SECTION 1

Ideals of the Constitution

BEFORE YOU READ

The Main Idea

The Constitution is an agreement between the citizens of the United States and the government that the people will grant powers to the government. In return, the government is to carry out the goals of the Constitution.

Reading Focus

1. How did the Pilgrims influence the framers of the Constitution?
2. What are the goals of the U.S. government as outlined in the Constitution?
3. What are the powers the Constitution gives to the federal and state governments?

Key Terms

- popular sovereignty
- Preamble
- limited government
- majority rule
- delegated powers
- reserved powers
- concurrent powers

Academic Vocabulary

Review with students the high-use academic term in this section.

federal: System of governing where powers are divided between the national government and the state governments.

Key Terms

Preteach the following terms:

- popular sovereignty
- consent of the governed
- Preamble
- introduction that explains why the U.S. Constitution was written
- limited government
- government with specific restrictions on its power
- majority rule
- principle that in a disagreement, everyone will accept the decision of most of the people
- delegated powers
- powers given to the federal government by the Constitution
- reserved powers
- powers held by the states
- concurrent powers
- powers the federal and state governments share

Taking Notes

As you read, take notes on the ideals of the Constitution. Use a graphic organizer like this one to record your notes.

Pilgrims Influenced the Framers

The Mayflower, the tiny ship carrying the Pilgrims to the New World, was supposed to land in what is now called Virginia. Violently blown off course on its voyage from England, the Mayflower arrived in Massachusetts Bay instead. The two-month ocean journey tested the faith and spirits of the religious Pilgrims aboard.

Pilgrims Agree to Be Governed

William Bradford, who would soon be governor of the Massachusetts Colony, observed that on the day before their landing, some of the passengers were “not well affected to unity and concord.” That is, they were arguing. The colonists realized that before they got ways these are addressed and guaranteed by the Constitution.

1. Teach Ask students the Reading Focus questions to teach this section.
2. Apply Have students create a two-column chart. Title the chart Ideas and Goals of the Constitution. The first column should be labeled Ideas and the second column should be labeled How the Constitution Reaches Them. As students read the section, have them fill in the first column with the goals and ideals of the Constitution and the second column with the

3. Review To review the section’s main ideas, have students help you complete a master copy of the chart.
4. Practice/Homework Have students choose one of the goals of the Constitution and write a short essay on how their lives would be affected if the Constitution did not incorporate this goal.
off their ship, they had better agree on some rules. The group decided that “there should be an association and agreement.” Bradford noted “that we should combine together in one body, and to submit to such government and governors as we should by common consent agree to make and choose . . .”

This was a historic decision. In the 1600s most people were governed or ruled without their consent. These Pilgrims knew they needed some government, so they took the next step. They willingly gave their consent to be ruled by a government that they would create.

Mayflower Compact
The agreement that the Pilgrims signed on November 21, 1620, is known as the Mayflower Compact. The citizens of the new colony gave up some of their individual powers to the government they had created. At the same time, they agreed to submit to and obey the government they chose.

The Mayflower Compact includes some of the basic ideals upon which the United States was founded. For example, the Declaration of Independence states that governments should receive their powers from “the consent of the governed.” Later, the framers of the Constitution began that document with the words “We the People” to show that the foundation of their new government was its citizens.

Government Power from the People
“We the People…” These three small words are heavy with meaning. Like a stone dropped in a pond, these opening words of the Constitution have rippled throughout time. The phrase has inspired generations of citizens around the world. But what does “We the People” mean? The framers of the Constitution, following the ideals of the Mayflower Compact, chose these words to make it clear that the United States government gets its power from the American people. Government by popular sovereignty, or consent of the governed, is one of our nation’s most cherished ideals.

“We the People” appears in the Preamble of the Constitution. The Preamble is an introduction that explains why the U.S. Constitution was written. It outlines the principle of popular sovereignty when it states that the American people “do ordain [authorize] and establish this Constitution.” Government, once established by the free choice of the people, then serves the people, who have supreme power.

The first part of the excerpt describes how and why the Pilgrims decided to join together to form a government.

The second part of the excerpt describes the purposes of the Pilgrims’ government and sets out their promise to be bound by the new government.

The framers thought popular sovereignty was so important? Possible answer: The framers probably thought that a government that ruled based on the people’s wishes would have the most success.

Simulations and Case Studies: Lesson 1: Founding Documents Treasure Hunt
From the Source: Readings in Economics and Government: Reading 2: Mayflower Compact

Info to Know
Religious Freedom The Constitution promotes religious tolerance by giving people the right to practice the religion of their choice. However, religious tolerance was not the goal of the Pilgrims and their Massachusetts Colony. In England, the Pilgrims, or Separatists, had struggled to maintain their unity and self-sufficiency in the face of government attempts to impose the state religion on them. They had finally been forced to flee to protect their separatism.

THE UNITED STATES CONSTITUTION

Collaborative Learning

Create a Colony

1. Organize students into small groups. Ask each group to imagine that they are sailing to an uninhabited island in the Caribbean to set up a new colony. Upon their arrival, the group must create a set of rules to govern itself. First, the group must determine how it will create the rules—will one person determine them? Will the group decide together? Will they vote on the rules using majority rule?

2. Next, have the group create a master list of its rules. Encourage the group to review the Mayflower Compact.

3. Have each group share its set of rules with the class. Also have them share how they came up with the rules.

4. Lead a classroom discussion on why rules are important to a colony or country.

Analysis of Primary Sources Students might suggest that a government would help run the colony more smoothly.

Interpersonal, Visual/Linguistic

Alternative Assessment Handbook: Rubric 14: Group Activity

Answers

Analyzing Primary Sources Students might suggest that a government would help run the colony more smoothly.

Reading Check They formed a government based on the cooperation and consent of the people.
Constitution under the Articles of Confederation. Its citizens. They remain the goals of the country today. Between different are divided which powers 88 governing in a system of V A perfect union Majority Rule with Minority Rights How can a government resolve disagreements among its citizens? One way is through majority rule, the principle that in a disagreement, everyone will accept the decision of the majority (most of the people). Yet the framers were concerned that a powerful majority could violate the rights of the minority. So they included provisions to protect the rights of the minority and to allow the minority to express its views on issues.

Powers of the People Our most cherished rights and protections are stated in the Bill of Rights. Added to the Constitution in 1791, the Bill of Rights details the specific freedoms that belong to every United States citizen. Many Americans consider the Bill of Rights to be the jewel of the U.S. Constitution because it guarantees our freedoms. It is one of the most influential documents ever written.

CHAPTER 3

The Constitution is based on important principles that help to ensure government by popular sovereignty. These principles include limited government, majority rule with minority rights, and protection of individual rights.

Limited Government
Prior to the Magna Carta in 1215, the king of England had nearly unlimited power. To keep the new government from becoming too powerful, the framers created a limited government—one with specific restrictions on its power. The Constitution sets those limits so that citizens know what their government is allowed to do and what it is not allowed to do.

Majority Rule with Minority Rights
How can a government resolve disagreements among its citizens? One way is through majority rule, the principle that in a disagreement, everyone will accept the decision of the majority (most of the people). Yet the framers were concerned that a powerful majority could violate the rights of the minority. So they included provisions to protect the rights of the minority and to allow the minority to express its views on issues.

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6 Goals of the Constitution
The Preamble states the goals of the Constitution. These goals reflect the belief that the U.S. government should serve its citizens. They remain the goals of the country today.

Which of these goals do you think is most important? Explain your answer.

1. Form a more perfect union
The new government should be a better union of states than the union created under the Articles of Confederation.

2. Establish justice
The government should make laws and establish a system of courts that is fair to all.

3. Insure domestic tranquility
The government should preserve peace within the country.

Differentiating Instruction

English-Language Learners
Visualize the Constitution’s Goals

1. Organize students into small, mixed-level groups. Have them reread the goals of the Constitution. Then have each group create a three-column chart. In the first column students should list the goals of the Constitution in their own words.

2. In the second column, students should illustrate the goal. In the last column, have the group rank each goal in order of its importance.

Alternative Assessment Handbook: Rubric 13: Graphic Organizers

Answers

Quick Facts Answers should include one of the goals and a clear explanation as to why students think it is most important.

Reading Check to form a more perfect Union, establish justice, preserve peace, provide for the common defense, promote the well-being of the people, and safeguard the freedoms of the people.
The Federal System
The principle of federalism came to the framers first out of necessity and second out of their experiences. They were faced with the problem of needing a strong central government. At the same time, they wanted to keep independent state governments and to preserve self-government that had started with the Mayflower Compact.

From their experience, the framers remembered the Revolution. The colonies had fought against—and had defeated—the unwelcome rule of a strong central government. They had rebelled against a king who had tried to run colonial affairs. The framers certainly did not want to create that kind of government. They had rebelled against—and had defeated—the British government. At the same time, they wanted to keep the Mayflower Compact.

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The federalism system created by the framers was federalism, with its division of powers. The federalist system created by the United States Constitution divides powers between two different levels, the national, or federal, government and the state governments. The top layer of government is the national, or federal, government. The federal government makes laws that govern the whole country. The national government determines the powers of state governments.

The federal government has powers that only the federal government can exercise. These powers include making laws, levying taxes, and declaring war. The state governments are authorized to make laws and taxes that will affect only the residents of the state. The state governments can also levy taxes.

There are also many countries that have a unitary system of government much like that of the United States. These countries include Switzerland, Germany, Austria, Spain, Canada, and Australia. But there are also many countries that have a unitary system in which the national government determines the powers of state and local governments. For example, in Great Britain, the national government officially has power over local governments. However, in practice, local governments have considerable autonomy to act on their own.

The United States Constitution

ECON01

Income Tax and Your Paycheck

One power that the Constitution gives to the federal and state governments is that of collecting taxes from citizens. With the ratification of the Sixteenth Amendment in 1913, it became legal for the federal government to tax citizens on their income. The majority of states also tax individual income, although nine limit or do not have state income taxes.

When you look at your first paycheck, you may be surprised at the percentage of your salary that goes to the government. In later chapters, you will learn how governments use this money. Learn how to read your paycheck stub by looking for these items:

- Federal Income Tax
- State Income Tax
- Social Security Taxes (shown as FICA, OASDI, SS, or Soc Sec)
- Medicare
- Local Income Tax

Get a copy of Form W-4 from the Internal Revenue Service. Read the form to learn about your control over withholdings.

Graphic Organizer Activities: Chapter 3

Online Resources

go.hrw.com

Info to Know
Federal and Unitary Systems

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Answers

Analyzing Economics

Franklin was stating that the government will always have to tax by comparing it to something else that will always happen—people will eventually die.

Differentiating Instruction

Learners Having Difficulty

Unscramble the Preamble

1. Organize students into mixed level pairs.
2. Distribute the “Decoding the Document” worksheet from the Simulations and Case Studies booklet to each pair. Have students work together to decode the document. Then have a student read the document aloud.
3. To extend the activity, have student pairs choose a paragraph from the Constitution on pages 53–81 and create a puzzle similar to the one in this activity. Then have them exchange puzzles with another pair and solve puzzle. 

Verbal/Linguistic

Simulations and Case Studies: Lesson 2: Decoding the Document
government is based in Washington, D.C. It has offices and officials throughout the country and the world.

The second layer is the state governments. Each state government has authority only over the people who live within that state. The state of California, for example, cannot pass a law governing the people of New York. Each state has its own capital, constitution, and state officials.

One of the strong points of our federal system is that the national government can focus on matters of wide, national concern, such as national defense and international trade. At the state level, each state has a different mix of people, traditions, needs, problems, and resources. Our federal system recognizes those differences and lets states solve local problems based on their own needs.

Federal Government Powers
The powers the Constitution specifically gives to the federal government are called delegated powers. For example, only the federal government has the power to print money and control trade with other nations.

In 1885 American inventor Edward J. Claghorn patented the first seat belt, to prevent people from falling out of horse-drawn carriages traveling on bumpy, unpaved roads. More than 120 years later, seat belt use is higher than ever, thanks in part to legislation requiring the restraints in 49 of the 50 states.

Why it Matters
You’re probably obeying a law every time you buckle your seat belt. Since the early 1980s, states have taken steps to make sure that their citizens—especially children—are buckled in while driving or riding. In some states, if police stop you for a violation, such as speeding, you can also be ticketed for not wearing a seat belt. In other states, the police can stop you and ticket you just for not being buckled in—these laws have been nicknamed “Click It or Ticket.” In some states, everyone in the car must be wearing a belt, whether they’re 3 or 93.

In general, the issue of public safety is left to the individual states to regulate. Some people argue that laws that make it illegal not to wear a seat belt violate personal civil liberties. But supporters of seat belt laws point to the fact that states have the responsibility to protect the lives and health of their citizens. One way to do that, they argue, is to require that all people wear their seat belts.

State Seat Belt Laws
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Under the Articles of Confederation, the central government did not have some of these important powers. That was one of the drawbacks of the Articles. To overcome these problems, the Constitution delegated important powers to the federal government alone. This made the national government stronger. However, the framers also wanted to limit the power of the federal government, to keep it from becoming too powerful.

**State Government Powers**
The Constitution gives several important powers to the states alone, allowing them to manage their own affairs. For example, states conduct all elections, even for national offices. States alone are responsible for establishing schools. State governments also regulate trade within the states.

The states, or the people, have all the powers that the Constitution does not give specifically to the federal government. These powers are known as reserved powers because they are reserved, or set aside, for the states or the people. The state governments, for example, conduct elections, regulate trade within the state, and establish local governments.

**Shared Powers**
The federal and state governments also share many powers. These powers are known as concurrent powers. For example, both the federal and state governments can raise money through taxes. Both have the power to borrow money. The federal and state governments also share the power to establish courts, to create banks, to enforce laws, and to provide for the health and well-being of the American people.

States do pass laws. What happens when a state law disagrees with the Constitution or with a federal law? The state law is invalid. The framers of the Constitution made this clear by stating that the Constitution and the laws of the federal government shall be “the supreme law of the land.”

The Constitution expresses our nation’s commitment to individual freedoms, democracy, and equal justice under the law. The constitutional principle of federalism both grants government powers and limits them. In this way, each level of government can do its part to meet the constitutional commitments.

**SECTION 1 ASSESSMENT**

**Reviewing Ideas and Terms**
1. a. Define Write a brief definition for the terms popular sovereignty and Preamble.
b. Explain What did the Pilgrims do that later influenced the framers of the Constitution?
c. Predict Is a government that states that it receives its power from the people likely to be more stable or less stable than a government that takes power by military force? Explain your reasoning.
2. a. Define Write a brief definition for the terms limited government and majority rule.
b. Analyze Which of the six goals of the Constitution do you think is most important? Give reasons and examples to support your answer.
3. a. Define Write a brief definition for the terms delegated powers, reserved powers, and concurrent powers.
b. Find the Main Idea Why is it important that the federal government and the state governments have separate as well as shared powers?

**Critical Thinking**

4. Comparing and Contrasting Use your notes and a graphic organizer like the one here to identify powers granted to federal and state governments and powers that they share.

**Focus on Writing**

5. Analyzing Information Write a poem or song that describes how the ideals of the Constitution affect your life today.

**Section 1 Assessment Answers**

1. a. popular sovereignty, p. 87; Preamble, p. 87
   b. formed a government based on cooperation and consent of the people
   c. Possible answers: Government of the people is more stable because people have a say in government, leading to less unrest; government by military force is more stable because people are scared to disagree with the government.

2. a. limited government, p. 88; majority rule, p. 88
   b. Answers should include reasons and examples.

3. a. delegated powers, p. 90; reserved powers, p. 91; concurrent powers, p. 91
   b. Possible answer: to prevent either one from becoming too strong.

4. Federal: print money, control trade with other nations, provide for the country’s defense;
   State: conduct all elections, establish schools, regulate trade within the states; Shared: raise money through taxes, borrow money, establish courts, create banks, enforce laws, provide for health and well-being of Americans

5. Poems or songs should refer to at least four constitutional ideals.

**Answers**

**Reading Check** Possible answer: The Constitution clarifies the powers held by the national and state governments so that the national government can be strong, but the states can still manage their own affairs.
**Info to Know**

**Thomas Jefferson** It is no wonder that the ideals of Virginia’s early government resemble those ideals present in the Declaration of Independence—Thomas Jefferson played a role in establishing both. Jefferson was born and raised in Virginia, and raised his family there. Jefferson spent his early years studying and then practicing law in Virginia, an interest that led him into public service. He served as magistrate and county lieutenant in Albemarle, the county in which he was raised. He was later elected to the Virginia House of Burgesses when he was just 25 years old. Some historians believe that Jefferson’s early experiences in local government formed his belief in the importance of protecting individual rights and limiting the reach of government.

**Charters of the Virginia Company of London**
In 1607 the Virginia Company of London formed the colony of Jamestown in what is now Virginia. The company’s charters included the ideas of government by consent of the governed and the right of people to enjoy the fruits of their labor.

In 1619 the company formed a General Assembly at Jamestown. The Jamestown colonists looked to the company charters for rules of government as well as for guarantees of fundamental rights and liberties.

**Virginia Declaration of Rights, 1776** The people of Virginia drafted their constitution during the Revolutionary War. The Virginia Declaration of Rights accompanied this constitution. The Declaration of Rights stated that people’s inherent rights came from nature rather than government. The declaration also stated that people possess fundamental rights such as the enjoyment of life, liberty, property, and the pursuit of happiness.

**Virginia Statute of Religious Freedom** In 1779 Thomas Jefferson drafted the Virginia Statute of Religious Freedom, which was based on the principle that church and state should be separated. This statute was written in reaction against the Virginia legislature’s attempts to make taxpayers provide for churches.

**Ties to the Constitution** Although the Virginia documents established important rights and freedoms, the Declaration of Independence and U.S. Constitution guarantee freedoms that were left out of these earlier documents. For example, the Bill of Rights grants citizens freedom of speech, the right to assemble, the right to petition the government, the right to a trial by grand jury, and the right to legal representation—all privileges and rights not mentioned in the earlier documents. Nevertheless, the Virginia documents all embody the principle of government according to rules established in a written document.

Answers

1. It is thought to be the first freely elected parliament of self-governing people in North America. 2. Today, the government is still not allowed to establish a religion, and church and state remain separated. 3. Possible answer: right that people are born with

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### Historical Documents

### Origins of the Republic

Some of the basic principles of government contained in the Declaration of Independence and the U.S. Constitution can be found in much earlier documents from Virginia.

**Virginia Declaration of Rights** The Declaration states that “all men are by nature equally free and independent.” This idea is also included in the Declaration of Independence.

**Virginia Statute of Religious Freedom** The Virginia Statute of Religious Freedom, which was based on the principle that church and state should be separated, is now Virginia. The company’s charters stated that people possess fundamental rights such as the enjoyment of life, liberty, property, and the pursuit of happiness.

**Constitution**

The Constitution grants citizens freedom of speech, the right to assemble, the right to petition the government, the right to a trial by grand jury, and the right to legal representation—all privileges and rights not mentioned in the earlier documents. Nevertheless, the Virginia documents all embody the principle of government according to rules established in a written document.

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### Differentiating Instruction

**Learners Having Difficulty**

**Compare and Contrast Documents**

1. Have students create three Venn diagrams like the one shown here to compare each of the documents featured on this page with the Constitution.

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2. Ask them to use the information from the feature as well as information from the rest of the chapter to complete the diagrams.

3. When students are finished, prompt them to share their findings as you create master diagrams on the board. (English Language Arts/Literacy)

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**Alternative Assessment Handbook: Rubric 13: Graphic Organizers**

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**At Level**


### The Three Branches of Government

**The Main Idea**

The Constitution prevents any person, or any part of the government, from taking too much power. It does this by creating three separate branches of the federal government and distributing power among them.

**Reading Focus**

1. Why does the Constitution provide for the separation of powers?
2. What are the main responsibilities of each of the three branches of government?
3. How does the system of checks and balances work?

**Key Terms**

- separation of powers, p. 93
- legislative branch, p. 94
- executive branch, p. 94
- judicial branch, p. 94
- checks and balances, p. 96
- veto, p. 96
- judicial review, p. 97

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### Separation of Powers

Having all government power in the same hands is, in James Madison’s words, “the very definition of tyranny.” The framers of the Constitution agreed with Madison. They could have created a central government with all government power concentrated in one group of people. Many people feared such an all-powerful government. As a shield against tyranny, the framers created separate branches of the federal government. One branch would write the laws. Another would carry out the laws. A third branch would interpret the laws. This structure is called the **separation of powers**.

**Why did the framers separate the powers of government?**

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**The United States Constitution 93**

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### Teach the Main Idea

1. **Teach** Ask students the Reading Focus questions to teach this section.
2. **Apply** Ask students to create an outline of the section as they read. Then divide students into three groups. Assign a branch of government to each group and have them create a collage using magazine and newspaper clippings and drawings that show the functions and importance of the branch. Encourage them to use the information from their outlines to help get them started.
3. **Review** Have each group present its collage to the class and explain what the pictures represent and why they were chosen.
4. **Practice/Homework** Have students create a chart showing the groups, people, and departments that make up the branches of government.

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### Why It Matters

Write the terms executive branch, legislative branch, and judicial branch on the board. Ask students to tell you to which branch Congress, the president, and the courts belong. Help them with hints if they do not know the answers. Then ask them which branch has the most power. Explain that the power is divided equally. Lead a discussion on what problems might arise if one branch had too much power.

**Key Terms**

- separation of powers division of power among the three branches of government, p. 93
- legislative branch lawmaking arm of the government, p. 94
- executive branch part of government that carries out the laws, p. 94
- judicial branch arm of government that interprets the law, p. 94
- checks and balances system that ensures equal distribution and limits of powers, p. 96
- veto reject, p. 96
- judicial review principle that allows the courts to review acts of other government branches to decide whether or not they have acted correctly, p. 97

### Taking Notes

- Separation of Powers
- Three Branches
- Checks and Balances

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### Answers

- Reading Check to prevent one group of people from having all of the power in the government
- Consists of legislative, executive, and judicial branches
- Creates limits on each branch’s powers, providing a balance among the branches
The Three Branches of Government

The concept of separation of powers had been written into many state constitutions already. For example, Georgia’s constitution stated that, “the legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other.”

The Legislative Branch

“[I]n republican government, the legislative authority necessarily predominates [is supreme],” James Madison wrote in Federalist No. 51. The Constitution reflects this idea. Article I of the Constitution creates the U.S. Congress as the legislative branch, the lawmaking arm of the federal government. Congress’s functions are described in greater detail in the Constitution than the functions of the other branches. Besides making laws, Congress controls the money for the national government. This gives Congress great power.

The first Congress went right to work in the spring of 1789. In 519 days, it passed laws that helped set up the entire government. It constructed a financial system, organized new departments of the government, wrote the Bill of Rights, dealt with debts from the Revolutionary War, and chose a permanent location for the nation’s capital: Washington, D.C.

The Executive Branch

Once George Washington took office as the nation’s first president, Congress had to figure out how he should be addressed. The Senate came up with “His Highness the President of the United States of America and Protector of the Same.” Opponents in the House of Representatives laughed at the suggestion of this kingly title. So Congress decided on the more modest title we use today: “Mr. President.”

The president is head of the executive branch of the government, established by Article II of the Constitution. The executive branch is responsible for executing, or carrying out, the country’s laws. At first, the executive branch consisted of just the president and the vice president, as specified in the Constitution. Today the executive branch includes 15 executive departments, including the Department of Homeland Security, created in 2002 to guard against terrorism.

The Judicial Branch

The Constitution created the Supreme Court as the head of the judicial branch. It also set the limits of judicial power and created a process for appointing judges. Yet it left to Congress the enormous job of actually setting up the system of “lower” courts, those beneath the Supreme Court.

Checks and Balances

When creating the three branches of government, the framers often looked to European philosophers for wisdom about human behavior and its effects on government. One such source was a 1748 work, The Spirit of the Laws, written by the French philosopher and judge Baron de Montesquieu. In it Montesquieu described how liberty could be threatened if one branch of government became too hungry for power. He argued for a balance of power among the branches of government.

Answers

Reading Check  All of the branches play a part in the process of governing. The legislative branch makes the laws, the executive branch carries out the laws, and the judicial branch interprets the laws.

1. Why does the Constitution provide for the separation of powers?

The Three Branches of Government

Recall Did James Madison believe that separation of powers was a good idea? Explain. Madison believed in separation of powers, since he feared that concentrating all governmental powers in one man or group would create a tyranny.

Make Inferences What part of Americans’ recent past do you think made them very concerned about preventing a tyranny? They had just won independence from Britain under which they were ruled by a tyrannous king.

2. What are the main responsibilities of each of the three branches of government?

Differentiating Instruction

Advanced Learners/GATE

Compare and Contrast Governments

1. Have students do research to find one country whose government has a separation of powers (not the United States) and one government in which all of the power is concentrated in one central government.

2. Ask students to write a report comparing and contrasting the two governments. Tell them to compare the structures of the governments, and discuss the benefits and problems associated with each governmental system.

3. Encourage students to include relevant maps and graphic organizers. [Verbal/Linguistic]

Alternative Assessment Handbook: Rubric 9: Comparing and Contrasting
3 Principles of Limited Government

The genius of the U.S. Constitution is that it spreads the powers of government both within the national government and between the federal government and state governments.

1 Federalism
In our system of government, some powers of government belong only to the federal government, while others belong only to the state governments. Still other powers are shared by both levels of government.

2 Separation of Powers
The powers of government are divided among the executive, legislative, and judicial branches.

3 Checks and Balances
Each of the three branches of government has ways to check, or limit, the powers of the other branches.

Study the Judiciary Act of 1789
1. Have students read the Judiciary Act of 1789 in From the Source: Readings in Economics and Government.
2. Have them explain the structure of the courts as outlined in the law in their own words.
3. Then ask students to complete the critical thinking questions at the end of the reading. Discuss the answers with students.

Answers
Analyzing Visuals
1. through a system of checks and balances
2. It can veto acts of Congress in the legislative branch, and grant reprieves and pardons in the judicial branch.

Interactive Art
Have students visit go.hrw.com (Keyword: S7 CH3) to use an interactive version of “Three Principles of Limited Government.”
A Balance of Power
The framers provided this balance of power in the U.S. Constitution by giving each government branch powers that limit, or check, the powers of the other two branches. This scheme ensures that no branch of the federal government becomes too powerful. This equal distribution of powers and limits on power is called the system of checks and balances.

President Can Check Congress
The chart on the previous page shows how the system of checks and balances works. For instance, while Congress has the power to make laws, the president has the power to veto, or reject, proposed laws. (The Latin word veto means “I forbid.”) With this veto power, the president can check the lawmaking power of Congress.

Congress Can Check the President
In turn, the Constitution gives Congress a check on the president’s veto power. It allows Congress to override a presidential veto—that is, to pass the law despite the veto. Overriding a veto requires a two-thirds vote of both houses of Congress.

Info to Know
Veto Override Obstacles
Congress may have the power to override a veto, but it has had limited success in doing so. For example, President Franklin D. Roosevelt signed 372 vetoes—Congress only overrode nine of the vetoes during Roosevelt’s administration. President George H. Bush signed 22 vetoes, only one of which was overridden. President Andrew Johnson suffered through the most veto overrides. Johnson signed 21 vetoes, 15 of which were overridden.
Checks, Balances, and the Judicial Branch

Although the Constitution says relatively little about the judicial branch, President Washington believed that setting up the judicial branch was “essential to the happiness of our country and to the stability of its political system.” Congress went to work, passing a law that made the Supreme Court the head of the judicial branch. They set the number of Supreme Court justices at six, including a chief justice. Congress established the lower federal courts and designated their relationship to the state courts. Even when the judicial branch had been created, it was not clear how much power it would have in the checks and balances system. The Supreme Court defined the role of the judicial branch through one major ruling.

The Courts and Judicial Review

In an 1803 case called Marbury v. Madison, Chief Justice John Marshall established the principle of judicial review. According to this principle, it is up to the courts to review the acts of the other branches of government and decide whether the government has acted correctly.

As a result of Marbury, the Supreme Court can check the powers of the other branches. For example, it can decide if laws passed by Congress are constitutional and can strike down laws that are unconstitutional. The Supreme Court can also determine if an act of the president or members of the executive branch are constitutional. Later in this book you will learn more about how the branches of the federal government check and balance each other.

The Constitution embodies our American ideals of liberty and justice. No government—federal, state, or local—is supposed to act in violation of the Constitution. Sometimes, however, a legislative body passes a law that may or may not be constitutional. Such a law may be challenged in the judicial system. In some cases, that challenge may go all the way to the U.S. Supreme Court. It is the Supreme Court that enforces the Constitution as the highest law of the land.

SECTION 2 ASSESSMENT

Reviewing Ideas and Terms

1. a. Define Write a brief definition for the term separation of powers.
b. Recall Why were the framers of the Constitution concerned about concentrating government power in one place?
c. Describe What is the separation of powers under the U.S. Constitution?
2. a. Define Write a brief definition for the terms legislative branch, executive branch, and judicial branch.
b. Explain When it comes to the country’s laws, how is the legislative branch’s responsibility different from the executive branch’s responsibility?
c. Predict What do you think would happen if a president tried to avoid carrying out a law because he or she thought that the law was unconstitutional?
3. a. Define Write a brief definition for the terms checks and balances, veto, and judicial review.
b. Explain Does veto power enable the president to stop any law passed by Congress? Why or why not?
c. Evaluate How important do you think it is that the Supreme Court can review laws passed by Congress and, if necessary, declare the laws unconstitutional? Explain your answer.

Critical Thinking

4. Categorizing Copy the graphic organizer. Use it to list the powers of each branch of the U.S. government.

Focus on Writing

5. Identifying Points of View Write a newspaper editorial explaining what might happen if the system of checks and balances were eliminated.

THE UNITED STATES CONSTITUTION 97

Section 2 Assessment Answers

1. a. separation of powers, p. 93 b. They didn’t want to give a lot of power to one person or group of people. c. power is divided among three branches
2. a. legislative branch, p. 94; executive branch, p. 94; judicial branch, p. 94 b. The legislative branch makes laws, while the executive branch enforces them. c. Congress could impeach the president, or the president could appeal the law to the judicial branch for it to determine whether the law is unconstitutional.
3. a. checks and balances, p. 96; veto, p. 96; judicial review, p. 97 b. No; Congress can override the president’s veto. c. Possible answer: very important; Congress would have too much power to pass laws without this review. 4. executive: carries out laws; legislative: makes laws, controls money for other branches; judicial: interprets laws, punishes lawbreakers 5. Editorials should mention possibility of one branch becoming too powerful, or infringing on the rights of the people.

Answers

Reading Check to keep one branch from having too much power
In November of 2004, the City Council of Waterloo, Illinois, unanimously passed a resolution that said, in part, "that any home being sold in Waterloo should be tested with a short-term radon canister so that the quantity of radon in the home may be determined."

Community Connection Students from Waterloo Junior High had studied radon gas in their science classes. They learned that radon is the second-leading cause of lung cancer deaths in the United States. As part of the science classes, all eighth grade students were offered a free radon test canister to test for radon gas in their homes. Data collected by the students showed that 28 percent of the homes tested had radon levels above what is considered safe for human health.

Taking Action Disturbed by these results, students used what they had learned in civics class about local government. They called and met with local officials. Students also invited the local media to publish the results of the residential radon study. Then students presented their data to the city council, which passed the radon testing resolution.

The next year, another Project Citizen class worked to get the county board of commissioners to pass a similar resolution at the county level. As a result of the efforts of Project Citizen classes, all new home construction permits in Waterloo, Illinois, are now required to include educational information about installation of passive radon-reduction systems.

Info to Know

An Invisible Killer Although less well known to the public, radon is almost as dangerous as smoking when it comes to lung cancer. In 2005, the Surgeon General and the Environmental Protection Agency estimated that exposure to radon causes over 20,000 deaths each year. Given its colorless and odorless characteristics, radon can go undetected for years if residents do not actively test their homes for its presence. Radon levels can vary from home to home in a community, depending on the amount of decaying uranium in soil and rocks around a house. Well water and building materials are also sources of radon.

Students Take Action Activities

Answers

Thinking about Service Learning
1. Students used what they knew about radon to test for dangerous levels in local homes. 2. Students were able to use their relationship with the media to educate the public and use their relationship with politicians to get necessary action taken and laws passed.

Interdisciplinary Connection: Focus on Science

Create a Radon Time Line
Work with a colleague who teaches biology or chemistry to help students create a radon time line, beginning with how uranium decays underground and ending with how radon reaches living tissue inside the human body. After the class finishes the time line, review each event with students and ask them to add annotations indicating the different opportunities for radon detection and prevention. As an example, remind students of the educational flyer the Waterloo Project Citizen team helped make mandatory for new-home construction permits in their town and county.
Our nation has changed greatly since 1787, when the Constitution was written. However, the framers of the Constitution planned a system of government that could adapt to meet changing conditions and changing needs. The U.S. Constitution is truly an enduring document.

**Envisioning Change**

The authors of the Constitution sat at wooden desks, dipping a quill pen into a bottle of ink to scratch notes on paper made of pressed animal skin. When they finally finished the document, it was copied on wooden printing presses. It took days or weeks for the copies to be delivered, on horseback or by carriage, to the 13 states.

The Constitution has traveled in time for more than two centuries to the legislators of the present. Today’s lawmakers ride in cars and airplanes, talk on cellular phones, and get email on portable electronic devices. Their discussions in Congress appear instantly to millions of people worldwide on television and the Internet. Lawmakers wrestle with issues unimaginable to the nation’s founders: What steps should the nation take to protect against nuclear terrorism? How should the government spend its trillions of dollars?

**Why It Matters**

Ask students to name technological innovations that did not exist at the time the Constitution was written. (Possible answers include television, telephones, CD players, airplanes, and computers.) Discuss with students how they think the Constitution remains valid and useful today despite these changes. Help students recognize that the framers developed a structure that could endure time but also left room for change.

**Key Terms**

- **amendment** written change made to the Constitution, p. 100
- **repeal** cancel, p. 100
- **cabinet** leaders in the executive branch who advise the president, p. 101

**Takings Notes**

<table>
<thead>
<tr>
<th>Amending the Constitution</th>
<th>Interpreting The Constitution</th>
<th>Congress and the Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendments must be proposed in Congress or by state legislatures and then approved by the state legislatures or state conventions.</td>
<td>The Constitution sets broad guidelines for governing; some changes in the federal government come about through custom and tradition.</td>
<td>Congress often applies the Constitution to a particular issue in society by interpreting the Constitution to determine whether Congress has the authority to pass a law.</td>
</tr>
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**Teach the Main Idea**

1. **Teach** Ask students the Reading Focus questions to teach this section.
2. **Apply** Have students take each of the section’s three main heads and phrase them in *What? Why? How? and Who?* questions.
3. **Review** Have students write the answers next to each question and discuss the answers as a class.
4. **Practice/Homework** Ask students to create a poster that shows why the Constitution is an enduring document, how the Constitution is amended, or the roles Congress and the Supreme Court play in interpreting the Constitution.
1. How did the framers envision change when writing the Constitution?

**Envisioning Change**

**Interpret** Did the framers realize that life in the United States would change drastically over time? How do you know? Yes; they included in the Constitution a process to amend the document.

**Predict** If you were alive at the time the Constitution was written, would you have thought it could last as long as it has? Why or why not? Answers will vary but students should provide valid reasoning for their choice.

2. What are two ways in which the Constitution may be changed?

**Changing the Constitution**

**Recall** Why did the framers make the amendment process difficult? They wanted to make sure the Constitution would endure petty politics and temporary changes of public opinion.

**Interpret** Explain how the amendment process is governed by majority rule. An amendment can only be proposed by a majority of members of Congress or a majority of the states. A majority of the states must ratify an amendment for it to become part of the Constitution.

The framers realized that Americans might someday want or need to change the Constitution. Therefore, they included in the Constitution a process for making changes to it. The framers wrote the document to be adaptable to situations they could never have imagined.

**READING CHECK**

**Drawing Inferences and Conclusions** What are some changes in modern times that the framers could not have foreseen?

**Changing the Constitution**

Alteration the Constitution is difficult. The framers wanted the Constitution to endure the influence of politics and temporary changes of public opinion. The Constitution can be changed in two ways: formally by amendment and informally by government acts or by custom.

**The Amendment Process**

An amendment is a written change made to the Constitution. Article V of the Constitution outlines the process for making amendments. Proposed amendments must be approved by three-fourths of the states. The process can take a long time, and success is never certain. Lawmakers have succeeded in changing the document only 27 times, a small number considering how much the nation has grown and changed.

An amendment may be proposed in two ways:

- Congress can propose an amendment by a two-thirds vote in both houses.
- The legislatures of two-thirds of the states—34 out of 50—can ask Congress to call a national convention to propose an amendment.

After an amendment has been proposed, it must then be ratified, or approved, by the states. There are two ways an amendment may be ratified. The method of ratification must be described in each proposed amendment.

- The proposed amendment can be sent to the state legislatures for approval. All but one of the amendments to the Constitution were approved this way.
- The proposed amendment can be sent to state conventions for consideration.

After an amendment has been ratified by three-fourths (38) of the states, it becomes part of the written Constitution. If the people do not like the effects of an amendment, another amendment can be passed to repeal, or cancel, it. The most famous repeal occurred in 1933, when the Twenty-first Amendment was passed to repeal the Eighteenth Amendment, which had banned the production and sale of alcohol.

**The Constitution Endures**

The framers of the Constitution recognized that as society changed, there had to be a way to make sure that the Constitution endured as the foundation of democracy. These amendments helped expand voting rights.

If the right to vote is expanded or extended today to include more citizens, to whom do you think the right to vote might be given?

**Thirteenth, Fourteenth, and Fifteenth Amendments**

Ratified 1866, 1868, and 1870. Passed as a result of the Civil War and gave African Americans full citizenship in the United States.

**Collaborative Learning**

**Prepare an Amendment Lesson**

1. Organize students into groups of three.
2. Tell students to research amendments that pertain to women, teenagers, and people of different ethnic groups. Suggest that each member focus on one of these groups. Ask students to investigate how the interpretation of the Constitution has changed over the years with regard to these groups.
3. Then have each group prepare a five-minute lesson to present their findings to the class.

**Research Required**

**At Level**

**Verbal/Linguistic, Interpersonal**

**Alternative Assessment Handbook: Rubric 14: Group Activity; Rubric 24: Oral Presentations**

**Answers**

**Quick Facts** Answers will vary but might include people younger than 18.

**Reading Check** Possible answers: global terrorism, technology, the global economy
Interpreting the Constitution

The Constitution does not attempt to cover every possible situation. It sets broad guidelines for governing. A number of changes in the federal government have come about simply through custom and tradition. For example, the Constitution does not call for regular meetings of the executive branch. However, President George Washington brought these leaders together regularly to serve as his advisers. They are known as the president’s cabinet. Since those early days, meetings between the president and the cabinet have been an accepted practice.

Such traditions are seldom written down or passed into law. For this reason, they are sometimes referred to as the “unwritten Constitution.”

Differentiating Instruction

Learners Having Difficulty

Summarize Information

1. Work with students to create a graphic organizer summarizing the information in the section “Interpreting the Constitution.”

   - Constitution
   - Gives Congress power to make laws
   - Gives Supreme Court power to decide if law is constitutional
   - If unconstitutional, law is dead
   - If constitutional, law is enforced

2. Complete one box at a time to create an organizer similar to the one shown here. Start by creating the Constitution box and then ask students questions as you add the other boxes, for example, What power does the Constitution give to Congress? What power does the Constitution give the Supreme Court?

3. Have students copy the graphic organizer and save it to help them review this part of the section. Visual/Linguistic

Answers

American Civil Liberties Possible answers: Yes, clothing is an important form of expression for students. No, there are many other ways for students to express themselves.

Info to Know

Documents on Display How do people preserve documents that are more than 200 years old? At the National Archives Building in Washington, D.C., the Bill of Rights, Constitution, and Declaration of Independence are displayed in a special glass case. This case protects the documents from air and moisture, which could damage the paper. Each evening, special machinery lowers the precious documents into a vault, where they are safe until they are raised for display the next morning.
FOCUS ON
John Marshall
(1755–1835)

John Marshall was a promi-
nent Federalist. President John Adams appointed Marshall as chief justice of the Supreme Court in 1801. As chief justice, Marshall played a key role in cases such as Marbury v. Madison, which established the principle that the Court was an equal branch of government, and McCulloch v. Maryland, in which the Court declared that Congress had powers beyond those specifically listed in the Constitution. Marshall’s actions and decisions made him one of the most influential Supreme Court justices in U.S. history.

Summarizing How did Marshall increase the power of the Supreme Court?

SECTION 3 ASSESSMENT

Reviewing Ideas and Terms
1. a. Explain Why is it important that the framers wrote the Constitution to include a process for changing the Constitution?
   b. Elaborate How have changes in daily life since 1787 changed the problems that lawmakers deal with today?
2. a. Define Write a brief definition for the terms amendment, repeal, and cabinet.
   b. Explain What are the two ways that an amendment to the Constitution may be proposed?
   c. Predict What might happen if it were easier to amend the Constitution?

Critical Thinking
3. Categorizing Draw a graphic organizer like this one on your own sheet of paper. Then, use your notes to summarize the two ways in which the Constitution can be amended.

Amending the Constitution

Focus on Writing
4. Supporting a Point of View Imagine that you are a delegate to the Constitutional Convention in Philadelphia in 1787. Write a short speech that will convince the other delegates that it is important to make the Constitution an enduring document.

Congress and the Constitution

Congress often applies the Constitution to a particular issue in society. It does this by interpreting whether some passage, or clause, in the Constitution gives Congress the authority to pass a particular law.

For example, the Constitution says nothing about whether all workers should earn a minimum wage. However, the Constitution does give Congress the power to control trade among the states. Goods made by workers usually travel from one state to another. So Congress decided that the Constitution gives it the power to pass laws affecting working conditions nationwide, including wage rates. It then wrote laws establishing a minimum wage.

The Supreme Court has the power to decide if Congress has interpreted the Constitution correctly. The Court’s interpretation is final. If the Supreme Court rules that a law is unconstitutional, the law is dead. If the Court upholds the law, it remains in effect.

If the Supreme Court declares an act of Congress unconstitutional, Congress may rewrite the law. If Congress overcomes the Court’s objections, the new law will stand. For example, Congress may not pass bills of attainder (laws that punish a person without a jury trial) or ex post facto laws (which make an act a crime after the act has been committed). Congress also may not suspend the writ of habeas corpus (a court order requiring the government to bring a prisoner to court and explain why he or she is being held).

READING CHECK Analyzing Information How can the Constitution be changed?

Section 3 Assessment Answers

1. a. The process is needed so that the Constitution can be changed to meet changing conditions in society. b. Possible answer: New forms of communication, such as cellular phones and the Internet, require lawmakers to pass new laws regulating their use.
2. a. amendment, p. 100; repeal, p. 100; cabinet, p. 101 b. Congress proposes an amendment by a two-thirds vote in both houses or two thirds of state legislatures ask Congress to call a national convention to propose an amendment. c. Possible answer: The Constitution might change often based on petty politics and temporary changes of public opinion.
3. Congress proposes amendment by two-thirds vote in both houses; legislatures of two-thirds of the states ask Congress to call a national convention to propose an amendment.
4. Speeches should include convincing arguments for making the Constitution an enduring document.

Answers

Focus On . . . Marshall played a key role in the Marbury v. Madison decision that gave the Supreme Court the power to rule on the constitutionality of laws.

Reading Check Either Congress or states propose an amendment and then three fourths of the states must ratify it.