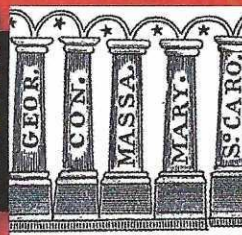


networks

There's More Online!

- ✓ **GAME** State or Federal
- ✓ **GRAPHIC ORGANIZER** Categorizing
- ✓ **PRIMARY SOURCE** The Ninth Pillar



Lesson 3

A New Plan of Government

ESSENTIAL QUESTION How do governments change?

IT MATTERS BECAUSE

The Constitution contains features that came from the best political thinkers and that have helped the nation survive and thrive.

New York CONNECTION

John Jay and the New York Constitution

The main writers of the New York Constitution of 1777 were John Jay, Robert Livingston, and Gouverneur Morris. John Jay was one of the main writers of *The Federalist Papers*. The ideas expressed in these documents found expression in the U.S. Constitution.

The state constitutions set forth a number of ideas that influenced the U.S. Constitution. Among the ideas found in the New York Constitution are voting rights, freedom of religion, and the right of trial by jury.

New York Academic Standards

7.4c, 7.5b, 7.5c

Reading HELPDESK



Taking Notes: Categorizing

As you read, use a chart like this one to identify the powers of each branch of the federal government.

Branch	Example
Executive	
Legislative	
Judicial	

Content Vocabulary

- **federalism**
- **legislative branch**
- **executive branch**
- **Electoral College**
- **judicial branch**
- **checks and balances**
- **amendment**

The Constitution's Sources

GUIDING QUESTION From where did the Framers of the Constitution borrow their ideas about government?

Although an American document, the Constitution has roots in other civilizations. The delegates who wrote the document studied the history of political thought in an effort to avoid the mistakes of the past. Many ideas found in the Constitution came from European political institutions and writers.

The Framers who shaped the document were familiar with the parliamentary system of Britain. Many had taken part in their colonial or state assemblies. They valued the individual rights guaranteed by the British judicial system. Although the Americans broke away from British rule, they respected many British **traditions**, or cultural beliefs and practices.

European Influences

The English Magna Carta (1215) placed limits on the power of the monarch. Parliament, England's lawmaking body, became a force that the king or queen had to depend on to pay for wars and the royal government. Like Parliament, colonial assemblies controlled their colonies' funds. The assemblies had some control over colonial governors.

1) DEA PICTURE LIBRARY/De Agostini Picture Library/Getty Images; 2) Brooks Kerf/Corbis; 3) The Granger Collection, NYC

The English Bill of Rights of 1689 was another model for Americans. In fact, many people in the United States felt the Constitution also needed a bill of rights. The Framers believed in the ideas about the nature of people and government put forth by European writers of the Enlightenment. The Enlightenment was a movement of the 1700s that promoted knowledge, reason, and science as a means of improving society. James Madison and other Framers of the Constitution were familiar with the work of John Locke and Baron de Montesquieu (mahn•tuhs•KYO), two philosophers of the Enlightenment.

The English philosopher Locke wrote that all people have natural rights. He stated that these natural rights include the rights to life, liberty, and property. In his *Two Treatises of Civil Government* (1690), he wrote that government is based on an agreement, or contract, between the people and the ruler. Americans interpreted natural rights to mean the rights of Britons defined in the Magna Carta and the English Bill of Rights. The Framers viewed the Constitution as a contract between the American people and their government. The contract protected people's natural rights by limiting government power.

The French writer Montesquieu declared in *The Spirit of Laws* (1748) that the powers of government should be separated and balanced against each other. This separation would prevent any one person or group from gaining too much power. The Framers of the Constitution carefully spelled out and divided the powers of government.



John Locke influenced many of the Framers of the Constitution. His views on natural rights are reflected in the Constitution.

Federalism

The Constitution created a federal system of government that divided powers between the national, or federal, government and the states. In the Articles of Confederation, the states held most powers. Under the Constitution, the states gave up some powers to the federal government and kept others. **Federalism** (FE•duh•ruh•lih•zuhm), or sharing power between the federal and state governments, is one of the key features of the United States government. Under the Constitution, the federal government gained wide-ranging powers to tax, regulate trade, control the currency, raise an army, and declare war. It could also pass laws that were “necessary and proper” for carrying out its responsibilities. This power would allow Congress to make laws as needed to deal with new situations.

federalism sharing power between the federal and state governments

Academic Vocabulary

tradition longstanding cultural belief and practice

The Constitution left some important powers to the states. The states kept the power to control trade inside their borders. They also could set up local governments and schools and establish marriage and divorce laws.

The Constitution also called for the sharing of some powers between the federal and state governments. Both federal and state governments would have the power to tax and to establish criminal justice.

While states had powers and shared others with the federal government, the Constitution and the laws of Congress were to be “the supreme law of the land.” No state could make laws or take actions that went against the Constitution. Federal courts would settle disputes between the federal government and the states on the basis of the Constitution.

PROGRESS CHECK

Describing What is the principle of federalism?

Government Structure

GUIDING QUESTION *How does the Constitution limit the power of the government?*

The Framers of the Constitution used Montesquieu’s idea of a division of powers. They divide the federal government into three branches—legislative, executive, and judicial. The first three articles, or parts, of the Constitution describe each branch’s powers and responsibilities. They detail the methods for electing or selecting key members of each branch.

CHART SKILL

FEDERAL AND STATE POWERS

The Constitution gives exclusive powers to the state and federal governments, and it also calls for some powers to be shared.

1 IDENTIFYING What is an example of a power shared by the federal and state governments?

2 CRITICAL THINKING
Explaining Why do you think both the national and state governments have the power to collect taxes?

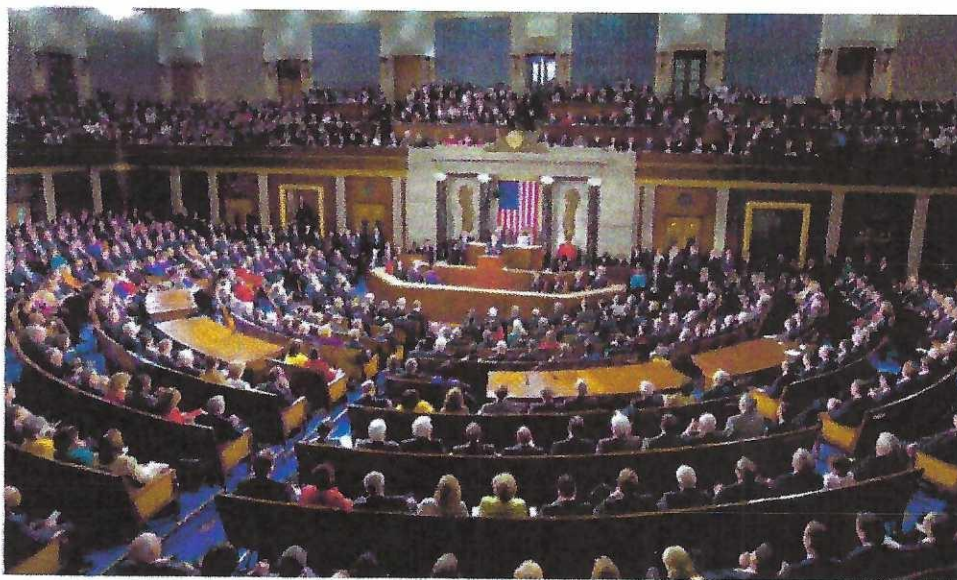
National Government	National and State Governments	State Governments
Coin money	Establish courts	Regulate trade within a state
Maintain army and navy	Enforce laws	Protect public welfare and safety
Declare war	Collect taxes	Conduct elections
Regulate trade between states and with foreign nations	Borrow money	Establish local governments
Carry out all expressed powers	Provide for general welfare	

Reading **HELPDESK**

legislative branch lawmaking branch of government

executive branch branch of government that executes, or carries out, the law; headed by the president

Electoral College special group of electors chosen to vote for president and vice president



Congress, shown here listening to the president deliver the State of the Union speech, consists of both the House of Representatives and the Senate. Congress currently has 100 senators and 435 representatives.

Government Branches

Article I of the Constitution declares Congress to be the **legislative** (LEH•juhs•lay•tiv) **branch**, or lawmaking branch, of the government. Congress is made up of the House of Representatives and the Senate. The powers of Congress include establishing taxes, coining money, and regulating trade.

Article II of the Constitution sets up the **executive branch**, to carry out the nation's laws and policies. At the head of this branch are the president and vice president. A special group called the **Electoral** (ee•lehk•TAWR•uhl) **College** elects the president and vice president. Voters in each state choose the electors who make up the Electoral College.

Article III deals with the **judicial** (joo•DIH•shuhl) **branch**, or court system. The nation's judicial power **resides** in "one supreme Court" and any lower federal courts Congress creates. The Supreme Court and other federal courts hear cases involving the Constitution, federal laws, and disputes between states.

Checks and Balances

The Constitution contains a system of **checks and balances**. This means each branch of government has ways to check, or limit, the power of the other branches. With this system, no single branch can gain too much power in the government. You will learn more about this system in another chapter.

PROGRESS CHECK

Explaining Why does the Constitution divide power among branches of government?

judicial branch the branch of government that includes the courts that settle disputes and questions of the law

checks and balances a system by which each branch of government limits power of other branches

Academic Vocabulary

reside to exist in

Debate and Adoption

GUIDING QUESTION *How was the Constitution ratified?*

Before the Constitution could go into effect, nine states had to ratify, or approve, it. Americans debated the arguments for and against the Constitution in newspapers, at meetings, and in everyday conversations.

Federalists and Anti-Federalists

People who supported the new Constitution were called Federalists. They took this name to stress that the Constitution would create a system of federalism, a government in which power is divided between the national government and the states. Among them were George Washington and Benjamin Franklin. James Madison, Alexander Hamilton, and John Jay wrote a series of essays explaining and defending the Constitution. Called the Federalist Papers, these essays were later published in newspapers and sent to delegates at state conventions. They made a powerful argument in favor of ratification.

Those who opposed the Constitution were called Anti-Federalists. They wrote their own essays, which later came to be known as the Anti-Federalist Papers. Anti-Federalists argued that a strong national government would take away liberties Americans had fought for in the American Revolution. They warned that the government would ignore the will of the states and favor the wealthy few over the common people. Anti-Federalists favored local government that was controlled more closely by the people.

A Bill of Rights

The strongest criticism of the Constitution may have been that it lacked a bill of rights to protect individual freedoms. Several state conventions announced that they would not ratify it unless a bill of rights was included. George Mason expressed the problem:

PRIMARY SOURCE

“There is not a declaration of rights, and the laws of the general government being paramount to the laws and constitutions of the several States, the declarations of rights in the separate States are no security.”

—from “Objections to This Constitution of Government,” September 1787

Connections to TODAY

The Bill of Rights

Various groups have drafted their own specialized versions of the Bill of Rights. For instance, in 2010 New Jersey lawmakers drafted an “Anti-Bullying Bill of Rights.” This legislation was designed to protect students from bullying and cyberbullying. The bill calls for anti-bullying training for teachers and gives school administrators tools for responding to bullying.

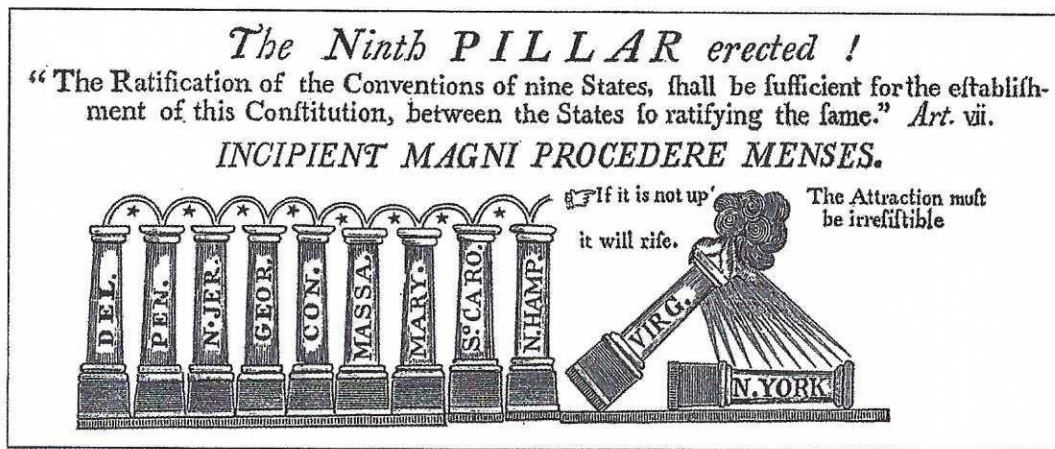
► CRITICAL THINKING

Drawing Conclusions Why do you think lawmakers today refer to the Bill of Rights when proposing and promoting legislation?

Reading HELPDESK



amendment a change, correction, or improvement added to a document



The pillars in this cartoon represent the ratifying vote by each state convention.

► CRITICAL THINKING

Drawing Conclusions Why is the ninth pillar significant?

Ratifying the Constitution

On December 7, 1787, Delaware became the first state to approve the Constitution. By June 21, 1788, the ninth state—New Hampshire—ratified it. In theory, this made the Constitution law. However, without the support of the largest states—New York and Virginia—the new government could not succeed.

In Virginia, Patrick Henry claimed the Constitution did not place enough limits on government power. Still, Virginia did ratify the document after promises that there would be a bill of rights **amendment** (uh•MEHND•muhnt)—something added to a document. This promise was met in 1791. In July 1788, New York ratified the Constitution, followed by North Carolina in November 1789 and Rhode Island in May 1790.

✓ PROGRESS CHECK

Explaining Why was it important that the largest states ratify the Constitution?

LESSON 3 REVIEW



Review Vocabulary

- Explain the relationship between the following terms.
 - Electoral College
 - executive branch
- Explain the significance of the following terms.
 - federalism
 - legislative branch
 - judicial branch
 - checks and balances
 - amendment

Answer the Guiding Questions

- Identifying** What features of the Constitution developed from the ideas of Montesquieu?
- Explaining** What is the purpose of the first three articles of the Constitution?
- Specifying** Why did Virginia finally ratify the Constitution?
- ARGUMENT** Take the role of James Madison. Write an essay for the Federalist Papers, urging states to ratify the Constitution. Use details about the Constitution to support your argument.