We the People

Article I

Section 1. All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Representatives and direct Taxes shall be apportioned among the several States which shall have Articles of Confederation, according to the number of Persons in each State, which shall be determined by additing to the whole number of free Persons, including those bound to Service for a Term of Years, and excluding those among others.

The actual enumeration shall be made within ten years, from the first Meeting of Congress; and at the end of each subsequent term of ten years, in such Manner as they shall by Law direct.

The House of Representatives shall choose their Speaker, and one or more Assistants to carry on their business in their Absence; and they shall have the Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years, andvacant seat shall be filled by the State in which it happened to vacancies.

The Senate shall have the sole Power to try all impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no Person judicature shall be removed from Office but by the Process of Impeachment, and Trial, in the Manner prescribed in this Article.

The Senate shall have the sole Power to try all impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no Person judicature shall be removed from Office but by the Process of Impeachment, and Trial, in the Manner prescribed in this Article.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States. He may require the opinion, in writing, of the principal Officer in each of the Executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

Section 4. The Times, Places, and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations.

Section 5. Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Members thereof shall be answerable for their Votes, Quotations, or Proceedings, in such Manner as each House may determinate, fo the Impeachment of any of its Members.
The framers of the U.S. Constitution lived in an age without telephones, automobiles, televisions, and satellites. How could the nation's founders have planned for governing your life in the modern age?

The answer is that the framers created a plan of government that could stand the test of time—more than 200 years so far. They wrote a Constitution based on fundamental ideals of democratic government. This Constitution created a government flexible enough to change with the changing times while still being true to its basic ideals. As a result, the Constitution is as relevant to your life today as it was to Americans living more than 200 years ago. The Constitution is the bond that unites all Americans—past, present, and future.

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**STUDY GUIDE**

- What ideals are expressed in the Constitution?
- What are the branches of government, and how does the Constitution control their power?
- How does the Constitution provide for changing needs and changing conditions?

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**Ideals of the Constitution**

The Declaration of Independence states that governments should receive their powers from "the consent [approval] of the governed [people]." This is one of the basic ideals on which the nation was founded.

This ideal, treasured by the framers of the Constitution, can be traced in part to the Mayflower Compact. [See page 523.] The Compact was drawn up on November 21, 1620, when the Pilgrims on the Mayflower reached North America. They were far off course and had no charter from the King to settle in New England or to form a government.

The Pilgrims wrote the Compact to create a new government based on cooperation and the consent of the people.

**Consent of the Governed**

Government by *popular sovereignty*, or consent of the governed, is one of our most cherished ideals. It is stated in the opening sentence of the Constitution, which is known as the Preamble. The *Preamble* is an introduction that explains why the U.S. Constitution was written.

The Preamble begins with the words "We the people." The framers of the Constitution wanted to emphasize the importance of the people. These words stress that our government was established by the people. As the Preamble clearly states, "We the people of the United States, . . . do ordain [order] and establish this Constitution . . . ."

**Goals of the Constitution**

The Preamble itself is not law. Rather, it is a statement of goals. The Preamble lists six goals for the government of the United States:

1. "To form a more perfect union." The new government should be a better union of states than that under the Articles of Confederation.
2. "To establish justice." The government
should make laws and establish a system of courts that are fair to all.

3. “To insure domestic tranquillity.” The government should preserve peace within the nation.

4. “To provide for the common defense.” The government should protect the nation from its enemies.

5. “To promote the general welfare.” The government should help ensure the well-being of all the people.

6. “To secure the blessings of liberty.” The government should safeguard the freedom of the people.

These goals reflect the belief that government should serve its citizens. They remain the goals of the nation today.

A Representative Democracy

The representative democracy, or republic, set up by the Constitution is based on the consent of the people who are governed. What happens, though, if the people become dissatisfied with the way their representatives are governing? In this case, the people can let their representatives know what they believe should be done. If people do not approve of their representatives’ actions, in the next election they can elect new representatives who they believe will do a better job.

Our republic works successfully because Americans believe in majority rule. The majority is more than half of the people. When disagreements occur between people, the decision of the majority must always rule. If the majority does not agree on an issue, the minority—the small people—must submit to the majority.

A Federal System

As you learned in Chapter 1, the Constitution established a federal system of government. The federal system is divided between the national government, which governs the country as a whole, and the state governments, which govern the states.

Under a federal system, the national government has certain powers that are not shared with the state governments. The national government has the power to regulate commerce, to declare war, to establish an army and navy, and to coin money. The state governments, on the other hand, have the power to regulate trade within the state, to establish local governments, and to conduct elections.

Federal Government Powers

- To regulate interstate and foreign trade
- To coin and print money
- To conduct foreign relations
- To establish post offices and roads
- To raise and support armed forces
- To declare war and make peace
- To govern American territories and admit new states
- To pass naturalization laws and regulate immigration
- To make all laws “necessary and proper” to carry out its powers

Powers Shared by Federal and State Governments

- To collect taxes
- To borrow money
- To establish courts
- To establish banks
- To enforce laws and punish lawbreakers
- To provide for the health and welfare of the people

State Government Powers

- To regulate trade within the state
- To establish local governments
- To conduct elections
- To determine qualifications of voters
- To establish and support public schools
- To incorporate business firms
- To make marriage laws
- To license professional workers
- To keep all powers not granted to the federal government nor prohibited to the states

How the Powers of Government Are Divided

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<td>To regulate interstate and foreign trade</td>
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decision of the majority is accepted by all. Under our system of government, however, the majority must always respect the rights of the minority—the smaller group of people. Moreover, the minority must be free to express its views on issues and to try to convince the majority to accept its ideas.

**A Federal System**

As you learned in Chapter 2, the delegates at the Constitutional Convention agreed to establish a federal system of government. Under federalism the powers of government are divided between the national government, which governs the whole nation, and the state governments, which govern the people living in each state.

The national government, which is usually referred to as the federal government, is centered in Washington, D.C. The term federal system refers to the country’s entire system of government. This system includes both the federal government and each of the 50 state governments.

Under a federal system, the federal government has certain important powers. All powers that are not given to the federal government remain with the state governments.

**Federal Government Powers** The powers given to the federal government by the Constitution, called delegated powers, apply to matters concerning all the people. For example, only the federal government can coin money. Only the federal government has the power to control trade with foreign nations. The federal government alone has the power to provide for the common defense, because an attack on the United States would threaten all Americans.

You recall that under the Articles of Confederation, the federal government did not have these important powers. The Constitution gave these powers to the federal government to strengthen it.

**State Government Powers** The U.S. Constitution leaves to the states several important powers to manage their own affairs. The states or the people have all the powers not specifically given to the federal government by the Constitution. These 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 states, and establish local governments.

**Shared Powers** The federal and state governments also share many powers. These are known as concurrent powers. Both the federal and state governments, for example, can raise funds through taxation. Both also have the power to borrow money. Moreover, they share the power to establish courts, to charter
banks, to enforce laws and punish lawbreakers, and to provide for the health and welfare of the American people.

Whenever a state law disagrees with the Constitution or with a federal law, the state must give way to the federal government. The framers of the Constitution made this clear by writing that the Constitution and the laws of the federal government shall be "the supreme law of the land."

**Limited Powers**

By establishing the federal system, the framers of the Constitution set up the stronger national government that the new nation needed. The framers were determined, however, to keep the new federal government from becoming too powerful. This ideal of **limited government** led the founders to spell out the powers of the federal government. As a result, citizens know exactly what the powers of the federal government are.

The Constitution also provides that all powers not mentioned are reserved for the states or the people. Furthermore, the Bill of Rights (discussed in the next chapter) specifies certain powers that are forbidden to both the federal government and the states. It describes the many freedoms that belong to every citizen of the United States.

As you have read, the framers of the Constitution believed that all governments should have the consent of the people. They made sure that the new government could have only as much power as the people wanted to give it. The American people wanted to limit, or to check, the powers of the federal government so that the government would be responsible to the American people.
SECTION 1 REVIEW

1. Define or identify the following terms: popular sovereignty, Preamble, majority rule, delegated power, reserved power, concurrent power, limited government.

2. How did the Pilgrims influence the nation's founders? How is the ideal of popular sovereignty expressed in the Preamble?

3. What are the goals of the government of the United States?

4. Explain the principle of majority rule.

5. Why does the Constitution limit the powers granted to the federal government?

6. THINKING CRITICALLY Write a poem or a rap song that describes how the ideals in the Constitution affect your life today.

The Constitution set up a federal system that divides powers between the federal and state governments. The Constitution also divides power among three separate branches of the federal government.

This three-way division of power is called the separation of powers. It ensures that no branch of the federal government becomes too powerful. The three branches are the legislative branch, the executive branch, and the judicial branch. They were created by the first three articles of the Constitution.

Legislative Branch

Article 1 of the Constitution established Congress as the legislative branch, or lawmaking branch, of the government. Congress is made up of two houses—the Senate and the House of Representatives.

The Constitution places great emphasis on Congress. It is the first branch of government discussed in the Constitution. The workings of Congress are described in greater detail than either of the other two branches. Moreover, the other branches depend on Congress for the money they need to carry out their duties.

Executive Branch

The executive branch, created in Article 2 of the Constitution, is responsible for executing, or carrying out, the nation's laws. It is headed

The Separation of Powers

| Legislative Branch (Congress) makes the laws. |
| Executive Branch (President) carries out and enforces the laws. |
| Judicial Branch (Courts) interprets laws and punished lawbreakers. |

CHAPTER 3 THE U.S. CONSTITUTION 41
**Checks and Balances in the Federal Government**

<table>
<thead>
<tr>
<th>Powers</th>
<th>Checks on Powers</th>
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<tr>
<td>• Passes bills into laws</td>
<td>• President can veto bills.</td>
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<td>• Can pass laws over the president's veto if two thirds of the Congress approve the law</td>
<td>• The Supreme Court can rule that a law is unconstitutional.</td>
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<td>• Approves appointments of federal court judges</td>
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![The Congress](image)

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<td>• Can approve or veto laws</td>
<td>• Congress can pass laws over the president's veto by a two-thirds vote.</td>
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<tr>
<td>• Carries out the laws</td>
<td>• Congress can impeach and remove the president for high crimes or for misdemeanors.</td>
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<tr>
<td>• Appoints federal court judges</td>
<td>• Senate approves the president's appointments to the federal courts.</td>
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![The President](image)

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<td>• Interprets the meaning of laws</td>
<td>• Congress (or the states) can propose an amendment to the Constitution if the Supreme Court rules that a law is unconstitutional.</td>
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<tr>
<td>• Can rule that laws passed by Congress and actions taken by the executive branch are unconstitutional</td>
<td>• Senate can refuse to approve the appointments to the federal courts.</td>
</tr>
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<td></td>
<td>• Congress can impeach and remove a federal judge from office.</td>
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![The Supreme Court](image)

by the president. This branch also includes the vice president and many other people who help the president enforce the nation's laws.

**Judicial Branch**

Article 3 established the judicial branch, or federal court system, to interpret laws and punish lawbreakers. The Constitution makes the Supreme Court the head of the judicial branch. As such, the Court can declare a law invalid if it is in conflict with the Constitution. The Constitution also gives Congress the power to establish lower courts to help carry out the work of the judicial branch.

**Checks and Balances**

To ensure that no branch of the federal government becomes too powerful, the Constitution provides for a system of checks and balances. Each branch has powers that check, or limit, the powers of the other two branches. Moreover, each branch has its own powers, which no other branch can assume. In this way the powers of government are balanced by being divided three ways.

How does the system of checks and balances work? Consider lawmaking, for example. Congress has the power to make laws. The president, however, has the power to veto, or turn down, proposed laws. With the veto power, the president can either approve or reject a law passed by Congress. This balance of power prevents any single branch from becoming too powerful.
power, the president can check the lawmaking power of Congress.

Does this mean that the president can stop any law passed by Congress from taking effect? That would give the president too much power. The Constitution, therefore, balances the president's power by giving Congress the power to pass laws over the president's veto. Overriding a presidential veto requires a two-thirds vote of both houses of Congress. In this way Congress can check the lawmaking power of the president.

The Supreme Court also can become involved in lawmaking because it has the power to interpret the meaning of laws in its decisions. In addition, the Court can declare that certain laws are in conflict with the Constitution and cannot be enforced.

There are many other checks and balances in the federal government. You will learn more about how the three branches of the federal government check and balance each other in Chapters 5, 6, and 7.

SECTION 2 REVIEW

1. Define or identify the following terms: separation of powers, legislative branch, executive branch, judicial branch, checks and balances, veto.

2. Why does the U.S. Constitution provide for separation of powers?

3. What is the primary responsibility of each of the three branches of the federal government?

4. How does the federal government's system of checks and balances work?

5. **Thinking Critically** Imagine that there is a national debate underway concerning the federal government's system of checks and balances. Some people would like to eliminate the system, while others would like to keep it in place. Write a newspaper editorial explaining what might happen if the system were eliminated and why this would prove harmful to the U.S. government and the American way of life. Be as persuasive as possible in your arguments.

### A Flexible Document

Changing times may call for changes in the government. In 1787, when the Constitution was written, the United States was a nation of 13 states with fewer than 4 million people. Today the states are home to more than 260 million people. The nation has changed in other ways as well.

How can the U.S. Constitution, which was written during the age of sailing ships, meet the needs of a nation in the age of space exploration? The answer is that the framers of the Constitution planned a system of government that could change to meet changing conditions and changing needs. The U.S. Constitution truly is a "living document."

### Providing for Change

One of the most important features of the Constitution of the United States is that it is a flexible document. The framers of the Constitution knew that the plan of government they were creating would have to meet the needs of a growing nation.

They could not possibly foresee all the changes the United States would undergo. Yet the government established by the Constitution has been able to change and adapt to new circumstances and challenges. There are three ways in which the Constitution and the government can adapt to the changing needs and conditions of the nation: amendment, interpretation, and custom.

*(continued on page 46)*
The Amendment Process

An amendment is a written change made to the Constitution. The process for amending, or changing, the Constitution is set forth in Article 5 of the Constitution.

It is not easy to amend the Constitution. All proposed amendments require the approval of three-fourths of the states. Securing this approval for an amendment may take a long time. As a result, it is likely that long, careful thought will be given to a proposed amendment before it is passed. Since the Constitution went into effect in 1789, only 27 amendments have been added to it.

Proposing an Amendment

An amendment may be proposed in two ways. In either way, both the U.S. Congress and the states must be involved in the process. The first way is to have Congress propose an amendment by a two-thirds vote in both houses. Because a two-thirds vote in Congress is difficult to obtain, members must be certain the amendment is needed.

The second way of proposing an amendment to the Constitution begins with the states. Under this method, the legislatures of two-thirds of the states—34 out of 50—can ask Congress to call a national convention to propose an amendment. This method has never been used successfully. It could be used, however, if Congress should refuse to propose an amendment that the American people believe is necessary.

Ratifying an Amendment

After an amendment has been proposed, it then must be ratified, or approved, by three-fourths, or 38, of the states. There are two ways an amendment may be ratified. The method of ratification must be described in each proposed amendment.

One method involves sending the proposed amendment to the state legislatures for approval. All but one of the amendments to the Constitution were approved this way. The second method involves sending the proposed amendment to state conventions elected by the people of each state to consider the amendment. This method has been used only once.

After an amendment has been ratified by the required number of states, it becomes part of the written Constitution. What happens if the people decide they do not like the way an amendment is working? In that case, the amendment in question can be repealed, or canceled, by another amendment. Only one of the amendments to the Constitution, the Eighteenth Amendment, has been repealed.

Interpreting the Constitution

The government also changes when some part of the Constitution is interpreted in a new way. Congress may interpret a certain clause in the Constitution as giving it the right to pass a particular law.

For example, Congress has passed laws setting the minimum wage that workers in the United States must be paid. The Constitution does not mention wages. The Constitution does not say whether the Congress has the power to fix wages. The Supreme Court has interpreted the Constitution to mean that Congress has power to set wages.

The Supreme Court decides whether Congress has interpreted the Constitution correctly. The Court can say Congress has interpreted the Constitution correctly. The Court can also say Congress has interpreted the Constitution incorrectly.
United States must be paid. A minimum wage is not mentioned anywhere in the Constitution. The Constitution does, however, give Congress the power to control trade among the states. The goods made by workers usually travel from one state to another. Therefore, Congress has interpreted the Constitution to mean that Congress has the power to pass laws affecting working conditions. These conditions include wage rates.

The Supreme Court has the power to decide if Congress has interpreted the Constitution correctly. The Court’s rulings are final.

**Custom and Tradition**

A number of changes in the federal government also have come about through custom and tradition. For example, the Constitution does not provide for regular meetings of the leaders in the executive branch of the federal government. President George Washington, however, brought these leaders together regularly to serve as his advisers, or Cabinet. Since that time, regular meetings between a president and the Cabinet have become an accepted part of the government.

Many other important traditions and customs have developed in the nation’s government. These traditions are seldom written down or passed into law. For this reason, they are sometimes referred to as part of the “unwritten Constitution.”

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**SECTION 3 REVIEW**

1. Define or identify the following terms: amendment, repeal, Cabinet.

2. Why can it be said that the U.S. Constitution is a “living document”? What are the advantages of this flexibility?

3. What are the two ways that an amendment can be proposed and the
Vocabulary Workshop
1. What is the term for a written change in the U.S. Constitution?
2. Define the term delegated power.
3. What is the term for the president's power to turn down a law passed by Congress?
4. What is the term for the introduction to the Constitution that explains why the Constitution was written?
5. What type of powers do the federal and the state governments share?
6. What is the purpose of the president's Cabinet?

Reviewing Main Ideas
1. What are the six purposes of government as stated in the Preamble?
2. What is the principle of majority rule, and why is this principle important?
3. What are the three branches of the federal government, and what are their primary responsibilities?
4. How does the U.S. Constitution ensure that no branch of the federal government becomes too powerful?
5. What are the three ways that the Constitution can be changed?
6. What are the steps in the amendment process?

Thinking Critically
1. The Constitution is based on many great ideals of government. Which of these ideals do you consider the most important to the American way of life, and why?
2. The principle of majority rule means that sometimes the wishes of the minority go unfulfilled. Do you think this is fair?
3. What experiences do you think led the framers of the Constitution to ensure that no one person or group in the government could gain too much power?
4. The U.S. Constitution is the world's oldest plan of government still working successfully. What do you think is responsible for this lasting success?

Citizenship in Your Community

Individual Project
One of the ideals on which the U.S. Constitution is based is federalism, the sharing of powers between the federal government and the state governments. Collect newspaper articles that show examples of powers shared by your state and the federal government. Summarize each article and explain how these shared powers allow both the federal government and your state government to operate effectively.

Building Your Portfolio
The third step of your unit portfolio project (see page 67) is to create a chart entitled "The Three Branches of Education." Write the following headings across the top of your chart: Administration, Teachers, Students. Under each heading, answer the following questions. What are the primary duties of this branch? What responsibilities does this branch share with the other branches? How does this branch work with the other branches? Then write a caption explaining why cooperation among the branches of education is a vital part of the U.S. educational system. Place your chart in your individual portfolio for later use.