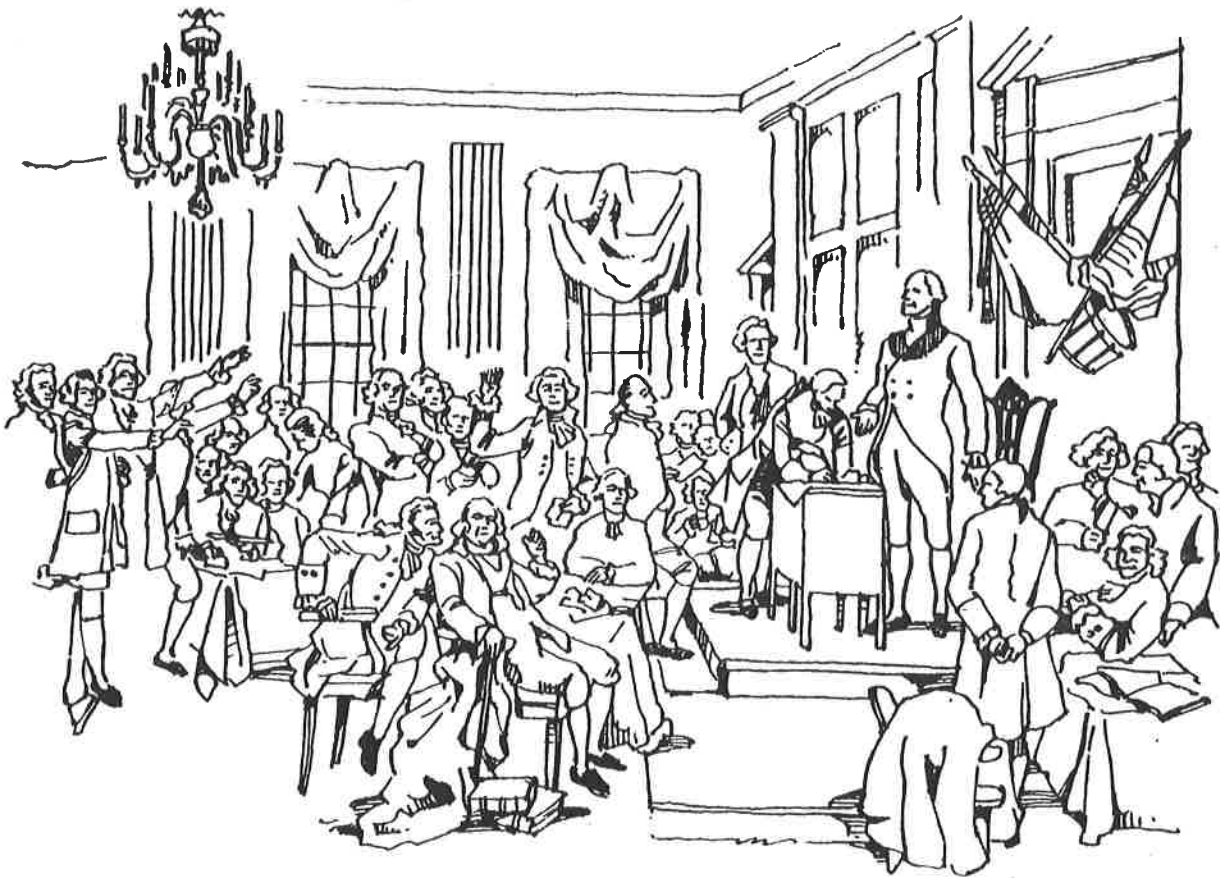


Understanding the U.S. Constitution



Name :

THE BIRTH OF THE CONSTITUTION

The Articles of Confederation

During the Revolutionary War, the United Colonies needed a document to govern the lands then struggling to be free from England's rule. The Articles of Confederation became the first national constitution of the United States in March of 1781.

The Articles of Confederation established a government organized around a Congress. Each of the thirteen states would only have one vote regardless of size or population. For a law to pass, nine of the thirteen states had to agree.

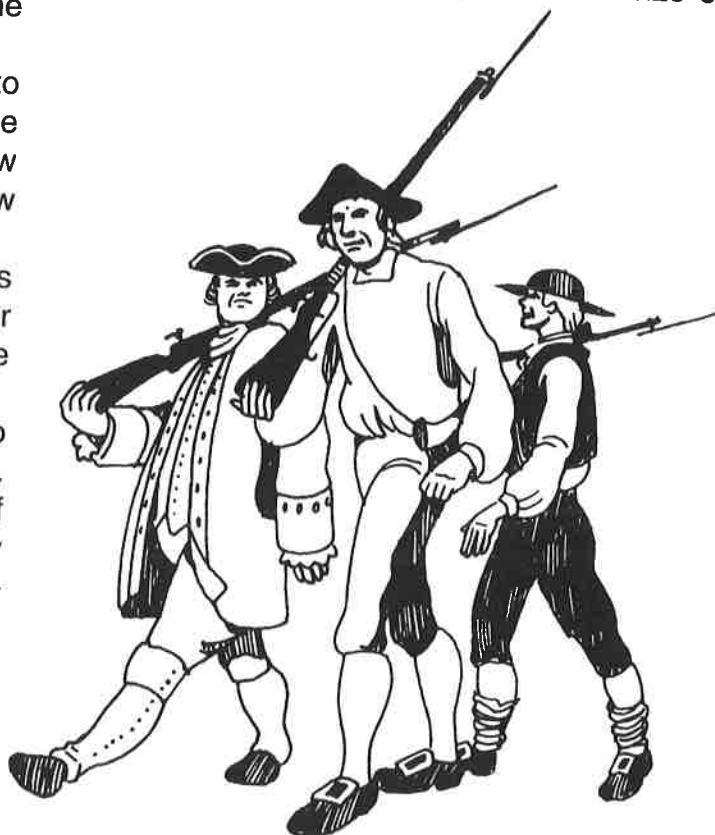
The Congress had the power to declare war, make peace, and make treaties. It could also coin and borrow money, create post offices, admit new states, and create an army and navy.

On the other hand, the Congress could not tax, and it could not control or interfere with trade between the individual states.

There was no one person who was in charge of this new government. Because they feared the return of tyranny, the founding fathers were very cautious not to create a new "king"—that was exactly why they had separated from England. So, as a result, there was no executive to carry out the laws passed by Congress. Ultimately, this lack of a leader caused much confusion.

The Articles of Confederation created a loose friendship between the thirteen states. This loose friendship was enough to win the War for Independence and keep the states together as one country. But without an executive, the power to tax, and the ability to regulate trade, the Congress could not function effectively. Many Americans felt the Articles of Confederation needed to be revised.

By 1786, more problems were beginning to surface. A convention of five of the thirteen states, called the Annapolis Convention, met at Annapolis, Maryland, in September, 1786. They met to study the trade problem. There was not enough representation to make any big decisions, so the delegates led by Alexander Hamilton (New York) and James Madison (Virginia) called for another convention to begin in May, 1787, in Philadelphia, Pennsylvania. In February of that year, Congress agreed with the delegates and stated the convention would have the "sole and express purpose of revising the Articles of Confederation."



Revolutionary War Soldiers

THE BIRTH OF THE CONSTITUTION

The Constitutional Convention

The Constitutional Convention opened in Philadelphia in May, 1787, and finished its work in September. The delegates to the convention were not elected by the people, but instead were selected by their state legislatures.

The delegates to the convention were men of great ability. Many had fought in the Revolutionary War, many were educated, and many were wealthy. They were men of great power and influence in their own states. Eventually, two would become presidents of the United States, one a vice president, and 26 would serve in Congress. All in all, there were 65 official delegates, but only 55 made it to Philadelphia. The average attendance at each day's meeting was about 30.

George Washington, a delegate from Virginia, was chosen to be the president of the convention. At first, the purpose of the convention was to revise the Articles of Confederation, but very quickly the delegates decided to replace the Articles with a new plan for government.

Two important leaders were absent from the convention. John Adams and Thomas Jefferson, who were influential in the writing of the Declaration of Independence, were in Europe serving as ambassadors to other nations. Benjamin Franklin of Pennsylvania was the oldest delegate at 81 years old, and Jonathan Dayton of New Jersey was the youngest at 26. Other delegates present were Alexander Hamilton and James Madison. There was one state that refused to send delegates to the Constitutional Convention; Rhode Island did not send any representatives to Philadelphia.

During those five hot summer months in 1787, the 55 delegates struggled to create a more flexible form of government for the new United States. The most serious task that faced the delegates was how to achieve a balance between liberty and authority. There were many different viewpoints and opinions on how to go about that task. The concept of compromise unified the differences into a supreme document capable of representing the opinions of all Americans.

The Constitution that resulted from this historic convention is now over 200 years old. Few written constitutions have lasted as long as the Constitution of the United States.



George Washington was chosen as the president of the Constitutional Convention.

THE BIRTH OF THE CONSTITUTION

Compromise

Without compromise in 1787, our government would have collapsed in infancy. Compromise is a settlement in which both sides give up something in order to reach an agreement. There were many different compromises made during the Constitutional Convention. The most important compromises dealt with how our government would be set up.

A major concern of the delegates was how to set up the lawmaking body of our government, the legislative branch. How should states be represented in the legislative body? Who would have control—the small states or the large states? This issue threatened to destroy the convention. Eventually, the delegates came to an agreement known as the Great Compromise, which combined the best of the Virginia Plan and the New Jersey Plan.

The Virginia Plan was proposed by the states having the larger populations. First, they suggested that the lawmaking body be called Congress. This Congress was to be *bicameral* (having two houses). The first house would be elected by the people, and the second house would be elected by the first house. The number of Congressmen was to be determined by the population of the state. The larger states liked this plan because they had a larger population and as a result would be able to control the government. They favored a plan based on population.

An alternative was the New Jersey Plan supported by the smaller states. First, the small states proposed a Congress that was *unicameral* (having one house) with each state having the same number of representatives or votes. The smaller states would then be equal with the larger states. They favored a plan based on equality.

Eventually a compromise was reached. The compromise became known as the Great Compromise, because without this basic issue settled, the Convention would have failed.

The Great Compromise called for a bicameral Congress. The first house was to be called the House of Representatives, with representatives elected by the people for a two-year term. The number of representatives each state could elect would depend on the population of the state. This pleased the large states.

The second house was to be called the Senate, with senators elected by their state legislatures for a six-year term. Each state would have two senators. This pleased the small states. The Great Compromise had succeeded; both sides got what they wanted.



The Convention was held in the Philadelphia Statehouse, now known as Independence Hall.

THE BIRTH OF THE CONSTITUTION

Separation of Powers

Another problem facing the Constitutional Convention was how to divide the powers of a government. Who will make the laws? Who will make sure the laws are obeyed? Who will make sure the laws are “good” laws? These questions were answered in the next set of compromises.

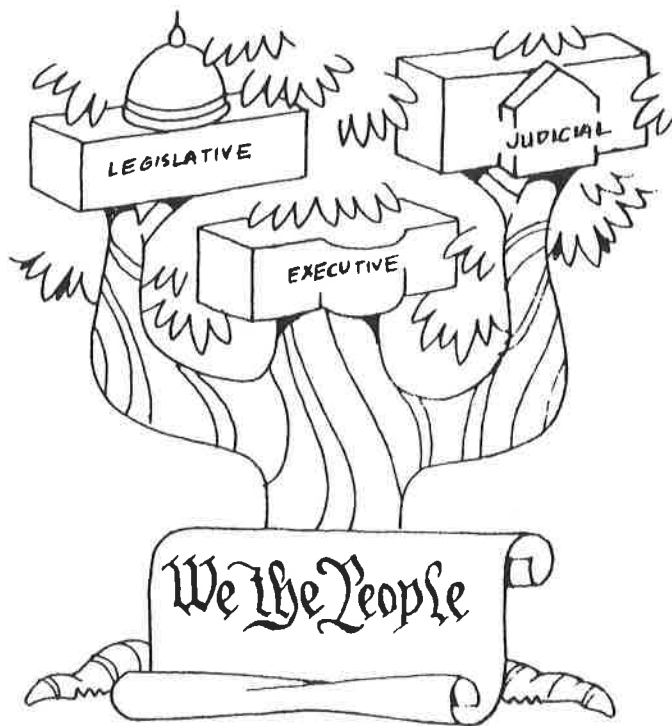
American government can be seen as a tree. The Constitution is the trunk, or base, with three branches extending from that trunk. Those three branches are the legislative branch, the executive branch, and the judicial branch. Each branch has different responsibilities and looks out for and checks the other two branches. These concepts, respectively, are called *separation of powers* and *checks and balances*.

The *legislative* branch was defined during the Great Compromise. Together, the House of Representatives and the Senate make the laws to govern our country. The legislative branch also checks the executive and judicial branches.

The second branch is the *executive* branch. Eventually, the delegates decided to create a chief executive. Under the Articles of Confederation, there was no national leader. The founding fathers had feared creating another “king.” There was much discussion, even talk of having two equally powered leaders. The convention agreed to create one President, but only if the President would be checked or watched by the legislative and judicial branches. The job of the President and the executive branch is to carry out the laws passed by the legislative branch.

The third branch established the *judicial* system. The judicial branch was to be headed by the Supreme Court. It is the job of the Supreme Court to interpret or define the laws. The Supreme Court is chosen by the President and approved by the Senate. The judicial branch checks the executive and legislative branches.

Each branch has its own specific responsibilities. Each has a separate power. Part of the responsibility of a branch is to control or check the power of the other branches. That way, no one branch gets to be too powerful; each branch is balanced.



The U.S. Constitution provides for the legislative, executive, and judicial branches of government.

Date _____ Name _____

THE BIRTH OF THE CONSTITUTION

Separation of Powers

≈ **Challenges** ≈

1. Define:

Separation of Powers: _____

Checks and Balances: _____

Legislative: _____

Executive: _____

Judicial: _____

2. Name three ways in which the powers of the United States are divided.

3. Why are the powers separated? _____

4. What is the job of the legislative branch? _____

5. What is the job of the executive branch? _____

6. What is the job of the judicial branch? _____

7. What two branches are checked by the legislative branch? _____

8. What two branches are checked by the executive branch? _____

9. What two branches are checked by the judicial branch? _____

Organization of the Constitution

PREAMBLE	Introduction
ARTICLE I	Legislative Branch
ARTICLE II	Executive Branch
ARTICLE III	Judicial Branch
ARTICLE IV	Relationships Among States
ARTICLE V	Amending the Constitution
ARTICLE VI	Supreme Law of the Land
ARTICLE VII	Ratifying the Constitution

AMENDMENTS:

I	Freedom of religion, press, speech, assembly, petition
II	Right to bear arms
III	Quartering of soldiers
IV	Searches and seizures
V	Life, liberty, and property
VI	Rights of the accused
VII	Right to trial by jury
VIII	Bail and punishment
IX	Rights of the people
X	Rights of the states
XI	Suits against states
XII	Election of the President
XIII	Abolition of slavery
XIV	Civil rights in the states
XV	Black suffrage
XVI	Income tax
XVII	Direct election of senators
XVIII	Prohibition
XIX	Women's suffrage
XX	"Lame duck" period
XXI	Repeal of Prohibition
XXII	Presidential term of office
XXIII	Voting in the District of Columbia
XXIV	Abolition of poll taxes
XXV	Presidential disability and succession
XXVI	Eighteen-year-old vote
XXVII	Congressional pay raises

Date _____ Name _____

THE BIRTH OF THE CONSTITUTION

Organization of the Constitution

≈ **Challenges** ≈

1. Define:

Ratify: _____

Amend: _____

Article: _____

2. When was the Constitution approved by the Convention? _____

3. What date was the Constitution approved by the states? _____

4. What do you think the sun represents in Franklin's quotation? _____

5. What is the purpose of the Preamble? _____

6. How many Articles are in the Constitution? _____

7. What is Article I about? _____

... Article II? _____

... Article III? _____

8. How many Amendments have been added to the Constitution? _____

9. Why have certain phrases or sections been italicized? _____

THE BIRTH OF THE CONSTITUTION

The Preamble

(See the Preamble)

The Preamble lists the major goals to be accomplished by the United States government under the Constitution. The importance of the Preamble and the Constitution are expressed in the first three words, "We the people . . ." The Constitution was created by the people, not by some king, dictator, or absolute ruler.

The founding fathers had six goals in mind when they set out to create the Constitution. They are:

- (1) to form a more perfect union
(set up a stronger government than they had under the Articles of Confederation)
- (2) establish justice
(improve the court system)
- (3) insure domestic tranquility
(have peace in all states)
- (4) provide for the common defense
(protect the country from enemies)
- (5) promote the general welfare
(have good living conditions)
- (6) secure the blessings of liberty to ourselves and our posterity.
(have freedom for themselves and future Americans)

The Preamble expresses the hopes of the people for a good and honest government for themselves and their children.

PREAMBLE TO THE UNITED STATES CONSTITUTION:

We the people of the United States, in order to form a more perfect Union, Establish Justice, insure domestic Tranquility, provide for the common Defense, promote the general Welfare, and secure the blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.



THE BIRTH OF THE CONSTITUTION

The Preamble ≈ **Challenges** ≈

1. By whose power was the Constitution written? _____

2. Fill in the blanks:

GOALS OF THE CONSTITUTION:

(Actual words of the Constitution)

(Your own words)

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

3. Rewrite the Preamble in your own words.

PROJECTS:

- 1. *The Preamble is short, only 52 words. Memorize and recite it to the class. (Extra: do it in only one breath!)*
- 2. *Bring a copy of a student organization constitution to class. How is it similar to or different from the U. S. Constitution?*

THE LEGISLATIVE BRANCH

Introduction

(See Article I, Section 1)

The legislative branch of the United States government is described in Article I of the Constitution. Its major job is to make our country's laws. The American system of government is based on a representative form of government. Not all Americans can meet in the same place at the same time to make laws, so Americans choose representatives to make the laws for them. Representatives carry out the will of the people, or they are replaced during the next election.

Laws are passed by a *majority* vote. Majority means one over half. For example, among 10 people, six or more of them must agree in order to pass a law. The larger group of politicians is known as the majority, and the smaller group is known as the *minority*. If you are in the minority, you try to encourage members of the majority to change sides.

The legislative branch of our Federal government is called Congress. Congress is made up of the House of Representatives and the Senate. Congress begins its meetings on the third day of January every odd-numbered year. The meetings are called terms and they last two years with a recess, or break, during the summer. The first term of Congress met from 1789-91. The House of Representatives and the Senate meet in different

chambers on opposite sides of the Capitol Building in Washington, D.C.



The House of Representatives and the Senate meet in the U.S. Capitol Building.

The Congress makes its own rules governing its meetings. It can *expel*, or remove, a member by a two-thirds vote. That means that two thirds of the members, not just a majority, have to agree to an action. A record is kept of all the meetings and is published in the *Congressional Record*.

Members of Congress also have certain

privileges. They cannot be arrested when going to or coming from Congress, or while attending a session of Congress. A member cannot be sued or punished for anything he or she might say in Congress.

The Constitution goes on to define the individual responsibilities and requirements of the two houses of Congress: the House of Representatives and the Senate, our lawmaking bodies.

Date _____ Name _____

THE LEGISLATIVE BRANCH

Introduction ≈ **Challenges** ≈

1. Define:

Majority: _____

Minority: _____

Privilege: _____

Expel: _____

2. What is the major duty of the legislative branch? _____

3. What is the legislative body called? _____

4. Where does it meet? _____

5. What two houses make up the Congress? _____

6. When do its meetings begin? _____

7. What is the name of the record of the meetings of Congress? _____

8. List two privileges of members of the United States Congress. _____

THE LEGISLATIVE BRANCH

The House of Representatives

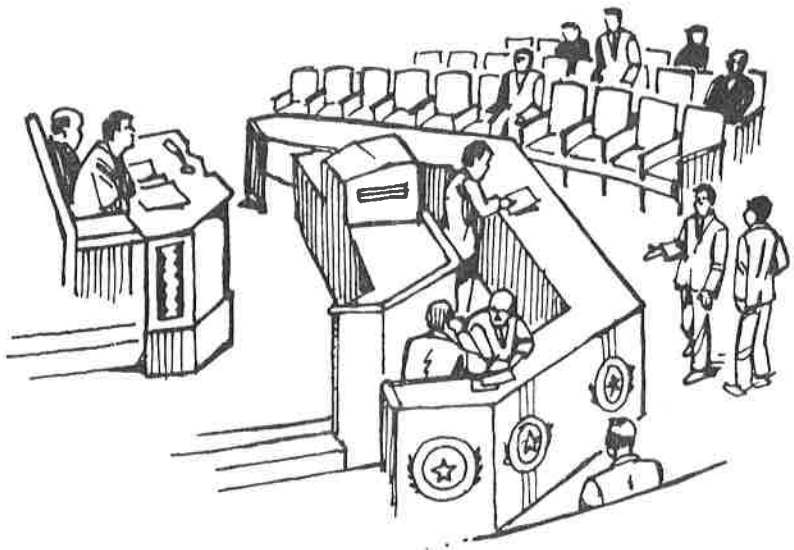
(See Article I, Section 2)

The largest house of Congress is the House of Representatives. There are 435 representatives in the House. The number of representatives a state has is based on the number of people, or population, in the state. There is one representative for every 500,000 people. So if a state has two million people, that state would be able to send four representatives to Washington, D.C.

The term of office for a representative is two years. In order to stay in office, he or she must be reelected every two years.

To find out how many people are in a state, the government conducts a *census*, or count of the people, every ten years. The first census was conducted in 1790. When will the next census occur?

In order to be a representative, there are certain requirements to be met. A representative must be at least 25 years old, must be a citizen of the United States for at least seven years, and must live in the state from which he or she is elected.



The speaker's podium in the House of Representatives' chamber.

Within the House, there are several leaders. The Speaker of the House is the presiding officer. The Speaker is selected by the members of the House and is usually a member of the majority party. The Speaker of the House is second in line to take over the presidency, after the Vice President, in the event of an emergency.

The House of Representatives has the sole power to begin *impeachment* proceedings against a government official. To impeach is to accuse an official of some wrongdoing or misuse of power. The House begins the process by accusing the official, but the trial is carried out by the Senate. More about impeachment will be discussed in later chapters.

Date _____ Name _____

THE LEGISLATIVE BRANCH

The House of Representatives
≈ **Challenges** ≈

1. Define:

Census: _____

Impeach: _____

2. How many representatives are there in the House of Representatives? _____

3. How many representatives does your state send to Washington, D.C.? _____

4. When was the last census taken in the United States? _____

When will the next census be taken? _____

5. What was the population of the United States at the last census? _____

6. What are the three qualifications to be a representative?

a) _____

b) _____

c) _____

7. What is the title of the presiding officer of the House? _____

8. The House begins the impeachment process by doing what? _____

THE LEGISLATIVE BRANCH

The Senate

(See Article I, Section 3)

The other house that makes up the Congress is the Senate. The Senate is the smaller of the two groups, with only 100 members. These people are known as senators. Each state, regardless of how big or small, has two senators. Currently there are 50 states, so we have 100 senators in Washington, D.C.

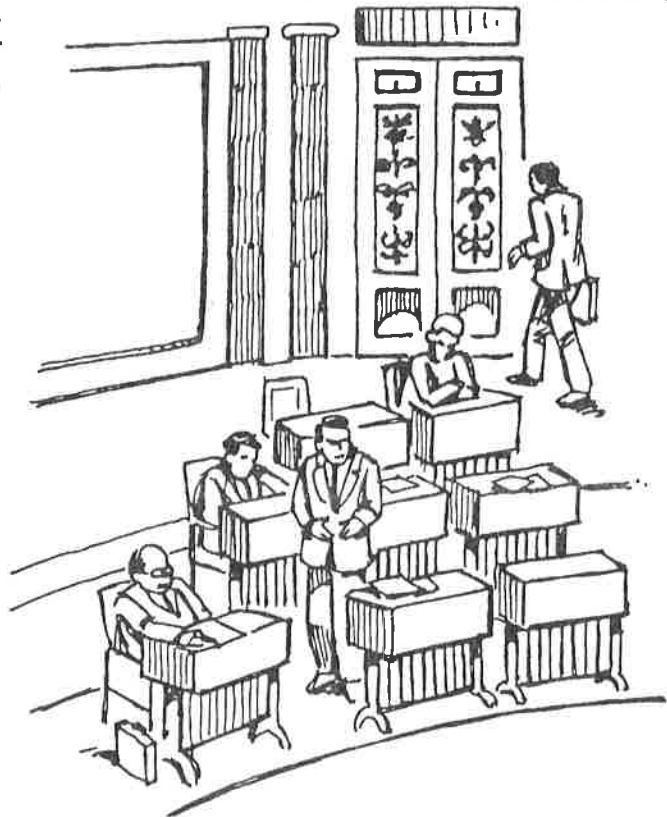
Each senator is elected for a six-year term, but every two years, one third of the senate is up for reelection. For example, in 1992, 33 senators were elected for six-year terms. In 1994, 33 others will be elected, and in 1996, 34 will be elected. This way, there is never an entirely new group of senators; there will always be some experienced senators to guide the newcomers.

According to the original Constitution, the senators were chosen by their state legislatures, but in 1913, the Seventeenth Amendment changed this and allowed the people to elect their senators directly.

In order to be a senator there are certain requirements that must be met. A senator must be at least 30 years old, a citizen of the United States for at least nine years, and live in the state he or she represents.

The Senate also has certain leaders. The Vice President of the United States is in charge of all meetings of the Senate. He can only vote in the event of a tie between the senators. If the Vice President is absent, the senators choose an alternate presiding officer known as the president pro tempore (temporary president). The president pro tempore is third in line to take over the presidency in the event of an emergency.

With regards to the impeachment process mentioned in the last lesson, the Senate acts as the jury and tries any impeachment cases. When the House of Representatives accuses an official of a crime, the Senate decides whether or not the official is guilty. The Chief Justice of the Supreme Court acts as the judge. Two thirds of the senators present must find the official guilty in order to remove him or her from office.



Senators at their desks in the U.S. Senate chamber.

Date _____ Name _____

THE LEGISLATIVE BRANCH

The Senate ≈ **Challenges** ≈

1. What are the names of the two houses of Congress? _____

2. How many senators does each state send to Washington? _____

3. What is the total number of senators today? _____

4. What is the term of office of a senator? _____

5. What is the term of office of a representative? _____

6. What are the three requirements to be a senator?

a) _____

b) _____

c) _____

7. What are the titles of the two presiding officers of the Senate? _____

8. What does the Senate do during the impeachment process? _____

THE LEGISLATIVE BRANCH

Rules, Rights, and Privileges of Congress

(See Article I, Sections 5, 6)

Each house of Congress develops a set of rules for its members, but the Constitution also sets forth specific rules and rights.

In order for a meeting to be held, there must be a *quorum*. A quorum is one person over half of the number of members. For example, for the Senate to have a quorum, there must be 51 senators present (one over half: 51/100). The same is true of the House of Representatives.

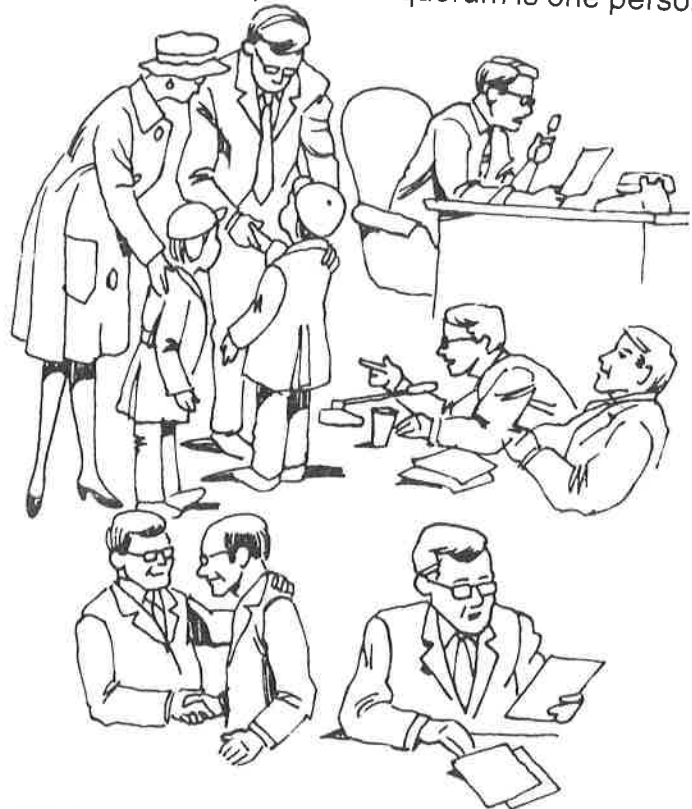
The House and Senate may *expel*, or remove, a member for breaking its rules. To expel a member, two thirds of the House or Senate must agree to the removal.

The House and Senate publish the notes, minutes, and records of their meetings in what is known as the *Congressional Record*.

Both houses of Congress must meet in the same city and must meet during the same time. Neither house can *adjourn*, or stop meeting, without the consent of the other house.

Representatives and senators are paid by the United States government, and their salary is set by law. Members of Congress cannot be arrested during meetings or while going to or from meetings. They also cannot be punished for anything said during one of their meetings.

One right reserved to the House of Representatives is the handling of money matters. Only the House may introduce bills to raise money.



Representatives and senators have many duties including meeting with voters, preparing bills and speeches, and attending committee meetings.

Date _____ Name _____

THE LEGISLATIVE BRANCH

Rules, Rights, and Privileges of Congress

≈ Challenges ≈

1. Define:

Quorum: _____

Expel: _____

Adjourn: _____

2. How many representatives from the House of Representatives would need to be present in order for there to be a quorum?

3. What fraction of the Senate must agree to expel a member? _____

What number is that? _____

4. Where can you find the notes of the meetings of Congress? _____

5. Who pays the salaries of representatives and senators? _____

6. What house is the only house to introduce bills to raise money? _____

THE LEGISLATIVE BRANCH

How Bills Become Laws

(See Article I, Section 7)

The laws, or rules, our country has were passed to keep our country functioning. There is a long step-by-step process in the making of laws.

Before a law is a law, it is known as a *bill*. A bill is an idea that a representative or a senator has that he would like to see become a law. A bill may start in either the House of Representatives or the Senate, except for money bills, which must start in the House.

Let's say Senator X has a bill to proclaim June 21 as National Cardinal Day. He takes his bill in written form to his fellow senators, and it is given a code number. If the other senators disagree with the bill, they vote it down, and the bill is dead. If they agree, the bill is passed over to the House of Representatives.

The bill is given to the House of Representatives to discuss and vote on. If they disagree, they vote it down and send it back to the Senate for changes. If the Senate refuses to make changes, the bill dies. If the House approves the bill, it is given to the President for his approval.

If the President agrees with the bill, he signs it and it becomes a law. The bill can also become law if the President does not respond to it within ten working days.

If the President does not agree with the bill, he *veto*es it. With a veto, the President is rejecting the bill. If the President does not sign the bill within ten days after Congress adjourns, the bill dies. This is known as a pocket veto.

If the bill has been vetoed and Congress is still in session, the bill then goes back to the house where it started, in our case, the Senate.

If two thirds of the Senate agree with the bill, that is called *overriding* the President's veto. If the Senate votes to override the veto, then the House of Representatives must override it also. If both houses vote to override the veto, then the bill becomes a law without the President's approval.



Bills must go through a long, difficult process before they finally become the law of the land.

THE LEGISLATIVE BRANCH

How Bills Become Laws ≈ **Challenges** ≈

1. Define:

Veto: _____

Override: _____

2. Where can a bill be introduced? _____

3. Money bills must be introduced in which house? _____

4. If a bill is approved by the House of Representatives, where must it go next? _____

5. When both houses approve a bill, then where does it go? _____

6. If the President vetoes a bill, what process must happen for the bill to become a law?

7. What fraction of representatives and senators must agree in order to override the President's veto?

8. If the veto is not overridden, what happens to the bill? _____

PROJECT:

Make a bill of your own and explain the process, from beginning to end, of how that bill will become a law.

THE LEGISLATIVE BRANCH

Powers of Congress

(See Article I, Section 8)

The Constitution gives the Congress (the House and the Senate) certain specific powers. Among those listed in Section 8 are the powers to tax, borrow money, regulate commerce (trade), and naturalization (the process by which one can become a United States citizen). Also included are the powers to coin money, establish a system of weights and measurements, establish a post office, declare war, and provide a military. These are many of the important powers specifically granted to the Congress.

Article 1, Section 8, Clause 18 is very important to the Congress. It is known as the "elastic clause." The elastic clause gives Congress the power "to make all laws which shall be necessary and proper" to carry out its responsibilities.

The powers given to Congress can be broken down into three areas: *enumerated* powers, *implied* powers, and *inherent* powers.

Enumerated powers are powers specifically given to the Congress by the Constitution. They are written. An example would be the power to declare war.

Implied powers are powers given to the Congress that are general. They are stated, but not enough information is given in the Constitution about details. An example would be: the Constitution in Article 1, Section 8, Clause 7 states, "To establish post offices and post roads." Obviously, more is needed to run the post office than just roads; there are the mail carriers, security, and buildings. The Constitution assumes that the Congress will take care of these matters, too.

Inherent powers are unlisted powers that a government must have simply because it exists as a government and needs to run its affairs smoothly. The best example of this is the need to conduct foreign affairs. The Constitution does not discuss foreign affairs, but because the United States is a country, we must deal with foreign countries diplomatically.



Congress is responsible for maintaining the military forces in the United States.

Date _____ Name _____

THE LEGISLATIVE BRANCH

Powers of Congress

≈ **Challenges** ≈

1. List and describe four powers given to the Congress by Article I, Section 8:

a) _____

b) _____

c) _____

d) _____

2. What is the "elastic clause"? _____

3. Define enumerated powers and give an example. _____

4. Define implied powers and give an example. _____

5. Define inherent powers and give an example. _____

THE LEGISLATIVE BRANCH

Limits on Congress and the States

(See Article I, Sections 9, 10)

We saw in the last lesson what powers the Constitution gave the Congress. Now we are going to look at what the Constitution told the Congress it could *not* do.

First, the Constitution told the Congress it could not make any laws outlawing the slave trade until 1808. This clause deals with the rivalry between the northern and southern states. As you will study, this rivalry erupts into the Civil War in 1861.

The second limitation deals with the legal term known as *habeas corpus*. Habeas corpus literally means “you shall have the body.” This right of habeas corpus allows a person to be seen and heard in a courtroom by a judge. If you are to be found guilty or not guilty, you have the right to appear in court. The government can not take that right away except in cases of rebellion or invasion.

The Constitution outlawed *bills of attainder*. A bill of attainder is a law passed by the government that convicts a person of a crime and punishes them without a trial.

Another limitation set by the Constitution is that Congress cannot pass *ex post facto laws*. An *ex post facto* law punishes people for a crime that was not a crime when they did it. For example, Mr. Z was smoking a cigarette on his lawn on Monday. On Tuesday, Congress passed a law forbidding smoking in the United States. Wednesday, the police came and arrested Mr. Z for smoking on Monday. When Mr. Z smoked on Monday, it was not a crime. Under the *ex post facto* clause of the Constitution, punishment of Mr. Z is forbidden.

Other limits on Congress are that it cannot tax products from a state, it cannot give preference to any state’s seaport, government money can only be spent by passing a law, and finally, Congress cannot issue titles of nobility. That means the Senate or House cannot make people knights, lords, or duchesses.

The Constitution also puts certain limits on the states. First, they cannot make treaties with other countries. Secondly, they cannot coin their own money. Finally, they cannot do the items mentioned in the above three paragraphs.

The powers of government can be put into three categories: *delegated*, *concurrent*, and *reserved* powers. Delegated powers are powers that are given to the national government in Washington, D.C., such as the power to declare war. Concurrent powers are powers that are shared between the national and state governments, such as the power to tax. Finally, reserved powers are powers that only the states have, such as the power to create a school system. It is important to keep these different powers in mind as we discuss the remainder of the Constitution.



Prior to the Constitution, people were often arrested and jailed without being charged or having a trial.

Date _____ Name _____

THE LEGISLATIVE BRANCH

Limits on Congress and the States
≈ Challenges ≈

1. What does "habeas corpus" mean, literally? _____

2. Why does the Constitution prevent Congress from taking away our right of habeas corpus?

3. What is a bill of attainder? _____

4. What is an ex post facto law? Give an example. _____

5. What is one other limit placed on the Congress? _____

6. What are two additional limitations placed on the states by the Constitution?

a) _____

b) _____

7. Explain these three powers:

Delegated: _____

Concurrent: _____

Reserved: _____

THE EXECUTIVE BRANCH

Introduction

(See Article II, Section 1)

As you have seen, the job of the legislative branch is to make the laws. It is the job of the executive branch to carry out, or execute, those laws. They enforce, or make sure people are obeying, the laws made by the legislative branch.

If the Congress makes it a law that the speed limit should be 70 MPH, then it is the job of the executive branch and its offices to make sure that the citizens of the United States are obeying the speed limit.

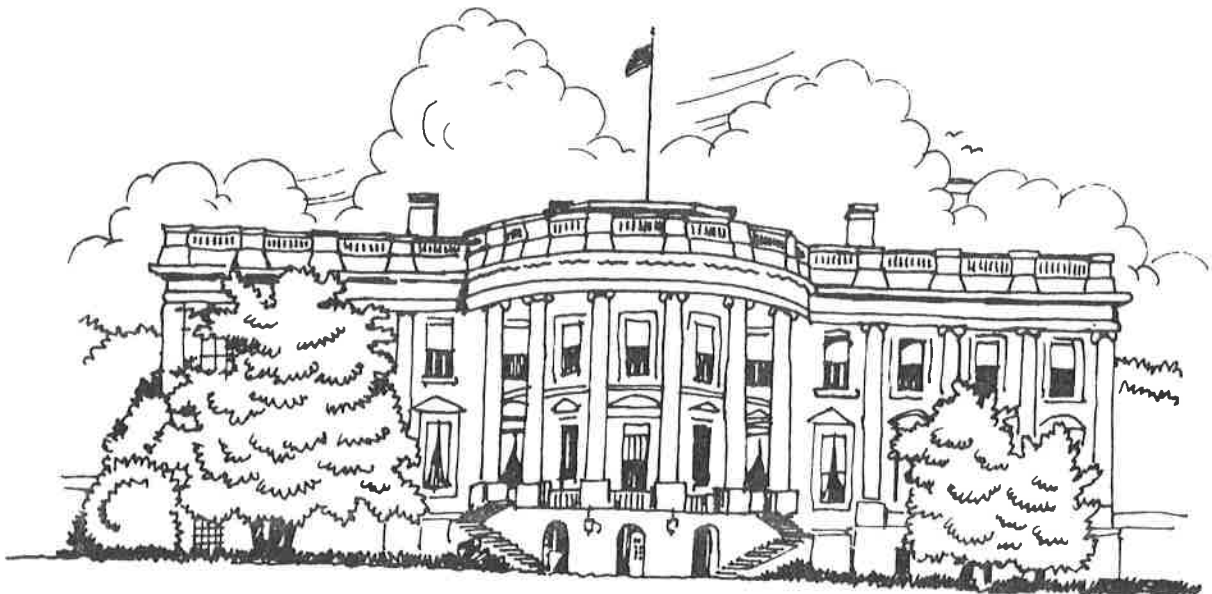
The executive branch of the United States is very large today. The head of the executive branch is the President, but many thousands of people work for him. The executive branch handles much of the day-to-day work of the country.

The President is the chief executive, and he is elected for a four-year term. His second-in-command is called the Vice President. They are both elected at the same time.

The President and Vice President are chosen by the electoral college. The electoral college is made up of men and women from the different states. Each state gets a certain number of people, or electors. That number is determined by the total number of representatives and senators a state has. For example, if Illinois has 22 representatives and 2 senators, then Illinois would get 24 electors, or people, to vote for the President.

When we go to the polls in a presidential election, our votes are counted and the electors take those totals and elect the President based on who the people have selected. Since the common people were poorly educated and informed in the early years of our nation, the electoral college was originally established to keep the common people from making a mistake and electing a disastrous leader.

If there is a tie in a presidential election, or no one candidate receives a clear majority, then the House of Representatives, with each state having only one vote, elects the President.



The President of the United States lives in the White House.

Date _____ Name _____

THE EXECUTIVE BRANCH

Introduction ≈ **Challenges** ≈

1. Define:

Execute: _____

Executive: _____

2. If the legislative branch makes the laws, then the executive branch does what with the laws?

3. What is the title of the chief executive, or head, of the executive branch of the United States?

What is the name of the person who is currently in that office? _____

4. What is the title of the second-in-command? _____

What is that person's name today? _____

5. What is the job of the electoral college? _____

6. How many electoral votes does your state have today? _____

7. What was the original purpose of the electoral college? _____

8. Who chooses the President in the event of a tie? _____

THE EXECUTIVE BRANCH

Qualifications for President

(See Article II, Section 1)

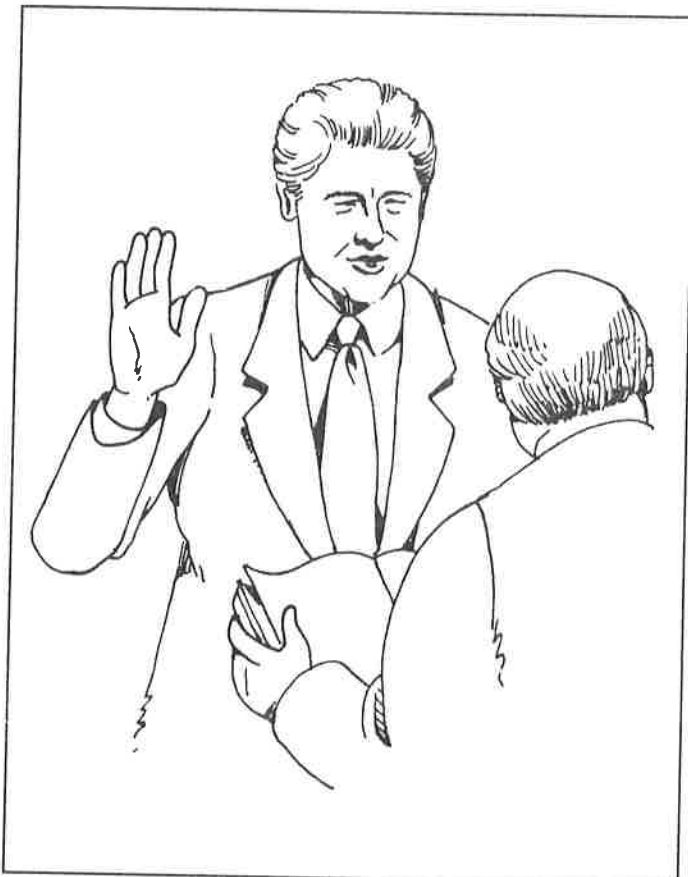
Just as there were requirements to be a representative or a senator, the Constitution set forth certain requirements to be the President of the United States.

In order to be President, a person must be a natural-born citizen of the United States—not an immigrant. He or she must be at least 35 years old and have been a resident of the United States for at least 14 years.

In the event that the President dies or is unfit to continue as President, there is a detailed line of succession. The Vice President assumes the power of the Presidency first; if he is unable, then the Speaker of the House of Representatives takes over. After him is the president pro tempore of the Senate, then the various Cabinet department heads in order of the establishment of the departments, beginning with the Secretary of State. The 25th Amendment outlines what is done when the President dies or is disabled.

The salary of the President is set by the Congress and does not change during the President's term of office. Currently the salary is \$200,000.

The President and Vice President are elected on the first Tuesday after the first Monday in November. They are sworn in on Inauguration Day, January 20. Usually, the Chief Justice of the Supreme Court is the person who administers the oath of office to the President at the ceremony. The oath of office is as follows:



"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States." "So help me God" is added by the Presidents.

President Bill Clinton taking the oath of office.

Date _____ Name _____

THE EXECUTIVE BRANCH

Qualifications for President
≈ Challenges ≈

1. What three requirements must be met in order to be President of the United States?

- a) _____
- b) _____
- c) _____

2. In the proper order of succession, who will take over in the event the President dies? List four people.

- a) _____
- b) _____
- c) _____
- d) _____

3. What is the salary of the President? _____

4. When is a President elected? _____

When is a President inaugurated? _____

Why do you suppose there is a gap of time? _____

5. Who usually administers the oath of office to the President? _____

THE EXECUTIVE BRANCH

Powers and Duties of the President

(See Article II, Section 2.3)

The job of the President is not an easy one. The Constitution spells out many different responsibilities, powers, and duties of the President and the executive branch. The powers of the President can be put into five categories: Commander in Chief, Chief Executive, Chief of State, Chief Legislator, and Chief of Party.

First, the President is the Commander in Chief of the United States Armed Forces. He is the number one military person in the United States. All decisions regarding the Army, Navy, Air Force, and Marines are the responsibility of the President. He can also call the National Guard (or state militias) from the individual states into the service of the United States.

Secondly, the President is the Chief Executive. To run a country the size of the United States, you need many people doing many things. It is the job of the President as Chief Executive to make sure all of his cabinet, staff, and other employees are doing their jobs correctly.

The President is also the Chief of State. This responsibility was given to the President by the Constitution so that the United States would have one person in charge of all foreign relations. The President represents the United States when he or she travels to other countries to meet with foreign leaders. The President also greets and hosts other foreign dignitaries when they visit the United States. The President may also make treaties with other countries, but the Senate must ratify, or approve, the treaty by a two-thirds vote.

Another duty of the President is that of Chief Legislator. We saw in Article 1 how the President had the power to veto laws. The Constitution gives the President the power to approve or disapprove of the laws that Congress is making. He can also suggest that certain laws be made by working with his supporters in the House or the Senate.

Finally, the President is also the Chief of Party. When he is elected President, he becomes the head of his political party, Republican or Democratic. He makes decisions regarding the make-up of his individual political party.



The President is the Commander in Chief of the armed forces, and he periodically inspects the troops.

Date _____ Name _____

THE EXECUTIVE BRANCH

Powers and Duties of the President

≈ Challenges ≈

1. What are the five categories that the powers of the President can be put into?

- a) _____
- b) _____
- c) _____
- d) _____
- e) _____

2. What is the President's responsibility to the United States Military? a) What is his title, and b) what can he do?

- a) _____
- b) _____

3. What is the President's responsibility to the business aspect of the United States government? a) What is his title, and b) what can he do?

- a) _____
- b) _____

4. What is the President's responsibility to the aspect of foreign relations? a) What is his title, and b) what can he do?

- a) _____
- b) _____

5. What is the President's responsibility to approve, disapprove, or suggest laws? a) What is his title, and b) what can he do?

- a) _____
- b) _____

6. What is the President's responsibility to his political party? a) What is his title, and b) what can he do?

- a) _____
- b) _____

THE EXECUTIVE BRANCH

Impeachment

(See Article I, Section 3 and Article II, Section 4)

The Constitution also defines the way to remove officials from office when they have failed at their job. This process is called *impeachment*.

To be removed from office by impeachment, a person must be found guilty of *treason, bribery*, or other high crimes and *misdemeanors*. By high crimes and misdemeanors the founding fathers meant more serious crimes than a traffic ticket.

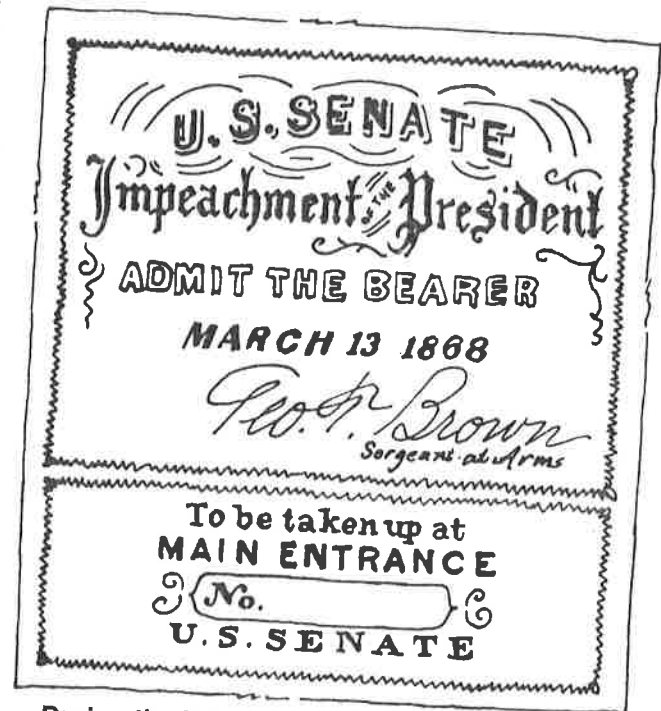
In order for the impeachment process to begin, the House of Representatives must believe that an official has committed one of the above-mentioned offenses. The House will then come up with a list of charges against the official.

The next step of the process continues in the Senate. The senators act as the jury and hear both sides of the case against the accused official. When it is the President being tried, the Chief Justice of the Supreme Court acts as the judge. Two thirds of the Senate must agree in order for the official to be convicted of the charges and removed from office.

In all of United States history, no President has ever been removed from office by impeachment. Two Presidents, however, have gone through part or all of the impeachment process.

In 1867, President Andrew Johnson was charged with several offenses, and the House voted to impeach him. The Senate held the trial, and when the vote was taken, Johnson escaped being convicted by only one vote!

In 1974, the House of Representatives began to investigate President Richard Nixon and his involvement with the break-in of the Watergate Office Complex in Washington, D.C. By the end of July, 1974, the House had prepared several charges against President Nixon. Instead of letting the impeachment process go any further, Nixon resigned as President on August 9, 1974. Nixon was the first President ever to resign.



During the impeachment of President Andrew Johnson, tickets were issued to the public for admittance to the trial.

Date _____ Name _____

THE EXECUTIVE BRANCH

Impeachment ≈ **Challenges** ≈

1. Define:

Impeach: _____

Misdemeanor: _____

Bribery: _____

Treason: _____

2. Which house of Congress begins the impeachment process? _____

3. Which house of Congress acts as the jury and tries the case? _____

4. Who acts as the judge at the impeachment trial of a President? _____

5. In order for an official to be convicted, what fraction of the Senate needs to agree? _____

6. Who was the only President to have gone through the entire impeachment process? When? _____

7. At what point during the impeachment process did President Nixon resign? When? _____

8. How many Presidents have been removed from office by being found guilty after the impeachment process? _____

THE EXECUTIVE BRANCH

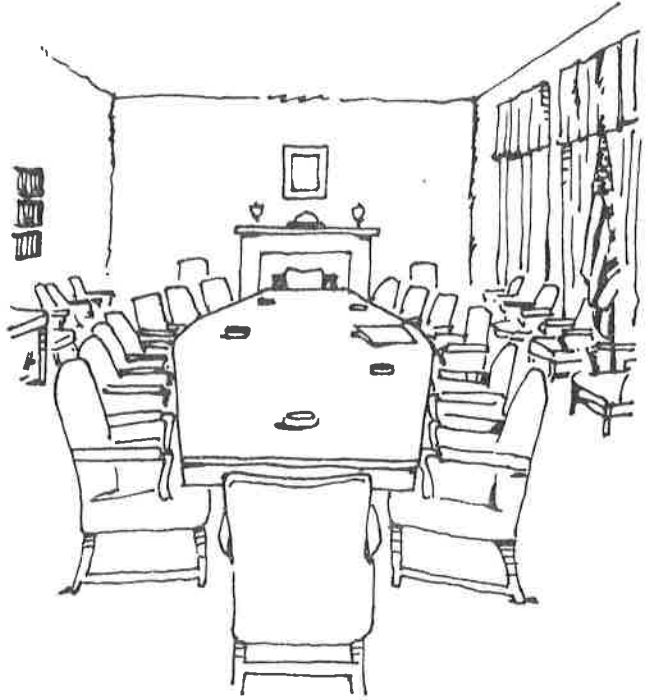
Organization of the Executive Branch and the Cabinet

(See Article II, Section 2.3)

As we have seen, the executive branch of the United States government is quite large. Let's look now at what makes up the executive branch and the Cabinet.

There are four divisions of the executive branch: the Cabinet departments, independent agencies, government corporations, and regulatory agencies.

While the Constitution did not specifically create the Cabinet, President Washington in 1789 felt he needed advisors. The Cabinet is a group of men and women who are the President's closest advisors. They are each in charge of one of the fourteen departments. A list of the Cabinet Departments may be found on page 66 of this workbook. The most important Cabinet departments are the Department of State, Department of Defense, and the Department of the Treasury. Each advisor is given the title of "Secretary." If you were head of the Department of State, for example, you would be known as the Secretary of State. Each department head, or secretary, has many people working under him or her to keep the government



The Cabinet meeting room.

running smoothly. Each Cabinet department deals with specific areas of national concern.

Another section of the executive branch overseen by the President is the independent agencies. These agencies are not as important as Cabinet departments, but are essential to the mission of the United States. One example of an independent agency is the National Aeronautics and Space Administration (NASA).

A third category is known as government corporations. These are businesses run by the United States government in order to provide specific services to the people. The United States Postal Service is a government corporation. Another example is the Federal Deposit Insurance Corporation (FDIC), which insures the money that is deposited in banks.

The final division of the executive branch is the regulatory commissions. These groups make sure that the rules set for certain large industries are being followed and that the safety of the public is not in jeopardy. Examples are the Federal Communications Commission (FCC), which licenses radio and television stations, and the Federal Aviation Administration (FAA), which makes sure airports, aircraft, and pilots are safe.

As you can see, the President has a great deal of responsibility and a large number of people to oversee to ensure that the government is functioning properly.

THE EXECUTIVE BRANCH

Organization of the Executive Branch and the Cabinet

≈ Challenges ≈

1. What are the four divisions of the executive branch?

- a) _____
- b) _____
- c) _____
- d) _____

2. How many cabinet departments are there? _____

3. What is the title of the head of the Department of Defense? _____

4. Referring to page 66, list three more cabinet departments.

- a) _____
- b) _____
- c) _____

5. Which President created the Cabinet? When? _____

6. Give an example of an independent agency. _____

7. Give an example of a government corporation. _____

8. Give an example of a regulatory commission. _____

DEBATE: *What are the pros and cons of having a national executive?*

THE JUDICIAL BRANCH AND ARTICLES IV-VII

Organization of the Judicial Branch

(See Article III, Section 1)

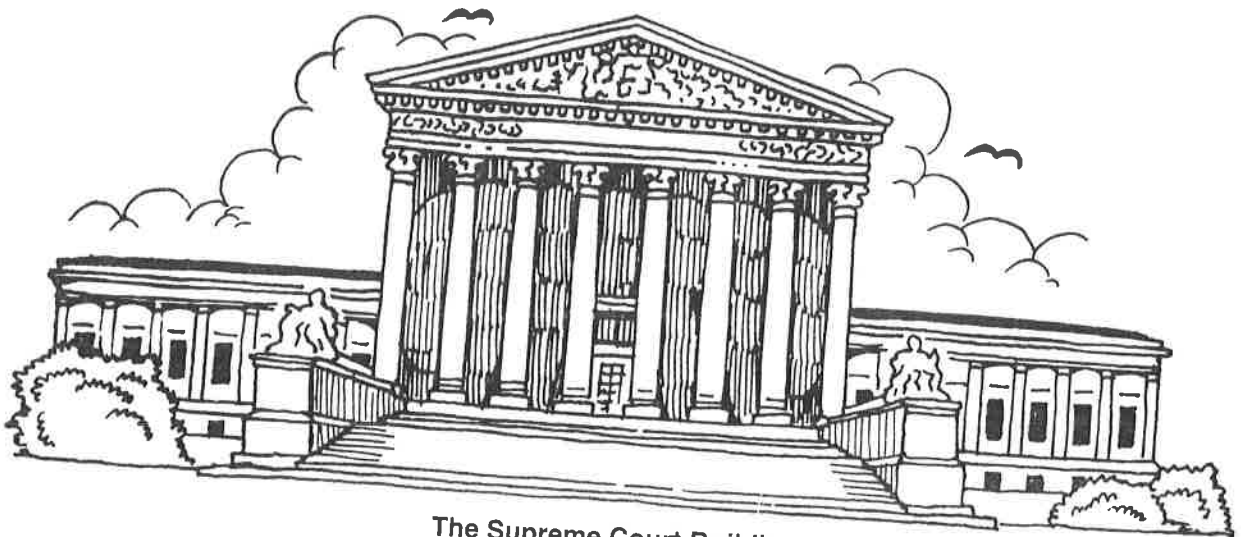
The third branch of the United States government is the judicial branch. We learned that the legislative branch makes the laws and that the executive branch carries out and enforces the laws. It is the job of the judicial branch to interpret, or explain, the laws.

When Congress passes a law, and the President enforces it, it is then the job of the Supreme Court to decide what those laws really mean. The Supreme Court is the major body of the judicial branch. The Supreme Court Building is located in Washington, D.C. The Supreme Court is the highest, and most important, court in the United States. The Constitution spells out what kinds of cases it can hear and what the powers of the Court are. The Constitution also provides for lower courts as well.

The Supreme Court is made up of nine justices, or judges. There are eight associate justices and one chief justice. The justices are appointed by the President and are approved by the Senate. Once approved, they serve for life. They cannot be removed except by impeachment. When deciding a case, only five of the nine must agree to reach a decision. The salaries of the justices cannot be lowered during their time in office. With these checks and balances, the judicial branch is free from interference by the other branches.

There are several other court systems under the Supreme Court. The lowest Federal courts under the judicial system are the district courts. There are 91 district courts in the United States. After a case has been heard in the district court, it moves to the United States Court of Appeals. It is here where a case can be appealed, or heard for a second time, to reverse the original judgment. There are 12 appeals courts.

There are also several other courts that feed into the Supreme Court. The highest court in any state is usually the state supreme court. A case can be appealed from a state supreme court to the United States Supreme Court. The Court of Military Appeals, the United States Tax Court, and the United States Claims Court also feed cases to the Supreme Court. These courts hear specialized cases.



The Supreme Court Building

Date _____ Name _____

THE JUDICIAL BRANCH AND ARTICLES IV-VII

Organization of the Judicial Branch

≈ **Challenges** ≈

1. Define:

Judicial: _____

Appeal: _____

2. What is the job of the judicial branch? _____

... legislative branch? _____

... executive branch? _____

3. What is the name of the highest, most important court in the United States? _____

4. What are the titles of the men and women who serve on the high court? _____

5. How many serve on the high court? _____ How long do they serve? _____

6. Who appoints the justices, and who must approve of them? _____

7. There are 91 _____ courts and 12 _____ courts that report to the Supreme Court.

8. Name two other courts that are part of the Federal judicial system. _____

THE JUDICIAL BRANCH AND ARTICLES IV-VII

Cases for the Supreme Court

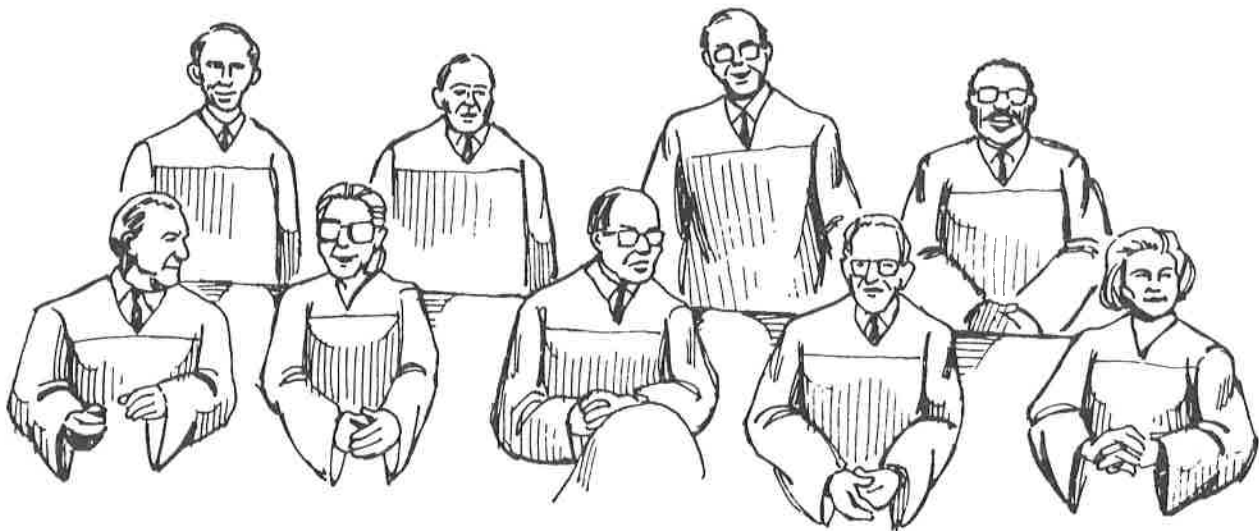
(See Article III, Section 2)

The Constitution tells the Federal courts exactly what types of cases they can hear. The Supreme Court only has the jurisdiction, or power to hear cases, that the Constitution gives it. For example, the Supreme Court does not handle divorce cases, but the Constitution says the Court may hear cases involving two or more individual state governments.

The kinds of cases the Federal and Supreme Courts may hear are cases coming from any question involving: 1) the Constitution, 2) Federal laws, 3) treaties, and 4) laws governing ships. The courts may also hear cases coming from people concerning: 1) ambassadors or public ministers, 2) the United States government itself, 3) two or more state governments, 4) citizens of different states, and 5) a state or its citizens versus a foreign country or foreign citizen.

These cases are what are known as *original jurisdiction*. Under *appellate jurisdiction*, the Supreme Court can only hear a case after it has gone through the court system first (the district courts and the appeals courts, or the state supreme court). Only after these lower courts have heard the case can the Supreme Court respond.

If a case has made it through the court system and wishes to be heard by the Supreme Court, the lawyers must submit to the nine justices what is called a *writ of certiorari* (cert). A writ of cert is a formal request to the Supreme Court to hear a case. The justices vote and either accept or reject that request based upon the possible impact of the case on society, or simply because of the large number of cases they have to hear. If a case is decided by the Supreme Court, it has traveled a long way to get there!



There are eight associate justices and one chief justice on the Supreme Court.

Date _____ Name _____

THE JUDICIAL BRANCH AND ARTICLES IV-VIII
Cases for the Supreme Court
≈ Challenges ≈

1. Define:

Jurisdiction: _____

2. List nine types of cases the Supreme and Federal Courts have jurisdiction over:

- a) _____
- b) _____
- c) _____
- d) _____
- e) _____
- f) _____
- g) _____
- h) _____
- i) _____

3. What is original jurisdiction? _____

4. What is appellate jurisdiction? _____

5. What is a writ of certiorari? _____

PROJECT:
Take a case beginning in the United States District Court and trace it to the Supreme Court.

THE JUDICIAL BRANCH AND ARTICLES IV-VII

Judicial Review and Treason

(See Article III, Section 3)

There are two important legal concepts that need to be discussed at this point, the first of which is called judicial review.

We saw in the last lesson what types of powers the Supreme Court has. In 1803, in a case before the Supreme Court, another important power of the Supreme Court was begun. That was the power to declare a law *unconstitutional*, meaning the law goes against the Constitution of the United States.

For example, we know the Constitution states that there should be two senators from each state. If Congress passed a law saying there should only be one senator from a state, the Supreme Court could look at that law and declare it unconstitutional. That means Congress's law is void because the Constitution is more important and is the supreme law of the land. This process of checking the laws is known as *judicial review*. The job of the Supreme Court is to review the laws of our country.

Another concept mentioned by the Constitution is that of *treason*. Treason is defined as carrying on war against the United States and giving help to the nation's enemies. Treason is a very serious crime, and it is one of the charges that may be involved in the impeachment process. In order to be convicted of treason, two witnesses must testify to the same story, and/or the accused must make a confession in a courtroom.

To quickly review, we've seen the three branches of our Federal government. The legislative branch makes our laws, the executive branch carries out our laws, and the judicial branch defines our laws. There are many people who make our laws and help run our country, just as there are many who defend our rights and freedoms as Americans.



John Marshall, chief justice from 1801 to 1835, was responsible for broadening the powers of the Supreme Court, especially the power of judicial review.

Date _____ Name _____

THE JUDICIAL BRANCH AND ARTICLES IV-VII

Judicial Review and Treason

≈ Challenges ≈

1. Define:

Unconstitutional: _____

Treason: _____

2. The process of checking the laws of our land is called: _____

3. What does it mean when the Supreme Court declares a law "unconstitutional"?

4. Give an example of an act of treason. _____

5. What must happen in court for a person to be convicted of treason? _____

6. What does the executive branch do? _____

7. What does the judicial branch do? _____

8. What does the legislative branch do? _____

THE JUDICIAL BRANCH AND ARTICLES IV-VII

Article IV: The States

(See Article IV, Sections 1-4)

In the first three Articles of the Constitution, the founding fathers established the physical structure of our government. But there were still other issues to be solved before the Constitution could begin its work.

The issues still remaining involved the roles of the states in the new government, how to make changes to the Constitution, and how to get the Constitution approved by the current states.

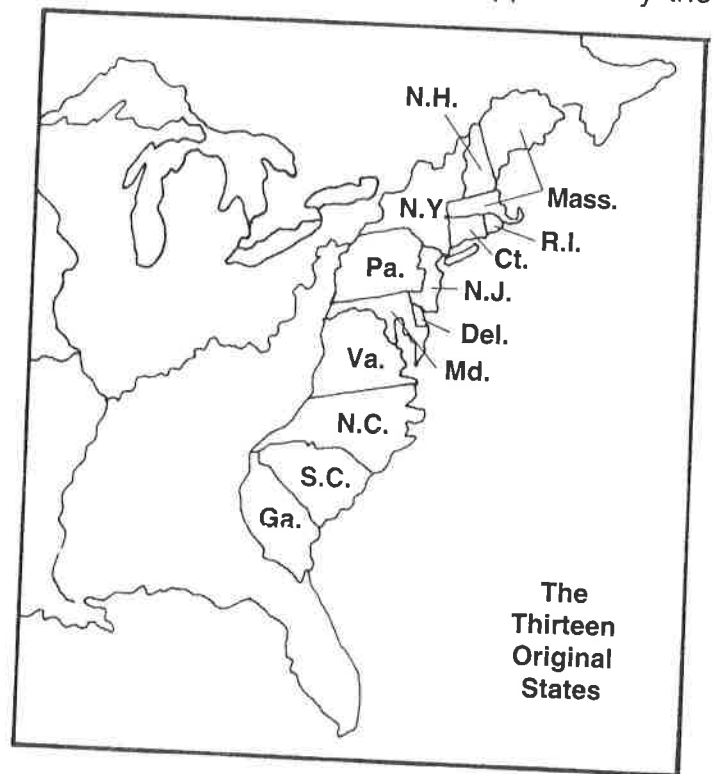
First, in Article IV, the Constitution addresses the states. Before the Constitution, each state acted individually on many issues. It was like having 13 separate countries with a mediocre friendship. The Articles of Confederation had supported this loose association of states. But by 1787, as we studied earlier, the loose friendship was in trouble.

The Constitution set forth a strong central government. The states were not going to be happy with giving up many of the rights they exercised during the previous years. So, the framers of the Constitution wrote Article IV.

The relationships between the individual states had been tense, so Article IV demanded that each state respect the laws and decisions of the other states. Each state is required to treat citizens of the other states the same way it would treat one of its own citizens. If a person broke a law in Missouri and escaped to Georgia, Georgia would be required to send the criminal back to Missouri. The states must work together and respect each other.

Article IV also provides a way for new states to be admitted into the union. Congress was given the power to admit new states, but no new state could come from the property of an existing state, and no two states could join together to form a larger one, unless both state legislatures and Congress approved.

Finally, Article IV guarantees each state a *republican* form of government. What this means is that each state will always have a government elected by the people and not a monarchy. The Federal government will also defend the states against invasion or attack because the states will no longer have individual militaries.



Article IV deals with the relationships between the states.

Date _____ Name _____

THE JUDICIAL BRANCH AND ARTICLES IV-VII
Article IV: The States
≈ Challenges ≈

1. Define:

Republican: _____

2. What issue does Article IV address? _____

3. What must the state of Oregon do about the laws of Idaho? _____

4. Who is given the power to admit new states? _____

5. Could Rhode Island, Vermont, and New Hampshire join together to form a new state? How?

6. What is a republican form of government? _____

7. Under the Articles of Confederation, how could the relationship between the states be described?

8. Under the Constitution, how could the new relationship between the states be described?

THE JUDICIAL BRANCH AND ARTICLES IV-VII

Amending the Constitution

(See Article V)

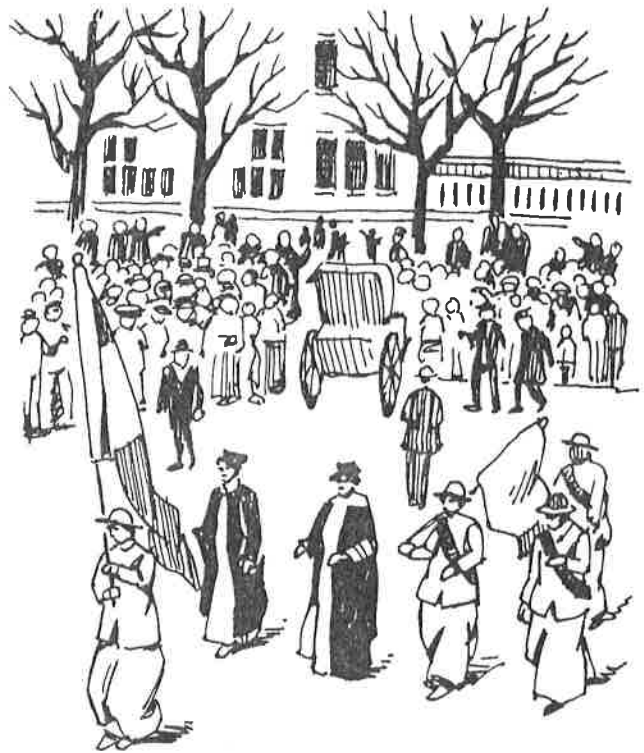
When the founding fathers were writing the Constitution in 1787, they were thinking far into the future. If the Constitution was to become a lasting part of American government, there would have to be room for change. Article V is perhaps the most important part of the Constitution.

Article V provides a way for the Constitution to be *amended*, or changed. The process by which the Constitution can be changed is not an easy one. There are many steps that must be gone through. By making the process a difficult one, the framers hoped to avoid changing the Constitution too quickly. Any change that would be made must be a good one.

There are two ways to propose an amendment to the Constitution. For example, let's say we wish to lower the age requirement to be President from 35 to 30. One way to start the amendment would be to get two thirds of both houses of Congress (House and Senate) to agree. The other way to propose an amendment is through a constitutional convention called by two thirds of the state legislatures.

If our amendment was approved by either of the two above groups, then the amendment must be *ratified*, or formally approved. There are two ways to ratify an amendment: three fourths of the legislatures in the states must ratify any amendment, or three fourths of the states must have individual constitutional conventions to ratify the amendment.

Throughout the past 200-plus years, there have only been 27 changes to the structure of the Constitution. Our founding fathers established a system that was basically sound and problem free. While there are, of course, errors, the United States Constitution is the oldest written constitution in the world. Our Constitution has been the example that many other countries of the world have used to formulate their own governments. We can be proud of that!



Parades were held to encourage the passage of the Nineteenth Amendment, which granted suffrage to women.

Date _____ Name _____

THE JUDICIAL BRANCH AND ARTICLES IV-VII
Amending the Constitution
≈ Challenges ≈

1. Define:

Amend: _____

Ratify: _____

2. What issue does Article V address? _____

3. What two ways can an amendment be proposed?

a) _____

b) _____

4. What two ways can an amendment be ratified?

a) _____

b) _____

5. What fraction must propose an amendment, and what fraction must ratify an amendment?

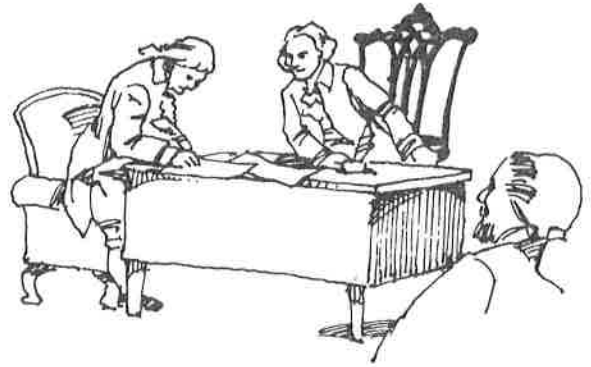
THE JUDICIAL BRANCH AND ARTICLES IV-VII

Articles VI and VII

(See Articles VI and VII)

Articles VI and VII complete the original Constitution. Article VI confirms the authority of the Constitution, and Article VII describes how the Constitution must be ratified, or approved.

In Article VI, the founding fathers establish the Constitution as the "supreme law of the land." The Constitution is the highest, most important document in the United States. No state, county, or city laws will be superior to the Constitution. It is the job of the judicial branch to see that no laws in the country are in conflict with the Constitution. For example, if



The signing of the Constitution

Indiana passed a law making it possible for Indiana to print its own money, that law would be void, or unenforceable, because the Constitution says that only the Congress can print or coin money. Article VI also states that officials of the United States government must promise to support the Constitution.

Article VII is the final section of the original Constitution. When the Constitution was written during the summer of 1787, the Articles of Confederation were still governing the United States. In order for the Articles to be replaced by the Constitution, the Constitution had to be ratified, or approved, by nine states. So in order for the plan of government set forth in the Constitution to begin, nine of the thirteen states had to approve. They completed the Constitution on September 17, 1787, twelve years after the United States declared its independence from England.

The writers of the Constitution then signed the document. Their names are below:

	George Washington, Virginia President of the Convention
Delaware:	George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom
Maryland:	James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll
Virginia:	John Blair, James Madison, Jr.
North Carolina:	William Blount, Richard Dobbs Spaight, Hugh Williamson
South Carolina:	John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler
Georgia:	William Few, Abraham Baldwin
New Hampshire:	John Langdon, Nicholas Gilman
Massachusetts:	Nathaniel Gorman, Rufus King
Connecticut:	William Samuel Johnson, Roger Sherman
New York:	Alexander Hamilton
New Jersey:	William Livingston, David Brearley, William Paterson, Jonathon Dayton
Pennsylvania:	Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas FitzSimons, Jared Ingersoll, James Wilson, Gouverneur Morris

Date _____ Name _____

THE JUDICIAL BRANCH AND ARTICLES IV-VII
Articles VI and VII
≈ Challenges ≈

1. Why did the framers include Article VI in the Constitution? _____

2. Is it possible for the city of Chicago to make a treaty with the country of Germany? Why or why not?

3. How many states must ratify the Constitution before it can go into effect? _____

4. On what day was the Constitution signed? _____

5. How many years after the Declaration of Independence was the Constitution written?

6. What document was governing the United States before and during the writing of the Constitution?

7. List four signers of the Constitution whose names you recognize:

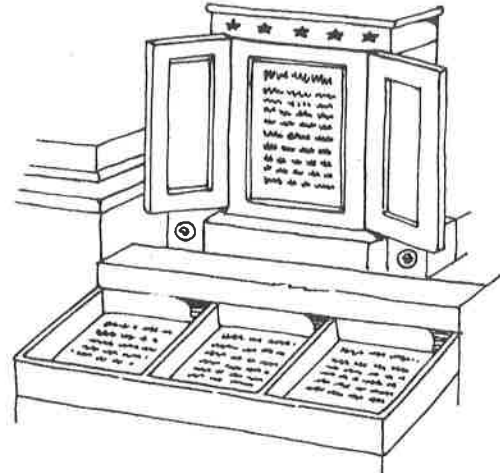
- a) _____
- b) _____
- c) _____
- d) _____

THE AMENDMENTS

Introduction

As you studied earlier, the path to amending the Constitution is a difficult one. Throughout the past 200 years, many, many amendments have been suggested in Congress. Of those, only 27 amendments have become part of the Constitution.

The contents of the amendments are very different. The first amendments deal with rights that many felt should have been included in the main body of the Constitution. These first ten amendments are called the Bill of Rights. Other amendments deal with changes in American society over the years, such as slavery and prohibition. Finally, other amendments change sections of the Constitution.



The Constitution, the Bill of Rights, and the Declaration of Independence are on display at the National Archives in Washington, D.C.

Below is a chart briefly describing the Amendments:

<u>Amendment</u>	<u>Year Ratified</u>	<u>Description</u>
I	1791	Freedom of religion, press, speech, assembly, petition
II	1791	Right to bear arms
III	1791	Quartering of soldiers
IV	1791	Unreasonable searches and seizures
V	1791	Right of due process of law, no double jeopardy
VI	1791	Right to a public trial, right to a lawyer
VII	1791	Right to a jury trial
VIII	1791	Excessive bail, no cruel and unusual punishment
IX	1791	Rights not listed in the Constitution
X	1791	Rights to the people and states
XI	1798	Lawsuits against states
XII	1804	Presidential/Vice Presidential elections
XIII	1865	Abolition of Slavery
XIV	1868	Former slaves granted citizenship
XV	1870	Black suffrage
XVI	1913	Income tax
XVII	1913	Direct election of senators
XVIII	1919	Prohibition of alcoholic beverages
XIX	1920	Women's suffrage
XX	1933	Lame duck period
XXI	1933	Repeal of prohibition
XXII	1951	Limit of two terms as President
XXIII	1961	Suffrage for District of Columbia
XXIV	1964	Abolition of poll taxes
XXV	1967	Presidential succession
XXVI	1971	Eighteen-year-old vote
XXVII	1992	Limits on Congressional pay raises

THE AMENDMENTS

Introduction
≈ **Challenges** ≈

1. How many amendments have been added to the Constitution? _____

2. What are the first ten amendments called? _____

3. In what year were the first ten amendments added? _____

4. When was the most recent amendment and what was it? _____

5. Which amendment abolished slavery? When? _____

6. What did the 19th Amendment in 1920 give to women? _____

7. Under which amendment are we guaranteed the freedom of religion? _____

8. Why have there been amendments to the Constitution? _____

PROJECT:

Select an article or amendment from the Constitution and paraphrase it (write it in your own words).

THE AMENDMENTS

The Bill of Rights, 1791: Amendments I-III

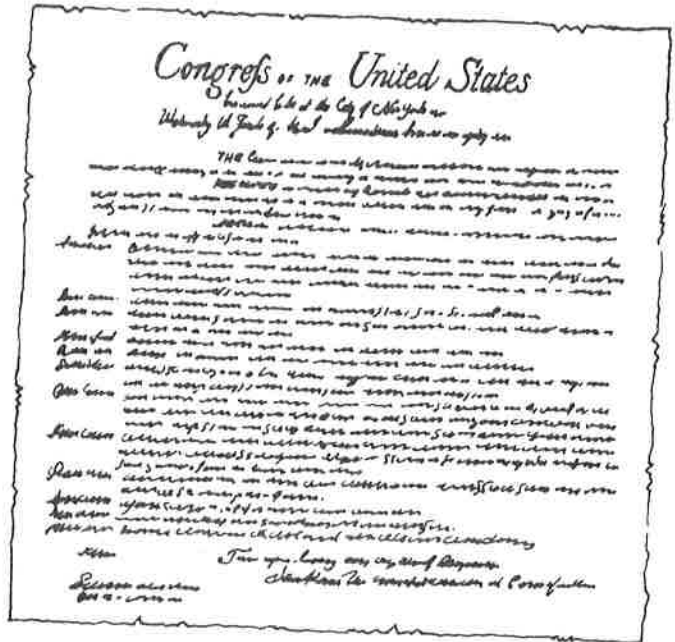
(See Amendments I-III)

In 1791, two years after the Constitution went into effect, ten amendments were added to the document. It was felt that the Constitution did not list the rights that should be protected for all Americans. The Constitution assumed that because the powers of the government were specific and limited, a statement of rights was not needed. As the states began to ratify the Constitution in 1787 and 1788, they insisted that a Bill of Rights be added.

The first three amendments guarantee certain individual freedoms that today we cherish as Americans. The First Amendment gives Americans the freedom to choose their own religion. Congress cannot pass a law making any religion the official religion of the United States. Under the First Amendment we are also given the freedom of *speech* (the right to speak out without fear of punishment), freedom of the *press* (the right of newspapers to print whatever they feel is newsworthy without censorship), freedom of *assembly* (the right to gather together in a group), and the right of *petition* (the right to ask the government to change things). People are guaranteed these freedoms so far as they do not take away the freedoms of others. It is the job of the courts to decide where that line is drawn. These basic freedoms have been the subject of many court cases throughout the history of the United States.

The Second Amendment gives American citizens the right to bear *arms*. Arms are weapons or guns. Under this amendment, Americans are allowed to own guns. There is much controversy today surrounding this amendment. What types of weapons should we be allowed to own and use for protection or hunting?

The Third Amendment had its beginning during the French and Indian War and the Revolutionary War. It outlaws the *quartering*, or housing, of soldiers in private houses. Before independence, English soldiers would forcibly move into the homes of Americans. The Third Amendment prohibits this practice in peacetime and authorizes Congress to pass a law concerning quartering of soldiers in wartime.



The Bill of Rights was ratified in 1791.

Date _____ Name _____

THE AMENDMENTS

The Bill of Rights, 1791: Amendments I-III ≈ **Challenges** ≈

1. Define:

Assembly: _____

Petition: _____

Quartering: _____

2. Why did Americans insist on adding the Bill of Rights to the Constitution? _____

3. What five freedoms does the First Amendment guarantee?

a) _____

b) _____

c) _____

d) _____

e) _____

4. What does the Second Amendment guarantee? _____

5. What does the Third Amendment prohibit? _____

6. The First Amendment guarantees us freedom of speech. Do you think it's okay to scream "Fire!" in a crowded theater when there is no fire? Why or why not?

THE AMENDMENTS

The Bill of Rights, 1791: Amendments IV-VI

(See Amendments IV, V, VI)

The Fourth Amendment is concerned with searches and seizures. In order to convict a person of a crime, you need to have evidence. Where is the best place to find evidence but in the home or on the person? Before the Constitution, there was no protection against the police or government invading your home or arresting you at any time. The Fourth Amendment outlaws unreasonable searches and seizures. The government must have a *search warrant* in order to search your home. A search warrant is a document issued by a judge to the sheriff for the purpose of getting evidence concerning a crime. An *arrest warrant* is similar, but for the purpose of arresting someone suspected of a crime. The Fourth Amendment protects us from being wrongly arrested or searched.

The Fifth Amendment gives Americans many basic legal protections. First, no one can be tried for a serious crime without an indictment by a *grand jury*. A grand jury is a group of people who decide if there is enough evidence to have a trial. If there is enough evidence, they issue an *indictment*, which is a formal charge, or accusation, against a person.

The Fifth Amendment also protects against *double jeopardy*. Double jeopardy is when a person is tried twice for the same crime. The Fifth Amendment says that once a person has gone through a trial and been found innocent, there cannot be another trial later, even if more evidence is found. The government also cannot punish a person twice for one crime. The amendment also protects people from having to witness against themselves. This is called *self-incrimination*.

Also guaranteed by the Fifth Amendment is the right to *due process of law*. Whatever the government does, it cannot take away someone's life, liberty, or property without first going through the proper steps set forth in our laws. Finally, if the government takes property, the owner must be paid a fair price.

In the Sixth Amendment, we are guaranteed the right to a fair, fast, and public trial. People who are accused of a crime also have the right to be present in court and have a lawyer represent them, even if they cannot afford one. The Sixth Amendment protects the rights of the accused.



The Fourth, Fifth, and Sixth Amendments protect those accused of crimes.

Date _____ Name _____

THE AMENDMENTS

The Bill of Rights, 1791: Amendments IV-VI

≈ Challenges ≈

1. What is a search warrant? _____

2. What is an arrest warrant? _____

3. What is a grand jury? _____

4. What is an indictment? _____

5. What is double jeopardy? _____

6. What amendment guarantees the right of due process of the law? _____

7. Which amendment protects people from unreasonable searches and seizures? _____

8. Which amendment protects people from being tried twice for the same crime? _____

9. Which amendment guarantees the right to a lawyer, even if a person can't afford one? _____

10. Which amendment prevents the courts from forcing a person to witness against himself?

THE AMENDMENTS

The Bill of Rights, 1791: Amendments VII-X

(See Amendments VII, VIII, IX, X)

The final section of the Bill of Rights deals with legal rights and also with powers given to the states.

The Seventh Amendment guarantees Americans the right to a trial by a jury in any case involving more than twenty dollars. In today's society there are many lawsuits going through the court system. It is our right to have our case decided by a group of our peers, a *jury*. Or, it is our right to not have a jury and have only a judge decide the case.

The Eighth Amendment protects us from having to pay *excessive bail* or be punished in cruel and unusual ways. Bail is money that is given in order to be released from jail. The money is returned when the accused appears in court for the trial. Protection from paying excessive bail means that one wouldn't have to pay one million dollars to be released from jail for stealing a candy bar! Cruel and



The Seventh Amendment guarantees the right to a trial by jury.

unusual punishment is being tortured or punished in ways that are not humane. There are many different opinions as to what is cruel and unusual punishment.

The Ninth Amendment is the "etcetera" amendment. Under this amendment, other rights not listed in the Constitution are also given to the people. The rights in the Constitution are not the only rights Americans have—they are just a few. The Ninth Amendment protects other rights that might not have been listed.

Finally, the Tenth Amendment gives all powers not specifically listed in the Constitution to the states and its peoples. For example, education is not mentioned in the Constitution; therefore, it is the job of the individual states to educate its people. What is not written in the Constitution is given to the states and the people.

The Bill of Rights is an important addition to the Constitution. Without the statement of these rights, certain freedoms like religion, speech, or public trials might have been lost in the passage of time.

Date _____ Name _____

THE AMENDMENTS

The Bill of Rights, 1791: Amendments VII-X

≈ Challenges ≈

1. What is a jury? _____

2. What does the Seventh Amendment guarantee? _____

3. What is excessive bail? _____

4. What would you consider cruel and unusual punishment? _____

5. What does the Eighth Amendment protect us from? _____

6. What does the Ninth Amendment say about rights not listed in the Constitution?

7. The power to set up school districts is not stated in the Constitution. Who has the authority to create schools?

What amendment gives them that power? _____

8. How many amendments are contained in the Bill of Rights? _____

THE AMENDMENTS

1798-1870: Amendments XI-XV

(See Amendments XI, XII, XIII, XIV, XV)

After the Bill of Rights became part of the Constitution, other changes were made by other amendments.

The Eleventh Amendment was added to the Constitution in 1798. Under the amendment, people in one state, or foreigners, cannot sue another state in a Federal court.

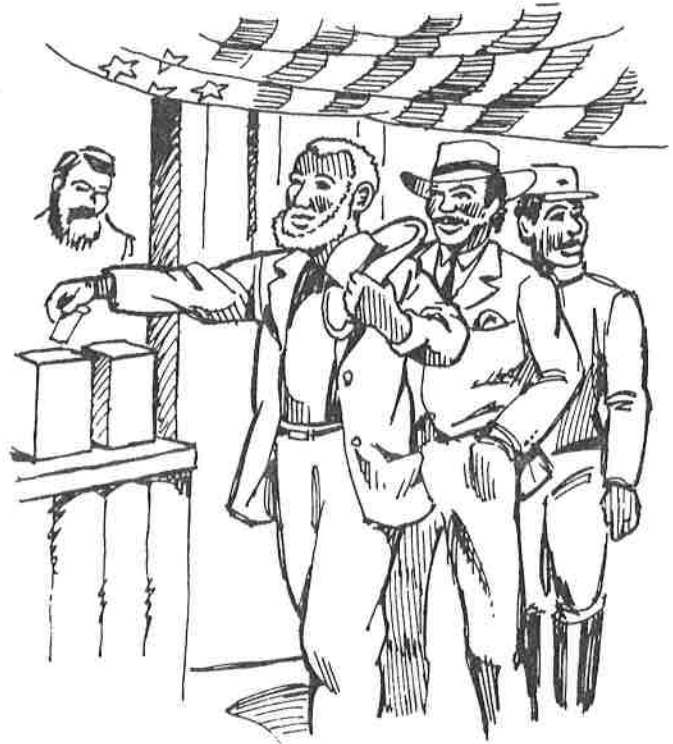
The Twelfth Amendment, concerning presidential elections, was ratified in 1804. Before the Twelfth Amendment, the man who received the most votes was the President, and the man with the second most votes was the Vice President. But by the election of 1800, political parties had developed, and it was clear that having two men from different parties was not a good leadership situation. The Twelfth Amendment allowed voters to vote for the President and Vice President on separate ballots so that members of the same political party would not be running against each other for the presidency.

The Thirteenth Amendment was a result of the Civil War. Passed in 1865, the Thirteenth Amendment abolished slavery. Slavery had been a part of the United States since the 1600s, and it took a civil war to end the practice.

The Fourteenth Amendment, ratified in 1868, was part of the Reconstruction Era. Under this amendment, all Americans, regardless of race, were guaranteed the rights listed in the Constitution. This amendment also included blacks in population counts for the census. Finally, the Fourteenth Amendment prohibited Confederate officers from holding government positions and refused to pay Confederate war debts or reimburse owners for their now-freed slaves.

Finally, the Fifteenth Amendment, ratified in 1870, gave blacks *suffrage*, or the right to vote. Before 1870, many states had prohibited blacks from voting. But with the end of the Civil War and the passage of the Fourteenth Amendment, the next step was to give black males the right to vote.

Between 1791 and 1870—eighty years—only five changes had been made to the Constitution. In the next lesson you will study the changes made from 1900 to 1950.



The Fifteenth Amendment gave blacks the right to vote.

Date _____ Name _____

THE AMENDMENTS

**1798-1870: Amendments XI-XV
≈ Challenges ≈**

1. In what years were the following amendments ratified?

a) Amendment XI _____

b) Amendment XII _____

c) Amendment XIII _____

d) Amendment XIV _____

e) Amendment XV _____

2. How does the Twelfth Amendment change how the President and Vice President are elected?

3. What war was the Thirteenth Amendment a result of? _____

4. What does the Thirteenth Amendment abolish? _____

5. Under the Fourteenth Amendment, who is guaranteed the rights listed in the Constitution?

6. What is suffrage? _____

7. Who was given suffrage with the Fifteenth Amendment? _____

8. Between what years were the Eleventh to Fifteenth Amendments ratified? _____

THE AMENDMENTS

1900-1950: Amendments XVI-XXI

(See Amendments XVI, XVII, XVIII, XIX, XX, XXI)

This next group of amendments was ratified during the first half of the 1900s. This group of amendments also made specific changes to the American system.

The Sixteenth Amendment, ratified in 1913, gave Congress the power to establish an income tax. Before 1913, the only way the government made money was through *tariffs* (taxes on imports). With the Sixteenth Amendment, the government could now tax people's incomes. Each person was taxed according to the amount of money he or she made.

Also in 1913, the Seventeenth Amendment was added to the Constitution changing the way senators were elected. Article I of the Constitution stated that the senators were to be elected by the state legislatures. The Seventeenth Amendment allowed the American people to directly elect their senators, just like other elected officials.

During the first two decades of the twentieth century, a movement in the United States to ban the use of alcohol was gaining strength. Many people saw the "evils of drinking" and felt that the production, sale, and use of alcoholic beverages should be prohibited. So, in 1919, the Eighteenth Amendment was ratified, and the United States entered the *Prohibition Era*.

Another reform movement sweeping the United States during this time concerned women and their right to vote. Previously, American women were not given the right to vote. The Fifteenth Amendment had given black males the right to vote. Women's groups had been fighting since the mid-1800s for suffrage, or the right to vote. In 1920, with the ratification of the Nineteenth Amendment, women were given the right to vote.

The Twentieth Amendment, passed in 1933, changed the dates when elected officials took office. In 1787 when the Constitution was written, travel was very slow, and news traveled even slower. Because of this, the President and Congress were given many months between their elections and the time when they were sworn in. The old officials were known as "lame ducks" because they did not have much time or power left. This amendment shortened the President's "lame duck" period from March 4 to January 20. Congress begins its terms and meetings on January 3.

Finally, also in 1933, the Twenty-first Amendment was passed repealing the Eighteenth Amendment. This amendment ended the Prohibition Era. The Eighteenth Amendment failed because of a lack of enforcement, and too many Americans were opposed to Prohibition.



Government agents destroyed alcohol outlawed by the Eighteenth Amendment.

THE AMENDMENTS

1900-1950: Amendments XVI-XXI ≈ Challenges ≈

1. Define:

Prohibition: _____

2. In what years were the following amendments ratified?

a) Amendment XVI _____

b) Amendment XVII _____

c) Amendment XVIII _____

d) Amendment XIX _____

e) Amendment XX _____

f) Amendment XXI _____

3. The Sixteenth Amendment gave Congress the power to _____

4. Who elected the senators before the Seventeenth Amendment? _____

Who elects our senators now? _____

5. Why did many Americans support the Eighteenth Amendment? _____

6. Which amendment repealed the Eighteenth Amendment? _____

7. Which group of Americans was given suffrage with the Nineteenth Amendment?

8. What does the Twentieth Amendment change? Why? _____

THE AMENDMENTS

1950-Present: Amendments XXII-XXVII

(See Amendments XXII, XXIII, XXIV, XXV, XXVI, XXVII)

This final group of amendments focuses on the President and other American civil rights.

The Twenty-second Amendment, ratified in 1951, limited the amount of terms a President could serve. The Constitution did not put a limit on the number of terms a President could serve. President George Washington had only served two terms, or eight years. Because of his example, or precedent, other presidents only served a maximum of two terms. This changed when Franklin D. Roosevelt was elected to a third term in 1940, and a fourth term in 1944. The Twenty-second Amendment limited the President to two terms of office.

Before 1961, citizens of the District of Columbia had no voice in elections, and by the 1960s, the District had a large population that was left out. The Twenty-third Amendment, passed in 1961, gave citizens who lived in the District of Columbia the right to vote in national elections.

In 1964, the Twenty-fourth Amendment was added to the Constitution. Before this amendment, many states would place a tax on voting. In order to vote in an election, you would be forced to pay a poll tax. This amendment prohibited the poll tax.

With the assassination of President Kennedy on November 22, 1963, the nation was made more aware of who takes over in the event of an emergency. Lyndon Johnson, Kennedy's Vice President, took over as President, but there was no Vice President to take over in the event Johnson died. The Twenty-fifth Amendment, passed in 1967, allowed the new President to appoint a Vice President. The Congress would have to approve of this new Vice President by a majority vote of both houses. If a President becomes ill, he may temporarily give his powers to the Vice President until he has recovered. This amendment was used in 1973 and 1974 with the resignations of Vice President Agnew and President Nixon. Nixon appointed Gerald Ford to replace Agnew in 1973, then Ford became President in 1974 when Nixon resigned, and he appointed Nelson Rockefeller to be Vice President.

The Twenty-sixth Amendment, ratified in 1971, was aimed at the young people of the United States. Many Americans felt that the voting age should be lowered from 21 to 18. So, in 1971, 18-year-olds were given the right to vote.

The final amendment to the United States Constitution was ratified on May 7, 1992. The Twenty-seventh Amendment tells senators and representatives that any changes in their salaries will not take effect until after the next election. This amendment was originally part of the Bill of Rights of 1789, but was not ratified along with the others. It was not until 1992 that it became part of the Constitution!



The Twenty-sixth Amendment made it possible for those eighteen years old to vote.

THE AMENDMENTS

1950-Present: Amendments XXII-XXVII

≈ Challenges ≈

1. In what years were the following amendments ratified?

a) Amendment XXII _____

b) Amendment XXIII _____

c) Amendment XXIV _____

d) Amendment XXV _____

e) Amendment XXVI _____

f) Amendment XXVII _____

2. According to the Twenty-second Amendment, for how many terms can one be elected as President?

3. Who was given the right to vote by the Twenty-third Amendment? _____

4. What group was given suffrage with the Twenty-sixth Amendment? _____

5. What practice was outlawed by the Twenty-fourth Amendment? _____

6. If a President dies and the Vice President takes over, what must happen to get a new Vice President?

7. What amendment authorizes the above situation? _____

8. What does the Twenty-seventh Amendment say about the salaries of senators and representatives?

9. How long has it taken the Twenty-seventh Amendment to be ratified? _____

Activity Two: Presidents of the United States

DIRECTIONS: Using a history book or an encyclopedia, list the Presidents of the United States from first to last. The first one is done for you.

- | | |
|----------------------|-----------|
| 1. George Washington | 22. _____ |
| 2. _____ | 23. _____ |
| 3. _____ | 24. _____ |
| 4. _____ | 25. _____ |
| 5. _____ | 26. _____ |
| 6. _____ | 27. _____ |
| 7. _____ | 28. _____ |
| 8. _____ | 29. _____ |
| 9. _____ | 30. _____ |
| 10. _____ | 31. _____ |
| 11. _____ | 32. _____ |
| 12. _____ | 33. _____ |
| 13. _____ | 34. _____ |
| 14. _____ | 35. _____ |
| 15. _____ | 36. _____ |
| 16. _____ | 37. _____ |
| 17. _____ | 38. _____ |
| 18. _____ | 39. _____ |
| 19. _____ | 40. _____ |
| 20. _____ | 41. _____ |
| 21. _____ | 42. _____ |
| | 43. _____ |

Activity Three: The Cabinet

DIRECTIONS: Using an almanac, find the names of the current Cabinet officers. Match the names with the departments they head.

DEPARTMENT	NAME OF SECRETARY
STATE (foreign affairs)	_____
TREASURY (money)	_____
DEFENSE (armed forces)	_____
JUSTICE (Attorney General; legal issues)	_____
INTERIOR (U.S. lands)	_____
AGRICULTURE (farming)	_____
COMMERCE (business)	_____
LABOR (working conditions)	_____
HEALTH AND HUMAN SERVICES (health and welfare)	_____
HOUSING AND URBAN DEVELOPMENT (housing and cities)	_____
TRANSPORTATION (roads, etc.)	_____
ENERGY (research on energy)	_____
EDUCATION (nation's schools)	_____
VETERANS' AFFAIRS (war veterans)	_____

Activity Four: Justices, Senators, and Representatives

DIRECTIONS: Using an almanac, find the names of the following government officials.

THE SUPREME COURT JUSTICES	YEAR APPOINTED
1. _____, Chief Justice	_____
2. _____, Associate Justice	_____
3. _____, Associate Justice	_____
4. _____, Associate Justice	_____
5. _____, Associate Justice	_____
6. _____, Associate Justice	_____
7. _____, Associate Justice	_____
8. _____, Associate Justice	_____
9. _____, Associate Justice	_____

YOUR SENATORS:

1. _____
2. _____

YOUR REPRESENTATIVE:

1. _____

OFFICERS OF THE HOUSE OF REPRESENTATIVES:

1. _____, Speaker of the House

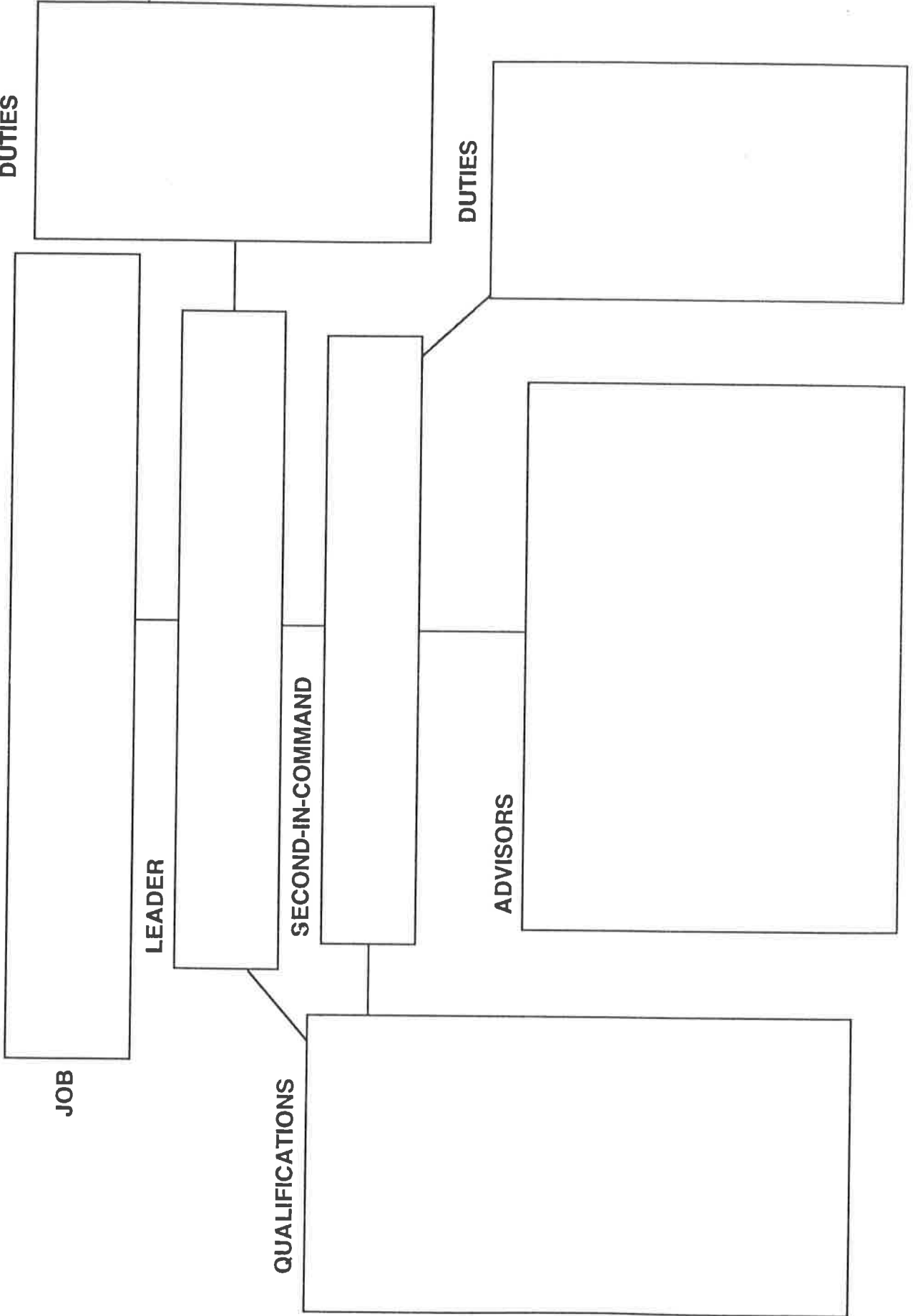
OFFICERS OF THE SENATE:

1. _____, Vice President of the U.S.
2. _____, President Pro Tempore

Date _____ Name _____

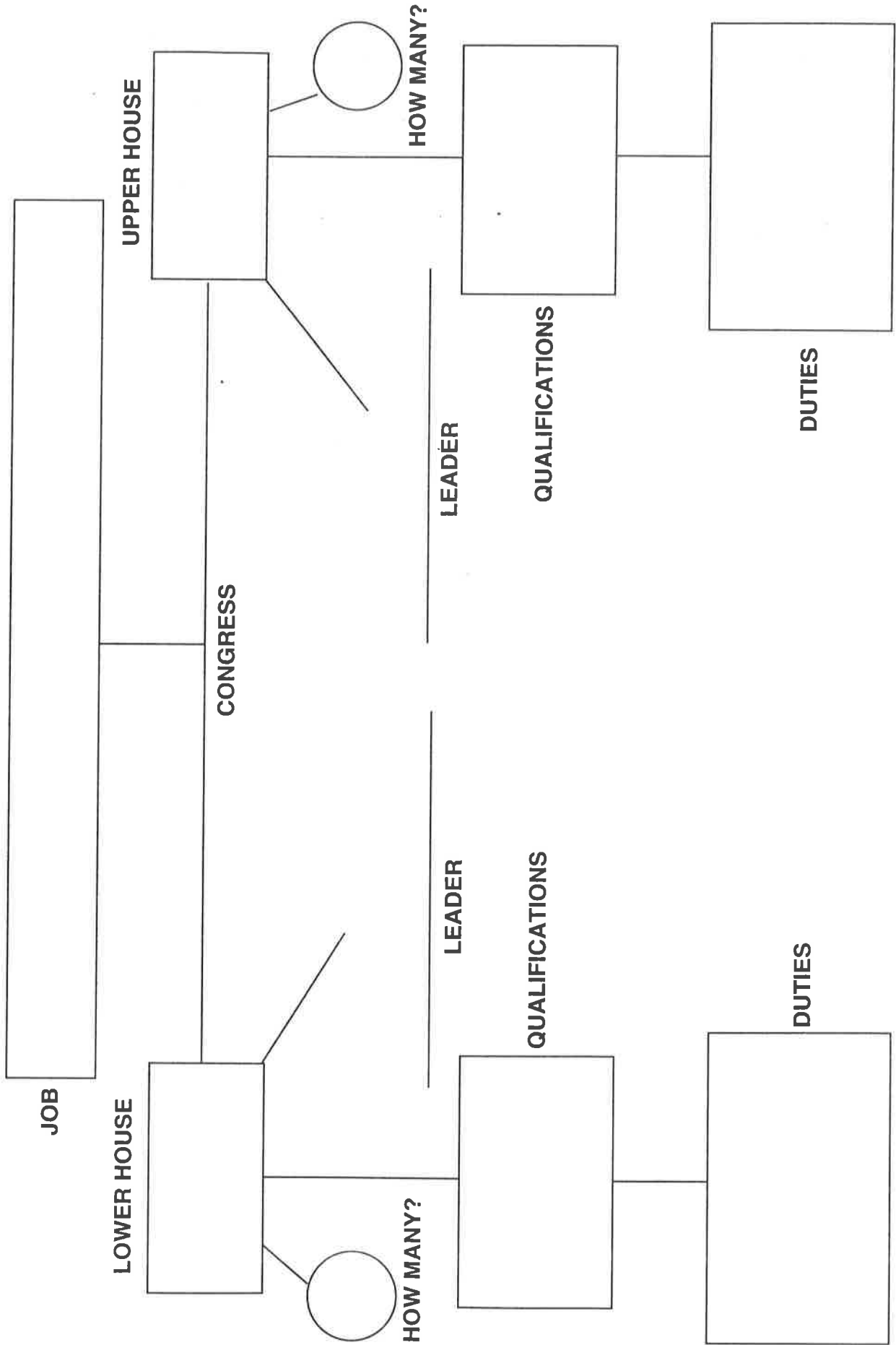
EXECUTIVE BRANCH OF THE UNITED STATES GOVERNMENT

DUTIES



Date _____ Name _____

LEGISLATIVE BRANCH OF THE UNITED STATES GOVERNMENT



The System of Checks and Balances

