

3

A More Perfect Union

As You Read

Explore These Questions

- What ideas helped shape the Constitution?
- How did the framers of the Constitution divide power between the national government and the states?
- How did they limit the power of government?

Define

- republic
- separation of powers
- federalism
- electoral college
- checks and balances
- bill
- veto
- override
- impeach

Identify

- Magna Carta
- English Bill of Rights
- House of Burgesses
- Mayflower Compact
- Enlightenment
- John Locke
- Montesquieu

SETTING the Scene

Jonathan Smith, a Massachusetts farmer, wanted to learn the results of the Constitutional Convention. During Shays' Rebellion, he had seen how weak government could lead to violence and tyranny. Smith noted:

“When I saw this Constitution, I found that it was a cure for these disorders. It was just such a thing as we wanted. I got a copy of it and read it over and over. I had been a member of the convention to form our state constitution, and had learnt something of the checks and balances of power; and I found them all here. I formed my own opinion, and I was pleased with this Constitution.”

The framers of the Constitution had designed a **republic**, a government in which citizens rule themselves through elected representatives. The Constitution outlined a new government that would be strong. At the same time, it protected the people from excessive power in government. As Smith hoped, it also prevented any one branch of government from becoming too powerful.

Origins of the Constitution

The framers of the Constitution were well-educated men. They were familiar with the traditions of British and American gov-

ernment. Many of them had read the latest works of Europe's leading political philosophers. In creating the Constitution, the framers made good use of their rich knowledge and experience.

British government

As you learned in Chapter 3, the **Magna Carta** limited the power of English rulers. The Magna Carta contained two basic ideas that helped to shape both British and American government. First, it stated that English nobles had certain rights—rights that were later extended to other classes of people as well. Second, the Magna Carta made clear that English monarchs themselves had to obey the law.

When King John signed the Magna Carta, he agreed not to raise taxes without first consulting the Great Council of nobles and church officials. Eventually, the Great Council grew into the representative body known as Parliament. Parliament consisted

Connections With Civics

Benjamin Franklin admired the government formed by Indian nations in the Iroquois League. The nations in the League governed their own affairs, but joined together for mutual defense.

of two bodies—the House of Lords and the House of Commons.

In the Magna Carta, King John was also forced to recognize that citizens had legal rights. One of the most important of these was the right to a trial by jury:

“No freeman shall be arrested or imprisoned or dispossessed or... in any way harmed... except by the lawful judgment of his peers or by the law of the land.”

In 1689, the **English Bill of Rights** went further in limiting the monarchy and protecting the rights of citizens. The document said that parliamentary elections should be held regularly. It reaffirmed the right to a trial by jury, while protecting people from excessive fines and cruel or unjust punishment. It allowed citizens to bear arms. It also affirmed the right of habeas corpus, the idea that no person could be held in prison without first being charged with a specific crime.

The American experience

Americans enjoyed a long tradition of elected representative government. In 1619, the Virginia colonists set up the **House of Burgesses**. Eventually, each of Britain's thirteen American colonies had its own representative legislature.

Another American tradition was having written documents that clearly identified the powers and limits of government. In 1620, the Pilgrim leaders at Plymouth drew up and signed the **Mayflower Compact**, the first document of self-government in North America. They agreed to “combine ourselves together in a civil body politic” in order to establish “just and equal laws.” Each of the 13 colonies had a written charter granted by the monarch or Parliament.

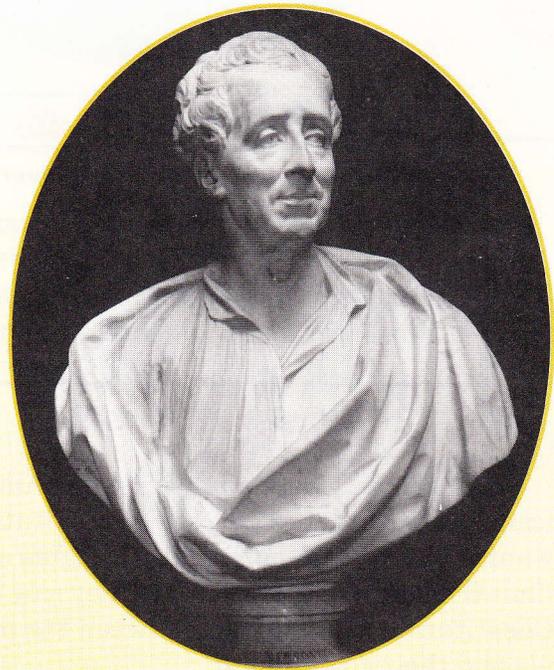
The framers of the Constitution also drew on their own experiences. They were very familiar with the workings of the Second Continental Congress, the Articles of Confederation, and their own state governments. Much that went into the Constitution came from either the Articles or from one of the state constitutions.

The Enlightenment

The Constitution was also based on the ideas of the European **Enlightenment**. Enlightenment thinkers believed that people could improve society through the use of reason. Many of the Constitution's framers had read the works of Enlightenment thinkers, such as John Locke and the Baron de Montesquieu (MOHN tehs kyoo).

In 1690, **John Locke** published *Two Treatises on Government*. In it, he stated two important ideas.

First, Locke declared that all people had natural rights to life, liberty, and property. Second, he suggested that government is an agreement between the ruler and the ruled. The ruler must enforce the laws and protect the people. If a ruler violates the people's natural rights, the people have a right to rebel.



Biography

Baron de Montesquieu

Montesquieu studied European, Chinese, and Native American governments. His ideas influenced the framers of the Constitution to divide government power among three separate branches. He said that “government should be set up so that one man need not be afraid of another.” ★ **Why do you think the framers of the Constitution did not want to place all power into a single branch of government?**

The Federal System

Powers Delegated to the National Government

- Regulate interstate and foreign trade
- Set standard weights and measures
- Create and maintain armed forces
- Make copyright and patent laws
- Establish postal offices
- Establish foreign policy
- Create federal courts
- Coin money
- Declare war
- Admit new states

Shared Powers

- Provide for public welfare
- Administer criminal justice
- Charter banks
- Raise taxes
- Borrow money

Powers Reserved to the States

- Create corporation laws
- Regulate trade within state
- Establish and maintain schools
- Establish local governments
- Make laws about marriage and divorce
- Conduct elections
- Provide for public safety

Graphic Organizer *Skills*

The system of federalism divides power between the national government and state governments.

- 1. Comprehension** (a) List two powers shared by national and state governments. (b) List two powers reserved to the states.
- 2. Critical Thinking** Why do you think the power to create and maintain armed forces was delegated to the federal government?

Civics



Locke's ideas were popular among Americans. The framers of the Constitution wanted to protect people's natural rights and limit the power of government. They saw the Constitution as a contract between the people and their government.

In 1748, the French thinker Baron de **Montesquieu** published *The Spirit of the Laws*. He urged that the power of government be divided among three separate branches: the legislative, executive, and judicial. This idea, known as the **separation of powers**, was designed to keep any person or group from gaining too much power.

Montesquieu stressed the importance of the rule of law. The powers of government, he

said, should be clearly defined. This would prevent individuals or groups from using government power for their own purposes. In the Constitution, the framers set out the basic laws of the nation, defining and limiting the powers of the government.

A Federal System

The framers had to decide how to divide power between the national government and the states. Under the Articles of Confederation, states had more power than Congress. Under the Constitution, states delegated, or gave up, some of their powers to the national government. At the same time, the states reserved, or kept, other powers. This division

of power between the states and the national government is called **federalism**.

Federal powers

The Constitution spells out the powers of the federal government. For example, only the federal government can coin money or declare war. The federal government can also regulate trade between the states and with other countries.

State powers

Under the Constitution, states have the power to regulate trade within their borders. They decide who can vote in state elections. They also have power to establish schools and local governments.

In addition, the Constitution says that those powers not clearly given to the federal government belong to the states or the people. This point pleased people who were afraid that the federal government might become too powerful.

Shared powers

The Constitution lists some powers that are to be shared by federal and state governments. Both governments, for example, can build roads and raise taxes.

The framers of the Constitution had to decide how the state governments and the federal government would settle disagreements. They did so by making the Constitution “the supreme law of the land.” This means that the Constitution is the final authority in any dispute between the states and the federal government.

Separation of Powers

The framers of the Constitution set up a strong federal government. However, they also took steps to prevent any one branch from becoming too powerful. James Madison said that this was necessary in order to prevent tyranny:

“The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether one, a few, or many... may justly be pronounced the very definition of tyranny.”

To prevent such a tyranny, the framers relied on Montesquieu’s idea of separation of powers. In the Constitution, they created three branches of government and then defined the powers of each.

The legislative branch

The legislative branch of government is Congress. Its main function is to make laws. Congress consists of the House of Representatives and the Senate. Members of the House are elected for two-year terms. Senators are elected for six-year terms.

Under the Constitution, voters in each state elect members of the House of Representatives. Delegates to the Constitutional Convention wanted the House to represent the interests of ordinary people.

At first, the Constitution provided for senators to be chosen by state legislatures. In 1913, this was changed. Today, senators are elected in the same way as House members.

Article 1 of the Constitution sets out the powers of Congress. These include the power to collect taxes and to regulate foreign and interstate trade. In foreign affairs, Congress has the power to declare war and to “raise and support armies.”

The executive branch

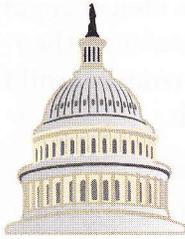
Article 2 of the Constitution sets up the executive branch of government. It is headed by the President. The executive branch also includes the Vice President and any advisers appointed by the President. The President and Vice President serve four-year terms.

The President is responsible for carrying out all laws passed by Congress. The President is also commander in chief of the armed forces and is responsible for directing foreign relations. Over the years, the power of the presidency has greatly increased.

The judicial branch

Article 3 of the Constitution calls for a Supreme Court. The article also allows Congress to set up other federal courts. The Supreme Court and other federal courts hear cases that involve the Constitution or any laws passed by Congress. They also hear cases arising from disputes between two or more states.

Separation of Powers

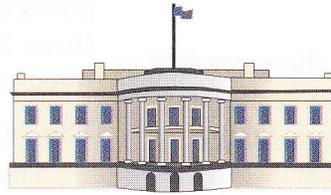


Legislative Branch

(Congress)

Passes laws

- Can override President's veto
- Approves treaties and presidential appointments
- Can impeach and remove President and other high officials
- Creates lower federal courts
- Appropriates money
- Prints and coins money
- Raises and supports the armed forces
- Can declare war
- Regulates foreign and interstate trade

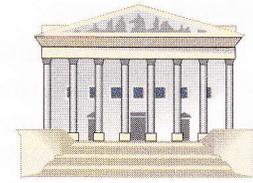


Executive Branch

(President)

Carries out laws

- Proposes laws
- Can veto laws
- Negotiates foreign treaties
- Serves as commander in chief of the armed forces
- Appoints federal judges, ambassadors, and other high officials
- Can grant pardons to federal offenders



Judicial Branch

(Supreme Court and Other Federal Courts)

Interprets laws

- Can declare laws unconstitutional
- Can declare executive actions unconstitutional

Chart Skills

The Constitution set up three branches of government. Each of the branches has its own powers.

- 1. Comprehension** (a) Who heads the executive branch? (b) What is the role of the legislative branch?
- 2. Critical Thinking** Based on this chart, describe the relationship between the judicial branch and the executive branch.



Electing the President

The framers of the Constitution wanted to ensure that the President would not become too strong. Some feared that a President elected directly by the people might become too independent of Congress and the states.

Others opposed direct election because they worried that voters would not know a candidate from outside their area. In the late 1700s, news traveled slowly. New Englanders would probably know little about a candidate from the South. A candidate from Pennsylvania might be unknown to voters in Vermont or Georgia.

As a result of these concerns, the Constitution calls for an **electoral college**. It is made up of electors from every state. Every

four years, the electors vote for the President and Vice President of the United States.

The framers of the Constitution expected that the electors would be well informed and familiar with the national government. They believed that such people would choose a President and Vice President wisely.

Checks and Balances

The Constitution set up a system of **checks and balances**. Under this system, each branch of the federal government has some way to check, or control, the other two branches. The system of checks and balances is another way in which the Constitution limits the power of government. (See the chart on page 148.)

Checks on Congress

To do its work, Congress passes **bills**, or proposed laws. A bill then goes to the President to be signed into law. The President can check the power of Congress by **vetoing**, or rejecting, a bill.

The Supreme Court checks the power of Congress by reviewing laws. If a law violates the Constitution, the Court can declare the law unconstitutional.

Checks on the President

After the President vetoes a bill, Congress can **override**, or overrule the veto. To override a veto, two thirds of both houses of Congress must vote for the bill again. In this way, a bill can become law without the President's signature.

Congress has other checks on the President. The President appoints officials such as ambassadors to foreign countries and federal judges. The Senate must approve these appointments. The President can negotiate treaties with other nations; however, a treaty becomes law only if two thirds of the Senate approve it.

Congress also has the power to remove a President from office if it finds the President

guilty of a crime or serious misbehavior. First of all, the House of Representatives must **impeach**, or bring charges against, the President. A trial is then held in the Senate. If two thirds of the senators vote for conviction, the President must leave office.

Checks on the courts

Congress and the President have checks on the courts. The President appoints judges, who must be approved by the Senate. If judges misbehave, Congress may remove them from office. Congress establishes the number of justices in the Supreme Court. Congress can also propose changes to the Constitution to overturn Court decisions.

A Living Document

The Constitution carefully balances power among the three branches of the federal government. It also divides power between the federal government and the states. This balance has helped keep it alive for more than 200 years, longer than any other written constitution in the world. The Constitution has lasted because it is a living document. As you will read, it can be changed to meet new conditions.

★ Section 3 Review ★

Recall

1. **Identify** (a) Magna Carta, (b) English Bill of Rights, (c) House of Burgesses, (d) Mayflower Compact, (e) Enlightenment, (f) John Locke, (g) Montesquieu.
2. **Define** (a) republic, (b) separation of powers, (c) federalism, (d) electoral college, (e) checks and balances, (f) bill, (g) veto, (h) override, (i) impeach.

Comprehension

3. Describe three traditions or ideas that helped to shape the Constitution.

4. Why did the framers of the Constitution set up a system of federalism?
5. Describe one check on each of the following:
(a) Congress, (b) the President, (c) the courts.

Critical Thinking and Writing

6. **Analyzing Ideas** On page 128, you read that the framers "... saw the Constitution as a contract between the people and their government." What do you think is meant by this statement?
7. **Comparing** Was the national government stronger under the Articles of Confederation or the Constitution? Explain.



Activity Summarizing You have been shipwrecked on a far-off island! The islanders want to set up a government like that of the United States. Write a summary for them in which you explain the basic ideas behind the Constitution.



Ratifying the Constitution



Explore These Questions

- What arguments did Americans raise for and against the Constitution?
- How can the Constitution be amended?
- What rights does the Bill of Rights protect?

Define

- ratify
- amend
- due process

Identify

- Federalist
- Antifederalist
- *The Federalist Papers*
- Bill of Rights

SETTING the Scene

In homes and in town squares across the nation, Americans discussed the new Constitution. Many supported it. Many others did not. Its critics especially worried that the Constitution had no bill of rights. In Virginia, Patrick Henry sounded the alarm:

“ Show me an age and country where the rights and liberties of the people were placed on the sole chance of their rulers being good men, without a consequent loss of liberty! ”

Was a bill of rights needed? Did the Constitution give too much power to the federal government? In the fall of 1787, citizens began to debate the document sentence by sentence. The Convention had done its work. Now the states had to decide whether or not to ratify the new frame of government.

The Constitution Goes to the Nation

The framers of the Constitution sent the document to Congress. With it, they sent a letter from George Washington, as president of the Constitutional Convention. In the letter, Washington described how the framers had struggled to make the Constitution meet the varied needs of the different states. He wrote:

“ In our deliberations, we kept steadily in view... the greatest inter-

ests of every true American. That [the Constitution] will meet the full and entire [approval] of every state is not perhaps to be expected; but each will doubtless consider that had her interest been alone consulted, the consequences might have been... disagreeable or [harmful] to others. ”

Washington warmly endorsed the document and called on Congress to support it. It was his belief, he said, that the Constitution would “promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness.”

The framers of the Constitution had set up a process for the states to decide on the new government. At least 9 of the 13 states had to **ratify**, or approve, the Constitution before it could go into effect. In 1787 and 1788, voters in each state elected delegates to special state conventions. These delegates then met to decide whether or not to ratify the Constitution.



Connections With Science

Today, the Constitution is publicly displayed. For protection against damage due to light, insects, and impurities in the air, each page is in a glass case filled with helium. Levels of light and humidity are carefully controlled.

Heated Debate

In every state, heated debates took place. Supporters of the Constitution called themselves **Federalists**. They called people who opposed the Constitution **Antifederalists**.

The Federalist position

The Federalists argued that the Articles of Confederation had produced an excessively weak central government. It had placed the nation in grave danger because it left too much power with the individual states. Disputes among the states, Federalists said, had made it too difficult for the Confederation government to function.

According to the Federalists, the Constitution gave the national government the authority to function effectively. At the same time, it still protected the rights of the individual states.

Among the best-known Federalists were James Madison, Alexander Hamilton, and John Jay. They wrote a series of essays, called *The Federalist Papers*, defending the Constitution. They used pen names, but most people knew who they were. Today, *The Federalist Papers* remains one of the best discussions of the political theory behind the American system of government.

The Antifederalist position

Antifederalists opposed the Constitution for many reasons. They felt that it made the national government too strong and left the states too weak. They thought that the Constitution gave the President too much power. Patrick Henry was among those who voiced such concerns:

“ This Constitution is said to have beautiful features, but . . . they appear to me horribly frightful . . . Your President may become king . . . If your American chief be a man of ambition and abilities, how easy is it for him to render himself absolute! ”

Most people expected George Washington to be elected President. Antifederalists admired Washington, but they warned that future Presidents might lack Washington's



Biography James Madison

Historians call James Madison the “Father of the Constitution” because much of the document was based on his ideas. When the Constitution was being debated, Madison was only in his 30s. He went on to serve the nation as a member of Congress, as Secretary of State, and as the fourth President of the United States. ★ **Was Madison a Federalist or an Antifederalist?**

honor and skill. For this reason, they said, the office should not be too powerful.

Need for a bill of rights

The chief argument used by Antifederalists against the Constitution was that it had no bill of rights. Americans had just fought a revolution to protect their freedoms. They wanted a bill of rights in the Constitution that spelled out basic freedoms such as freedom of speech and freedom of religion.

Federalists replied that the Constitution protected citizens very well without a bill of rights. Anyway, they argued, it was impossible to list all the natural rights of people. Antifederalists responded that if rights were not written into the Constitution, it would be easy to ignore them. Several state conventions refused to ratify the Constitution unless they received a firm promise that a bill of rights would be added.



Viewing HISTORY The Nation Celebrates

When the Constitution was ratified, celebrations were held across the nation. Shown here is a celebration parade in New York City. The three-masted ship on the float represented the “ship of state.” ★ Why do you think Alexander Hamilton’s name is displayed so visibly?

The States Vote to Ratify

One by one, states voted to ratify the Constitution. Delaware was the first, in December 1787. In June 1788, New Hampshire became the ninth state to ratify. The new government could now go into effect.

Still, the future of the United States remained in doubt. It was important that all the states support the Constitution. However, New York and Virginia, two of the largest states, had not yet ratified the plan. In both states, Federalists and Antifederalists were closely matched.

In Virginia, Patrick Henry strongly opposed the Constitution. Henry charged that the document gave the government too much power. “There will be no checks, no real balances in this government,” he cried. In the end, however, Washington, Madison, and other Virginia Federalists prevailed. In late June, Virginia approved the Constitution.

In New York, the struggle went on for another month. At last, in July 1788, the state convention voted to ratify. North Carolina ratified in November 1789. Rhode Island was the last state to approve the Constitution, finally doing so in May 1790.

The Nation Celebrates

Throughout the land, Americans celebrated the news that the Constitution was ratified. The city of Philadelphia set its festival for July 4, 1788. At sunrise, church bells rang. In the harbor, the ship *Rising Sun* boomed a salute from its cannons. Horses wore bright ribbons, and bands played popular tunes.

A festive parade filed along Market Street, led by soldiers who had fought in the Revolution. Thousands cheered as six colorfully outfitted horses pulled a blue carriage shaped like an eagle. Thirteen stars and stripes were painted on the front, and the Constitution was raised proudly above it.

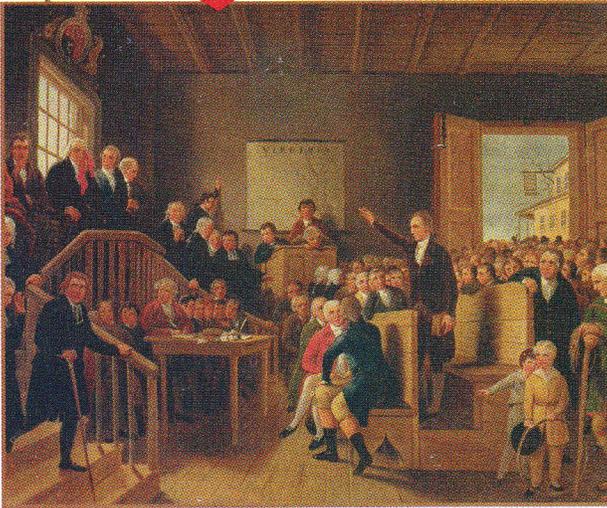
That night, even the skies seemed to celebrate. The northern lights, vivid bands of color, lit up the sky above the city. Benjamin Rush, a Philadelphia doctor and strong supporter of the Constitution, wrote to a friend: “’Tis done. We have become a nation.”

Adding a Bill of Rights

Americans voted in the first election under the Constitution in January 1789. As

Linking Past and Present

Past



Present



Trial by Jury

Trial by jury is part of the nation's English heritage. Yet in colonial times, British officials sometimes suspended jury trials. Therefore, many Americans wanted the new Constitution to guarantee this right. The members of a jury promise to give an impartial verdict based on evidence. ★ **Turn to the Reference Section and read the Sixth Amendment. List three rights guaranteed to Americans accused of crimes.**

expected, George Washington was elected President, while John Adams was chosen Vice President.

The first Congress was made up of 59 representatives and 22 senators. It met in New York City, which was chosen as the nation's first capital. The first Congress quickly turned its attention to adding a bill of rights to the Constitution.

The amendment process

The framers had set up a way to **amend**, or change, the Constitution. They did not want people to make changes lightly, however. Thus, they made the process of amending the Constitution fairly difficult.

To start the amendment process, an amendment must be proposed. This can be done in two ways. Two thirds of both houses of Congress can vote to propose an amendment, or two thirds of the states can request special conventions to propose amendments.

Next, the amendment must be ratified. Three fourths of the states must approve the amendment before it becomes part of the Constitution.

In the more than 200 years since the Constitution was adopted, only 27 amendments have been approved. Ten of those amendments were added in the first years after the Constitution was ratified.

The first 10 amendments

The first Congress proposed a series of amendments to the Constitution of the United States in 1789. By December 1791, three fourths of the states had ratified 10 amendments. Those 10 amendments became known as the **Bill of Rights**.

James Madison, who wrote the amendments, insisted that the Bill of Rights does not give Americans any rights. People already have the rights listed in the amendments. They are natural rights, said Madi-

son, that belong to all human beings. The Bill of Rights simply prevents the government from taking these rights away.

Protecting individual rights

The 10 amendments that make up the Bill of Rights ensure the basic freedoms of American citizens. The First Amendment guarantees individual liberties, including freedom of religion, freedom of speech, and freedom of the press. It also guarantees the right to assemble peacefully and the right to petition the government.

The next three amendments came out of the colonists' struggle with Britain. The Second Amendment guarantees the right of citizens to keep and bear arms. The Third Amendment was included because the framers remembered Parliament's efforts to make colonists house and feed British soldiers. The amendment prevents Congress from forcing citizens to quarter, or house, troops in their homes. The Fourth Amendment protects citizens from unreasonable searches and seizures. Before the Revolution, you will remember, British customs officials had often searched and seized the property of colonists without their permission.

The Fifth Amendment guarantees due process of law. **Due process** means that the government must follow the same fair rules

in all cases brought to trial. Under the Fifth Amendment, the accused must be notified of the charges brought against him or her. The accused must also be given the chance to present a defense in court. Also, the government cannot require self-incriminating testimony nor may it try a defendant twice for the same crime if the defendant has already been acquitted.

Amendments 6 through 8 provide other protections for citizens accused of crimes. The Sixth Amendment guarantees a jury trial in criminal cases and the right to be defended by a lawyer. The Seventh Amendment requires jury trials in civil cases. The Eighth Amendment prevents judges from ordering "excessive bail" or imposing "cruel and unusual punishment" on a convicted criminal.

The Ninth Amendment assures that the rights listed in the Constitution are not the only ones that exist. The Tenth Amendment states that all powers not given to the national government and not denied to the states are reserved for the states or for the people. This assured that the power of the national government would be limited.

With the Bill of Rights in place, the new framework of government was complete. Over time, the Constitution became a living document that grew and changed along with the nation.

★ Section 4 Review ★

Recall

1. **Identify** (a) Federalist, (b) Antifederalist, (c) *The Federalist Papers*, (d) Bill of Rights.
2. **Define** (a) ratify, (b) amend, (c) due process.

Comprehension

3. (a) Why did Federalists favor ratification of the Constitution? (b) Why did Antifederalists oppose it?
4. Describe the process for adding amendments to the Constitution.

5. Describe three specific rights protected by the first 10 amendments to the Constitution.

Critical Thinking and Writing

6. **Defending a Position** Imagine that you are a citizen of the United States in 1789. Would you argue for or against the Constitution? How would you defend your position?
7. **Analyzing Ideas** (a) List five rights protected by the Bill of Rights. (b) Which do you think is most important? Explain.



Activity Making Illustrations You are the illustrator for a handbook on the rights of American citizens. Draw a series of sketches to illustrate the rights that are guaranteed by the First Amendment.