

Chapter

4

The Constitution

▼ The National Archives, Washington, D.C.



NATIONAL GEOGRAPHIC

Where & When?



1785

1790

1795

1787

The Constitution is signed

1789

John Jay becomes first Supreme Court Chief Justice

1792

President Washington vetoes a bill from Congress for first time

The Big Ideas

Section
1

Goals of the Constitution

A constitution reflects the values and goals of the society that creates it. 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.

Section
2

The Federal Government

Political ideas and major events shape how people form governments. The Constitution provided for a United States government that was set up as three equal branches with different responsibilities.

Section
3

Citizens' Rights and Responsibilities

Citizen participation is essential to the foundation and preservation of the U.S. political system. Citizens of the United States have certain duties and responsibilities that help maintain our form of government.

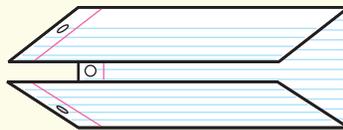


View the Chapter 4 video in the Glencoe Video Program.

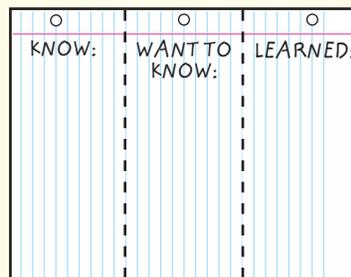
FOLDABLES™ Study Organizer

Know-Want-Learn Make this foldable to determine what you already know, to identify what you want to know, and to record what you learn about the Constitution of the United States.

Step 1 Fold a sheet of paper into thirds from top to bottom.



Step 2 Turn the paper horizontally, unfold, and label the three columns as shown.



- **Reading and Writing**
- Before you read the chapter, write what you already know about the Constitution in the "Know" column. Write what you want to know about the Constitution in the "Want to Know" column. Then, as you read the chapter, write what you learn in the "Learned" column. Check to see if you have learned what you wanted to know (from the second column).

Get Ready to Read

Summarizing Information

**READING
SKILL**

Learn It!

Summarizing helps you clarify key points in your own words. You can summarize what you have read by pausing and restating the main ideas of the text. Then answer the key questions *Who? What? Where? When? Why?* and *How?* Read the information under “Major Principles” on page 221. Work with a partner to summarize the main points of what you read.

Did your summary include some of these details?

- The Constitution rests on seven major principles.
- Those principles are: popular sovereignty, republicanism, limited government, federalism, separation of powers, checks and balances, and individual rights.

Reading Tip

As you read, take note of the sections that you may want to go over again.

2 Practice It!

With a partner, read the paragraph below. Then read the sections titled “Rights of American Citizens” on page 235 and “Citizen Participation” on page 236. Work together to make a list summarizing what you read. As you discuss your conclusions, see if you can answer the questions that follow.

It is the combination of rights, responsibilities, and duties that characterize what it means to be a citizen of a free democratic society. As citizens, we are free to exercise our rights. In return we are expected to fulfill certain duties and responsibilities.

Read to Write.....

Choose two editorials in your local newspaper. Read them carefully and then summarize each writer’s main point.

- What is a citizen?
- What are the rights citizens hold?
- What is the difference between duty and responsibility?
- What is one of the most important responsibilities of citizens?



Citizens take part in a town hall meeting. ▶

3 Apply It!

As you read this chapter, keep track of the main ideas of each section.

Goals of the Constitution

Guide to Reading



History Social Science Standards

US8.2 Students analyze the political principles underlying the U.S. Constitution and compare the enumerated and implied powers of the federal government.

US8.3 Students understand the foundation of the American political system and the ways in which citizens participate in it.

Looking Back, Looking Ahead

You read that the last of the 13 states ratified the Constitution in 1790. The ratifying states had closely examined the goals of and the principles behind the document creating the new government.

Focusing on the **Main Ideas**

- The Preamble to the Constitution describes six goals for the United States government. (page 219)
- The Constitution is based on seven major principles. (page 221)
- The Framers wrote the Constitution so that it could be altered or adapted to meet changing needs. (page 224)

Content Vocabulary

Preamble

popular sovereignty (SAH • vuhrn • tee)

republicanism

federalism

enumerated powers

(ih • NYOO • muh • RAYT • ehd)

reserved powers

concurrent powers (kuhn • KUHR • uhnt)

amendment

implied powers (ihm • PLYD)

judicial review

Academic Vocabulary

function (FUHNG • shuhn)

cooperate (koh • AH • puh • RAYT)

anticipate (an • TIH • suh • PAYT)

Reading Strategy

Organizing Information Use a diagram like the one below to list the seven major principles on which the Constitution is based.



NATIONAL
GEOGRAPHIC

Who & When?

1785

1795

1805

1786

1787

1803

Shays's Rebellion causes concerns with "domestic tranquility"

Gouverneur Morris writes the Preamble to the Constitution



President Thomas Jefferson increases powers of the presidency

Thomas Jefferson



US8.2.2 Analyze the Articles of Confederation and the Constitution and the success of each in implementing the ideals of the Declaration of Independence. **US8.3.3** Enumerate the advantages of a common market among the states as foreseen in and protected by the Constitution's clauses on interstate commerce, common coinage, and full-faith and credit.

Goals of the Constitution

Main Idea The Preamble to the Constitution describes six goals for the United States government.

Reading Connection Just as you often determine goals when working on a project, the creators of the Constitution thought about what they wanted the new government to do for the nation's people. Read to find out the goals set by the Constitution's Framers for the United States government.

An American Story

On September 17, 1787, the delegates to the Constitutional Convention signed the document. When it came Benjamin Franklin's turn to sign, the elderly leader had to be helped forward in order to write his name on the parchment. Tears streamed down his face as he signed. He looked at the carving of the sun on the back of George Washington's chair. "I have often looked at that sun behind the president of the convention without being able to tell whether it was rising or setting," he said, "but now, I have the happiness to know that it is a rising and not a setting sun."

The rising sun that Franklin spoke of was the new government of a very young country, the United States of America.

The Preamble The **Preamble**, or introduction, to the Constitution, written by Gouverneur Morris, begins "We the People." It reflects the basic principle of the new American government—the right of the people to govern themselves. The Preamble also lists six goals for the United States government:

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



Promoting the General Welfare

Under the Articles of Confederation, the United States had faced difficulties with trade and commerce. Trying to gain an economic advantage, states interfered with one another's trade through tariffs and other means. Under the goal of promoting the general welfare, the Constitution allowed the new government to regulate commerce. The United States became a large common market in which trade barriers between the states were eliminated, and individual states were prohibited from acting as separate nations.

According to the Constitution, the states were required to respect the laws and regulations of all the other states, a concept known as full faith and credit. They could in no way impede trade and commerce between one another. The national government could also develop a common currency to encourage trade. This clause led to the monetary system you use today. The paper bills and coins you carry can be used anywhere in the United States without question.



These goals guided the Constitution's Framers as they created the new government. They remain as important today as they were when the Constitution was written.



Biography



US8.2.4 Describe the political philosophy underpinning the Constitution as specified in the *Federalist Papers* (authored by James Madison, Alexander Hamilton, and John Jay) and the role of such leaders as Madison, George Washington, Roger Sherman, Gouverneur Morris, and James Wilson in the writing and ratification of the Constitution.

GOUVERNEUR MORRIS

1752–1816

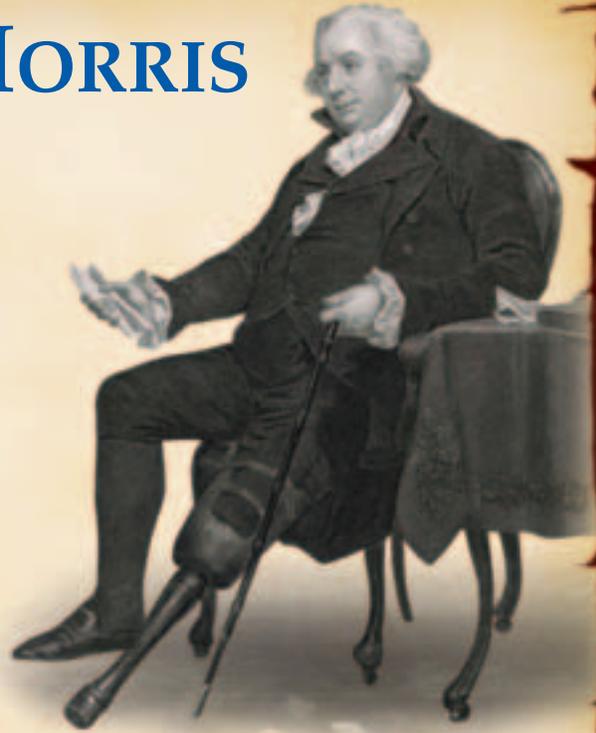
A brilliant speaker and writer, Gouverneur Morris was a leader during the American Revolution and the Constitutional Convention. As a young man, Morris devoted himself to education, graduating from King's College in 1768, at the age of 16, and earning a degree in law in 1771.

Morris joined the struggle for American independence although his family supported the Loyalist cause. While his brother served as an officer in the British army, Morris joined the American military despite a physical handicap that left him without the full use of his right arm. Later he lost his left leg in an accident.

In 1778 Morris became one of the youngest delegates to the Continental Congress. At Valley Forge, he had seen "an army of skeletons . . . naked, starved, sick, discouraged," and worked to improve conditions for the soldiers. In 1781 Morris served as an assistant to the Minister of Finance. He developed the system of decimal coinage, or the addition of pennies, nickels, dimes, and quarters to the American dollar.

In 1787 Morris joined the Constitutional Convention as a delegate from Pennsylvania. He was an opponent of slavery and tried to get the Constitutional Convention to ban it. He wrote the inspiring Preamble to the Constitution and helped write and edit much of the rest of the document. Because of his belief in nationalism, Morris changed the first line of the Constitution from "We the people of the states of New Hampshire, Massachusetts, . . ." with all 13 states listed, to "We the people of the United States."

James Madison said of Morris: "A better choice [to rework the Constitution] could not have been made."



"We the people of the United States . . ."

—from the Preamble to the U.S. Constitution

Then and Now

Although physically impaired, Morris made a significant impact on American history. Can you identify other local or national leaders like him?



US8.2.2 Analyze the Articles of Confederation and the Constitution and the success of each in implementing the ideals of the Declaration of Independence. **US8.2.7** 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.

To Form a More Perfect Union Under the Articles of Confederation, the states **functioned** like independent nations, often disagreeing on defense and finances. To form “a more perfect Union,” the Framers believed the states needed to agree to operate as a single country and **cooperate** on major issues.

To Establish Justice For the Framers, treating each citizen equally was a fundamental principle. The Constitution provides a national system of courts to protect the people’s rights and to hear cases involving violations of federal law and disputes among the states.

To Insure Domestic Tranquility The violent protests of Shays’s Rebellion in 1786 shocked Americans. The Constitution seeks to “insure domestic Tranquility”—that is, to keep peace among the people.

To Provide for the Common Defense Under the Articles of Confederation, the nation’s defense depended on state militias. The Constitution gives the federal government the power to maintain armed forces to protect the country and its citizens from attack.

To Promote the General Welfare The Declaration of Independence states that the purpose of government is to promote “Life, Liberty, and the pursuit of Happiness” for the people of the nation. The Constitution includes ways to “promote the general Welfare”—or well-being—of the people by maintaining order, protecting individual liberties, regulating commerce and bankruptcies, and promoting science and technology by granting patents.

To Secure the Blessings of Liberty The Framers believed that preserving liberty should be a major goal of the Constitution. The Constitution guarantees that no American’s basic rights will be taken away now or for posterity (generations not yet born).

Reading Check Analyze What is the purpose of the Preamble?

Major Principles

Main Idea The Constitution is based on seven major principles.

Reading Connection What are principles? What principles do you live by? Read to discover how the basic principles of the Constitution have remained the same for more than 200 years.

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.

Major Principles of the Constitution	
Popular Sovereignty	People are the source of the government’s power.
Republicanism	People elect their political representatives.
Limited Government	The Constitution limits the actions of government by specifically listing powers it does and does not have.
Federalism	In this government system, power is divided between national and state governments.
Separation of Powers	Each of the three branches of government has its own responsibilities.
Checks and Balances	Each branch of government holds some control over the other two branches.
Individual Rights	Basic liberties and rights of all citizens are guaranteed in the Bill of Rights.

Understanding Charts

The principles outlined in the Constitution were the Framers’ solution to the complex problems presented by a representative government.

Analyze What is the relationship between checks and balances and separation of powers?



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 choose their representatives in government. Today, the terms *republic* and *representative democracy* mean the same thing: a system of limited government where the people are the ultimate source of governmental power.

Limited Government The Framers agreed that the nation needed strong central authority but feared misuse of power. 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 as well as 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 people or groups are above the law.

Federalism Under the Constitution, states gave up some independence. They could no longer print their own money or tax imports 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**. This system allows each state to deal with its needs in its 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** (ih • NYOO • muh • RAYT • ehd) 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. The powers retained by the states are known as **reserved powers**. They include such rights as the power to establish schools, pass marriage 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** (kuhn • KUHR • uhnt)—powers shared by the state and federal governments. Among these powers are the right to raise taxes, borrow money, and provide for public welfare.

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. The three branches are the legislative, the executive, and the 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. Under this system, each branch of government can check, or limit, the power of the other branches. For example, the legislative branch, Congress, can pass a law. Then the executive branch, headed by 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. The Supreme Court can also 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.

Individual Rights The Bill of Rights became part of the Constitution in 1791. These first 10 **amendments**, or changes to the Constitution, protect basic liberties and rights that you may take for granted—including freedom of speech, freedom of the press, freedom of assembly, and freedom of religion.

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, authorize an income tax, and set a two-term limit on the presidency.

Reading Check Explain What is popular sovereignty?

The Bill of Rights	
1	Guarantees freedom of religion, speech, assembly, and press, and the right of people to petition the government
2	Protects the rights of states to maintain a militia and of citizens to bear arms
3	Restricts quartering of troops in private homes
4	Protects against “unreasonable searches and seizures”
5	Assures the right not to be deprived of “life, liberty, or property, without due process of law”
6	Guarantees the right to a speedy and public trial by an impartial jury
7	Assures the right to a jury trial in cases involving the common law (the law established by previous court decisions)
8	Protects against excessive bail, or cruel and unusual punishment
9	Provides that people’s rights are not restricted to those specified in the first eight amendments
10	Restates the Constitution’s principle of federalism by providing that powers not granted to the national government nor prohibited to the states are reserved to the states and to the people

Understanding Charts

The Bill of Rights protects many of the basic liberties we expect as Americans today.

Analyze Which of these amendments appear to be responses to British abuses before the Revolution?





US8.2.6 Enumerate the powers of government set forth in the Constitution and the fundamental liberties ensured by the Bill of Rights. **US8.2.7** 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.

A Living Constitution

Main Idea The Framers wrote the Constitution so that it could be altered or adapted to meet changing needs.

Reading Connection How do you think the Constitution and our government have changed in the 200 years since they were created? Read to find out how the Framers planned for changes to be possible.

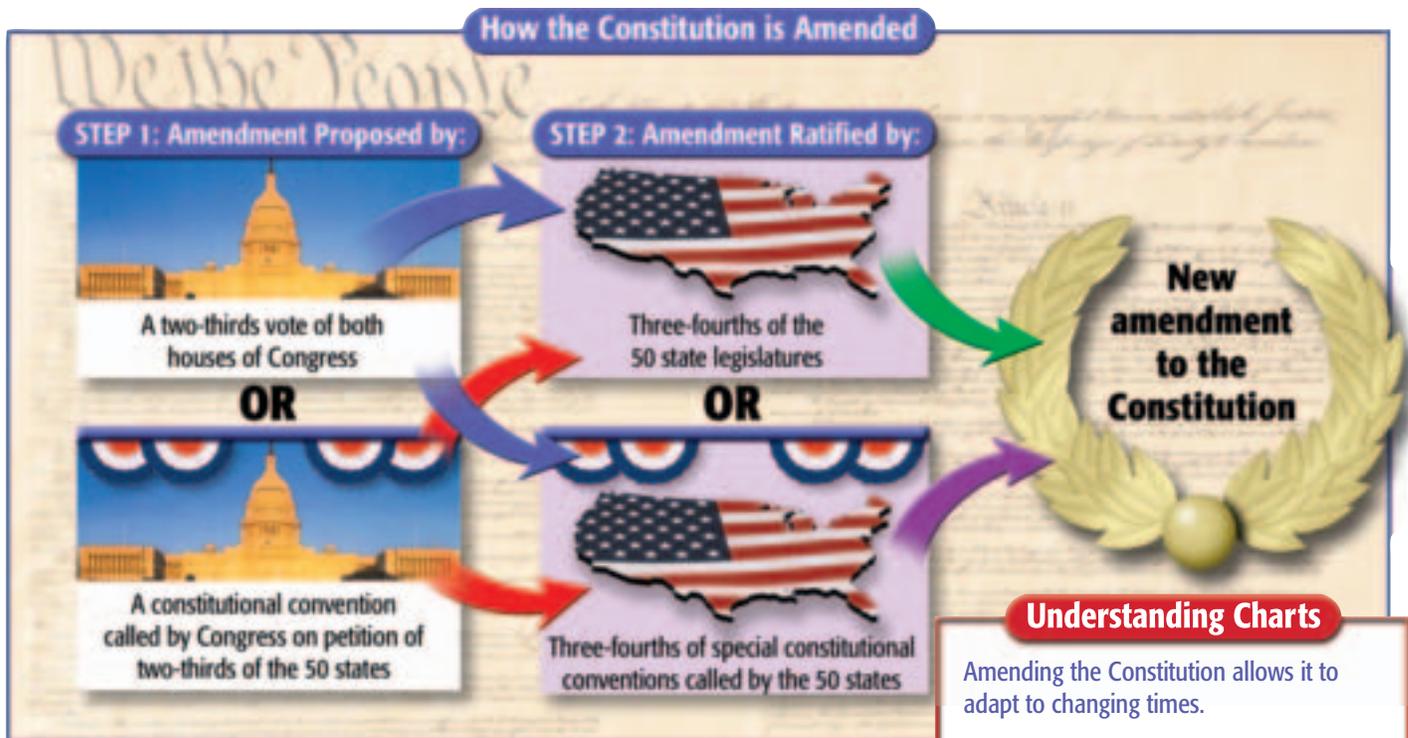
Two years after the Constitutional Convention, Benjamin Franklin wrote, “Our Constitution is in actual operation; everything appears to promise that it will last; but in this world nothing is certain but death and taxes.”

Despite Franklin’s uncertainty about the future of the nation’s Constitution, it is still very much alive today. The Constitution has survived because it allows the government to deal with matters the Framers never **anticipated**—such as regulating nuclear power plants. 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 being made. Although more than 9,000 amendments have been proposed since 1788, only 27 of them have become part of the Constitution.

An amendment may 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. Ratification of an amendment requires approval by three-fourths of the states.

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** (ihm • PLYD), meaning powers not specifically defined in the Constitution.



Understanding Charts

Amending the Constitution allows it to adapt to changing times.

Analyze What role do the states play in the amendment process?

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, including regulation of the airline industry, radio and television, and nuclear energy.

Powers of the Presidency The Constitution describes the role and the powers of the president in general terms. This has allowed the executive branch to extend its powers. In 1803, for example, President Thomas Jefferson approved a treaty with France that enabled the United States to buy an enormous tract of land.

The Courts The role of the judicial branch has also grown as powers implied in the Constitution have been put into practice. In 1803 Chief Justice John Marshall expanded the powers of the Supreme Court by striking down an act of Congress in the case of *Marbury v. Madison*.

In that decision, the Court defined its right to determine whether a law violates the Constitution. Although not mentioned in the Constitution, **judicial review** has become a major power of the judicial branch.

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

“But through the process of amendment, interpretation, and court decision I have finally been included in ‘We, the people.’”

—Barbara Jordan, *Opening Statement to the House Judiciary Committee*

Reading Check Explain What are implied powers?

Section 1 Review

History online

Study Central Need help understanding the goals of the Constitution? Visit ca.hss.glencoe.com and click on Study Central.

Reading Summary

Review the Main Ideas

- The six goals of the Constitution include providing for the common defense and promoting the general welfare of the people.
- The seven principles outlined in the Constitution were meant as solutions to the problems of a representative government.
- The amendment process allows for changes to the Constitution.

What Did You Learn?

1. What does *domestic tranquility* mean?
2. Explain the origin of judicial review.
3. **Compare** Re-create the diagram below and describe how each branch of government has power over another branch. **CA H12.**
4. **Evaluate** What is the importance of federalism in the Constitution?
5. **The Big Ideas** How does the ability to interpret and amend the Constitution represent a compromise?

Critical Thinking

3. **Compare** Re-create the diagram below and describe how each branch of government has power over another branch. **CA H12.**

Branch	Power
Legislative	
Executive	
Judicial	

CA H1.

6. **READING Summarizing Information** Write a short essay summarizing the major principles found in the Preamble. **CA 8WS1.1**

The Federal Government

Guide to Reading



History Social Science Standards

US8.2 Students analyze the political principles underlying the U.S. Constitution and compare the enumerated and implied powers of the federal government.

Looking Back, Looking Ahead

You learned that separation of powers and checks and balances are important principles behind the Constitution. These principles are apparent in the organization of the federal government.

Focusing on the Main Ideas

- The legislative branch is responsible for making the nation's laws. (page 227)
- The executive branch carries out the laws made by the legislative branch. (page 229)
- The Supreme Court and a number of lesser courts make up the judicial branch. (page 230)

Content Vocabulary

appropriate (uh • PROH • pree • AYT)
impeach (ihm • PEECH)
constituent (kuhn • STIHCH • wuhnt)

Academic Vocabulary

monitor (MAH • nuh • tuhr)
intervene (ihN • tuhr • VEEN)
assume (uh • SOOM)

Reading Strategy

Summarizing Information Draw a diagram like the one below and list some of the responsibilities and powers of Congress.



NATIONAL
GEOGRAPHIC

Who & When?

1785



John Jay

1789

John Jay becomes first chief justice

1795

1792

George Washington uses the first presidential veto

George Washington



1805

1801

John Marshall becomes chief justice of the Supreme Court

John
Marshall





The Legislative Branch

Main Idea The legislative branch is responsible for making the nation's laws.

Reading Connection Have you ever considered how important our country's laws are to the success of our nation? Read to find out about the branch of government that creates the laws for the United States.

Congress, the legislative branch of the government, makes the nation's laws. It also has the power to "lay and collect taxes" and to declare war. Congress has two houses, the House of Representatives and the Senate.

The House and Senate Today The House of Representatives has 435 voting members and five 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 2-year terms.

The Senate consists of 100 senators, 2 from each state. Senators, who must be at least 30 years old, serve 6-year terms. The senators' terms are staggered, which means that one-third of the Senate seats come up for election every 2 years.

The Role of Congress Congress has two primary functions: to make the nation's laws and to control government spending. The government cannot spend any money unless Congress **appropriates** (uh•PROH•pree•AYTS), or sets aside, funds. All tax and spending bills must originate in the House of Representatives and gain approval in both the House and the Senate before moving on to the president for signature.

Congress also serves as a watchdog over the executive branch, **monitoring** its actions and investigating possible abuses of power. The House of Representatives can **impeach** (ihm•PEECH), or bring formal charges against, any federal official it suspects of wrongdoing.

If an official is impeached, the Senate acts as a court and tries the accused official. Officials who are found guilty may be removed from office.

The Senate also holds certain special powers. Only the Senate can ratify treaties made by the president and confirm presidential appointments of federal officials, such as department heads, ambassadors, and federal judges.

All members of Congress have the responsibility of representing their **constituents** (kuhn•STIHCH•wuhntz), the people of their home states and districts. As a constituent, you can expect your senators and representatives to promote and protect your state's interests as well as those of the nation.

Congress at Work Thousands of bills, or proposed laws, are introduced in Congress every year. Because individual members of Congress cannot possibly study all these bills carefully, both houses use committees of selected members to evaluate proposed legislation.

Standing committees are permanent committees in both the House and the Senate that specialize in a particular topic, such as agriculture, commerce, or veterans' affairs. These committees usually are broken down into subcommittees that focus on a particular aspect of a problem or issue. The House and the Senate sometimes form temporary select committees to deal with issues requiring special attention.



▲ Seal of the U.S. Congress

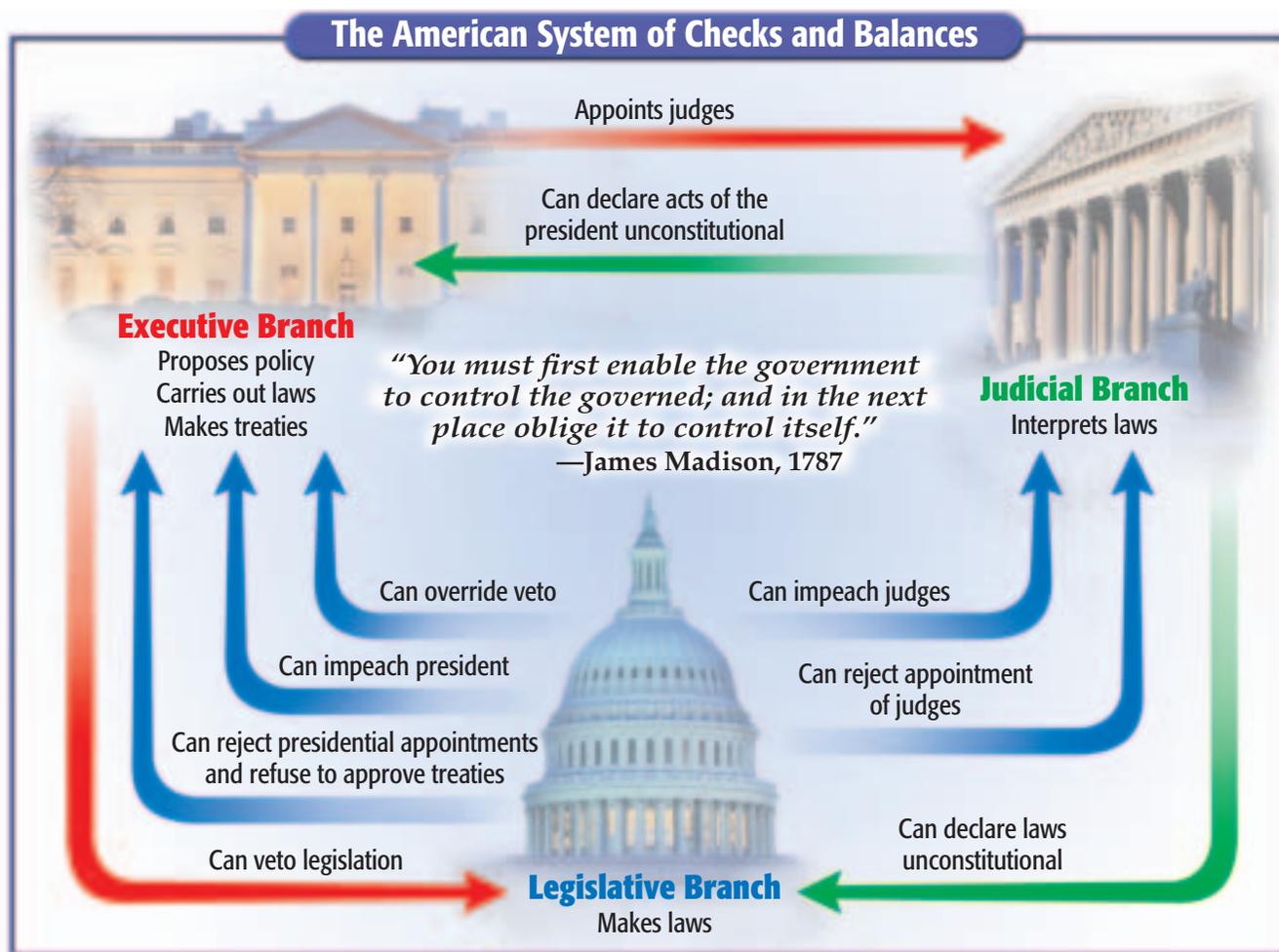
The Lawmaking Process Occasionally the House and the Senate form joint committees with members from both houses. These committees meet to consider specific issues, such as the system of federal taxation. One type of joint committee, a conference committee, has a special function. If the House and the Senate pass different versions of a bill, a conference committee tries to work out a compromise bill that is acceptable to both houses.

Committee Action When it receives a bill, a committee can reject it outright, “pigeonhole” it by setting it aside without reviewing it, or prepare it for consideration by the full House or Senate. While preparing bills, committees hold public hearings at which citizens can present arguments and documents supporting or opposing the bills.

Once a bill is approved by a committee in either house of Congress, it is sent to the full Senate or House for debate. After debate the bill may be passed, rejected, or returned to committee for further changes.

When both houses pass a bill, the bill goes to the president. If the president approves the bill and signs it, it becomes law. If the president vetoes the bill, it does not become law, unless Congress overrides (cancels) the presidential veto by a vote of two-thirds of the members in each house. The first congressional bill to be vetoed was in 1792 by President George Washington. It concerned the reassignment of districts for U.S. Representatives and was not overridden.

Reading Check Sequence List the basic steps of how a bill becomes a law.





The Executive Branch

Main Idea The executive branch carries out the laws made by the legislative branch.

Reading Connection How important is the leader of a club or the captain of a team? What duties does he or she carry out? Read to find out the many duties held by the president of the United States.

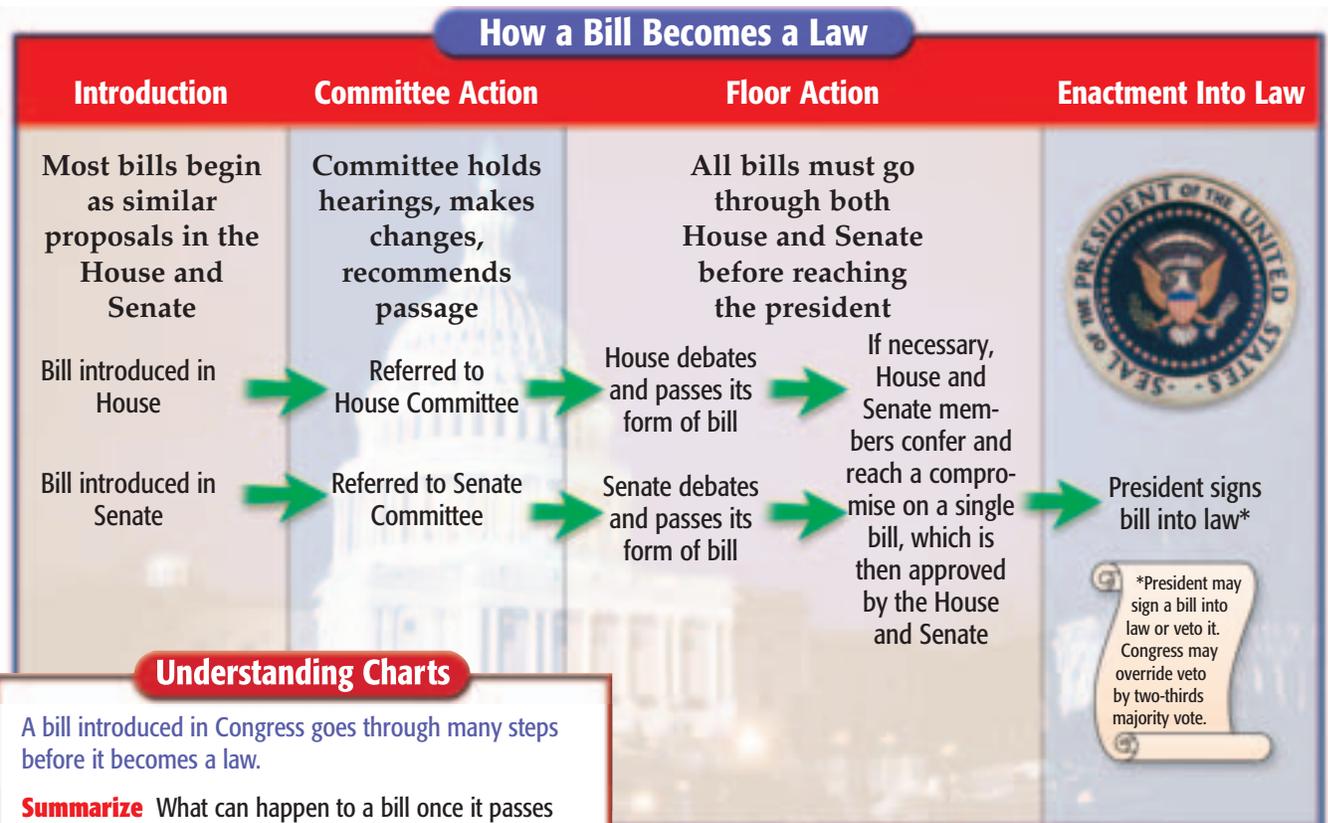
The executive branch of government includes the president; the vice president; and various executive offices, departments, and agencies. The executive branch carries out the laws that Congress passes.

Chief Executive The president plays a number of different roles in government, each of which has specific powers and responsibilities. These roles include the nation’s chief executive, chief diplomat, commander in chief, chief of state, and legislative leader.

As chief executive, the president is responsible for carrying out the nation’s laws. Many executive departments and agencies assist the president in this job.

Chief Diplomat As chief diplomat, the president directs foreign policy, appoints ambassadors, and negotiates treaties with other nations. Treaties must be approved by a two-thirds vote of the Senate before they go into effect.

Commander in Chief As commander in chief of the armed forces, the president can use the military to **intervene** or offer assistance in crisis situations at home and around the world. The president cannot declare war; only Congress holds this power. The president can send troops to other parts of the world for up to 60 days but must notify Congress when doing so. The troops may remain longer only if Congress gives approval or declares war. The president may also use the military to control serious disorders in the nation.



Understanding Charts

A bill introduced in Congress goes through many steps before it becomes a law.

Summarize What can happen to a bill once it passes Congress and reaches the president’s desk?





Chief of State As chief of state, the president serves a symbolic role as the representative of all Americans. The president fulfills this role when receiving foreign ambassadors or heads of state, visiting foreign nations, or bestowing honors on Americans.

Legislative Leader The president serves as a legislative leader by proposing laws to Congress and working for their passage. In the annual State of the Union address, the president presents goals for legislation.

The Executive Branch at Work Many executive offices, departments, and independent agencies help the president carry out and enforce the nation’s laws. The Executive Office of the President (EOP) is made up of individuals and agencies that directly assist the president. Presidents rely heavily on the EOP for advice and for gathering information.

What Is the Cabinet? The executive branch also includes executive departments, each responsible for a different area of government. For example, the Department of State plans and carries out foreign policy, and the Department of the Interior manages and protects the nation’s public lands and natural resources. The heads, or secretaries, of these departments are members of the president’s cabinet, a group that helps the president make decisions and set government policy.

Independent Agencies The independent agencies manage federal programs in many fields. These include aeronautics and space, banking, communications, farm credit, and trade. Government corporations are government agencies that are run like privately owned businesses. One government corporation whose services you may often use is the United States Postal Service.

Reading Check Describe What is the president’s cabinet?

The Judicial Branch

Main Idea The Supreme Court and a number of lesser courts make up the judicial branch.

Reading Connection Do you think a society could exist without a court system that determines in a fair manner if laws have been broken? Read to find out about the powers of the courts as established in the Constitution.

Article III of the Constitution called for the creation of a Supreme Court and “such inferior [lower] courts as Congress may from time to time ordain and establish.” In 1789 Congress passed a Judiciary Act, which added a series of district courts to the federal court system. Congress added appeals courts, sometimes called circuit courts, in 1891 to ease the workload of the Supreme Court.

Lower Federal Courts At the lowest level of the federal court system are the United States district courts. These courts consider criminal and civil cases that come under federal, rather than state, authority. The criminal cases include such offenses as kidnapping and federal tax evasion. Civil cases cover claims against the federal government and cases involving constitutional rights, such as free speech. There are 94 district courts in the nation and the territories.

The next level of federal courts, the appeals courts, reviews district court decisions in which the losing side has asked for a review of the verdict. If an appeals court disagrees with the lower court’s decision, it can either overturn the verdict or order a retrial. The United States has 14 appeals courts.

The Supreme Court The Supreme Court stands at the top of the American legal system. Article III of the Constitution created the Supreme Court as one of three coequal branches of the national government, along with Congress and the president.

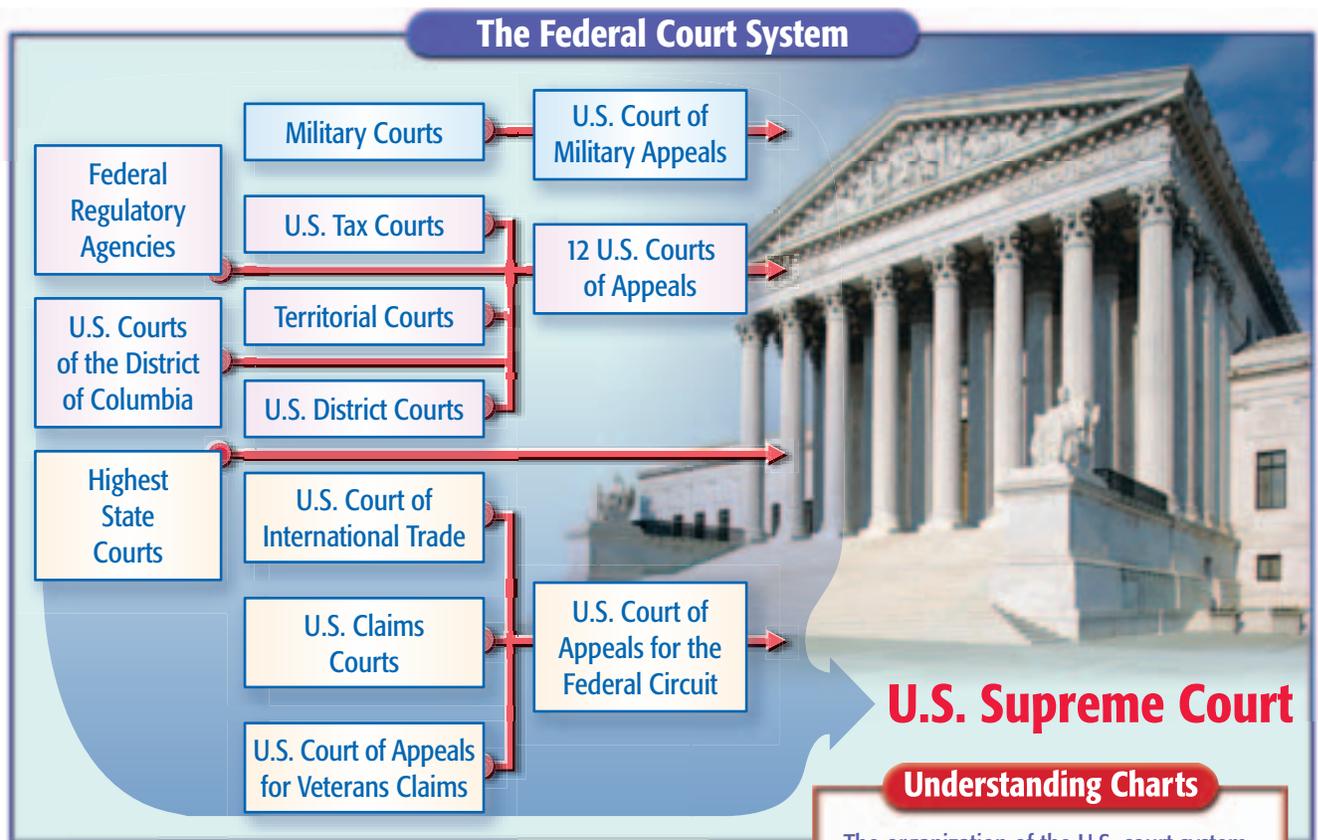


The Supreme Court is led by a chief justice. John Jay became the first chief justice in 1789. Congress sets the number of associate justices and has the power to change that number. Over the years it has varied from four to nine, but it has been nine since 1869.

The Constitution does not describe the duties of the chief justice or the associate justices. Instead, the duties have developed from laws, through tradition, and as the needs and circumstances of the nation have developed. The main duty of the justices is to hear and rule on cases. This duty involves them in three decision-making tasks: deciding which cases to hear from among the thousands appealed to the Court each year; deciding the case itself; and determining an explanation for the decision, called the Court's opinion.

Judicial Review As you have read, the Supreme Court's power to examine the laws and actions of local, state, and national governments and to cancel them if they violate the Constitution is called judicial review. The Supreme Court, under Chief Justice John Marshall, first **assumed** the power of judicial review in the case of *Marbury v. Madison* (1803). Since then, the Court has invalidated, or canceled, nearly 200 provisions of federal law.

The Supreme Court may also review presidential policies. In the case of *Ex parte Milligan* (1866), the Court ruled that President Lincoln's suspension of certain civil rights during the Civil War was unconstitutional. In its decision, the Court noted that the "Constitution of the United States is a law for rulers and people, equally in war and in peace."



U.S. Supreme Court

Understanding Charts

The organization of the U.S. court system is based on the U.S. Constitution and federal laws.

Interpret What is the last court in which a case may be appealed?

Biography

US8.2 Students analyze the political principles underlying the U.S. Constitution and compare the enumerated and implied powers of the federal government.

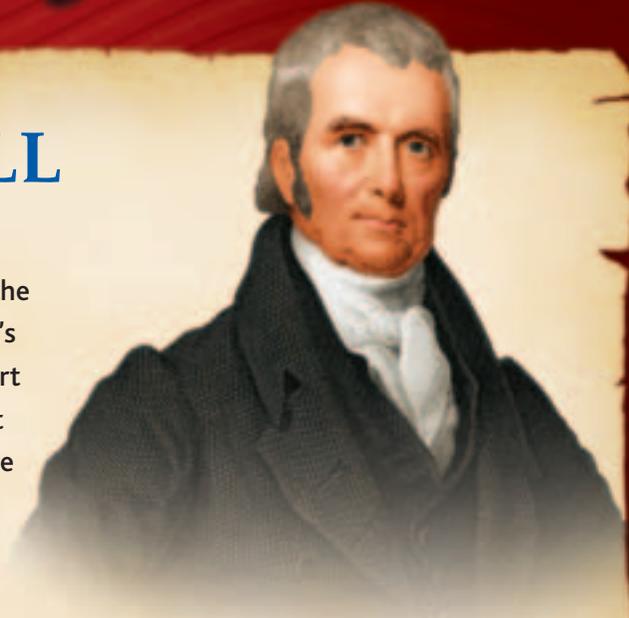
JOHN MARSHALL 1755–1835

John Marshall is the only individual to serve in the House of Representatives, the Senate, the president's cabinet, as governor of a state, and as Supreme Court chief justice. John Adams once said that his greatest act as president was "the gift of John Marshall to the people." Marshall, the fourth chief justice of the United States, hardly looked like the head of the Supreme Court. He often wore mismatched clothes and an old floppy hat. He rejected the gold-braided robes worn by justices at the time in favor of the simple black robes worn by justices today.

Marshall, the oldest of 15 children, grew up on the Virginia frontier. At the outbreak of the Revolutionary War, Marshall joined a Virginia regiment. He never forgot the reasons for which he joined the American Revolution. As a soldier, he once sewed the words "Liberty or Death" onto his shirt. He brought those same principles to his tenure as chief justice and supported both the national government and the new Constitution.

Marshall served in the Virginia legislature and supported the Federalist party. In 1800 President John Adams appointed him secretary of state. In January 1801, Adams appointed Marshall chief justice of the United States. Marshall served in that position 34 years.

Marshall heard cases and made landmark rulings that continue to guide the Supreme Court and the nation's government today. In deciding the case of *Marbury v. Madison* in 1803, the Marshall court established the principle of judicial review of acts of Congress. Marshall reinforced the ideas that the Supreme Court is the final authority to interpret the Constitution and that the Constitution truly was the "supreme law of the land."



"If two laws conflict with each other, the courts must decide on the operation of each. . . . This is of the very essence of judicial duty."

—John Marshall,
Marbury v. Madison (1803)

Then and Now

John Marshall had an important impact on the position of the Supreme Court in the country's government. Research a current Supreme Court justice and describe the impact he or she has had upon the court or upon the nation.

Reviewing State Laws Judicial review of state laws and actions may have as much significance as the Court's activities at the federal level. One important case involved segregation in schools. Many cities had segregated schools: white students attended one school and black students attended a different school. In 1896 the Supreme Court had ruled in *Plessy v. Ferguson* that segregation was constitutional as long as equal facilities were provided for both races.

One important case involved a young African American girl named Linda Brown, who was not allowed to attend her neighborhood school in Topeka, Kansas, because of her race. She was told to attend an all-black school across town. Her parents then sued the Topeka school board, arguing that black children were not getting the same quality of education as white children.

On May 17, 1954, the Supreme Court ruled unanimously in the case of *Brown v. Board of*

Education of Topeka, Kansas, that segregation in public schools was unconstitutional. The *Brown* decision overturned the *Plessy* decision. The *Brown* decision also cleared the way for the end of segregated schools throughout the nation.

Reading Check

Describe How was the court system set up?



Linda Brown was at the center of the important Supreme Court case, *Brown v. Board of Education of Topeka, Kansas*.

Section 2 Review

History Online

Study Central Need help understanding the branches of federal government? Visit ca.hss.glencoe.com and click on Study Central.

Reading Summary

Review the Main Ideas

- Congress works to make the nation's laws and to control government spending.
- Many executive departments and agencies assist the president in carrying out the nation's laws.
- The judicial branch settles disputes and interprets the meaning of laws.

What Did You Learn?

1. List three responsibilities of the president.
2. Does the Constitution describe the duties of the Supreme Court? How have these duties developed?

Critical Thinking

3. **Organizing Information** Re-create the diagram below and provide five different kinds of congressional committees.

CA 8RC2.0



4. **The Big Ideas** How does politics affect Supreme Court decisions? Give one example from 1803 and one from modern history. CA CST.

5. **Creative Writing** Write a help-wanted ad for the position of president of the United States. Describe the various responsibilities and what skills might be needed to fulfill those duties. CA 8WA2.5

CA 8WA2.5

6. **ANALYSIS** Describe the role of the legislative branch in government spending and how that role relates to legislators' constituencies. CA HI2.

Citizens' Rights and Responsibilities

Guide to Reading

 **History Social Science Standards**

US8.2 Students analyze the political principles underlying the U.S. Constitution and compare the enumerated and implied powers of the federal government.

US8.3 Students understand the foundation of the American political system and the ways in which citizens participate in it.

Looking Back, Looking Ahead

You learned about the three branches of the federal government and the people who make up those branches. American citizens must also actively participate to make the government work.

Focusing on the **Main Ideas**

- Americans have certain rights that are protected in the Constitution. *(page 235)*
- American citizens are expected to carry out certain duties and responsibilities. *(page 236)*

Content Vocabulary

due process of law

citizen (SIH • tuh • zuhn)

naturalization

(NA • chuh • ruh • luh • ZAY • shuhn)

Academic Vocabulary

involve (ihn • VAHLV)

diminish (duh • MIH • nihsh)

environment (ihn • VY • ruh • muhnt)

Reading Strategy

Summarizing Information Draw a chart like the one below and fill in some of the rights, duties, and responsibilities of American citizens.

Rights	Duties	Responsibilities



Who & When?

1780

1790

1800



Thomas Jefferson

1786

Thomas Jefferson's Virginia Statute for Religious Freedom is adopted



John Adams

1796

John Adams wins presidential election



US8.2.5 Understand the significance of Jefferson’s Statute for Religious Freedom as a forerunner of the First Amendment and the origins, purpose, and differing views of the founding fathers on the issue of the separation of church and state.

Rights of American Citizens

Main Idea Americans have certain rights that are protected in the Constitution.

Reading Connection What do you consider to be some of your basic rights as an American? Freedom of speech? Freedom of religion? Read to find out where these rights are guaranteed in the Constitution.

An American Story

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

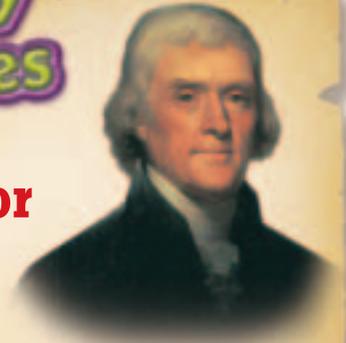
These words from the Declaration of Independence continue to inspire Americans. They have encouraged Americans to pursue the ideals expressed in the Declaration and to create a Constitution and a Bill of Rights that protect these rights. The rights of Americans fall into three broad categories: the right to be protected from unfair actions of the government, to have equal treatment under the law, and to have 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 certain procedures that have been established by law and are guaranteed in the Constitution. All people must be treated according to these principles.

Equal Protection All Americans, regardless of race, religious beliefs, 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.”

Primary Sources



Statute for Religious Freedom

Many people came to America in search of religious freedom. In 1777 Thomas Jefferson wrote a resolution on religious freedom that was adopted by the Virginia state legislature in 1786. Commonly known as the Statute for Religious Freedom, the resolution said:

▲ Thomas Jefferson

“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 wise diminish, enlarge or affect their civil capacities.”

—Thomas Jefferson, “Virginia Statute of Religious Liberty”

A few years after this resolution was adopted, the United States became an independent country, and freedom of religion was one of the principles upon which the nation was founded.

DBQ Document-Based Question

Jefferson wrote that “no man shall be compelled to frequent or support any religious worship.” Write a sentence in your own words that expresses this statement.



US8.3.6 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).

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 such as ours, power exists in the hands of the people. Therefore, its citizens must be able to exchange ideas freely.

The First Amendment, part of the Bill of Rights, which was added to the Constitution in 1791, allows citizens to criticize the government, in speech or in the press, without fear of punishment. It also states that the government cannot endorse a religion, nor can it prohibit citizens from practicing a religion if they choose to do so. In addition, the Ninth Amendment states that the rights of Americans are not limited to those mentioned in the Constitution. This has allowed our basic freedoms to continue to grow. The Twenty-sixth Amendment, for example, extends the right to vote to American citizens who are 18 years of age.

The ultimate responsibility to protect these rights lies with the American people. Voting and expressing our opinions to our elected representatives help uphold our rights. Judge Learned Hand expressed:

“Liberty lies in the hearts of men and women; when it dies there, . . . no constitution, no law, no court can even do much to help it.”

—Learned Hand,
The Spirit of Liberty

Limits on Rights Our rights are not unlimited. The government can establish laws or rules to restrict certain standards 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.

Reading Check Summarize What is due process of law?

Citizen Participation

Main Idea American citizens are expected to carry out certain duties and responsibilities.

Reading Connection Would a democracy be effective if few of the citizens voted? Read to find out what it means to be a good citizen.

An American Story

On September 11, 2001, terrorist attacks killed thousands of Americans. President George W. Bush led the nation during the troubled times. He said:

“[A]fter America was attacked, it was as if our entire country looked into a mirror, and saw our better selves. We were reminded that we are citizens, with obligations to each other, to our country, and to history.”

What Is a Citizen? A **citizen** (SIH•tuh•zuhn) 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 the United States if one parent is a United States citizen. A person of foreign birth can also become a citizen through the process of **naturalization** (NA•chuh•ruh•luh•ZAY•shuhn).

To qualify, applicants must be at least 18 years old. They must have been lawfully admitted for permanent residence and have lived in the United States for at least five years. They must possess good moral character and accept the principles of the Constitution. Applicants must also understand English and demonstrate an understanding of U.S. history and government. Before being granted 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 the rights that the Framers set forth.

Duties One of the duties of all Americans is to obey the law. Laws serve three important functions. They help maintain order; they protect the health, safety, and property of all citizens;

and they make it possible for people to live together peacefully. If you disobey laws, for example, you may endanger others and interfere with the smooth functioning of society. 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 to defend the nation, provide health insurance for people over age 65, and build roads and bridges. Americans benefit from services provided by the government.

Linking Past & Present

The New England Town Meeting

Past In colonial times, New England citizens practiced a form of direct democracy called the town meeting. Any citizen who could vote could attend these meetings and decide upon the important issues of the town such as taxes, laws, and monetary expenditures. Every person's vote counted, and every voter's voice could be heard.



▲ Colonial town meeting

▼ Town meeting today



Present Today similar meetings still take place in some of the smaller New England towns. These meetings are usually held once a year to determine such issues as local laws, taxes, and the town budget. In larger communities, however, town meetings are often impractical. **What are some other ways that citizens can participate in government?**

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 nation no longer has a draft, or required military service, but a war could make the draft necessary again.

The Constitution guarantees all Americans the right to a trial by a jury of their peers (equals). For this reason, you should be prepared to serve on a jury when you become eligible at the age of 18. Having a large group of jurors on hand is necessary to guarantee the right to a fair and speedy trial.

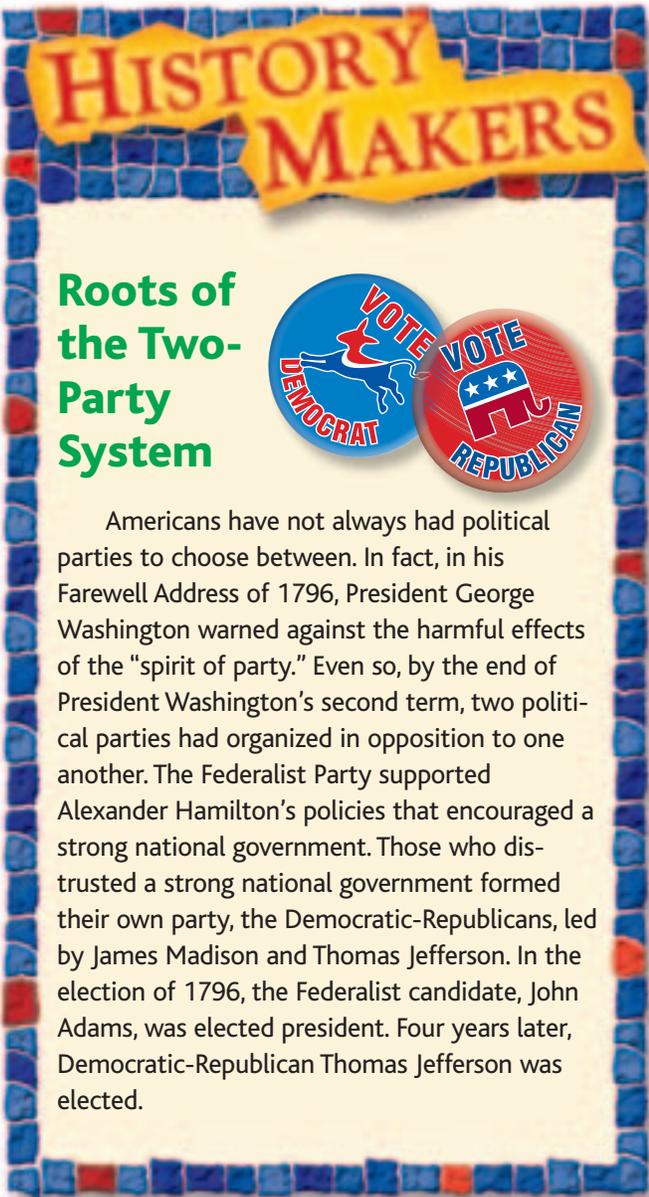
Responsibilities All citizens have responsibilities. However, the responsibilities of citizens are not as clear-cut as their duties. Because responsibilities are voluntary, people are not arrested or punished if they do not fulfill these obligations. The quality of our government and of our lives will **diminish**, however, if our responsibilities are not carried out.

Civic Republicanism Keep in mind that one of your responsibilities as a citizen is to know what the government is doing and to voice your opinion when you feel strongly about something the government has done or has failed to do. You can let your representatives know how you feel about issues through letters, telephone calls, and petitions. When the government learns that most people favor or oppose an action, it usually follows their wishes.

You also need to be informed about your rights and to exercise them when necessary. Knowing your rights helps preserve them. Other responsibilities include respecting diversity, accepting responsibility for your actions, supporting your family, and volunteering within your community.



Student Web Activity Visit ca.hss.glencoe.com and click on *Chapter 4—Student Web Activities* for an activity on volunteering opportunities.



HISTORY MAKERS

Roots of the Two-Party System



Americans have not always had political parties to choose between. In fact, in his Farewell Address of 1796, President George Washington warned against the harmful effects of the "spirit of party." Even so, by the end of President Washington's second term, two political parties had organized in opposition to one another. The Federalist Party supported Alexander Hamilton's policies that encouraged a strong national government. Those who distrusted a strong national government formed their own party, the Democratic-Republicans, led by James Madison and Thomas Jefferson. In the election of 1796, the Federalist candidate, John Adams, was elected president. Four years later, Democratic-Republican Thomas Jefferson was elected.

Other Ways to Participate Perhaps your most important responsibility as an American citizen will be to vote when you reach the age of 18. Voting allows you to participate in government and guide its direction. If you disapprove of the job your representatives are doing, it will be your responsibility to help elect others.

While not everyone holds public office, everyone can participate in government in other ways. Working on a political campaign, volunteering to help in a hospital or a library, and participating in a local park cleanup are all ways to take responsibility and to make a contribution to good government and a well-run community.

You read earlier that when a bill is in a House or Senate committee for discussion, citizens are sometimes allowed to present arguments supporting or opposing the bill. The people making the arguments often work for special interest groups. Belonging or contributing to a special interest group is another way citizens can participate in government and the making of laws. Through interest groups, citizens communicate their “wants,” or policy goals, to government leaders—the president, Congress, state legislators, the mayor, or city council.

Interest groups represent a variety of causes. Many groups deal with economic interests, including groups like the National Association of Manufacturers and powerful labor organizations. Other interest groups deal with more specific causes. The Sierra Club supports issues to protect the **environment**, and MADD works to prevent drunken driving.

Another way for citizens to be involved in the political process is to join a political party. Political parties choose candidates to run for the various political offices. Political

parties also present voters with views on a wide variety of issues. They consider conflicting issues and problems that affect all Americans, not just certain groups. Political parties keep citizens informed about these issues, as well as about how party members and members of the opposition are performing in office. Belonging to a party involves no obligations or duties besides voting, although party members can also volunteer during campaigns.

Respecting Others’ Rights To enjoy your rights to the fullest, you must be prepared to respect the rights of others. Respecting the rights of others also means respecting the rights of people with whom you may disagree. Respecting and accepting others regardless of race, religion, beliefs, or other differences is essential to the success of a democracy. All Americans are entitled to the same respect and good treatment.

Reading Check Identify What is naturalization?

Section 3 Review

History online
Study Central Need help understanding citizens' rights and responsibilities? Visit ca.hss.glencoe.com and click on Study Central.

Reading Summary

Review the Main Ideas

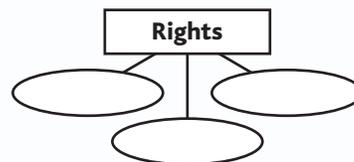
- Americans have the right to be protected from unfair actions of the government, to be treated equally under the law, and to have basic freedoms.
- Americans have certain duties, such as obeying the laws, and responsibilities, such as staying informed about one’s rights, that they must carry out.

What Did You Learn?

- Are the rights of American citizens unlimited? Explain.
- Why are personal responsibilities important?
- The Big Ideas** How does citizen participation, as described in this section, help preserve the American political system? **CA HI.2**

Critical Thinking

- Organizing Information** Re-create the diagram below and provide the three categories of American rights. **CA 8RC2.0**



- Creative Writing** One responsibility of being an American citizen is to become involved in the democratic system. Make a poster showing how students can get involved in their community’s democracy. Display your poster in a prominent place in school. **CA 8RC2.4**

Connecting to the Constitution



US8.2.6 Enumerate the powers of government set forth in the Constitution and the fundamental liberties ensured by the Bill of Rights. **US8.3.7** Understand the functions and responsibilities of a free press.

Freedom of the Press

Why It Matters Freedom of the press means the right to publish facts, ideas, and opinions without interference from the government or private groups. This right applies to printed materials, including books and newspapers, and to electronic communications, including radio, television, movies, and computer networks. Such a free flow of materials allows the people in a democracy to receive the information they need to make informed decisions.

The First Amendment In the United States, freedom of the press is guaranteed by the First Amendment to the Constitution, which says in part that “Congress shall make no law . . . abridging [limiting] the freedom . . . of the press.” Because of this guarantee, writers, editors, and journalists have the freedom to decide what goes in or stays out of their publications. This independence has led many to call the press a “watchdog” over government. This means

that the press watches government actions and helps keep the government responsible to the people.

The mass media—newspapers, magazines, television, radio, and the Internet—however, are not totally free of government regulation. Many reasonable restrictions can be placed on rights of the media. For example, no person has the right to libel, or use printed words to injure another person’s character or reputation. Laws also prohibit the printing and distribution of obscene materials.

John Peter Zenger’s New York Weekly Journal ▶



◀ **Printing press**

“[W]ere it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter.”

—Thomas Jefferson, Letter to Colonel Edward Carrington, January 16, 1787



▲ *Press coverage can be limited by order of the judge. Here, members of the press, barred from the courtroom, wait for a chance to interview participants.*

The Zenger Case Freedom of the press was an important issue in colonial America. Newspapers in colonial cities, such as Boston and Philadelphia, carried political news and often faced government censorship. Censorship is the banning of printed materials because they contain unpopular or offensive ideas. In 1733 publisher John Peter Zenger, in his paper the *New-York Weekly Journal*, accused New York's royal governor of corruption. Zenger was arrested and put on trial. His lawyer argued that free speech was a basic right of the British people. The jury found Zenger not guilty.

The Government and the Press After the American Revolution, several states provided for freedom of the press in their state constitutions. Later, the First Amendment of the U.S. Constitution provided for a free press in American society as a whole. At times, however, the government, in the name of public interest, has attempted to regulate the press.

Supreme Court rulings allowed the press to be limited when the printed materials might threaten national security. During World War I, publishing materials that were critical of the government was considered a crime. A 1931 Supreme Court ruling, however, struck down a Minnesota state law that banned publication of magazine or newspaper articles that were critical of public officials. Although censorship occurred during World War II, it was a voluntary system with which most newspapers and magazines cooperated. A Supreme Court

ruling in the 1970s allowed the publication of a secret government report about the Vietnam War. The government could not prove that publishing it endangered national security.

Free Press and Trials In some trials, reporters have refused to testify in order to protect confidential, or secret, sources. Although the Supreme Court has ruled that reporters must cooperate during trials, many states have enacted so-called shield laws. These laws provide reporters with some protection against having to reveal confidential information.

Another issue deals with gag orders. Such orders were given to prevent information about a criminal case from being published, especially if that information might violate a defendant's right to a fair trial. The Supreme Court ruled that gag orders are unconstitutional except in extraordinary circumstances.

Radio, Television, and the Internet Today, First Amendment rights must be considered for the many new forms of media that have developed since the Framers first discussed freedom of the press. The Federal Communications Commission (FCC) is the government agency that regulates radio and television. The FCC cannot censor materials before they are broadcast, but it does prohibit the use of indecent language.

In the 1990s, Congress passed legislation to prevent children from accessing indecent materials on the Internet. The Supreme Court, however, struck down the law, ruling that speech on the Internet was entitled to First Amendment protection.

Checking for Understanding

1. Why is freedom of the press important in a democracy? What guarantees freedom of the press in the United States?
2. When can the United States government censor information before it is published?

Critical Thinking

3. **Conclude** What responsibilities should the press have toward the American people?

CA H12.

Analyzing Primary Sources



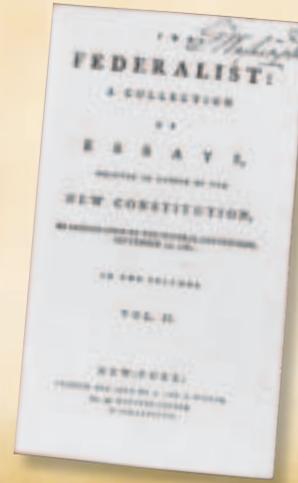
US8.2.4 Describe the political philosophy underpinning the Constitution as specified in the Federalist Papers (authored by James Madison, Alexander Hamilton, and John Jay) and the role of leaders such as Madison, George Washington, Roger Sherman, Gouverneur Morris, and James Wilson in the writing and ratification of the Constitution.

A New Constitution

Throughout the new nation, people discussed a Constitution for America. Many people supported ideas for a stronger central government, but many others did not. People worried about the protection of individual rights for all citizens. How would Americans settle their differences of opinion and reach an agreement on governing the nation?

Read the passages on pages 242 and 243, then answer the questions that follow.

The Federalist Papers supported ratification of the Constitution. ▶



Reader's Dictionary

enumerated (ih • NOO • muh • RAYT • ehd): a number of named things on a list

monopolies (muh • NAH • puh • lees): situations in which a single company controls an industry

aristocracy (AR • uh • STAH • kruh • see): governing by a small group of people, particularly nobility

latent (LAY • tuhnt): underlying

faction (FAK • shuhn): a group that has specific interests or beliefs that are in conflict with the larger group

actuated (AK • chuh • WAYT • ehd): moved to action

annihilation (uh • NY • uh • LAY • shuhn): the complete destruction of something

fallible (FA • luh • buhl): liable to be wrong or make mistakes

The Federalist, No.10

In 1787 and 1788, James Madison, Alexander Hamilton, and John Jay wrote 85 anonymous articles for the New York Journal. The purpose of these articles was to persuade the people of New York to ratify the proposed Constitution. These articles became known as The Federalist Papers. This article focused on divisions, or factions, among people:

Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of **faction**. . . .

By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and **actuated** by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate [collected] interests of the community. . . .

There are . . . two methods of removing the causes of faction: the one, by destroying the liberty which is essential to its existence; the other, by giving to every citizen the same opinions, the same passions, and the same interests.

It could never be more truly said than of the first remedy that it was worse than the disease. Liberty is to faction what air is to fire, [a fuel] without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction than it would be to wish the **annihilation** of air, which is essential to animal life, because it imparts to fire its destructive agency.



▲ James Madison

The second [remedy] is as impracticable as the first would be unwise. As long as the reason of man continues **fallible**, and he is at liberty to exercise it, different opinions will be formed. . . .

The **latent** causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. . . . But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society.

— James Madison

Objections to the Constitution

George Mason served as a state leader in Virginia in the 1780s. Mason opposed the Constitution and wrote pamphlets to express his concerns:

Under their own construction of the general clause at the end of the **enumerated** powers, the Congress may grant **monopolies** in trade and commerce, constitute new crimes, inflict unusual and severe punishments, and extend their power as far as they shall think proper; so that the state legislatures have no security for the powers now presumed to remain to them; or the people for their rights. There is no declaration of any kind for preserving the liberty of the press, the trial by jury in civil cases, nor against the danger of standing armies in time of peace. . . .

This government will commence in a moderate **aristocracy**; it is at present impossible to foresee whether it will, in its operation, produce a monarchy, 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

DBQ Document-Based Questions

The Federalist, No. 10

1. How does Madison describe factions?
2. What is identified as a main source of factions?
3. What two ways are proposed to eliminate factions?
4. What would be lost if factions were eliminated in the Union?

Objections to the Constitution

5. What were Mason's concerns about the U.S. Constitution?

6. What did Mason suggest would happen to the government?
7. Was Mason correct in his predictions about America's government?

Read to Write

8. Imagine that you are a New York delegate trying to decide whether or not to ratify the U.S. Constitution. Write a response to the article and pamphlet that you just read. Explain your decision to ratify or not using information from the above texts. Try to persuade others to follow your decision.

CA 8WA2.4 CA HR5

Chapter 4

Assessment

Standards US8.2 & US8.3

Review Content Vocabulary

- On a sheet of paper, use all of the following terms in a short paragraph related to the Constitution.
 - popular sovereignty
 - reserved powers
 - amendment
 - implied powers
 - judicial review
 - enumerated powers

- Predict** Predict what might have happened to the United States if the Framers had not provided for a system of checks and balances. **CA HI2.**

Review the **Main Ideas**

Section 1 • Goals of the Constitution

- List the six goals of government stated in the Preamble.
- Explain why the amendment process is so difficult.

Section 2 • The Federal Government

- Why does Congress use committees to evaluate proposed legislation?
- Describe the main duty of the justices of the Supreme Court, along with the tasks involved.

Section 3 • Citizens' Rights and Responsibilities

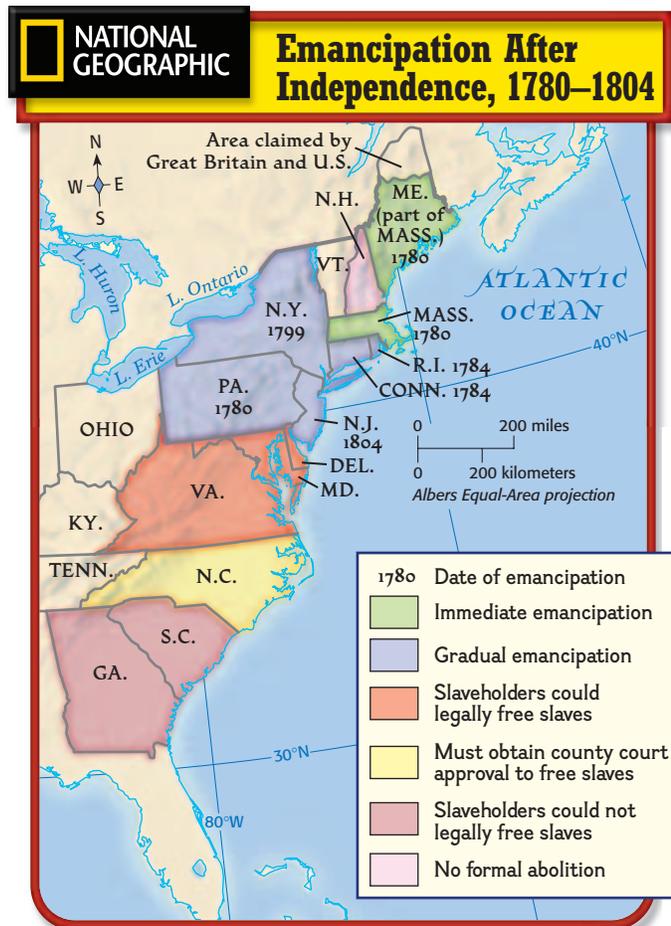
- Why is responsible citizenship important? Provide examples of responsible citizenship.
- What are the basic freedoms outlined in the First Amendment?

Critical Thinking

- Analyze** Describe why limited government, republicanism, and popular sovereignty are important parts of the Constitution. **CA CS1.**
- Compare** Some people argue that there should be a limit on the number of terms a senator or representative can serve. Compare the advantages and the disadvantages of the present system, which does not limit these terms. **CA HRS.**

Geography Skills

Study the map below and answer the following questions. **CA CS3.**



- Place** Which state freed enslaved people in 1780?
- Place** Which states required court approval to free enslaved people?

Read to Write

13. **Speech Writing** Part of your responsibility as an American citizen is to be informed about what the government is doing and to voice your opinion about its actions. Draft a speech you would give at a school-wide meeting outlining your views on issues your school or community is currently facing. **CA 8LS1.4**
14. **The Big Ideas Citizen Participation** In an essay, discuss why citizen participation is essential to preserving the American political system and how the basic freedoms outlined in the Constitution allow for that participation. **CA 8WA2.4**
15. **Using Your FOLDABLES** Write a short essay that describes what you have learned about the Constitution. Include a summary of what you already knew and what you wanted to learn. **CA 8RC2.0**

Using Academic Vocabulary

16. Use each of the following academic vocabulary words in a separate sentence:
- | | |
|-----------|----------|
| function | grant |
| intervene | diminish |

Building Citizenship

17. **Researching Local Government** Contact a local government official to find out about the basic plan, or constitution, of your city or town. Share your findings with the class. **CA 8WS1.0**

Reviewing Skills

18. **Reading Skill Summarizing Information** Read the summary of *Marbury v. Madison* on page 225. Summarize the important parts of the passage. **CA 8RC2.0**

19. **Analysis Skill Evaluating** Reread the Bill of Rights, and identify one freedom that is protected there. Then review your local newspapers for an article relating to that freedom. Based on the article you read, is that freedom being protected or threatened? **CA HI2.**



Standards Practice

Select the best answer for each of the following questions.

- 20 Under the Constitution, the president chooses judges to serve on the Supreme Court, but each choice must be approved by the Senate. This is an example of what principle of government?
- A checks and balances
B federalism
C separation of powers
D judicial review
- 21 The highest level of the American judicial system is the
- A appeals court.
B president's cabinet.
C Supreme Court.
D House of Representatives.
- 22 The government powers that are shared between the federal and state governments are known as
- A enumerated powers.
B popular powers.
C reserved powers.
D concurrent powers.

Creating a Nation

Government under the Articles of Confederation was weak. When the Founders wrote a new constitution, they created a strong government. It was based on British traditions and the ideas of the Enlightenment.



Chapter 3

A More Perfect Union

Chapter 4

The Constitution

When

- 1777–1790

- 1787–present

Where

- The Northeast
- The Northwest Territory
- The South

- Philadelphia, Pennsylvania



▲ *The Articles of Confederation*



▲ *Seal of Congress*

Chapter 3

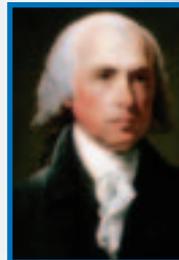
A More Perfect Union

Major Events

- **1776–1780** Colonies become states with written constitutions
- **1777** The Articles of Confederation are the first constitution of the United States of America
- **1785** Ordinance of 1785 provides way to survey and sell western lands
- **1786–1787** Shays's Rebellion challenges national government
- **1787** Northwest Ordinance sets up system under which western lands may become states
- **1787** Constitutional Convention meets
- **1787** Three-fifths Compromise is temporary solution to slavery issue
- **1787–1790** Federalists work for ratification of the Constitution and Antifederalists work for its defeat

Some Important People

- Daniel Shays
- James Madison
- Edmund Randolph
- Roger Sherman
- Alexander Hamilton



James Madison ▶

Chapter 4

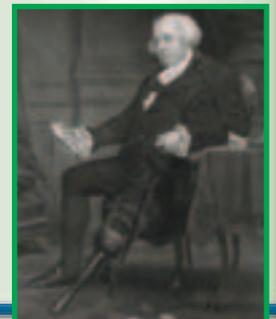
The Constitution

- **1791** Bill of Rights added to Constitution
- **1803** *Marbury v. Madison* establishes Supreme Court's power of judicial review
- **1866** *Ex parte Milligan* demonstrates Supreme Court's power to review presidential policies
- **1954** *Brown v. Board of Education* demonstrates Supreme Court's right to review state laws



Linda Brown ▶

- Gouverneur Morris
- John Marshall



Gouverneur Morris ▶

How do these events and ideas affect our lives today?

- Since the Articles of Confederation could not solve serious problems, the Founders developed a new constitution. We live under that constitution today.
- The Bill of Rights guarantees certain rights and freedoms to all U.S. citizens. The government may not make laws that take them away.

What was happening in California at this time?

- **1777** Spanish establish town of San José
- **1781** Spanish found Los Angeles
- **1784** Father Junípero Serra dies
- **1824** A new constitution establishes the Federal Republic of Mexico, which includes the province of California