

Citizenship and the Constitution



California Standards

History–Social Science

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

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

Analysis Skills

HR 5 Determining the content of statements

English–Language Arts

Writing 2.5.a Present information purposefully and succinctly and meet the needs of the intended audience.

Reading 8.2.4 Compare the original text to a summary to determine whether the summary accurately captures the main ideas, includes critical details, and conveys the underlying meaning.

FOCUS ON WRITING



A Pamphlet Everyone in the United States benefits from our Constitution. However, many people don't know the Constitution as well as they should. In this chapter you will read about the Constitution and the rights and responsibilities it grants to citizens. Then you'll create a four-page pamphlet to share this information with your fellow citizens.



1788

The Constitution goes into effect after New Hampshire becomes the ninth state to ratify it.

1787

1800

1791 The Bill of Rights becomes part of the Constitution on December 15.



HOLT

History's Impact

▶ video series

Watch the video to understand the impact of the Bill of Rights.



What You Will Learn...

In this chapter you will learn about the U.S. Constitution, the Bill of Rights, and what it means to be an American citizen. Young citizens like the ones pictured here must be informed in order to fulfill the rights and responsibilities of citizenship.



1920

The Nineteenth Amendment gives all American women the right to vote.

1942

The Fair Employment Act bans discrimination in the workplace.



1971

The Twenty-sixth Amendment is ratified, giving the right to vote to all U.S. citizens 18 years or older.

1930

1950

1970

1990



1954 In *Brown v. Board of Education*, the Supreme Court declares segregation in public schools to be unconstitutional.

1990 The Americans with Disabilities Act is passed.

Reading Social Studies

Economics

Geography

Politics

Religion

Society
and Culture

Science and
Technology

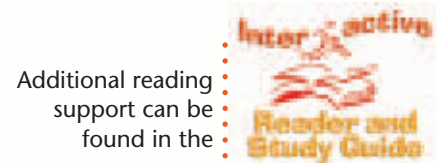
Focus on Themes In this chapter, you will read about the three branches of government, the Bill of Rights, and the duties and responsibilities of a United States citizen. As you read about each of these topics, you will see the American

political system at work—not only in the Bill of Rights, but through the responsibilities U.S. citizens have as they vote for leaders and work to help their communities and nation.

Summarizing Historical Texts

Focus on Reading History books are full of information. Sometimes the sheer amount of information they contain can make processing what you read difficult. In those cases, it may be helpful to stop for a moment and summarize what you've read.

Writing a Summary A summary is a short restatement of the most important ideas in a text. The example below shows three steps used in writing a summary. First underline important details. Then write a short summary of each paragraph. Finally, combine these paragraph summaries into a short summary of the whole passage.



Additional reading support can be found in the

The Constitution

Article II, Section 1

1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

2. Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

Summary of Paragraph 1

The executive branch is headed by a president and vice president, each elected for four-year terms.

Summary of Paragraph 2

The electors who choose the president and vice president are appointed. Each state has the same number of electors as it has members of Congress.

Combined Summary

The president and vice president who run the executive branch are elected every four years by state-appointed electors.



Key Terms and People

Chapter 5

Section 1

- federal system (p. 144)
- impeach (p. 146)
- veto (p. 146)
- executive orders (p. 147)
- pardons (p. 147)
- Thurgood Marshall (p. 148)
- Sandra Day O'Connor (p. 148)

Section 2

- James Madison (p. 178)
- majority rule (p. 178)
- petition (p. 179)
- search warrant (p. 180)
- due process (p. 180)
- indict (p. 180)
- double jeopardy (p. 180)
- eminent domain (p. 180)

Section 3

- naturalized citizens (p. 184)
- deport (p. 184)
- draft (p. 185)
- political action committees (p. 186)
- interest groups (p. 186)

Academic Vocabulary

Success in school is related to knowing academic vocabulary—the words that are frequently used in school assignments and discussions. In this chapter, you will learn the following academic words:

- distinct (p. 145)
- influence (p. 186)

You Try It!

The following passage is from the U.S. Constitution. As you read it, decide which facts you would include in a summary of the passage.

The Constitution

Article I, Section 2

1. 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.
2. No person shall be a Representative who shall not have attained to the Age of twenty five years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of the State in which he shall be chosen.

After you read the passage, answer the following questions.

1. Which of the following statements best summarizes the first paragraph of this passage?
 - a. Congress has a House of Representatives.
 - b. Members of the House of Representatives are elected every two years by state electors.
2. Using the steps described on the previous page, write a summary of the second paragraph of this passage.
3. Combine the summary statement you chose in Question 1 with the summary statement you wrote in Question 2 to create a single summary of this entire passage.

As you read Chapter 5, think about what details you would include in a summary of each paragraph.

Understanding the Constitution

What You Will Learn...

Main Ideas

1. The framers of the Constitution devised the federal system.
2. The legislative branch makes the nation's laws.
3. The executive branch enforces the nation's laws.
4. The judicial branch determines whether or not laws are constitutional.

The Big Idea

The U.S. Constitution balances the powers of the federal government among the legislative, executive, and judicial branches.

Key Terms and People

federal system, *p. 144*
 impeach, *p. 146*
 veto, *p. 146*
 executive orders, *p. 147*
 pardons, *p. 147*
 Thurgood Marshall, *p. 148*
 Sandra Day O'Connor, *p. 148*



HSS 8.2.6 Enumerate the powers of government set forth in the Constitution and the fundamental liberties ensured by the Bill of Rights.

If YOU were there...

You have just been elected to the U.S. House of Representatives. You know that committees do much of the work in Congress. They deal with many different fields such as foreign policy, agriculture, national security, science, and education. You would like to ask for a spot on a committee whose work interests you.

Which committee would you ask to serve on?

BUILDING BACKGROUND When the framers of the Constitution met in Philadelphia in 1787, they created a national government with three branches that balance one another's powers.

The Federal System

The framers of the Constitution wanted to create a government powerful enough to protect the rights of citizens and defend the country against its enemies. To do so, they set up a **federal system of government, a system that divided powers between the states and the federal government.**

The Constitution assigns certain powers to the national government. These are called delegated powers. Among them are the rights to coin money and to regulate trade. Reserved powers are those kept by the states. These powers include creating local governments and holding elections. Concurrent powers are those shared by the federal and state governments. They include taxing, borrowing money, and enforcing laws.

Sometimes, Congress has had to stretch its delegated powers to deal with new or unexpected issues. A clause in the Constitution states that Congress may “make all Laws which shall be necessary and proper” for carrying out its duties. This clause, called the elastic clause—because it can be stretched (like elastic)—provides flexibility for the government.

READING CHECK Summarizing How is power divided between the federal and state governments?

Separation of Powers

QUICK
FACTS

U.S. Constitution

Legislative Branch (Congress)

- Writes the laws
- Confirms presidential appointments
- Approves treaties
- Grants money
- Declares war

Executive Branch (President)

- Proposes laws
- Administers the laws
- Commands armed forces
- Appoints ambassadors and other officials
- Conducts foreign policy
- Makes treaties

Judicial Branch (Supreme Court)

- Interprets the Constitution and other laws
- Reviews lower-court decisions

Legislative Branch

The federal government has three branches, each with **distinct** responsibilities and powers. This separation balances the branches and keeps any one of them from growing too powerful. The first branch of government is the legislative branch, or Congress. It makes the nation's laws. Article I of the Constitution divides Congress into the House of Representatives and the Senate.

With 435 members, the House of Representatives is the larger congressional house. The U.S. Census, a population count made every 10 years, determines how many members represent each state. A system called apportionment keeps total membership at 435. If one state gains a member, another state loses one. Members must be at least 25 years old, live in the state where they were elected, and have been U.S. citizens for seven years. They serve two-year terms.

The Senate has two members, or senators, per state. Senators represent the interests of the whole state, not just a district. They must be at least 30 years old, have been U.S. citizens for nine years, and live in the state they represent. They serve six-year terms. The senior senator of a state is the one who has served

the longer of the two. Members of Congress can serve an unlimited number of terms.

The political party with more members in each house is the majority party. The one with fewer members is the minority party. The leader of the House of Representatives, or Speaker of the House, is elected by House members from the majority party.

The U.S. vice president serves as president of the Senate. He takes no part in Senate debates but can vote to break ties. If he is absent, the president pro tempore (pro tem for short) leads the Senate. There is no law for how the Senate must choose this position, but it traditionally goes to the majority party's senator who has served the longest.

Congress begins sessions, or meetings, each year in the first week of January. Both houses do most of their work in committees. Each committee studies certain types of bills, or suggested laws. For example, all bills about taxes begin in the House Ways and Means Committee.

READING CHECK Comparing and Contrasting

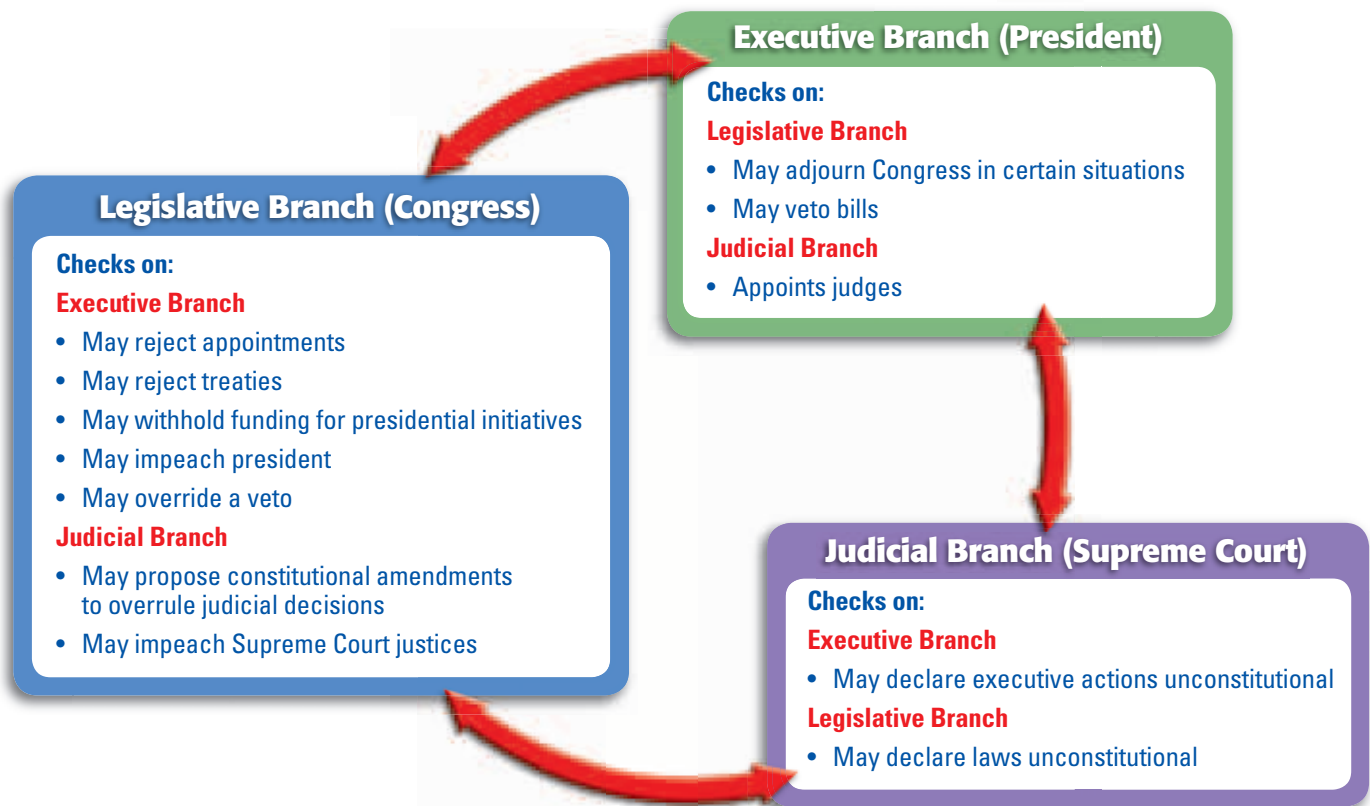
What are the similarities in requirements for members of the House of Representatives and the Senate? What are the differences?

ACADEMIC VOCABULARY

distinct
separate

Checks and Balances

QUICK
FACTS



Executive Branch

Article II of the Constitution lists the powers of the executive branch. This branch enforces the laws passed by Congress.

President and Vice President

As head of the executive branch, the president is the most powerful elected leader in the United States. To qualify for the presidency or vice presidency, one must be a native-born U.S. citizen at least 35 years old. The president must also have been a U.S. resident for 14 years.

Americans elect a president and vice president every four years. Franklin D. Roosevelt, who won four times, was the only president to serve more than two terms. Now, the Twenty-second Amendment limits presidents to two terms. If a president dies, resigns, or is removed from office, the vice president becomes president for the rest of the term.

The House of Representatives can **impeach**, or vote to bring charges of serious crimes against, a president. Impeachment cases are tried in the Senate. If a president is found guilty, Congress can remove him from office. In 1868 Andrew Johnson was the first president to be impeached. President Bill Clinton was impeached in 1998. However, the Senate found each man not guilty.

Working with Congress

The president and Congress are often on different sides of an issue. However, they must still work together.

Congress passes laws. The president, however, can ask Congress to pass or reject bills. The president also can **veto**, or cancel, laws Congress has passed. Congress can try to override, or undo, the veto. However, this is difficult since it takes a two-thirds

majority vote. To carry out laws affecting the Constitution, treaties, and statutes, the president issues **executive orders**. **These commands have the power of law**. The president also may grant **pardons, or freedom from punishment**, to persons convicted of federal crimes or facing criminal charges.

The president also commands the armed forces. In emergencies, the president can call on U.S. troops. Only Congress, however, can declare war. Other executive duties include conducting foreign relations and creating treaties. Executive departments do most of the executive branch work. As of 2004 there were 15 such departments. The president chooses department heads, who are called secretaries, and the Senate approves them. The heads make up the cabinet, which advises the president.

READING CHECK Drawing Conclusions

What is the president's most important power?

Judicial Branch

The third branch of government, the judicial branch, is made up of a system of federal courts headed by the U.S. Supreme Court. The Constitution created the Supreme Court, but the Judiciary Act of 1789 created the system of lower district and circuit courts.

Article III generally outlines the courts' duties. Federal courts can strike down a state or federal law if the court finds a law unconstitutional. Congress can then try to revise the law to make it constitutional.

District Courts

The president makes appointments to federal courts. In an effort to keep federal judges free of party influence, the judges are given life appointments. The lower federal courts are divided according to cases over which they have jurisdiction, or authority. Each state has at least one of the 94 district courts.

THE IMPACT TODAY

In 2002 the new Department of Homeland Security was given cabinet-level status to protect against terrorism.



Background of the Court

The rest of the Supreme Court Decisions you see in this book will highlight important cases of the Court. But in this first one, we'll discuss the history of the Court.

The first Supreme Court met in 1790 at the Royal Exchange in New York City. The ground floor of this building was an open-air market. When the national government moved to Philadelphia, the Court met in basement rooms in Independence Hall. Once in Washington, the Court heard cases in the Capitol building until the present Supreme Court building was completed in 1932.

Circuit Riding

Today the Supreme Court holds court only in Washington, D.C. In the past, however, the justices had to travel through assigned circuits, hearing cases together with a district judge in a practice known as riding circuit.

The justices complained bitterly about the inconvenience of travel, which was often over unpaved roads and in bad weather. This system was not just inconvenient to the justices, however. Some people worried about the fairness of a system that required justices who had heard cases at trial to rule on them again on appeal. Other people, however, thought that the practice helped keep the justices in touch with the needs and feelings of the average citizen. Eventually,

circuit riding interfered so much with the increased amount of business of the Supreme Court that Congress passed a law ending the practice in the late 1800s.

Path to the Supreme Court

When a case is decided by a state or federal court, the losing side may have a chance to appeal the decision to a higher court. Under the federal system, this higher court is called the court of appeals. A person who loses in that court may then appeal to the Supreme Court to review the case. But the Supreme Court does not have to accept all appeals. It usually chooses to hear only cases in which there is an important legal principle to be decided or if two federal courts of appeals disagree on how an issue should be decided.

ANALYSIS SKILL

ANALYZING INFORMATION

1. What are two reasons why the practice of circuit riding ended?
2. Why do you think the Supreme Court does not hear every case that is appealed to it?

FOCUS ON READING

Jot down a short summary of the appeals process after reading this paragraph.

Courts of Appeals

If someone convicted of a crime believes the trial was unfair, he or she may take the case to the court of appeals. There are 13 courts of appeals. Each has a panel of judges to decide if cases heard in the lower courts were tried appropriately. If the judges uphold, or accept, the original decision, the original outcome stands. Otherwise, the case may be retried in the lower court.

Supreme Court

After a case is decided by the court of appeals, the losing side may appeal the decision to the Supreme Court. Thousands of cases go to the Supreme Court yearly in the hope of a hearing, but the Court has time to hear only about 100. Generally, the cases heard involve important constitutional or public-interest issues. If the Court declines to hear a case, the court of appeals decision is final.

THE IMPACT TODAY

Supreme Court rulings can have dramatic effects on the nation, as in *Bush v. Gore*, which decided the outcome of the 2000 presidential election.

Nine justices sit on the Supreme Court. The chief justice of the United States leads the Court. Unlike the president and members of Congress, there are no specific constitutional requirements to become a justice.

In recent decades, the Supreme Court has become more diverse. In 1967 **Thurgood Marshall** became the first African American justice. **Sandra Day O'Connor** became the first female Court justice after her 1981 appointment by President Ronald Reagan.

READING CHECK **Summarizing** Describe the structure and responsibilities of the judicial branch.

SUMMARY AND PREVIEW In this section you learned about the balance between the different branches of the federal government. In the next section you will learn about the Bill of Rights.

Section 1 Assessment

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Online Quiz

KEYWORD: SS8 HP5

Reviewing Ideas, Terms, and People **HSS** 8.2.6

- a. Describe** What type of government did the Constitution establish for the United States?

b. Contrast What is the difference between delegated, reserved, and concurrent powers?
- a. Recall** What role does the vice president serve in the legislative branch?

b. Compare and Contrast In what ways are the Senate and the House of Representatives similar and different?

c. Elaborate Why do you think the requirements for serving in the Senate are stricter than those for serving in the House of Representatives?
- a. Describe** What powers are granted to the president?

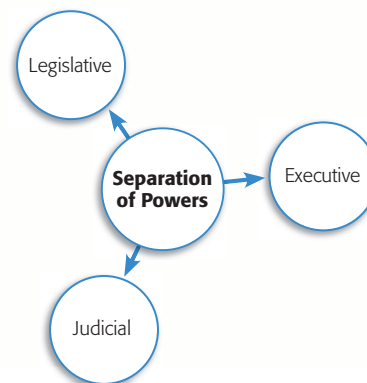
b. Make Generalizations Why is it important that the president and Congress work together?

c. Evaluate What do you think is the most important power granted to the president? Why?
- a. Explain** What is the main power of the judicial branch?

b. Evaluate Which branch of government do you feel is most important? Explain your answer.

Critical Thinking

- 5. Categorizing** Copy the web diagram below. Use it to identify the separation of powers that exists between the branches of the federal government.



FOCUS ON WRITING

- 6. Gathering Information about the Constitution** Look back through what you've just read about the Constitution. Make a list of four or five of the most important features of the Constitution. You'll put that list on the second page of your pamphlet.

James Madison

What would you do to create a brand-new government?

When did he live? 1751–1836

Where did he live? Like several of the founding fathers, James Madison was a Virginian. He grew up in the town of Montpelier, and he kept a home there for his whole life.

What did he do? Through the persuasive power of his writing, Madison helped create the foundations of the U.S. government.

Why is he important? Madison is known as the Father of the Constitution. A brilliant thinker, he provided many of the basic ideas in the Constitution. He argued tirelessly for a strong national government, for separate branches of government, and for rights such as freedom of religion. He then rallied support for adoption of the Constitution and the Bill of Rights. In 1809 Madison became the fourth president of the United States. As president, he led the country through another war with Britain, the War of 1812. He and his wife, Dolley, were forced to flee Washington temporarily when the British invaded the capital and set fire to the White House.

Summarizing Why is Madison known as the Father of the Constitution?

KEY EVENTS

- **1780**
Madison serves in the Continental Congress.
- **1787**
Madison keeps a written record of the Constitutional Convention.
- **1787–1788**
Madison helps write the *Federalist Papers*, urging support for the Constitution.
- **1801–1809**
Madison serves as secretary of state under President Thomas Jefferson.
- **1809–1817**
Madison serves two terms as president.

James Madison was an important force in the writing of the Constitution.



The Constitution of the United States

Preamble

The short and dignified preamble explains the goals of the new government under the 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.

Note: The parts of the Constitution that have been lined through are no longer in force or no longer apply because of later amendments. The titles of the sections and articles are added for easier reference.

Article I The Legislature

Section 1. Congress

All legislative Powers 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

1. Elections 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.

2. Qualifications No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

3. Number of Representatives Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, ~~which shall be determined by adding to the whole Number of free Persons, including those bound to Service¹ for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.² The actual Enumeration³ shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.~~

4. Vacancies When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

5. Officers and Impeachment The House of Representatives shall choose their Speaker and other Officers; and shall have the sole Power of impeachment.

Legislative Branch

Article I explains how the legislative branch, called Congress, is organized. The chief purpose of the legislative branch is to make laws. Congress is made up of the Senate and the House of Representatives.

The House of Representatives

The number of members each state has in the House is based on the population of the individual state. In 1929 Congress permanently fixed the size of the House at 435 members.

Vocabulary

¹ **those bound to Service** indentured servants

² **all other Persons** slaves

³ **Enumeration** census or official population count

Section 3. The Senate

1. Number of Senators The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

2. Classifying Terms Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

3. Qualifications No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

4. Role of Vice-President The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

5. Officers The Senate shall choose their other Officers, and also a President **pro tempore**,⁴ in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

6. Impeachment Trials The Senate shall have the sole Power to try all **Impeachments**.⁵ 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 shall be convicted without the Concurrence of two thirds of the Members present.

7. Punishment for Impeachment Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

The Vice President

The only duty that the Constitution assigns to the vice president is to preside over meetings of the Senate. Modern presidents have usually given their vice presidents more responsibilities.

EXPLORING THE DOCUMENT

If the House of Representatives charges a government official with wrongdoing, the Senate acts as a court to decide if the official is guilty.

How does the power of impeachment represent part of the system of checks and balances?

Vocabulary

⁴ **pro tempore** temporarily

⁵ **Impeachments** official accusations of federal wrongdoing

Federal Office Terms and Requirements



Position	Term	Minimum Age	Residency	Citizenship
President	4 years	35	14 years in the U.S.	natural-born
Vice President	4 years	35	14 years in the U.S.	natural-born
Supreme Court Justice	unlimited	none	none	none
Senator	6 years	30	state in which elected	9 years
Representative	2 years	25	state in which elected	7 years

Section 4. Congressional Elections

1. Regulations 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, except as to the Places of choosing Senators.

2. Sessions The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. Rules/Procedures

1. Quorum Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a **Quorum**⁶ to do Business; but a smaller Number may **adjourn**⁷ from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

2. Rules and Conduct Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

3. Records 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 Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

4. Adjournment Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. Payment

1. Salary The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

2. Restrictions No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the **Emoluments**⁸ whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his **Continuance**⁹ in Office.

Vocabulary

⁶**Quorum** the minimum number of people needed to conduct business

⁷**adjourn** to stop indefinitely

⁸**Emoluments** salary

⁹**Continuance** term

Vocabulary

¹⁰**Bills** proposed laws

EXPLORING THE DOCUMENT

The framers felt that because members of the House are elected every two years, representatives would listen to the public and seek its approval before passing taxes. **How does Section 7 address the colonial demand of “no taxation without representation”?**

EXPLORING THE DOCUMENT

The veto power of the president is one of the important checks and balances in the Constitution. **Why do you think the framers included the ability of Congress to override a veto?**

Section 7. How a Bill Becomes a Law

1. Tax Bills All **Bills**¹⁰ for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

2. Lawmaking Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States: If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

3. Role of the President Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

How a Bill Becomes a Law

- 1 A member of the House or the Senate introduces a bill and refers it to a committee.
- 2 The House or Senate Committee may approve, rewrite, or kill the bill.



- 3 The House or the Senate debates and votes on its version of the bill.
- 4 House and Senate conference committee members work out the differences between the two versions.
- 5 Both houses of Congress pass the revised bill.



Section 8.

Powers Granted to Congress

1. Taxation The Congress shall have Power To lay and collect Taxes, **Duties**,¹¹ **Imposts**¹² and **Excises**,¹³ to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

2. Credit To borrow Money on the credit of the United States;

3. Commerce To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

4. Naturalization and Bankruptcy To establish an uniform **Rule of Naturalization**,¹⁴ and uniform Laws on the subject of Bankruptcies throughout the United States;

5. Money To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

6. Counterfeiting To provide for the Punishment of counterfeiting the **Securities**¹⁵ and current Coin of the United States;

7. Post Office To establish Post Offices and post Roads;

8. Patents and Copyrights To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

9. Courts To constitute Tribunals inferior to the supreme Court;

10. International Law To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

LINKING TO TODAY

Native Americans and the Commerce Clause

The commerce clause gives Congress the power to “regulate Commerce with . . . the Indian Tribes.” The clause has been interpreted to mean that the states cannot tax or interfere with businesses on Indian reservations, but that the federal government can. It recognized American Indian nations had their own governments and laws. These laws, however, can be challenged in federal court. Although reservation land usually belongs to the Indian tribes and they govern it themselves, the U.S. government reserves certain administrative rights.

Drawing Conclusions How would you describe the status of American Indian nations under the commerce clause?

Vocabulary

¹¹ **Duties** tariffs

¹² **Imposts** taxes

¹³ **Excises** internal taxes on the manufacture, sale, or consumption of a commodity

¹⁴ **Rule of Naturalization** a law by which a foreign-born person becomes a citizen

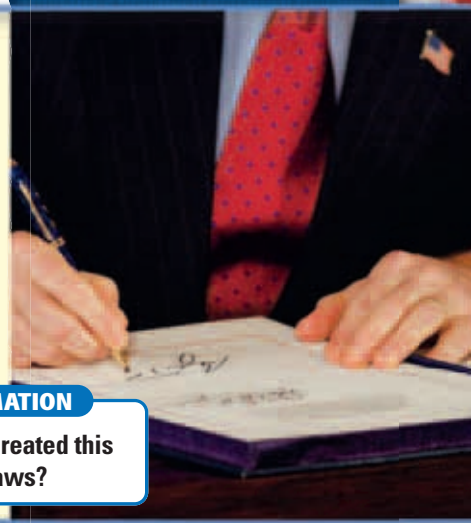
¹⁵ **Securities** bonds



- 6 The president signs or vetoes the bill.
- 7 Two-thirds majority vote of Congress is needed to approve a vetoed bill. Bill becomes a law.

ANALYSIS SKILL ANALYZING INFORMATION

Why do you think the framers created this complex system for adopting laws?



Vocabulary

¹⁶ **Letters of Marque and Reprisal** documents issued by governments allowing merchant ships to arm themselves and attack ships of an enemy nation

The Elastic Clause

The framers of the Constitution wanted a national government that was strong enough to be effective. This section lists the powers given to Congress. The last portion of Section 8 contains the so-called elastic clause.

11. War To declare War, grant **Letters of Marque and Reprisal**,¹⁶ and make Rules concerning Captures on Land and Water;

12. Army To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

13. Navy To provide and maintain a Navy;

14. Regulation of the Military To make Rules for the Government and Regulation of the land and naval Forces;

15. Militia To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

16. Regulation of the Militia To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

17. District of Columbia To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

18. Necessary and Proper Clause To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

The Elastic Clause

The elastic clause has been stretched (like elastic) to allow Congress to meet changing circumstances.

Section 9. Powers Denied Congress

1. Slave Trade The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight; but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

2. Habeas Corpus The Privilege of the **Writ of Habeas Corpus**¹⁷ shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

3. Illegal Punishment No **Bill of Attainder**¹⁸ or **ex post facto Law**¹⁹ shall be passed.

4. Direct Taxes No **Capitation**,²⁰ or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

5. Export Taxes No Tax or Duty shall be laid on Articles exported from any State.

6. No Favorites No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another; nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

7. Public Money No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

8. Titles of Nobility No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. Powers Denied the States

1. Restrictions No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

2. Import and Export Taxes No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Control of the Congress.

3. Peacetime and War Restraints No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

EXPLORING THE DOCUMENT

Although Congress

has implied powers, there are also limits to its powers. Section 9 lists powers that are denied to the federal government. Several of the clauses protect the people of the United States from unjust treatment. **In what ways does the Constitution limit the powers of the federal government?**

Vocabulary

¹⁷**Writ of Habeas Corpus** a court order that requires the government to bring a prisoner to court and explain why he or she is being held

¹⁸**Bill of Attainder** a law declaring that a person is guilty of a particular crime

¹⁹**ex post facto Law** a law that is made effective prior to the date that it was passed and therefore punishes people for acts that were not illegal at the time

²⁰**Capitation** a direct uniform tax imposed on each head, or person

Executive Branch

The president is the chief of the executive branch. It is the job of the president to enforce the laws. The framers wanted the president's and vice president's terms of office and manner of selection to be different from those of members of Congress. They decided on four-year terms, but they had a difficult time agreeing on how to select the president and vice president. The framers finally set up an electoral system, which varies greatly from our electoral process today.

Presidential Elections

In 1845 Congress set the Tuesday following the first Monday in November of every fourth year as the general election date for selecting presidential electors.

Article II The Executive

Section 1. The Presidency

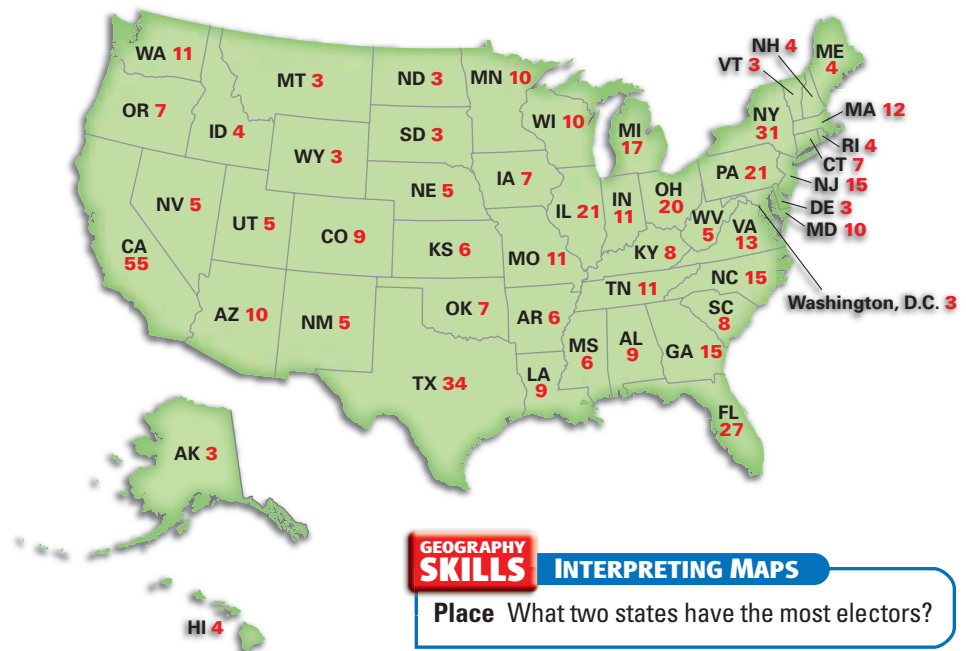
1. Terms of Office The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

2. Electoral College Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

3. Former Method of Electing President The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall

The Electoral College

11 Number of Electors



GEOGRAPHY SKILLS

INTERPRETING MAPS

Place What two states have the most electors?

then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately choose by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner choose the President. But in choosing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall choose from them by Ballot the Vice President.

4. Election Day The Congress may determine the Time of choosing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

5. Qualifications No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

6. Succession In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

7. Salary The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

8. Oath of Office Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"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."

EXPLORING THE DOCUMENT

The youngest elected

president was John F. Kennedy; he was 43 years old when he was inaugurated. (Theodore Roosevelt was 42 when he assumed office after the assassination of McKinley.)

What is the minimum required age for the office of president?

Presidential Salary

In 1999 Congress voted to set future presidents' salaries at \$400,000 per year. The president also receives an annual expense account. The president must pay taxes only on the salary.

Commander in Chief

Today the president is in charge of the army, navy, air force, marines, and coast guard. Only Congress, however, can decide if the United States will declare war.

Appointments

Most of the president's appointments to office must be approved by the Senate.

Vocabulary

²¹ **Reprieves** delays of punishment

²² **Pardons** releases from the legal penalties associated with a crime

The State of the Union

Every year the president presents to Congress a State of the Union message. In this message, the president introduces and explains a legislative plan for the coming year.

Section 2. Powers of Presidency

1. Military Powers 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**²¹ and **Pardons**²² for Offences against the United States, except in Cases of Impeachment.

2. Treaties and Appointments He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

3. Vacancies The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. Presidential Duties

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. Impeachment

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III The Judiciary

Section 1. Federal Courts and Judges

The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. Authority of the Courts

1. General Authority The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States ~~—between a State and Citizens of another State;~~ —between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, ~~and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.~~

2. Supreme Authority In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

Judicial Branch

The Articles of Confederation did not set up a federal court system. One of the first points that the framers of the Constitution agreed upon was to set up a national judiciary. In the Judiciary Act of 1789, Congress provided for the establishment of lower courts, such as district courts, circuit courts of appeals, and various other federal courts. The judicial system provides a check on the legislative branch: it can declare a law unconstitutional.

Federal Judicial System

QUICK
FACTS

Supreme Court

Reviews cases appealed from lower federal courts and highest state courts

Courts of Appeals

Review appeals from district courts

District Courts

Hold trials

3. Trial by Jury The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason

1. Definition Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

2. Punishment The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work **Corruption of Blood**,²³ or Forfeiture except during the Life of the Person attainted.

Article IV Relations among States

Section 1. State Acts and Records

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. Rights of Citizens

1. Citizenship The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

2. Extradition A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

3. Fugitive Slaves No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Vocabulary

²³ **Corruption of Blood** punishing the family of a person convicted of treason

EXPLORING THE DOCUMENT

The framers wanted to ensure that citizens could determine how state governments would operate. **How does the need to respect the laws of each state support the principle of popular sovereignty?**

Federalism

QUICK
FACTS

National

- Declare war
- Maintain armed forces
- Regulate interstate and foreign trade
- Admit new states
- Establish post offices
- Set standard weights and measures
- Coin money
- Establish foreign policy
- Make all laws necessary and proper for carrying out delegated powers

Shared

- Maintain law and order
- Levy taxes
- Borrow money
- Charter banks
- Establish courts
- Provide for public welfare

State

- Establish and maintain schools
- Establish local governments
- Regulate business within the state
- Make marriage laws
- Provide for public safety
- Assume other powers not delegated to the national government or prohibited to the states

ANALYSIS
SKILL

ANALYZING INFORMATION

Why does the power to declare war belong only to the national government?

Section 3. New States

1. Admission New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

2. Congressional Authority The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. Guarantees to the States

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

The States

States must honor the laws, records, and court decisions of other states. A person cannot escape a legal obligation by moving from one state to another.

EXPLORING
THE DOCUMENT

In a republic, voters elect representatives to act in their best interest. **How does Article IV protect the practice of republicanism in the United States?**

**EXPLORING
THE DOCUMENT**

America's founders may not have realized how long the Constitution would last, but they did set up a system for changing or adding to it. They did not want to make it easy to change the Constitution. **By what methods may the Constitution be amended? Under what sorts of circumstances do you think an amendment might be necessary?**

National Supremacy

One of the biggest problems facing the delegates to the Constitutional Convention was the question of what would happen if a state law and a federal law conflicted. Which law would be followed? Who would decide? The second clause of Article VI answers those questions. When a federal law and a state law disagree, the federal law overrides the state law. The Constitution and other federal laws are the "supreme Law of the Land." This clause is often called the supremacy clause.

Article V Amending the Constitution

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article VI Supremacy of National Government

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

**QUICK
FACTS**

Amending the U.S. Constitution

Amendments can be proposed by

Congress



with a two-thirds vote in each house

National Convention



called by Congress at the request of two-thirds of the state legislatures

or

Ratified by

Legislatures of three-fourths of the states

Conventions in three-fourths of the states

or

Amendment is added to the Constitution.

Article VII **Ratification**

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names,

George Washington—
President and deputy from Virginia

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 Gorham
Rufus King

Connecticut

William Samuel Johnson
Roger Sherman

New York

Alexander Hamilton

New Jersey

William Livingston
David Brearley
William Paterson
Jonathan Dayton

Pennsylvania

Benjamin Franklin
Thomas Mifflin
Robert Morris
George Clymer
Thomas FitzSimons
Jared Ingersoll
James Wilson
Gouverneur Morris

Attest:

William Jackson,
Secretary

Ratification

The Articles of Confederation called for all 13 states to approve any revision to the Articles. The Constitution required that 9 out of the 13 states would be needed to ratify the Constitution. The first state to ratify was Delaware, on December 7, 1787. Almost two-and-a-half years later, on May 29, 1790, Rhode Island became the last state to ratify the Constitution.

Constitutional Amendments

Note: The first 10 amendments to the Constitution were ratified on December 15, 1791, and form what is known as the Bill of Rights.

Bill of Rights

One of the conditions set by several states for ratifying the Constitution was the inclusion of a bill of rights. Many people feared that a stronger central government might take away basic rights of the people that had been guaranteed in state constitutions.

EXPLORING THE DOCUMENT

The First Amendment forbids Congress from making any “law respecting an establishment of religion” or restraining the freedom to practice religion as one chooses. **Why is freedom of religion an important right?**

Rights of the Accused

The Fifth, Sixth, and Seventh Amendments describe the procedures that courts must follow when trying people accused of crimes.

Vocabulary

²⁴ **quartered** housed

²⁵ **Warrants** written orders authorizing a person to make an arrest, a seizure, or a search

²⁶ **infamous** disgraceful

²⁷ **indictment** the act of charging with a crime

Amendments 1–10. The Bill of Rights

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be **quartered**²⁴ in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no **Warrants**²⁵ shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital, or otherwise **infamous**²⁶ crime, unless on a presentment or **indictment**²⁷ of a Grand Jury, except in

Fundamental Liberties

Freedom of Religion

Freedom of Speech



cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously **ascertained**²⁸ by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Trials

The Sixth Amendment makes several guarantees, including a prompt trial and a trial by a jury chosen from the state and district in which the crime was committed.

Vocabulary

²⁸ **ascertained** found out

EXPLORING THE DOCUMENT

The Ninth and Tenth Amendments were added because not every right of the people or of the states could be listed in the Constitution. **How do the Ninth and Tenth Amendments limit the power of the federal government?**



Freedom of the Press



Freedom of Assembly



Freedom to Petition the Government

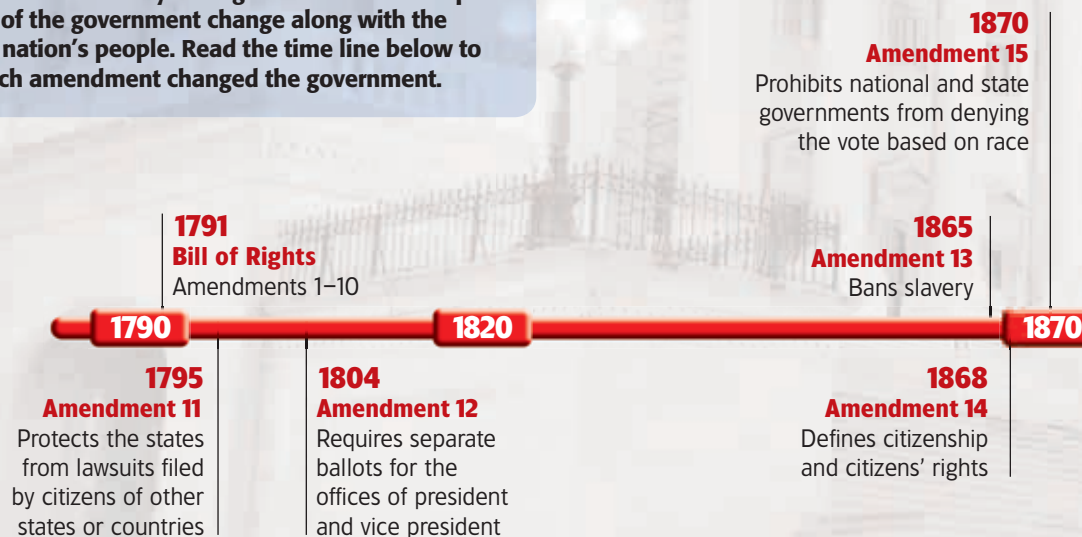
ANALYSIS SKILL

ANALYZING INFORMATION

Which amendment guarantees these fundamental freedoms?

Amendments to the U.S. Constitution

The Constitution has been amended only 27 times since it was ratified more than 200 years ago. Amendments help the structure of the government change along with the values of the nation's people. Read the time line below to learn how each amendment changed the government.



Amendments 11–27

Amendment XI

Passed by Congress March 4, 1794. Ratified February 7, 1795.

The Judicial power of the United States shall not be **construed**²⁹ to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment XII

Passed by Congress December 9, 1803. Ratified June 15, 1804.

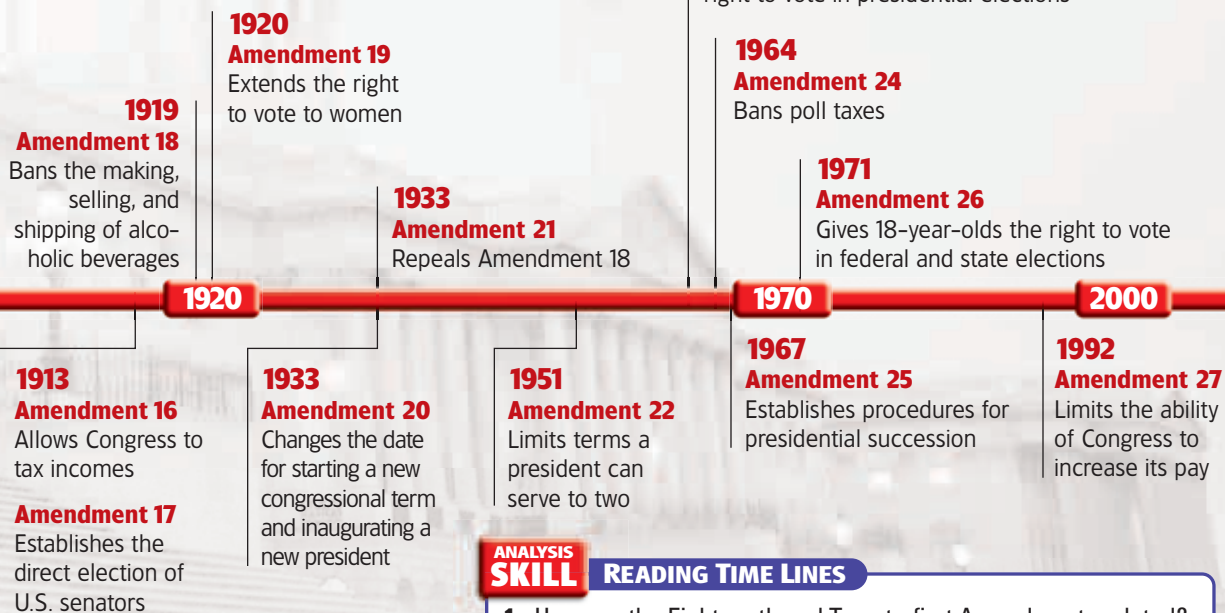
The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;—the President of the Senate shall, in the presence of the

Vocabulary

²⁹ **construed** explained or interpreted

President and Vice President

The Twelfth Amendment changed the election procedure for president and vice president.



ANALYSIS SKILL READING TIME LINES

1. How are the Eighteenth and Twenty-first Amendments related?
2. Which amendments relate to the right to vote?

Senate and House of Representatives, open all the certificates and the votes shall then be counted;—The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. ~~And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.~~—The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Abolishing Slavery

Although some slaves had been freed during the Civil War, slavery was not abolished until the Thirteenth Amendment took effect.

Protecting the Rights of Citizens

In 1833 the Supreme Court ruled that the Bill of Rights limited the federal government but not the state governments. This ruling was interpreted to mean that states were able to keep African Americans from becoming state citizens and keep the Bill of Rights from protecting them. The Fourteenth Amendment defines citizenship and prevents states from interfering in the rights of citizens of the United States.

Vocabulary

³⁰ **involuntary servitude**
being forced to work against one's will

Amendment XIII

Passed by Congress January 31, 1865. Ratified December 6, 1865.

1. Slavery Banned Neither slavery nor **involuntary servitude**,³⁰ except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

2. Enforcement Congress shall have power to enforce this article by appropriate legislation.

Amendment XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

1. Citizenship Defined All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. Voting Rights Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, ~~excluding Indians not taxed~~. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the ~~male~~ inhabitants of such State, ~~being twenty-one years of age~~, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such ~~male~~ citizens shall bear to the whole number of ~~male~~ citizens ~~twenty-one years of age~~ in such State.

3. Rebels Banned from Government No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

4. Payment of Debts The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and

The Reconstruction Amendments

The Thirteenth, Fourteenth, and Fifteenth Amendments are often called the Reconstruction Amendments. This is because they arose during Reconstruction, the period of American history following the Civil War. The country was reconstructing itself after that terrible conflict. A key aspect of Reconstruction was extending the rights of citizenship to former slaves.

The Thirteenth Amendment banned slavery. The Fourteenth Amendment required states to respect the freedoms listed in the Bill of Rights, thus preventing states from denying rights to African Americans. The Fifteenth Amendment gave African American men the right to vote.



African Americans participate in an election.

ANALYSIS SKILL

ANALYZING INFORMATION

Why was the Thirteenth Amendment needed?

bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, ~~or any claim for the loss or emancipation of any slave;~~ but all such debts, obligations and claims shall be held illegal and void.

5. Enforcement The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Amendment XV

Passed by Congress February 26, 1869. Ratified February 3, 1870.

1. Voting Rights The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

2. Enforcement The Congress shall have the power to enforce this article by appropriate legislation.

**EXPLORING
THE DOCUMENT**

The Seventeenth Amendment requires that senators be elected directly by the people instead of by the state legislatures. **What principle of our government does the Seventeenth Amendment protect?**

Prohibition

Although many people believed that the Eighteenth Amendment was good for the health and welfare of the American people, it was repealed 14 years later.

Amendment XVI

Passed by Congress July 2, 1909. Ratified February 3, 1913.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Amendment XVII

Passed by Congress May 13, 1912. Ratified April 8, 1913.

1. Senators Elected by Citizens The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

2. Vacancies When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

3. Future Elections This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII

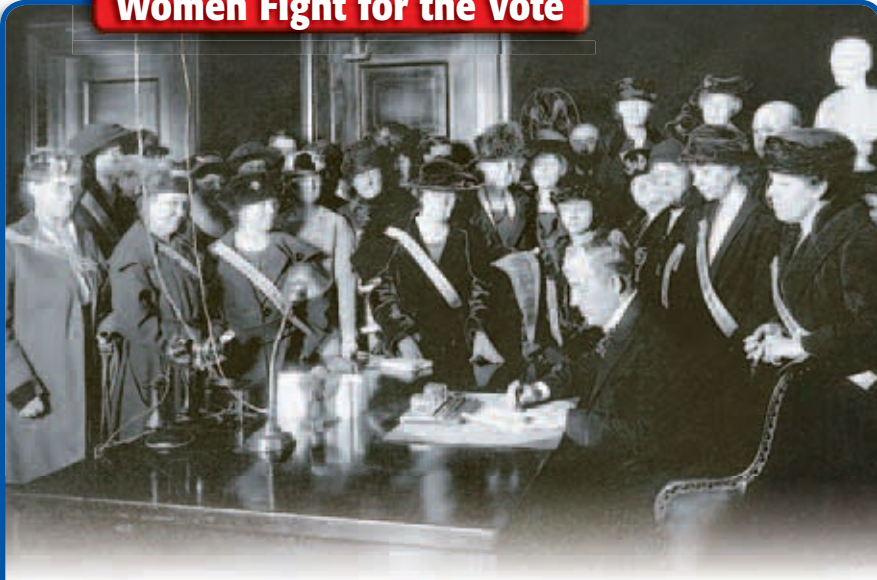
Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by Amendment XXI.

1. Liquor Banned After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

2. Enforcement The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

3. Ratification This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Women Fight for the Vote



To become part of the Constitution, a proposed amendment must be ratified by three-fourths of the states. Here, suffragists witness Kentucky governor Edwin P. Morrow signing the Nineteenth Amendment in January 1920. By June of that year, enough states had ratified the amendment to make it part of the Constitution. American women, after generations of struggle, had finally won the right to vote.

ANALYSIS SKILL

ANALYZING INFORMATION

What right did the Nineteenth Amendment grant?

Amendment XIX

Passed by Congress June 4, 1919. Ratified August 18, 1920.

1. Voting Rights The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

2. Enforcement Congress shall have power to enforce this article by appropriate legislation.

Amendment XX

Passed by Congress March 2, 1932. Ratified January 23, 1933.

1. Presidential Terms The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Women's Suffrage

Abigail Adams and others were disappointed that the Declaration of Independence and the Constitution did not specifically include women. It took many years and much campaigning before suffrage for women was finally achieved.

Taking Office

In the original Constitution, a newly elected president and Congress did not take office until March 4, which was four months after the November election. The officials who were leaving office were called lame ducks because they had little influence during those four months. The Twentieth Amendment changed the date that the new president and Congress take office. Members of Congress now take office during the first week of January, and the president takes office on January 20.

2. Meeting of Congress The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

3. Succession of Vice President If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

4. Succession by Vote of Congress The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

5. Ratification Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

6. Ratification This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

Amendment XXI

Passed by Congress February 20, 1933. Ratified December 5, 1933.

1. 18th Amendment Repealed The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

2. Liquor Allowed by Law The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

3. Ratification This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XXII

Passed by Congress March 21, 1947. Ratified February 27, 1951.

1. Term Limits No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. ~~But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.~~

2. Ratification This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

After Franklin D. Roosevelt was elected to four consecutive terms, limits were placed on the number of terms a president could serve.



Amendment XXIII

Passed by Congress June 16, 1960. Ratified March 29, 1961.

1. District of Columbia Represented The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

2. Enforcement The Congress shall have power to enforce this article by appropriate legislation.

EXPLORING
THE DOCUMENT

From the time
of President

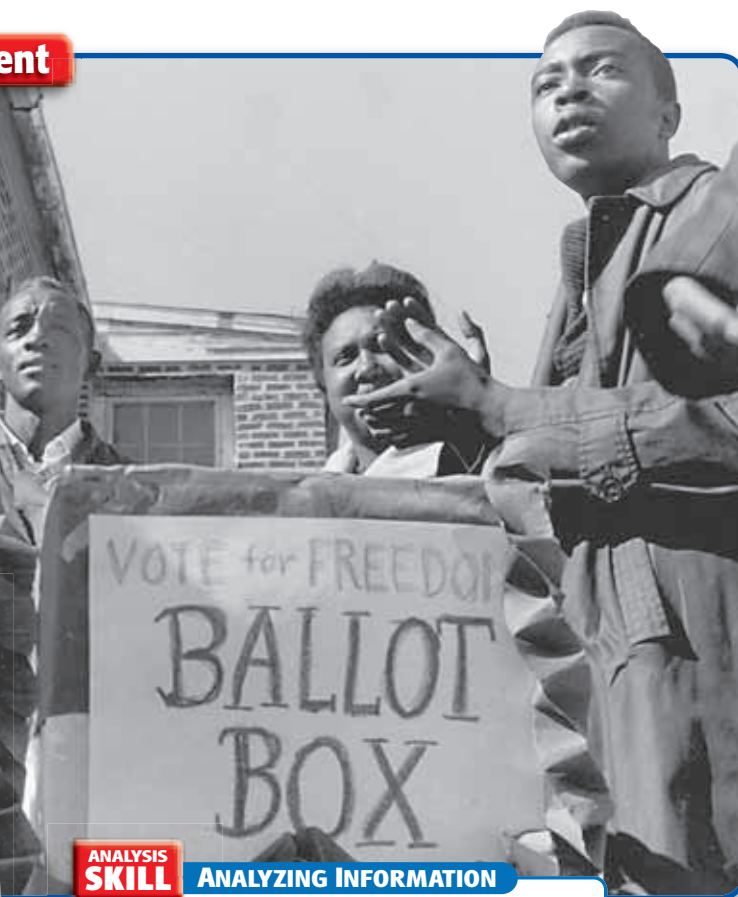
George Washington's administration, it was a custom for presidents to serve no more than two terms in office. Franklin D. Roosevelt, however, was elected to four terms. The Twenty-second Amendment restricted presidents to no more than two terms in office. **Why do you think citizens chose to limit the power of the president in this way?**

Voting Rights

Until the ratification of the Twenty-third Amendment, the people of Washington, D.C., could not vote in presidential elections.

Poll Tax Amendment

Poll taxes were used to deny many poor Americans, including African Americans and Hispanic Americans, their right to vote. These taxes were made unconstitutional by the Twenty-fourth Amendment.



ANALYSIS SKILL

ANALYZING INFORMATION

How did poll taxes deny poor Americans the opportunity to vote?

Presidential Disability

The illness of President Eisenhower in the 1950s and the assassination of President Kennedy in 1963 were the events behind the Twenty-fifth Amendment. The Constitution did not provide a clear-cut method for a vice president to take over for a disabled president or upon the death of a president. This amendment provides for filling the office of the vice president if a vacancy occurs, and it provides a way for the vice president—or someone else in the line of succession—to take over if the president is unable to perform the duties of that office.

Amendment XXIV

Passed by Congress August 27, 1962. Ratified January 23, 1964.

1. Voting Rights The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

2. Enforcement The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXV

Passed by Congress July 6, 1965. Ratified February 10, 1967.

1. Succession of Vice President In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

2. Vacancy of Vice President Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

3. Written Declaration Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

4. Removing the President Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

Amendment XXVI

Passed by Congress March 23, 1971. Ratified July 1, 1971.

1. Voting Rights The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

2. Enforcement The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXVII

Originally proposed September 25, 1789. Ratified May 7, 1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

Expanded Suffrage

The Voting Rights Act of 1970 tried to set the voting age at 18. However, the Supreme Court ruled that the act set the voting age for national elections only, not for state or local elections. The Twenty-sixth Amendment gave 18-year-old citizens the right to vote in all elections.

The Bill of Rights

What You Will Learn...

Main Ideas

1. The First Amendment guarantees basic freedoms to individuals.
2. Other amendments focus on protecting citizens from certain abuses.
3. The rights of the accused are an important part of the Bill of Rights.
4. The rights of states and citizens are protected by the Bill of Rights.

The Big Idea

The Bill of Rights was added to the Constitution to define clearly the rights and freedoms of citizens.

Key Terms and People

James Madison, *p. 178*
 majority rule, *p. 178*
 petition, *p. 179*
 search warrant, *p. 180*
 due process, *p. 180*
 indict, *p. 180*
 double jeopardy, *p. 180*
 eminent domain, *p. 180*



HSS 8.2.6 Enumerate the powers of government set forth in the Constitution and the fundamental liberties ensured by the Bill of Rights.

8.3.7 Understand the functions and responsibilities of a free press.

If YOU were there...

Your father runs a bookshop in colonial Boston in 1770. Your family lives in a very small, brick house. You and your sisters must share one small room. One day, a red-coated British officer knocks on your door and strides into the parlor. He says that your family will have to provide a room and meals for two British soldiers. “We’re already crowded!” you protest, but he insists.

Would you support the British government’s requirement that colonists provide food and shelter for troops? Why?

BUILDING BACKGROUND People in the American colonies resented the British soldiers stationed in their towns. They objected to sudden searches and to soldiers being housed in private homes. They disliked censorship of their newspapers. When the Constitution was written, Americans remembered those wrongs. They insisted on adding a bill of rights to the document.

First Amendment

Federalist **James Madison** promised that a bill of rights would be added to the Constitution. This promise allowed the Constitution to pass. In 1789 Madison began writing down a huge list of proposed amendments. He then presented a shorter list to the House of Representatives. Of those, the House approved 12. The states ratified 10, which took effect December 15, 1791. Those 10 amendments, called the Bill of Rights, protect U.S. citizens’ individual liberties.

The protection of individual liberties is important in a representative democracy. Without safeguards, people’s rights would not always be protected because of **majority rule**. This is the idea that the greatest number of people in society can make policies for everyone. While this means that most people agree on what the law should be, it also means that smaller groups might lose their rights. The Bill of Rights ensures that the rights of all citizens are protected.

The ideas spelled out in the First Amendment form the most basic rights of all U.S. citizens. These rights include freedom of religion,

freedom of the press, freedom of speech, freedom of assembly, and the right to petition.

In the spirit of Thomas Jefferson's Virginia Statute for Religious Freedom, the First Amendment begins, "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." In other words, the government cannot support or interfere with the practice of a religion. This amendment keeps the government from favoring one religion over any other or establishing an official religion.

The First Amendment also guarantees freedom of speech and of the press. This means that Americans have the right to express their own ideas and views. They also have the right to hear the ideas and views of others. Former senator Margaret Chase Smith discussed why these freedoms are important. "The key to security," she once said, "is public information."

Freedom of speech does not mean that people can say anything they want to, however. The Constitution does not protect

slander—false statements meant to damage someone's reputation. Libel, or intentionally writing a lie that harms another person, is not protected, either. The Supreme Court has also ruled that speech that endangers public safety is not protected. For example, Justice Oliver Wendell Holmes declared in 1919 that falsely shouting "Fire" in a crowded theater is not protected as free speech.

Americans also have freedom of assembly, or of holding meetings. Any group may gather to discuss issues or conduct business. If people gather peacefully and do not engage in illegal activities, the government cannot interfere. The right to **petition**, or make a request of the government, is another right of the American people. Any American can present a petition to a government official. This right lets Americans show dissatisfaction with a law. They can also suggest new laws.

THE IMPACT TODAY

Free-speech protection has also been applied to "symbolic" speech—non-verbal communication that expresses an idea, such as wearing a protest button.

READING CHECK Summarizing What rights does the First Amendment guarantee to Americans?

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Workers use the right of assembly to protest a proposed budget in New York City.



Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Protecting Citizens

The Second, Third, and Fourth Amendments relate to colonial disputes with Britain and reflect many of the ideals outlined in the Declaration of Independence. The Second Amendment deals with state militias and the right to bear arms. Colonial militias played a big role in the Revolutionary War. The framers of the Constitution thought that the states needed their militias for emergencies. Today the National Guard has largely replaced organized state militias.

Supporters of gun-control laws have generally argued that the Second Amendment was intended to protect the collective right of states to maintain well-regulated militia units. Opponents hold that the amendment was meant to protect an individual's right of self-defense. The meaning of the amendment continues to be debated.

The Third Amendment prevents the military from forcing citizens to house soldiers. Before the Revolution, the British pressured colonists to shelter and feed British soldiers. British leaders also forced colonists to submit to having their property searched for illegal goods. Anger over such actions led to the

Fourth Amendment rule against “unreasonable searches and seizures.” Before a citizen's property can be searched, authorities must now get a **search warrant**. This order gives authorities permission to search someone's property. A judge issues this order only when it seems likely that a search might uncover evidence relating to a crime. In emergencies, however, police can make an emergency search. This may preserve evidence needed to prove possible illegal activity.

READING CHECK Finding Main Ideas

Why were the Third and Fourth Amendments matters of great importance to Americans when the Bill of Rights was written?

Rights of the Accused

The Fifth, Sixth, Seventh, and Eighth Amendments provide guidelines for protecting the rights of the accused. According to the Fifth Amendment, the government cannot punish anyone without **due process of law**. This means that the law must be fairly applied. A grand jury decides if there is enough evidence to **indict** (en-DYt), or formally accuse, a person. Without an indictment, the court cannot try anyone for a serious crime. The Fifth Amendment also protects people from having to testify at their own criminal trial. To keep from testifying, a person need only “take the Fifth.” In addition, anyone found not guilty in a criminal trial cannot face **double jeopardy**. In other words, he or she cannot be tried again for the same crime.

The final clause of the Fifth Amendment states that no one can have property taken without due process of law. There is one exception: the government's power of **eminent domain**. This is the power to take personal property to benefit the public. One example would be taking private land to build a public road. However, the government must pay the owners a fair price for the property. If the property was gained illegally, then the owners are not paid.

The Sixth Amendment protects the rights of a person who has been indicted. It guarantees that person a speedy public trial. Public trials ensure that laws are being followed by allowing the public to witness the proceedings. Accused people have the right to know the charges against them and can hear and question witnesses testifying against them. Accused people have the right to an attorney. If they cannot pay for legal service, the government must provide it. Sometimes accused persons refuse their Sixth Amendment rights. For example, some defendants refuse the services of an attorney, while others choose to have a trial in front of a judge alone instead of before a jury. In many cases, defendants can forgo trial and agree to a plea bargain. This means that a defendant pleads guilty to a lesser charge and avoids risking conviction for a crime with a greater sentence.

The Seventh Amendment states that juries can decide civil cases. It is possible to harm another person without committing a crime. In such cases, the injured party may sue, or seek justice, in a civil court. Civil cases usually involve disputes over money or property. For example, someone might bring a civil suit against a person who refuses to repay a debt.

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

A judge and jury listen to a witness in a courtroom in Orange County, California.



A Right to Bail

The Eighth Amendment allows for bail. Bail is a set amount of money that defendants promise to pay the court if they fail to appear in court at the proper time.

By posting, or paying, bail, a defendant can avoid staying in jail before and during a trial. If a defendant does not show up in court for trial, the court demands the bail money be paid and issues a warrant for arrest.

The Eighth Amendment keeps courts from setting unfairly high bail. However, in cases of very serious crimes, a judge may refuse to set bail altogether. This can be the case, for example, if the court regards a defendant as being potentially dangerous to the public by being left free. A judge can also deny bail if he or she thinks the defendant will not show up for trial. In such cases the defendant must remain in jail through the trial.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

“Cruel and Unusual Punishments”

The Eighth Amendment also bans “cruel and unusual punishments” against a person convicted of a crime. For many years, Americans have debated the question of what exactly constitutes cruel and unusual punishment. The debate has often centered on the issue of capital punishment. In 1972 the Supreme Court ruled that the way in which most states carried out the death penalty was cruel and unusual. The Court also found that the ways in which many states sentenced people to death were unfair. However, a few years later, the Court ruled that not all executions were in themselves cruel and unusual.

Most states still allow the death penalty. Those that do must follow the Supreme Court’s rules. To do so, many states have changed the ways in which they carry out the death penalty.

READING CHECK Summarizing What is the purpose of the Eighth Amendment?

Rights of States and Citizens

The final two amendments in the Bill of Rights give a general protection for other rights not addressed by the first eight amendments. These amendments also reserve some governmental powers for the states and the people.

Ninth Amendment

The Ninth Amendment says that the rights listed in the Constitution are not the only rights that citizens have. This amendment has allowed the courts and Congress to decide other basic rights of citizens.

Tenth Amendment

The Constitution does not address the question of education. However, most Americans believe that it is a basic and essential right. This seems especially true in view of the fact that American citizens must be able to

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.



Section 2 Assessment

vote for the people who represent them in government. “Education is not just another consumer item. It is the bedrock [foundation] of our democracy,” explained educational leader Mary Hatwood Futrell. Today state governments offer free education from elementary to high school—to all citizens.

The Tenth Amendment recognizes that the states and the people have additional powers. These powers are any ones that the Constitution does not specifically give to Congress—the delegated powers. The Tenth Amendment makes it clear that any powers not either delegated to the federal government or prohibited to the states belong to the states and the people. Thus, the last amendment in the Bill of Rights protects citizens’ rights. It helps to keep the balance of power between the federal and state governments.

READING CHECK **Summarizing** How does the Tenth Amendment protect the rights of citizens?

SUMMARY AND PREVIEW In this section you learned about the Bill of Rights. In the next section you will learn about the responsibilities of citizenship.

Students learn about the rights and responsibilities of being a U.S. citizen.

Reviewing Ideas, Terms, and People **HSS** 8.2.6, 8.3.7

- Identify** What basic rights are protected by the First Amendment?
 - Explain** What does the right to **petition** the government mean?
 - Elaborate** Why is freedom of the press an important right?
- Describe** How are citizens protected under the Third and Fourth Amendments?
 - Draw Conclusions** In what ways did British actions before the Revolution lead to the Second, Third, and Fourth Amendments?
- Identify** What protections does the Eighth Amendment provide for people accused of crimes?
 - Elaborate** Why is it important that the Bill of Rights protects people accused of crimes?
- Recall** What is the purpose of the final two amendments in the Bill of Rights?
 - Analyze** How does the Tenth Amendment balance power between national and state governments?

Critical Thinking

- Summarizing** Copy the chart below. Use it to summarize the rights guaranteed to citizens by each amendment in the Bill of Rights.

Amendment	Right
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

FOCUS ON WRITING

- Gathering Information about the Bill of Rights** What freedoms are guaranteed by the Bill of Rights? Make a list of the most important freedoms. You’ll list those freedoms on the third page of your pamphlet.

What You Will Learn...

Main Ideas

1. Citizenship in the United States is determined in several ways.
2. Citizens are expected to fulfill a number of important duties.
3. Active citizen involvement in government and the community is encouraged.

The Big Idea

American citizenship involves great privileges and serious responsibilities.

Key Terms

naturalized citizens, p. 184
 deport, p. 184
 draft, p. 185
 political action committees, p. 186
 interest groups, p. 186



HSS 8.3.6 Describe the basic law-making process and how the Constitution provides numerous opportunities for citizens to participate in the political process and to monitor and influence government (e.g., function of elections, political parties, interest groups).

Rights and Responsibilities of Citizenship

If YOU were there...

Your older brother and his friends have just turned 18. That means they must register with selective service. But it also means that they are old enough to vote in national elections. You are interested in the upcoming elections and think it would be exciting to have a real voice in politics. But your brother and his friends don't even plan to register to vote.

How would you persuade your brother that voting is important?

BUILDING BACKGROUND Whether you are born an American citizen or become one later, citizenship brings many rights and privileges. But it also brings duties and responsibilities. Voting is both a right and a responsibility.

Gaining U.S. Citizenship

People become U.S. citizens in several ways. First, anyone born in the United States or a territory it controls is a citizen. People born in a foreign country are U.S. citizens if at least one parent is a U.S. citizen. Foreign-born people whose parents are not citizens must move to the United States to become **naturalized citizens**. Once in the United States, they go through a long process before applying for citizenship. If they succeed, they become naturalized citizens, giving them most of the rights and responsibilities of other citizens.

In the United States, legal immigrants have many of the rights and responsibilities of citizens but cannot vote or hold public office. The U.S. government can **deport, or return to the country of origin**, immigrants who break the law.

Legal immigrants over age 18 may request naturalization after living in the United States for five years. All legal immigrants have to

support themselves financially. If not, someone must assume financial responsibility for them. Immigrants must be law-abiding and support the U.S. Constitution. They must demonstrate understanding of written and spoken English. They also must show basic knowledge of U.S. history and government.

When this is done, candidates go before a naturalization court and take an oath of allegiance to the United States. They then get certificates of naturalization.

Only two differences between naturalized and native-born citizens exist. Naturalized citizens can lose their citizenship, and they cannot become president or vice president. Many famous Americans have been naturalized citizens, including scientist Albert Einstein and former secretary of state Madeleine Albright.

READING CHECK Drawing Conclusions

Why does U.S. law have such demanding requirements for people to become naturalized citizens?

Duties of Citizenship

For a representative democracy to work, Americans need to fulfill their civic duties. “The stakes...are too high for government to be a spectator sport,” former Texas congresswoman Barbara Jordan once said.

Citizens elect officials to make laws for them. In turn, citizens must obey those laws and respect the authorities who enforce them. Obeying laws includes knowing what they are and staying informed about changes. Ignorance of a law will not prevent a person from being punished for breaking it.

Another duty is paying taxes for services such as public roads, police, and public schools. People pay sales taxes, property taxes, and tariffs. Many Americans also pay a tax on their income to the federal, and sometimes state, government.

Citizens have the duty to defend the nation. Men 18 years or older must register with selective service. In the event of a **draft**, or required military service, those able



Becoming a Citizen

For many people around the world, becoming a citizen of the United States is a lifelong dream. The highlight of the naturalization process is the ceremony where candidates promise to “support and defend the Constitution and laws of the United States of America.”

to fight are already registered. Although women do not register, many serve in the armed forces.

Americans have the right to a trial by jury under the Sixth Amendment. To protect this right, citizens should be willing to serve on a jury when they are called. Otherwise, fulfilling each person’s Sixth Amendment rights would be difficult.

READING CHECK Making Inferences Why does citizenship carry with it certain responsibilities?

Responsibilities of Citizens

For representative democracy to work, citizens must do their part. Each activity pictured here serves an important role in the community.



Jury Duty



Military Service

Citizens and Government

Taking part in the elections process by voting may be a citizen's most vital duty. Through free elections, U.S. citizens choose who will lead their government.

Function of Elections

It is essential for citizens to learn as much as they can about the issues and candidates before voting. Information is available from many sources: the Internet, newspapers, television, and other media. However, voters should also be aware that some material may be propaganda or material that is biased deliberately to help or harm a cause.

In addition to voting, many Americans choose to campaign for candidates or issues. Anyone can help campaign, even if he or she is not eligible to vote. Many people also help campaigns by giving money directly or through **political action committees (PACs)**, groups that collect money for candidates who support certain issues.

Influencing Government

Even after an election, people can **influence** officials. Political participation is part of our nation's identity and tradition. When colonists protested British rule in the 1700s, they formed committees and presented their views to political leaders.

As the new American nation grew, so did political participation. French diplomat

Alexis de Tocqueville visited the United States in 1831 to study American democracy. He was amazed at the large number of political groups Americans participated in. He wrote about them:

“What political power could ever carry on the vast multitude [large number] of lesser undertakings which the American citizens perform every day, with the assistance of the principle of association [joining a group]? Nothing, in my opinion, is more deserving of our attention than the intellectual and moral associations of America.”

—Alexis de Tocqueville, *Democracy in America*

U.S. citizens sometimes work with **interest groups**. These groups of people share a common interest that motivates them to take political action. Interest groups organize speeches and rallies to support their cause. However, citizens need not join a group to influence government. They can write letters to leaders of government or attend city council meetings. Active political participation is an important duty for U.S. citizens and immigrants alike.

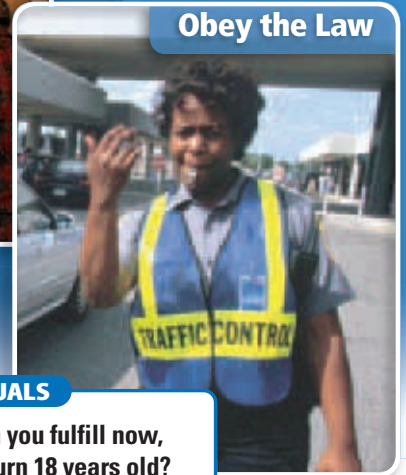
Helping the Community

Commitment to others moves many Americans to volunteer in community service groups. Some small communities rely on volunteers for services such as fire protection and law enforcement.

Other volunteer groups help government-sponsored agencies. For example, Citizens on

ACADEMIC VOCABULARY

influence
change or have an effect on



ANALYSIS SKILL ANALYZING VISUALS

Which responsibilities can you fulfill now, without waiting until you turn 18 years old?

Patrol and Neighborhood Watch groups ask volunteers to walk their neighborhoods and tell police if they observe possible criminal activity in the area. The American Red Cross helps citizens in times of natural disasters or other emergencies. The Boy Scouts and Girl Scouts plan many projects such as planting trees to improve the environment. Even simple acts such as picking up trash in parks or serving food in shelters help a community.

READING CHECK Summarizing In what ways do volunteer groups benefit the community?

SUMMARY AND PREVIEW In this section you learned about citizens' duties toward their nation and their communities. In the next chapter you will learn about the first government formed under the Constitution.

Section 3 Assessment

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Online Quiz

KEYWORD: SS8 HP5

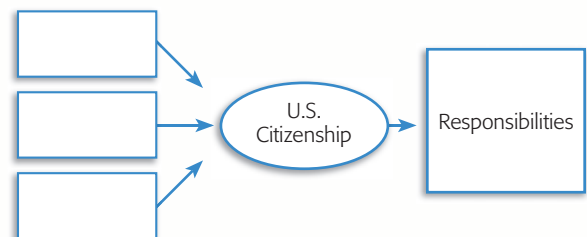
Reviewing Ideas, Terms, and People **HSS 8.3.6**

1. **a. Identify** What are the different ways in which a person can become a U.S. citizen?
b. Make Inferences Why do you think the law requires an immigrant to live in the United States at least five years before he or she can apply to become a **naturalized citizen**?
2. **a. Describe** What are three duties expected of U.S. citizens?
b. Evaluate In your opinion, which duty expected of citizens is the most important? Why?
3. **a. Identify** In what ways can citizens participate in the election process?
b. Draw Conclusions Why is it important that citizens participate in the political process?

Critical Thinking

4. **Analyzing** Copy the graphic organizer on the right.

Use it to analyze the different ways that a person can become a U.S. citizen and the responsibilities that all citizens share.



FOCUS ON WRITING

5. **Thinking about Citizenship** The last page of your pamphlet will have two parts—one part on requirements for citizenship and one part on the responsibilities of citizens. Look back through this section and make two lists, one on requirements and one on responsibilities.

Social Studies Skills

Analysis

Critical Thinking

Participation

Study



HR5 Students determine the context in which historical statements were made.

Determining the Context of Statements

Define the Skill

A *context* is the circumstances under which something happens. *Historical context* includes values, beliefs, conditions, and practices that were common in the past. At times, some of these were quite different from what they are today. To truly understand a historical statement or event, you have to take its context into account. It is not right to judge what people in history did or said based on present-day values alone. To be fair, you must also consider the historical context of the statement or event.

Learn the Skill

To better understand something a historical figure said or wrote, use the following guidelines to determine the context of the statement.

- 1 Identify the speaker or writer, the date, and the topic and main idea of the statement.
- 2 Determine the speaker's or writer's attitude and point of view about the topic.
- 3 Review what you know about beliefs, conditions, or practices related to the topic that were common at the time. Find out more about the times in which the statement was made if you need to.
- 4 Decide how well the statement reflects the values, attitudes, and practices of people living at that time. Then, determine how well it reflects values, attitudes, and practices related to the topic today.

Applying these guidelines will give you a better understanding of statements made by the

Constitution's framers. You read in Chapter 5 that the Constitution created a representative democracy. However, the original Constitution gave most Americans little voice in choosing their leaders. Only the House of Representatives was elected by the voters. Alexander Hamilton, one of the Constitutional Convention's leaders, told the delegates:

“The people are turbulent and changing; they seldom judge or determine right. Give therefore to the first [upper] class a distinct, permanent share in government. They will check the unsteadiness of the second [the masses].”

By modern standards, Hamilton's remark is undemocratic. But think about the times in which it was made. Shays's Rebellion had recently occurred. In addition, in those days most Americans had little or no education. Many could not even read or write. When its historical context is considered, the statement seems less harsh and extreme.

Practice the Skill

Read the following statement made by Patrick Henry in 1788. Then answer the questions to determine its context and better understand it.

“The Constitution is said to have beautiful features, but ... they appear to me horribly frightful....Your dearest rights may be sacrificed by what may be a small minority ... [that] ... may continue forever unchangeably this government, although horribly defective.”

1. What was Henry's opinion of the Constitution?
2. How might Americans' recent experience in the Revolution have caused him to feel that way?

Standards Review

Visual Summary

Use the visual summary below to help you review the main ideas of the chapter.

QUICK FACTS



The U.S. Constitution sets up a federal system of government, with powers divided between the federal government and state governments.



The powers of government are divided among three branches: the legislative, executive, and judicial branches.



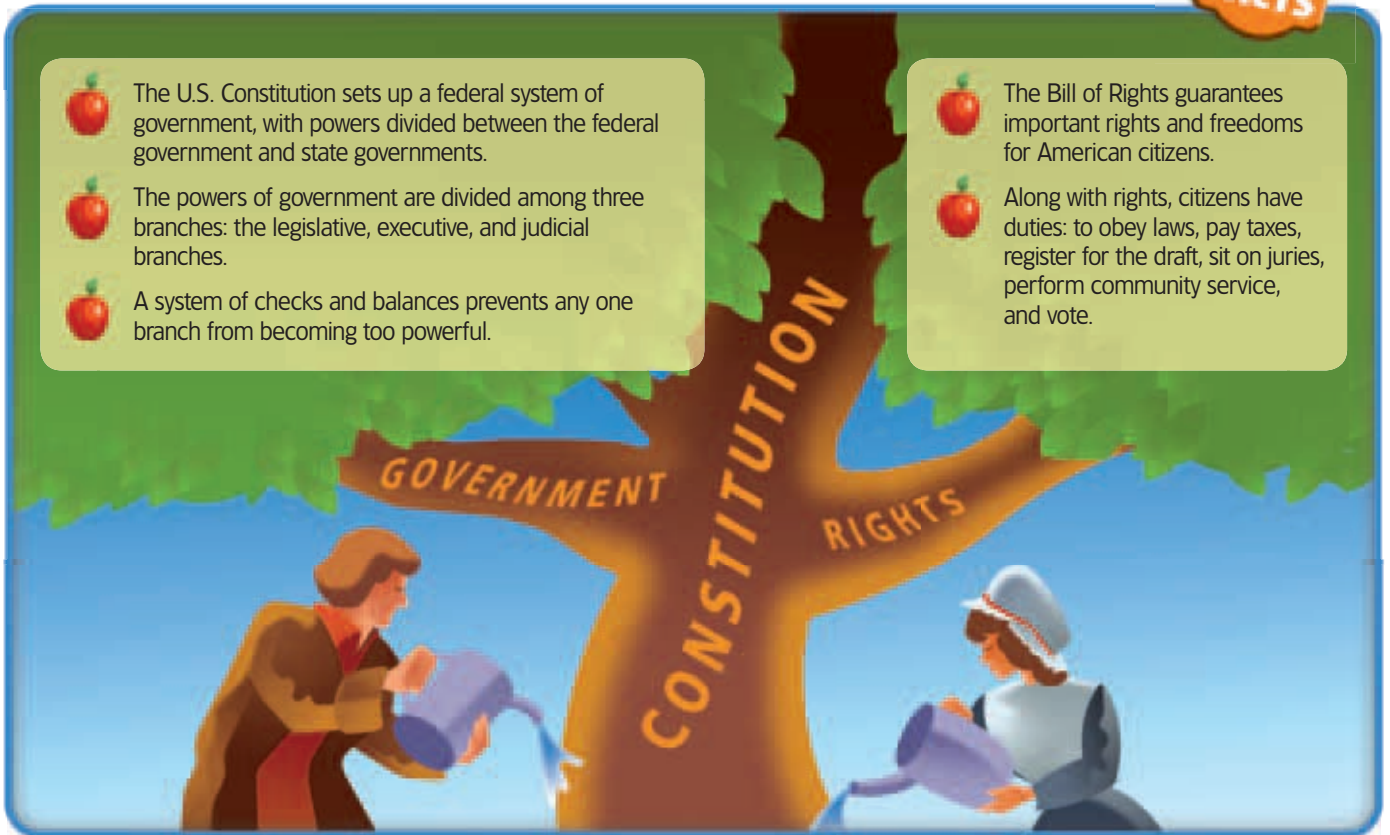
A system of checks and balances prevents any one branch from becoming too powerful.



The Bill of Rights guarantees important rights and freedoms for American citizens.



Along with rights, citizens have duties: to obey laws, pay taxes, register for the draft, sit on juries, perform community service, and vote.



Reviewing Vocabulary, Terms, and People

- Who promised to add a bill of rights to the U.S. Constitution?
 - Benjamin Franklin
 - Thomas Jefferson
 - Alexander Hamilton
 - James Madison
- What is the term for a person born in another country who becomes a citizen of the United States?
 - immigrant
 - partial citizen
 - naturalized citizen
 - separatist
- What are powers granted to the states called?
 - reserved powers
 - concurrent powers
 - stately powers
 - delegated powers
- What is the permission to look for evidence of a crime in a particular location called?
 - petition
 - impeachment
 - indictment
 - search warrant
- Who was the first female Supreme Court justice?
 - Abigail Adams
 - Susan B. Anthony
 - Barbara Jordan
 - Sandra Day O'Connor

Comprehension and Critical Thinking

SECTION 1 (Pages 144–148) HSS 8.2.6

6. a. **Describe** Name each branch of government and explain the duties of each.
- b. **Analyze** What checks and balances exist between the branches of government?
- c. **Evaluate** Do you think the three branches of government share their power equally? Explain your answer.

SECTION 2 (Pages 178–183) HSS 8.2.6, 8.3.7

7. a. **Identify** What is the Bill of Rights, and why was it added to the Constitution?
- b. **Analyze** In what ways does the Bill of Rights protect individuals from the power of government?
- c. **Elaborate** Which of the amendments in the Bill of Rights do you think is the most important? Why?

SECTION 3 (Pages 184–187) HSS 8.3.6

8. a. **Describe** What are the ways in which a person can gain U.S. citizenship?
- b. **Analyze** How are citizens able to influence their government?
- c. **Predict** What might result if individuals failed to fulfill their duties as citizens?

Reading Skills

Understanding Summarizing Use the Reading Skills taught in this chapter to answer the question about the reading selection below.

Freedom of speech does not mean that people can say anything they want to, however. The Constitution does not protect slander—false statements meant to damage someone’s reputation. Libel, or intentionally writing a lie that harms another person, is not protected, either. (p. 179)

9. Which of the following is a good summary of the selection?
 - a. Freedom of speech does not protect everything.
 - b. Slander is a false statement meant to damage someone’s reputation.

Reviewing Themes

10. **Politics** What important ideas has the U.S. Constitution contributed to government?
11. **Politics** Why is active political participation an important responsibility for people in the United States?

Social Studies Skills

Determining the Context of Statements Use the Social Studies Skills taught in this chapter to answer the questions about the quotation below.

“What political power could ever carry on the vast multitude [large number] of lesser undertakings which the American citizens perform every day, with the assistance of the principle of association [joining a group]? Nothing, in my opinion, is more deserving of our attention than the intellectual and moral associations of America.”

—Alexis de Tocqueville, *Democracy in America*

12. De Tocqueville wrote this about his trip to the United States in 1831. What is his main idea?
 - a. Governments can fill every need of citizens.
 - b. American organizations cannot accomplish much.
 - c. American organizations get too much attention.
 - d. American organizations fill important needs of citizens that government cannot.
13. Do you think that de Tocqueville’s statement accurately describes modern America? Why or why not?

FOCUS ON WRITING



14. **Creating a Pamphlet** You have gathered information about the Constitution, Bill of Rights, and citizenship. Use that information to create your pamphlet. On the first page, write a title and a phrase that will get your audience’s attention. On each of the following pages, you can use this format: (1) a heading and sentence at the top of the page identifying the topic of the page, and (2) the list of the most important points for that topic. Remember that page 2 is on the Constitution, page 3 is on the Bill of Rights, and page 4 is on citizenship.

Standards Assessment

DIRECTIONS: Read each question and write the letter of the best response.

1

“What a president says and thinks is not worth five cents unless he has the people and Congress behind him. Without Congress, I’m just a six-foot-four Texan. With Congress, I’m President of the United States in the fullest sense.”

— President Lyndon Johnson

What point about government was President Johnson making in this remark?

- A The president should be directly elected by the people.
- B Congress should not have any ability to control the president.
- C The president needs the support of Congress to be effective.
- D Congress and the president should share some powers.

2 **Which of the following rights is *not* protected in the Bill of Rights?**

- A the right to bear arms
- B the right to public education
- C the right to jury trials
- D the right to free speech

3 **The right of every American to be a member of a political party is an example of**

- A the principle of dual sovereignty.
- B the First Amendment right to freedom of assembly.
- C the principle of majority rule.
- D the Fifth Amendment right to due process of law.

4 **Which of the following is *not* a duty of citizenship?**

- A becoming informed about important issues
- B volunteering to work with a community-service group
- C serving on a jury
- D speaking English

5 **The right to freedom of the press would *not* protect a newspaper that**

- A knowingly spread harmful lies about someone.
- B criticized an elected government official.
- C deliberately encouraged people to peacefully protest a law.
- D opposed the government in time of war.

Connecting with Past Learning

6 **One of the principles built into the Constitution is that there should be checks on the power of government leaders. This idea is based on what earlier statement or document that you learned about in Grade 7?**

- A Ninety-five Theses
- B Declaration of the Rights of Man
- C Four Noble Truths
- D Magna Carta

7 **The legal rights and protections contained in the Bill of Rights are based on rights earlier granted to people in**

- A France.
- B England.
- C China.
- D Japan.