THE U.S. CONSTITUTION

INTRODUCTION TO THE U.S. CONSTITUTION

After the Revolutionary War, the Articles of Confederation (1781) were the basis of the new American government. But this weak government did not work very well. The delegates to the Constitutional Convention of 1787 revised the Articles of Confederation. The result was the U.S. Constitution. Three main principles form the basis of the Constitution:

- 1. the separation of powers of the three branches of government
- 2. government of, for, any by the people
- 3. basic human rights (individual freedom, equality, and justice)

The Constitution has three parts:

- 1. The Preamble tells its purposes: to protect the nation and to assure justice, peace, and liberty for all.
- 2. The Document contains seven articles.
- 3. Twenty-six Amendments guarantee individual rights and freedoms and establish other basic principles of government.

• Write the words from above.

1.	After the Revolutionary War, <u>the Articles of Confederation</u> (1781) were the basis of
	the new American government.
2.	The result of the Constitutional Convention of 1787 was
	.
3.	One of the main principles of the Constitution is the
	of powers of the three
	of government.
4.	Another principle is government of, for, and by
5.	The third principle is basic, such as individual
	, equality, and
6.	The three parts of the Constitution are, the seven
	of the Document, and the twenty-six
	<u> </u>

The Document

Article One created the Legislative Branch of government. It established these principles, among others:

- 1. Congress makes the laws of the nation.
- 2. The two houses of Congress are the Senate and the House of Representatives.

- 3. The people of each state elect two Senators.
- 4. The population of each state determines the number of Representatives.

Article Two established the Executive Branch of government, the Presidency. Here are a few of its principles:

- 1. The Electoral College elects the President.
- 2. The President is the chief executive of the nation and Commander in Chief of the armed forces.
- 3. The president has certain powers, such as to enforce laws.
- 4. The president may initiate the law-making process.

Article Three created the judicial Branch under these principles:

- 1. The Supreme Court is the highest court of the land. It is a court of last appeal, and its decisions are final.
- 2. It is the responsibility of the Supreme Court to defend and interpret the principles of the Constitution.
- 3. Residents of the U.S. have the right to trial by jury.

Article Four defined the relationship among the states and the relationship of the states to the Federal government. It included these principles:

- 1. U.S. residents have the same rights in all states.
- 2. All states have a republican form of government.
- 3. Congress may admit new states and make laws for U.S. territories.

Article Five described ways to amend (change) the Constitution.

- 1. Congress may propose (suggest) an amendment if two-thirds of both houses vote for it.
- 2. The states may initiate an amendment. If two-thirds of all state legislatures agree to propose it, Congress will call a national convention.
- 3. To add the amendment to the Constitution, three-fourths of the state legislatures or special state conventions must ratify (officially approve) it.

Article Six declared the Constitution the Supreme Law of the Land.

- 1. No state constitution or law or judge may contradict (state the opposite of) the Constitution.
- 2. All public officials must promise to support the Constitution in an official oath.

Article Seven declared that nine states must ratify the Constitution for it to become law.

		the line.
1.	(6	5) What is the Supreme Law of the land?
2.	() What is the highest court of the land?
3.	() What branch of government makes the laws of the nation?
4.	() How many Senators and Representatives does each state have in Congress?
5.	() Do U.S. residents have the same rights in all states?
) Who is the chief executive of the nation and Commander in Chief of the armed ces?
7.	() What are two ways to propose a Constitutional Amendment?
8.	() What are some of the duties and powers of the President?
9.	() What is one important responsibility of the Supreme Court?
10.	() What form of government do the states have?
11.	() May a state constitution or judge contradict the U.S. Constitution?
12.	() How are new states admitted to the Union?
13.	() Who has to approve a proposed amendment?
14.	() What must public officials promise in an official oath?
15.	() How many states had to ratify the Constitution before it became law?

• In the parentheses, write the number of the Article of the Constitution that contains the answer to each question. Then write the answer in a few words on

The Amendments

The U.S. Constitution is "a living document" because Americans can change it with amendments. The existing amendments protect individual rights or have solved other national problems.

Amendment	Ratified	What does the amendment say?
1-10	1791	The first ten amendments are the "Bill of Rights."
11	1798	Citizens of a state or foreign country may not take another state to court.
12	1804	Electors vote for the President and Vice President on separate ballots.
13	1865	Slavery is illegal.
14	1868	All people in the United States or naturalized are citizens.
15	1870	Black men have the right to vote.
16	1913	Congress has the right to tax income.
17	1913	The citizens elect U.S. Senators directly.
18	1919	It is illegal to make or sell liquor.
19	1920	Women citizens have the right to vote.
20	1933	A new president takes office on January 20.
21	1933	The Eighteenth Amendment was repealed.
22	1951	Presidents may serve no more than two terms.
23	1961	Citizens living in Washington D.C. may vote in
		Presidential elections.
24	1964	It is illegal to require voting taxes.
25	1967	The Vice President becomes President if the President can't carry out his duties.
26	1971	All citizens eighteen years and older may vote.

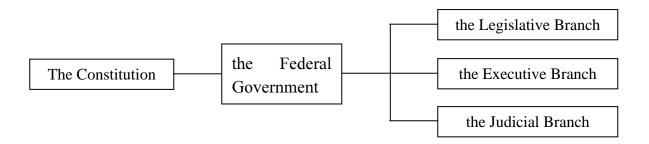
THE FEDERAL GOVERNMENT

The American System of Government

The United States is a democratic republic (a representative democracy). The national government is a government of all the people and their representatives (elected officials). It is called the federal government because the nation is a federation, or association, of states.

The U.S. Constitution gave the federal government only limited powers, the powers stated in the Constitution. All other powers belong to the individual states.

The Founding Fathers established three branches of government: the legislative, the executive, and the judicial. Each branch has different functions and power under the principle of separation of powers. There is also a system of checks and balances so that each branch has some control over the other two branches. This way, no one group can have too much power.



The Three Branches of Government

The legislative branch is called Congress. It consists of the Senate and the House of Representatives. It is the responsibility of Congress to propose and pass laws. In the system of checks and balances, Congress can refuse to approve Presidential appointments and can override a Presidential veto.

The executive branch consists of the President, the Vice President, the Cabinet and the thirteen Departments, and the independent agencies. It's the responsibility of the executive to enforce laws. The President has the power to veto (reject) any bill (law) of Congress. He appoints all Supreme Court Justice.

The judicial branch consists of the Supreme (highest) Court, eleven Circuit Courts of Appeals, and ninety-four District Courts. This branch explains and interprets laws makes decisions in lawsuits. It has power over the other two branches because it can declare their laws and actions unconstitutional (against the principles of the Constitution).

• Answer these questions about the three branches of government.

	the Legislative	the Executive	the Judicial
1. What does it consist of?	the Senate		
	the House of		
	Representative s		
2. What are its responsibilities?			
3. What powers does it have under the system of checks and			
balances?			

Political Parties

The U.S. Constitution does not talk about political parties, but they began during George Washington's term office. On one side were the Federalists. They wanted a strong federal government. On the other side, the democratic-Republicans wanted to limit the power of the national government. Their leader was Thomas Jefferson, and their group later became the Democratic Party.

Some of the early political parties, such as the Federalists and the Whigs, no longer exist. Since 1854, the two major parties have been the Democrats and the Republicans. Smaller parties have lasted for only a short time. "Third parties" have won in local elections, but their candidates have never won a Presidential election.

Many people say that there is not much difference between the Republican and Democratic Parties. "Liberal" politicians usually favor reform (change) and progress. "Conservative" politicians usually oppose change. But both liberal and conservative members belong to the two major political parties, and their ideas often change with the times and the issues.

Democratic and Republican parties

The Democratic Party is the oldest party in the United States. In 1829, Andrew Jackson became the first Democratic President. Since that time, the issues of the nation and the ideas of the party have changed. Both the major parties have liberal and conservative members, but in general people consider the Democrats today more liberal than the Republicans. Democrats often want the government to establish social programs for people need, such as the poor, the unemployed, and the elderly. They usually say they believe in equal rights for women and minorities and they oppose nuclear weapons and too much military spending. The symbol of the Democratic Party (from political cartoons) is the donkey.

The Republican Party, sometimes called the G.O.P. (the Grand Old Party) began in 1854 over the issues of slavery. Republicans oppose slavery. The first Republican candidate to become President was Abraham Lincoln. After the Civil War, Republicans got interested in farm, land, and business issues. In general, Republicans vote more conservatively than Democrats. They want government to support big business but not to control the lives of citizens. They often oppose government spending for social programs but support military spending. The party symbol is the elephant.

- Which party is each sentence about? Write R for the Republican and D for the Democratic.
- 1. ----- It is the oldest political party in the United States.
- 2. ----- It is sometimes called the G.O.P.
- 3. ----- Its first President was Abraham Lincoln.
- 4. ----- Its first President was Andrew Jackson.
- 5. ----- It is generally more liberal than the other party.
- 6. ----- Its members usually prefer to spend tax money for military purposes rather than for social programs.
- 7. ----- Its members do not want the government to control the lives of individuals.
- 8. ----- The party symbol is the donkey.

The Legislative Branch

- Discuss these questions about the legislative branch of the federal government.
- 1. What is the legislative branch of U.S. government called?
- a. Congress b. Parliament
- 2. What is a "bicameral" legislature?
- a. one with cameras b. one with two houses (divisions)
- 3. What are the two houses of Congress?
- a. the Council and the Supreme Soviet b. the Senate and the House of Representatives
- 4. Who is President of the Senate? (What is his office?)
- a. Mayor of Washington, D.C. b. Vice President of the U.S.
- 5. Who presides if the President of the Senate is absent?
- a. the President pro tempore b. the Vice President of the U.S.
- 6. Who presides over the House of Representatives (the House)?
- a. the President of the U.S. b. the Speaker of the House
- 7. What party does the Speaker of the House usually belong to?
- a. no political party b. the majority political party

Facts About Congress

	the Senate	the House
Number of Members	100	435
Number of Members Per State	2	determined by state population
Length of Term	6 years ⁽¹⁾	2 years ⁽¹⁾
Number of Terms	no limit	no limit
Age Requirement	at least 30	at least 25
Citizenship Requirement	at least 9 years as a U.S. citizen	at least 7 years as a U.S. citizen
Dates of Regular Session	January 3 to adjournment	January 3 to adjournment

⁽¹⁾One-third of all Senators and all Representatives run for office every two years.

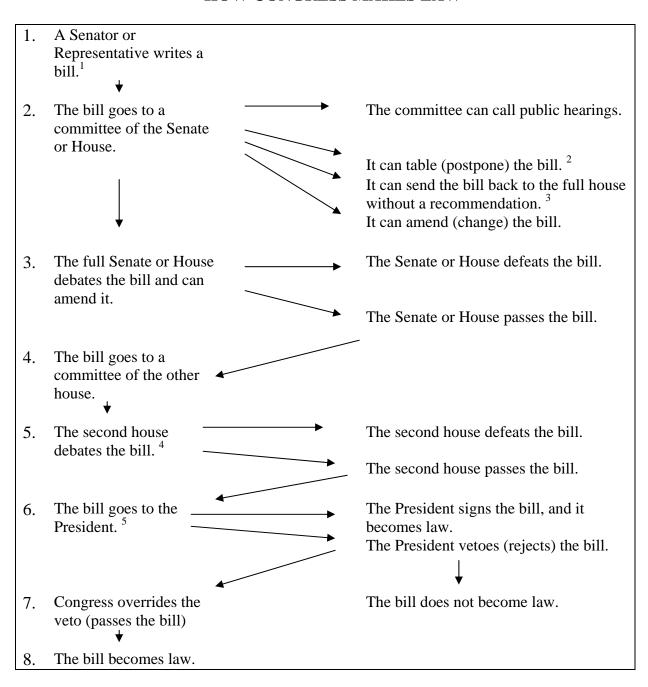
• Make sentences about the information above with these sentence patterns.

1.	The	Senate		has (number)	_ members.
		House of Rep	presentatives	(number)	
2.	The numb	per of Sena Repr	ntors resentatives	for each state is	S
3.	Each	Senator Representar	tive	erves in Congress f	or years. (number)
				erms for each S	Representative.
5.	To run fo	r Congress, a	Senator Represent	must be	at least(number)
	years old	and a U.S. citize	en for at leas	t year (number)	rs.
6.	A regular	session of the	Senate House	is from(date	to

•	Fill in the	gaps with	words	from	the o	chart	on the	next page	·.

1.	To begin the law-making process	, either a	or a	can write
	a			
2.	The bill then goes to a	of the same	e house.	
3.	The committee can call	,	(postpone) the b	ill, send it back
	to the full house without a	, or	(change) the b	ill.
4.	If the Senate or House	the bill, it	does not become law	•
5.	If the Senate or House	the bill, it	goes to the other hou	ise of Congress
	and its committee.			
6.	If the second house passes the bil	l, it goes to _		
7.	•	•		
8.				the veto.
	and it becomes law anyway.			

HOW CONGRESS MAKES LAW



¹ A bill concerning taxes or the budget must begin in the House of Representatives.

² If a committee tables a bill, Senator or Representatives can force it out of committee with a majority vote.

³ This step often "kills" the bill.

⁴ If the second house of Congress amends the bill, the first house must agree to the changes.

⁵ If the President does nothing and Congress adjourns within ten days, the bill does not become law.

The Executive Branch

• Match the questions in [A] with the answers provided in [B]

• Number the steps in electing a President in correct order

- 1. Electors (member of the Electoral College) cast their votes for President and Vice President. The candidates with the majority (more than half) of the electoral votes win.
- 2. Political parties hold national conventions to choose their candidates for President and Vice President. Convention delegates vote for the choices of the voters in their states.
- 3. The new President takes office during the inauguration (formal ceremony) on January 20 after the election.
- 4. If no candidate wins the majority of the electoral votes, the House of Representatives chooses the new President.

- 5. All candidates campaign until election day, the first Tuesday after the first Monday in November. Then the voters make their choices.
- 6. Political parties choose their candidates in state caucuses (conventions) or state primaries (elections).

The Electoral College

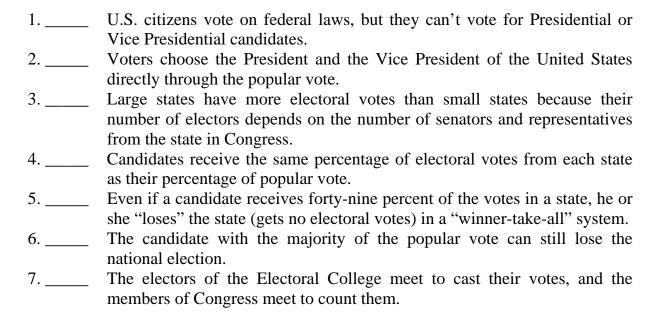
U.S. citizens do not vote on federal laws because the U.S. system of government is a representative democracy, but they do choose the President and Vice President of the United States. However, the system of electing these officials is an indirect one.

When voters choose candidates on election day, they are actually voting for presidential "electors." The numbers of electors in each state is equal to the number of senators and representatives from that state in Congress. Because states with large populations have more representatives than states with fewer people, they have more power in an election. The Electoral College is based on a "winner-take-all" system. The winner of the majority of votes in each state gets all of that state's electoral votes. For example, the candidate with over fifty percent of the popular (total) vote in California gets all of that state's electoral votes, even if he or she won with only a small majority.

Because of the Electoral College system, occasionally the candidate with the majority of the popular vote loses the presidential election. This is unusual, however.

In December the electors meet in their state capitals to cast their votes and send tem to the U.S. Senate. On January 6 the members of Congress meet to count the votes.

• Write T for true and F for false. Correct the false sentences.



The Cabinet, the Departments, and the Agencies

It is the responsibility of the executive branch of the federal government to enforce the U.S. Constitution and federal laws. The President is the Chief Executive and head of the government. The Vice President, the fourteen Cabinet members (usually called Secretaries) and their Departments, and the federal agencies are also part of the executive branch.

The President chooses the members of his Cabinet (the heads of the departments), and the Senate approves his choices. The fourteen departments are the Departments of:

State	the Interior	Health and	Transportation
the Treasury	Agriculture	Human Services	Education
Defense	Commerce	Housing and Urban	Energy
Justice	Labor	Development	Veterans Affairs

Many federal agencies provide special services and may be temporary. Some well-known agencies are the Civil Rights Commission, the Environmental Protection Agency, the Federal Trade Commission (FTC), the National Aeronautics and Space Administration, the United States Postal Service, and the Veterans Administration (VA).

- Write T for true and F for false. Correct the false sentences.
- 1. the executive branch makes laws but does not enforce them.
- 2. The Vice President, the Chief Executive of government, chooses the members of the Cabinet with the approval of the voters.
- 3. There are fourteen government departments, and their heads are usually called Secretaries.
- 4. The State Department, the Department of the Treasury, and the Department of Commerce are federal agencies.

The Judicial Branch

- Discuss these questions about the judicial branch of the federal government and decide on the answers
- 1. What is the highest court of the land?
- a. the Supreme Court
- b. the Presidential Tribunal
- 2. The Supreme Court is the "Last Court of Appeal." What does this mean?
- a. No other court has higher decision-making power.
- b. Citizens can appeal its decision (take the same case) to lower courts.
- 3. What does the Supreme Court do?

- a. It approves or overturns decisions of lower courts and explains and interprets laws.
- b. It hears cases from individual citizens without lawyers.
- 4. In the system of checks and balances, how does the judicial branch have power over the other two branches of government?
- a. The Supreme Court appoints all judges.
- b. The Supreme Court can decide on the constitutionality of laws and Presidential actions.
- 5. Where is the Supreme Court?
- a. in every state capitol
- b. in Washington, D.C. (the nation's capital)
- 6. Who choose the justices of the Supreme Court?
- a. The voters elect them.
- b. The President appoints them, but the Senate must approve them.
- 7. Who chooses the Chief Justice (head judge) of the Supreme Court?
- a. the President and the Cabinet
- b. The nine justices of the Supreme Court elect him or her.
- 8. Has there ever been a woman Supreme Court justice?
- a. Yes. Sandra Day O'Connor became the first woman justice in 1981.
- b. No, because the Constitution states that all supreme Court justices must be men.
- 9. How long do Supreme Court justices serve?
- a. for the same length of time as senators from their states
- b. for life
- 10. Must the Supreme Court hear all appeals from lower courts?
- a. Yes, because hearing appeals is its only responsibility.
- b. No. It takes only the more important cases (especially cases concerning individual rights and the constitutionality of laws or actions).
- 11. Can the President or Congress abolish the Supreme Court?
- a. Yes, with a two-thirds majority of both houses.
- b. No. Only a Constitutional Amendment could abolish it.
- 12. What other kinds of courts and how many of them are there in the federal system?
- a. eleven Circuit Courts of Appeal and ninety-four District Courts
- b. two Executive Courts and three Legislative Courts

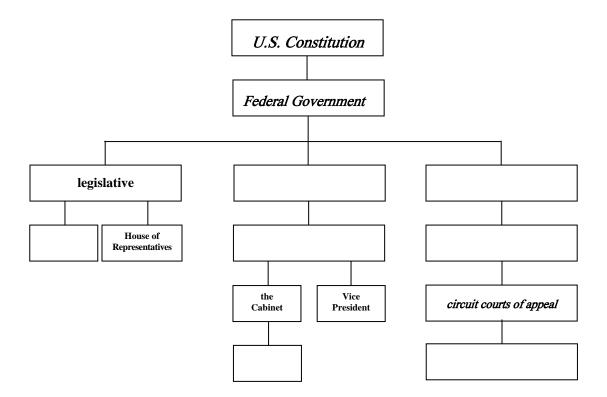
¹ As an example, in 1987 the Senate rejected President Reagan's candidate, Robert H. Bork, because the Democrats (the majority party) thought he was too conservative.

- 13. Are there any special federal courts?
- a. Yes. There are a Court of Claims, a Court of Customs, a Court of Customs and Patent Appeals, and a Court of Military Appeals.
- b. No. All courts must accept all kinds of cases.
- 14. What do the Circuit Courts of Appeals do?
- a. They hear appeals (requests to hear the case again) from lower courts.
- b. They overturn decisions of the Supreme Court.
- 15. What are the District Courts and what happens in them?
- a. They are state courts. All cases concerning state laws begin there.
- b. They are the lowest level of federal courts. Federal cases begin there.
- 16. How do federal courts differ from other courts?
- a. Federal courts take only cases concerning federal law. Other courts hear cases about state or local law.
- b. There is no difference. All courts take the same kinds of cases.

Facts about the Federal government

- 1. The federal government is in the form of a democratic republic, which means that the people elect representatives.
- 2. It is a representative democracy because the people have the power through their elected representatives.
- 3. The government follows the principles of a constitution with its bill of rights.
- 4. The government has three branches with different responsibilities and powers.
- 5. The legislative branch has two houses that make laws.
- 6. The upper house in the Senate, and the lower house in the House of Representatives.
- 7. The leaders of the executive branch are the U.S. President and Vice President.
- 8. The President appoints the members of the Cabinet. These advisors ("Secretaries") are the heads of federal departments.
- 9. The judicial branch of the federal government judges cases of federal law.
- 10. The highest court is the U.S. Supreme Court. There are also circuit courts of appeals and district courts.

• From the information above on page 50, write the missing words in the boxes.



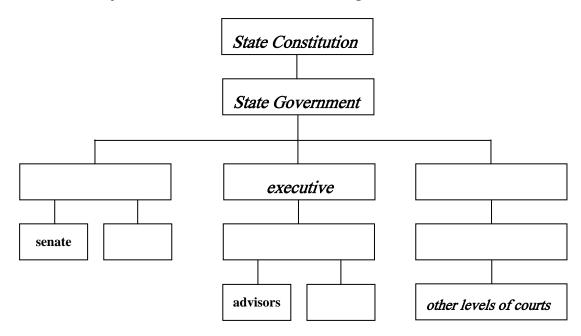
STATE GOVERNMENT

Facts about the state government

- 1. State government is in the form of a democratic republic, which means that the people elect representatives.
- 2. In addition to power through their elected state representatives, the people have direct power through the initiative, referendum, and recall processes.
- 3. The government follows the principles of a constitution with its bill of rights.
- 4. The government has three branches with different responsibilities and powers.
- 5. The legislative branch has two houses that make laws.*
- 6. The upper house in a senate, and the lower house is a state assembly or a house of representatives.
- 7. The leaders of the executive branch are the governor and the lieutenant governor.

^{*} Only Nebraska has a one-house state legislature.

- 8. The executive branch includes advisors to the governor. Some advisors are elected and some are appointed.
- 9. The judicial branch of state government judges cases of state law.
- 10. The highest court is the state supreme court. There may also be appellate (appeals), county, superior, district, circuit, municipal, and special courts.
- From the information above, write the missing words in the boxes.



Functions, Powers, and Services

Only the federal government:

- declares war
- supports the armed forces
- coins money
- establishes and maintains post offices
- gives authors and inventors the exclusive right to their work (copyrights or patents)
- makes treaties with the governments of other countries

Only a state government:

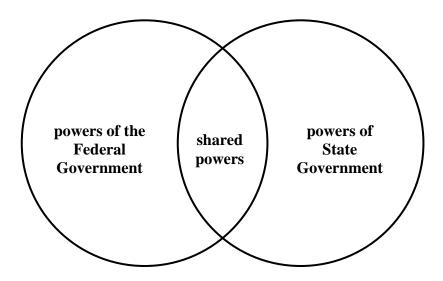
- maintains a police force
- supports a state militia, such as the National Guard
- regulates transportation and trade within the state
- establishes and maintains schools
- oversees local governments and grants city charters

Both the federal and state governments:

- fund public projects (buildings, dams, highways, etc.)
- support farming and business
- maintain court systems
- regulate banks

The federal government usually provides funding and the states distribute the money and provide programs for:

- public assistance for people in need
- health care
- protection of natural resources
- improvements in living and working conditions



"The powers not delegated to the United States by the Constitution nor prohibited by it to the states are reserved to the states respectively, or to the people." The Tenth Amendment to the Constitution of the United States.

• Answer the following questions.

Example: Which government declares war and makes treaties? The federal government.

Which government ...?

- 1. ... declares war and makes treaties?
- 2. ... maintains a police force and state militia?

- 3. ... regulates trade and transportation in the state?
- 4. ... coins money and maintains post offices?
- 5. ... establishes and maintains schools?
- 6. ... regulates banks and supports business?
- 7. ... oversees local government and grants city charters?
- 8. ... funds public projects, like dams and highways?
- 9. ... maintains court systems?
- 10.... issues copyrights and patents?
- 11.... provides public assistance and health care for people in need?
- 12.... provides funding for the protection of natural resources?
- 13.... distributes money through programs to improve living and working conditions?

The Separation of Powers in State Government

State governments are similar in structure to each other and to the federal government. Under the principle of separation of powers, the government of each state has three branches-the legislative, the executive, and the judicial. In the system of checks and balances, each branch has some control over the other two branches.

The governor may veto bills from the legislature (the senate an the house or assembly). In some states, the governor uses a "line-item veto." This way, he or she does not have to reject an entire law in order to veto parts of it. The governor also appoints judges in the judicial branch. With enough votes in both houses, the legislature can override the governor's veto.

Like the federal courts, state courts also explain and interpret laws. They can declare state laws unconstitutional (contradictory to the state constitution).

State government includes a system of direct democracy. Through the initiative process, citizens may put proposed laws on the ballot for the people to vote on. They may decide on proposed constitutional amendments or important state issues in a referendum. Through a recall, they can sometimes remove an elected government official from office.

The federal government also has power over state governments. For example, a state constitution or court may not contradict the U.S. Constitution, and the U.S. Supreme Court may overrule the decision of a state supreme court. Also, the U.S. President may withhold money from a state if the state refuses to obey federal laws.

• Write T for tr	we and F for false. Correct the false sentences.
	governments are similar to one another, but they are different in
2 The princ	from the federal government. ciples of separation of powers and checks and balances apply to well as the federal government.
3 In a "line	e-item veto," the governor can reject parts of initiatives, ams, or recalls.
4 Like in th	ne federal government, state legislatures can override vetos, and rts can declare laws unconstitutional.
5 Citizens	may propose laws, vote on constitutional amendments, and recall fficials in the federal system of direct democracy but not in a state
6 The U.S.	Supreme Court and the U.S. President have some direct power e governments.
	ain Kirn, the Office Of English Language Programs, Bureau of ultural Affairs, The United States Department of State, Washington
	USA, Richard Musman, Macmillan Publishers, 1990
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USA http://www.theusao	nline.com
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Wikipedia - The free Encyclopedia http://en.wikipedia.org/wiki/United_States