Delegates kept the windows closed during meetings so that the proceedings would be secret.

Some of the most respected men in the nation served as delegates, including Alexander Hamilton and Benjamin Franklin.

Patriots win Battles of Saratoga. Continental Congress passes the Articles of Confederation.

Articles of Confederation go into effect. British surrender at Yorktown.

Spain declares war on Britain.

Treaty of Paris formally ends the Revolutionary War.

Joseph II allows religious freedom for Christians in Austria.
The year is 1787, and your young country needs to reform its government. Now everyone is wondering what the new government will be like. You have been called to a convention to decide how the new government should be organized.

How do you form a government?

What Do You Think?

• What will be your main goal in creating a new government?
• How will you get the people at the convention to agree on important issues?

The delegates of the Constitutional Convention chose George Washington, hero of the Revolutionary War, to be president of the convention.

1786–1787  Daniel Shays leads a rebellion of Massachusetts farmers.

1787  Constitutional Convention is held in Philadelphia.

1788  U.S. Constitution is ratified.

1789  George Washington becomes the first president of the United States.

1791  Bill of Rights is ratified.

1785  Jean-Paul Blanchard and John Jeffries cross the English Channel in a balloon.

1787  Freetown, Sierra Leone, is made a home for freed slaves.

1789  French Revolution begins.
Reading Strategy: Solving Problems

What Do You Know?

What do you think of when people talk about the U.S. government? Why do nations have governments? What does the U.S. government do?

Think About

• what you’ve learned about the U.S. government from the news or your teachers
• what the purpose of a government is
• how the government affects your everyday life
• your responses to the Interact with History about forming a government (see page 219)

What Do You Want to Know?

What questions do you have about how the four colonial regions developed? Record these questions in your notebook before you read the chapter.

Solving Problems

When you read history, look for how people solved problems they faced in the past. Copy the chart below in your notebook. Use it to identify the methods that Americans used to solve the problems faced by the nation after declaring its independence.


<table>
<thead>
<tr>
<th>Problems</th>
<th>Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western lands</td>
<td></td>
</tr>
<tr>
<td>Postwar depression</td>
<td></td>
</tr>
<tr>
<td>Representation in the new government</td>
<td></td>
</tr>
<tr>
<td>Slavery</td>
<td></td>
</tr>
</tbody>
</table>

CALIFORNIA STANDARDS

Reading 2.0 Students read and understand grade-level-appropriate material. They describe and connect the essential ideas, arguments, and perspectives of the text by using their knowledge of text structure, organization, and purpose.
The Confederation Era

**MAIN IDEA**
The Articles of Confederation were too weak to govern the nation after the war ended.

**WHY IT MATTERS NOW**
The weakness of the Articles of Confederation led to the writing of the U.S. Constitution.

**TERMS & NAMES**
- Wilderness Road
- republic
- Articles of Confederation
- Land Ordinance of 1785
- Northwest Territory
- Northwest Ordinance
- Shays’s Rebellion

**ONE AMERICAN’S STORY**
In 1775, Daniel Boone and 30 woodsmen cut a road over the Appalachian Mountains into Kentucky. After about 250 miles, they arrived in a meadow along the banks of the Kentucky River. Felix Walker, a member of Boone’s party, described what they saw.

**A VOICE FROM THE PAST**
On entering the plain we were permitted to view a very interesting and romantic sight. A number of buffaloes . . . between two and three hundred, made off. . . . Such a sight some of us never saw before, nor perhaps ever may again.

Felix Walker, quoted in *The Life and Adventures of Daniel Boone*

In the late 1700s, most Americans thought of Kentucky as the wild frontier. Some, like Boone, looked at the frontier and saw a world of opportunity. Exploring and governing these lands was one of the many challenges facing the new government of the United States.

**Moving West**
The trail into Kentucky that Daniel Boone helped build was called the *Wilderness Road*. This road was not easy to travel. It was too narrow for carts or wagons, but it became the main road into Kentucky. The settlers came on foot or on horseback. Settlers were drawn to Kentucky’s rich river valleys, where few Native Americans lived. But some Native Americans, such as the Shawnee, did live, hunt, and fish in the area.

Tensions between Native Americans and settlers led to violent confrontations. But the settlers did not stop coming. By the early 1790s, about 100,000 Americans lived there. While settlers headed into the Western territories, the people in the East began to create new state governments.

**CALIFORNIA STANDARDS**
- 8.2.2 Analyze the Articles of Confederation and the Constitution and the success of each in implementing the ideals of the Declaration of Independence.
- 8.3.1 Analyze the principles and concepts codified in state constitutions between 1777 and 1781 that created the context out of which American political institutions and ideas developed.
- 8.3.2 Explain how the ordinances of 1785 and 1787 privatized national resources and transferred federally owned lands into private holdings, townships, and states.
- 8.3.5 Know the significance of domestic resistance movements and ways in which the central government responded to such movements (e.g., Shays’ Rebellion, the Whiskey Rebellion).
- 8.9.2 Discuss the abolition of slavery in early state constitutions.
- 8.9.3 Describe the significance of the Northwest Ordinance in education and in the banning of slavery in new states north of the Ohio River.

**Taking Notes**
Use your chart to take notes about the western lands and postwar depression.

<table>
<thead>
<tr>
<th>Problems</th>
<th>Western lands</th>
<th>Postwar depression</th>
<th>Representation in the new government</th>
<th>Slavery</th>
</tr>
</thead>
</table>

*Confederation to Constitution* 221
New State Governments

Once the American colonies declared independence, each of the states set out to create its own government. The framers, or creators, of the state constitutions did not want to destroy the political systems that they had had as colonies. They simply wanted to make those systems more democratic. Some states experimented with creating separate branches of government, giving different powers to different branches. By creating separate branches, Americans hoped to prevent the government from becoming too powerful.

Nearly all states tried to weaken the executive branch. Terms of office were usually short, and elections were held frequently. Most states made property ownership a requirement for holding office or voting. Some states began passing laws gradually abolishing slavery. In 1783 a court decision ruled that Massachusetts’s 1780 Constitution effectively outlawed slavery by declaring that “all men are born free and equal.” By 1786 five states had abolished slavery.

Some states included a bill of rights in their constitutions as a way to keep the government under control. The idea of a bill of rights came from the English Bill of Rights of 1689. This was a list of rights that the government guaranteed to English citizens.

Although not all the states had a bill of rights, all of them did have a republican form of government. In a republic, the people choose representatives to govern them.

The Articles of Confederation

While the states were setting up their governments, Americans also discussed the form of their national government. During the Revolutionary War, Americans realized that they needed to unite to win the war against Britain. As Silas Deane, a diplomat from Connecticut, wrote, “United we stand, divided we fall.”

In 1776, the Continental Congress began to develop a plan for a national government. Congress agreed that the government should be a republic. But the delegates disagreed about whether each state should have one vote or voting should be based on population. They also disagreed about whether the national government or the individual states should control the lands west of the Appalachians.

The Continental Congress eventually arrived at a final plan, called the Articles of Confederation. In the Articles, the national government had few powers, because many Americans were afraid that a strong government would lead to tyranny, or oppressive rule. The national government was run by a Confederation Congress. Each state had only one vote in the Congress. The national government had the power to wage war, make peace, sign treaties, and issue money.

But the Articles left most important powers to the states. These powers included the authority to set taxes and enforce national laws. The Articles proposed to leave the states in control of the lands west of the Appalachian Mountains.

Background

Two states, Connecticut and Rhode Island, kept their old colonial charters as their constitutions. The other 11 states wrote new constitutions.
The Continental Congress passed the Articles of Confederation in November 1777. It then sent the Articles to the states for ratification, or approval. By July 1778, eight states had ratified the Articles. But some of the small states that did not have Western land claims refused to sign.

These states felt that unless the Western lands were placed under the control of the national government, they would be at a disadvantage. The states with Western lands could sell them to pay off debts left from the Revolution. But states without lands would have difficulty paying off the high war debts.

Over the next three years, all the states gave up their claims to Western lands. This led the small states to ratify the Articles. In 1781, Maryland became the 13th state to accept the Articles. As a result, the United States finally had an official government.

The Northwest Ordinance

One of the most important questions that the Confederation Congress faced was what to do with the Western lands that it now controlled. Congress passed important laws on how to divide and govern these lands—the Land Ordinance of 1785 and the Northwest Ordinance (1787). (See Geography in History on pages 226–227.)

The Land Ordinance of 1785 called for surveyors to stake out six-mile-square plots, called townships, in the Western lands. Each township was to set aside a square-mile section of land for schools, marking the first time the national government promoted public education. These lands later became known as the Northwest Territory. The Northwest Territory included land that formed the states of Ohio, Indiana, Michigan, Illinois, and Wisconsin and part of Minnesota.

The Northwest Ordinance (1787) described how the Northwest Territory was to be governed. As the territory grew in population, it would gain rights to self-government. When there were 60,000 people, they could apply to become a new state.

The Northwest Ordinance also set conditions for settlement in the Northwest Territory and outlined the settlers’ rights. Slavery was outlawed, but indentured servitude still existed, and slaves already in the territories were not automatically freed. Fugitives were to be returned. The rivers were to be open to navigation by all. Freedom of religion and trial by jury were guaranteed.
The Northwest Ordinance was important because it set a pattern for the orderly growth of the United States. As the nation grew, it followed this pattern in territories added after the Northwest Territory. The decision to ban slavery in the Northwest Territory contributed to the growing division between North and South over the practice.

**Weaknesses of the Articles**

Aside from its handling of land issues, however, the Confederation Congress had few successes. By the end of the Revolutionary War, the United States faced serious problems, and the Confederation Congress did not have enough power to solve them.

Debt was a critical problem for the government. Congress had borrowed large sums to pay for the Revolutionary War. Much of that money was owed to soldiers of its own army. Upset at not being paid, several hundred soldiers surrounded the Pennsylvania State House where Congress was meeting in June 1783. The soldiers threatened the legislators, thrusting their bayonets through the windows. The delegates were forced to flee the city. The event was a clear sign of Congress’s weakness.

Even if Congress wanted to pay the soldiers, it did not have the power to levy taxes. The national government depended on the states to send money to Congress. But the states sent very little money.

Congress was not alone in facing economic crises. People throughout the nation faced hard times. In Massachusetts, the economy was so bad that people rose up in arms against the government.

**Shays’s Rebellion**

In the mid-1780s, Massachusetts faced economic problems, as did other states. People had little money, but the state continued to levy high taxes. The average family owed $200 in taxes per year—more money than most farmers made. Many Massachusetts farmers fell deeply into debt. Debt laws at the time were strict. Anyone who could not repay his debts would have his property auctioned off. If the auction didn’t raise enough money to settle the debts, the debtor could be put in jail. In western...
Massachusetts, many jails were packed with debtors. Farmers asked the Massachusetts legislature to provide debt relief. But the legislature refused—and the farmers rebelled. One of the leaders of the rebellion was a Revolutionary War veteran named Daniel Shays. He commanded a group of about 1,500 men.

In January 1787, Shays and his men marched on a federal arsenal, a place to store weapons. The arsenal was defended by 900 soldiers from the state militia. The militia quickly defeated Shays's men. But even though the militia put down Shays’s Rebellion, as the uprising came to be known, the farmers won the sympathy of many people. America’s leaders realized that an armed uprising of common farmers spelled danger for the nation.

Some leaders hoped that the nation’s ills could be solved by strengthening the national government. In the next section, you’ll read how Americans held a convention to change the Articles of Confederation.

Background
In 1788, Daniel Shays was pardoned for his actions.

Section 1
1. Terms & Names
   Explain the significance of:
   - Wilderness Road
   - republic
   - Articles of Confederation
   - Land Ordinance of 1785
   - Northwest Territory
   - Northwest Ordinance
   - Shays’s Rebellion

2. Using Graphics
   Use a diagram like the one below to list some of the challenges Americans faced in shaping a new government.

   ![Challenges Diagram]

   Which challenge do you think was the toughest? Why? (H11)

3. Main Ideas
   a. What issues affected the Western territories between 1775 and 1787? (8.2.2)
   b. What were three successes of the Continental Congress? (8.2.2)
   c. What were the strengths and weaknesses of the Articles of Confederation? (8.2.2)

4. Critical Thinking
   Forming and Supporting Opinions Which side would you have supported during Shays's Rebellion—the farmers or the officials who called out the militia? Why? (REP4)

   THINK ABOUT
   - the farmers’ problems
   - the farmers’ march on the arsenal
   - the job of the government

ACTIVITY OPTIONS
CIVICS
Write an opinion article about how the United States should govern the Western territories or draw a map showing how you would have divided the lands. (REP5)

GEOGRAPHY

Shays’s rebels take over a Massachusetts courthouse. A stone marker rests on the spot of the rebellion.
The Northwest Territory

The Northwest Territory was officially known as “the Territory Northwest of the River Ohio.” In the mid-1780s, Congress decided to sell the land in the territory to settlers. The sale of land solved two problems. First, it provided cash for the government. Second, it increased American control over the land.

The Land Ordinance of 1785 outlined how the land in the Northwest Territory would be divided. Congress split the land into grids with clearly defined boundaries. It created townships that could be divided into sections, as shown on the map below. Each township was six miles by six miles. This was an improvement over earlier methods of setting boundaries. Previously, people had used rocks, trees, or other landmarks to set boundaries. There had been constant fights over disputed claims.

The Land Ordinance of 1785

Each township contained 36 sections. Each section was one square mile.

The Theodolite

This surveying tool consists of a telescope that can be moved from side to side and up and down. A theodolite measures angles and determines alignment. These functions are necessary for land surveyors to establish accurate boundaries for land claims.

Township Map

Congress reserved several plots (outlined on map) for special purposes. A few were set aside for later sale to raise money for the government. One plot was reserved to support a local school.

CALIFORNIA STANDARDS

8.3.2 Explain how the ordinances of 1785 and 1787 privatized national resources and transferred federally owned lands into private holdings, townships, and states.
The first things settlers needed were food and shelter. Cutting trees provided fields for crops and wood for log cabins. The first crop most farmers planted was corn. Even if the land was not fully cleared of trees, farmers planted corn between the stumps.

A shortage of labor meant that a farmer working alone was doing well if he cleared several acres a year. As a result, few farms were completely fenced in, and forest covered most of the property. Hogs were allowed to find food in the woods. Farmers collected apples from trees and used sap to make syrup.

Over time, families planted fruits and vegetables. Cattle raising also became more common. Beef cattle supplied families with meat. Dairy cattle provided milk. Families could sell extra fruits, vegetables, and dairy products, such as butter and cheese.

**CONNECT TO GEOGRAPHY**
1. **Region** What was the land in the Northwest Territory like before Americans settled there?
2. **Human-Environment Interaction** How did American settlers affect the landscape in the territory?

**CONNECT TO HISTORY**
3. **Making Inferences** Why did so many people buy land in the new territory?
Creating the Constitution

ONE AMERICAN’S STORY

On May 15, 1787, Virginia Governor Edmund Randolph arrived in Philadelphia. The young nation faced lawlessness, as Shays’s Rebellion had shown. Now delegates from throughout the states were coming to Philadelphia to discuss reforming the government. Early in the convention Randolph rose to speak.

A VOICE FROM THE PAST

Let us not be afraid to view with a steady eye the [dangers] with which we are surrounded. . . . Are we not on the eve of [a civil] war, which is only to be prevented by the hopes from this convention?

Edmund Randolph, quoted in Edmund Randolph: A Biography

Over the next four months, the delegates debated how best to keep the United States from falling apart. In this section, you will read about the Convention of 1787 and the creation of the U.S. Constitution.

A Constitutional Convention Is Called

In 1786, a series of events began that would eventually lead to a new form of government for the United States. In September of that year, delegates from five states met in Annapolis, Maryland, to discuss ways to promote trade among their states. At the time, most states placed high taxes on goods from other states. The delegates believed that creating national trade laws would help the economies of all the states.

Making such changes required amending the Articles of Confederation, because the national government had been granted no power to regulate trade among the states. The Annapolis delegates, led by Alexander Hamilton of New York, called for the states to send representatives to...
A. Evaluating
How well do the characteristics of the Founders serve as models of civic virtue?

A. Possible Response
They provide an excellent model of civic virtue because they were educated, well-informed, and actively participated in government.

Philadelphia the following May to discuss such changes. At first, many Americans doubted that the national government needed strengthening. But news of Shays's Rebellion in late 1786 and early 1787 quickly changed many people's minds. Fearing that rebellion might spread, 12 states sent delegates to the meeting in Philadelphia in the summer of 1787. Only Rhode Island refused to participate.

The Convention’s Delegates
The 55 delegates to the Constitutional Convention, as the Philadelphia meeting became known, were a very impressive group. About half were lawyers. Others were planters, merchants, and doctors. Three-fourths of them had been representatives in the Continental Congress. Many had been members of their state legislatures and had helped write their state constitutions. Along with other leaders of the time, these delegates are called the Founders, or Founding Fathers, of the United States.

America's most famous men were at the Constitutional Convention. George Washington, the hero of the Revolution, came out of retirement for the meeting. Benjamin Franklin, the famous scientist and statesman, lent his wit and wisdom to the convention. One of the ablest delegates was James Madison. Madison had read more than a hundred books on government in preparation for the meeting. When Thomas Jefferson, serving as ambassador to France, read the list of delegates, he wrote, “It is really an assembly of demigods.”

Not everyone was at the Constitutional Convention. Thomas Jefferson and John Adams were overseas at their diplomatic posts. But they wrote home to encourage the delegates. Others had a less positive outlook on the convention. For example, Patrick Henry, who had been elected as a delegate from Virginia, refused to attend. He said he “smelled a rat in Philadelphia, 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. The nation's early leaders did not consider these groups of people to be citizens and did not invite any of them to attend. However, the framework of government the Founders established is the very one that would eventually provide full rights and responsibilities to all Americans.

The Delegates Assemble
Most of the delegates arrived at the Constitutional Convention without a clear idea of what to expect. Some thought they would only draft amendments to the Articles of Confederation. Others thought they would design
an entirely new plan for the government. But they all agreed that the government should protect people's rights.

Back in 1776, many Americans thought that government was the main threat to people's rights. But by 1787, many realized that the people often came into conflict and needed a government that could maintain order. As a result, the government had to be strong enough to protect people's rights but not too strong to be controlled. Madison later wrote about this problem.

**A VOICE FROM THE PAST**

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it [the government] to control itself.

James Madison, *The Federalist “Number 51”*

This was the challenge that faced the delegates: how to set up a strong but limited federal government. Some, such as Gouverneur Morris of New York, wanted the upper class to control the new government. Others, such as James Wilson of Pennsylvania, favored a direct democracy open to more people. By May 25, 1787, at least two delegates from each of seven states had arrived in Philadelphia. With 29 delegates in attendance, the convention was officially under way.

**The Convention Begins**

The first order of business was to elect a president for the convention. Robert Morris of Pennsylvania nominated George Washington. Every delegate voted for him. Washington's quiet and dignified leadership set a solemn and serious tone for the convention.

At their next meeting, the delegates decided on the rules for the convention. They wanted to be able to consider all ideas and to be able to change sides in any debate. They did not want to be pressured by the politics of the day. For these reasons, they decided that their discussions would remain secret. To ensure privacy, the windows in their meeting room were kept shut even though it was summer. Guards were posted outside the door. With the secrecy rule approved, they got down to business.

**The Virginia Plan**

On May 29, the delegates began the real work of designing a new national government. Presiding over the convention, George Washington recognized Edmund Randolph as the first speaker. Randolph offered a
plan for a whole new government. The plan became known as the **Virginia Plan**. Madison, Randolph, and the other Virginia delegates had drawn up the plan while they waited for the convention to open.

The Virginia Plan proposed a government that would have three branches. The first branch of government was the legislature, which made the laws. The second branch was the executive, which enforced the laws. The third branch was the judiciary, which interpreted the laws.

The Virginia Plan proposed a legislature with two houses. In both houses, the number of representatives from each state would be based on the state’s population or its wealth. The legislature would have the power to levy taxes, regulate commerce, and make laws “in all cases where the separate states are incompetent [unable].”

The Virginia Plan led to weeks of debate. Because they had larger populations, larger states supported the plan. It would give them greater representation in the legislature. The smaller states opposed this plan. They worried that the larger states would end up ruling the others. Delaware delegate John Dickinson voiced the concerns of the small states.

*A VOICE FROM THE PAST*

Some of the members from the small states wish for two branches in the general legislature and are friends to a good [strong] national government; but we would sooner submit [give in] to a foreign power than submit to be deprived, in both branches of the legislature, of an equal suffrage [vote], and thereby be thrown under the domination of the larger states.

**John Dickinson,** quoted in *Mr. Madison’s Constitution*

**The Great Compromise**

In response to the Virginia Plan, New Jersey delegate William Paterson presented an alternative on June 15. The **New Jersey Plan** called for a legislature with only one house. In it, each state would have one vote. In providing equal representation to each state, the New Jersey Plan was similar to the Articles of Confederation.

Even though the New Jersey Plan gave the legislature the power to regulate trade and to raise money by taxing foreign goods, it did not offer the broad powers proposed by the Virginia Plan. The delegates voted on these two plans on June 19. The Virginia Plan won and became the framework for drafting the Constitution.
During the rest of June, the delegates argued over representation in the legislature. Emotions ran high as the delegates struggled for a solution. In desperation, the delegates selected a committee to work out a compromise in early July. The committee offered the **Great Compromise**. (Some people also refer to it as the Connecticut Compromise.) To satisfy the smaller states, each state would have an equal number of votes in the Senate. To satisfy the larger states, the committee set representation in the House of Representatives according to state populations. More than a week of arguing followed the introduction of the plan, but on July 16, 1787, the convention passed it.

**Slavery and the Constitution**

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. The Southern states had many more slaves than the Northern states. Southerners wanted the slaves to be counted as part of the general population for representation but not for taxation. Northerners argued that slaves were not citizens and should not be counted for representation but should be counted for taxation.

On this issue, the delegates reached another compromise, known as the **Three-Fifths Compromise**. Under this compromise, three-fifths of the slave population would be counted when setting direct taxes on the states. This three-fifths ratio also would be used to determine representation in the legislature.

The delegates had another heated debate about the slave trade. Slavery had already been outlawed in several Northern states. All of the Northern states and several of the Southern states had banned the importation of slaves. Many Northerners wanted to see this ban extended to the rest of the nation. But Southern slaveholders strongly
disagreed. 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.

Regulating Trade

Aside from delaying any ban on the slave trade, the Constitution placed few limits on Congress’s power to regulate commerce. Most delegates were glad that Congress would regulate—and even promote—commerce. After all, commercial problems were the main cause of the Annapolis Convention in 1786. Southerners, however, succeeded in banning Congress from taxing exports because Southern economies depended on exports. The Constitution also gave Congress sole power to coin money. Congress could issue money under the Articles of Confederation, but so could the states, which led to economic conflicts.

The Articles of Confederation granted Congress and the states the power to make treaties with Native Americans, and this power was granted exclusively to Congress under the Constitution’s Commerce Clause. But the status of Native Americans under the Constitution remained hazy. They were not citizens, nor were they considered foreign nations.

The Constitutional Convention continued to meet into September. On September 15, 1787, the delegates voted their support for the Constitution in its final form. All but three delegates signed the Constitution. It was then sent to the Confederation Congress, which sent it to the states for ratification, or approval. In the next section, you will read about the debate over ratification.
ONE AMERICAN’S STORY

In 1788, in Hartford, Connecticut, 168 delegates met to decide whether their state should ratify the U.S. Constitution. Samuel Huntington, Connecticut’s governor, addressed the assembly.

A VOICE FROM THE PAST

This is a new event in the history of mankind. Heretofore, most governments have been formed by tyrants and imposed on mankind by force. Never before did a people, . . . meet together by their representatives and . . . frame for themselves a system of government.

Samuel Huntington, quoted in Original Meanings

In this section, you will learn about the ratification of the Constitution.

Federalists and Antifederalists

By the time the convention in Connecticut opened, Americans had already been debating the new Constitution for months. The document had been printed in newspapers and handed out in pamphlets across the United States. The framers of the Constitution knew that the document would cause controversy. They immediately began to campaign for ratification, or approval, of the Constitution.

The framers suspected that people might be afraid 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. Federalism is a system of government in which power is shared between the central (or federal) government and the states. Linking themselves to the idea of federalism, the people who supported the Constitution took the name Federalists.

People who opposed the Constitution were called Antifederalists. They thought the Constitution took too much power away from the
states and did not guarantee rights for the people. Some were afraid that a strong president might be declared king. Others thought the Senate might turn into a powerful aristocracy. In either case, the liberties won at great cost during the Revolution might be lost.

Antifederalists published their views about the Constitution in newspapers and pamphlets. They used logical arguments to convince people to oppose the Constitution. But they also tried to stir people’s emotions by charging that it would destroy American liberties. As one Antifederalist wrote, “After so recent a triumph over British despots [oppressive rulers], . . . it is truly astonishing that a set of men among ourselves should have had the effrontery [nerve] to attempt the destruction of our liberties.”

The Federalist Papers
The Federalists did not sit still while the Antifederalists attacked the Constitution. They wrote essays to answer the Antifederalists’ attacks. The best known of the Federalist essays are The Federalist papers. These essays first appeared as letters in New York newspapers. They were later published together in a book called The Federalist.

Three well-known politicians wrote The Federalist papers—James Madison, Alexander Hamilton, and John Jay, the secretary of foreign affairs for the Confederation Congress. Like the Antifederalists, the Federalists appealed to reason and emotion. In The Federalist papers, Hamilton described why people should support ratification.

A VOICE FROM THE PAST
Yes, my countrymen, . . . I am clearly of opinion it is in your interest to adopt it [the Constitution]. I am convinced that this is the safest course for your liberty, your dignity, and your happiness.

Alexander Hamilton, The Federalist “Number 1”

Federalists and Antifederalists

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<thead>
<tr>
<th>FEDERALISTS</th>
<th>ANTIFEDERALISTS</th>
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<tbody>
<tr>
<td>• Supported removing some powers from the states and giving more powers to the national government</td>
<td>• Wanted important political powers to remain with the states</td>
</tr>
<tr>
<td>• Favored dividing powers among different branches of government</td>
<td>• Wanted the legislative branch to have more power than the executive</td>
</tr>
<tr>
<td>• Proposed a single person to lead the executive branch</td>
<td>• Feared that a strong executive might become a king or tyrant</td>
</tr>
<tr>
<td>• Believed a bill of rights needed to be added to the Constitution to protect people’s rights</td>
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SKILLBUILDER Interpreting Charts
1. Which group wanted a stronger central government?
2. If you had been alive in 1787, would you have been a Federalist or an Antifederalist?
The Federalists had an important advantage over the Antifederalists. Most of the newspapers supported the Constitution, giving the Federalists more publicity than the Antifederalists. Even so, there was strong opposition to ratification in Massachusetts, North Carolina, Rhode Island, New York, and Virginia. If some of these states failed to ratify the Constitution, the United States might not survive.

**The Battle for Ratification**

The first four state conventions to ratify the Constitution were held in December 1787. It was a good month for the Federalists. Delaware, New Jersey, and Pennsylvania voted for ratification. In January 1788, Georgia and Connecticut ratified the Constitution. Massachusetts joined these states in early February.

By late June, nine states had voted to ratify the Constitution. That meant that the document was now officially ratified. But New York and Virginia had not yet cast their votes. There were many powerful Antifederalists in both of those states. Without Virginia, the new government would lack the support of the largest state. Without New York, the nation would be separated into two parts geographically.

Virginia’s convention opened the first week in June. The patriot Patrick Henry fought against ratification. George Mason, perhaps the most influential Virginian aside from Washington, also was opposed to it. Mason had been a delegate to the Constitutional Convention in Philadelphia, but he refused to sign the final document. Both Henry and Mason would not consider voting for the Constitution until a bill of rights was added. A bill of rights is a set of rules that defines people’s rights.

James Madison was also at Virginia’s convention. He suggested that Virginia follow Massachusetts’s lead and ratify the Constitution, and he recommended the addition of a bill of rights. With the addition of a bill of rights likely, Virginia ratified the Constitution at the end of June.
The news of Virginia’s vote arrived while the New York convention was in debate. The Antifederalists had outnumbered the Federalists when the convention had begun. But with the news of Virginia’s ratification, New Yorkers decided to join the Union. New York also called for a bill of rights.

It was another year before North Carolina ratified the Constitution. In 1790, Rhode Island became the last state to ratify it. By then, the new Congress had already written a bill of rights and submitted it to the states for approval.

**The Bill of Rights**

At the same time that seven of the states ratified the Constitution, they asked that it be amended to include a bill of rights. Supporters of a bill of rights hoped that it would set forth the rights of all Americans. They believed it was needed to protect people against the power of the national government.

Madison, who was elected to the new Congress in the winter of 1789, took up the cause. He proposed a set of changes to the Constitution. Congress edited Madison’s list and proposed placing the amendments at the end of the Constitution in a separate section.

The amendments went to the states for ratification. As with the Constitution, three-quarters of the states had to ratify the amendments for them to take effect. With Virginia’s vote in 1791, ten of the amendments were ratified and became law. These ten amendments to the U.S. Constitution became known as the Bill of Rights. (See the Constitution Handbook, pages 266–268.)

The passage of the Bill of Rights was one of the first acts of the new government. In the next chapter, you will read about other issues that faced the new government.

**Religious Freedom**

Jefferson and Madison believed that government enforcement of religious laws was the source of much social conflict. They supported freedom of religion as a way to prevent such conflict.

In 1777 Jefferson drafted the Virginia Statute for Religious Freedom, which Madison helped pass into law in 1786. The Statute, which became a basis of the First Amendment to the Constitution, assures that “no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever,” and that “all men shall be free to profess, and by argument to maintain, their opinion in matters of religion.”

Jefferson was so proud of writing the Statute that he had it listed on his tombstone as one of his greatest achievements.

Why might religious freedom be important in the new country?
The Federalist “Number 51”

Setting the Stage James Madison wrote 29 essays in The Federalist papers to argue in favor of ratifying the Constitution. In The Federalist “Number 51,” Madison explains how the government set up by the Constitution will protect the rights of the people by weakening the power of any interest, or group, to dominate the government. See Primary Source Explorer

It is of great importance in a republic not only to guard the society against the oppression of its rulers, but to guard one part of the society against the injustice of the other part. Different interests necessarily exist in different classes of citizens. If a majority be united by a common interest, the rights of the minority will be insecure. There are but two methods of providing against this evil: the one by creating a will in the community independent of the majority—that is, of the society itself; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole very improbable, if not impracticable.

Whilst all authority in it will be derived from and dependent on the society, the society itself will be broken into so many parts, interests and classes of citizens, that the rights of individuals, or of the minority, will be in little danger from interested combinations of the majority. In a free government the security for civil rights must be the same as that for religious rights. It consists in the one case in the multiplicity of interests, and in the other in the multiplicity of sects.

In the extended republic of the United States, and among the great variety of interests, parties, and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good. . . .

It is no less certain than it is important . . . that the larger the society, provided it lie within a practicable sphere, the more duly capable it will be of self-government. And happily for the republican cause, the practicable sphere may be carried to a very great extent by a judicious modification and mixture of the federal principle.

—James Madison

A CLOSER LOOK

MINORITY RIGHTS

In the 1700s, people feared that democratic majorities could turn into mobs that would violate other people’s rights. Madison had to explain how the Constitution would prevent this.

1. What two methods does Madison suggest a society can use to protect minority rights?

A CLOSER LOOK

REPUBLICS IN LARGE SOCIETIES

For centuries, people believed that only small societies could be republics. But Madison argues that large societies are more likely to remain republics.

2. Why does Madison believe that a large republic is likely to protect justice?

1. comprehending: understanding.
2. impracticable: not practical or realistic.
3. whilst: while.
4. multiplicity of sects: large number of groups.
5. coalition: alliance of groups.
6. judicious modification: careful change.
Objections to the Constitution

Setting the Stage  George Mason was one of the leading Antifederalists. In “Objections to the Constitution of Government Formed by the Convention,” he listed his reasons for opposing ratification. Above all, he feared that the Constitution created a government that would destroy democracy in the young nation. See Primary Source Explorer

There is no Declaration of Rights; and the Laws of the general Government being paramount¹ to the Laws and Constitutions of the several States, the Declaration of Rights in the separate States are no Security. Nor are the people secured even in the Enjoyment of the Benefits of the common-Law. . . .

In the House of Representatives, there is not the Substance, but the Shadow only of Representation; which can never produce proper Information in the Legislature, or inspire Confidence in the People; the Laws will therefore be generally made by Men little concern’d in, and unacquainted² with their Effects and Consequences.

The Senate have the Power of altering all Money-Bills, and of originating Appropriations of Money and the Sallerys³ of the Officers of their own Appointment in Conjunction⁴ with the President of the United States; altho’ they are not the Representatives of the People, or amenable⁵ to them. . . .

The President of the United States has the unrestrained Power of granting Pardon for Treason; which may be sometimes exercised to screen from Punishment those whom he had secretly instigated⁶ to commit the Crime, and thereby prevent a Discovery of his own Guilt.

This Government will commence⁷ in a moderate Aristocracy⁸; it is at present impossible to foresee whether it will, in [its] Operation, produce a Monarchy⁹, or a corrupt oppressive Aristocracy; it will most probably vibrate some Years between the two, and then terminate in the one or the other.

—George Mason

A CLOSER LOOK

DECLARATION OF RIGHTS
At the time of the ratification debate, Americans across the nation complained that the Constitution did not include a bill of rights.

3. What arguments does Mason make about the lack of a Declaration of Rights?

A CLOSER LOOK

ABUSE OF POWER
Mason believed that presidents might abuse the power to grant pardons for treason in order to protect the guilty.

4. Can you think of any presidents who have granted pardons?

Interactive Primary Sources Assessment

1. Main Ideas
   a. Why does Madison believe that a society broken into many parts will not endanger minority rights? (REP5)
   b. What does Mason argue might happen if the president had the power to pardon people? (REP5)
   c. For each writer, what is one example of a fact and one example of an opinion? (REP5)

2. Critical Thinking
   Drawing Conclusions Who do you think makes the stronger argument? Explain your reasons. (REP4)
   THINK ABOUT
   • what you know about the history of the United States
   • the evidence used by each writer

1. paramount: most important.
2. unacquainted: unfamiliar.
3. sallerys: salaries.
4. conjunction: joining.
5. amenable: agreeable.
6. instigated: caused.
7. commence: begin.
8. aristocracy: rule by a few, usually nobles.
9. monarchy: rule by one, usually a king.
CRITICAL THINKING

1. USING YOUR NOTES:
   SOLVING PROBLEMS

<table>
<thead>
<tr>
<th>Problems</th>
<th>Solutions</th>
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<tbody>
<tr>
<td>Western lands</td>
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<tr>
<td>Postwar depression</td>
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<tr>
<td>Representation in the new government</td>
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<tr>
<td>Slavery</td>
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</tbody>
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   Using your completed chart, answer the questions below. (HI2)
   a. What were the major problems facing the nation during the Confederation Era?
   b. How well did the nation solve these problems? Explain.

2. ANALYZING LEADERSHIP

   Think about the leaders discussed in this chapter. Based on their actions, which leader do you think made the greatest contribution to the Constitutional Convention? Why? (HI1)

3. THEME: DEMOCRATIC IDEALS

   How do the Articles of Confederation and the Constitution each carry out democratic ideals? (REP4)

4. APPLYING CITIZENSHIP SKILLS

   Do you think the Founders were right to make the compromises they did in the Constitution on the issues of representation and slavery? What might have happened if they had not compromised? (HI4)

5. RECOGNIZING EFFECTS

   How might U.S. history be different if Virginia had refused to ratify the Constitution? If New York had refused? If both had refused? (HI4)

   How did your ideas about how you would form a government change after reading this chapter?
Use the map and your knowledge of U.S. history to answer questions 1 and 2.

Additional Test Practice, pp. S1–S33.

1. In which two states did the Federalists have statewide majorities? (8.2.4)
   A. Delaware and New Jersey  
   B. Delaware and New York  
   C. New Jersey and Pennsylvania  
   D. New York and Pennsylvania

2. Which of the following is true? (8.2.4)
   A. Most of New York supported the Federalists.  
   B. Most of Pennsylvania supported the Antifederalists.  
   C. Philadelphia supported the Federalists.  
   D. New Jersey supported both positions equally.

This quotation from John Dickinson describes his view of the Virginia Plan. Use the quotation and your knowledge of U.S. history to answer question 3.

**PRIMARY SOURCE**

Some of the members from the small states wish for two branches in the general legislature and are friends to a good [strong] national government; but we would sooner submit [give in] to a foreign power than submit to be deprived, in both branches of the legislature, of an equal suffrage [vote], and thereby be thrown under the domination of the larger states.

John Dickinson, quoted in *Mr. Madison’s Constitution*

3. Which statement best summarizes his concern? (8.2.3)
   A. Large states should have more votes.  
   B. Small states should have more votes.  
   C. All states should have equal votes.  
   D. The states should not have any votes.
The Living Constitution

The Framers of the Constitution created a flexible plan for governing the United States far into the future. They also described ways to allow changes in the Constitution. For over 200 years, the Constitution has guided the American people. It remains a “living document.” The Constitution still thrives, in part, because it echoes the principles the delegates valued. Each generation of Americans renews the meaning of the Constitution’s timeless ideas. These two pages show you some ways in which the Constitution has shaped events in American history.

“In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce.”

—JAMES MADISON, CONSTITUTIONAL CONVENTION

1787
Delegates in Philadelphia sign the Constitution.

1965
Civil rights leaders protest to end the violation of their constitutional rights. Dr. Martin Luther King, Jr., Coretta Scott King, and others march from Selma toward Montgomery, Alabama, to gain voting rights.
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HOW TO READ THE CONSTITUTION

The complete text of the Constitution of the United States begins on page 248. The main column has the actual text. Some of the spellings and punctuation have been updated for easier reading. Headings and subheadings have been added to the Constitution to help you find specific topics. Those parts of the Constitution that are no longer in use have been crossed out. “A Closer Look” notes and charts will help you understand issues related to the Constitution.

1971

The 26th Amendment to the Constitution gives young people “18 years of age or older” the right to vote.

1981

A Supreme Court decision rules that Congress can exclude women from the draft. Still, many women who have joined the armed forces have served in combat.

1999

The Senate tries President Bill Clinton for the impeachment charges brought against him by the House of Representatives. As required by the Constitution, the Senate needs a two-thirds majority vote to convict him. This rule saves his presidency.
Seven Principles of the Constitution

The Framers of the Constitution constructed a new system of government. Seven principles supported their efforts. To picture how these principles work, imagine seven building blocks. Together they form the foundation of the United States Constitution. In the pages that follow, you will find the definitions and main ideas of the principles shown in the graphic below.

1. **Popular Sovereignty**

   *Who Gives the Government Its Power?*

   “We the people of the United States . . . establish this Constitution for the United States of America.” These words from the Preamble, or introduction, to the Constitution clearly spell out the source of the government’s power. The American form of government comes from a school of political thought called classical liberalism, which emphasizes freedom, democracy, and the importance of the individual. The Constitution rests on the idea of **popular sovereignty**—a government in which the people rule. As the nation changed and grew, popular sovereignty took on new meaning. A broader range of Americans shared in the power to govern themselves.

   In 1987, Americans gathered in Washington, D.C., to celebrate the 200th anniversary of the Constitution. The banner proudly displays that the power to govern belongs to the people.

---

**CALIFORNIA STANDARDS**

8.1.4 Describe the nation’s blend of civic republicanism, classical liberal principles, and English parliamentary traditions.

8.2.7 Describe the principles of federalism, dual sovereignty, separation of powers, checks and balances, the nature and purpose of majority rule, and the ways in which the American idea of constitutionalism preserves individual rights.
Republicanism

How Are People’s Views Represented in Government?

The Framers of the Constitution wanted the people to have a voice in government. Yet the Framers also feared that public opinion might stand in the way of sound decision making. To solve this problem, they looked to republicanism as a model of government.

Republicanism is based on this belief: The people exercise their power by voting for their political representatives. According to the Framers, these lawmakers played the key role in making a republican government work. Article 4, Section 4, of the Constitution also calls for every state to have a “republican form of government.” Civic Republicanism is the idea that citizens stay informed about politics and participate in the process.

Federalism

How Is Power Shared?

The Framers wanted the states and the nation to become partners in governing. To build cooperation, the Framers turned to federalism. Federalism is a system of government in which power is divided between a central government and smaller political units, such as states. In the early years of the United States, federalism was closely related to dual sovereignty, the idea that the powers of the federal government and the states were clearly defined, and each had exclusive power over their own spheres with little overlap. This view of federalism led to states’ rights conflicts, which were contributing factors in the Civil War.

The Framers used federalism to structure the Constitution. The Constitution assigns certain powers to the national government. These are delegated powers. Powers kept by the states are reserved powers. Powers shared or exercised by national and state governments are known as concurrent powers.
4 Separation of Powers
How Is Power Divided?

The Framers were concerned that too much power might fall into the hands of a single group. To avoid this problem, they built the idea of separation of powers into the Constitution. This principle means the division of basic government roles into branches. No one branch is given all the power. Articles 1, 2, and 3 of the Constitution detail how powers are split among the three branches.

Separation of Powers

Baron de Montesquieu, an 18th-century French thinker, wrote, “Power should be a check to power.” His comment refers to the principle of checks and balances. Each branch of government can exercise checks, or controls, over the other branches. Though the branches of government are separate, they rely on one another to perform the work of government.

The Framers included a system of checks and balances in the Constitution to help make sure that the branches work together fairly. For example, only Congress can pass laws. Yet the president can check this power by refusing to sign a law into action. In turn, the Supreme Court can declare that a law, passed by Congress and signed by the president, violates the Constitution.
6 Limited Government
How Is Abuse of Power Prevented?

The Framers restricted the power of government. Article 1, Section 9, of the Constitution lists the powers denied to the Congress. Article 1, Section 10, forbids the states to take certain actions.

The principle of limited government is also closely related to the “rule of law”: In the American government everyone, citizens and powerful leaders alike, must obey the law. Individuals or groups cannot twist or bypass the law to serve their own interests.

Students exercise their right to protest. They urge the community to protect the environment.

7 Individual Rights
How Are Personal Freedoms Protected?

The first ten amendments to the Constitution shield people from an overly powerful government. These amendments are called the Bill of Rights. The Bill of Rights guarantees certain individual rights, or personal liberties and privileges. For example, government cannot control what people write or say. People also have the right to meet peacefully and to ask the government to correct a problem. Later amendments to the Constitution also advanced the cause of individual rights.

Assessment: Principles of the Constitution

1. Main Ideas
   a. What are the seven principles of government? (8.2.7)
   b. How does the Constitution reflect the principle of separation of powers? (8.2.7)
   c. Why did the Framers include a system of checks and balances in the Constitution? (8.2.7)

2. Critical Thinking
   Forming Opinions How do the rights and responsibilities of U.S. citizenship reflect American national identity? (8.2.7)
   THINK ABOUT
   • what it means to be an American
   • the rights and responsibilities of U.S. citizens
The Constitution of the United States

Preamble. Purpose of the Constitution

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.

“A CLOSER LOOK Goals of the Preamble

<table>
<thead>
<tr>
<th>PREAMBLE</th>
<th>EXPLANATION</th>
<th>EXAMPLES</th>
</tr>
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</table>
| “Form a more perfect Union” | Create a nation in which states work together | • U.S. Postal System  
• U.S. coins, paper money |
| “Establish justice” | Make laws and set up courts that are fair | • Court system  
• Jury system |
| “Insure domestic tranquility” | Keep peace within the country | • National Guard  
• Federal marshals |
| “Provide for the common defense” | Safeguard the country against attack | • Army  
• Navy |
| “Promote the general welfare” | Contribute to the happiness and well-being of all the people | • Birth certificate  
• Marriage license |
| “Secure the blessings of liberty to ourselves and our posterity” | Make sure future citizens remain free | • Commission on Civil Rights  
• National Council on Disability |

SKILLBUILDER Interpreting Charts

1. Which goal of the Preamble do you think is most important? Why?
2. How does the Preamble reflect the principle of popular sovereignty?
VOCABULARY

electors: voters
enumeration: an official count, such as a census
impeachment: the process of accusing a public official of wrongdoing

A CLOSER LOOK

ELECTIONS

Representatives are elected every two years. There are no limits on the number of terms a person can serve.

1. What do you think are the advantages of holding frequent elections of representatives?

A CLOSER LOOK

REPRESENTATION

Some delegates, such as Gouverneur Morris, thought that representation should be based on wealth as well as population. Others, such as James Wilson, thought representation should be based on population only. Ultimately, the delegates voted against including wealth as a basis for apportioning representatives.

2. How do you think the United States would be different today if representation were based on wealth?

Article 1. The Legislature

MAIN IDEA The main role of Congress, the legislative branch, is to make laws. Congress is made up of two houses—the Senate and the House of Representatives. Candidates for each house must meet certain requirements. Congress performs specific duties, also called delegated powers.

WHY IT MATTERS NOW Representatives in Congress still voice the views and concerns of the people.

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 for a term of years, and excluding Indians not taxed, three-fifths of all other Persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to 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. Numbers The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

2. 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, 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. 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.
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 and 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 to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2. Rules and Conduct  Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Congressional 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 and Privileges

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 whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

A CLOSER LOOK

SENATE RULES

Senate rules allow for debate on the floor. Using a tactic called filibustering, senators give long speeches to block the passage of a bill. Senator Strom Thurmond holds the filibustering record—24 hours, 18 minutes.

4. Why might a senator choose filibustering as a tactic to block a bill?

A CLOSER LOOK

SALARIES

Senators and representatives are paid $136,700 a year. The Speaker of the House is paid $175,400—the same as the vice-president.

5. How do the salaries of members of Congress compare to those of adults you know?
Section 7. How a Bill Becomes a Law

1. **Tax Bills** All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.

2. **Lawmaking Process** 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 approves 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 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, imposts and excises, 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, Bankruptcy** To establish a uniform rule of naturalization, 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 and current coin of the United States;

7. **Post Office** To establish post offices and post roads;

8. **Patents, 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. **Federal 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 offenses against the law of nations;

11. **War** To declare war, grant letters of marque and reprisal, 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;

**REGULATING COMMERCE**

Commerce can also apply to travelers crossing state lines. Congress’s power to regulate the movement of people from state to state paved the way for the Civil Rights Act of 1964. This act included fair treatment of interstate travelers. People of all races can use public places, such as hotels and bus stations.

6. To what other areas might the commerce clause apply?

**DECLARING WAR**

Only Congress can declare war. Yet in the following “undeclared” wars, Congress bowed to the president’s power to take military action and send troops overseas: Korean War (1950–1953), Vietnam War (1957–1975), Persian Gulf War (1991), Kosovo crisis (1999), and the War on Terror (2001–present).

7. Why do you think the Constitution sets limits on the president’s war-making powers?

**SKILLBUILDER Interpreting Charts**

1. How can a president block a bill?
2. What examples of checks and balances are shown in the chart?
14. **Regulation of Armed Forces** 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. **Regulations for 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, dockyards, and other needful buildings;—and

18. **Elastic 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.

**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 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** or **ex post facto law** shall be passed.

4. **Direct Taxes**  No capitation, 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 anything 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.

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.

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**A CLOSER LOOK**

**DIRECT TAX**

In 1913, the 16th Amendment allowed Congress to collect an income tax—a direct tax on the amount of money a person earns. Americans today pay much more in taxes than their ancestors would have imagined.

9. Why do you think the issue of taxes is so important to people?

**A CLOSER LOOK**

**TITLES OF NOBILITY**

The Framers disapproved of titles of nobility. The list of grievances in the Declaration of Independence included numerous examples of King George III’s abuses of power. Symbols of these abuses included English titles of nobility, such as “king,” “queen,” and “duke.” The Framers said clearly that there would be no such titles in the new republic.

10. How do TV news reporters address members of Congress and the president?
**VOCABULARY**

- **natural-born citizen**: a citizen born in the United States or a U.S. commonwealth, or to parents who are U.S. citizens living outside the country.
- **affirmation**: a statement declaring that something is true.

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**Article 2. The Executive**

**MAIN IDEA** The president and vice-president are the leaders of the executive branch. Their main role is to enforce the laws. The president commands the military and makes foreign treaties with the Senate’s approval.

**WHY IT MATTERS NOW** As the United States has become a world power, the authority of the president has also expanded.

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**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.

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**A CLOSER LOOK  Electoral College (based on 2000 Census)**

American voters do not choose their president directly. Members of a group called the electoral college actually elect the president. Each state has electors. Together they form the electoral college. In most states, the winner takes all. Except for Maine and Nebraska, all the electoral votes of a state go to one set of candidates.

**SKILLBUILDER Interpreting Maps**

1. How many electoral votes does your state have?
2. In which states would a presidential candidate campaign most heavily? Why?

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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 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.”

A CLOSER LOOK

Vice-President Lyndon Johnson, next in line of succession, takes the oath of office after the assassination of President John F. Kennedy in 1963. Johnson, like every U.S. president, promises to uphold the Constitution. The 25th Amendment sets up clearer procedures for presidential succession.

A CLOSER LOOK

PRESIDENT’S SALARY

The president’s yearly salary is $400,000. The president also gets special allowances, such as funds for travel expenses. Here are some other benefits:

- living in a mansion, the White House
- vacationing at Camp David, an estate in Maryland
- using Air Force One, a personal jet plane

11. Why do you think the president needs to have a plane and a vacation spot?
A CLOSER LOOK  Roles of the President

Commander in Chief
As a military leader, President Abraham Lincoln meets with his generals during the Civil War.

Chief Executive
Like a business executive, the president solves problems and makes key decisions. President John F. Kennedy is shown in the oval office in 1962.

Chief Diplomat and Chief of State
As a foreign policy maker, President Richard M. Nixon visits the People’s Republic of China in 1972.

Legislative Leader
President Lyndon Johnson signs the Civil Rights Act of 1964. All modern presidents have legislative programs they want Congress to pass.

Head of a Political Party
President Ronald Reagan rallies support at the 1984 Republican Convention. By this time, Reagan had put together a strong bloc of voters who supported the Republican Party’s policies. During his presidency (1981–1989), Reagan helped build new unity among party members.
Section 2. Powers of the President

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 and pardons for offenses against the United States, except in cases of impeachment.

2. Treaties, 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 3. The Judiciary

**MAIN IDEA** The judicial branch interprets the laws. This branch includes the Supreme Court, the highest court in the nation, and other federal courts.

**WHY IT MATTERS NOW** Supreme Court rulings can shape government policies on hotly debated issues.

**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, 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. The Courts’ Authority**

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 Court** 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.

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, or forfeiture except during the life of the person attained.

Article 3 Assessment

1. Main Ideas
   a. What is the main purpose of the judicial branch? (8.2.6)
   b. What is judicial review? (8.2.6)
   c. What are two kinds of cases that can begin in the Supreme Court? (8.2.6)

2. Critical Thinking
   **Drawing Conclusions** Why might the Supreme Court feel less political pressure than Congress in making judgments about the Constitution? (8.2.6)

   **THINK ABOUT**
   - the appointment of Supreme Court justices
   - Congress members’ obligation to voters
VOCABULARY

- immunities: legal protections
- suffrage: right to vote

A CLOSER LOOK  Federalism

Americans live under both national and state governments.

SKILLBUILDER  Interpreting Charts

What do you think is the purpose of dividing the powers between national and state governments?

Article 4. Relations Among States

MAIN IDEA  States must honor one another’s laws, records, and court rulings.

WHY IT MATTERS NOW  Article 4 promotes cooperation, equality, and fair treatment of citizens from all the 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 labor 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 labor, but shall be delivered up on claim of the party to whom such service or labor 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.

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 5. Amending the Constitution

Main Idea  The Constitution can be amended, or formally changed.

Why It Matters Now  The amendment process allows the Constitution to adapt to modern times.

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.

A CLOSER LOOK  Process for Amending the Constitution

<table>
<thead>
<tr>
<th>Proposing Amendments</th>
<th>Ratifying Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/3 vote of both houses of Congress</td>
<td>2/3 state legislatures’ call for a national convention</td>
</tr>
<tr>
<td>3/4 approval of state legislatures</td>
<td>3/4 approval at a state convention</td>
</tr>
</tbody>
</table>

Skillbuilder  Interpreting Charts

Why do you think more votes are needed to ratify an amendment than to propose one?
Article 6. Supremacy of the National Government

**MAIN IDEA** The Constitution, national laws, and treaties are the supreme, or highest, law of the land. All government officials must promise to support the Constitution.

**WHY IT MATTERS NOW** The authority of federal laws over state laws helps keep the nation unified.

**Section 1. Valid Debts** 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.

**Section 2. Supreme Law** 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, anything in the constitution or laws of any state to the contrary notwithstanding.

**Section 3. Loyalty to Constitution** 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.

**A CLOSER LOOK**

**PAVING DEBTS**
The U.S. government agreed to pay all debts held under the Articles of Confederation. For example, the United States still owed money from the costs of the Revolutionary War.

18. What problems might arise in a country that has a huge national debt?

**A CLOSER LOOK**

In 1957, the “supreme law of the land” was put to a test. The governor of Arkansas defied a Supreme Court order. The Court ruled that African-American students could go to all-white public schools. President Dwight D. Eisenhower then sent federal troops to protect the first African-American students to enroll in Central High School in Little Rock, Arkansas.
Article 7. Ratification

MAIN IDEA Nine of the 13 states had to ratify, or approve, the Constitution before it could go into effect.

WHY IT MATTERS NOW The approval of the Constitution launched a new plan of government still followed today.

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
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 Brinley, William Paterson, Jonathan Dayton
Pennsylvania: Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas FitzSimons, Jared Ingersoll, James Wilson, Gouverneur Morris
Delaware: George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom
Maryland: James McHenry, Dan of St. Thomas Jenifer, Daniel Carroll
Virginia: John Blair, James Madison, Jr.
South Carolina: John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler
Georgia: William Few, Abrahm Baldwin

A CLOSER LOOK

THE SIGNERS

The 39 men who signed the Constitution were wealthy and well-educated. About half of them were trained in law. Others were doctors, merchants, bankers, and slaveholding planters. Missing from the list of signatures are the names of African Americans, Native Americans, and women. These groups reflected the varied population of the United States in the 1780s.

19. How do you think the absence of these groups affected the decisions made in creating the Constitution?
The Bill of Rights and Amendments 11–27

In 1787, Thomas Jefferson sent James Madison a letter about the Constitution. Jefferson wrote, “I will now add what I do not like . . . [there is no] bill of rights.” He explained his reasons: “A bill of rights is what the people are entitled to against every government on earth . . . and what no just government should refuse.” Jefferson’s disapproval is not surprising. In writing the Declaration of Independence, he spelled out basic individual rights that cannot be taken way. These are “life, liberty, and the pursuit of happiness.” The Declaration states that governments are formed to protect these rights.

Several states approved the Constitution only if a list of guaranteed freedoms was added. While serving in the nation’s first Congress, James Madison helped draft the Bill of Rights. In 1791, these first ten amendments became part of the Constitution.

AMENDMENTS 1–10. The Bill of Rights

MAIN IDEA The Bill of Rights protects citizens from government interference.

WHY IT MATTERS NOW Issues related to the Bill of Rights are still being applied, tested, and interpreted.

AMENDMENT 1. Religious and Political Freedom (1791)

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.

A CLOSER LOOK The Five Freedoms

SKILLBUILDER Interpreting Charts

1. Why is freedom of speech and the press important in a democratic society?
2. What impact has religious freedom had on the American way of life?
AMENDMENT 2. Right to Bear Arms (1791) 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 3. Quartering Troops (1791) 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 4. Search and Seizure (1791) The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT 5. Rights of Accused Persons (1791) 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 offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT 6. Right to a Speedy, Public Trial (1791) 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 defense.

A CLOSER LOOK
In 1966, the Supreme Court made a decision based on the 5th and 6th Amendments. The warnings outlined in this ruling are often called “Miranda rights.” Miranda rights protect suspects from giving forced confessions. Police must read these rights to a suspect they are questioning. For example:

• “You have the right to remain silent.”

• “Anything that you say can and will be used against you in a court of law.”

• “You have the right to an attorney.”

VOCABULARY
abridging reducing
quartered given a place to stay
due process of law fair treatment under the law
compulsory process required procedure
counsel a lawyer

SEARCHES
Metal detectors at airports search passengers. Airline workers search all carry-on luggage. Do these actions violate the 4th Amendment? The courts say no. They have cited many situations that allow for searches without a warrant, or written order. A person’s right to privacy is balanced against the government’s need to prevent crime.

20. What does the right to privacy mean to you at home and at school?
AMENDMENT 7. Trial by Jury in Civil Cases (1791) 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 8. Limits of Fines and Punishments (1791) Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT 9. Rights of People (1791) The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

AMENDMENT 10. Powers of States and People (1791) 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.

A CLOSER LOOK

STATES’ POWERS
The 10th Amendment gives the states reserved powers. Any powers not clearly given to the national government by the U.S. Constitution or denied to the states in Article I, Section 10, belong to the states. State constitutions sometimes assume authority in unexpected areas. For example, California’s constitution sets rules for governing the use of fishing nets.

21. What are some common areas in which states have authority?

Bill of Rights Assessment

1. Main Ideas
   a. Which amendment protects your privacy? (8.2.6)
   b. Which amendments guarantee fair legal treatment? (8.2.6)
   c. Which amendment prevents the federal government from taking powers away from the states and the people? (8.2.6)

2. Critical Thinking
   Forming and Supporting Opinions The 4th, 5th, 6th, 7th, and 8th Amendments protect innocent people accused of crimes. Do you think these five amendments also favor the rights of actual criminals? Explain. (8.2.6)

   THINK ABOUT
   • criminals who go free if valuable evidence is found after their trials
   • criminals released on bail
Amendments 11–27

MAIN IDEA The Constitution has adapted to social changes and historical trends.

WHY IT MATTERS NOW Amendments 11–27 show that the Constitution is a living document.

AMENDMENT 11. Lawsuits Against States (1798)
Note: Article 3, Section 2, of the Constitution was modified by Amendment 11.

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

AMENDMENT 12. Election of Executives (1804)
Passed by Congress December 9, 1803. Ratified June 15, 1804.
Note: Part of Article 2, Section 1, of the Constitution was replaced by the 12th Amendment.

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 the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

22. Why do you think it's important for a presidential election to result in a clear-cut winner?
**AMENDMENT 13. Slavery Abolished (1865)**
Passed by Congress January 31, 1865. Ratified December 6, 1865.

Note: A portion of Article 4, Section 2, of the Constitution was superseded by the 13th Amendment.

**Section 1.** Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

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

**AMENDMENT 14. Civil Rights (1868)**
Passed by Congress June 13, 1866. Ratified July 9, 1868.

Note: Article 1, Section 2, of the Constitution was modified by Section 2 of the 14th Amendment.

**Section 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Section 2.** Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

**A CLOSER LOOK**
The 14th Amendment laid the groundwork for many civil rights laws, such as the Americans with Disabilities Act (1990). This act gave people with mental or physical disabilities “equal protection of the laws.” For example, public places had to be designed for wheelchair use. Wider doors and ramps allow disabled people to go in and out of buildings.
Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

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

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

AMENDMENT 15. Right to Vote (1870)
Passed by Congress February 26, 1869. Ratified February 3, 1870.

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

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

A CLOSER LOOK  Reconstruction Amendments
The 13th, 14th, and 15th Amendments are often called the Reconstruction Amendments. They were passed after the Civil War during the government’s attempt to rebuild the Union and to grant rights to recently freed African Americans.

Amendment 13
1865
- Ended slavery in the United States

Amendment 14
1868
- Defined national and state citizenship
- Protected citizens’ rights
- Promised “equal protection of the laws”

Amendment 15
1870
- Designed to protect African Americans’ voting rights

SKILLBUILDER  Interpreting Charts
What problems did these amendments try to solve?

VOTING RIGHTS
The Voting Rights Act of 1965 extended the 15th Amendment. To qualify as voters, African Americans were no longer required to take tests proving that they could read and write. Also, federal examiners could help register voters. As a result, the number of African-American voters rose sharply.

23. What effect do you think the Voting Rights Act had on candidates running for office?
AMENDMENT 16. Income Tax (1913)
Passed by Congress July 12, 1909. Ratified February 3, 1913.
Note: Article 1, Section 9, of the Constitution was modified by the 16th Amendment.
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 17. Direct Election of Senators (1913)
Passed by Congress May 13, 1912. Ratified April 8, 1913.
Note: Article 1, Section 3, of the Constitution was modified by the 17th Amendment.
Section 1. The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.
Section 2. When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.
Section 3. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

AMENDMENT 18. Prohibition (1919)
Section 1. 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.
Section 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.
Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several states, as provided in the Constitution, within seven years from the date of the submission thereof to the states by the Congress.
AMENDMENT 19. Woman Suffrage (1920)

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of sex.

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

AMENDMENT 20. “Lame Duck” Sessions (1933)

Note: Article 1, Section 4, of the Constitution was modified by Section 2 of this amendment. In addition, a portion of the 12th Amendment was superseded by Section 3.

Section 1. The terms of the President and Vice-President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2. The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3rd day of January, unless they shall by law appoint a different day.

Section 3. If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice-President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice-President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice-President elect shall have

A CLOSER LOOK
At left, marchers campaign for the 19th Amendment—woman suffrage. Since winning the right to vote in 1920, women have slowly gained political power. Pictured below are Congress members who belong to the Congressional Caucus for Women’s Issues.

THE EQUAL RIGHTS AMENDMENT
In 1920, the 19th Amendment took effect, guaranteeing women the right to vote. Nevertheless, many women have continued to face discrimination in the United States. In 1923, the National Women’s Party supported the passage of an equal rights amendment to protect women. Congress did not pass such an amendment until 1972. In 1982, however, the amendment died after it failed to be ratified by enough states to be added to the Constitution.

25. Why do you think the 19th Amendment failed to create equality for women?
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.

Section 4. The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice-President whenever the right of choice shall have devolved upon them.

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

Section 6. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission.

AMENDMENT 21. Repeal of Prohibition (1933)
Passed by Congress February 20, 1933. Ratified December 5, 1933.

Section 1. The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several states, as provided in the Constitution, within seven years from the date of the submission hereof to the states by the Congress.

AMENDMENT 22. Limit on Presidential Terms (1951)
Passed by Congress March 21, 1947. Ratified February 27, 1951.

Section 1. 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 the President more than once. But this article shall not apply to any person holding the office of President when this article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several states within seven years from the date of its submission to the states by the Congress.
AMENDMENT 23. Voting in District of Columbia (1961)

Section 1. 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.

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


Section 1. The right of citizens of the United States to vote in any primary or other election for President or Vice-President, for electors for President or Vice-President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax.

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

AMENDMENT 25. Presidential Disability, Succession (1967)

Note: Article 2, Section 1, of the Constitution was affected by the 25th Amendment.

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

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

Section 3. Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice-President as Acting President.

A CLOSER LOOK
POLL TAX
The poll tax was aimed at preventing African Americans from exercising their rights. Many could not afford to pay this fee required for voting.

26. How do you think the 24th Amendment affected elections?

A CLOSER LOOK
PRESIDENTIAL DISABILITY
President John F. Kennedy’s death in 1963 signaled the need for the 25th Amendment. The Constitution did not explain what to do in the case of a disabled president. James Reston, a writer for The New York Times, summed up the problem: Suppose Kennedy was “strong enough to survive [the bullet wounds], but too weak to govern.” The 25th Amendment provides for an orderly transfer of power.

27. What do you think can happen in a country where the rules for succession are not clear?
Section 4. Whenever the Vice-President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice-President shall immediately assume the 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[s] 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.

A CLOSER LOOK

SUCCESION
Who takes over if a president dies in office or is unable to serve? The top five in the line of succession follow:
• vice-president
• speaker of the house
• president pro tempore of the Senate
• secretary of state
• secretary of the treasury

28. Why should voters know the views of the vice-president?

START INTERACTIVE

A CLOSER LOOK Amendments Time Line 1791–1992

Use the key below to help you categorize the amendments.

- Voting Rights
- Social Changes
- Overturned Supreme Court Decisions
- Election Procedures and Conditions of Office

Bill of Rights Amendments 1–10

Amendment 11 1798
Protects state from lawsuits filed by citizens of other states or countries.

Amendment 12 1804
Requires separate electoral ballots for president and vice-president.

Amendment 13 1865
Bans slavery.

Amendment 14 1868
Defines American citizenship and citizens’ rights.

Amendment 15 1870
Stops national and state governments from denying the vote based on race.

Amendment 16 1913
Regulates campaign financing.

Amendment 17 1913
Direct election of senators.

Amendment 18 1919
Prohibits the manufacture, sale, or transportation of alcoholic beverages.

Amendment 19 1920
Women’s suffrage.

Amendment 20 1933
Establishes procedure for presidential succession.

Amendment 21 1933
Repeals the prohibition on alcoholic beverages.

Amendment 22 1951
Term limits for president.
1. Main Ideas
   a. Which amendments affected the office of president? (8.2.6)
   b. Which pair of amendments shows the failure of laws to solve a social problem? (8.2.6)
   c. Which amendments corrected unfair treatment toward African Americans and women? (8.2.6)

2. Critical Thinking
   Summarizing What is the purpose of amending the Constitution? (8.2.6)
   THINK ABOUT
   • the purpose of the Constitution
   • problems and issues that Americans have faced throughout U.S. history

Amendments 11–27 Assessment

AMENDMENT 26. 18-year-old Vote (1971)
Note: Amendment 14, Section 2, of the Constitution was modified by Section 1 of the 26th Amendment.

Section 1. The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any state on account of age.

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

AMENDMENT 27. Congressional Pay (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.

Members of the recording industry founded Rock the Vote. They urge young people to vote in elections.
VOCABULARY

Briefly explain the significance of each of the following.

1. electors
2. impeachment
3. naturalization
4. felonies
5. bill of attainder
6. ex post facto law
7. suffrage
8. due process of law
9. servitude
10. primary

SEVEN PRINCIPLES OF THE CONSTITUTION

Make a chart like the one shown. Then fill it in with a definition of each principle and an example from the Constitution. (REP4)

<table>
<thead>
<tr>
<th>Principle</th>
<th>Definition</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. popular sovereignty</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. republicanism</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. federalism</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. separation of powers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. checks and balances</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. limited government</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. individual rights</td>
<td></td>
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</tr>
</tbody>
</table>

REVIEW QUESTIONS

Article 1 (pages 249–255)

1. What are the requirements for becoming a member of the House of Representatives and the Senate? (REP4)
2. What are two military powers granted to Congress? (REP4)

Article 2 (pages 256–259)

3. How does the electoral college choose the president? (REP4)
4. What are three powers of the president? (REP4)

Article 3 (pages 260–261)

5. What are the two most important powers of the federal courts? (REP4)

Articles 4–7 (pages 262–265)

6. How can the Constitution be changed? (REP4)
7. If a state law and a federal law conflict, which law must be obeyed? Why? (REP4)
8. How was the Constitution ratified? (REP4)

Bill of Rights and Amendments 11–27 (pages 266–277)

9. What five freedoms are guaranteed in the First Amendment? (REP4)
10. Which amendments extend voting rights to a broader range of Americans? (REP4)
CRITICAL THINKING

1. DRAWING CONCLUSIONS

In a two-column chart, summarize the processes for changing the Constitution. Then use your completed chart to answer the questions below. (REP4)

<table>
<thead>
<tr>
<th>Proposing Amendments</th>
<th>Ratifying Amendments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>1.</td>
</tr>
<tr>
<td>2.</td>
<td>2.</td>
</tr>
</tbody>
</table>

a. What role can citizens play in proposing amendments?
b. What do you think are the main reasons for changing the Constitution?

2. MAKING INFERENCES

Explain how the “elastic clause” in Article 1 gives Congress the authority to take action on other issues unknown to the Framers of the Constitution. (REP4)

3. ANALYZING LEADERSHIP

Think about the president’s roles described in the Constitution. What qualities does a president need to succeed as a leader in so many different areas? (REP4)

4. RECOGNIZING EFFECTS

How would you describe the impact of the 14th, 15th, and 16th Amendments on life in the United States? (REP4)

5. APPLYING CITIZENSHIP

Suppose you and your family go on a road trip across several states. According to Article 4 of the Constitution, what citizens’ rights do you have in the states you are visiting? (REP4)

HISTORY SKILLS

INTERPRETING PRIMARY SOURCES

In 1937, President Franklin D. Roosevelt gave a speech over the radio. He used interesting comparisons to explain how the government works. (REP4)

I described the American form of government as a three-horse team provided by the Constitution to the American people so that their field might be plowed. The three horses are, of course, the three branches of government—the Congress, the Executive, and the Courts. . . . It is the American people themselves who are in the driver’s seat. It is the American people themselves who want the furrow plowed.

Franklin D. Roosevelt, Radio Address

• How does Roosevelt describe the separation of powers?
• How does Roosevelt explain popular sovereignty?

ALTERNATIVE ASSESSMENT

1. INTERDISCIPLINARY ACTIVITY: Government

Creating a Database Review the grievances against King George III listed in the Declaration of Independence. Then create a database that shows how specific sections of the U.S. Constitution addressed those grievances. Write a brief summary stating how well the Constitution addressed the grievances. (REP4)

2. COOPERATIVE LEARNING ACTIVITY

Drafting a Constitution Imagine you are asked to write a constitution for a newly formed country. Working with a group, use the outline below to organize and write your constitution. (HI1)

I. Purpose of the Constitution (Preamble)
II. Making Laws (Legislative Branch)
III. Carrying Out the Laws (Executive Branch)
IV. Making Laws Fair (Judicial Branch)
V. Choosing Leaders
VI. Citizens’ Rights (Bill of Rights)

3. PRIMARY SOURCE EXPLORER

Making a Learning Center Creating the U.S. Constitution was one of the most important events in the nation’s history. Use the CD-ROM and the library to collect information on different topics related to the Constitution. (REP3)

Create a learning center featuring the suggestions below.
• Find biographies and portraits of the Framers.
• Collect important primary sources such as James Madison’s notes and The Federalist papers.
• Gather recent pictures and news articles about the Congress, the president, the Supreme Court, and the Bill of Rights.

4. HISTORY PORTFOLIO

Review your draft of the constitution you wrote for the assessment activity. Choose one of these options below. (HI1)

Option 1 Use comments made by your teacher or classmates to improve your work.
Option 2 Illustrate your constitution. Add your work to your history portfolio.

Additional Test Practice, pp. S1–S33
The Role of the Citizen

Citizens of the United States enjoy many basic rights and freedoms. Freedom of speech and religion are examples. These rights are guaranteed by the Constitution, the Bill of Rights, and other amendments to the Constitution. Along with these rights, however, come responsibilities. Obeying rules and laws, voting, and serving on juries are some examples.

Active citizenship is not limited to adults. Younger citizens can help their communities become better places. The following pages will help you to learn about your rights and responsibilities. Knowing them will help you to become an active and involved citizen of your community, state, and nation.

In this book you will find examples of active citizenship by young people like yourself. Look for the Citizenship Today features.

The weather was sunny but cold on January 20, 1961—the day that John F. Kennedy became the 35th president of the United States. In his first speech as president, he urged all Americans to serve their country. Since then, Kennedy’s words have inspired millions of Americans to become more active citizens.

“Ask not what your country can do for you—ask what you can do for your country!”

—JOHN F. KENNEDY

What Is a Citizen?

A citizen is a legal member of a nation and pledges loyalty to that nation. A citizen has certain guaranteed rights, protections, and responsibilities. A citizen is a member of a community and wants to make it a good place to live.

Today in the United States there are a number of ways to become a citizen. The most familiar are citizenship by birth and citizenship by naturalization. All citizens have the right to equal protection under the law.
CITIZENSHIP BY BIRTH A child born in the United States is a citizen by birth. Children born to U.S. citizens traveling or living outside the country, such as military personnel, are citizens. Even children born in the United States to parents who are not citizens of the United States are considered U.S. citizens. These children have dual citizenship. This means they are citizens of two countries—both the United States and the country of their parents’ citizenship. At the age of 18, the child may choose one of the countries for permanent citizenship.

CITIZENSHIP BY NATURALIZATION A person who is not a citizen of the United States may become one through a process called naturalization. The steps in this process are shown below. To become a naturalized citizen, a person must meet certain requirements.

- Be at least 18 years old. Children under the age of 18 automatically become naturalized citizens when their parents do.
- Enter the United States legally.
- Live in the United States for at least five years immediately prior to application.
- Read, write, and speak English.
- Show knowledge of American history and government.

See Citizenship Today: Becoming a Citizen, p. 427

Steps in the Naturalization Process

1. File an application.
2. Take an examination.
3. File a legal petition for naturalization.
4. Appear at a court hearing.
5. Take an oath of allegiance.

Hundreds of people become new citizens at a single ceremony in San Antonio, Texas.
What Are Your Rights?

Citizens of the United States are guaranteed rights by the U.S. Constitution, state constitutions, and state and federal laws. All citizens have three kinds of rights: basic freedoms, protection from unfair government actions, and equal treatment under the law.

Citizens’ basic rights and freedoms are sometimes called civil rights. Some of these rights are personal, and others are political.

The U.S. Constitution grants these five basic freedoms.

<table>
<thead>
<tr>
<th>Basic Freedoms</th>
<th>Personal Protections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freedom of religion</td>
<td>Freedom to bear arms</td>
</tr>
<tr>
<td>Freedom of speech</td>
<td>Freedom from being forced to house soldiers</td>
</tr>
<tr>
<td>Freedom of the press</td>
<td>Protection from unreasonable search and seizure</td>
</tr>
<tr>
<td>Freedom of peaceful assembly</td>
<td>Freedom to a speedy public trial by an impartial jury</td>
</tr>
<tr>
<td>Freedom to petition the government for change</td>
<td>No excessive bail or fines</td>
</tr>
<tr>
<td>Protection from cruel and unusual punishment</td>
<td>Protection from unreasonable search and seizure</td>
</tr>
</tbody>
</table>

The second category of rights is intended to protect citizens from unfair government actions.

The third category is the right to equal treatment under the law. The government cannot treat one individual or group differently from another.

<table>
<thead>
<tr>
<th>Equal Protection Under the Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>No slavery</td>
</tr>
<tr>
<td>The right to vote to all male citizens over 21 years old</td>
</tr>
<tr>
<td>The right to vote to women</td>
</tr>
<tr>
<td>The right to vote to 18 year olds</td>
</tr>
<tr>
<td>The Civil Rights Acts of 1964 protects voting rights and prevents discrimination</td>
</tr>
<tr>
<td>The Americans with Disabilities Act of 1990 protects the rights of disabled citizens</td>
</tr>
</tbody>
</table>

**Limits to Rights** The rights guaranteed to citizens have sensible limits. For example, the right to free speech does not allow a person to falsely shout, “Fire!” at a crowded concert. The government may place limits on certain rights to protect national security or to provide equal opportunities for all citizens. And rights come with responsibilities.
What Are Your Responsibilities?

For American democracy to work, citizens must carry out important responsibilities. There are two kinds of responsibilities—personal and civic. Personal responsibilities include taking care of yourself, helping your family, knowing right from wrong, and behaving in a respectful way.

Civic responsibilities are those that involve your government and community. They include obeying rules and laws, serving on juries, paying taxes, and defending your country when called upon. One of the most important responsibilities is voting. When you turn 18, you will have that right.

As a young person, you can be a good citizen in a number of ways. You might work with other people in your community to make it a fair and just place to live. Working for a political party or writing to your elected officials about issues that concern you are some other examples.

The chart below shows how responsibilities change with a citizen’s age. Notice that all citizens share the responsibility to obey the laws of their communities.

See Citizenship Today: Obeying Rules and Laws, p. 300

Responsibilities of a Citizen

UNDER 18
- Receive an education, either at school or at home.
- Take responsibility for one’s behavior.
- Help one’s family.

ALL AGES
- Obey rules and laws.
- Be tolerant of others.
- Pay taxes.
- Volunteer for a cause.
- Stay informed about issues.

OVER 18
- Vote.
- Serve on a jury.
- Serve in the military to defend country.

Currently both men and women can serve in the military. Only men must register for the draft.

CITIZENSHIP ACTIVITIES

1. Interview a recently naturalized citizen. Ask about the test he or she took to become a U.S. citizen. Write a report of your findings.

2. Using newspapers or magazines, find examples of citizens using their unalienable rights or practicing responsible citizenship. Cut out five articles to illustrate the points. Mount them and write a one-sentence explanation of each article.
Building Citizenship Skills

Good citizenship skills include staying informed, solving problems or making decisions, and taking action. Every citizen can find ways to build citizenship skills. By showing respect for the law and for the rights of others in your daily life, you promote democracy. You can also work to change conditions in your community to make sure all citizens experience freedom and justice.

How Do You Stay Informed?

Americans can sometimes feel that they have access to too much information. It may seem overwhelming. Even so, you should stay informed on issues that affect your life. Staying informed gives you the information you need to make wise decisions and helps you find ways to solve problems.

Watch, Listen, and Read

The first step in practicing good citizenship is to know how to find information that you need. Sources of information include broadcast and print media and the Internet. Public officials and civic organizations are also good sources for additional information. Remember as you are reading to evaluate your sources.

See Citizenship Today: Debating Points of View, p. 469

Evaluate

As you become informed, you will need to make judgments about the accuracy of your news sources. You must also be aware of those sources' points of view and biases. (A bias is a judgment formed without knowing all of the facts.) You should determine if you need more information. If you do, then decide where to find it. After gathering information, you may be ready to form an opinion or a plan of action to solve a problem.

See Citizenship Today: Detecting Bias in the Media, p. 664

Communicate

To bring about change in their communities, active citizens may need to contact public officials. In today's world, making contact is easy. You can reach most public officials by telephone, voice mail, fax, or letter. Many public officials also have Internet pages or e-mail that encourages input from the public.

See Citizenship Today: Writing to Government Officials, p. 776
How Do You Make Wise Decisions?
Civic life involves making important decisions. As a voter, whom should you vote for? As a juror, should you find the defendant guilty or not guilty? As an informed citizen, should you support or oppose a proposed government action? Unlike decisions about which video to rent, civic decisions cannot be made by a process as easy as tossing a coin. Instead, you should use a problem-solving approach like the one shown in the chart below. Decision making won’t always proceed directly from step to step. Sometimes it’s necessary to backtrack a little. For example, you may get to the “Analyze the Information” step and realize that you don’t have enough information to analyze. Then you can go back a step and gather more information.

**Problem-Solving and Decision-Making Process**

Problem-solving and decision-making involves many steps. This diagram shows you how to take those steps. Notice that you may have to repeat some steps depending on the information you gather.

- **IDENTIFY THE PROBLEM**
  Decide what the main issues are and what your goal is.

- **GATHER INFORMATION**
  Get to know the basics of the problem. Find out as much as possible about the issues.

- **ANALYZE THE INFORMATION**
  Look at the information and determine what it reveals about solving the problem.

- **CONSIDER OPTIONS**
  Think of as many ways as possible to solve the problem. Don’t be afraid to include ideas that others might think are unacceptable.

- **CHOOSE A SOLUTION**
  Choose the solution you believe will best solve the problem and help you reach your goal.

- **IMPLEMENT THE SOLUTION**
  Take action or plan to take action on a chosen solution.

- **EVALUATE THE SOLUTION**
  Review the results of putting your solution into action. Did the solution work? Do you need to adjust the solution in some way?

Students working on an environmental project are gathering and analyzing information to help them make decisions.
How Do You Participate in Your Community?

Across the country many young people have come up with ways to make their communities better places to live. Thirteen-year-old Aubyn Burnside of Hickory, North Carolina, is just one example. Aubyn felt sorry for foster children she saw moving their belongings in plastic trash bags. She founded Suitcases for Kids. This program provides used luggage for foster children who are moving from one home to another. Her program has been adopted by other young people in several states. Below are some ways in which you can participate in your community.

See Citizenship Today: Community Service, p. 612

Find a Cause

How can you become involved in your community? First, select a community problem or issue that interests you. Some ideas from other young people include starting a support group for children with cancer, publishing a neighborhood newspaper with children's stories and art, and putting on performances to entertain people in shelters and hospitals.

Develop Solutions

Once you have found a cause on which you want to work, develop a plan for solving the problem. Use the decision-making or problem-solving skills you have learned to find ways to approach the problem. You may want to involve other people in your activities.

Follow Through

Solving problems takes time. You'll need to be patient in developing a plan. You can show leadership in working with your group by following through on meetings you set up and plans you make. When you finally solve the problem, you will feel proud of your accomplishments.

CITIZENSHIP ACTIVITIES

1. Use the telephone directory to make a list of names, addresses, and phone numbers of public officials or organizations that could provide information about solving problems in your community.

2. Copy the steps in the problem-solving and decision-making diagram and show how you followed them to solve a problem or make a decision. Be sure to clearly state the problem and the final decision.

CALIFORNIA STANDARDS

8.3.6 Describe the basic law-making process and how the Constitution provides numerous opportunities for citizens to participate in the political process and to monitor and influence government (e.g., function of elections, political parties, interest groups).

Reading 2.6 Use information from a variety of consumer, workplace, and public documents to explain a situation or decision and to solve a problem.
Practicing Citizenship Skills

You have learned that good citizenship involves three skills: staying informed, solving problems, and taking action. Below are some activities to help you improve your citizenship skills. By practicing these skills you can work to make a difference in your own life and in the lives of those in your community.

**Citizenship Activities**

**Stay Informed**
CREATE A PAMPHLET OR RECRUITING COMMERCIAL
Ask your school counselors or write to your state department of education to get information on state-run colleges, universities, or technical schools. Use this information to create a brochure or recruiting commercial showing these schools and the different programs and degrees they offer.

**Make Wise Decisions**
CREATE A GAME BOARD OR SKIT
Study the decision-making diagram on page 285. With a small group, develop a skit that explains the steps in problem solving. Present your skit to younger students in your school. As an alternative, create a game board that would help younger students understand the steps in making a decision.

**Take Action**
CREATE A BULLETIN BOARD FOR YOUR CLASS
Do some research on the Internet or consult the yellow pages under “Social Services” to find the names of organizations that have volunteer opportunities for young people. Call or write for more information. Then create a bulletin board for your class showing groups that would like volunteer help.

**Keep in Mind**
- **What’s there for me?** It may help you think about what areas students are interested in and may want to pursue in later life.
- **Where is it?** You may want to have a map showing where the schools are located in your state.
- **How can I afford it?** Students might want to know if financial aid is available to attend the schools you have featured.
- **What do children this age understand?** Be sure to create a skit or game at an age-appropriate level.
- **What kinds of decisions do younger students make?** Think about the kinds of decisions that the viewers of your skit or players of the game might make.
- **How can I make it interesting?** Use visual aids to help students understand the steps in decision making.

**CALIFORNIA STANDARDS**

8.3.6 Describe the basic law-making process and how the Constitution provides numerous opportunities for citizens to participate in the political process and to monitor and influence government (e.g., function of elections, political parties, interest groups).

Reading 2.6 Use information from a variety of consumer, workplace, and public documents to explain a situation or decision and to solve a problem.

Listening and Speaking 1.0 Students deliver focused, coherent presentations that convey ideas clearly and relate to the background and interests of the audience. They evaluate the content of oral communication.
Response to Literature: Feelings about a War Poem

PURPOSE: To write a response to a literary work

AUDIENCE: Classmates in your history and language arts classes

Historians and authors of novels and poetry have different purposes for writing. The historian’s purpose is to convey information. The author’s purpose is to create a world as vividly as possible and invite the reader into it. Every word chosen affects how the reader imagines that world. The author also uses word choice to try to influence the reader’s feelings about the subject. You can explore your feelings and understanding of a literary work by writing a response to it.

Organization & Focus

Your assignment is to write an essay on how an author’s choice of words, literary style, and techniques affects you. Read the two verses from the poem here called “The Rebels,” which was written by John Ferdinand Dalzell Smyth and published in 1778. Smyth was a captain in the Queens Rangers, a group of loyalists who fought against the colonial revolutionaries. As you read the verses, ask yourself how the author makes you feel about the rebels and the loyalists.

In your notebook, write a sentence expressing your overall impression of both the rebels and the loyalists from this poem. You can use this sentence to help you draft the thesis statement, or main idea, of your response.

from “The Rebels”

Ye brave honest subjects who dare to be loyal, And have stood the brunt of every trial, Of hunting shirts and rifle guns; 

Come listen awhile and I’ll tell you a song; I’ll show you those Yankees are all in the wrong, Who, with blustering look and most awkward gait, ¹ ‘Gainst their lawful sovereign dare for to prate, ²

With their hunting shirts and rifle guns.

Forgetting the mercies of Great Britain’s King, Who saved their forefathers’ necks from the string, With hunting shirts and rifle guns,

They renounce all allegiance and take up their arms, Assemble together like hornets in swarms, So dirty their backs, and so wretched their show, That carrion-crow ³ follows wherever they go, With their hunting shirts and rifle guns.

¹ gait: manner of walking
² prate: to rant or shout about
³ carrion-crow: a bird of prey that feeds on the dead
IDENTIFYING PURPOSE AND AUDIENCE  Your purpose is to write a 500–700 word essay explaining your response to the poem. Support your judgments using references to the text. You should also make inferences about the effect of the poem on a larger audience. The audience for your response is made up of your classmates in both your history and your language arts class. Keep in mind that your language arts classmates probably will not have read the selections from this poem.

FINDING DETAILS  Reread the verses and complete this chart. List details from the poem about the loyalists and the rebels and write down your response to them. Samples are provided.

<table>
<thead>
<tr>
<th>Details about Loyalists</th>
<th>Response</th>
<th>Details about Rebels</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brave, honest, loyal</td>
<td>Strongly positive</td>
<td>Blustering look</td>
<td>Makes rebels seem noisy and rude</td>
</tr>
</tbody>
</table>

OUTLINING AND DRAFTING THE ESSAY  Express the main idea about your response to the poem in your thesis statement. Then use your chart to outline and provide supporting details for your response.

Research & Technology
You can find the whole text of “The Rebels” online. Enter the title of the poem and the author’s name in a search engine. If you like, you can analyze the other verses to find more supporting details for your response.

Evaluation & Revision
When you are satisfied with what you have said in your essay, reread it to see where you can improve how you said it. Pay special attention to your thesis statement, your choice of words, and your organization and transitions.

Publish & Present
Exchange essays with your history and language arts classmates and talk about your responses to other war literature you have read.

Self-Check
Does my response to literature have . . .

- a clear thesis statement that expresses my response?
- references to the text that support my judgment?
- inferences about the effect of the poem on a larger audience?
- good organization and smooth transitions?
- a strong, clear conclusion?
UNIT 3
1789 – 1844
The Early Republic
Known as “Old Ironsides,” the U.S.S. Constitution won more battles than any other early American warship. Today it rests in Boston Harbor.

“Our country! May she always be in the right; but our country, right or wrong.”

—Stephen Decatur