delegate, was a signer of the Declaration of Independence and the Articles of Confederation. Pennsylvania's Gouverneur Morris had also signed the Articles of Confederation. Pennsylvania delegate James Wilson was known for his brilliant legal mind. Virginia delegate **James Madison** contributed many ideas that shaped the Constitution.

Some key people did not attend. Thomas Jefferson and John Adams were overseas at their diplomatic posts. Others had political objections. For example, Patrick Henry, who had been elected as a delegate from Virginia, refused to go. He said he "smelled a rat . . . tending toward monarchy."

Also, the Convention did not reflect the diverse U.S. population of the 1780s. There were no Native Americans, African Americans, or women among the delegates. These groups of people were not recognized as citizens and were not invited to attend.

## Great Compromise

By 1787, many Americans realized that the nation needed a government that could keep order. They wanted a government that was strong enough to protect individual rights but not so strong that it would oppress them.

As the Convention began, the delegates disagreed about what form the new government would take. Edmund Randolph of Virginia presented the **Virginia Plan**. He proposed a new federal constitution that would give supreme power to the central government. The legislature would be made up of two houses of representatives. States with larger populations would have more representatives than would smaller states. Delegates from the small states feared that this plan would give large states too much power.

New Jersey delegate William Paterson presented an alternative plan. The **New Jersey Plan** called for a one-house legislature. According to this plan, each state would have an equal number of votes in the federal government. The plan gave the federal government the power to tax citizens, and it allowed the government to regulate commerce.

The delegates struggled to solve the problem of representation in the legislature. In early July, a committee led by Roger Sherman and other delegates from Connecticut offered a deal known as the **Great Compromise**. The legislative branch would have two houses. To satisfy the smaller states, each state would have an equal number of votes in the Senate. To satisfy the larger states, representation in the House of Representatives was set according to state populations.



Connecticut delegate Roger Sherman proposed the Great Compromise on June 30, 1787. The compromise combined features of the Virginia and New Jersey plans.

### Reading Check

**Summarize** Why did the Confederation Congress call for the Constitutional Convention?

### Reading Check

**Describe** What were the major challenges at the Convention in creating a stronger national government?

## Compromises on Slavery

Because representation in the House of Representatives would be based on the population of each state, the delegates had to decide who would be counted in that population.

## Compromise and the Slave Trade

The issue of slavery highlighted the growing division between the North and the South. Gouverneur Morris, representing Pennsylvania, spoke with much emotion against the Three-Fifths Compromise. Also, the idea of banning the foreign slave trade prompted southerners such as John Rutledge of South Carolina to defend the practice.

*“If the Convention thinks that North Carolina, South Carolina, and Georgia will ever agree to the plan [to prohibit the slave trade], unless their right to import slaves be untouched, the expectation is vain [useless].”*



—John Rutledge, quoted in *The Atlantic Monthly*, February 1891, by Frank Gaylord Cook

*“The admission of slaves into the Representation . . . comes to this: that the inhabitant of [a state] who goes to the coast of Africa and . . . tears away his fellow creatures from their dearest connections and damns them to the most cruel bondage [slavery], shall have more votes in a Government [established] for protection of the rights of mankind.”*



—Gouverneur Morris, quoted in *The Constitution: A Pro-Slavery Compact*, edited by Wendell Phillips

### Analyze Historical Sources

How did these two views of slavery differ?

Representation based on population raised the question of whether slaves should be counted as people. The southern states had many more slaves than the northern states. Southerners wanted the slaves to be counted as part of the population for representation but not for taxation. Northerners, whose states had few slaves, argued that slaves were not citizens and should not be counted for representation but should be counted for taxation.

The delegates reached an agreement, known as the **Three-Fifths Compromise**. Three-fifths of the slave population would be counted for both purposes: representation in the legislature and taxation.

The delegates had another point of disagreement. Some of the delegates believed slavery was wrong and wanted the federal government to ban the slave trade. Others said that the southern states' economies needed the slave trade. The delegates from South Carolina and Georgia stated that they would never accept any plan “unless their right to import slaves be untouched.” Again, the delegates settled on a compromise. On August 29, they agreed that Congress could not ban the slave trade until 1808.

### Reading Check

**Analyze Point of View** How did the Constitutional Convention compromise on the issue of slavery?

## A New System of Government

Most Convention delegates wanted a strong national government. At the same time, they hoped to protect **popular sovereignty**, the idea that political authority belongs to the people. Americans had boldly declared this idea in the Declaration of Independence.

The framers of the Constitution divided the national government into three branches. The **legislative branch** is responsible for proposing and passing laws. It is made up of the Senate and the House of Representatives. The **executive branch** includes the president and the departments that help run the government. The executive branch makes sure that laws are carried out. The **judicial branch** is made up of all the national courts. This branch interprets laws, punishes criminals, and settles disputes between states.

The Constitution also includes a system of **checks and balances**, which keeps any branch of the government from becoming too powerful. For example, Congress has the power to pass bills into law. The president has the power to veto laws that Congress passes. Congress can then override the president's veto with a two-thirds majority vote. The Supreme Court has the power to review laws passed by Congress and strike down any laws that violate the Constitution.

To balance the power between the national and state governments, the delegates created the system of **federalism**. Federalism is the sharing of power between a central government and the states that make up a country. The Constitution requires each state to obey the authority of the federal, or national, government. States have control over government functions not specifically assigned to the federal government.

The framers of the Constitution also included a method for changing or adding to the Constitution. They wanted the government to be able to adapt as changes were needed. The process for amending, or adding **amendments** to, the Constitution was made difficult. Major changes to the government would require the approval of two-thirds of each house of Congress and three-fourths of states before it could take effect.

On September 17, 1787, the delegates passed the Constitution. All but three of the 42 delegates present signed the Constitution. Even though the Constitution was adopted by the Convention, delegates continued to debate the power of state governments and the role of each branch of the national government.

## Federalists and Antifederalists

The framers of the Constitution knew that the document would cause controversy. At once they began to campaign for ratification, or approval, of the Constitution.

**Concerns of the Federalists** The framers suspected that people might be afraid that the Constitution would take too much power away from the states. To address this fear, the framers explained that the Constitution was based on federalism. Linking themselves to the idea of federalism, the people who supported the Constitution took the name **Federalists**.



The legislative branch consists of the Senate and the House of Representatives. Members of both bodies meet at the U.S. Capitol in Washington, DC, to discuss, debate, and craft national policies and laws.

### Reading Check

**Explain** How did the concept of popular sovereignty influence the new system of government?

The Federalists promoted their views and answered their critics in a series of essays known as the **Federalist Papers**. Three well-known politicians wrote the *Federalist Papers*—James Madison, Alexander Hamilton, and John Jay. These essays first appeared as letters in New York newspapers. Calling for ratification of the Constitution, the *Federalist Papers* appealed both to reason and emotion.

**Concerns of the Antifederalists** The **Antifederalists**, people who opposed the Constitution, thought the Constitution took too much power away from the states and did not guarantee rights for the people. Some feared that a strong president might be declared king. Others feared the Senate might become a powerful ruling class. In either case, they thought, the liberties fiercely won during the Revolution might be lost.

Antifederalists received support from rural areas, where people feared a strong government that might add to their tax burden. Large states and those with strong economies, such as New York, also were unsupportive of the Constitution at first.

## Ratifying the Constitution

The proposed U.S. Constitution contained no guarantee that the government would protect the rights of the people or of the states. Some supporters of the Constitution, including Thomas Jefferson, wanted to add a bill of rights—a formal summary of citizens' rights and freedoms—as a set of amendments to the Constitution.

**Ratification Process** Antifederalists wanted written guarantees that the people would have their individual freedoms protected. In the end, Federalists yielded to the people's demands and promised to add a bill of rights if the states ratified the Constitution.

In December 1787, Delaware, New Jersey, and Pennsylvania voted for ratification. In January 1788, Georgia and Connecticut ratified the Constitution, followed by Massachusetts in early February. By late June, nine states had ratified. The Constitution was officially ratified with nine votes.

It was vital, however, to get the support of Virginia, the largest state. James Madison recommended that Virginia ratify the Constitution, with the addition of a bill of rights. After bitter debate, at the end of June, Virginia narrowly ratified the Constitution with 89 in favor and 79 opposed.

The news of Virginia's vote arrived while the New York convention was in debate. Until then, the Antifederalists had outnumbered the Federalists. But with Virginia's ratification, New Yorkers decided to join the Union. New York also called for a bill of rights. It would be another year before North Carolina ratified the Constitution, followed by Rhode Island in 1790. By then, the new Congress had already written a bill of rights and submitted it to the states for approval.

**Bill of Rights** Madison, who took office in the first Congress in the winter of 1789, took up the cause of the bill of rights. In September 1789 Congress

### Reading Check

**Compare and Contrast** Describe the disagreements between Federalists and Antifederalists.



Virginian James Madison is often called the Father of the Constitution. He played a key role in writing the document, and then rallied support for its adoption along with the Bill of Rights.

proposed 12 amendments and sent them to the states for ratification. By December 1791 the states had ratified the **Bill of Rights**—ten of the proposed amendments intended to protect citizens' rights.

Of these amendments to the Constitution, the first nine guarantee basic individual freedoms, including freedom of religion, of speech, and of the press. Taken as a whole, the Bill of Rights creates an invisible but powerful shield that protects people from government abuse.

But the Bill of Rights was more than that. It was the first step in making the Constitution a living document, one that can be amended to reflect changes in society. The Constitutional Convention provided for such changes. Two-thirds of each house of Congress or two-thirds of the state legislatures can propose an amendment. To become law, an amendment then needs the approval of three-fourths of the states. By this process, the Bill of Rights became the first ten amendments.

### Reading Check

**Evaluate** Explain how the lack of a bill of rights made ratification of the Constitution more difficult.

**Summary and Preview** In this lesson you learned how the Constitution was created, developed, debated, and finally ratified. In the next lesson you will learn more details about the structure of the U.S. government.

## Lesson 1 Assessment

### Review Ideas, Terms, and People

- a. Summarize** What was the purpose of the Constitutional Convention?

**b. Describe** Who attended the Constitutional Convention?

**c. Explain** Why did the Convention not reflect the diverse U.S. population at that time?
- a. Contrast** How did the Virginia Plan and New Jersey Plan differ?

**b. Analyze** Which plan appealed more to the smaller states? Explain why.

**c. Summarize** How did the Great Compromise resolve the issue over representation?
- a. Recall** Under the Three-Fifths Compromise, what was decided about how each state's population would be counted?

**b. Describe** Under what conditions did southern states agree to consider a ban on the slave trade?

**c. Summarize** What were the main points of disagreement on the issue of slavery?
- a. Recall** Why did the framers of the Constitution create the ability to add amendments?

**b. Explain** What is popular sovereignty?

**c. Analyze** What power did federalism give to state governments?

- a. Recall** How did Federalists get their name?

**b. Summarize** What arguments did the Antifederalists use to convince people to reject the Constitution?

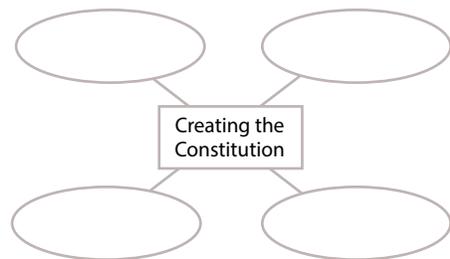
**c. Explain** Why were the *Federalist Papers* important?
- a. Recall** When was the Constitution officially ratified?

**b. Explain** Why was the ratification of the Constitution in Virginia especially important?

**c. Analyze** Why did the Antifederalists demand the Bill of Rights?

### Critical Thinking

- Summarize** In this lesson you learned how the Constitution was developed and established. Create a web diagram similar to the one below and use it to summarize the important achievements of the Constitution.



# Structure of the Government

## The Big Idea

The U.S. Constitution balances the powers of the federal government among the legislative, executive, and judicial branches.

## Main Ideas

- The framers of the Constitution devised the federal system.
- The legislative branch makes the nation's laws.
- The executive branch enforces the nation's laws.
- The judicial branch determines whether or not laws are constitutional.

## Key Terms and People

federal system  
 impeach  
 veto  
 executive orders  
 pardons  
 Thurgood Marshall  
 Sandra Day O'Connor  
 Sonia Sotomayor

## If YOU were there . . .

You have just been elected to the U.S. House of Representatives. You know that committees do much of the work in Congress. They deal with many different fields such as foreign policy, agriculture, national security, science, and education. You would like to ask for a spot on a committee whose work interests you.

**Which committee would you ask to serve on?**

## The Federal System

The framers of the Constitution wanted to create a government powerful enough to protect the rights of citizens and defend the country against its enemies. To do so, they set up a **federal system** of government, a system that divides powers between the states and the federal government.

The Constitution assigns certain powers to the national government. These are called delegated powers. Among them are the right to coin and regulate money, regulate trade among the states and with other nations, make treaties with foreign nations, declare war, and make any laws necessary to carry out these powers. National powers are designed to promote the general welfare, or common good—the needs and interests of the people as a whole. For example, by regulating trade and developing a uniform monetary system, the government creates conditions that allow businesses throughout the nation to prosper.

Reserved powers are those kept by the states. These powers include creating local governments and holding elections. Concurrent powers are those shared by the federal and state governments. They include taxing, borrowing money, and enforcing laws.

Sometimes, Congress has had to stretch its delegated powers to deal with new or unexpected issues. A clause in the Constitution states that Congress may “make all

## Compare Landmark Documents

### Magna Carta (1215)

- set limits to the king's power
- guaranteed fair legal proceedings for all free English citizens

### Declaration of Independence (1776)

- declared that citizens have natural rights that cannot be taken away
- argued that a government's power comes from the consent of the governed

### Articles of Confederation (1777)

- created a democratic republic
- established a national government while preserving most state powers

### U.S. Constitution (1787)

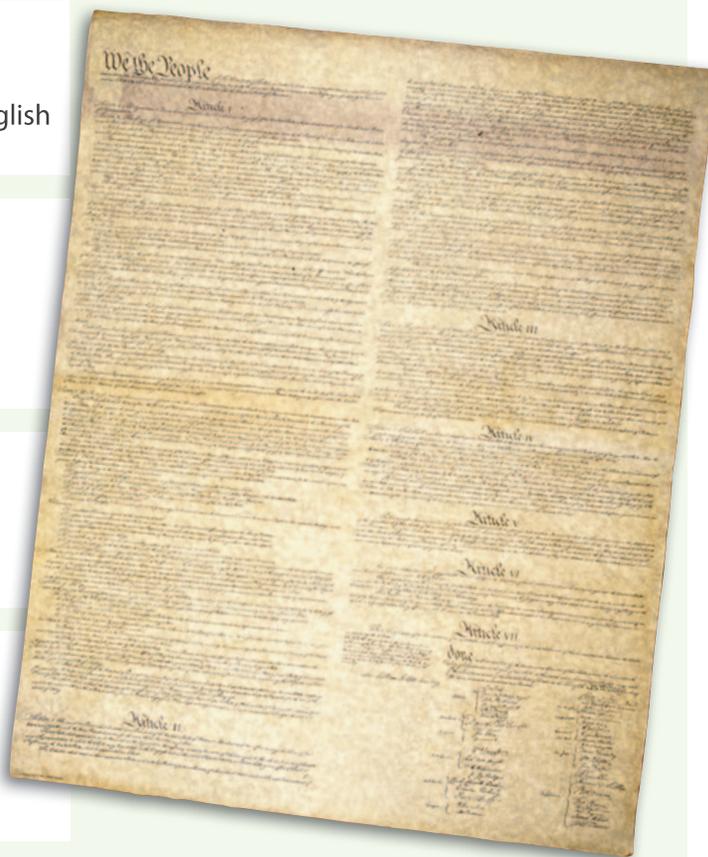
- created a federal system with a strong national government
- balanced power among three branches of the national government

### Federalist Papers (1787–1788)

- defended the Constitution against critics
- explained how checks and balances and other features of the Constitution limited authority and preserved liberty

### Bill of Rights (1789)

- guaranteed basic individual freedoms such as freedom of speech and the right to due process for all free Americans
- set an example of how to change the Constitution through amendments



The original copy of the U.S. Constitution is housed in the National Archives in Washington, DC.

### Reading Check

Summarize How is power divided between the federal and state governments?

Laws which shall be necessary and proper” for carrying out its duties. This clause, called the elastic clause—because it can be stretched (like elastic)—provides flexibility for the government. The federal government has used this clause to provide public services such as funding for the arts and humanities.

## Legislative Branch

The federal government has three branches, each with distinct responsibilities and powers. This separation balances the branches and keeps any one of them from growing too powerful. The first branch of government

**Academic Vocabulary**  
distinct separate

## Separation of Powers

### U.S. Constitution



is the legislative branch, or Congress. The legislators elected to Congress make the nation's laws. Article I of the Constitution divides Congress into the House of Representatives and the Senate.

With 435 members, the House of Representatives is the larger congressional house. The U.S. Census, a population count made every ten years, determines how many members represent each state. A system called apportionment keeps total membership at 435. If one state gains a member, another state loses one. Members must be at least 25 years old, live in the state where they were elected, and have been U.S. citizens for seven years. They serve two-year terms.

The Senate has two members, or senators, per state. Senators represent the interests of the whole state, not just a district. They must be at least 30 years old, have been U.S. citizens for nine years, and live in the state they represent. They serve six-year terms. The senior senator of a state is the one who has served the longer of the two. Members of Congress can serve an unlimited number of terms in office.

The political party with more members in each house is the majority party. The one with fewer members is the minority party. The leader of the House of Representatives, or Speaker of the House, is elected by House members from the majority party.

The U.S. vice president serves as president of the Senate. He takes no part in Senate debates but can vote to break ties. If the vice president is absent, the president pro tempore (pro tem for short) leads the Senate. There is no law for how the Senate must choose this position, but it traditionally goes to the majority party's senator who has served the longest.

Congress begins sessions, or meetings, each year in the first week of January. Both houses do most of their work in committees. Each committee studies certain types of bills, or suggested laws. For example, all bills about taxes begin in the House Ways and Means Committee.

#### Reading Check

**Compare and Contrast** What are the similarities in requirements for members of the House of Representatives and the Senate? What are the differences?

## Executive Branch

Article II of the Constitution lists the powers of the executive branch. This branch enforces the laws passed by Congress.

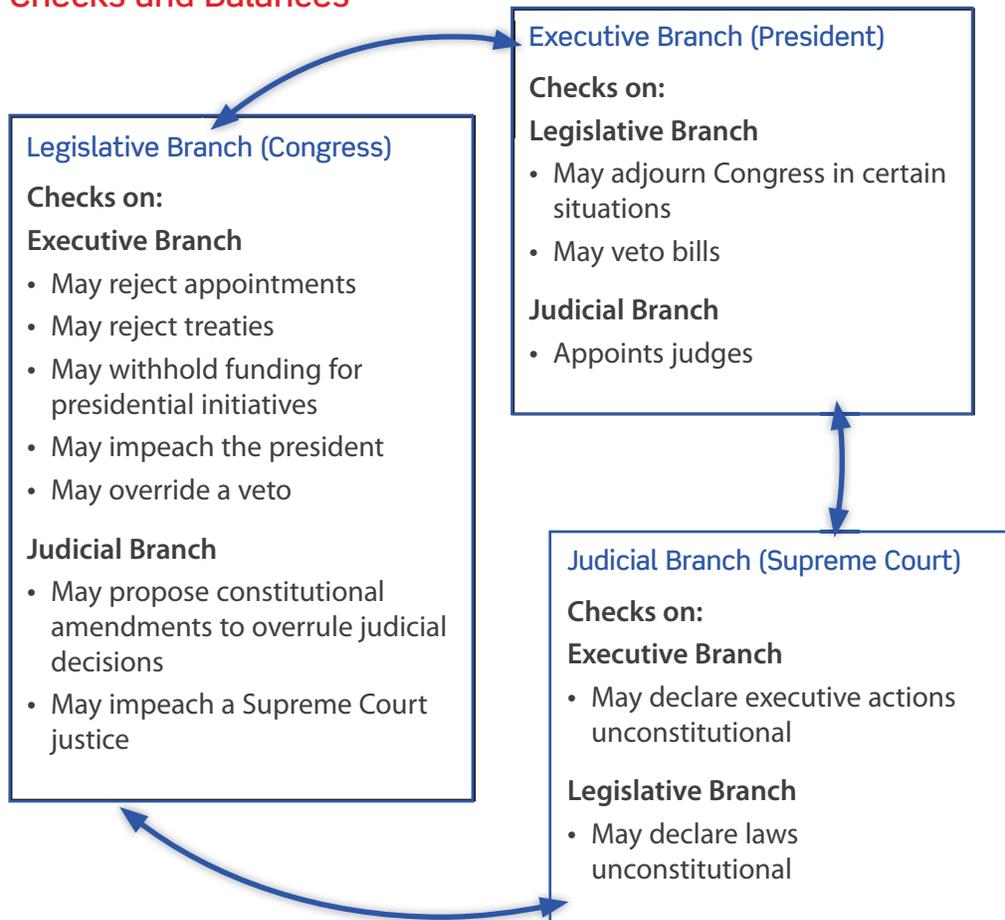
**President and Vice President** As head of the executive branch, the president is the most powerful elected leader in the United States. To qualify for the presidency or vice presidency, one must be a native-born U.S. citizen at least 35 years old. The president must also have been a U.S. resident for 14 years.

Americans elect a president and vice president every four years. Franklin D. Roosevelt, who won four times, was the only president to serve more than two terms. Now, the Twenty-Second Amendment limits presidents to two terms. If a president dies, resigns, or is removed from office, the vice president becomes president for the rest of the term.

The House of Representatives can **impeach**, or vote to bring charges of serious crimes against, a president. Impeachment cases are tried in the Senate. If a president is found guilty, Congress can remove him from office. In 1868 Andrew Johnson was the first president to be impeached. President Bill Clinton was impeached in 1998. However, in each instance, the Senate found the president not guilty.

### Quick Facts

#### Checks and Balances



**Working with Congress** The president and Congress are often on different sides of an issue. However, they must still work together.

Congress passes laws. The president, however, can ask Congress to pass or reject bills. The president also can **veto**, or cancel, laws Congress has passed. Congress can try to override, or undo, the veto. However, this is difficult since it takes a two-thirds majority vote. To carry out laws affecting the Constitution, treaties, and statutes, the president issues **executive orders**. These commands have the power of law. The president also may grant **pardons**, or freedom from punishment, to persons convicted of federal crimes or facing criminal charges.



## Background of the Court

The rest of the Supreme Court Decisions features you see in this book will highlight important cases of the Court. But in this first one, we'll discuss the history of the Court.

The first Supreme Court met in 1790 at the Royal Exchange in New York City. The ground floor of this building was an open-air market. When the national government moved to Philadelphia, the Court met in basement rooms in Independence Hall. Once in Washington, the Court heard cases in the Capitol until the present Supreme Court building was completed in 1932.

## Circuit Riding

Today the Supreme Court holds court only in Washington, DC. In the past, however, the justices had to travel through assigned circuits, hearing cases together with a district judge in a practice known as circuit riding.

The justices complained bitterly about the inconvenience of travel, which was often over unpaved roads and in bad weather. This system was not just inconvenient to the justices, however. Some people worried about the fairness of a system that required justices who had heard cases at trial to rule on them again on appeal. Other people, however, thought that the practice helped keep the justices in touch with the needs and feelings of the average citizen. Eventually, circuit riding interfered so much with the increased amount of business of the Supreme Court that Congress passed a law ending the practice in the late 1800s.

## Path to the Supreme Court

When a case is decided by a state or federal court, the losing side may have a chance to appeal the decision to a higher court. Under the federal system, this higher court is called the court of appeals. A person who loses in that court may then appeal to the Supreme Court to review the case. But the Supreme Court does not have to accept all appeals. It usually chooses to hear only cases in which there is an important legal principle to be decided or if two federal courts of appeals disagree on how an issue should be decided.

## Analyze Information

1. What are two reasons why the practice of circuit riding ended?
2. Why do you think the Supreme Court does not hear every case that is appealed to it?

**Reading Check**  
**Analyze** How does the veto help balance power between the president and Congress?

The president also commands the armed forces. In emergencies, the president can call on U.S. troops. Only Congress, however, can declare war. Other executive duties include conducting foreign relations and creating treaties.

Executive departments do most of the executive branch work. As of 2014 there were 15 such departments. The president chooses department heads, who are called secretaries, and the Senate approves them. The heads make up the cabinet, which advises the president. The Office of Homeland Security was established in 2002 to address the increased threat of terrorism following September 11, 2001. In 2003 the office became the Department of Homeland Security, the newest executive department.

## Judicial Branch

The third branch of government, the judicial branch, is made up of a system of federal courts headed by the U.S. Supreme Court. The Constitution created the Supreme Court, but the Judiciary Act of 1789 created the system of lower district and circuit courts.

Article III generally outlines the courts' duties. Federal courts can strike down a state or federal law if the court finds a law unconstitutional. Congress can then try to revise the law to make it constitutional.

**District Courts** The president makes appointments to federal courts. In an effort to keep federal judges free of party influence, the judges are given life appointments. The lower federal courts are divided according to cases over which they have jurisdiction, or authority. Each state has at least one of the 94 district courts.

**Courts of Appeals** If someone convicted of a crime believes the trial was unfair, he or she may take the case to the court of appeals. There are 13 courts of appeals. Each has a panel of judges to decide if cases heard in the lower courts were tried appropriately. If the judges uphold, or accept, the original decision, the original outcome stands. Otherwise, the case may be retried in the lower court.

**Supreme Court** After a case is decided by the court of appeals, the losing side may appeal the decision to the Supreme Court. Thousands of cases go to the Supreme Court yearly in the hope of a hearing, but the Court has time to hear only about 100. Generally, the cases heard involve important constitutional or public-interest issues. If the Court declines to hear a case, the court of appeals decision is final.

Nine justices sit on the Supreme Court. The chief justice of the United States leads the Court. Unlike the president and members of Congress, there are no specific constitutional requirements for becoming a justice.



Sonia Sotomayor is the first Hispanic American and the third woman to serve on the Supreme Court.

In recent decades, the Supreme Court has become more diverse. In 1967 **Thurgood Marshall** became the first African American justice. **Sandra Day O'Connor** became the first female Court justice after her 1981 appointment by President Ronald Reagan. In 2009 President Barack Obama appointed the first Hispanic American justice, **Sonia Sotomayor**.



As a lawyer, Thurgood Marshall challenged racial discrimination in the courts, arguing thirty-two cases before the Supreme Court. In 1967, he became the Court's first African American justice.

### Reading Check

#### Summarize

Describe the structure and responsibilities of the judicial branch.

**Summary and Preview** In this lesson you learned about the balance between the different branches of the federal government. In the next lesson you will learn about the Bill of Rights.

## Lesson 2 Assessment

### Review Ideas, Terms, and People

- a. Describe** What type of government did the Constitution establish for the United States?

**b. Contrast** What is the difference between delegated, reserved, and concurrent (shared) powers?

**c. Draw Conclusions** In what circumstances are national laws and rules better suited for promoting the common good than laws and rules of individual states?
- a. Compare and Contrast** In what ways are the Senate and the House of Representatives similar and different?

**b. Elaborate** Why do you think the requirements for serving in the Senate are stricter than those for serving in the House of Representatives?

**c. Evaluate** How important is the role of legislator in a representative democracy? Explain.
- a. Describe** What powers are granted to the president?

**b. Make Generalizations** Why is it important that the president and Congress work together in resolving governmental issues?

**c. Evaluate** What do you think is the most important power granted to the president? Why?

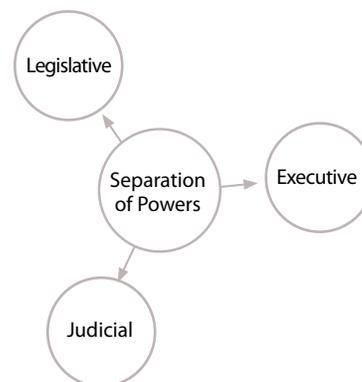
- a. Explain** What is the main power of the judicial branch?

**b. Summarize** What are the roles of the different levels in the federal court system?

**c. Evaluate** Which branch of government do you feel is most important? Explain your answer.

### Critical Thinking

- 5. Categorize** In this lesson you learned about the branches of government. Create a web diagram similar to the one below and use it to show two powers of each branch of government.



# The Constitution of the United States

## Preamble

The preamble states the main purposes of the new government under the Constitution. The government will strengthen the relationship between the states, create a fair legal system, maintain order within the country, defend the nation against foreign enemies, promote the public's well-being, and protect individual liberties. The phrase "We the People" emphasizes that the government's power and legitimacy come from the American people as a whole, not from the individual states.

**W**e 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.

**Note:** The parts of the Constitution that have been lined through are no longer in force or no longer apply because of later amendments. The titles of the sections and articles are added for easier reference.

## Legislative Branch

Article I explains how the legislative branch, called Congress, is organized. The chief purpose of the legislative branch is to make laws. Congress is made up of the Senate and the House of Representatives.

## The House of Representatives

The number of members each state has in the House is based on the population of the individual state. In 1929 Congress permanently fixed the size of the House at 435 members.

## Vocabulary

<sup>1</sup>**those bound to Service** indentured servants

<sup>2</sup>**all other Persons** slaves

<sup>3</sup>**Enumeration** census or official population count

# ARTICLE I THE LEGISLATURE

## Section 1. Congress

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

## Section 2. The House of Representatives

**1. Elections** 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. Qualifications** No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

**3. Number of Representatives** 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<sup>1</sup> for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.<sup>2</sup> The actual Enumeration<sup>3</sup> 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 choose 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. Vacancies** When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

**5. Officers and Impeachment** The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of impeachment.

## Section 3. The Senate

**1. Number of Senators** 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.

### The Vice

**President** The only duty that the Constitution assigns to the vice president is to preside over meetings of the Senate. Modern presidents have usually given their vice presidents more responsibilities.

### EXPLORE THE DOCUMENT

If the House of Representatives charges a government official with wrongdoing, the Senate acts as a court to decide if the official is guilty.

*How does the power of impeachment represent part of the system of checks and balances?*

### Vocabulary

<sup>4</sup> **pro tempore**  
temporarily

<sup>5</sup> **Impeachments**  
official accusations of federal wrongdoing

**2. Classifying Terms** 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. Qualifications** 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. Role of Vice President** The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

**5. Officers** The Senate shall choose their other Officers, and also a President **pro tempore**,<sup>4</sup> in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

**6. Impeachment Trials** The Senate shall have the sole Power to try all **Impeachments**.<sup>5</sup> 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. Punishment for Impeachment** 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.

## Quick Facts

### Federal Office Terms and Requirements

Position	Term	Minimum Age	Residency	Citizenship
President	4 years	35	14 years in the U.S.	natural-born
Vice President	4 years	35	14 years in the U.S.	natural-born
Supreme Court Justice	unlimited	none	none	none
Senator	6 years	30	state in which elected	9 years
Representative	2 years	25	state in which elected	7 years



### Vocabulary

<sup>6</sup>Quorum the minimum number of people needed to conduct business

<sup>7</sup>adjourn to stop indefinitely

<sup>8</sup>Emoluments salary

<sup>9</sup>Continuance term

## Section 4. Congressional Elections

**1. Regulations** 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 choosing Senators.

**2. Sessions** 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. Rules/Procedures

**1. Quorum** 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**<sup>6</sup> to do Business; but a smaller Number may **adjourn**<sup>7</sup> 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. Rules and Conduct** 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. Records** 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. Adjournment** 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. Payment

**1. Salary** 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. Restrictions** 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**<sup>8</sup> 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**<sup>9</sup> in Office.

## Vocabulary

<sup>10</sup>**Bills** proposed laws

## EXPLORE THE DOCUMENT

The framers felt that because members of the House are elected every two years, representatives would listen to the public and seek its approval before passing taxes. *How does Section 7 address the colonial demand of “no taxation without representation”?*

## Section 7. How a Bill Becomes a Law

**1. Tax Bills** All **Bills**<sup>10</sup> for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

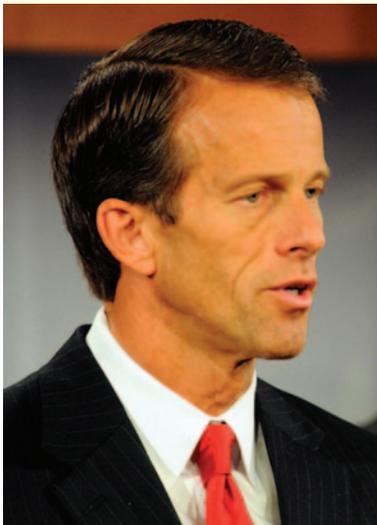
**2. Lawmaking** Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, 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 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

### How a Bill Becomes a Law

- 1 A member of the House or the Senate introduces a bill and refers it to a committee.
- 2 The House or Senate Committee may approve, rewrite, or kill the bill.
- 3 The House or the Senate debates and votes on its version of the bill.
- 4 House and Senate conference committee members work out the differences between the two versions.
- 5 Both houses of Congress pass the revised bill.
- 6 The president signs or vetoes the bill.
- 7 Two-thirds majority vote of Congress is needed to approve a vetoed bill. Bill becomes a law.

#### Analyze Information

Why do you think the framers created this complex system for adopting laws?



## EXPLORE THE DOCUMENT

The veto power of the president is one of the important checks and balances in the Constitution. *Why do you think the framers included the ability of Congress to override a veto?*

### Vocabulary

<sup>11</sup>Duties tariffs

<sup>12</sup>Imposts taxes

<sup>13</sup>Excises internal taxes on the manufacture, sale, or consumption of a commodity

<sup>14</sup>Rule of Naturalization a law by which a foreign-born person becomes a citizen

<sup>15</sup>Securities bonds

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. Role of the President** 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. Powers Granted to Congress

**1. Taxation** The Congress shall have Power To lay and collect Taxes, **Duties**,<sup>11</sup> **Imposts**<sup>12</sup> and **Excises**,<sup>13</sup> to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

**2. Credit** To borrow Money on the credit of the United States;

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

**4. Naturalization and Bankruptcy** To establish an uniform **Rule of Naturalization**,<sup>14</sup> and uniform Laws on the subject of Bankruptcies throughout the United States;

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

**6. Counterfeiting** To provide for the Punishment of counterfeiting the **Securities**<sup>15</sup> and current Coin of the United States;

**7. Post Office** To establish Post Offices and post Roads;

### Link to Today

#### Native Americans and the Commerce Clause

The commerce clause gives Congress the power to “regulate Commerce with . . . the Indian Tribes.” The clause has been interpreted to mean that the states cannot tax or interfere with businesses on Indian reservations, but that the federal government can. It also allows American Indian nations to develop their own governments and laws. These laws, however, can be challenged in federal court. Although reservation land usually belongs to the government of the Indian group, it is administered by the U.S. government.

#### Draw Conclusions

How would you describe the status of American Indian nations under the commerce clause?

### Vocabulary

<sup>16</sup>Letters of Marque and Reprisal documents issued by governments allowing merchant ships to arm themselves and attack ships of an enemy nation

### The Elastic

**Clause** The framers of the Constitution wanted a national government that was strong enough to be effective. This section lists the powers given to Congress. The last portion of Section 8 contains the so-called elastic clause.

**8. Patents and Copyrights** 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. Courts** To constitute Tribunals inferior to the supreme Court;

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

**11. War** To declare War, grant **Letters of Marque and Reprisal**,<sup>16</sup> and make Rules concerning Captures on Land and Water;

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

**13. Navy** To provide and maintain a Navy;

**14. Regulation of the Military** To make Rules for the Government and Regulation of the land and naval Forces;

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

**16. Regulation of the Militia** 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. District of Columbia** 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 the 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. Necessary and Proper Clause** 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.



## EXPLORE THE DOCUMENT

Although Congress has implied powers, there are also limits to its powers. Section 9 lists powers that are denied to the federal government. Several of the clauses protect the people of the United States from unjust treatment. *In what ways does the Constitution limit the powers of the federal government?*

### Vocabulary

<sup>17</sup>**Writ of Habeas Corpus** a court order that requires the government to bring a prisoner to court and explain why he or she is being held

<sup>18</sup>**Bill of Attainder** a law declaring that a person is guilty of a particular crime

<sup>19</sup>**ex post facto Law** a law that is made effective prior to the date that it was passed and therefore punishes people for acts that were not illegal at the time

<sup>20</sup>**Capitation** a direct uniform tax imposed on each head, or person

## Section 9. Powers Denied Congress

**1. Slave Trade** ~~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. Habeas Corpus** The Privilege of the **Writ of Habeas Corpus**<sup>17</sup> shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

**3. Illegal Punishment** No **Bill of Attainder**<sup>18</sup> or **ex post facto Law**<sup>19</sup> shall be passed.

**4. Direct Taxes** No **Capitation**,<sup>20</sup> or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

**5. Export Taxes** No Tax or Duty shall be laid on Articles exported from any State.

**6. No Favorites** 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. Public Money** 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. Titles of Nobility** 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.

## Section 10. Powers Denied the States

**1. Restrictions** 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. Import and Export Taxes** 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 its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

### Executive

**Branch** The president is the chief of the executive branch. It is the job of the president to enforce the laws. The framers wanted the president's and vice president's terms of office and manner of selection to be different from those of members of Congress. They decided on four-year terms, but they had a difficult time agreeing on how to select the president and vice president. The framers finally set up an electoral system, which varies greatly from our electoral process today.

### Presidential

**Elections** In 1845 Congress set the Tuesday following the first Monday in November of every fourth year as the general election date for selecting presidential electors.

**3. Peacetime and War Restraints** 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.

## ARTICLE II. THE EXECUTIVE

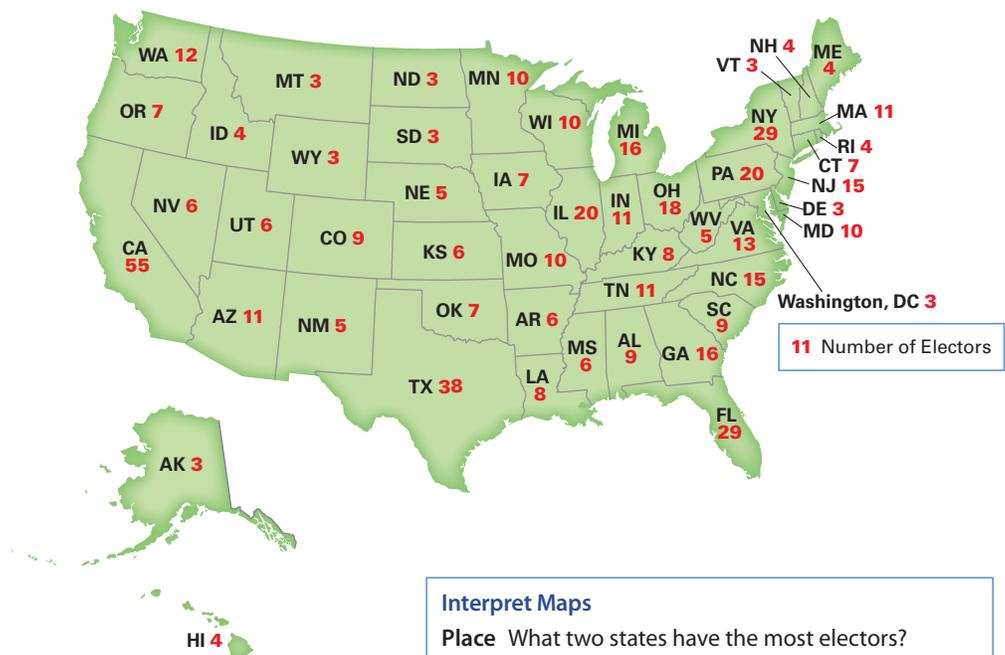
### Section 1. The Presidency

**1. Terms of Office** 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. Electoral College** 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. Former Method of Electing President** 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

### The Electoral College



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 choose by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner choose 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. 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 choose from them by Ballot the Vice President.

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

**5. Qualifications** 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. Succession** 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. Salary** 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. Oath of Office** 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."

### EXPLORE THE DOCUMENT

The youngest elected president was John F. Kennedy; he was 43 years old when he was inaugurated. (Theodore Roosevelt was 42 when he assumed office after the assassination of McKinley.) *What is the minimum required age for the office of president?*

### Presidential

**Salary** In 1999 Congress voted to set future presidents' salaries at \$400,000 per year. The president also receives an annual expense account. The president must pay taxes only on the salary.

**Commander in Chief** Today the president is in charge of the army, navy, air force, marines, and coast guard. Only Congress, however, can decide if the United States will declare war.

**Appointments** Most of the president's appointments to office must be approved by the Senate.

**Vocabulary**  
<sup>21</sup>**Reprieves** delays of punishment  
<sup>22</sup>**Pardons** releases from the legal penalties associated with a crime

**The State of the Union** Every year the president presents to Congress a State of the Union message. In this message, the president introduces and explains a legislative plan for the coming year.

## Section 2. Powers of Presidency

**1. Military Powers** 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**<sup>21</sup> and **Pardons**<sup>22</sup> for Offences against the United States, except in Cases of Impeachment.

**2. Treaties and Appointments** 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. Vacancies** 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. Presidential Duties

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. Impeachment

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 THE JUDICIARY

### Section 1. Federal Courts and Judges

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,

## Judicial Branch

The Articles of Confederation did not set up a federal court system. One of the first points that the framers of the Constitution agreed upon was to set up a national judiciary. In the Judiciary Act of 1789, Congress provided for the establishment of lower courts, such as district courts, circuit courts of appeals, and various other federal courts. The judicial system provides a check on the legislative branch: it can declare a law unconstitutional.

shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

## Section 2. Authority of the Courts

**1. General Authority** 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. Supreme Authority** 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. Trial by Jury** 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.

### Quick Facts

#### Federal Judicial System

##### Supreme Court

Reviews cases appealed from lower federal courts and highest state courts

##### Courts of Appeals

Review appeals from district courts

##### District Courts

Hold trials

## Vocabulary

<sup>23</sup> **Corruption of Blood** punishing the family of a person convicted of treason

**The States** States must honor the laws, records, and court decisions of other states. A person cannot escape a legal obligation by moving from one state to another.

## EXPLORE THE DOCUMENT

The framers wanted to ensure that citizens could determine how state governments would operate. *How does the need to respect the laws of each state support the principle of popular sovereignty?*

## Section 3. Treason

**1. Definition** 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. Punishment** The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work **Corruption of Blood**,<sup>23</sup> or Forfeiture except during the Life of the Person attainted.

## ARTICLE IV RELATIONS AMONG STATES

### Section 1. State Acts and Records

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. Rights of Citizens

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

**2. Extradition** 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.

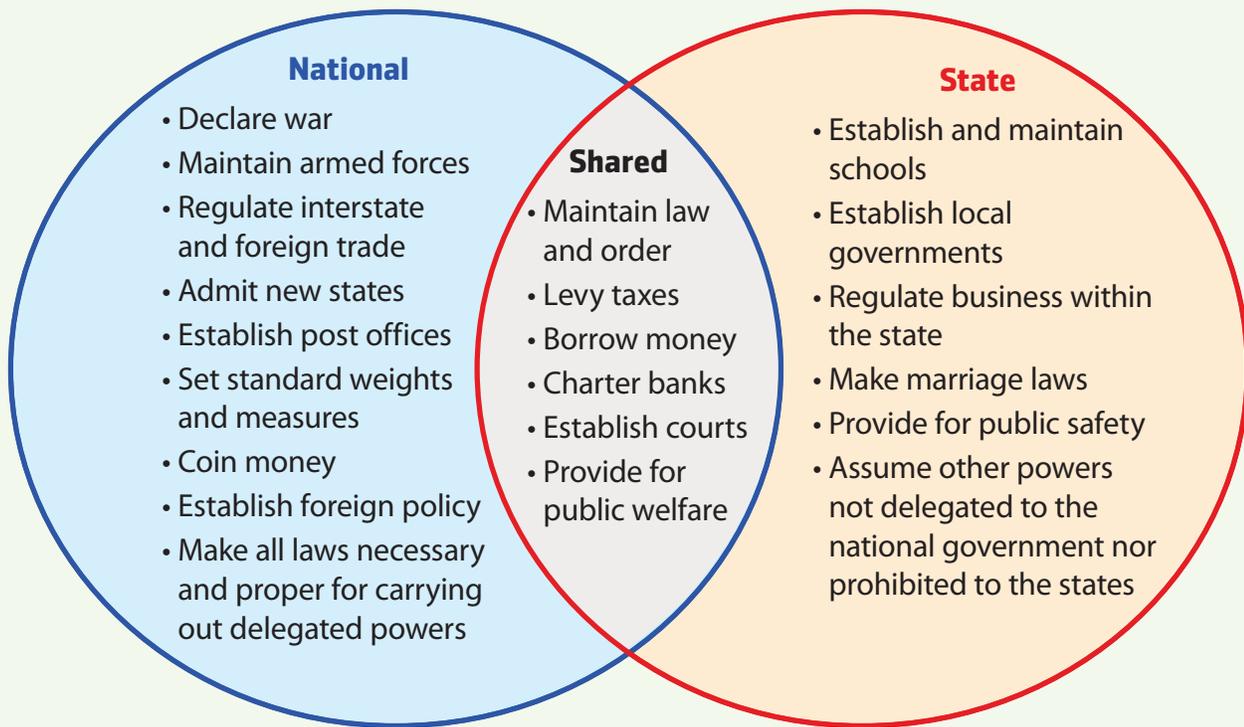
**3. Fugitive Slaves** ~~No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may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

### Section 3. New States

**1. Admission** 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. Congressional Authority** 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.

## Federalism



### Analyze Information

Why does the power to declare war belong only to the national government?

### EXPLORE THE DOCUMENT

In a republic, voters elect representatives to act in their best interest. *How does Article IV protect the practice of republicanism in the United States?*

### EXPLORE THE DOCUMENT

America's founders may not have realized how long the Constitution would last, but they did set up a system for changing or adding to it. They did not want to make it easy to change the Constitution. *By what methods may the Constitution be amended? Under what sorts of circumstances do you think an amendment might be necessary?*

## Section 4. Guarantees to the States

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 AMENDING THE CONSTITUTION

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.

## National Supremacy

One of the biggest problems facing the delegates to the Constitutional Convention was the question of what would happen if a state law and a federal law conflicted. Which law would be followed? Who would decide? The second clause of Article VI answers those questions. When a federal law and a state law disagree, the federal law overrides the state law. The Constitution and other federal laws are the “supreme Law of the Land.” This clause is often called the supremacy clause.

## ARTICLE VI SUPREMACY OF NATIONAL GOVERNMENT

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.

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.

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.

### Quick Facts

#### Amending the U.S. Constitution

##### Amendments can be proposed by

Congress



with a two-thirds vote in each house

or

National Convention



called by Congress at the request of two-thirds of the state legislatures

##### Ratified by

Legislatures of three-fourths of the states

or

Conventions in three-fourths of the states

**Amendment is added to the Constitution.**

## Ratification

The Articles of Confederation called for all 13 states to approve any revision to the Articles. The Constitution required that 9 out of the 13 states would be needed to ratify the Constitution. The first state to ratify was Delaware, on December 7, 1787. Almost two-and-a-half years later, on May 29, 1790, Rhode Island became the last state to ratify the Constitution.

## ARTICLE VII RATIFICATION

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,

*George Washington*— President and deputy from Virginia

### 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*  
**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*

Attest:

*William Jackson,*  
*Secretary*

# Constitutional Amendments

**Note:** The first ten amendments to the Constitution were ratified on December 15, 1791, and form what is known as the Bill of Rights.

## Bill of Rights

One of the conditions set by several states for ratifying the Constitution was the inclusion of a bill of rights. Many people feared that a stronger central government might take away basic rights of the people that had been guaranteed in state constitutions.

## EXPLORE THE DOCUMENT

The First Amendment forbids Congress from making any “law respecting an establishment of religion” or restraining the freedom to practice religion as one chooses. *Why is freedom of religion an important right?*

**Rights of the Accused** The Fifth, Sixth, and Seventh Amendments describe the procedures that courts must follow when trying people accused of crimes.

## Vocabulary

<sup>24</sup>**quartered** housed

<sup>25</sup>**Warrants** written orders authorizing a person to make an arrest, a seizure, or a search

<sup>26</sup>**infamous** disgraceful

<sup>27</sup>**indictment** the act of charging with a crime

## AMENDMENTS 1–10. THE BILL OF RIGHTS

### 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**<sup>24</sup> in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

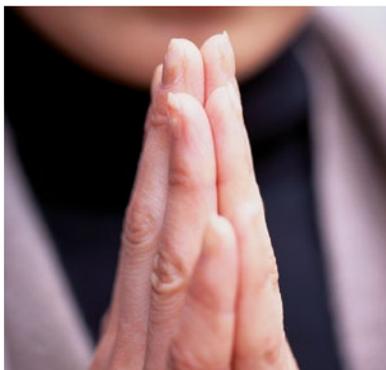
### Amendment IV

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**<sup>25</sup> 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**<sup>26</sup> crime, unless on a presentment or **indictment**<sup>27</sup> 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.

## Fundamental Liberties



Freedom of Religion



Freedom of Speech



Freedom to Petition the Government



Freedom of Assembly



Freedom of the Press

### Analyze Information

Which amendment guarantees these fundamental freedoms?

**Trials** The Sixth Amendment makes several guarantees, including a prompt trial and a trial by a jury chosen from the state and district in which the crime was committed.

### Vocabulary

<sup>28</sup> ascertained  
found out

## 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**<sup>28</sup> 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 the common law.

## Amendment VIII

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

## EXPLORE THE DOCUMENT

The Ninth and Tenth Amendments were added because not every right of the people or of the states could be listed in the Constitution. *How do the Ninth and Tenth Amendments limit the power of the federal government?*

### Vocabulary

<sup>29</sup> **construed**  
explained or interpreted

### President and Vice President

The Twelfth Amendment changed the election procedure for president and vice president.

## 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.

## AMENDMENTS 11–27

### Amendment XI

**PASSED BY CONGRESS MARCH 4, 1794. RATIFIED FEBRUARY 7, 1795.**

The Judicial power of the United States shall not be **construed**<sup>29</sup> 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

**PASSED BY CONGRESS DECEMBER 9, 1803. RATIFIED JUNE 15, 1804.**

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 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 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.

### Abolishing

**Slavery** Although some slaves had been freed during the Civil War, slavery was not abolished until the Thirteenth Amendment took effect.

### Vocabulary

<sup>30</sup>involuntary servitude  
being forced to work against one's will

## Amendment XIII

**PASSED BY CONGRESS JANUARY 31, 1865. RATIFIED DECEMBER 6, 1865.**

**1. Slavery Banned** Neither slavery nor **involuntary servitude**,<sup>30</sup> 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.

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

## Amendment XIV

**PASSED BY CONGRESS JUNE 13, 1866. RATIFIED JULY 9, 1868.**

**1. Citizenship Defined** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United

### The Reconstruction Amendments

The Thirteenth, Fourteenth, and Fifteenth Amendments are often called the Reconstruction Amendments. This is because they arose during Reconstruction, the period of American history following the Civil War. A key aspect of Reconstruction was extending the rights of citizenship to former slaves.

The Thirteenth Amendment banned slavery. The Fourteenth Amendment defined citizenship to include former slaves. It also required states to follow established rules (due process) when subjecting anyone to legal procedures and to provide all people with equal protection of their rights. The Fifteenth Amendment gave African American men the right to vote.

#### Analyze Information

Why was the "equal protection" clause of Section 1 of the Fourteenth Amendment important for the goals of Reconstruction?



African Americans participate in an election.

**Protecting the Rights of Citizens** In 1833 the Supreme Court ruled that the Bill of Rights limited the federal government but not the state governments. This ruling was interpreted to mean that states were able to keep African Americans from becoming state citizens and keep the Bill of Rights from protecting them. The Fourteenth Amendment defines citizenship and prevents states from interfering in the rights of citizens of the United States.

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.

**2. Voting Rights** 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.

**3. Rebels Banned from Government** 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.

**4. Payment of Debts** The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services 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.

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

## **Amendment XV**

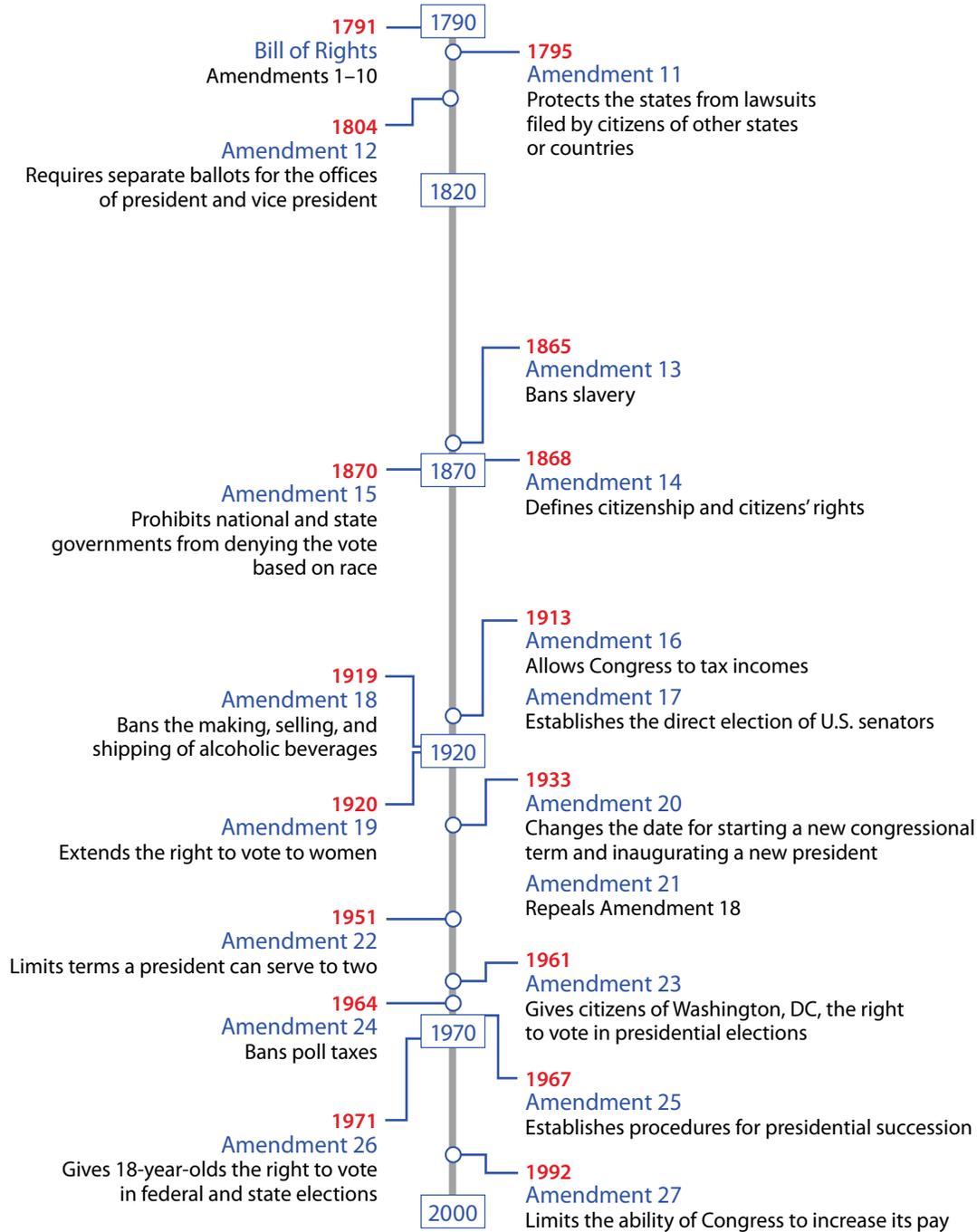
**PASSED BY CONGRESS FEBRUARY 26, 1869. RATIFIED FEBRUARY 3, 1870.**

**1. Voting Rights** 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 race, color, or previous condition of servitude.

**2. Enforcement** The Congress shall have the power to enforce this article by appropriate legislation.

## Timeline: Amendments to the U.S. Constitution

The Constitution has been amended only 27 times since it was ratified more than 200 years ago. Amendments help the structure of the government change along with the values of the nation's people. Read the timeline below to learn how each amendment changed the government.



### Analyze Timelines

1. How are the Eighteenth and Twenty-First Amendments related?
2. Which amendments relate to the right to vote?

## EXPLORE THE DOCUMENT

The Seventeenth Amendment requires that senators be elected directly by the people instead of by the state legislatures. *What principle of our government does the Seventeenth Amendment protect?*

### Prohibition

Although many people believed that the Eighteenth Amendment was good for the health and welfare of the American people, it was repealed 14 years later.

### Women's

**Suffrage** Abigail Adams and others were disappointed that the Declaration of Independence and the Constitution did not specifically include women. It took many years and much campaigning before suffrage for women was finally achieved.

## Amendment XVI

**PASSED BY CONGRESS JULY 2, 1909. RATIFIED FEBRUARY 3, 1913.**

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

**PASSED BY CONGRESS MAY 13, 1912. RATIFIED APRIL 8, 1913.**

**1. Senators Elected by Citizens** 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.

**2. Vacancies** 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.

**3. Future Elections** ~~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

**PASSED BY CONGRESS DECEMBER 18, 1917. RATIFIED JANUARY 16, 1919.  
REPEALED BY AMENDMENT XXI.**

**1. Liquor Banned** ~~After one year from the 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.~~

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

**3. Ratification** ~~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

**PASSED BY CONGRESS JUNE 4, 1919. RATIFIED AUGUST 18, 1920.**

**1. Voting Rights** 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.



## Women Fight for the Vote

To become part of the Constitution, a proposed amendment must be ratified by three-fourths of the states. Here, suffragists witness Kentucky governor Edwin P. Morrow signing the Nineteenth Amendment in January 1920. By June of that year, enough states had ratified the amendment to make it part of the Constitution. American women, after generations of struggle, had finally won the right to vote.

### Analyze Information

What right did the Nineteenth Amendment grant?

### Taking Office

In the original Constitution, a newly elected president and Congress did not take office until March 4, which was four months after the November election. The officials who were leaving office were called lame ducks because they had little influence during those four months. The Twentieth Amendment changed the date that the new president and Congress take office. Members of Congress now take office during the first week of January, and the president takes office on January 20.

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

## Amendment XX

**PASSED BY CONGRESS MARCH 2, 1932. RATIFIED JANUARY 23, 1933.**

**1. Presidential Terms** The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of 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.

**2. Meeting of Congress** 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.

**3. Succession of Vice President** 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 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.

**4. Succession by Vote of Congress** 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.

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

**6. Ratification** 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

**PASSED BY CONGRESS FEBRUARY 20, 1933. RATIFIED DECEMBER 5, 1933.**

**1. 18th Amendment Repealed** The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

**2. Liquor Allowed by Law** 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.

**3. Ratification** 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

**PASSED BY CONGRESS MARCH 21, 1947. RATIFIED FEBRUARY 27, 1951.**

**1. Term Limits** No person shall be elected to the office of the President more than twice, and no person who has 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 President more than once. ~~But this Article shall not apply to any person holding the office of President when this Article was proposed by 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.~~

### EXPLORE THE DOCUMENT

From the time of President George Washington's administration, it was a custom for presidents to serve no more than two terms in office. Franklin D. Roosevelt, however, was elected to four terms. The Twenty-Second Amendment restricted presidents to no more than two terms in office. *Why do you think citizens chose to limit the power of the president in this way?*

After Franklin D. Roosevelt was elected to four consecutive terms, limits were placed on the number of terms a president could serve.



**2. Ratification** 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.

### **Amendment XXIII**

**PASSED BY CONGRESS JUNE 16, 1960. RATIFIED MARCH 29, 1961.**

**1. District of Columbia Represented** The District constituting the seat of Government of the United States shall appoint in such manner as 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.

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

#### **Voting Rights**

Until the ratification of the Twenty-Third Amendment, the people of Washington, DC, could not vote in presidential elections.



### Poll Tax Amendment

Poll taxes were used to deny many poor Americans, including African Americans and Hispanic Americans, their right to vote. These taxes were made unconstitutional by the Twenty-Fourth Amendment. Above, an African American woman in Alabama votes for the first time.

#### Analyze Information

How did poll taxes deny poor Americans the opportunity to vote?

**Presidential Disability** The illness of President Eisenhower in the 1950s and the assassination of President Kennedy in 1963 were the events behind the Twenty-Fifth Amendment. The Constitution did not provide a clear-cut method for a vice president to take over for a disabled president or upon the death of a president. This amendment provides for filling the office of the vice president if a vacancy occurs, and it provides a way for the vice president—or someone else in the line of succession—to take over if the president is unable to perform the duties of that office.

### Amendment XXIV

**PASSED BY CONGRESS AUGUST 27, 1962. RATIFIED JANUARY 23, 1964.**

**1. Voting Rights** 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 poll tax or other tax.

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

### Amendment XXV

**PASSED BY CONGRESS JULY 6, 1965. RATIFIED FEBRUARY 10, 1967.**

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

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

**3. Written Declaration** 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.

**4. Removing the President** 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 powers and duties of the office as 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 President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

## **Amendment XXVI**

**PASSED BY CONGRESS MARCH 23, 1971. RATIFIED JULY 1, 1971.**

**1. Voting Rights** 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.

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

## **Amendment XXVII**

**ORIGINALLY PROPOSED SEPTEMBER 25, 1789. RATIFIED MAY 7, 1992.**

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

### **Expanded**

**Suffrage** The Voting Rights Act of 1970 tried to set the voting age at 18. However, the Supreme Court ruled that the act set the voting age for national elections only, not for state or local elections. The Twenty-Sixth Amendment gave 18-year-old citizens the right to vote in all elections.

# The Bill of Rights

## The Big Idea

The Bill of Rights was added to the Constitution to define clearly the rights and freedoms of citizens.

## Main Ideas

- The First Amendment guarantees basic freedoms to individuals.
- Other amendments focus on protecting citizens from certain abuses.
- The rights of the accused are an important part of the Bill of Rights.
- The rights of states and citizens are protected by the Bill of Rights.

## Key Terms and People

majority rule  
petition  
search warrant  
due process  
indict  
double jeopardy  
eminent domain

## If YOU were there . . .

Your father runs a bookshop in colonial Boston in 1770. Your family lives in a very small brick house. You and your sisters must share one small bedroom. One day, a red-coated British officer knocks on your front door and strides into the parlor. He says that your family will have to provide a room and meals for two British soldiers. “We’re already crowded!” you protest, but he insists.

**Would you support the British government’s requirement that colonists provide food and shelter for troops? Why?**

## First Amendment

Federalist James Madison promised that a bill of rights would be added to the Constitution. This promise allowed the Constitution to pass. In 1789 Madison began writing down a huge list of proposed amendments. He then presented a shorter list to the House of Representatives. Of those, the House approved 12. The states ratified ten, which took effect December 15, 1791. Those ten amendments, called the Bill of Rights, protect U.S. citizens’ individual liberties.

The protection of individual liberties is important in a representative democracy. Without safeguards, people’s rights would not always be protected because of **majority rule**. This is the idea that the greatest number of people in society can make policies for everyone. While this means that most people agree on what the law should be, it also means that smaller groups, or minorities, might lose their rights. The Bill of Rights ensures that the rights of all citizens are protected.

The ideas spelled out in the First Amendment form the most basic rights of all U.S. citizens. These rights include freedom of religion, freedom of the press, freedom of speech, freedom of assembly, and the right to petition.

## 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.



Workers use the right of assembly to protest a proposed budget in New York City.

In the spirit of Thomas Jefferson’s Virginia Statute for Religious Freedom, the First Amendment begins, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.” In other words, the government cannot support or interfere with the practice of a religion. This amendment keeps the government from favoring one religion over any other or establishing an official religion.

The First Amendment also guarantees freedom of speech and of the press. This means that Americans have the right to express their own ideas and views. They also have the right to hear the ideas and views of others. Former senator Margaret Chase Smith discussed why these freedoms are important. “The key to security,” she once said, “is public information.”

The right to free speech and a free press does not mean that people can say or print anything they want to, however. The Constitution does not protect slander—false statements meant to damage someone’s reputation. Libel, or intentionally writing a lie that harms another person, is not protected, either. The Supreme Court has also ruled that speech that endangers public safety is not protected. For example, Justice Oliver Wendell Holmes declared in 1919 that falsely shouting “Fire” in a crowded

**Reading Check**  
Summarize What rights does the First Amendment guarantee to Americans?

**Reading Check**  
Find Main Ideas Why were the Third and Fourth Amendments matters of great importance to Americans when the Bill of Rights was written?

theater is not protected as free speech. The government can also restrict speech or printed material that is considered obscene or poses a danger to national security.

Americans also have freedom of assembly, or of holding meetings. Any group may gather to discuss issues or conduct business. If people gather peacefully and do not engage in illegal activities, the government cannot interfere. The right to **petition**, or make a request of the government, is another right of the American people. Any American can present a petition to a government official. This right lets Americans show dissatisfaction with a law. They can also suggest new laws.

## Protecting Citizens

The Second, Third, and Fourth Amendments relate to colonial disputes with Britain and reflect many of the ideals outlined in the Declaration of Independence. The Second Amendment deals with state militias and the right to bear arms. Colonial militias played a big role in the Revolutionary War. The framers of the Constitution thought that the states needed their militias for emergencies. Today the National Guard has largely replaced organized state militias.

Supporters of gun-control laws have generally argued that the Second Amendment was intended to protect the collective right of states to maintain well-regulated militia units. Opponents hold that the amendment was meant to protect an individual's right of self-defense. The meaning of the amendment continues to be debated.

The Third Amendment prevents the military from forcing citizens to house soldiers. Before the Revolution, the British pressured colonists to shelter and feed British soldiers. British leaders also forced colonists to submit to having their property searched for illegal goods. Anger over such actions led to the Fourth Amendment rule against "unreasonable searches and seizures." Before a citizen's property can be searched, authorities must now get a **search warrant**. This order gives authorities permission to search someone's property. A judge issues this order only when it seems likely that a search might uncover evidence relating to a crime. In emergencies, however, police can make an emergency search. This may preserve evidence needed to prove possible illegal activity.

### 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.

## Rights of the Accused

The Fifth, Sixth, Seventh, and Eighth Amendments provide guidelines for protecting the rights of the accused. According to the Fifth Amendment, the government cannot punish anyone without **due process** of law. This means that the law must be fairly applied. A grand jury decides if there is enough evidence to **indict** (en-DYT), or formally accuse, a person. Without an indictment, the court cannot try anyone for a serious crime. The Fifth Amendment also protects people from having to testify at their own criminal trial. To keep from testifying, a person need only “take the Fifth.” In addition, anyone found not guilty in a criminal trial cannot face **double jeopardy**. In other words, he or she cannot be tried again for the same crime.

The final clause of the Fifth Amendment states that no one can have property taken without due process of law. There is one exception: the government’s power of **eminent domain**. This is the power to take personal property to benefit the public. One example would be taking private land to build a public road. However, the government must pay the owners a fair price for the property. If the property was gained illegally, then the owners are not paid.

The Sixth Amendment protects the rights of a person who has been indicted. It guarantees that person a speedy public trial. Public trials ensure that laws are being followed by allowing the public to witness the proceedings. Accused people have the right to know the charges against them and can hear and question witnesses testifying against them. Accused people

### 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.



A judge and jury listen to a witness in a courtroom in Orange County, California.

### 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 the common law.

### Amendment VIII

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

have the right to an attorney. If they cannot pay for legal service, the government must provide it. Sometimes accused persons refuse their Sixth Amendment rights. For example, some defendants refuse the services of an attorney, while others choose to have a trial in front of a judge alone instead of before a jury. In many cases, defendants can forgo trial and agree to a plea bargain. This means that a defendant pleads guilty to a lesser charge and avoids risking conviction for a crime with a greater sentence.

The Seventh Amendment states that juries can decide civil cases. It is possible to harm another person without committing a crime. In such cases, the injured party may sue, or seek justice, in a civil court. Civil cases usually involve disputes over money or property. For example, someone might bring a civil suit against a person who refuses to repay a debt.

**A Right to Bail** The Eighth Amendment allows for bail. Bail is a set amount of money that defendants promise to pay the court if they fail to appear in court at the proper time.

By posting, or paying, bail, a defendant can avoid staying in jail before and during a trial. If a defendant does not show up in court for trial, the court demands the bail money be paid and issues a warrant for arrest.

The Eighth Amendment keeps courts from setting unfairly high bail. However, in cases of very serious crimes, a judge may refuse to set bail altogether. This can be the case, for example, if the court regards a defendant as being potentially dangerous to the public by being left free. A judge can also deny bail if he or she thinks the defendant will not show up for trial. In such cases the defendant must remain in jail throughout the trial.

### “Cruel and Unusual Punishments”

The Eighth Amendment also bans “cruel and unusual punishments” against a person convicted of a crime. For many years, Americans have debated the question of what exactly constitutes cruel and unusual punishment. The debate has often centered on the issue of capital punishment. In 1972 the Supreme Court ruled that the way in which most states carried out the death penalty was cruel and unusual. The Court also found that the ways in which many states sentenced people to death were unfair. However, a few years later, the Court ruled that not all executions were in themselves cruel and unusual.

## 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.



Students learn about the rights and responsibilities of being a U.S. citizen.

**Reading Check**  
Summarize What is the purpose of the Eighth Amendment?

Most states still allow the death penalty. Those that do must follow the Supreme Court's rules. To do so, many states have changed the ways in which they carry out the death penalty.

## Rights of States and Citizens

The final two amendments in the Bill of Rights give a general protection for other rights not addressed by the first eight amendments. These amendments also reserve some governmental powers for the states and the people.

**Ninth Amendment** The Ninth Amendment says that the rights listed in the Constitution are not the only rights that citizens have. This amendment has allowed the courts and Congress to decide other basic rights of citizens.

The Constitution does not address the question of education. However, most Americans believe that it is a basic and essential right. This seems especially true in view of the fact that American citizens must be able to vote for the people who represent them in government. "Education is not just another consumer item. It is the bedrock [foundation] of our

democracy,” explained educational leader Mary Hatwood Futrell. Today state governments offer free education from elementary through high school—to all citizens.

**Tenth Amendment** The Tenth Amendment recognizes that the states and the people have additional powers. These powers are any ones that the Constitution does not specifically give to Congress—the delegated powers. The Tenth Amendment makes it clear that any powers not either delegated to the federal government or prohibited to the states belong to the states and the people. Thus, the last amendment in the Bill of Rights protects citizens’ rights and helps keep the balance of power between the federal and state governments.

**Reading Check**  
Summarize How does the Tenth Amendment protect the rights of citizens?

**Summary and Preview** In this lesson you learned about the Bill of Rights. In the next lesson you will learn about the responsibilities of citizenship.

### Lesson 3 Assessment

#### Review Ideas, Terms, and People

- Identify** What basic rights are protected by the First Amendment?
  - Recall** What are two ways in which the First Amendment protects the religious rights of minority groups?
  - Explain** What does the right to petition the government mean?
  - Elaborate** Why is freedom of the press an important right?
  - Draw Conclusions** Why is it important that citizens behave responsibly when using their First Amendment rights?
- Describe** How are citizens protected under the Third and Fourth Amendments?
  - Draw Conclusions** In what ways did British actions before the Revolution lead to the Second, Third, and Fourth Amendments?
- Recall** What responsibilities do the Fifth and Sixth Amendments require of the government?
  - Identify** What protections does the Eighth Amendment provide for people accused of crimes?
  - Elaborate** Why is it important that the Bill of Rights protects people accused of crimes?

- Recall** What is the purpose of the final two amendments in the Bill of Rights?
  - Analyze** How does the Tenth Amendment balance power between national and state governments?

#### Critical Thinking

- Summarize** In this lesson you learned about the Bill of Rights. Create a chart similar to the one below. Use it to summarize the rights guaranteed to citizens by each amendment in the Bill of Rights.

Amendment	Guaranteed Rights
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

# Celebrate Freedom Week



On September 17, Constitution Day, Americans celebrate the signing of the United States Constitution in 1787.

Around this time, many social studies classrooms also observe Celebrate Freedom Week. This important celebration focuses on the meaning and significance of the two foundational documents in U.S. history—the Declaration of Independence and the U.S. Constitution.

## The Declaration of Independence

One of the most eloquent and influential documents ever written, the Declaration of Independence gave the reasons the American colonies were willing to fight for independence. Thomas Jefferson, the main author of the document, began by explaining the purpose of government. Part of this first section, known as the Preamble, is perhaps the most famous statement from the document:

“We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.”

—Declaration of Independence

These powerful words established the idea that governments exist to serve their citizens, and that people have basic natural rights that government cannot take away. Throughout our history, these words have inspired Americans to fight for and expand the definitions of freedom, equality, and basic rights. For example, women’s rights advocates echoed the language of the Declaration of Independence in 1848 when they demanded the right to vote by declaring that “all men and women are created equal.” Abolitionists and civil rights leaders also looked to the Declaration of Independence in their struggles to end slavery and ensure that African Americans were guaranteed equal rights. Even beyond America, the Declaration of Independence has inspired independence and pro-democracy movements around the world. It continues to inspire us today.



## Key Facts

### Declaration of Independence

#### Date

- Adopted July 4, 1776, by the Continental Congress

#### Key Author

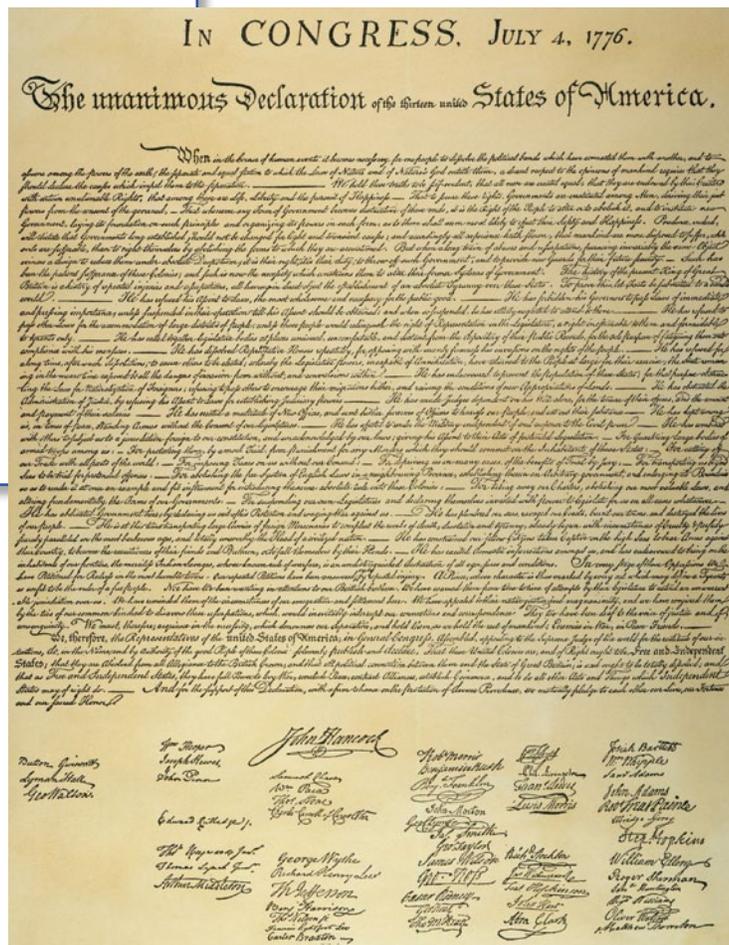
- Thomas Jefferson

#### Intent

- To announce formally that the 13 American colonies considered themselves independent states no longer part of the British Empire
- To explain and justify the reasons for independence

#### Meaning and Importance

- Established in writing the principle that all people have certain fundamental rights that no government can take away
- Explained that the purpose of government is to serve citizens
- Influenced the U.S. Constitution and Bill of Rights
- Has inspired people throughout history in the struggle for equality, justice, and basic human rights



## The U.S. Constitution

Building on the Declaration of Independence, the U.S. Constitution established the system of government that is still in effect today. Another truly groundbreaking document, the Constitution established the rule of law and made clear that no one, including the highest government official, is above it. The document's opening words, the Preamble, elegantly state its purpose:

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, 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.”

—United States Constitution

The three opening words, *We the People*, which were written so much larger than the others, announced dramatically that in the United States the people are the source of all government power and authority.

To protect people's rights and to balance power, the Constitution set up a system that divides power among federal and state governments. Federal power is supreme, and certain powers are shared or reserved for the states. A system of checks and balances further divides power among three equal branches of government—legislative, executive, and judicial.

The Constitution also includes a process by which it can be amended, or changed. It is sometimes referred to as “a living document” for this reason; it can be added to and improved by the people to reflect changes in society. Since it was adopted in 1787, the Constitution has been amended 27 times. These amendments have abolished slavery, guaranteed women and minorities the right to vote and to receive equal treatment under the law, changed voting and election procedures, and made other improvements to our government.

One of the most important parts of the Constitution is the Bill of Rights—the first ten amendments. The Bill of Rights helps protect the rights described in the Declaration of Independence. For example, the Bill of Rights protects such basic



rights as freedom of speech, press, and religion as well as due process rights such as the right to a fair trial. The Bill of Rights was an important early addition to the Constitution because it stated in writing some of the specific individual rights and protections guaranteed for all Americans.

## Key Facts

### The Constitution

#### Date

- Adopted September 17, 1787, by the Constitutional Convention

#### Key Author

- James Madison

#### Intent

- To establish a new national government of the United States
- To replace the Articles of Confederation
- To safeguard the freedoms of all Americans, present and future

#### Meaning and Importance

- Establishes the supreme law of the land for the United States that is still in effect today
- Identifies the people as the ultimate source of government power
- Sets up a system of power sharing among the federal and state government
- Divides power into three equal branches of government
- Includes an amendment process
- Includes the Bill of Rights and other amendments that have protected and expanded individual rights and freedoms

## Bill of Rights

1st Amendment	Protects freedom of religion, speech, press, assembly, petition
2nd Amendment	Protects the right to keep and bear arms
3rd Amendment	Provides restrictions on quartering soldiers in citizens' homes
4th Amendment	Bans unreasonable searches or seizures
5th Amendment	Protects citizens against self-incrimination and being tried twice for the same crime; prohibits government from depriving citizens of life, liberty, or property without due process of law
6th Amendment	Protects citizens' right to a swift and fair trial
7th Amendment	Guarantees right to trial by jury
8th Amendment	Protects citizens against cruel and unusual punishment
9th Amendment	States that citizens have rights beyond those specifically written in the Constitution
10th Amendment	States that powers not given to the government are reserved to the states or to the people

## Research Activity

As part of Celebrate Freedom Week, conduct research on the two most influential documents in U.S. history. First, read the Declaration of Independence and explore how it influenced subsequent American history and has inspired people for generations. In your own words, explain how

the Declaration of Independence is still relevant in our lives today. Then, review a copy of the U.S. Constitution to explore how it has been amended throughout our nation's history. Give an example of how the Constitution or Bill of Rights protects your rights and the rights of others.

# Rights and Responsibilities of Citizenship

## The Big Idea

American citizenship involves great privileges and serious responsibilities.

## Main Ideas

- Citizenship in the United States is determined in several ways.
- Citizens are expected to fulfill a number of important duties.
- Active citizen involvement in government and the community is encouraged.

## Key Terms

naturalized citizens  
deport  
draft  
interest groups  
political action committees

## If YOU were there . . .

Your older brother and his friends have just turned 18. That means they must register with selective service. But it also means that they are old enough to vote in national elections. You are interested in the upcoming elections and think it would be exciting to have a real voice in politics. But your brother and his friends don't even plan to register to vote.

**How would you persuade your brother that voting is important?**

## Gaining U.S. Citizenship

People become U.S. citizens in several ways. First, anyone born in the United States or a territory it controls is a citizen. People born in a foreign country are U.S. citizens if at least one parent is a U.S. citizen. Foreign-born people whose parents are not citizens must move to the United States to become **naturalized citizens**. Once in the United States, they go through a long process before applying for citizenship. If they succeed, they become naturalized citizens, giving them most of the rights and responsibilities of other citizens.

In the United States, legal immigrants have many of the rights and responsibilities of citizens but cannot vote or hold public office. The U.S. government can **deport**, or return to the country of origin, immigrants who break the law.

Legal immigrants over age 18 may request naturalization after living in the United States for five years. All legal immigrants have to support themselves financially. If not, someone must assume financial responsibility for them. Immigrants must be law-abiding and support the U.S. Constitution. They must demonstrate understanding of written and spoken English. They also must show basic knowledge of U.S. history and government.

When this is done, candidates go before a naturalization court and take an oath of allegiance to the United States. They then get certificates of naturalization.

**Reading Check**  
**Draw Conclusions**  
Why does U.S. law have such demanding requirements for people to become naturalized citizens?

Only two differences between naturalized and native-born citizens exist. Naturalized citizens can lose their citizenship, and they cannot become president or vice president. Many famous Americans have been naturalized citizens, including German Jewish scientist Albert Einstein and former secretary of state Madeleine Albright, originally from Czechoslovakia.

## Responsibilities of Citizenship

For a representative democracy to work, Americans need to fulfill their civic duties. “The stakes . . . are too high for government to be a spectator sport,” former Texas congresswoman Barbara Jordan once said.

**Civic Duties** Citizens elect officials to make laws for them. In turn, citizens must obey those laws and respect the authorities who enforce them. Obeying laws includes knowing what they are and staying informed about any changes to the law. Ignorance of a law will not prevent a person from being punished for breaking it.

Another duty is paying taxes for services such as public roads, police, and public schools. People pay sales taxes, property taxes, and tariffs. Many Americans also pay a tax on their income to the federal, and sometimes state, government.

Citizens have the duty to defend the nation. Men 18 years or older must register with selective service. In the event of a **draft**, or required military



### Becoming a Citizen

For many people around the world, becoming a citizen of the United States is a lifelong dream. The highlight of the naturalization process is the ceremony, where candidates promise to “support and defend the Constitution and laws of the United States of America.”

service, those able to fight are already registered. Although women do not register, many serve in the armed forces.

Americans have the right to a trial by jury under the Sixth Amendment. To protect this right, citizens should be willing to serve on a jury when they are called. Otherwise, fulfilling each person's Sixth Amendment rights would be difficult.

**Civic Responsibilities** In addition to duties, which are required by law, citizens also have responsibilities to fulfill. Although voluntary, these responsibilities are necessary for American democracy to work. The most important civic responsibility is voting. Representatives respond to the opinions of the voters who elect them. If only a small portion of constituents vote, the policies of a representative may not reflect the true opinions of the people he or she represents.

Voting is closely tied to participation in political parties, because people often vote for the candidate of their own party. A majority of Americans are members of either the Democratic or the Republican Party. Others belong to smaller parties or consider themselves to be independent voters. The U.S. government has generally been dominated by two major parties, but smaller parties focused on single issues may influence public opinion. Citizens can support political parties through donations or by working on election campaigns.



#### Military Service

By serving in the military, men and women help protect the nation from foreign threats. In addition to conducting combat and peace-keeping operations, the U.S. military may provide humanitarian assistance in overseas disasters.



#### Voting

A representative democracy needs its citizens to vote regularly. This responsibility involves not only casting votes in elections but also becoming educated about candidates and issues.

### Reading Check

#### Make Inferences

Why does citizenship carry with it certain duties and responsibilities?

### Academic Vocabulary

**influence** change or have an effect on

Environmental volunteers may plant trees or clear trails in nature preserves.



To make the best choices in voting, people have a responsibility to stay informed on public issues and candidates. Information is available from many sources: the Internet, newspapers, television, other media, and from attending public meetings or listening to speeches. However, voters should also be aware that some material may be deliberately biased to help or harm a particular candidate or cause. Comparing many sources of information and opinions can help voters make decisions that reflect their interests.

## Citizens and Society

Participation of ordinary citizens in public groups is part of our national identity. When French writer Alexis de Tocqueville visited the United States in 1831 to study American democracy, he was amazed at the number and variety of groups that had formed to tackle problems great and small. He wrote about them:

“What political power could ever carry on the vast multitude [large number] of lesser undertakings which the American citizens perform every day, with the assistance of the principle of association [joining a group]? . . . Nothing, in my opinion, is more deserving of our attention than the intellectual and moral associations of America.”

—Alexis de Tocqueville, *Democracy in America*

**Influencing Government** Even after an election, citizens can **influence** officials. The tradition of people joining together to present views to political leaders dates back to the colonial period. U.S. citizens sometimes work with **interest groups**. These groups of people share a common interest that motivates them to take political action. Interest groups organize speeches and rallies to support their cause. Sometimes they hire lobbyists, people whose job involves trying to influence the thinking of legislators or government officials. However, citizens need not join a group to influence government. They can write letters to leaders of government or attend city council meetings. Active political participation is an important responsibility for U.S. citizens and immigrants alike.

In addition to voting, many Americans choose to campaign for candidates or issues. Anyone can help a campaign, even if he or she is not eligible to vote. Many people also help campaigns by giving money directly or through **political action committees (PACs)**, groups that collect money for candidates who support certain issues.

**Helping the Community** Volunteering is another important tradition in our society. Some small communities rely on volunteer groups for essential services such as fire protection and law enforcement. In larger communities, volunteers may walk through neighborhoods and alert police if they observe criminal activity. The American Red Cross helps people cope with natural disasters and other emergencies. The Boy Scouts and Girl Scouts plan many projects such as planting trees to improve the environment. Even simple acts such as picking up trash in parks or serving food in homeless shelters will improve a community.



## Community Service

Serving as a part of a volunteer group is another way to be involved in a community.

### Reading Check

**Summarize** In what ways do volunteer groups benefit a community?

Today, social media is increasingly used to connect volunteers with organizations that can use their help. Volunteerism reduces the strain on government to provide social services, and it strengthens the bonds between members of a community.

**Summary and Preview** In this lesson you learned about citizens' duties toward their nation and their communities. In the next module you will learn about the first government formed under the Constitution.

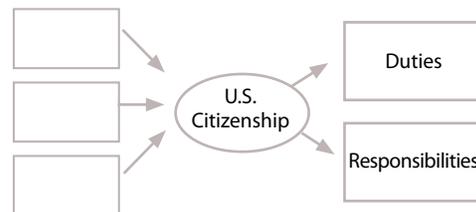
## Lesson 4 Assessment

### Review Ideas, Terms, and People

1. **a. Identify** What are the different ways in which a person can become a U.S. citizen?  
**b. Make Inferences** Why do you think the law requires an immigrant to live in the United States at least five years before he or she can apply to become a naturalized citizen?
2. **a. Describe** What are three duties required of U.S. citizens?  
**b. Evaluate** In your opinion, which duty required of citizens is the most important? Why?
3. **a. Identify** In what ways can citizens participate in the election process?  
**b. Draw Conclusions** Why do you think it is important that citizens participate in the political process?

### Critical Thinking

4. **Categorize** In this lesson you learned about becoming a U.S. citizen. Create a graphic organizer similar to the one below. List the ways a person becomes a citizen and then add the duties and responsibilities of citizenship.



# Social Studies Skills

## Determine the Context of Statements

### Define the Skill

A *context* is the circumstances under which something happens. *Historical context* includes values, beliefs, conditions, and practices that were common in the past. At times, some of these were quite different from what they are today. To truly understand a historical statement or event, you have to take its context into account. It is not right to judge what people in history did or said based on present-day values alone. To be fair, you must also consider the historical context of the statement or event.

### Learn the Skill

To better understand something a historical figure said or wrote, use the following guidelines to determine the context of the statement.

1. Identify the speaker or writer, the date, and the topic and main idea of the statement.
2. Determine the speaker's or writer's attitude and point of view about the topic.
3. Review what you know about beliefs, conditions, or practices related to the topic that were common at the time. Find out more about the times in which the statement was made, if you need to.
4. Decide how well the statement reflects the values, attitudes, and practices of people living at that time. Then, determine how well it reflects values, attitudes, and practices related to the topic today.

Applying these guidelines will give you a better understanding of statements made by the Constitution's framers. You read in Module 6 that the Constitution created a representative democracy. However, the original Constitution

gave most Americans little voice in choosing their leaders. Only the House of Representatives was elected by the voters. Alexander Hamilton, one of the Constitutional Convention's leaders, told the delegates:

"The people are turbulent and changing; they seldom judge or determine right. Give therefore to the first [upper] class a distinct, permanent share in government. They will check the unsteadiness of the second [the masses]."

By modern standards, Hamilton's remark is undemocratic. But think about the times in which it was made. Shays's Rebellion had recently occurred. In addition, in those days most Americans had little or no education. Many could not even read or write. When its historical context is considered, the statement seems less harsh and extreme.

### Practice the Skill

Read the following statement made by Patrick Henry in 1788. Then answer the questions to determine its context and better understand it.

"The Constitution is said to have beautiful features, but . . . they appear to me horribly frightful. . . . Your dearest rights may be sacrificed by what may be a small minority . . . [that] . . . may continue forever unchangeably this government, although horribly defective."

1. What was Henry's opinion of the Constitution?
2. How might Americans' recent experience in the Revolution have caused him to feel that way?

# Module 6 Assessment

## Review Vocabulary, Terms, and People

1. What proposal for the structure of the U.S. Congress was created at the Constitutional Convention?
  - a. Virginia Plan
  - b. Great Compromise
  - c. New Jersey Plan
  - d. Three-Fifths Compromise
2. Who promised to add a bill of rights to the U.S. Constitution?
  - a. Benjamin Franklin
  - b. Thomas Jefferson
  - c. Alexander Hamilton
  - d. James Madison
3. What is the term for a person born in another country who becomes a citizen of the United States?
  - a. immigrant
  - b. partial citizen
  - c. naturalized citizen
  - d. separatist
4. What are powers granted to the states called?
  - a. reserved powers
  - b. concurrent powers
  - c. stately powers
  - d. delegated powers
5. What is the permission to look for evidence of a crime in a particular location called?
  - a. petition
  - b. impeachment
  - c. indictment
  - d. search warrant
6. Who was the first female Supreme Court justice?
  - a. Abigail Adams
  - b. Sonia Sotomayor
  - c. Barbara Jordan
  - d. Sandra Day O'Connor

## Comprehension and Critical Thinking

### Lesson 1

7.
  - a. **Draw Conclusions** How was the purpose of the Constitutional Convention different from the final outcome?
  - b. **Analyze** Why did the framers of the Constitution create a system of checks and balances?
  - c. **Explain** What was the process for ratifying the Constitution?

### Lesson 2

8.
  - a. **Describe** Name each branch of government, and explain the duties of each.
  - b. **Analyze** What checks and balances exist between the branches of government?
  - c. **Evaluate** Do you think the three branches of government share their power equally? Explain your answer.

### Lesson 3

9.
  - a. **Identify** What is the Bill of Rights, and why was it added to the Constitution?
  - b. **Compare and Contrast** The Bill of Rights and the Constitution both deal with issues of government power. How does their focus on this topic differ?
  - c. **Analyze** In what ways does the Bill of Rights protect individuals from the power of government?
  - d. **Elaborate** Which of the amendments in the Bill of Rights do you think is the most important? Why?

### Lesson 4

10.
  - a. **Describe** What are the ways in which a person can gain U.S. citizenship?
  - b. **Analyze** How are citizens able to influence their government?

# Module 6 Assessment, continued

## Reading Skills

**Summarize Historical Texts** Use the Reading Skills taught in this module to answer the question about the reading selection below.

“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 . . . establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and . . . receive for their Services a Compensation. . . .”

11. Which of the following is the best summary of the selection?
  - a. The U.S. judiciary consists of the Supreme Court and lower courts, and judges are paid.
  - b. Congress creates lower courts.

## Review Themes

12. **Politics** What important ideas has the U.S. Constitution contributed to government?
13. **Politics** Why is active political participation an important responsibility for people in the United States?

## Social Studies Skills

**Determine the Context of Statements** Use the Social Studies Skills taught in this module to answer the questions about the quotation below.

“What political power could ever carry on the vast multitude [large number] of lesser undertakings which the American citizens perform every day, with the assistance of the principle of association [joining a group]? . . . Nothing, in my opinion, is more deserving of our attention than the intellectual and moral associations of America.”

—Alexis de Tocqueville, *Democracy in America*

14. De Tocqueville wrote this about his trip to the United States in 1831. What is his main idea?
  - a. Governments can fill every need of citizens.
  - b. American organizations cannot accomplish much.
  - c. American organizations get too much attention.
  - d. American organizations fill important needs of citizens that government cannot.
15. Do you think that de Tocqueville’s statement accurately describes modern America? Why or why not?

## Focus on Writing

16. **Create a Pamphlet** Everyone in the United States benefits from our Constitution. However, many people don’t know the Constitution as well as they should. Use the information you have learned about the Constitution, the Bill of Rights, and citizenship to create a four-page pamphlet. On the first page, write a title and a phrase that will get your audience’s attention. On each of the following pages, you can use this format: (1) a heading and sentence at the top of the page identifying the topic of the page, and (2) the list of the most important points for that topic. Develop your pamphlet so that page 2 is on the Constitution, page 3 is on the Bill of Rights, and page 4 is on citizenship. On page 3, choose the right that you think is most important, and explain why it is important to individuals or groups. Use the Bill of Rights and modern sources to support your opinion.

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