

LESSON 5

Understanding the Constitution



 **BOUNCE**
TO ACTIVATE

 VIDEO

GET READY TO READ

START UP


Look at the photograph of people examining an original copy of the Constitution. Has the Constitution changed?

GUIDING QUESTIONS


- What are the basic goals of the Constitution, as defined in its Preamble?
- What are the powers and duties of each branch of government, as set forth by the Constitution?

TAKE NOTES

Literacy Skills Classify and Categorize

Use the graphic organizer in your  Active Journal to take notes as you read the lesson.

PRACTICE VOCABULARY

Use the vocabulary activity in your  Active Journal to practice the vocabulary words.

Vocabulary

popular sovereignty
bill
veto
override
impeach

Academic Vocabulary

civilian
liberty

By December 1791, the Constitution had been ratified and the Bill of Rights added. Americans could now familiarize themselves with the new structure of their government.

First Comes the Preamble

The Constitution consists of the Preamble, articles, and amendments. The Preamble states the Constitution's six goals. They are:

To Form a More Perfect Union When the Constitution was written, the states saw themselves almost as separate nations. The Framers wanted to work together as a unified nation. Fortunately for us, they achieved this goal. Think of what it would be like if you had to exchange your money every time you visited another state!

To Establish Justice The Framers knew the nation needed a uniform system to settle legal disputes. Today, the American justice system requires that the law be applied fairly to every American, regardless of his or her race, religion, gender, or country of origin.



Analyze Images A National Guardsman helps a family.

Use Evidence How does helping the public during times of emergency ensure domestic tranquillity?

Academic Vocabulary

civilian • *adj.*, nonmilitary

liberty • *n.*, freedom

To Ensure Domestic Tranquillity

Under the Constitution, the national government has the power to ensure domestic tranquillity, or peace and order within our nation's borders. Have you seen reports of the National Guard providing assistance in a disaster area? That is one way that the government works to ensure domestic tranquillity.

To Provide for the Common

Defense Every country has a duty to protect its citizens against foreign attack. The Framers of the Constitution gave the national government the power to raise armies and navies. At the same time, they placed the military under **civilian**, or nonmilitary, control.

To Promote the General

Welfare The Constitution set out to give the national government the means to promote the general welfare, or the well-being of all its citizens. For example, today the National Institutes of Health leads the fight against many diseases.

To Secure the Blessings of Liberty During the Revolution, the colonists fought and died for **liberty**, or freedom. It is no surprise that the Framers made liberty a major goal of the Constitution. Over the years, amendments to the Constitution have extended the “blessings of liberty” to all Americans.

The Articles and the Amendments The main body of the Constitution is a short document, divided into seven parts called articles. Together, they establish the framework for our government.

Seven Articles The first three articles describe the three branches of the national government: legislative, executive, and judicial. Article 1 establishes the powers of and limits on Congress. Articles 2 and 3 do the same for the President and the courts.

Article 4 deals with relations among the states. It requires states to honor one another's laws and legal decisions. It also sets out a system for admitting new states. Article 5 provides a process to amend the Constitution.

Article 6 states that the Constitution is the “supreme law of the land.” This means that states may not make laws that violate the Constitution. If a state law conflicts with a federal law, the federal law prevails.

The final article, Article 7, sets up a procedure for the states to ratify the Constitution.

Twenty-Seven Amendments In more than 200 years, only 27 formal changes have been made to the Constitution. The first 10 amendments, known as the Bill of Rights, were added in 1791.

READING CHECK **Identify Supporting Details** What is each of the seven main parts of the Constitution called?

Seven Basic Principles

The Constitution reflects seven basic principles. They are popular sovereignty, limited government, separation of powers, checks and balances, federalism, republicanism, and individual rights.

Popular Sovereignty The Framers of the Constitution lived at a time when monarchs claimed that their power came from God. The Preamble, with its phrase “We the people,” reflects a revolutionary new idea: that a government gets its authority from the people. This principle, known as **popular sovereignty**, states that the people have the right to alter or abolish their government. Why? Because the people have supreme power, or sovereignty, over the government. No one rules because of divine right.



INTERACTIVE

The U.S. Congress

Analyze Images The first woman elected to Congress was Jeannette Rankin of Montana in 1916. **Infer** Why is it important for Congress to include men and women?





INTERACTIVE

The Federal System

Limited Government The colonists had lived under a British government with nearly unlimited powers. To avoid giving too much power to their new government, the Framers made limited government a principle of the Constitution. In a limited government, the government has only the powers that the Constitution gives it. Just as important, everyone from you to the President must obey the law.

Separation of Powers To further limit government power, the Framers provided for separation of powers. The Constitution separates the government into three branches. The legislative branch, or Congress, makes the laws. The executive branch, headed by the President, carries out the laws. The judicial branch, or courts, determines whether actions violate laws and whether laws violate the Constitution.

Checks and Balances A system of checks and balances safeguards against abuse of power. Each branch of government has the power to check, or limit, the actions of the other two. The separation of powers allows for this system of checks and balances. One reason the government has survived for more than 200 years is because of this system.

Federalism The Constitution also reflects the principle of federalism, or the division of power between the federal government and the states. Among the powers the Constitution gives the federal government are the power to coin money, declare war, and regulate trade between the states. States regulate trade within their own borders, make rules for state elections, and establish schools. Powers not clearly given to the federal government belong to the states.

Analyze Charts The graphic explains the separation of powers. **Use Visual Information** How is the power to make and enforce laws divided among the three branches of government?

Separation of Powers

Legislative Branch

(Congress)



Passes Laws

- Can override President's veto
- Approves treaties and presidential appointments
- Can impeach and remove President and other high officials
- Creates lower federal courts
- Appropriates money
- Prints and coins money
- Raises and supports armed forces
- Can declare war
- Regulates foreign and interstate trade

Executive Branch

(President)



Carries Out Laws

- Proposes laws
- Can veto laws
- Negotiates foreign treaties
- Serves as commander in chief of the armed forces
- Appoints federal judges, ambassadors, and other high officials
- Can grant pardons to federal offenders

Judicial Branch

(Supreme Court and Other Federal Courts)



Interprets Laws

- Can declare laws unconstitutional
- Can declare executive actions unconstitutional

Some powers are shared between the federal government and the states. Thus, federalism results in dual sovereignty. That is, the federal government and the states both exercise authority over the same territory and people.

Republicanism The Constitution provides for a republican form of government. The United States is a constitutional republic. This means that the Constitution provides the basis for its republican form of government. Instead of taking part directly in government, citizens elect representatives to carry out their will. Once in office, representatives vote according to their own judgment. However, they must remain open to the opinions of the people they represent. For that reason, members of Congress maintain Web sites and offices in their home districts.

Individual Rights The final principle the U.S. Constitution reflects is individual rights, such as freedom of speech, freedom of religion, and the right to trial by jury. You will read more about the rights protected by the Constitution later.

 **READING CHECK** **Identify Supporting Details** Which of these principles restrict government power?

The Legislative Branch—Congress

The first and longest article of the Constitution deals with the legislative, or lawmaking, branch. Article I sets up Congress to make the nation's laws. Congress is made up of two bodies: the House of Representatives and the Senate.

The House of Representatives The larger of the two bodies is the House of Representatives, which currently has 435 members. Representation in the House is based on population, with larger states having more representatives than smaller states. Every state has at least one representative.

Representatives are elected by the people of their district for two-year terms. As a result, the entire House is up for election every other year. Representatives may run for reelection as many times as they want.


The leader of the House is called the Speaker. The Speaker of the House is one of the most powerful people in the federal government. The Speaker regulates debates and controls the agenda. If the President dies or leaves office, the Speaker of the House is next in line after the Vice President to become President.

The Senate Unlike the House, the Senate is based on equal representation of the states, with two senators for each state. Senators are elected to six-year terms. Their terms overlap, however, so that one third of the members come up for election every two years.



Analyze Images The U.S. Capitol building is home to the House and Senate, as well as many offices. **Infer** Why does Congress have such an impressive building?

Quest CONNECTIONS

Which states have the largest and smallest numbers of representatives? Record your findings in your  Active Journal.



Analyze Images Sixty members of the House of Representatives, including John Lewis of Georgia, Nancy Pelosi of California, and Charles Rangel of New York, held a sit-in during a Congressional session to demand action on gun safety in June 2016. **Infer** Why do you think these representatives took such an extreme action?

The Vice President cannot, however, take part in Senate debates. When the Vice President is absent, the Senate's president pro tempore, or temporary president, presides over the proceedings.

Powers of Congress The most important power of Congress is the power to make the nation's laws. All laws start as proposals called **bills**. A new bill may be introduced in either the House or the Senate. However, an appropriations bill, which is a bill that sets aside money for government programs or operations, must be introduced in the House. After a bill is introduced, it is debated. If both houses vote to approve the bill, it is then sent to the President. If the President signs the bill, it becomes a law.

The Constitution gives Congress many other powers besides lawmaking. Article I, Section 8, lists most of the powers of Congress. They include the power to borrow money and the power to levy, or require people to pay, taxes. Congress also has the power to coin money, to establish post offices, to fix standard weights and measures, and to declare war.

A clause in Article I, Section 8, also gives Congress the power to regulate commerce between states, with foreign nations, "and with the Indian tribes." When the Constitution was written, Native American nations were considered fully independent. Over time, Congress has used this commerce clause to assume complete authority over the affairs of those nations.

The Elastic Clause Not all the powers of Congress are specifically listed. Article I, Section 8, Clause 18, states that Congress can "make all laws which shall be necessary and proper" for carrying out its specific duties. This clause is known as the elastic clause because it

This way, there is always a majority of experienced senators.

Not all of the founders trusted the judgment of the common people. As a result, they called for senators to be chosen by state legislatures. Over the years, the nation slowly became more democratic. The Seventeenth Amendment, ratified in 1913, provided that senators be directly elected by the people of each state, like members of the House.

The Vice President of the United States is president of the Senate. The Vice President presides over the Senate and casts a vote when there is a tie.

enables Congress to stretch its powers to deal with the changing needs of the nation.

Americans have long debated the true meaning of the elastic clause. What did the Framers mean by the words *necessary* and *proper*? For example, early leaders debated whether the elastic clause gave Congress the right to set up a national bank, even though the Constitution does not specifically give Congress that power.

Today, political parties still have different points of view on how the elastic clause should be used. Some Americans continue to worry that Congress might use the elastic clause to abuse its powers. Sometimes, the terms *strict constructionists* and *loose constructionists* are used to refer to people with different views of the clause.

Strict constructionists think that Congress (and the courts that interpret laws) should strictly construe, or narrowly interpret, the elastic clause. They believe the elastic clause should be used to stretch the powers of government rarely, and only to a small degree. Partly because many members of the Republican Party today are strict constructionists, that party particularly believes in reducing or eliminating some government programs.

In contrast, loose constructionists think that Congress (and the courts that interpret laws) should loosely construe, or broadly interpret, the elastic clause. They think the elastic clause should be used to stretch the powers of government as often as needed, and to a greater degree. Many members of the Democratic Party today are loose constructionists. Because they believe that the role of the federal government can and should expand as needed, they may support government programs opposed by members of the Republican Party.

The Committee System

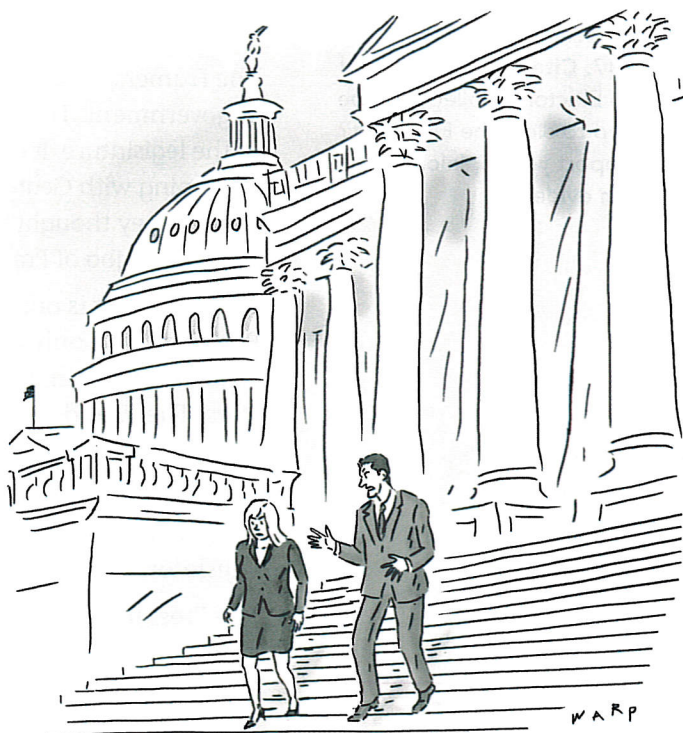
The First Congress, meeting from 1789 to 1791, considered a total of 31 new bills. Today, more than 10,000 bills are introduced in Congress each year. Clearly, it would be impossible for every member of Congress to give each new bill careful study. To deal with this problem, Congress relies on committees.

Both the House and the Senate have permanent, or standing, committees. Each committee deals with a specific topic, such as agriculture, banking, business, defense, education, science, or transportation. Members who have served longest are usually appointed to the most important committees.

Did you know?

Besides formal committees, members of Congress who have common interests and concerns can form unofficial groups called caucuses.

Analyze Images When a member of the federal government speaks up, is that person expressing an opinion or trying to exert influence? **Analyze Political Cartoons** How do you think the cartoonist would answer that question?



"Ruth Bader Ginsburg was just plain wrong trying to influence the Presidential election. That'd be just like if the Senate tried to influence the Supreme Court by refusing to vote on a President's nominee."



Analyze Images Although Republican candidate Donald J. Trump lost the popular vote to Democrat Hillary Clinton, he won the electoral college vote and so became President in 2017. **Cite Evidence** Should the Electoral College still be used to elect the President? Support your opinion with evidence.

Congress may sometimes create joint committees made up of both Senate and House members. One of the most important kinds of joint committees is the conference committee. Its task is to settle differences between House and Senate versions of the same bill.

READING CHECK **Identify Supporting Details** How does a bill become a law?

The Executive Branch—The President

Article II of the Constitution sets up an executive branch to carry out the laws and run the affairs of the national government. The President is the head of the executive branch. Other members include the Vice President and the executive departments. The heads of the executive departments, who advise the President, are called the Cabinet.

The Many Roles of the President You are probably more familiar with the President than with any other government leader. You see him on television climbing in and out of airplanes, greeting foreign leaders, or making speeches. Yet, many Americans do not know exactly what the President does.

The Framers thought that Congress would be the most important branch of government. Thus, while the Constitution is very specific about the role of the legislature, it offers fewer details about the powers of the President. Beginning with George Washington, Presidents have often taken those actions they thought necessary to carry out the job. In this way, they have shaped the job of President to meet the nation's changing needs.

The President is our highest elected official and, along with the Vice President, the only one who represents all Americans. As head of the executive branch, the President has the duty to carry out the nation's laws. The President directs foreign policy and has the power to make treaties with other nations and to appoint ambassadors.

The President is commander in chief of the armed forces. (Only Congress, however, has the power to declare war.) As the nation's chief legislator, the President suggests new laws and works for their passage.

The President can grant pardons and call special sessions of Congress. The President is also the living symbol of the nation. Presidents welcome foreign leaders, make speeches to commemorate national holidays, and give medals to national heroes.

The Electoral College The President is elected for a four-year term. As a result of the Twenty-second Amendment, adopted in 1951, no President may be elected to more than two complete terms.

The Framers set up a complex system for electing the President, known as the electoral college. When Americans vote for President, they do not vote directly for the candidate of their choice. Rather, they vote for a group of electors who are pledged to the candidate. The number of a state’s electors equals the number of its Senators and representatives. No state has fewer than three electors.

A few weeks after Election Day, the electors meet in each state to cast their votes for President. In most states, the candidate with the majority of the popular vote in that state receives all that state’s electoral votes. The candidate who receives a majority of the electoral votes nationwide becomes President. This is part of another key principle in the United States: majority rule. Whether passing a bill in a legislature or electing an official, a majority of the votes—more than 50 percent—is usually needed.

Because of the “winner-take-all” nature of the electoral college, a candidate can lose the popular vote nationwide but still be elected President. This has happened five times. Today, some people favor replacing the electoral college with a system that directly elects the President by popular vote. Others oppose any change, pointing out that the electoral college has served the nation well for more than 200 years.

READING CHECK **Draw Conclusions** Why is it said that the President represents all Americans?

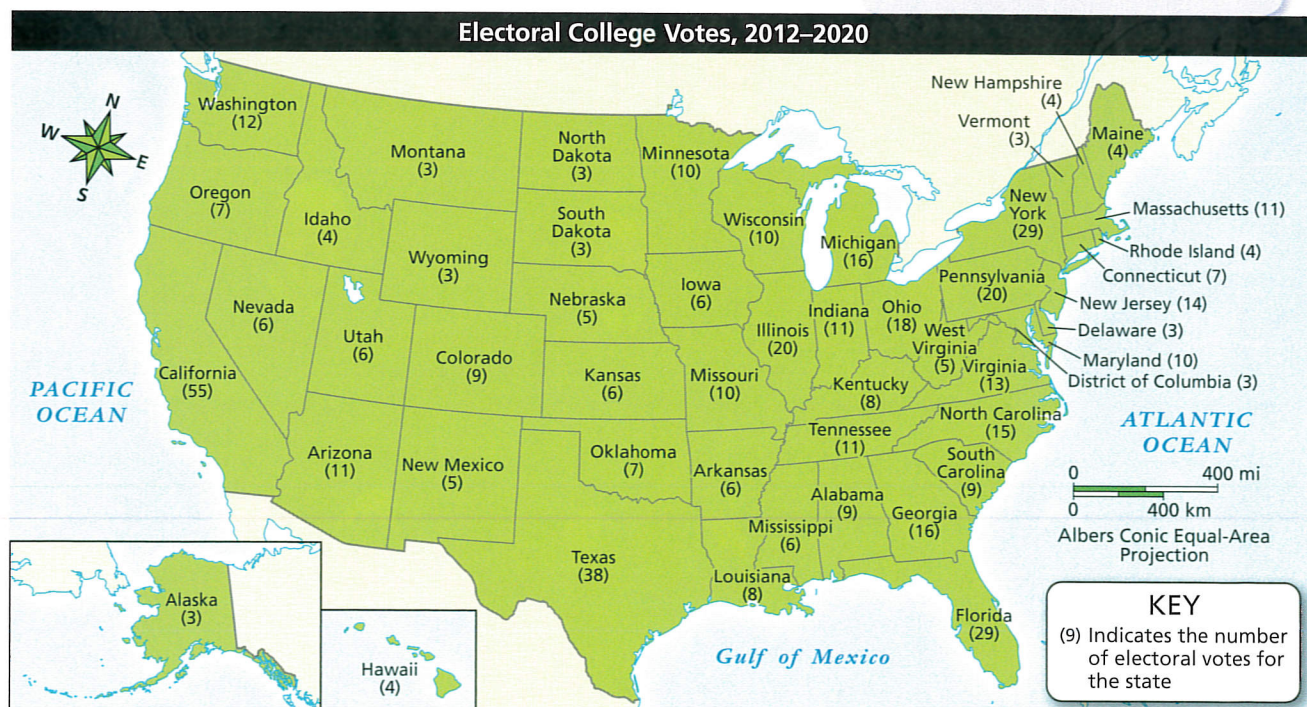
The Judicial Branch—The Supreme Court

Article III of the Constitution establishes a Supreme Court and authorizes Congress to establish any other courts that are needed. Under the Judiciary Act of 1789, Congress set up the system of federal courts that is still in place today.

GEOGRAPHY SKILLS

A state’s number of electors is based on the combined total of its Senators and representatives.

- Movement** As the population shifts, how would the number of electors change?
- Infer** What can you infer about a state’s population from the number of electors it has?



Lower Courts Most federal cases begin in district courts. Evidence is presented during trials, and a jury or a judge decides the facts of the case. A party that disagrees with the decision of the judge or jury may appeal it, that is, ask that the decision be reviewed by a higher court. The next level of courts is the appellate courts, or courts of appeal.

Appellate court judges review decisions of district courts to decide whether the lower court judges interpreted and applied the law correctly.

Supreme Court At the top of the American judicial system is the Supreme Court. The Court is made up of a Chief Justice and eight Associate Justices. The President appoints the Justices, but Congress must approve the appointments. Justices serve for life.

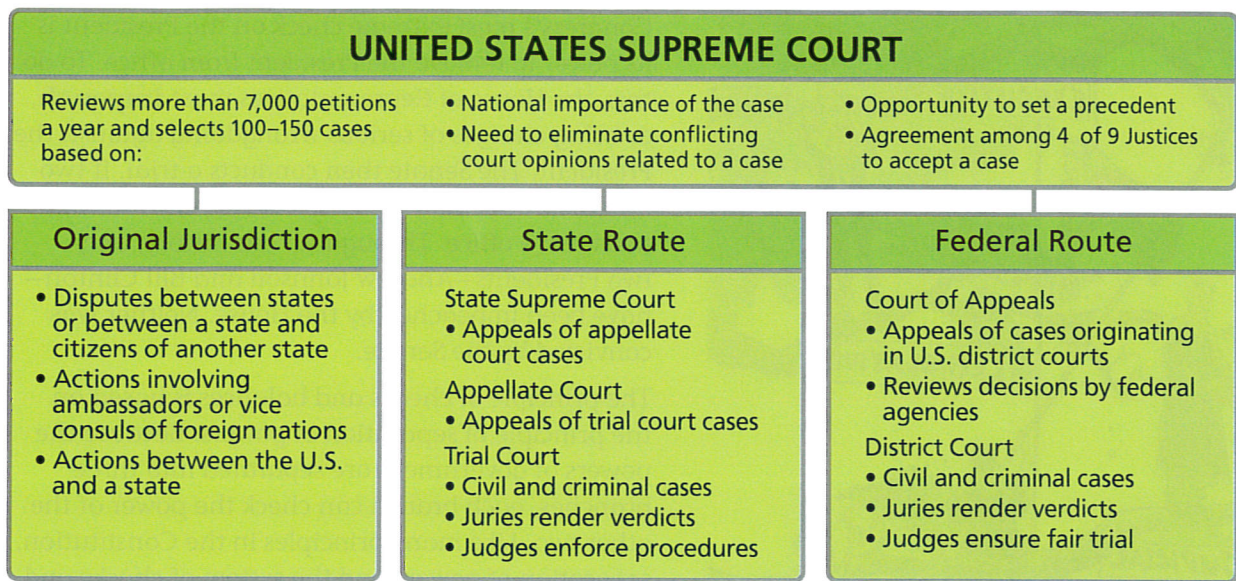
The main job of the Supreme Court is to serve as the nation's final court of appeals. It hears cases that have been tried and appealed in lower courts. Because its decisions are final, the Supreme Court is called "the court of last resort."

The Supreme Court hears and decides fewer than 100 cases each year. Most of the cases are appeals from lower courts that involve federal laws. After hearing oral arguments, the Justices vote. Decisions require a majority vote of at least five Justices.

Early on, the Court asserted the right to declare whether acts of the President or laws passed by Congress are unconstitutional, that is, not allowed under the Constitution. This power is called judicial review. The need for judicial review was first discussed in the *Federalist Papers*,


Analyze Images Members of the Supreme Court hear cases from lower courts and address the constitutionality of laws. **Identify Main Ideas** How does the work of the Supreme Court support the system of checks and balances?





and the Supreme Court has argued that the power is implicit in the Constitution, but it was not established until the 1803 case *Marbury v. Madison*, which gave the Supreme Court the power of judicial review.

Although powerful, the Supreme Court is limited by the system of checks and balances. One check on its power is that Congress can, in certain circumstances, remove Supreme Court Justices from office. Also, the Supreme Court does not have the power to pass or enforce laws. It can only provide judicial review of laws.

 **READING CHECK** **Check Understanding** What was significant about the Supreme Court decision in the case *Marbury v. Madison* (1803)?

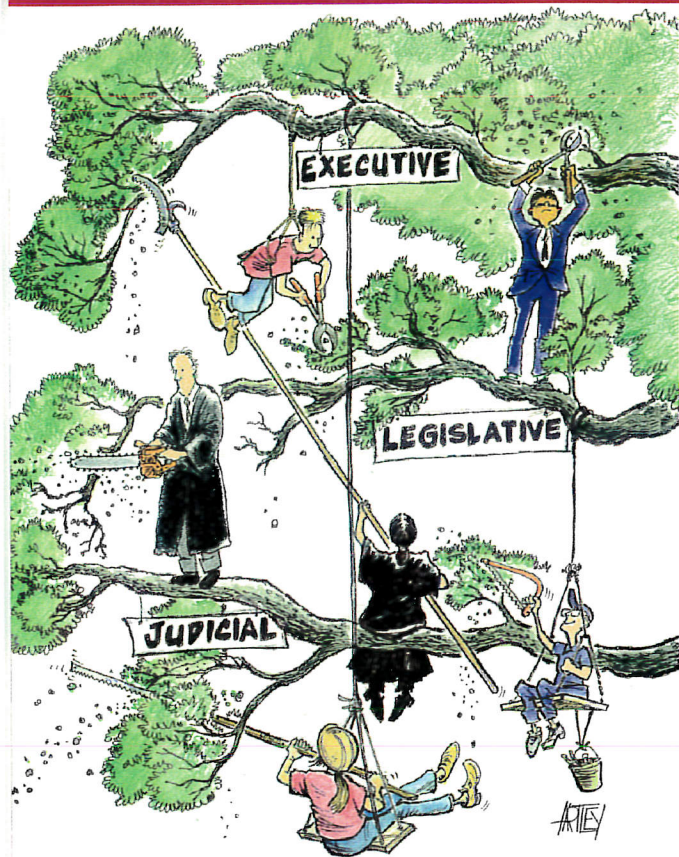
Analyze Images A case can reach the Supreme Court through several paths.

Draw Conclusions Why do you think so few cases reach the Supreme Court?

What System Exists to Prevent the Abuse of Power?

The Framers hoped that the separation of powers among three branches would prevent the rise of an all-powerful leader who would rob the people of their liberty. But how could they prevent one of the branches from abusing its power? To answer this problem, they set up a system of checks and balances.

The system of checks and balances allows each of the three branches of government to check, or limit, the power of the other two. The President, for example, can check the actions of Congress by **vetoing**, or rejecting, bills that Congress has passed. Congress can check the President by **overriding**, or overruling, the veto, with a two-thirds vote in both houses. Congress must also approve presidential appointments and ratify treaties made by the President. The Supreme Court can check both the President and Congress by declaring laws unconstitutional through its power of judicial review.



Analyze Images Here, each tree branch represents a branch of government—executive, legislative, and judicial. **Analyze Political Cartoons** How does the cartoon show that each branch can limit the power of the other two?

Congress's most extreme check on the President is its power to remove the President from office. To do this, the House of Representatives must **impeach**, or bring charges of serious wrongdoing against, the President. The Senate then conducts a trial. If two thirds of the senators vote to convict, the President must leave office. Throughout our history, only two Presidents—Andrew Johnson and Bill Clinton—have been impeached by the House. Neither was convicted by the Senate.

The principle of checks and balances is based on the principle of separation of powers. Because the powers of government are separated into three branches, each branch can check the power of the other two. Like many principles in the Constitution, separation of powers and the system of checks and balances came from European philosophers of the Enlightenment.

READING CHECK Identify Supporting

Details What checks does Congress have over the President?

Lesson Check

Practice Vocabulary

1. What words in the Preamble to the Constitution reflect the principle of **popular sovereignty**?
2. What roles do **vetoing** and **overriding** play in the process of turning a **bill** into a law?

Critical Thinking and Writing

3. **Draw Conclusions** Why is Article 6, which declares that the Constitution is the "supreme law of the land," so important?
4. **Draw Conclusions** Why do you think the Constitution deals with the legislative branch in its very first—and longest—article?

5. **Writing Workshop: Clarify Relationships with Transition Words** In your argument concerning how much power the federal government should have and what it should do, you can clarify relationships between ideas by using transition words and phrases. They can help compare ideas (*similarly*) or contrast them (*but, on the contrary*). They can also simply make an idea clearer (*to put it another way*). Think of more possible transition words and phrases and write them in your Active Journal.