Section 1
Understanding the Constitution

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. The federal government has used this clause to provide public services such as funding for the arts and humanities.

Separation of Powers
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.
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.

**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.

**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.

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.
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 2

The Bill of Rights

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.

### 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 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?

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**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 served, 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 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.

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 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.

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.

Tenth Amendment
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.

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.

Section 3
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.

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 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.

**Responsibilities of Citizens**

Jury Duty  
Military Service  
Community Service  
Voting  
Obey the Law

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

**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.

Volunteer groups also help government-sponsored agencies. For example, Citizens on 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.