

The Constitution

Lesson 1 Principles of the Constitution

ESSENTIAL QUESTION

Why do people form governments?

GUIDING QUESTIONS

1. *What basic principles of government are set forth by the Constitution?*
2. *How is the Constitution able to change over time?*

Terms to Know

popular sovereignty belief that the government is subject to the people's will

limited government a government with limited powers strictly defined by law

enumerated power power belonging only to the federal government

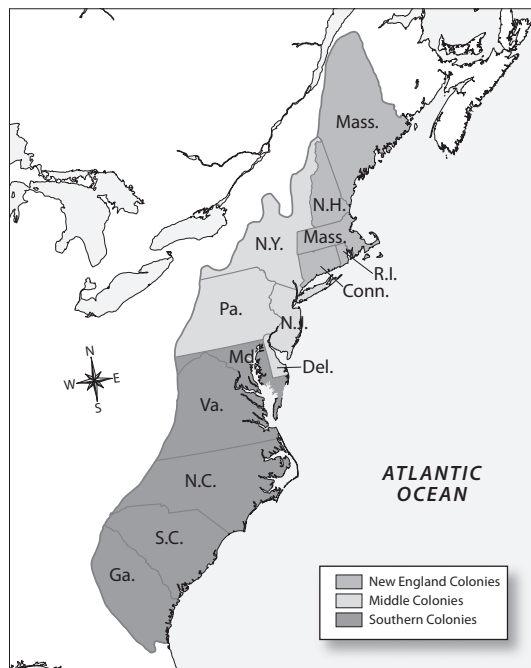
reserved power power belonging only to the states

concurrent power power shared by the federal and state governments

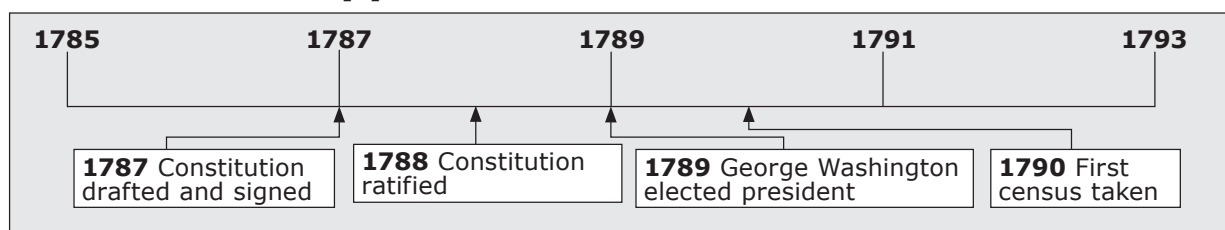
separation of powers division of powers among the branches of government to make sure no branch has too much power

implied power power not specifically stated in the Constitution, but suggested in its language

Where in the world?



When did it happen?



The Constitution

Lesson 1 Principles of the Constitution, *Continued*

Our Constitution

The United States Constitution sets up our country's government. It is based on seven main ideas: (1) popular sovereignty, (2) a republican form of government, (3) limited government, (4) federalism, (5) separation of powers, (6) checks and balances, and (7) individual rights.

The Constitution begins with the words "We the People." Those words, "We the People," are the basic idea of our government—that the people have the right to govern themselves. The idea that the people control the powers of government is known as **popular sovereignty**.

The Constitution sets up a system of government in which the people rule by electing, or choosing, representatives. This is called a republic. The elected representatives make laws and carry out other government functions for all the people.

The people who wrote the Constitution knew the United States needed a strong government. They also knew it was important to limit the power of the government. Otherwise, the government might take away people's rights or favor certain groups. To avoid this, the Constitution sets up a **limited government**, which means that the government's powers are clearly defined. A limited government has only the powers that the people give it.

The Constitution also divides power between the state governments and the national, or federal, government. This system is called federalism. Under the Constitution, the federal government has some powers, and the states have other powers. Certain powers are shared by both the federal and the state governments.

Powers that belong to the federal government are called **enumerated powers**. These include coining—or printing—money, regulating interstate commerce and foreign trade, maintaining armed forces, and creating federal courts.

All powers not given to the federal government are kept by the states. These are called **reserved powers**. These include setting up schools, creating marriage and divorce laws, and controlling trade inside the state.

Sometimes, the federal government and the states share a power. These shared powers are called **concurrent powers**. Concurrent means "happening at the same time." However, sometimes there is a conflict between a federal law and a state law. The Constitution makes federal law the "supreme Law of the Land." In the event of a conflict, federal law will win over state law.



Explaining

1. What is the purpose of the U.S. Constitution?



Defining

2. What is a *republic*?



Analyzing

3. Why is it important to limit a government's powers?



Mark the Text

4. Underline the definition of *enumerated powers*.



Identifying

5. What term is used to refer to powers kept by the states?



Analyzing

6. If there is a conflict between federal law and state law, which one wins?

The Constitution

Lesson 1 Principles of the Constitution, *Continued*



Identifying

7. List the three branches of government.



Reading Check

8. What is the purpose of the system of checks and balances?



Mark the Text

9. What is the Bill of Rights? Underline the answer in the text.

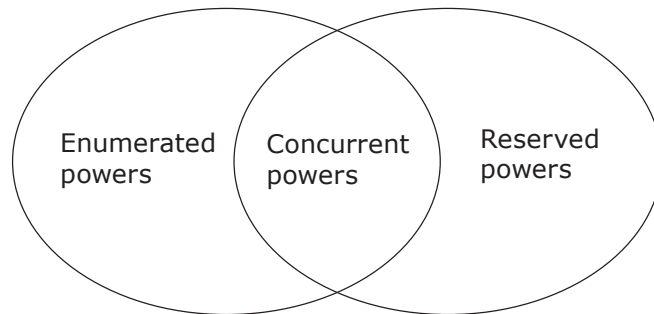


Listing

10. List three important rights mentioned in the Bill of Rights.

Federal government

State governments



The Constitution also includes rules to make sure that no person or group gets too much power. One rule is called the **separation of powers**. This refers to the way the Constitution divides powers among three branches of government: legislative, executive, and judicial. Each branch has a different role.

Another constitutional protection comes from a system of **checks and balances**. This means each branch can prevent the other branches from becoming too powerful. Each branch is given certain powers that can limit the other branches.

The Constitution also protects **individual rights**. These rights are the basic freedoms that Americans enjoy every day. The Bill of Rights, which is the first 10 amendments to the Constitution, lists many of these important freedoms. These include freedom of religion, freedom of speech, the right to a speedy and public trial, and freedom from "cruel and unusual" punishment.

Amending the Constitution

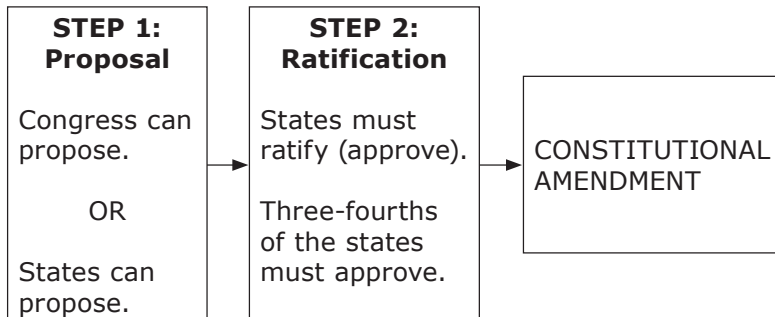
The Constitution can be amended, or changed. One part of the Constitution describes the process for amending the document. As a result, the Constitution can be updated as time passes and society changes.

It takes two steps to amend the Constitution. In the first step, Congress or the states—either one—can propose, or suggest, an amendment. In the second step, the states ratify, or approve, the amendment. Three-fourths of the states must approve the amendment in order for it to become part of the Constitution.

The Constitution

Lesson 1 Principles of the Constitution, *Continued*

AMENDMENT IS A TWO-STEP PROCESS



It is not easy to amend the Constitution. Even though people have proposed hundreds of amendments, only 27 have been ratified.

Among those 27, there have been many important amendments. Some of them have given more people the right to vote. For example, the Fifteenth Amendment said that African American men can vote. The Nineteenth Amendment gave women the right to vote. The Twenty-Sixth Amendment changed the voting age to 18.

The Constitution can also change in another way. Its words can be interpreted, or understood, in different ways. For example, one section says that Congress may "make all Laws which shall be necessary and proper" to carry out its duties. Another allows Congress to "regulate Commerce with foreign Nations, and among the several States." These clauses give Congress **implied powers**—powers that are suggested even though they are not stated clearly.

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Check for Understanding

What words would you use to describe the main ideas, or principles, of the Constitution?

List the two ways that the Constitution can be changed. How many changes have been added to the Constitution?



Identifying

- 11.** What are the two steps it takes to amend the Constitution?



Reading Check

- 12.** How many amendments to the Constitution have actually been ratified?



Mark the Text

- 13.** Underline the definition of *implied powers*.



- 14.** Place a three-tab Foldable along the dotted line to cover Check for Understanding. Write the title *The Constitution* on the anchor tab. Label the three tabs *Main Ideas*, *Making Changes*, and *Bill of Rights*. Write key words or phrases that you remember about each.

The Constitution

Lesson 2 Government and the People

ESSENTIAL QUESTION

How do new ideas change the way people live?

GUIDING QUESTIONS

1. *What are the three branches of government?*
2. *What are the rights and elements of participation of American citizens?*

Terms to Know

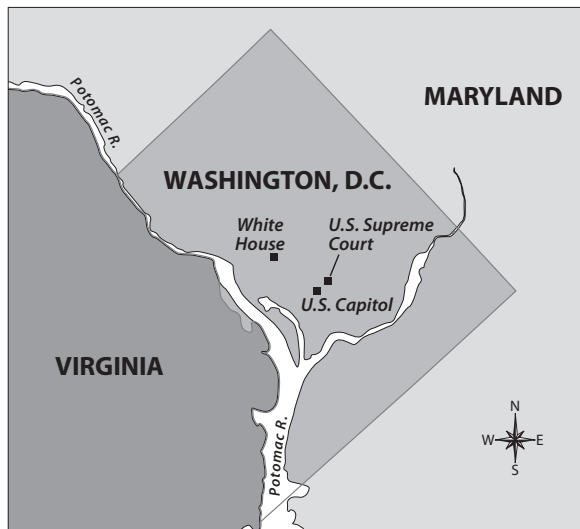
judicial review allows the Supreme Court to look at the actions of the other two branches and decide if the Constitution allows those actions

due process rules and processes the government must follow before it takes a person's life, liberty, or property

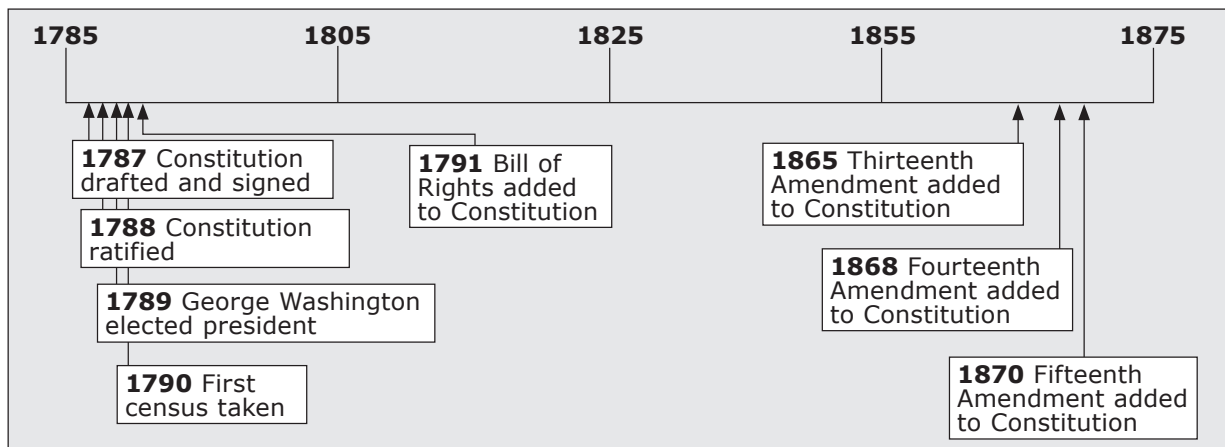
equal protection the right of all people to be treated equally under the law

naturalization the process of becoming a citizen of another country

Where in the world?



When did it happen?



The Constitution

Lesson 2 Government and the People, *Continued*

The Federal Government

The federal government is divided into three branches: legislative, executive, and judicial. This ensures a separation of powers.

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The legislative branch is called Congress. Article I of the Constitution describes what Congress does. Congress makes laws for the nation. These laws can create taxes, permit government spending, and set up government programs. Congress can also declare war.

Congress is made up of two houses: the House of Representatives and the Senate. In order for a bill to become a law, most of the members from both houses must agree on the bill. After that, the bill goes to the president. If the president signs it, the bill becomes a law.

The House of Representatives is the larger house of Congress. The number of representatives that a state sends to the House is based on its population. States that have more people have more representatives. When the population of a state goes up or down, so does the number of its representatives. Today, the House has 435 voting members and 6 nonvoting delegates. Representatives are elected for a term of two years. Every two years, all 435 House seats are up for election at the same time. There are no limits on how many two-year terms a representative can serve.

The Senate has fewer members—100 senators. Each state is represented equally with two senators. Senators are elected for a term of six years. Every two years, there are elections for the Senate. Only one-third of the senators are up for election at a time. As with members of the House, there is no term limit for Senators.

The executive branch carries out the laws Congress passes. The president is the head of this branch. Article II of the Constitution describes the president's many powers, like dealing with foreign policy. The president also proposes laws to Congress and is commander-in-chief of the armed forces.

Article III of the Constitution sets up the judicial branch. It creates the U.S. Supreme Court and allows Congress to create lower courts. The Supreme Court is at the top of the legal system in the country. There are nine members, or justices, of the Supreme Court. They listen to cases and give their decision. Lower courts can use these decisions in their own rulings.

FOLDABLES®



Explaining

1. Place a three-tab Foldable along the dotted line to cover the text that begins with "The legislative branch is called Congress." Label the three tabs *Article 1*, *Article 2*, and *Article 3*. Use both sides of the tabs to recall and explain the roles that the three Articles established for the three branches of government.



Identifying

2. How many members are in the House of Representatives?

How many members are in the Senate?



Making Connections

3. What two roles does the executive branch play regarding the laws Congress passes?

The Constitution

Lesson 2 Government and the People, *Continued*



Mark the Text

4. Underline the definition of *judicial review*.



Reading Check

5. What parts of the Constitution establish the three branches of our federal government?



Defining

6. What is *due process*?



Identifying

7. What right guarantees that we must be treated the same as everyone else under the law?

The Supreme Court has an important power called **judicial review**. Judicial review allows the Supreme Court to look at the actions of the other two branches and decide if those actions follow the rules of the Constitution. The justices are chosen by the president and approved by Congress.

Constitution, Article I

Defines:
Legislative branch

Headed by:
Congress

Made up of:
* House of Representatives
* The Senate

Constitution, Article II

Defines:
Executive branch

Headed by:
The president

Made up of:
* Vice president and cabinet
* Government departments

Constitution, Article III

Defines:
Judicial branch

Headed by:
The Supreme Court

Made up of:
* The federal court system
* Other lower courts

What It Means to Be a Citizen

As U.S. citizens, our rights fall into three main categories:

- The right to be protected from unfair government actions
- The right to be treated equally under the law
- The right to enjoy basic freedoms

Due process is a right guaranteed by the Fifth Amendment. The amendment states that no one shall "be deprived of life, liberty, or property, without due process of law." This means that the government must follow certain rules before it takes a right or freedom away from a citizen. For example, a person accused of a crime has the right to a trial before his freedom is taken away.

Equal protection is a right guaranteed by the Fourteenth Amendment. Equal protection means that the law must treat all people in the same way—no matter what race, religion, or political group they belong to.

The First Amendment describes many of our basic freedoms. These include freedom of speech, freedom of the press, and freedom of assembly. These freedoms allow us to share ideas, which is necessary in a free society.

The Constitution

Lesson 2 Government and the People, *Continued*

Our rights and freedoms also have some limits. For example, we cannot exercise our rights or freedoms if it hurts others or takes away their rights or freedoms.

A citizen is a person who owes loyalty to a country and receives its protection. There are several ways to become an American citizen. One way is to be born on American soil. Another is to have a parent who is a citizen. People born in other countries can become citizens by following a process called **naturalization**.

Citizenship comes with duties and responsibilities. A duty is something you must do. U.S. citizens must pay taxes, follow laws, and sit on a jury when called. A responsibility is something you should do even though you do not have to. If citizens do not take care of their responsibilities, it lowers the quality of their government. Voting is a citizen's most important responsibility.

A CITIZEN'S	
DUTIES	RESPONSIBILITIES
<ul style="list-style-type: none"> • Obey the law • Pay taxes • Sit on a jury when called 	<ul style="list-style-type: none"> • Vote • Take part in government • Respect the rights of others

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Check for Understanding

List three duties and responsibilities of a citizen.

1. _____
2. _____
3. _____

What do you not have the right to do?



Examining Details

8. List three ways a person can become a U.S. citizen.



Reading Check

9. What is the difference between a duty and a responsibility? Why is it important for a citizen to do both?



10. Place a two-tab Foldable along the dotted line to cover Check for Understanding. Label the anchor tab *Citizens*, and label the two tabs *must* and *should*. List words and phrases about the duties and responsibilities of citizens.