

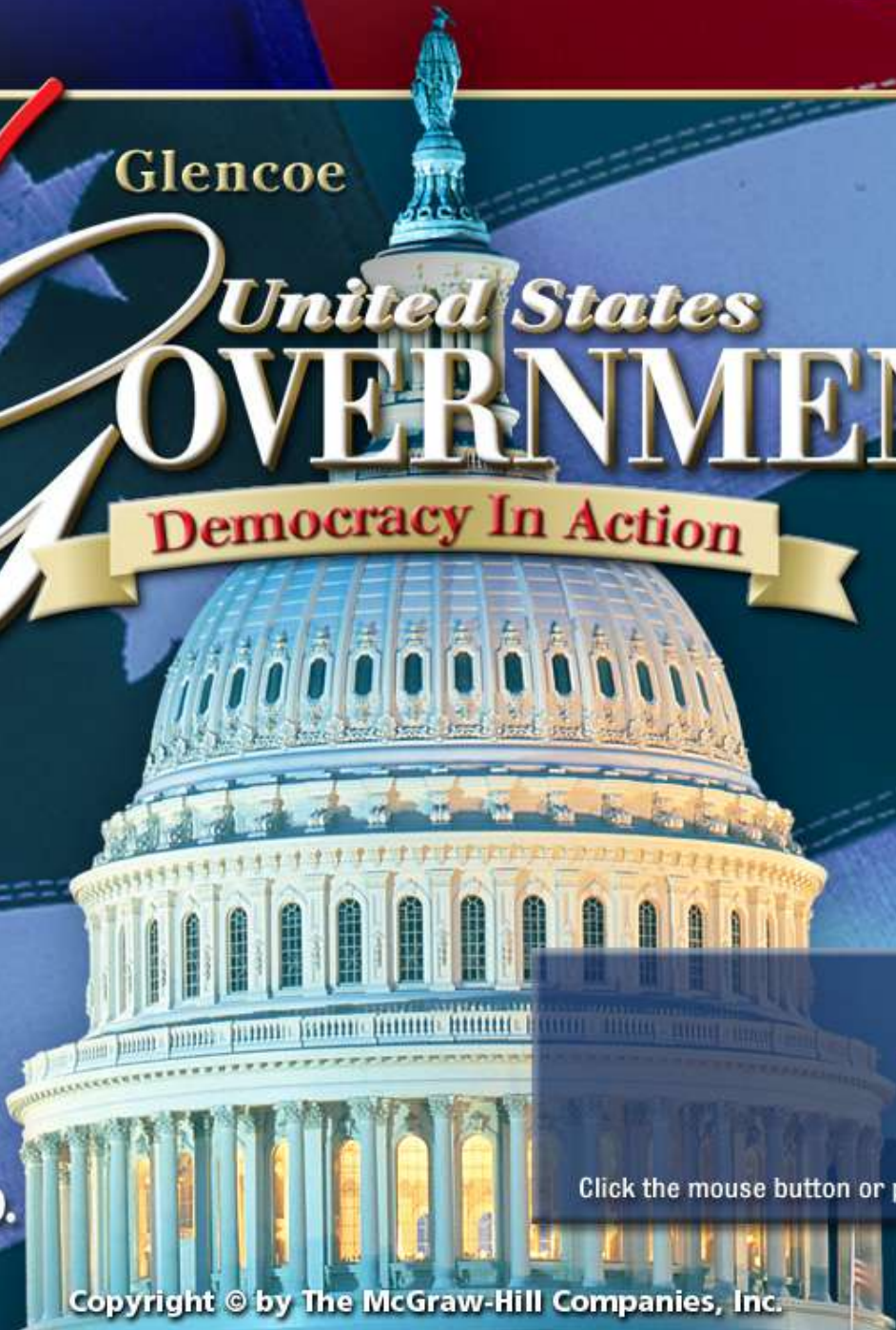
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Richard C. Remy, Ph.D.

Chapter 3 The Constitution

Click the mouse button or press the space bar to continue.



Chapter Focus

Section 1 Structure and Principles

Section 2 Three Branches of
Government

Section 3 Amending the Constitution

Section 4 The Amendments

Chapter Assessment

★ Why It's Important

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MAKING IT RELEVANT

EXTRA CREDIT PROJECT



Chapter Objectives

- **Structure and Principles** Describe the structure of and principles behind the Constitution.
- **Three Branches of Government** Summarize the powers, duties, and roles of the three branches of the federal government.
- **Amending the Constitution** Itemize the ways of proposing and ratifying amendments to the Constitution.
- **The Amendments** Classifying amendments by type: those dealing with individual rights, those reflecting societal change, and those affecting the structure and powers of government.



End of the Chapter Focus

Click the mouse button to return to the Chapter Menu.

Structure and Principles

Key Terms

article, jurisdiction, supremacy clause, amendment, popular sovereignty, federalism, separation of powers, checks and balances, veto, judicial review

Find Out

- What is the basic structure of the Constitution?
- How did the Founders hope to prevent any one branch of government from gaining too much power?



Structure and Principles

Understanding Concepts

Constitutional Interpretations What beliefs and principles in the Constitution help to build a national identity for the United States?

Section Objective

Describe the structure and principles behind the Constitution.



Daily Lecture Notes
Did you know?



British prime minister William E. Gladstone once declared that the United States Constitution was “the most wonderful work ever struck off at a given time by the brain of man.” Gladstone used these words to describe the Constitution a century after the former British colonies had won the Revolution and become a new, independent nation.



I. Structure (pages 63–65)

A. The Preamble sets forth the goals of the government.

B. The seven **articles** are the main divisions in the body of the Constitution, each article covering a general topic.

C. The **amendments**, which provide for changes in the original document, are the third part of the Constitution.



I. Structure (pages 63–65)

Foundations of Personal Liberties

Rights and Freedoms	Magna Carta (1215)	English Bill of Rights (1689)	Virginia Declaration of Rights (1776)	Bill of Rights (1791)
Trial by jury	★	★	★	★
Due process	★	★	★	★
Private property	★		★	★
No unreasonable searches or seizures	★		★	★
No cruel punishment		★	★	★
No excessive bail or fines	★	★	★	★
Right to bear arms		★		★
Right to petition		★		★
Freedom of speech				★
Freedom of the press			★	★
Freedom of religion			★	★



I. Structure (pages 63–65)

Discussion Question

Why did the Founders not spell out every aspect of how the government would function?

They knew that they could not predict the course of future events or issues.



II. Major Principles (pages 65–67)

A. Popular sovereignty, or rule by the people, is the cornerstone of the Constitution.

B. Federalism, in which power is divided between national and state governments, is the government's basic structure.

C. The Constitution provides for **separation of powers** among the legislative, executive, and judicial branches.



II. Major Principles (pages 65–67)

D. Checks and balances, the process by which each branch of government exercises some powers over the others, guarantees that no branch of government will become too powerful.

E. Judicial review, or the power of the courts to overturn laws and actions of national, state, and local governments, ensures that laws made by Congress and the states do not violate individual rights.



II. Major Principles (pages 65-67)

System of Checks and Balances

Congress can impeach judges, create lower federal courts and fix their jurisdictions, set the size of the Supreme Court, and determine judicial salaries.
Senate confirms judges.



CONGRESS
Legislative function

Congress passes the laws that create executive agencies and the programs they administer, and it can override presidential vetoes by a two-thirds vote of both chambers and can impeach the president.

Senate ratifies treaties and confirms presidential appointments to the executive branch and the courts.

President can recommend legislation to Congress, veto bills passed by Congress, and implement laws passed by Congress.

COURTS
Judicial function



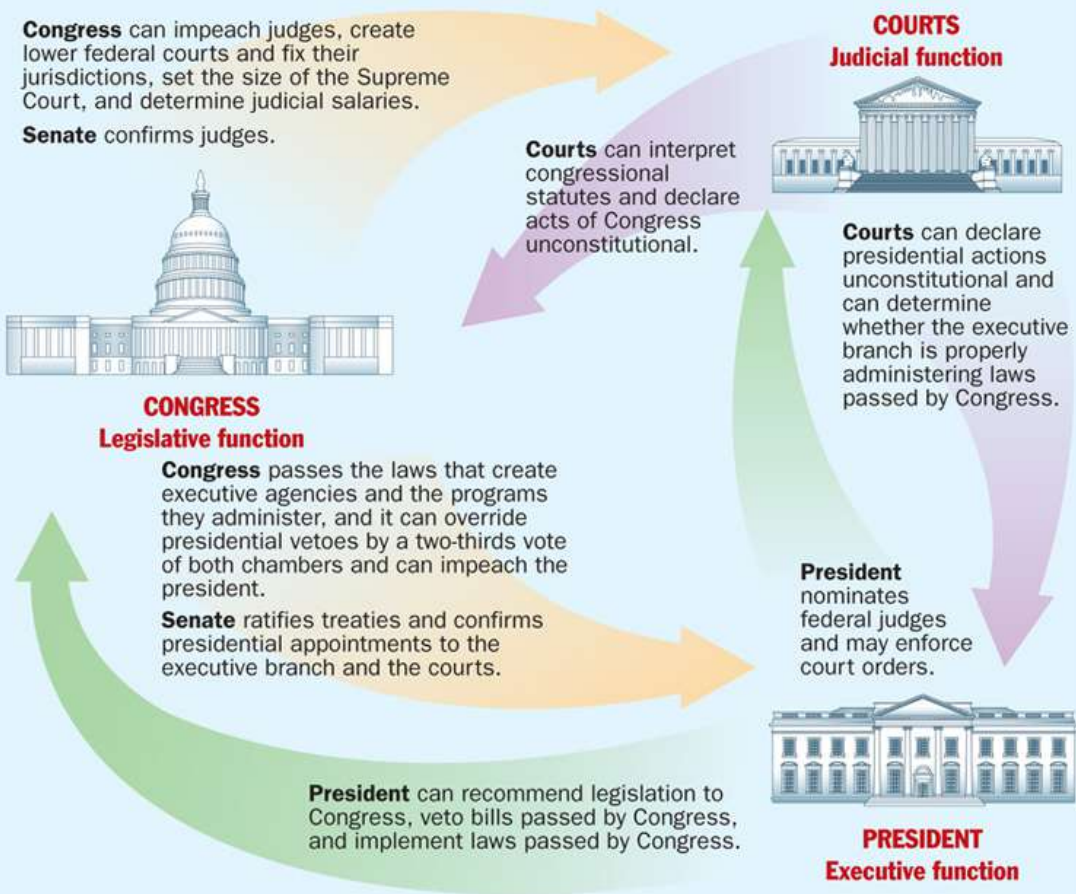
Courts can interpret congressional statutes and declare acts of Congress unconstitutional.

Courts can declare presidential actions unconstitutional and can determine whether the executive branch is properly administering laws passed by Congress.

President nominates federal judges and may enforce court orders.



PRESIDENT
Executive function



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II Major Principles

(5-67)

Major Principles of the Constitution

- ★ **Popular Sovereignty**
People are the source of government power.
- ★ **Federalism**
In this governmental system, power is divided between national and state governments.
- ★ **Separation of Powers**
Each of the three branches of government has its own responsibilities.
- ★ **Checks and Balances**
Each branch of government holds some control over the other two branches.
- ★ **Judicial Review**
Courts have power to declare laws and actions of Congress and the president unconstitutional.
- ★ **Limited Government**
The Constitution limits the powers of government by making explicit grants of authority.

F. Limited government, by which the Constitution limits government actions by specifying its powers and listing powers it does not have, retains for the people the right to govern themselves. Both federalism and the separation of powers divide the powers of



II. Major Principles (pages 65–67)

Discussion Question

Compare federalism and the separation of powers.

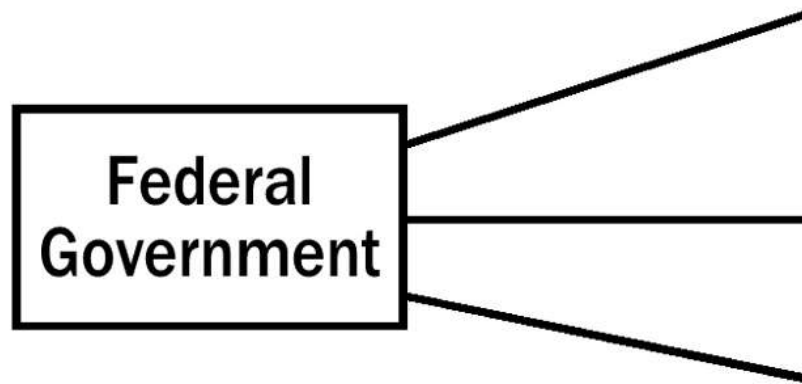
Federalism: state and national levels;
separation of powers: three branches of
government.



Section 1 Assessment

Checking for Understanding

1. Main Idea Using a graphic organizer like the one below, show how the Constitution divides the powers of the federal government.



Branches should list executive, judicial, and legislative.



Section 1 Assessment

Checking for Understanding

Match the term with the correct definition.

- D ___ judicial review
- E ___ veto
- A ___ jurisdiction
- C ___ popular sovereignty
- F ___ article
- B ___ checks and balances
- A. the authority of a court to rule on certain cases
- B. the system where each branch of government exercises some control over the others
- C. rule by the people
- D. the power of the Supreme Court to declare laws and actions of local, state, or national governments unconstitutional
- E. rejection of a bill
- F. one of seven main divisions of the body of the Constitution



Section 1 Assessment

Checking for Understanding

3. Identify *Marbury v. Madison*.

Marbury v. Madison is a Supreme Court case that established the precedent for federal courts to rule on the actions of the government.



Section 1 Assessment

Checking for Understanding

4. Summarize What are the six underlying principles of the Constitution?

The six underlying principles of the Constitution are popular sovereignty, federalism, separation of powers, checks and balances, judicial review, and limited government.



Section 1 Assessment

Critical Thinking

5. Analyzing Information What is the relationship between the principles of federalism and the separation of powers as suggested by Montesquieu and detailed in the Constitution?

In both cases power is distributed; in federalism between state and national governments, and in separation of powers between executive, legislative, and judicial branches.



Section 1 Assessment



Constitutional Interpretation As set out in the Constitution, the principle of checks and balances helps to limit the power of government. Create a diagram showing how a system of checks and balances is provided for in your local government.



End of the Section

Click the mouse button to return to the Chapter Menu.

Three Branches of Government

Key Terms

expressed powers, enumerated powers, elastic clause, federal bureaucracy

Find Out

- Why did the Constitution specifically describe the powers of Congress, but remain vague about the powers of the president?
- Which of the three branches of federal government seems to have the most power today?



Three Branches of Government

Understanding Concepts

Separation of Powers What is the chief function of each of the three branches of the federal government?

Section Objective

Summarize the powers, duties, and roles of the three branches of the federal government.



Daily Lecture Notes
Did you know?



Today's powerful Supreme Court seemed weak when the federal government was established. The Court heard no cases at all during its first three years. The first chief justice, John Jay, served only until 1795, and spent much of that time away from the Court, negotiating a treaty to settle a dispute with Britain.



I. The Legislative Branch (pages 68–70)

A. The powers granted Congress are expressed in Article I, Section 8.

B. Congress handles a far greater number of bills today than Congress did early in our nation's history.



I. The Legislative Branch (pages 68–70)

Discussion Question

How did the elastic clause of the Constitution support a “loose” interpretation of the Constitution?

The elastic clause gives Congress broad implied powers.

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Making a Difference

II. The Executive Branch (pages 70–71)

A. The Founders recognized the need for a strong executive and granted the president broad but vaguely described powers.

B. Article II, Sections 2 and 3 describe the specific powers of the president.

C. The presidency has changed greatly over the years, with modern presidents handling so many duties that their schedules are timed minute by minute.



II. The Executive Branch (pages 70–71)

Discussion Question

Why did the Founders establish a strong executive branch in the government?

Lack of a strong executive had been a problem under the Articles of Confederation.

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III. The Judicial Branch (pages 72–73)

- A.** The United States has two levels of courts, federal and state, each with its own jurisdiction; the subject of the case and the parties involved determine the jurisdiction of federal courts.
- B.** The modern federal court system dates from 1891, but the Supreme Court exercised important power beginning in 1803 by using judicial review.



III. The Judicial Branch (pages 72–73)

Discussion Question

How did the power of judicial review enable the judicial branch to gain an equal status with the other two branches of government?

Judicial review gave the Supreme Court power to decide whether acts of Congress were constitutional.



IV. Shared Power and Conflict (pages 73–75)

- A.** The executive and legislative branches must cooperate to produce effective policies, but some conflicts are inevitable.
- B.** The expansion of presidential power has caused conflicts between the executive and legislative branches.
- C.** Congress has the power to limit judicial authority but has been reluctant to use it.
- D.** The Supreme Court must depend on the president and the executive branch to carry out its decisions.



IV. Shared Power and Conflict (pages 73–75)

Discussion Question

In what ways are cooperation and conflict among the branches of government valuable to the U.S. system of government?

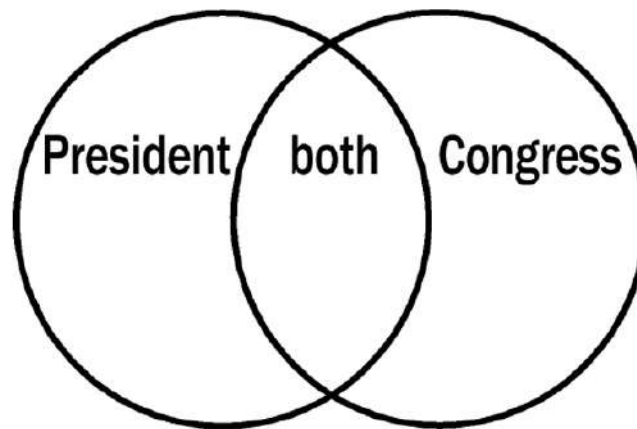
Cooperation is necessary in order to pass, carry out, and interpret laws. Conflict prevents the development of unsound policy.



Section 2 Assessment

Checking for Understanding

1. Main Idea Using a Venn diagram, analyze the different functions of the president and Congress in passing legislation and the functions they share.



The president enforces laws. Congress makes and passes laws. Both propose laws.



Section 2 Assessment

Checking for Understanding

Match the term with the correct definition.

- C ___ elastic clause
- A ___ enumerated powers
- D ___ expressed powers
- B ___ federal bureaucracy
- A. the expressed powers of Congress that are itemized and numbered 1 – 18 in Article I, Section 8 of the Constitution
- B. departments and agencies of the federal government
- C. clause in the Constitution that gives Congress the right to make all laws “necessary and proper” to carry out the powers expressed in the other clauses of Article I
- D. powers directly stated in the Constitution



Section 2 Assessment

Checking for Understanding

3. **Identify** *McCulloch v. Maryland*.

McCulloch v. Maryland is a Supreme Court case that ruled in favor of a broad interpretation of the Constitution.



Section 2 Assessment

Checking for Understanding

4. Identify five powers of the president.

Any five: serves as commander in chief of armed forces; appoints heads of executive departments; may pardon people convicted of federal crimes; makes treaties with the advice and consent of the Senate; with consent of Senate, appoints ambassadors, federal court judges, and other top officials; delivers annual State of Union message to Congress; calls Congress into special session; meets with heads of state and other foreign officials; commissions military officers; ensures that laws Congress passes are “faithfully executed.”



Section 2 Assessment

Checking for Understanding

5. What two systems of courts make up the judiciary of the United States?

The federal courts and courts of each of the 50 states make up the judiciary of the United States.



Section 2 Assessment

Checking for Understanding

6. How can Supreme Court decisions be overturned?

Supreme Court decisions can be overturned by a constitutional amendment or by the Court itself.



Section 2 Assessment

Critical Thinking

7. Making Comparisons What information would you need to determine which branch of the federal government has the greatest power? Formulate questions to obtain needed information.

Students' questions should focus on checks and balances and past uses of power.



Section 2 Assessment

The logo features the word "Concepts" in a large, green, cursive font. Below it, the words "IN ACTION" are written in white, uppercase letters inside a blue rectangular box.

Separation of Powers One of the cases heard by the Supreme Court involved the ruling that televising court proceedings does not necessarily deny defendants the right to a fair trial. Conduct an opinion poll to find out whether people favor or oppose televised trials. Chart the responses and summarize the poll results.

A small icon showing a globe with the text "Reference Atlas" overlaid.An icon with the text "GOVERNMENT Online" and a small graphic of a computer mouse.An icon featuring a colorful pie chart and the text "DATA BANK".An icon showing a collage of faces of U.S. Presidents with the text "Gallery of Presidents".

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End of the Section

Click the mouse button to return to the Chapter Menu.

Amending the Constitution

Key Terms

ratify, petition, balanced budget, impeach, treaty, executive agreement, judicial restraint, judicial activism

Find Out

- How does the amendment process illustrate federalism?
- What are the primary ways that informal changes are made in the Constitution?



Amending the Constitution

Understanding Concepts

Political Processes Why did the Framers make the Constitution difficult to amend?

Section Objective

Itemize the ways of proposing and ratifying amendments to the Constitution and detail methods of informal constitutional change.



Daily Lecture Notes
Did you know?



William Henry Harrison was president of the United States for only one month. He died of pneumonia in March 1841, just weeks after his inauguration. He had ridden on horseback up Pennsylvania Avenue in bitterly cold weather to take his oath as president. Harrison was also the first president to die in office; his vice president, John Tyler, was the first to succeed to the presidency.



I. The Amendment Process (pages 76–78)

A. Article V describes how Congress and the states can change the Constitution.

B. Two methods for amending the Constitution are provided for, but only one has been used: Congress proposing amendments and the states ratifying them.

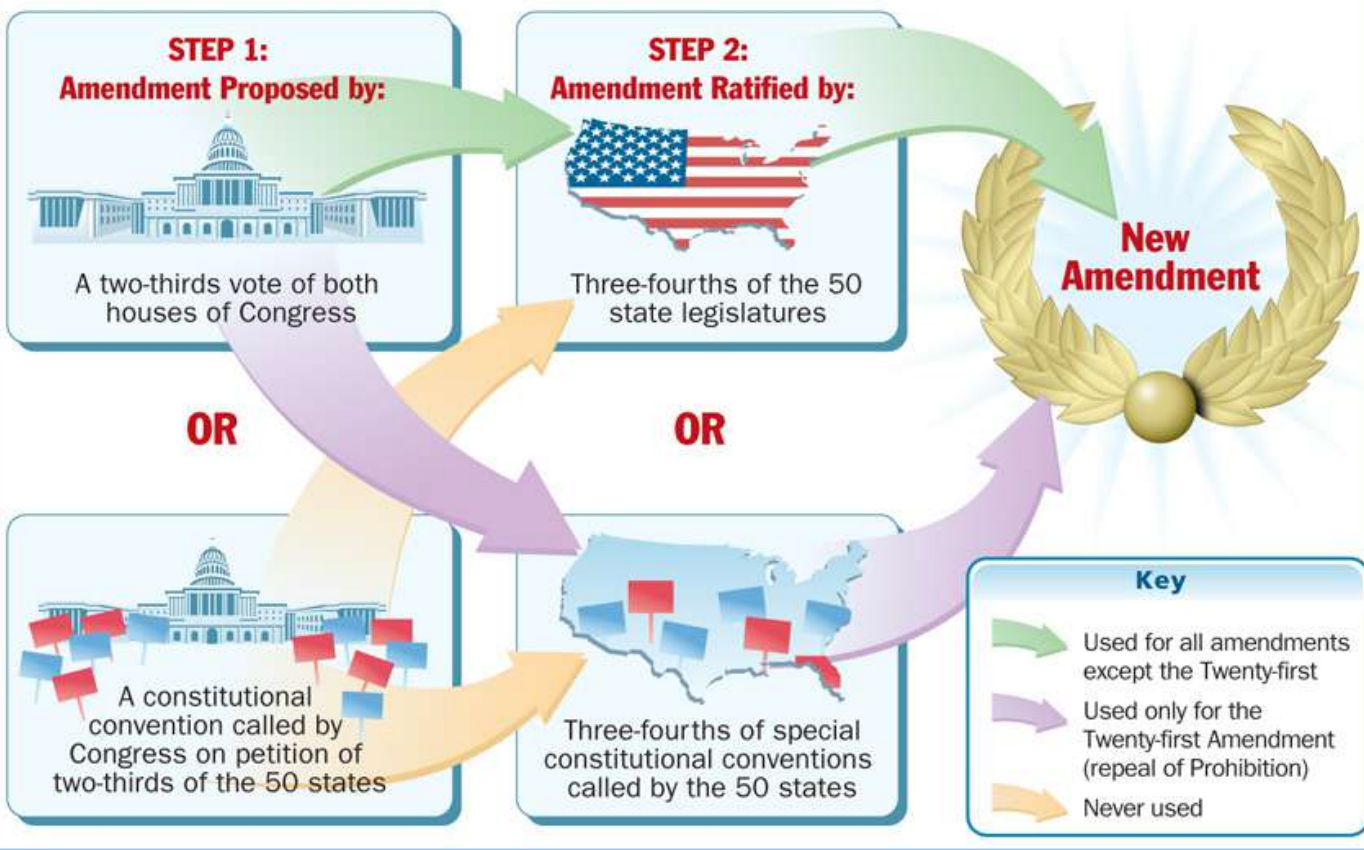
C. When Congress proposes an amendment, the states may **ratify** it by a three-fourths vote of their legislatures or of special ratifying conventions.

D. Congress decides how much time the states will have to ratify a proposed amendment.



I. The Amendment Process (pages 76–78)

Process for Amending the Constitution



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I. The Amendment Process (pages 76–78)

Discussion Question

Why is the convention method of proposing amendments to the Constitution considered controversial?

A convention is not limited to writing one specific amendment.



II. Informal Changes (pages 78–79)

A. Congress has passed laws that have changed or clarified many provisions of the Constitution.

B. Congress has shaped the Constitution by using the powers granted the legislative branch.



II. Informal Changes (pages 78–79)

Discussion Question

How did the laws and practices of Congress help to make the Constitution a “living document”?

See specific examples on text pages 78–81.



III. Informal Presidential Changes (page 80)

A. Vice President John Tyler established the precedent of presidential succession.

B. In dealing with other nations, presidents use **executive agreements** that do not require the approval of Congress.

C. Modern presidents have greatly strengthened the powers of their office by proposing their own legislative agendas to Congress.



III. Informal Presidential Changes (page 80)

Discussion Question

Describe the president's changing role in developing legislation during modern times.

Modern presidents have been aggressive in requesting legislation from Congress.



IV. Court Decisions (pages 80–81)

A. The Supreme Court uses **judicial review** to interpret the Constitution.

B. The Supreme Court's rulings can change to reflect the changing condition of the times.



IV. Court Decisions (pages 80–81)

 **Discussion
Question**

Compare the philosophies of judicial restraint and judicial activism in decision making by the Supreme Court.

See definitions of judicial restraint and judicial activism on text pages 80–81.



V.Changes Through Custom and Usage

(page 81)

A. Political parties are an example of customs that have informally changed the Constitution.

B. Although political parties are not mentioned in the Constitution, they soon began to organize government and conduct elections; today they play a vital role in government.

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V.Changes Through Custom and Usage

Discussion Question

Identify the role played by political parties in changing the Constitution.

Parties affect the election process and help to organize government.



Section 3 Assessment

Checking for Understanding

1. Main Idea Using a graphic organizer like the one below, describe at least one way Congress and the Supreme Court each have changed the Constitution.

Changes in the Constitution	
By Congress	
By Supreme Court	

Answers might include: **Congress**—expanding the meaning of its taxing authority; creating cabinet departments and executive agencies; expanding the federal courts; defining its impeachment powers. **Supreme Court**—interpreting its provisions.



Section 3 Assessment

Checking for Understanding

Match the term with the correct definition.

B ___ petition

D ___ impeach

F ___ treaty

A ___ ratify

E ___ judicial
activism

C ___ judicial
restraint

A. to approve

B. an appeal

C. the philosophy that the Supreme Court should avoid taking the initiative on social and political questions

D. to accuse a public official of misconduct in office

E. the philosophy that the Supreme Court should play an active role in shaping national policies by addressing social and political issues

F. a formal agreement between the

government of
countries



Section 3 Assessment

Checking for Understanding

3. Identify Equal Rights Amendment (ERA), Chief Justice Earl Warren.

The **Equal Rights Amendment (ERA)** was a proposed amendment that would prohibit discrimination on the basis of gender.

Chief Justice Earl Warren served on the Supreme Court from 1953 to 1969 and ruled on cases involving many controversial issues, particularly civil rights and the rights of the accused.



Section 3 Assessment

Checking for Understanding

4. Identify the two methods of ratifying amendments.

The two methods of ratifying amendments are by three-fourths of the state legislatures or by special ratifying conventions in three-fourths of the states.



Section 3 Assessment

Critical Thinking

5. Analyzing Information How have the four informal methods of amending the Constitution affected the role of the executive branch in the federal government?

The executive branch's power expanded as Congress created new executive agencies, as the president took an increasingly active role in initiating legislation, and as executive agreements supplanted the treaty-making process.



Section 3 Assessment



Political Processes Do you think the Founders were correct in allowing the Constitution to be amended? Write a letter to the editor of a local newspaper explaining your position on this issue.



End of the Section

Click the mouse button to return to the Chapter Menu.

The Amendments

Key Terms

prior restraint, probable cause, search warrant, arrest warrant, due process of law, eminent domain, lame duck, poll tax

Find Out

- Why is it important in a democratic society that the government follow due process of law when trying suspected criminals?
- How do the amendments to the Constitution show the development of democracy in the United States?



The Amendments

Understanding Concepts

Growth of Democracy How do the amendments reflect changes in society's perception of rights under the Constitution?

Section Objective

Classify amendments as dealing with individual rights, reflecting societal change, and affecting the structure of government.



Daily Lecture Notes
Did you know?



The proposed Equal Rights Amendment (ERA) was approved by Congress in 1972 but never ratified. It provided that “equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex.” A similar amendment had first been proposed by the National Woman’s party in the 1920s. The ERA died in 1982 when it fell short of the needed approval by three-fourths of the state legislatures.



I. The Bill of Rights (pages 83–87)

- A.** These ten amendments originally applied only to the federal government, but through a series of Supreme Court decisions now apply to state governments also.
- B.** The First Amendment protects individuals' right to worship, to speak freely, to assemble, and to petition and criticize government.
- C.** The Second Amendment ensures citizens' right to own firearms.

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you don't say..

I. The Bill of Rights (pages 83–87)

D. The Third Amendment prohibits the government from forcing people to provide shelter for soldiers in their homes.

E. The Fourth Amendment protects individuals from unlawful searches and arrests without court warrants.

F. The Fifth Amendment protects people charged with a crime: a grand jury must indict them before trial; no one found innocent can be retried for the same crime; people cannot be forced to testify against themselves; and no one can be deprived of life, liberty, or property without due process of law.

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you don't say..

I. The Bill of Rights (pages 83–87)

G. The Sixth Amendment guarantees accused persons the right to know the charges against them, a defense attorney, a speedy jury trial, and the right to question all witnesses and compel them to testify.

H. The Seventh Amendment provides individuals the right to a trial by jury to settle property disputes, though a judge may try the case if both parties agree.

I. The Eighth Amendment prohibits excessive bail and fines and bars cruel and unusual punishment for crimes.



I The Bill of Rights (pages 83–87)

The Bill of Rights

- 1 Guarantees freedom of religion, speech, assembly, and press, and the right of people to petition the government
- 2 Protects the right of states to maintain a militia and of citizens to bear arms
- 3 Restricts quartering of troops in private homes
- 4 Protects against "unreasonable searches and seizures"
- 5 Assures the right not to be deprived of "life, liberty, or property, without due process of law," including protections against double jeopardy, self-incrimination, and government seizure of property without just compensation
- 6 Guarantees the right to a speedy and public trial by an impartial jury
- 7 Assures the right to a jury trial in cases involving the common law (the law established by previous court decisions)
- 8 Protects against excessive bail and cruel and unusual punishment
- 9 Provides that people's rights are not restricted to those specified in Amendments 1–8
- 10 Restates the Constitution's principle of federalism by providing that powers not granted to the national government nor prohibited to the states are reserved to the states and to the people

J. The Ninth Amendment states that all powers not spelled out in the Constitution are retained by the people.

K. The Tenth Amendment says that all powers not given to the national government or denied to the states belong to the states or the people.

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I. The Bill of Rights (pages 83–87)

Discussion Question

How does the due process clause in the Fifth and Fourteenth Amendments protect individuals?

These amendments prevent government from depriving people of life, liberty, or property without due process of law.



II. Other Amendments (pages 87–90)

A. The Eleventh Amendment prohibits a state from being sued in federal court by citizens of another state.

B. The Twelfth Amendment provides that the Electoral College shall cast separate ballots for president and vice president.

C. The Thirteenth, Fourteenth, and Fifteenth Amendments outlawed slavery, prohibited depriving anyone of life, liberty, or property without “due process of law,” and prohibited denying the right to vote based on race.

D. The later amendments, Sixteen through Twenty-seven, deal with a wide range of topics reflecting changes in modern times.



II. Other Amendments (pages 87-90)

Other Constitutional Amendments

Amendments	Date	Purpose
11	1795	Removed cases in which a state was sued without its consent from the jurisdiction of the federal courts
12	1804	Required presidential electors to vote separately for president and vice president
13	1865	Abolished slavery and authorized Congress to pass legislation implementing its abolition
14	1868	Granted citizenship to all persons born or naturalized in the United States; banned states from denying any person life, liberty, or property without due process of law; and banned states from denying any person equal protection under the laws
15	1870	Extended voting rights to African American males by outlawing denial of the right to vote on the basis of race, color, or previous condition of servitude
16	1913	Empowered Congress to levy an income tax
17	1913	Provided for the election of U.S. senators by direct popular vote instead of by the state legislatures
18	1919	Authorized Congress to prohibit the manufacture, sale, and transportation of liquor
19	1920	Extended the right to vote to women
20	1933	Shortened the time between a presidential election and inauguration by designating January 20 as Inauguration Day; set January 3 as the date for the opening of a new Congress
21	1933	Repealed the Eighteenth Amendment and empowered Congress to regulate the liquor industry
22	1951	Limited presidents to two full terms in office
23	1961	Granted voters in the District of Columbia the right to vote for president and vice president
24	1964	Forbade requiring the payment of a poll tax to vote in a federal election
25	1967	Provided for succession to the office of president in the event of death or incapacity and for filling vacancies in the office of vice president
26	1971	Extended the right to vote to 18-year-olds
27	1992	Banned Congress from increasing its members' salaries until after the next election

Key

-  Amendments changing the powers of the national and state governments
-  Amendments changing government structure or function
-  Amendments extending the suffrage and power of voters

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II. Other Amendments (pages 87–90)

Discussion Question

“The Bill of Rights protected citizens’ rights, but some of the later amendments extended citizens’ rights.” Do you agree or disagree with this statement? Explain your reasons.

Answers will vary. Students may cite the Fourteenth, Fifteenth, and Twenty-sixth Amendments.



Section 4 Assessment

Checking for Understanding

1. Main Idea In a table, categorize the 27 amendments into the three major groups described in this section.

Constitutional Amendments		

Constitutional amendments can be divided into the Bill of Rights, Civil War amendments, and 20th century amendments.



Section 4 Assessment

Checking for Understanding

Match the term with the correct definition.

E ___ prior restraint

A ___ probable cause

D ___ search warrant

C ___ arrest warrant

F ___ poll tax

B ___ eminent domain

A. a reasonable basis to believe a person or premises is linked to a crime

B. the power of the government to take private property for public use

C. an order signed by a judge naming the individual to be arrested for a specific crime

D. an order signed by a judge describing a specific place to be searched for specific items

E. government censorship of information before it is published or broadcast



Section 4 Assessment

Checking for Understanding

3. Identify Bill of Rights, *Chisholm v. Georgia*.

The **Bill of Rights** are the first ten amendments to the Constitution. These amendments sought to protect individual rights by limiting the power of government.

Chisholm v. Georgia was a Supreme Court case that led Congress to introduce an amendment to limit the jurisdiction of the federal courts.



Section 4 Assessment

Checking for Understanding

4. What rights are listed in the First Amendment?

Freedoms of religion, speech, and press, and rights of assembly and petition are listed in the First Amendment.



Section 4 Assessment

Checking for Understanding

5. Identify the twentieth-century amendments that deal with voting rights.

The Nineteenth, Twenty-third, Twenty-fourth and Twenty-sixth Amendments deal with voting rights.



Section 4 Assessment

Critical Thinking

6. Analyzing Information How do the amendments to the Constitution preserve individual rights?

The amendments expanded civil rights, increased opportunities for participation in government, and limited the power of government.



Section 4 Assessment



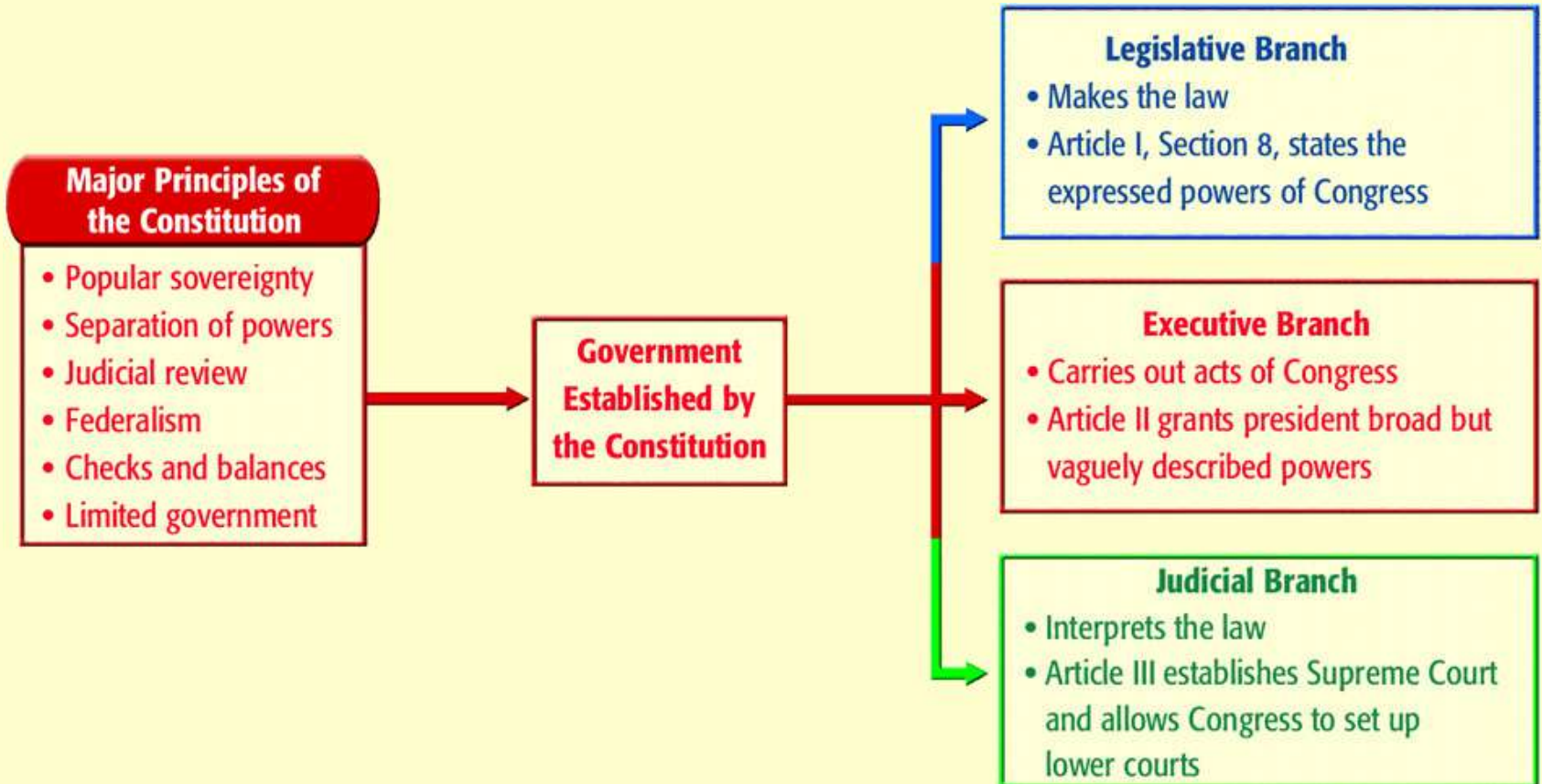
Growth of Democracy Amendments often reflect a change in society or a need for change in the structure and power of government. Write a report that identifies the reasons and events that led to the adoption of one of the 27 amendments. Present your findings to the class.



End of the Section

Click the mouse button to return to the Chapter Menu.

Chapter Summary



Reviewing Key Terms

Choose the bold word or phrase that best completes each of the following sentences.

1. The national government is divided into three branches according to the principle of **judicial restraint / separation of powers**.
2. All powers of Congress specifically listed in the Constitution are **expressed powers / reserved powers**.
3. According to the principle of **judicial review / eminent domain**, the government can force someone to sell his or her home to make way for a highway.
4. The idea that the Supreme Court should play an active role in shaping politics reflects the philosophy of **judicial restraint / judicial activism**.

1. separation of powers

2. expressed powers

3. eminent domain

4. judicial activism



Recalling Facts

1. Identify the six major principles of government on which the Constitution is based.

The six major principles of government are popular sovereignty, federalism, separation of powers, checks and balances, judicial review, and limited government.

2. What is the constitutional principle illustrated by the division of the national government into three branches?

The constitutional principle illustrated by the division of the national government into three branches is the separation of powers.



Recalling Facts

3. In the Constitution, what right does the final enumerated power give Congress?

The final enumerated power gives Congress the right to make all laws “necessary and proper” to carry out the powers expressed in the other clauses of Article I.



Recalling Facts

4. Describe how an amendment to the Constitution is proposed and ratified.

An amendment is proposed by two-thirds vote in each house of Congress or by national convention called by Congress at request of two-thirds of the states. An amendment is ratified by legislatures of three-fourths of the states or by special conventions in three-fourths of the states.



Recalling Facts

5. In what ways may the Constitution be changed informally?

The Constitution may be changed informally through laws passed by Congress, congressional practices, presidential practices, court decisions, and custom and usage.



Understanding Concepts

1. Constitutional Interpretations How has the system of checks and balances caused the separation of powers among the three branches of government to become less distinct? The sharing of responsibility for certain government functions has encouraged the sharing of power instead of the division of it. For example, the participation of both Congress and the president in the legislative process has resulted in the president taking much of the lead from Congress in making domestic policy.



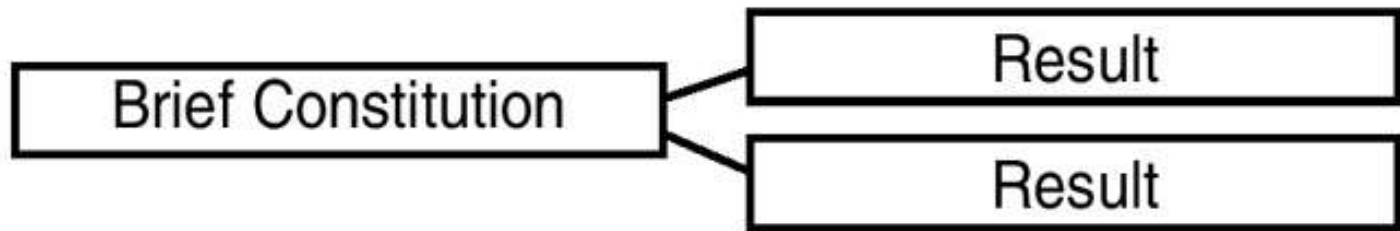
Understanding Concepts

2. Separation of Powers How did John Marshall help to elevate the Supreme Court to be equal to the other two branches of government? He began the policy of judicial review which gives the courts the power to declare laws and actions of local, state, or national governments invalid if they violate the Constitution.



Critical Thinking

1.Undertaking Cause and Effect Use the graphic organizer below to show two results of having a brief Constitution that is a basic framework, rather than a specific plan, of government.



Answers might include flexible government and few amendments.



Critical Thinking

2. Predicting Consequences How would the federal system of government be affected if the Supreme Court did not have the power of judicial review?

Answers may suggest that the legislative branch would gain more power than the judicial branch, or it would make the system of checks and balances less effective.



Interpreting Political Cartoons Activity



1. Which branch of government does the cartoonist imply is the most important?
The cartoonist implies that the legislative branch is the most important.

Interpreting Political Cartoons Activity



2. Do you think the writers of the Constitution believed one branch of government was more important? Explain your answer.
- Yes, the Founders created a legislature in the first article of the Constitution; they attached great importance to lawmaking.



Chapter Bonus Test Question

Who was the only president elected to more than two terms?

Franklin D. Roosevelt

End of the Section

Click the mouse button to return to the Chapter Menu.



The United States Constitution

- 1 What group of people is establishing the Constitution?
- 2 What group of people is to be the beneficiary of the Constitution?
- 3 Why do you think the words “We the People ...” are so frequently shown as they are in the illustration?

- 1)the people of the United States
- 2)the people of the United States from the time of the Constitution onwards
- 3)Possible answer: Those words are symbolic; they emphasize the role the citizens in government

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.



Three Branches of Government

1 What branch can declare laws unconstitutional?

1) the judicial branch



Legislative
(makes laws)

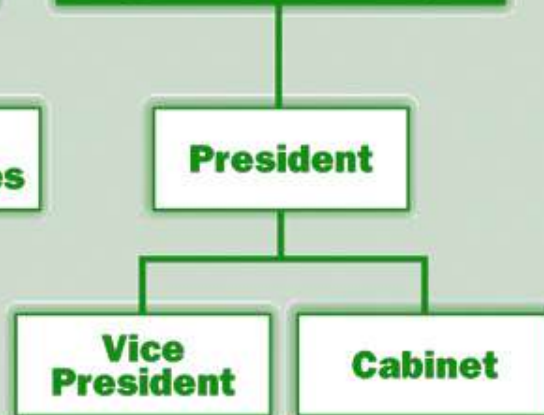


2 To whom do cabinet members report?

2) the president



Executive
(carries out laws)

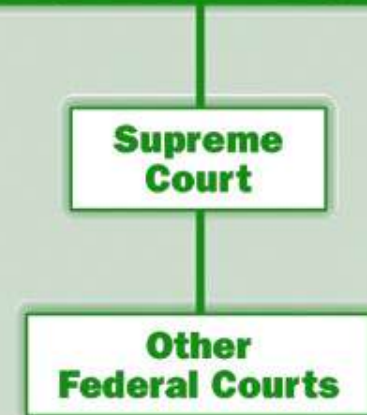


3 What branch of government initiates and approves laws?

3) the legislative branch



Judicial
(evaluates laws)



Early Constitutional Amendments

1 Which amendments expanded the franchise vote?

1) Amendments 15 and 19 gave all races and women the right to vote.

2 Which of these amendments affected the most potential voters?

2) the 19th Amendment

3 Which amendment took the shortest amount of time for the states to ratify?

3) the 13th Amendment to abolish slavery took 10 months to ratify

Selected Amendments			
Amendment	Date Proposed	Date Ratified	Time Elapsed
1-10: Bill of Rights	September 25, 1789	December 15, 1791	2 years, 2½ months
13: Abolition of slavery	January 31, 1865	December 6, 1865	10 months
14: Civil Rights	June 13, 1866	July 9, 1868	2 years, 1 month
15: Suffrage for all races	February 26, 1869	February 3, 1870	11 months
16: Income tax	July 12, 1909	February 3, 1913	3 years, 6½ months
18: Prohibition	December 18, 1917	January 16, 1919	1 year, 1 month
19: Woman suffrage	June 4, 1919	August 18, 1920	1 year, 2 months

Sources: *Encyclopedia of Constitutional Amendments, Proposed Amendments and Pending Issues: 1789-1995*; *World Book Encyclopedia*



Constitutional Amendments Since 1950

1 In what decade were most of these amendments ratified?

1) the 1960s

2 Which of these amendments are concerned with elections and voting?

2) 22, 23, 24, and 26

3 Which amendment had the greatest effect on students? Explain.

3) 26; it allowed 18-year olds to vote

Amendment 22
Ratified 1951
Limit on presidential terms

Amendment 23
Ratified 1961
Presidential electors for the District of Columbia

Amendment 24
Ratified 1964
Abolition of poll tax

Amendment 25
Ratified 1967
Presidential disability and succession

Amendment 26
Ratified 1971
Votes for eighteen-year-olds

Amendment 27
Ratified 1992
Restraint on congressional salaries



STANIS

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LAWYERS

~~We the People~~ of the
insure domestic Tranquility, provide for the common Defence,
and our Posterity, do ordain and establish this Constitution for

Article I.

Section 1. 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 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.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and 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.

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 Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration 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 three, Massachusetts eight, Rhode Island and Providence Plantations six, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware six, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

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

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

Section 3. The Senate shall be composed of two Senators from each State, chosen by the Legislature thereof for six Years; and each





Comparing Constitutions The average national constitution contains about 26,500 words, more than 3 times as many as the United States Constitution. The United States Constitution has provided a stability that few other nations have enjoyed. (France, for example, has had 16 constitutions since 1789.) Research and write a brief report comparing the United States Constitution with the constitutions of several other nations. Focus on such points as length, time in use, and values reflected in the documents.



COVER STORY

Book Banned

PARIS, FRANCE, 1751

A book by a French noble is attracting attention and controversy. In *The Spirit of Laws*, published three years ago, Charles-Louis de Secondat, the baron de Montesquieu, proposed dividing political authority into executive, legislative, and judicial powers. Montesquieu argued that assigning each set of powers to a separate branch of government would promote liberty. Although his book has supporters in England and America, it has been harshly attacked throughout Europe.



**The Spirit of Laws
book**



COVER STORY

Court Says No to Nixon

WASHINGTON, D.C., JULY 1974

The Supreme Court ruled today that President Richard M. Nixon must surrender tape recordings that have long been sought by the House and Senate judiciary committees investigating the 1972 break-in at Democratic Party headquarters. The justices rejected 8-0 the president's argument that recordings of Oval Office conversations are protected by executive privilege and by the doctrine of separation of powers. The Court ordered Nixon to turn over the tapes to Watergate special prosecutor Leon Jaworski. It is widely believed that the tapes contain evidence of the president's involvement in a cover-up of the break-in.

MR. PRESIDENT:
RELEASE
the
TAPES!

A plea for the truth



COVER STORY

Madison's Amendment

WASHINGTON, D.C., MAY 1992

The Twenty-seventh Amendment to the Constitution was ratified by Michigan, the necessary thirty-eighth state today, more than 202 years after it was proposed. The measure that prevents Congress from voting itself a pay raise stunned government leaders. James Madison offered the amendment in 1789, but it was never adopted. Ten years ago, Gregory Watson, then a 20-year-old student at the University of Texas, discovered the forgotten amendment while doing research for a school paper. Now an aide to a Texas state legislator, Watson made the amendment's passage his crusade. In 1991 the Senate's unpopular pay hike rallied support for his cause.



James Madison



COVER STORY

What Bill of Rights?

WASHINGTON, D.C., DECEMBER 1991

Only one in three Americans knows what the Bill of Rights is, according to a poll commissioned by the American Bar Association. The survey offered a series of multiple choice questions to 507 participants. Thirty-three percent correctly identified the Bill of Rights as the first 10 amendments to the Constitution; but 28 percent said it was the Constitution's Preamble. Another 7 percent confused it with the Declaration of Independence, and 10 percent simply didn't know. Fewer than 1 in 10 knew why the Bill of Rights was adopted.



Polling Americans





ERA The earliest version of the ERA was proposed in 1923. Every year for the next 49 years, some version of the amendment was introduced in Congress. It was not discussed by the legislature until 1967. It passed Congress in 1972, but failed to be ratified by the states by the July 1982 deadline.





Several recent polls show that many Americans want to amend the Constitution. Some people want an amendment to limit the terms of members of Congress. Another proposed change to the Constitution includes revising the Fourteenth Amendment so that children born to illegal immigrants in the United States would have to apply for naturalization when they turn 18 instead of receiving automatic citizenship. Other Americans demand a victims' rights amendment to guarantee that the victim in every criminal prosecution be granted the right to be present and heard at all critical stages of judicial proceedings. Still others want to establish an amendment setting forth a legal definition of marriage.



you don't say...

Speakeasies were places where illegal alcohol could be obtained during Prohibition. A possible source of the term is that customers were asked to speak “easy” (softly) when requesting admittance to these establishments.





Amazing Amendments

Since 1789, Congress has proposed nearly 10,000 amendments to the Constitution. These are some that never got out of Congress:

1876: To abolish the United States Senate

1878: To replace the office of president with an Executive Council of Three

1893: To rename the U.S. the “United States of the Earth”

1893: To abolish the United States Army and Navy

1914: To make divorce illegal

1916: To put all acts of war to a national vote and require those who vote yes to register for military service

1933: To limit personal wealth to \$1 million

1971: To declare American citizens have the right to a pollution-free environment





The Watergate Scandal On August 8, 1974, Richard M. Nixon announced his resignation of the office of president. Nixon wanted to avoid an impeachment trial for his involvement in the Watergate break-in. He was later pardoned by President Gerald Ford. Many people feel that Nixon should not have been allowed to avoid the trial. They disagree with Ford's decision to pardon him. Research the facts in the case and then decide how you feel on the issues.



*P*articipating
IN GOVERNMENT

Popular Sovereignty Among those with the worst rates of voter participation are 18- to 25-year-olds.

Activity: Brainstorm ways that the voting record of young people could be improved.



*P*articipating
IN GOVERNMENT

The processes for amending the Constitution have been criticized for their complexity and the length of time needed to add an amendment, but these are the very considerations that have tended to prevent frivolous or unnecessary changes.

Activity: Work together in pairs to critique each other's amendment proposals.



Sam and Geeta Dardick

The Department of Justice enforces the ADA. One ADA supporter summarized that task: “Now every day we must fight to make sure that the words in the law . . . become reality for 43 million Americans with disabilities and millions more around the world who are looking to American leadership for the rights of the disabled.”

Activity: Take a tour of your own home and make an assessment of what would need to be done to allow access for someone who uses a wheelchair. (Stairs are an obvious problem, but remember that wheelchair users also need wider doors, lower sinks, and so on.)





Alice Paul (1885–1977)

Alice Paul was born in Moorestown, New Jersey. She was the founder of the Congressional Union for Woman Suffrage, later the National Women's Party. Paul devoted her life to women's rights, leading the campaign for suffrage that resulted in the Nineteenth Amendment. It was she who wrote the first version of the equal rights amendment.



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