

# Constitution Handbook

## Essential Question

Why is citizen participation essential to the preservation of the U.S. political system?

## Reading Guide

### Content Vocabulary

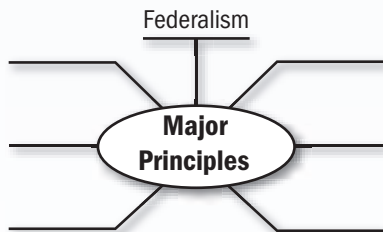
Preamble (p. 215)	reserved powers (p. 216)
popular sovereignty (p. 215)	concurrent powers (p. 216)
republicanism (p. 215)	amend (p. 218)
federalism (p. 216)	implied powers (p. 219)
enumerated powers (p. 216)	

### Academic Vocabulary

involve (p. 221)	diminish (p. 223)
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### Reading Strategy

**Taking Notes** As you read, use a diagram like the one below to identify the seven major principles on which the Constitution is based.



*For more than 200 years, the Constitution has provided the framework for the United States government and has helped preserve the basic rights of American citizens. It is the highest authority in the nation and the basic law of the United States. It is also a symbol of our nation, representing our system of government and our basic ideals, such as liberty and freedom.*



# The Constitution

**Main Idea** The Constitution sets forth the basic principles of government.

**History and You** What principles do you live by? Read to learn how the basic principles of the Constitution assure the rights of the people.

The **Preamble**, or introduction, to the Constitution reflects the basic idea of American government—the right of the people to govern themselves. It also lists six goals for the United States government:

### PRIMARY SOURCE

“to form a more perfect Union, establish Justice, insure domestic Tranquility [peace], provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity [descendants].”

—United States Constitution

## Major Principles

The principles outlined in the Constitution were the Framers’ solution to the problems of a representative government. The Constitution rests on seven major principles: (1) popular sovereignty, (2) republicanism, (3) limited government, (4) federalism, (5) separation of powers, (6) checks and balances, and (7) individual rights.

**Popular Sovereignty** The Declaration of Independence states that governments derive their powers from “the consent of the governed.” The opening words of the Constitution, “We the People,” reinforce this idea of **popular sovereignty**—or “authority of the people.”

**Republicanism** Under **republicanism**, voters hold sovereign power. The people elect representatives and give them the responsibility to make laws and conduct government. For most Americans today, the terms *republic* and *representative democracy* mean the same thing: a system of limited government in which the people are the ultimate source of governmental power.

**Limited Government** The Framers saw both benefits and risks in creating a powerful national government. They agreed that the nation needed strong central authority but feared misuse of power. They wanted to prevent the government from using its power to give one group special advantages or to deprive another group of its rights. By creating a limited government, they made certain the government would have only those powers granted by the people.

Article I of the Constitution states the powers that the government has and the powers that it does not have. Other limits on government appear in the Bill of Rights, which guarantees certain rights and liberties to the people.

Limited government can be described as the “rule of law.” No person or group of people is above the law. Government officials must obey the law.



**Federalism** When the states banded together under the Constitution, they gave up some independence. States could no longer print their own money or tax items imported from other states. Nevertheless, each state governed itself much as it had in the past.

This system, in which the power to govern is shared between the national government and the states, is called the federal system, or **federalism**. Our federal system allows the people of each state to deal with their needs in their own way. At the same time, it lets the states act together to deal with matters that affect all Americans.

The Constitution defines three types of government powers. **Enumerated powers** belong only to the federal government. These include the power to coin money, regulate interstate and foreign trade, maintain the armed forces, and create federal courts (Article I, Section 8).

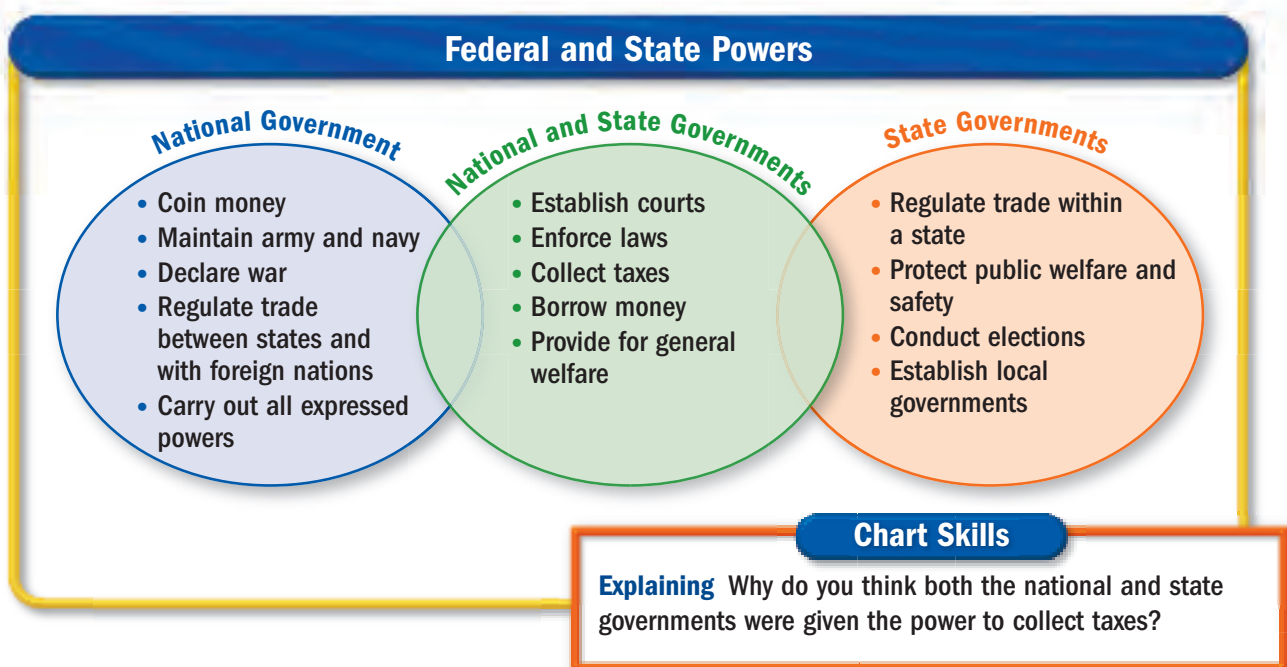
The second kind of powers are those retained by the states, known as **reserved powers**. They include such rights as the power to establish schools, pass marriage and divorce laws, and regulate trade within a state. Although reserved powers are not listed specifically in the Constitution, the Tenth Amendment says that all powers not specifically granted to the federal government “are reserved to the States.”

The third set of powers defined by the Constitution are **concurrent powers**—powers shared by the state and federal governments. Among these powers are the right to raise taxes, borrow money, provide for public welfare, and administer criminal justice.

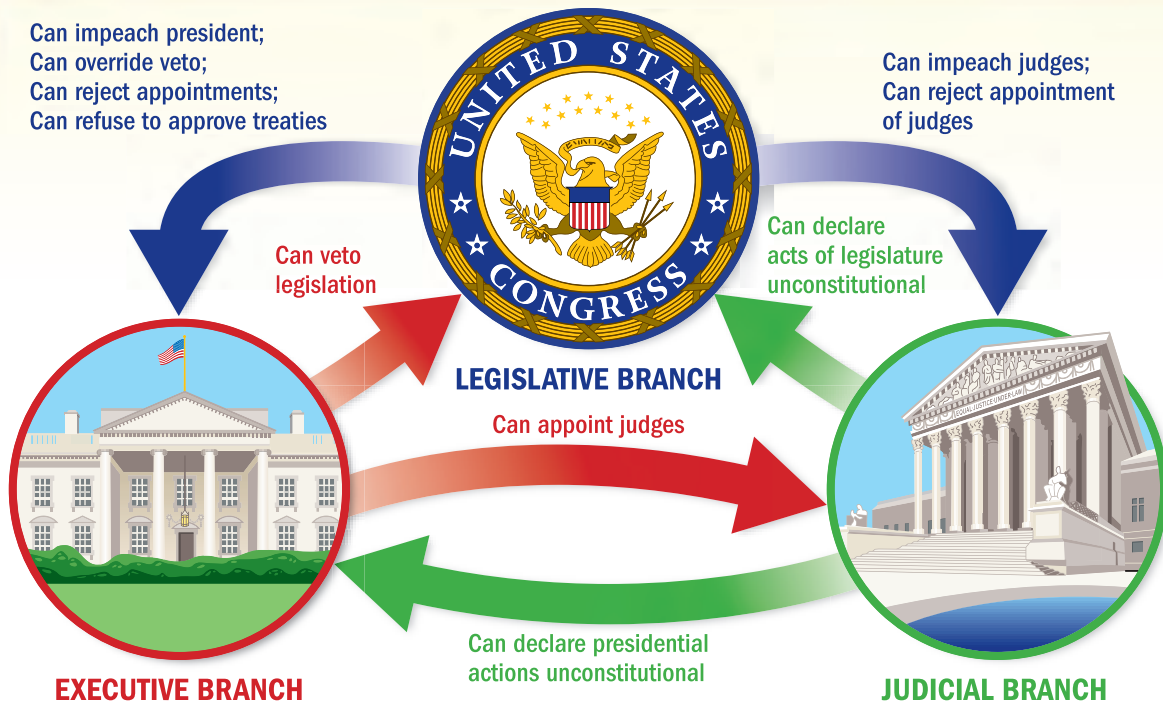
When conflicts arise between state law and federal law, the Constitution declares that the Constitution is “the supreme Law of the Land.” Conflicts between state law and federal law must be settled in a federal court.

**Separation of Powers** To prevent any single group or institution in government from gaining too much authority, the Framers divided the federal government into three branches: legislative, executive, and judicial. Each branch has its own functions and powers. The legislative branch, Congress, makes the laws. The executive branch, headed by the president, carries out the laws. The judicial branch, consisting of the Supreme Court and other federal courts, interprets and applies the laws.

**Checks and Balances** As an additional safeguard, the Framers established a system of checks and balances in which each branch of government can check, or limit, the power of the other branches. This system helps maintain a balance in the power of the three branches. For example, Congress can pass a



## A System of Checks and Balances



### Critical Thinking

- 1. Describing** How can the judicial branch check the power of the executive branch?
- 2. Describing** How can the executive branch check the power of the judicial branch?

law. Then the president can reject the law by vetoing it. However, Congress can override, or reverse, the president's veto if two-thirds of the members of both houses vote again to approve the law.

Over the years, the Supreme Court has acquired the power to determine the meaning of the Constitution and to declare that a law or a government policy goes against the Constitution. In doing so, the Court provides a check on the powers of Congress and the president. Judicial decisions—those made by the courts—can be overruled by amending the Constitution. The president and the Senate provide a check on the judicial branch through their power to appoint and approve federal judges. Congress can also change a law so that it no longer conflicts with the Constitution, or it can amend the Constitution. The Fourteenth Amendment, passed by Congress in 1866, overturned the Supreme Court's rul-

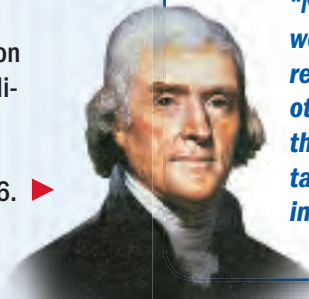
ing in the *Dred Scott* decision, which had ruled that enslaved African Americans were not citizens.

**Individual Rights** The Bill of Rights became part of the U.S. Constitution in 1791. These first 10 constitutional amendments protect basic liberties and rights that you may have taken for granted—including freedom of speech, freedom of the press, freedom of assembly, freedom of religion, and the right to a trial by jury.

The 17 amendments that follow the Bill of Rights expand the rights of Americans and adjust certain provisions of the Constitution. Included among them are amendments that abolish slavery, define citizenship, guarantee the right to vote to all citizens aged 18 years and older, authorize an income tax, establish the direct election of senators, and set a two-term limit on the presidency.

Many people have come to the United States in search of religious freedom. The principle of religious freedom became rooted in early America as people of different religions learned to live and work together.

In 1777 Thomas Jefferson wrote a resolution on religious freedom that was adopted by the Virginia State legislature in 1786. ▶



### The Virginia Statute for Religious Freedom

*“No man shall be compelled to frequent or support any religious worship, place, or ministry whatsoever, nor shall be enforced, restrained, molested, or [burdened] in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinion in matters of religion, and that the same shall in no [way] diminish enlarge, or affect their civil capacities.”*

—from Thomas Jefferson, “The Virginia Statute for Religious Freedom”

Freedom of religion became one of the principles upon which the United States was founded. In 1791 the First Amendment to the Constitution barred the federal government from establishing a religion or from adopting any law limiting religious freedom.

### Critical Thinking

**Explaining** Why do you think Americans regard religious freedom as an important principle?

## A Living Constitution

Two years after the Constitutional Convention, Benjamin Franklin wrote, “Our Constitution is in actual operation; everything appears to promise that it will last; but in this world nothing is certain but death and taxes.”

Despite Franklin’s uncertainty about the Constitution’s future, it is still very much alive today. The Constitution has survived because the Framers wrote a document that the nation could alter and adapt to meet changing needs. The result is a flexible document that can be interpreted in different ways in keeping with the conditions of a particular time. The Constitution’s flexibility allows the government to deal with matters the Framers never anticipated—such as regulating nuclear power plants or developing a space program. In addition, the Constitution contains a provision for **amending**—changing or adding to—the document.

**Amending the Constitution** The Framers intentionally made the amendment process difficult to discourage minor or frequent changes. Although thousands of amendments—changes to the Constitution—have been pro-

posed since 1788, only 27 of them have actually become part of the Constitution.

An amendment can be proposed in two ways: by the vote of two-thirds of both houses of Congress or by two-thirds of the state legislatures asking for a special convention on the amendment. The second method has never been used. Ratification of an amendment requires approval by three-fourths of the states. States ratify amendments by the approval of state legislatures or by special state conventions.

Only the Twenty-first Amendment—which repealed the Eighteenth Amendment, banning the sale of alcoholic beverages—was ratified by state conventions. Voters in each state chose the delegates to the special conventions.

**Interpreting the Constitution** The Constitution includes two provisions that give Congress the power to act as needed to meet changing conditions. The first of these provisions is what is known as the “elastic clause” (Article I, Section 8). It directs Congress to “make all Laws which shall be necessary and proper” for executing all the powers of government. Congress has interpreted this clause to mean that it has certain

**implied powers**, powers not specifically defined in the Constitution. Over the years, Congress has drawn on its implied powers to pass laws to deal with the needs of society.

The second provision used to expand congressional authority, the “commerce clause” (Article I, Section 8), gives Congress the power to “regulate Commerce with foreign Nations, and among the several States.” Congress has used this clause to expand its powers into a number of areas, such as regulation of the airline industry, radio and television, and nuclear energy.

The process of amending the Constitution and applying its principles in new areas helps keep our government functioning well. In 1974 Barbara Jordan, an African American member of Congress and a constitutional scholar, spoke about her faith in the constitutional process:

**PRIMARY SOURCE**

“Through the process of amendment, interpretation, and court decision I have finally been included in ‘We, the people.’ . . . My faith in the Constitution is whole; it is complete; it is total.

—from her speech before the House, July 25, 1974



**Reading Check**

**Explaining** What are reserved powers?

## The Federal Government

**Main Idea** The U.S. federal government has three branches: the legislative branch, the executive branch, and the judicial branch.

**History and You** Have you ever written to a representative, senator, president, or chief justice? Read to learn about the duties of officials in the different branches of the federal government.

**T**he Constitution explains how our federal, or national, government is set up and how it works. The federal government is divided among the three branches: legislative, executive, and judicial.

### The Legislative Branch

Congress, the legislative branch, makes laws, imposes taxes, and declares war. It has two parts—the House of Representatives and the Senate. The House of Representatives has 435 voting members and 5 nonvoting delegates from the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands. The number of representatives from each state is determined by the state’s population. Representatives, who must be at least 25 years old, serve two-year terms.

## Women in Congress



**Firsts** Patsy Mink of Hawaii, elected in 1964, became the first Asian American woman and the first woman of color in the U.S. Congress. In 1968 Shirley Chisholm of Brooklyn, New York, was the first African American woman elected to Congress. The first Latino woman elected to Congress was Ileana Ros-Lehtinen of Florida. She was elected in 1988.

◀ **Jeanette Rankin**  
First woman in U.S. Congress (1917)

**Nancy Pelosi**  
First woman Speaker of the U.S. House (2007) ▶



### Critical Thinking

**Making Generalizations** Does democracy require participation in government by all groups? Explain.

## How a Bill Becomes a Law

### Introduction

Most bills begin as similar proposals in the House and Senate.

Bill introduced in House

Bill introduced in Senate

### Committee Action

A committee holds hearings, makes changes, and recommends passage.

Referred to House committee

Referred to Senate committee

### Floor Action

All bills must go through both the House and Senate before reaching the president.

House debates and passes its form of bill

Senate debates and passes its form of bill

House and Senate members confer, reach compromise on single bill

House and Senate approve compromise

### Enactment Into Law



President signs bill into law\*

\*President may sign bill into law or veto it. Congress may override veto by two-thirds majority vote.

### Chart Skills

**Analyzing Visuals** What role does the president play in the passage of a new law?

The Senate has 100 senators, 2 from each state. Senators, who must be at least 30 years old, serve six-year terms. One-third of Senate seats come up for election every 2 years.

**The Role of Congress** Congress makes the nation's laws and controls government spending. All tax and spending bills begin in the House of Representatives and are approved in both the House and the Senate before the president signs them into law.

Congress also keeps a check on the actions of the executive branch. The House can impeach, or bring charges against, any federal official suspected of wrongdoing. Officials found guilty may be removed from office. The Senate also holds certain special powers. It can ratify treaties and approve presidential appointments of federal officials.

## The Executive Branch

The executive branch carries out the laws passed by Congress. It includes the president, the vice president, and various offices, departments, and agencies.

**The President** The president carries out the nation's laws with the help of many executive offices, departments, and agencies. As

head of the executive branch, the president has the following roles, each with specific powers and duties:

- **Chief Diplomat:** directs foreign policy, appoints ambassadors, and negotiates treaties with other nations.
- **Commander in Chief:** uses the military in crises at home and abroad with congressional approval or declaration of war.
- **Head of State:** representative of all Americans; receives foreign dignitaries; bestows honors on Americans.
- **Legislative Leader:** proposes laws to Congress; sets goals for legislation and working to see that they are passed. In the annual State of the Union address, the president presents goals for legislation. The vice president also serves in the Legislative branch as the President of the Senate.

**Cabinet and Vice President** The secretaries, or heads, of departments form the cabinet, a group that helps the president set government policy. Members of the cabinet advise the president on issues related to their departments. The Constitution gives the vice

president no duties aside from presiding over the Senate. It is the president who determines what the vice president will do, such as working with Congress or making trips abroad.

## The Judicial Branch

The Constitution calls for a Supreme Court and the creation of lower courts as Congress wishes. In 1789 Congress passed a Judiciary Act, which added a series of district courts to the federal court system. Appeals, or circuit courts, were added in 1891 to ease the workload of the Supreme Court.

**Lower Federal Courts** The duties of the lower federal courts are the following:

- **District Courts:** handle civil and criminal cases that come under federal authority; 91 district courts, with at least 1 in every state.
- **Appeals Courts:** review district court decisions; overturn a verdict of the district court or order a retrial; 14 appeals courts in the United States.

**The Supreme Court** The Supreme Court stands at the top of the American legal system. It is one of the coequal branches of the national

government, along with Congress and the president. The Supreme Court is comprised of nine justices: the chief justice of the United States and eight associate justices. Congress has the power to set this number and the power to change it.

The Constitution does not describe the duties of the justices, which have developed from laws and customs in response to national needs. The main duty of the justices is to hear and rule on cases. This duty **involves** them in three tasks: deciding which cases to hear from among thousands of appeals each year; deciding the case itself; and explaining the decision, called the Court's opinion.

The role of the judicial branch has grown as the powers implied in the Constitution have been put into practice. In the 1803 case *Marbury v. Madison*, Chief Justice John Marshall expanded Supreme Court powers by striking down an act of Congress. In that decision, the Court defined its right to determine whether a law violates the Constitution. Although not mentioned in the Constitution, this principle, known as judicial review, has become a major power of the judicial branch.

 **Reading Check** **Describing** What is Congress's role in government spending?

## The Supreme Court



◀ Seated left to right: Anthony Kennedy, John Paul Stevens, Chief Justice John G. Roberts, Jr., Antonin Scalia, David Souter. Standing left to right: Stephen Breyer, Clarence Thomas, Ruth Bader Ginsburg, Samuel Alito, Jr.

### Critical Thinking

**Describing** Why do you think the number of justices is set as an uneven number?



## Rights, Duties, and Responsibilities

Rights	Duties	Responsibilities
<p><b>Security</b> protection by government</p> <p><b>Equality</b> equal treatment under the law</p> <p><b>Liberty</b> rights guaranteed under the Constitution</p>	<ul style="list-style-type: none"><li>• Obey the law</li><li>• Pay taxes</li><li>• Defend the nation</li><li>• Serve in court</li><li>• Attend school</li></ul>	<ul style="list-style-type: none"><li>• Be informed and vote</li><li>• Participate in your community and government</li><li>• Respect the rights and property of others</li><li>• Respect different opinions and ways of life</li></ul>

### Chart Skills

**Contrasting** How do duties differ from responsibilities?

## Rights and Citizen Participation

**Main Idea** U.S. citizenship brings with it certain rights and responsibilities.

**History and You** Are you a good citizen? What are the rights and responsibilities of citizenship? Read to learn why American citizens have a responsibility to their community, the environment, and the law.

All American citizens have certain basic rights, but they also have specific responsibilities. Living in a democracy means that every citizen is partly responsible for how society is governed and for the actions the government takes on each citizen's behalf.

### The Rights of American Citizens

The rights of Americans fall into three broad categories: the right to be protected from unfair government actions, to have equal treatment under the law, and to enjoy basic freedoms.

**Due Process** The Fifth Amendment states that no person shall "be deprived of life, liberty, or property, without due process of law." Due process of law means that the government must follow procedures established by law and guaranteed by the Constitution, treating all people according to these principles.

**Equal Protection** All Americans, regardless of race, religion, or political beliefs, have the right to be treated the same under the law.

The Fourteenth Amendment requires every state to grant its citizens "equal protection of the laws."

**Basic Freedoms** The basic freedoms involve the liberties outlined in the First Amendment—freedom of speech, freedom of religion, freedom of the press, freedom of assembly, and the right to petition. In a democratic society, power exists in the hands of the people. Therefore, its citizens must be able to exchange ideas freely.

**Limits on Rights** Our rights are not unlimited. The government can establish laws or rules to protect the health, safety, security, and moral standards of a community. Moreover, rights may be limited to prevent one person's rights from interfering with the rights of others. The restrictions of rights, however, must be reasonable and must apply to everyone equally.

### Citizen Participation

A citizen is a person who owes loyalty to and is entitled to the protection of a state or nation. How do you become an American citizen? Generally, citizenship is granted to anyone born within the borders of the United States. Citizenship is also granted to anyone born outside of the United States if one parent is a U.S. citizen. A person of foreign birth can become a citizen through the process of naturalization. Before being admitted citizenship, applicants must be willing to give up any foreign allegiance and must promise to

obey the Constitution and the laws of the United States.

As citizens of the United States, we are expected to carry out certain duties and responsibilities. Duties are things we are required to do by law. Responsibilities are things we should do. Fulfilling both our duties and our responsibilities helps ensure that we have a good government and that we continue to enjoy our rights.

**Duties** One of the duties of all Americans is to obey the law. Laws help keep order; protect the health, safety, and property of citizens; and make it possible for people to live together peacefully. If you believe a law needs to be changed, you can work through your elected representatives to improve it.

Americans also have a duty to pay taxes. The government uses tax money for purposes, such as defending the nation, providing health insurance for senior citizens, and building roads and bridges.

Another duty of citizens is to defend the nation. All males aged 18 and older must register with the government in case they are needed for military service.

The Constitution guarantees all Americans the right to a trial by a jury of their peers (equals). For this reason, citizens are often called to serve on juries after they become eligible at the age of 18. Having jurors on hand is necessary to guarantee the right to a fair and speedy trial.

**Responsibilities** Responsibilities are not as clear-cut as duties. Because responsibilities are voluntary, people are not arrested or punished if they do not fulfill these obligations. The quality of our lives **diminishes** if responsibilities are neglected.

Perhaps your most important responsibility as a citizen will be to vote when you reach the age of 18. Voting allows you to participate in government and guide its direction. When you vote for people in government, you will be exercising your right of self-government. If you disapprove of the job your representatives are doing, you can express your views to them or help elect other people in the next election.



**Summarizing** What is the difference between a duty and a responsibility?

## Constitution Handbook Review

### Vocabulary

1. Use each of these terms in a sentence: **Preamble, popular sovereignty, republicanism, federalism, enumerated powers, reserved powers, concurrent powers, amend, implied powers, involve, diminish.**

### Main Ideas

2. **Making Connections** How are popular sovereignty and voting connected?
3. **Explaining** Are the rights of American citizens unlimited? Explain.

### Critical Thinking

4. **Evaluating** What is the importance of federalism in the Constitution?
5. **Comparing** Re-create the chart below, and describe how each branch of government has power over another branch.

Branch	Power
Legislative	
Executive	
Judicial	

6. **Expository Writing** Write a short essay summarizing the major principles found in the Preamble.

### Answer the Essential Question

7. Why is citizen participation essential to the preservation of the U.S. political system?

Answer Key  
Constitution Handbook

**Page 214**

**Answers to Graphic**

Popular Sovereignty; Republicanism; Limited Government; Separation of Powers;  
Checks and Balances; Individual Rights

**Page 216**

**Chart Skills Answer**

Both state and federal governments raise taxes to pay for expenses unique to their governments.

**Page 217**

**Critical Thinking Answers**

1. by declaring presidential actions unconstitutional
2. by appointing judges

**Page 218**

**Critical Thinking Answer**

because many people first came to the United States in search of religious Freedom

**Page 219**

**Critical Thinking Answer**

Possible answer: yes, because all interests must be represented in a government for it to be truly democratic

**Reading Check Answer**

Reserved powers are powers retained by the states—for example, the power to establish schools and make marriage and divorce laws.

**Page 220**

**Chart Skills Answer**

The president signs a bill into law.

**Page 221**

**Reading Check Answer**

All tax and spending bills must begin in the House of Representatives and be approved by the House and the Senate.

### **Critical Thinking Answer**

Possible answer: to avoid a tie vote

### **Page 222**

#### **Chart Skills Answer**

Possible answer: Duties are required by law; responsibilities are voluntary.

### **Page 223**

#### **Reading Check Answer**

Duties are required by law; responsibilities are voluntary.

#### **Handbook Review**

1. Student work should reflect correct use of terms.
2. Popular sovereignty is the idea that the government reflects the wishes of the people. Voting is the way people express their wishes.
3. No; the government can establish laws to protect the health, safety, security, and moral standards of a community, and may restrict one person's rights from interfering with another person's.
4. Federalism is the system of shared power between the national government and the states. The Constitution defines three kinds of powers—enumerated powers, which belong only to the federal government; reserved powers, which are retained by the states; and concurrent powers, which are shared by state and federal governments.
5. **Legislative:** over executive—impeach president, override veto, reject appointments, reject treaties; over judicial—impeach judges, reject nomination of judges; **Executive:** over judicial—appoints judges; over legislative—veto legislation; **Judicial:** over executive and legislative branches—declare actions/laws unconstitutional
6. Essays should summarize popular sovereignty, republicanism, limited government, federalism, separate of powers, checks and balances, and individual rights.
7. The U.S. political system is a democracy and every person living in a democracy is partly responsible for how society is governed and for the actions the government takes on each citizen's behalf.