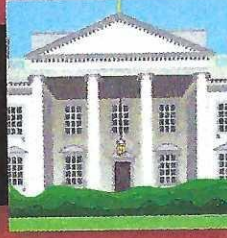


- ✓ **CHART/GRAPH**
 - Amending the Constitution
 - The Federal Court System
- ✓ **GAME**
 - "We the People" Concentration
- ✓ **GRAPHIC ORGANIZER**
 - Major Principles of the Constitution
- ✓ **VIDEO**



Lesson 1

Principles of the Constitution

ESSENTIAL QUESTION *Why do people form governments?*

IT MATTERS BECAUSE

The Constitution is the foundation of our country's government.

Our Constitution

GUIDING QUESTION *What basic principles of government are set forth by the Constitution?*

The United States Constitution presents the American solution to the challenge of government. This solution is based on seven key principles: (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.

Popular Sovereignty

The Constitution begins with an introduction, or preamble. With its first words—"We the People"—the preamble lays the foundation of the American system of government: **popular sovereignty** (PAH•pyuh•luhr SAHV•rihn•tee), or the authority of the people. The preamble makes clear that it is the people of the United States who hold the power and who establish a system of government for their own well-being.

The Nation Is a Republic

How do the people rule in the United States? The Constitution establishes a republican form of government. A republic is a government in which the people rule through elected representatives. Those representatives make laws and conduct government on behalf of the people. In general, the terms *republic* and *representative government* mean the same thing.

Thinking Like a HISTORIAN

Drawing Inferences

Republicanism is the political belief that the citizens are the source of government power. They run their own government through elected representatives. In our nation's republic, the Constitution also places limits on the power of government. Why is being an informed citizen an important responsibility in a republic?

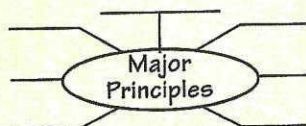
New York Academic Standards

7.4c, 7.5a, 7.5b, 7.5c

Reading **HELPDESK****CCSS**

Taking Notes: Listing

As you read, use a diagram like the one shown to identify the seven major principles on which the Constitution was based.



Content Vocabulary

- **popular sovereignty**
- **limited government**
- **enumerated power**
- **reserved power**
- **concurrent power**
- **separation of powers**
- **implied power**

Limited Government

The Framers were wary of a government that might take away people's rights or favor certain groups. At the same time, they realized that the nation needed a stronger government than the Articles of Confederation had provided. Their goal was to establish **limited government**, in which the powers of government are strictly defined. A limited government has only those powers that are given to it by the people.

Federalism

The original thirteen states had fought hard to win independence from Great Britain. The Articles of Confederation protected that independence, but it failed to create a national government strong enough to deal with many challenges the young nation faced. The United States has a federal government, where the many state governments and the single federal government share power. This system is known as federalism.

The Constitution creates the federal system. It explains how powers are distributed among different levels of government. The Constitution spells out the powers given to Congress and establishes the executive and judicial branches.

The Constitution lists **enumerated** (ee•NOO•muh•ray•tuhd) **powers**, or those powers that are specifically given to Congress. Enumerated powers include the power to coin money, regulate interstate and foreign trade, maintain the armed forces, and create federal courts. The states cannot exercise these powers.

Reserved powers are those powers that belong to the states. The Constitution does not specifically list the reserved powers. The Tenth Amendment declares that all powers not specifically granted to the federal government "are reserved to the States." The reserved powers include the power to establish schools, pass marriage and divorce laws, and regulate trade within a state.

Under the Constitution, the federal government and the state governments share certain powers. These are the **concurrent** (kuhn•KUHR•hnt) **powers**. Examples of concurrent powers are the right to raise taxes, borrow money, provide for public welfare, and carry out criminal justice. Each state and the federal government can exercise these powers at the same time.

The power to coin money is an enumerated power. Congress also has the power to print currency, such as the paper bills shown here.

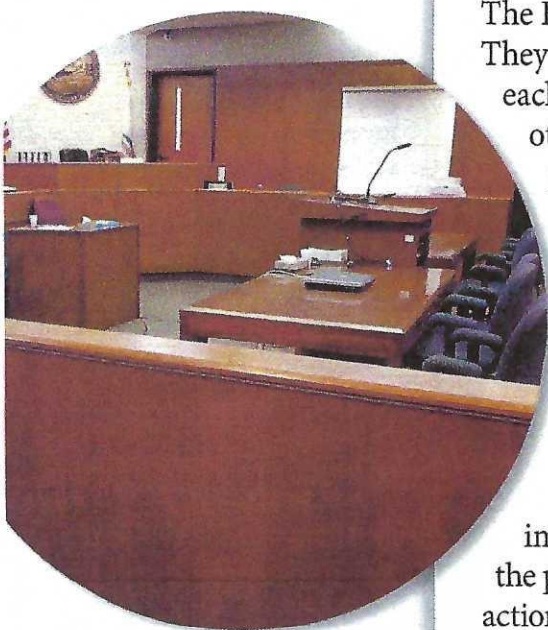


popular sovereignty the belief that government is subject to the will of the people
limited government government with limited powers strictly defined by law

enumerated power power specifically given Congress in the Constitution
reserved power power belonging only to the states

concurrent power power shared by the states and federal government

The right to carry out criminal justice is a concurrent power, and the federal government and the states have their own justice systems.



While states have their own laws and powers, the Constitution is “the supreme Law of the Land.” If a state law **contradicts** the Constitution or federal law, the Constitution or federal law prevails. This is stated in Article VI, Clause 2, of the Constitution—the “Supremacy Clause.”

Separation of Powers

To make sure no person or group in government has too much power, the Constitution provides for a **separation of powers**. This means the Constitution separates the legislative, executive, and judicial powers of government. It then places these powers in three different branches of government. Each branch has different—and limited—powers, duties, and responsibilities.

Checks and Balances

The Framers did more than separate the powers of government. They set up a system of checks and balances. Under this system, each branch of government can check, or limit, the power of the other branches. This system helps maintain a balance in the power of the three branches.

Here is an example of how the system of checks and balances works: Congress (legislative branch) has the power to pass a law. If the president (executive branch) disagrees with the law, he or she can reject it through the presidential power of the veto. This veto power checks the power of Congress. At the same time, Congress can override the veto. This checks the power of the executive branch.

The United States Supreme Court (judicial branch) also has important checks on the other branches. The Supreme Court has the power to interpret the Constitution and to decide whether or not actions by the legislative and executive branches are allowed.

Congress can check decisions made by the courts by beginning the process of changing the Constitution itself. For example, the Supreme Court ruled in the 1857 *Dred Scott v. Sandford* decision that enslaved African Americans were not citizens. In 1866 Congress proposed the Fourteenth Amendment. The amendment was meant to grant full citizenship to formerly enslaved African Americans. When ratified by the states in 1868, the Fourteenth Amendment had the effect of overruling the *Dred Scott* decision.

There are several other ways in which the branches of government check and balance one another. The diagram on the next page shows the system in detail.

Reading HELPDESK



separation of powers a principle by which powers are divided among different branches of government to make sure no one branch has too much power

Academic Vocabulary

contradict to go against or state the opposite

A SYSTEM OF CHECKS AND BALANCES

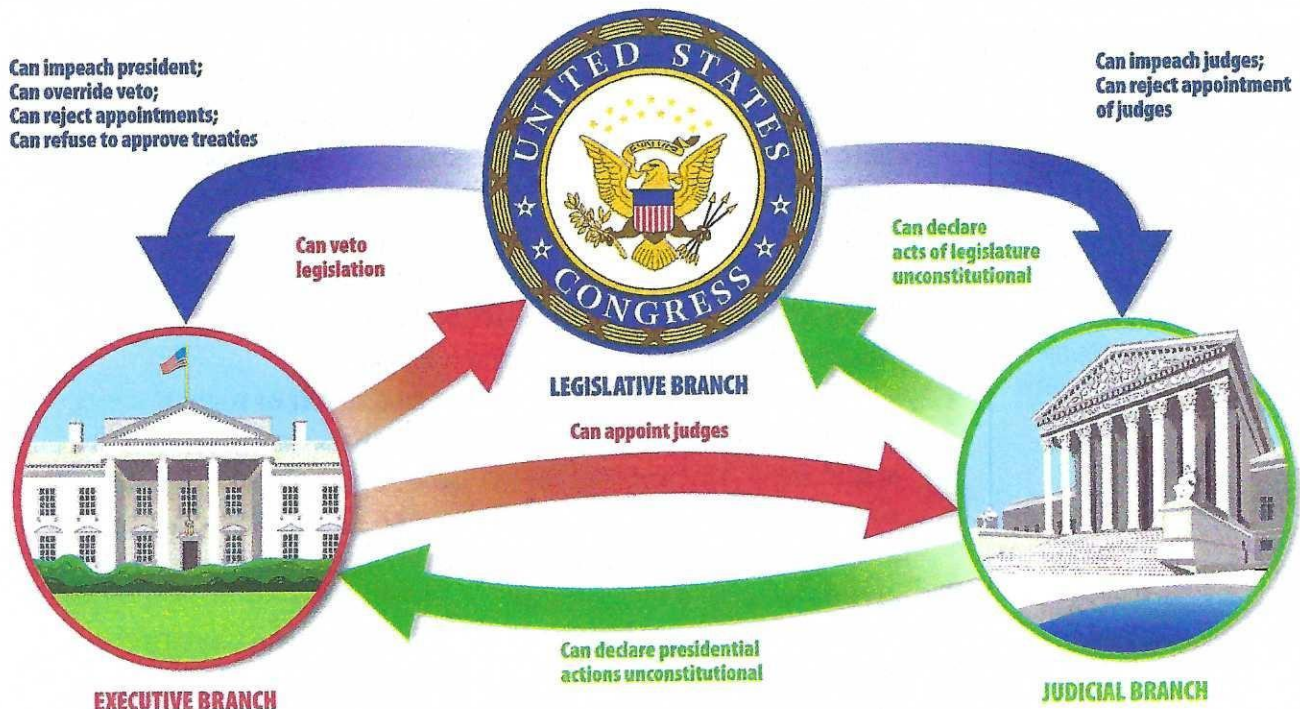


DIAGRAM SKILL

Each branch of government can check and balance the power of the other branches in several ways.

- 1 IDENTIFYING** What is an example of a legislative branch check on the judicial branch?
- 2 CRITICAL THINKING**
Analyzing Do you think the different branches of government are truly balanced? Why or why not?

Individual Rights

The Constitution that the Framers wrote in Philadelphia in 1787 did not have a Bill of Rights. These ten amendments became part of the Constitution in 1791. They guarantee basic freedoms and liberties including:

- Freedom of religion
- Freedom of speech and of the press
- Freedom to assemble in groups and to protest against the government
- The right to bear arms
- The right to a speedy and public trial by jury
- The right to be free from unreasonable searches and seizures by the government
- Freedom from "cruel and unusual" punishments.

Since 1791, other constitutional amendments have expanded on the rights of the American people. For example, amendments have abolished slavery, defined citizenship, guaranteed "equal protection of the law" for all people, and guaranteed the right to vote for people aged 18 and older. Amendments have also authorized the direct, popular election of senators.

✓ PROGRESS CHECK

Describing What is the purpose of the system of checks and balances?



Amending the Constitution

The Constitution of New York can be amended in two ways:

- a) By constitutional convention or
- b) By having the proposed amendment approved twice by the state legislature in successive legislative sessions, followed by approval of the voters in a general election.

Amending the Constitution

GUIDING QUESTION How is the Constitution able to change over time?

The United States Constitution is one of the world's oldest written Constitutions. It is also a short document compared to many other constitutions. Its clear, direct language has helped support stable government for well over two centuries. At the same time, the Constitution has enabled government to adapt to changing times and to deal with challenges that the original Framers never dreamed of—from radio communications to nuclear power to space exploration and more.

The Constitution has changed as a result of formal amendment. The Framers allowed for this process when they wrote the Constitution. People have suggested many hundreds of amendments over the years. Yet the nation has amended its Constitution only 27 times. The Framers deliberately made the amendment process difficult.

As the diagram below shows, amending the Constitution **involves** two steps. The first is formal proposal of an amendment. Congress can do this by two-thirds' vote. Also, two-thirds of the state legislatures can call a convention to propose an amendment, though this method has never been used.

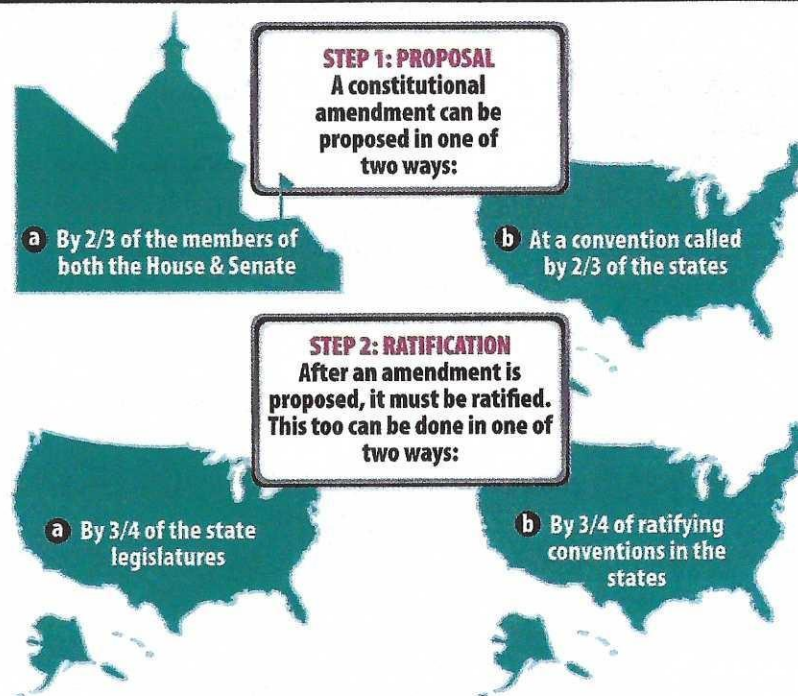
INFOGRAPHIC

THE AMENDMENT PROCESS

Of the hundreds of amendments people have proposed or suggested, only 27 have become part of the Constitution.

1 IDENTIFYING Where do amendments to the Constitution get their start?

2 CRITICAL THINKING
Drawing Conclusions Do you think the process for amending the Constitution is too easy, too difficult, or about right? Explain.



Implied power power not enumerated in the Constitution but suggested in its language

Academic Vocabulary

involve to include

The second step in the amendment process is ratification. Ratification of an amendment requires approval by three-fourths of the states. States can ratify the amendment at either a state convention or through a vote by the state legislature.

Amendments have brought significant changes to the nation. In addition to protecting our rights, amendments have extended the right to vote to a larger share of the population. The Fifteenth Amendment sought to ensure that African American men would have the right to vote. The Nineteenth Amendment extended voting rights to women. The Twenty-Fourth Amendment outlawed poll taxes, giving more people the ability to vote. The Twenty-Sixth Amendment lowered the voting age to 18.

Formal amendment is one way the Constitution has changed. The language of the Constitution has also been subject to different interpretations.

For example, over history, Congress has claimed for itself certain **implied** (ihm•PLYD) **powers**. These are powers that are suggested but not directly stated in the Constitution. The source of the implied powers is Article I, Section 8 of the Constitution. Here is found the “necessary and proper clause,” or the “elastic clause.” This clause directs Congress to “make all Laws which shall be necessary and proper” for carrying out its duties.

Also in Article I, Section 8, is the “commerce clause.” This gives Congress power to “regulate Commerce with foreign Nations, and among the several States.” Congress has used this clause to expand its powers into areas, such as the regulation of television, that do appear in the Constitution.

PROGRESS CHECK

Calculating How many constitutional amendments have been ratified?

Thinking Like a HISTORIAN

Understanding Cause and Effect

Over the course of American history, some unwritten customs of government have become so strong that they seem to have the effect of law. For example, until the 25th Amendment, which was ratified in 1967, the Constitution did not specify that the vice president would assume the office of president in the event of a president's death. Yet on eight occasions, that is exactly what happened. Each time the custom was applied, it acquired more force. For more information about understanding cause and effect, read *Thinking Like a Historian*.

LESSON 1 REVIEW



Review Vocabulary

- Write a paragraph in which you explain the difference between the following:
 - enumerated power
 - reserved power
 - concurrent power
 - implied power
- Explain the significance of the following terms:
 - popular sovereignty
 - limited government

Answer the Guiding Questions

- Explaining** What was the challenge that the Framers faced when setting out to write the Constitution, and how did they meet it?
- Discussing** Why do you think the Framers made the Constitution difficult to amend?
- ARGUMENT** Should Congress have the power to interpret the Constitution? Write a paragraph in which you argue for or against the wide application of the implied powers.