

The Preamble and Article 1: The Legislature

BEFORE YOU READ

In Chapter 8, you saw how the Constitution was created.

In the Preamble and Article I, you will learn how the Preamble introduces the Constitution and how Congress is set up.

AS YOU READ

Use the chart below to take notes on the Preamble and on the powers of Congress.

Preamble	
Article 1: The Legislature House of Representatives Senate	

TERMS & NAMES

Preamble Introduction to the U.S. Constitution

Congress National legislature of the United States

House of Representatives Lower house of Congress

Senate Upper house of Congress

checks and balances Provisions of the Constitution that keep one branch of the government from controlling the other two branches

enumerated powers Powers specifically granted in the Constitution

elastic clause Clause in the Constitution that allows Congress to pass laws necessary to carry out its enumerated powers

implied powers Powers not specifically stated in the Constitution

Preamble. Purpose of the Constitution

(page 248)

What does the Preamble do?

The **Preamble** is the introduction to the Constitution. It sets out to do two things. The first is to show the authority, or right to rule, of the new government. The Preamble states that this government is based on the approval of those who are to be governed. It is the people themselves who have the power to create a government. That is why the Constitution begins with the words, "We the people of the United States. . . ."

The second purpose of the Preamble is to state that this new government is being formed to:

- create a nation in which states work together
- set up and enforce fair laws
- keep peace within the country
- protect the country against attack
- ensure the well-being of the people, and
- make sure future citizens remain free.

1. What are the two purposes of the Preamble?

Article 1, Sections 1–6. The Organization of Congress (pages 249–251)

How are the House of Representatives and Senate different?

Article 1 of the Constitution sets up **Congress**. It is the legislative, or law-making, branch of government.

Congress is made up of two houses. Article 1, Section 2 sets up the **House of Representatives**. It is the lower house of Congress. Its members are elected every two years. The number of representatives each state has in the House is based on population. To be a member of the House, a person must be:

- 25 years old
- a U.S. citizen for seven years, and
- an inhabitant of the state where he or she was elected.

Section 2 also states that the representatives shall choose a Speaker of the House. The Speaker is the

leader of the House.

This section also gives the House of Representatives the power of *impeachment*. It can bring official charges of wrongdoing against officials in other branches of government, including the president. The Senate has the power to hold trials in impeachment cases. It takes a two-thirds vote of the Senate to convict the impeached person. If convicted, the person is removed from office.

Article 1, Section 3 sets up the **Senate**. This is the upper house of Congress. Each state is represented by two senators. At the Constitutional Convention, the framers decided to have the state legislatures choose the senators for their own state. (Senators are now elected directly by the voters in each state because of the 17th Amendment.) Senators serve six-year terms. Every two years, one-third of the Senate seats are up for election. To be a senator, a person must be:

- 30 years old
- a U.S. citizen for nine years, and
- an inhabitant of the state that elected him or her.

Article 1, Section 4 states that Congress shall meet at least once every year. Article 1, Section 5 establishes how Congress shall conduct business, including:

- the quorum, or minimum number of representatives that need to be present for an official meeting to be held
- the power to set rules for meetings
- the keeping of records of meetings, and
- rules for adjournment, or ending meetings.

Article 1, Section 6 establishes how senators and representatives shall be paid. It also states that no senator or representative can be arrested while attending meetings in Congress. Nor can they be punished for anything said during debate. In addition, senators and representatives cannot hold any other office in the U.S. government while serving in Congress.

2. What are two important differences between the House of Representatives and the Senate?

Article 1, Sections 7–10. Powers of Congress (pages 252–255)

What powers does Congress have?

Article 1, Section 7 explains how new laws are passed. A *bill* may be introduced in either the House or the Senate. (Bills regarding revenue, or raising money, are an exception. They can only be introduced in the House of Representatives.) But it must be approved by a majority vote in both houses.

To become a law, a bill needs the approval of the president. Presidential approval is part of the system of **checks and balances**. It gives the president, the head of the executive branch, a say in legislation. If the president does not approve the bill, he or she can *veto*, or reject, it. The bill can still become law if two-thirds of both houses vote to *override* the veto. This procedure ensures that neither the president nor Congress has too much power.

Section 8 lists specific powers of Congress. These powers are often called **enumerated powers**. They include the power to tax, to borrow money, and to set up courts. Clauses 11–16 give Congress control over the military. Clause 17 gives Congress legislative control over the District of Columbia, the seat of the federal government.

Clause 18 is a unique clause. It gives Congress the power to do what is “necessary and proper” to carry out its other powers. This clause is called the **elastic clause** because it can be used to expand the powers of Congress. This is the basis of the **implied powers** of the federal government.

Section 9 tells what powers Congress does not have. For instance, the government cannot take away a citizen’s right to a fair trial.

Section 10 tells what powers the states do not have. They cannot exercise the powers given to Congress in Section 8, such as making treaties or war. In addition, they cannot tax imports or exports.

3. How does Congress limit the power of the president?

Articles 2 and 3: The Executive and the Judiciary

BEFORE YOU READ

In the Preamble and Article I, you learned about the powers of Congress.

In Articles 2 and 3, you will read about the powers of the president and the powers of the judiciary.

AS YOU READ

Continue to use the chart you began in the last section to take notes on the powers of the executive and the judicial branches of government.

Article 2: The Executive	
Article 3: The Judiciary	

TERMS & VOICES

electoral college Electors chosen by the states to elect the president and vice-president

succession Order in which the office of president is filled if it becomes vacant before an election

State of the Union Address Message delivered by the president each year

Supreme Court Highest federal court in the United States

Article 2. The Executive (pages 256–259)

What are the powers of the president?

Article 2 sets up the executive branch. Section 1.1 creates the offices of the president and the vice-president. It also sets their terms at four years. The president is the leader of the executive branch. The president's chief responsibility is to execute, or carry out, the laws of the nation.

Section 1.2 sets up the **Electoral College** to elect the president. The president and vice-president are elected by electors chosen by the states.

Section 1.3 created the original rules for the election of the president. In this system, the electors used only one ballot to elect both the president and the vice-president. The candidate that received the most votes became president. The candidate with the second most votes became vice-president.

This system did not work well. The election of 1796 resulted in a vice-president from a different political party than the president. The election of 1800 resulted in a tie between two candidates of the

same party. The House of Representatives went through many votes before settling the issue. (To prevent such problems from happening again, the 12th Amendment was passed in 1804. It called for separate ballots for president and vice-president.)

The Electoral College is still important. Each state has as many electors as it has senators and representatives in Congress. The candidate that gets the most votes in a state almost always gets all the electoral votes of that state.

Section 1.5 sets the qualifications for the president. To be president, a person must be:

- a natural-born citizen
- 35 years old, and
- a resident of the United States for 14 years.

Section 1.6 explains **succession**, or what happens if a president cannot complete his or her term. The vice-president takes the president's office if the president is unable to finish the term. The Congress has the power to decide who should become president if neither the president nor vice-president can finish the term.

Section 1.7 sets the president's salary. The salary cannot be changed during his or her term of office. In this way, the president cannot be punished or rewarded by payment for certain political or official acts. Section 1.8 establishes the oath of office.

Section 2.1 makes the president commander-in-chief of the armed forces. This authority helps ensure that *civilians* maintain control over the military. This clause also helps the executive branch balance the power of Congress to declare war.

Section 2.2 gives the president the power to appoint ambassadors, federal judges, and other officers of the U.S. government.

The Constitution states that presidential appointments to these offices are to be made "by and with the advice and consent of the Senate." In other words, the Senate must approve the president's appointments. The president can also make treaties. But these must also be approved by the Senate.

Section 3 sets out other duties for the president. These duties include the requirement to give Congress "information of the State of the Union." This requirement has led to the president's **State of the Union Address**, which is delivered each year. The subject of the address is the condition, or state, of the nation.

Section 4 explains that the president and other officers can be removed from office if they are impeached and convicted of certain crimes. These crimes include treason, bribery, and other serious offenses.

1. What is one example of checks and balances found in Article 2?

Article 3. The Judiciary (pages 260–261)

What are the powers of the federal courts?

Article 3 sets up the judicial branch of the federal government. It established one **Supreme Court**, the highest court in the nation. But it allows for Congress to set up "inferior," or lower, federal courts.

Judges serve "during good behavior." In other words, they are appointed for life, unless they are found guilty of misbehavior. The salary of a judge cannot be lowered while the judge is in office.

Section 2 lists the kinds of cases that federal courts have jurisdiction, or authority, over. These cases include those that involve:

- ambassadors and other public officials
- admiralty and maritime issues, or issues related to shipping
- the U.S. government
- disagreements between two or more states, and
- disagreements between citizens of different states.

Section 2.3 again protects citizens' rights to a trial by jury. (See Article 1, Section 9.) Finally, Section 3 defines the crime of treason. It also sets limits on the punishments Congress can establish for treason.

2. What cases does the federal judiciary have jurisdiction over?

The Constitution Handbook (pages 262-263)

Articles 4-7: The States, Amendments, Federal Supremacy, and Ratification

BEFORE YOU READ

In Articles 2 and 3, you read about the powers of the executive and judicial branches.

Now you will see how Articles 4-7 grant specific powers to the national and state governments. You will also learn how the Constitution assures the supremacy of the national government.

TERMS & NAMES

extradition Procedure for returning a person charged with a crime to the state where the crime was committed

ratify To officially approve the Constitution or an Amendment to it

AS YOU READ

Continue your outline of the Constitution. Take notes on the relations among the states, how to amend the Constitution, how the Constitution was to be ratified, and the relation between the states and the national government.

Relations among states	
Amendments	
Ratification	
National government	

Article 4. Relations Among States

(pages 262-263)

How do the states relate to one another?

Article 4 sets out many principles of the federal system. It describes the relations among the states. It also describes the relations between the national government and the states.

Section 1 declares that the separate states must accept decisions, such as criminal convictions, that occur in other states. Section 2.2 allows for extradition. **Extradition** means that if a person charged with a crime in one state flees to another state, he or she must be returned to the state where the crime was committed.

Section 2 states that citizens of any of the United States are citizens of the whole nation. They have the same rights and privileges of citizenship no matter

which state they are in. However, slaves were not considered to be citizens. As a result, they did not have the rights of citizens.

Section 2.3 provides for the return of "people held to service or labor" to "the party to whom such service or labor be due." This clause was meant to ensure that runaway slaves be returned to their slaveholders. This shows that the Constitution recognized slavery as valid, even though the word "slavery" is not used. When the Thirteenth Amendment abolished slavery in 1865, it canceled this clause.

Section 3 describes the process for forming new states. It says that new states cannot be formed from any existing state without that state's approval. It also forbids the creation of a new state by joining together other states or parts of states unless the affected states

and Congress approve.

Section 3.2 gives Congress the authority to regulate any territory or property that belongs to the United States.

Section 4 guarantees that the states will have a republican form of government. It also ensures that the national government will defend the states against invasion or domestic violence.

1. According to Article 4, what responsibilities do the states owe to one another?

Amending the Constitution; The Supremacy of the National Government; Ratification (pages 263–265)

How can the Constitution be amended?

Article 5 sets up two ways of amending, or changing, the Constitution. In both cases, it takes more votes to **ratify**, or officially approve, an amendment than to propose an amendment.

To propose an amendment, it takes two-thirds of

Congress or two-thirds of state legislatures. It takes three-fourths of state legislatures or state conventions to ratify an amendment.

Article 6, Section 1 states that the new federal government that takes power after ratification of the Constitution will pay the debts of the United States that existed while the Confederation Congress governed the nation.

Section 2 makes the laws of the federal government the supreme law of the land. If a state law is in conflict with a national law, it is the national law that must be obeyed.

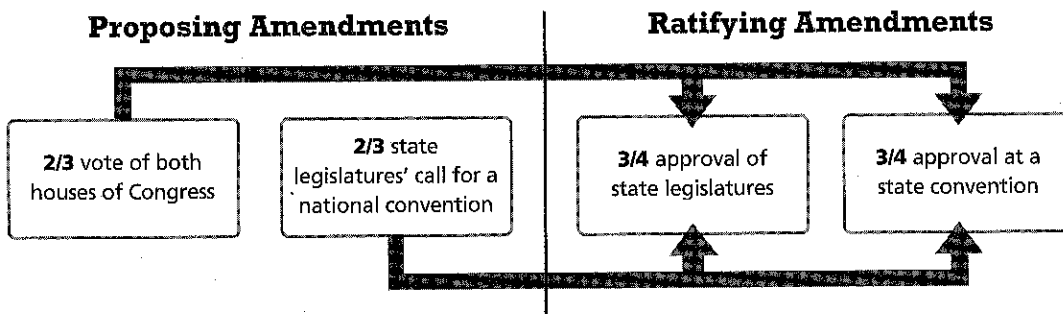
Section 3 states that senators and representatives must take an oath to support the Constitution. But no religious test shall ever be required to hold public office in the United States.

Finally, Article 7 says that the Constitution was to go into effect as soon as nine states voted to accept it. Nine was more than two-thirds of the states.

2. Why is it harder to ratify an amendment than to propose it?

Skillbuilder

Use the chart below to answer the questions.



1. In what two ways can a constitutional amendment be proposed?

2. In what two ways can an amendment be ratified?

The Bill of Rights and Amendments 11–27

BEFORE YOU READ

In Articles 4–7, you learned about the process of amending the Constitution.

Now you will learn about the Bill of Rights and the other amendments to the Constitution.

AS YOU READ

Continue your outline of the Constitution. Take notes on how amendments affected the government of the United States.

Amendments 1–10 (The Bill of Rights)	
Amendments 11–27	

TERMS & NAMES

Bill of Rights First ten amendments

double jeopardy Being tried more than once for the same crime

due process of law All the procedures for fair treatment that must be carried out whenever a citizen is accused of a crime

reserved powers Powers not specifically granted to the federal government or denied to the states belong to the states and the people

suffrage Right to vote

The Bill of Rights (pages 266–268)

What liberties are protected by the Bill of Rights?

The first ten amendments are called the **Bill of Rights**. They were added to the Constitution in 1791. The supporters of the Constitution had to promise to include these protections of citizens' rights in order to get enough of the states to ratify the Constitution.

Amendment 1 protects basic civil liberties. It prevents Congress from passing laws limiting citizens' freedom of religion, speech, and press. It says that citizens can assemble, or gather together, freely. Citizens also have the right to ask the government to correct injustices.

Amendment 2 says the federal government cannot prevent the people from having weapons. This amendment was meant to ensure that states and citizens could protect themselves from the military power of a cruel government—as the colonists did during the Revolution. Many people believe that this amendment was meant to protect the right of the states to have armed militias. For this reason, the right of individual citizens to carry weapons has

become controversial in modern times.

Amendment 3 says that citizens cannot be forced to let soldiers stay in their homes during peacetime.

Amendment 4 extends the people's right to privacy. It requires that a search warrant be issued before a citizen's home or belongings can be searched. Such a warrant can be issued only if a judge decides that it is likely that evidence of a crime will be found. The warrant must state exactly what evidence the government is looking for.

Amendment 5 requires that an indictment, or official accusation, be issued before a citizen can be held for a serious crime. It also prevents **double jeopardy**, or being tried more than once for the same crime. In other words, if a citizen is found not guilty in a trial, the government cannot keep bringing the case to trial. (Citizens found guilty do have the right of appeal, however.) This amendment also gives citizens the right to refuse to testify when their own testimony might *incriminate* them. It also guarantees **due process of law**. Due process means that all of the procedures for fair treatment must be carried out whenever a citizen is accused of a crime.

Amendment 6 guarantees the right to a “speedy and public trial.” It is intended to protect citizens from being kept in jail for long periods of time before they are brought to trial. The right to know the charges and to have a lawyer helps citizens defend themselves in court. This amendment also makes sure the people know what is going on in their courts.

Amendment 7 ensures that citizens will have a trial by jury.

Amendment 8 limits the fines and punishments that the government can impose.

Amendment 9 guarantees that rights are not denied to the people simply because they have not been mentioned in the Constitution.

Amendment 10 establishes the so-called **reserved powers**. It states that the powers that are not specifically given to the national government—as long as they are not specifically denied to the states—are reserved for the states and the people.

1. What are two ways the Bill of Rights protects citizens accused of crimes?

Amendments 11–27 (pages 269–277)

How have amendments changed American society?

Amendment 11 (1798) says that citizens of another state or a foreign country cannot sue a state in federal court unless the state agrees to it.

Amendment 12 (1804) changes the way presidents are elected. It kept the Electoral College from the original system. But it created one ballot for president and one for vice-president. The person to get a majority of electoral votes for president becomes president. The person who gets the majority of electoral votes for vice-president becomes vice-president.

Amendment 13 (1865) abolishes slavery.

Amendment 14 (1868) extends the rights of citizenship. It states that all persons born or *naturalized* in any of the United States are citizens of the United States. This was meant to protect African Americans by giving them the same rights as other Americans.

Amendment 15 (1870) states that citizens cannot be prevented from voting on the basis of race, color, or if the person had been a slave. This amendment was initially intended to protect the voting rights of African Americans.

Amendment 16 (1913) gives Congress the power to impose a national income tax.

Amendment 17 (1913) states that senators shall be elected directly by the people rather than by the state legislatures.

Amendment 18 (1919) is known as Prohibition. It banned the manufacture, sale, or shipment of alcoholic beverages. It was repealed by Amendment 21 (1933).

Amendment 19 (1920) grants **suffrage**, or the right to vote, to women.

Amendment 20 (1933) changes the day that a new president takes office. It moved the day from March 4 to January 20 of the year following the election. It also states that Congress shall meet on January 3, every year. Finally, this amendment sets rules for who should act as president if no one has been qualified to do so at the time of the inauguration.

Amendment 22 (1951) sets limits on the number of terms a president may serve. No person may be elected president more than twice.

Amendment 23 (1961) gives the District of Columbia the right to have electors in the Electoral College. It has the same number of electors as if it were a state. But it cannot have more electors than the state with the lowest population.

Amendment 24 (1964) makes poll taxes, charges that need to be paid in order to vote, illegal.

Amendment 25 (1967) sets rules for who should succeed, or take the place of, the president if he or she is unable to perform the duties of the office.

Amendment 26 (1971) extends the right to vote to 18-year olds.

Amendment 27 (1992) states that pay raises for senators and representatives cannot take effect until after the next election for representatives is held.

2. How did Amendments 15, 19, 24, and 26 affect American society?

Glossary/After You Read

bill Draft of a proposed law presented to the legislature for approval

civilians People who are not in the armed forces

impeachment Official accusation of wrongdoings by the House of Representatives against a government official

incriminate To cause to appear guilty of a crime

naturalized Granted full citizenship to one of foreign birth

override To declare null and void; to set aside

veto Power of a chief executive to reject a bill passed by the legislature and prevent it from becoming a law

Terms & Names

A. Write the letter of the name or term next to the description that explains it best.

- | | |
|------------------|-----------------------------|
| a. Preamble | d. Congress |
| b. Senate | e. judicial power |
| c. Supreme Court | f. House of Representatives |

- _____ 1. The lower house of Congress
- _____ 2. The introduction to the Constitution
- _____ 3. The legislative branch of government
- _____ 4. The upper house of Congress
- _____ 5. The highest federal court

B. Write the name or term that best completes each sentence.

- | | |
|-------------------|-----------------|
| enumerated powers | Bill of Rights |
| succession | double jeopardy |
| elastic clause | suffrage |

1. The Fifth Amendment protects citizens against _____, or being tried twice for the same crime.
2. Several amendments expanded _____, or the right to vote.
3. The first 10 amendments are known as the _____.
4. Particular powers of the Congress that are listed in Article 1 are often called the _____ of Congress.
5. The clause giving Congress power to do whatever is "necessary and proper" to govern is called the _____.

Main Ideas

1. Why are there more House members than Senate members?

2. How can the president lose his or her job before election time?

3. How are Supreme Court justices appointed?

4. What is the importance of the Bill of Rights?

5. What did the 26th Amendment do?

Thinking Critically

Answer the following questions on a separate sheet of paper.

1. How does the Constitution reflect the fear of making the country's leader too strong?
2. Which two amendments do you think have had the greatest effect in protecting democracy in the United States?