

The Constitution

14.1 Introduction

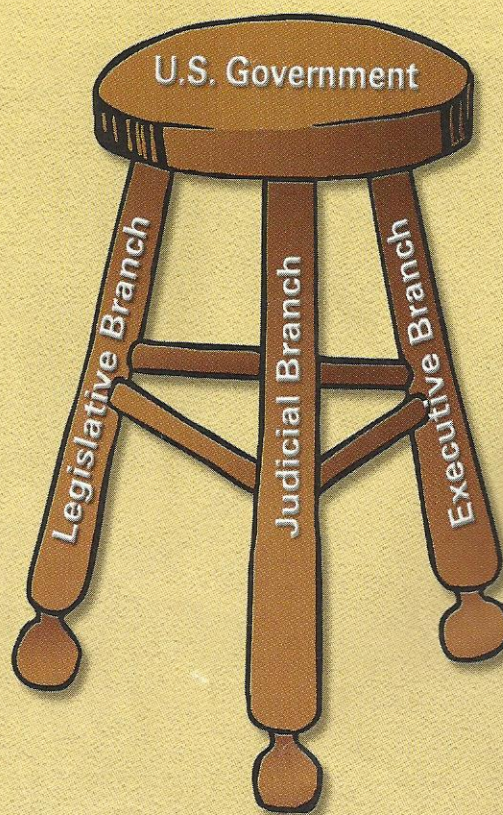
In Chapter 13, you learned how Americans won their independence in the Revolutionary War. Now they needed their own government to protect their freedoms and maintain order. In this chapter, you will learn how a national government was created by the Constitution.

Americans first tried to set up a national government in a document called the **Articles of Confederation**. But this government had very limited powers, and it was too weak to keep order. So, in 1787 the states called a meeting to improve the Articles of Confederation. This meeting was called the **Constitutional Convention**.

Instead of revising the Articles, the convention delegates decided to describe a new government in a document called the **Constitution**. The Constitution created a strong national government. It also divided the U. S. government into three parts, or **branches**, each with its own powers and responsibilities. To keep any one branch from becoming too powerful, the Constitution included a system of **checks and balances**. Under this system, each branch limited the powers of the others.

Some say the Articles of Confederation were as weak and unsteady as a one-legged stool. Look at the drawing of the stool on the right. As you read this chapter, think about how this stool can be compared to the Constitution. How is the Constitution like a three-legged stool?

The Constitution: Like a Three-Legged Stool



14.2 The First American Government: The Articles of Confederation

After declaring their independence, the 13 American states (the former colonies) created a government to fight the war against Britain and to solve common problems. They described this government in a document called the *Articles of Confederation*.

The government created by the Articles was very weak. It had a Congress that could make war and pass other laws. But making laws was difficult, because every law had to be approved by 9 of the 13 states. In addition, the government did not have a president, and it did not have a court that could settle disagreements between states.

The Confederation Congress succeeded in directing the Revolutionary War. But once the war was over, Congress had a difficult time solving the new country's problems. For one thing, it had no power to collect taxes or to force the states to give it money. It could not even pay the soldiers who had fought in the Continental Army.

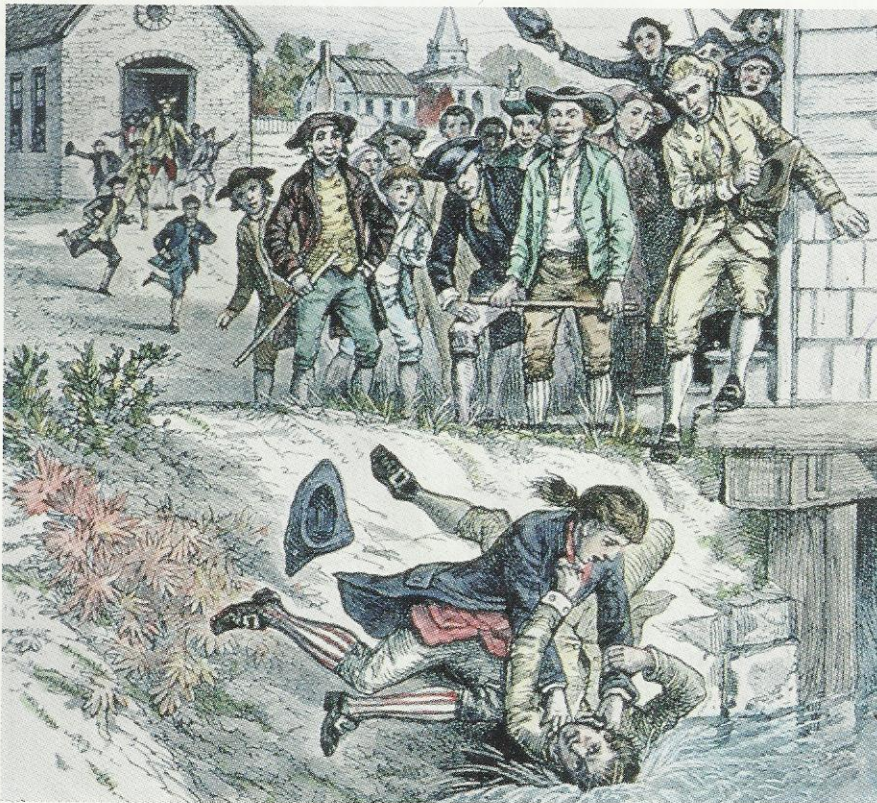
Imagine losing your home because you can't pay your bills. That is what happened to many former soldiers and poor farmers. Some of them were even put in jail. One farmer

complained, "The great [rich] men are going to get all we have, and I think it is time for us to rise and put a stop to it."

In Massachusetts, a former soldier named Daniel Shays tried to do just that. Shays and hundreds of other men took up their guns and tried to stop the courts from taking people's property. Their fight against the government became known as *Shays's Rebellion*.

Shays's Rebellion frightened many leaders. More and more, they wanted a strong government that could pay the nation's bills, settle arguments between states, and maintain order.

A farmer attacks a government official as others cheer him in this scene from Shays's Rebellion. Shays's Rebellion frightened many leaders. They saw the rebellion as a sign that the Articles of Confederation were not working.



14.3 Inventing a New Government: The Constitutional Convention

In May 1787, delegates from 12 of the 13 states met in Philadelphia. Their task was to improve the Articles of Confederation, but they ended up writing an entirely new document. Today, their meeting is known as the Constitutional Convention.

The 55 delegates included some of the best-known leaders in America. As a group, they were well educated and richer than most Americans. All were white men. Many were lawyers, but the group also included doctors, merchants, farmers, and soldiers.

Several delegates were especially important at the convention. As president of the convention, George Washington kept the debates respectful. Eighty-one-year-old Benjamin Franklin wisely stepped in when tempers flared. James Madison of Virginia brought his plan for a powerful national government with him and argued strongly for it. Gouverneur (his first name) Morris of Pennsylvania wrote much of the final draft of the Constitution.

All through the hot, sticky summer, the delegates worked behind closed doors. Some, like Madison, favored a strong, united government. Others were afraid of losing freedoms if the national government was too strong.

In the end, the delegates agreed to have both state governments and a strong national government. They also agreed to divide the national government into three parts, or branches. The **legislative branch** would make the laws. The **executive branch** would carry out the laws. The **judicial branch** would settle disagreements over the meaning of the laws.

One of the convention's fiercest debates concerned the number of representatives in the legislative branch. Larger states wanted the number to be decided by the number of people living in a particular state. Smaller states were afraid of losing power in such a plan. They wanted every state to have the same number of votes in the legislative branch.

This disagreement was so intense that at times it seemed the convention would fall apart. Eventually, the two sides reached a



Independence Hall in Philadelphia, shown here, was the site of the Constitutional Convention.

legislative branch: the branch of government that makes laws (Another word for "make laws" is *legislate*.)

executive branch: the branch of government that carries out ("executes") laws

judicial branch: the branch of government that interprets laws and settles disagreements about them ("Judicial" is related to the word *judge*.)

compromise (an agreement in which each side gave up some of what it wanted). They created a legislative branch with two parts, called *houses*, one for each idea.

The delegates made many such compromises during four months of hard work. Finally, on September 17, 1787, they signed the final Constitution. By June 1788, 9 of the 13 states had approved it. The United States had a new government.

14.4 Making the Laws: The Legislative Branch

The main text of the Constitution is organized into parts called *articles*. Article I of the Constitution describes the legislative branch. The legislative branch, or Congress, has the responsibility of making laws.

Congress is made up of two houses, the Senate and the House of Representatives. Every state elects two members, called *senators*, to the Senate. But in the House, the number of representatives depends on the number of people who live in a state. States with more people have more representatives in the House.

To make laws, members of Congress write bills. A bill is an idea for a new law. If a majority in both houses of Congress votes to pass (approve) a bill, it is sent to the head of the executive branch, the president. If the president signs the bill, it becomes a law.

If the president refuses to sign a bill, Congress has the power to overrule the president's decision. But a two-thirds majority of both houses must vote in favor of overruling the president. Otherwise, the bill does not become a law.

In addition to making laws, the legislative branch has many other powers. The Senate has the power to approve or reject important appointments made by the president. For example, the Senate must approve the president's choice of ambassadors (representatives of the United States in foreign countries). The Senate must approve the president's choice of federal (national) judges. It also approves members of the president's **cabinet**.

Congress has some special powers in foreign affairs (matters between the United States and other countries). Two-thirds of the Senate must approve any **treaty** between the United States and another country. And the United States can declare war on another country only with the approval of both houses of Congress.

cabinet: a group of advisors to the president, including the heads of important departments in the executive branch

treaty: a formal agreement between two or more nations

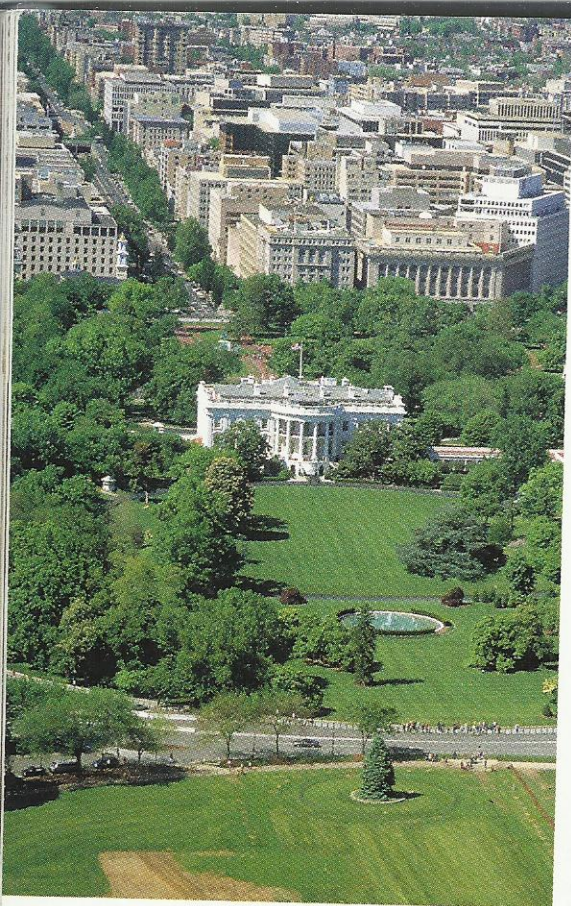
The Constitution also gives Congress the ability to control officials in the executive and judicial branches who abuse their powers. The House of Representatives has the power to accuse the president, judges, and other officials of serious crimes. This action is called **impeachment**. The Senate has the power to put an impeached official on trial. If the Senate finds the official guilty, the official must give up his or her job in the government.

Article I also lists other specific powers of Congress, including the powers to collect taxes and to create a national currency (system of money). Congress's powers make the national government much stronger than it was under the Articles of Confederation.

impeachment: the act of accusing a government official of serious crimes, as defined by the Constitution



Congress meets in the U.S. Capitol building, shown here.



The president, who is the head of the executive branch, lives in the White House, at center. Behind the White House are many office buildings, some of which are used by government officials.

veto: To reject a bill and prevent it from becoming a law. Only the president has the power to veto bills.

14.5 Carrying Out the Laws: The Executive Branch

Article II of the Constitution describes the powers of the executive branch. The executive branch is responsible for carrying out (“executing”) the laws of the country.

The head of the executive branch is the president. The president is often called the *chief executive*. Working under the president are the people and organizations that are needed to carry out the laws passed by Congress.

The men who wrote the Constitution did not want the United States to have its own kind of king. So they tried to limit the president’s power. For example, the Constitution gives the president the power to either sign (approve) or **veto** (reject) the bills passed by Congress. At the same time, the Constitution gives Congress the power to override (overrule) the president’s veto by a two-thirds vote.

Presidents cannot make laws, but they can try to lead the country by making proposals to Congress. One way that presidents make such proposals is by giving a State of the Union speech every year. Presidents use these speeches to suggest ideas for new laws.

The president has the power to call Congress together for a special session (meeting). This power is especially useful when a president believes that there is a national emergency.

The president shares power over foreign affairs with Congress. The president can sign treaties with other nations, but two-thirds of the Senate must approve them. As commander in chief, the president is in charge of the nation’s armed forces (such as the army and navy), but only Congress can declare war.

As chief executive, the president has the power to nominate (suggest) people for important jobs in the government. For example, the president nominates Cabinet members, ambassadors, and federal judges. However, the Senate has the power to accept or reject the president’s choices.

The president has the special power to grant pardons to people who have been found guilty of crimes against the United States. A pardon is a release from punishment. But the president cannot give pardons in cases of impeachment.

Even though the president is only the head of the executive branch and not a king, most people see the president as the leader of the country. In many ways, especially in relations with other countries, the president represents the United States.

14.6 Interpreting the Laws: The Judicial Branch

Article III of the Constitution describes the judicial branch. The judicial branch has the responsibility for interpreting the nation's laws, settling disagreements between states, and protecting the Constitution.

The judicial branch is headed by the Supreme Court. The Supreme Court is made up of nine judges. The Court's leader is called the *chief justice*. Justices are appointed by the president and approved by the Senate. Justices serve on the Court for life. Congress has the power to create other federal courts under the Supreme Court.

Over time, the judicial branch has gained some important powers. An especially important one is the power to decide whether a national or state law conflicts with the Constitution. Such a law is called **unconstitutional**. Because the Constitution is the most basic law of the country, the judicial branch can throw out laws that are unconstitutional.

The Constitution gives the judicial branch a similar power concerning treaties with other countries. If the courts find that a treaty violates the Constitution, it does not go into effect.

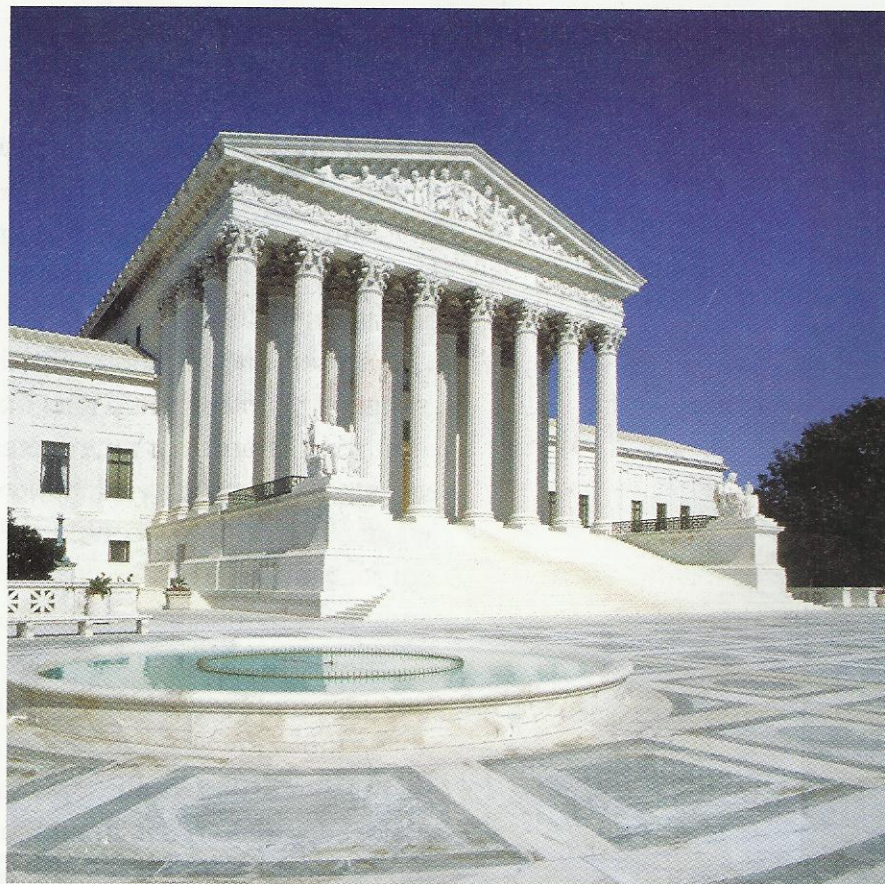
Importantly, the judicial branch also has the power to interpret the law. That is, the courts have the power to settle disagreements about what a law means or how it applies to a particular situation.

The judicial branch also has power during impeachment trials. Most notably, the chief justice acts as the presiding judge in such trials.

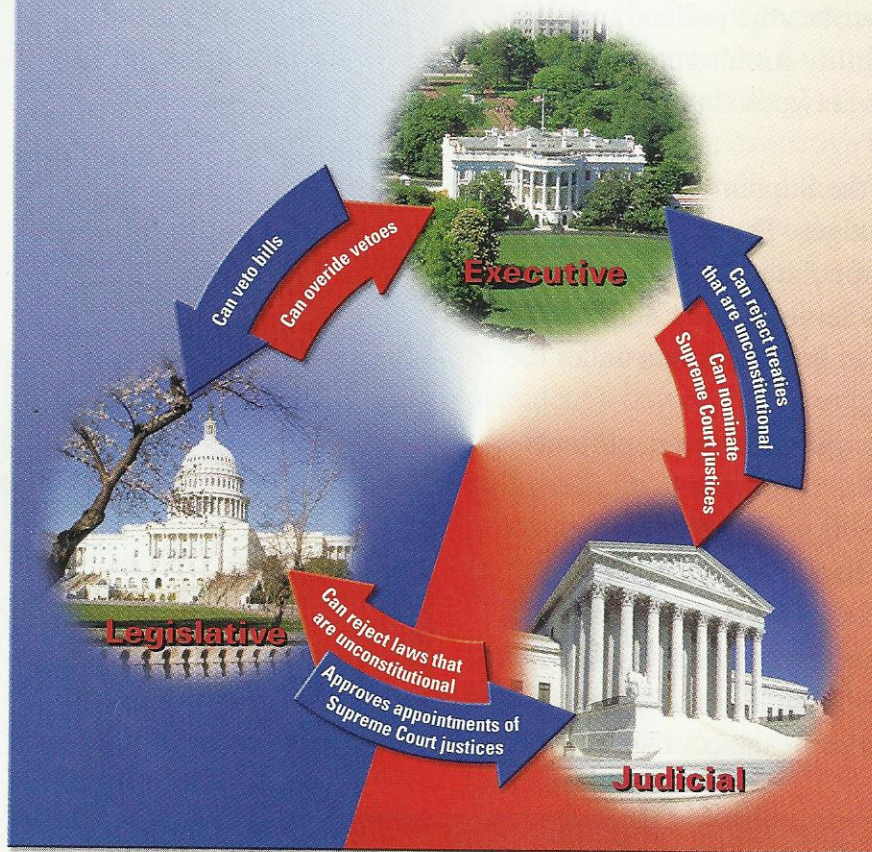
By using these powers, the judicial branch protects the Constitution and the rights of Americans. If the actions of the other branches conflict with the Constitution, the judicial branch tries to make sure that the Constitution always "wins."

unconstitutional: In conflict with the Constitution. Laws that do not conflict with the Constitution are called *constitutional*.

Here, we see the Supreme Court building, where the nine Supreme Court justices make many important decisions.



Checks and Balances in the Constitution



14.7 Limiting Power: Checks and Balances

The men who wrote the Constitution wanted a strong and lasting government. One way that they tried to achieve this goal was by designing a system of “checks and balances.” The Constitution gives each branch of government the power to “check” (stop) certain actions of the other branches. It also balances each branch’s powers with the powers of the other branches.

Checks and balances help to make sure that no one branch becomes too powerful. For example, Congress can pass laws, but the president approves or vetoes them. The president’s power is a check on

The Constitution gives each branch of the government the power to check, or stop, certain actions of the other branches. The men who wrote the Constitution wanted a balance of power among the branches. They didn’t want any one branch to become too powerful.

the power of Congress.

What if Congress and the president agree on a law that disagrees with the Constitution? If the law is challenged in court, the judicial branch has the power to decide whether it is unconstitutional. The court’s power is a check on the power of the other two branches.

How are the powers of the different branches balanced? Suppose the president wants one thing and Congress wants another. Congress cannot make laws without the president’s signature, and the president needs Congress to pass the laws he wants. Their powers balance each other. And even though the courts can declare laws unconstitutional, federal judges are appointed by the president with the approval of the Senate.

Another example of checks and balances is impeachment. Suppose members of the executive or judicial branch try to abuse their power. Congress can impeach them and remove them from office. In these ways, the Constitution tries to make sure that no one branch of the government becomes too powerful.

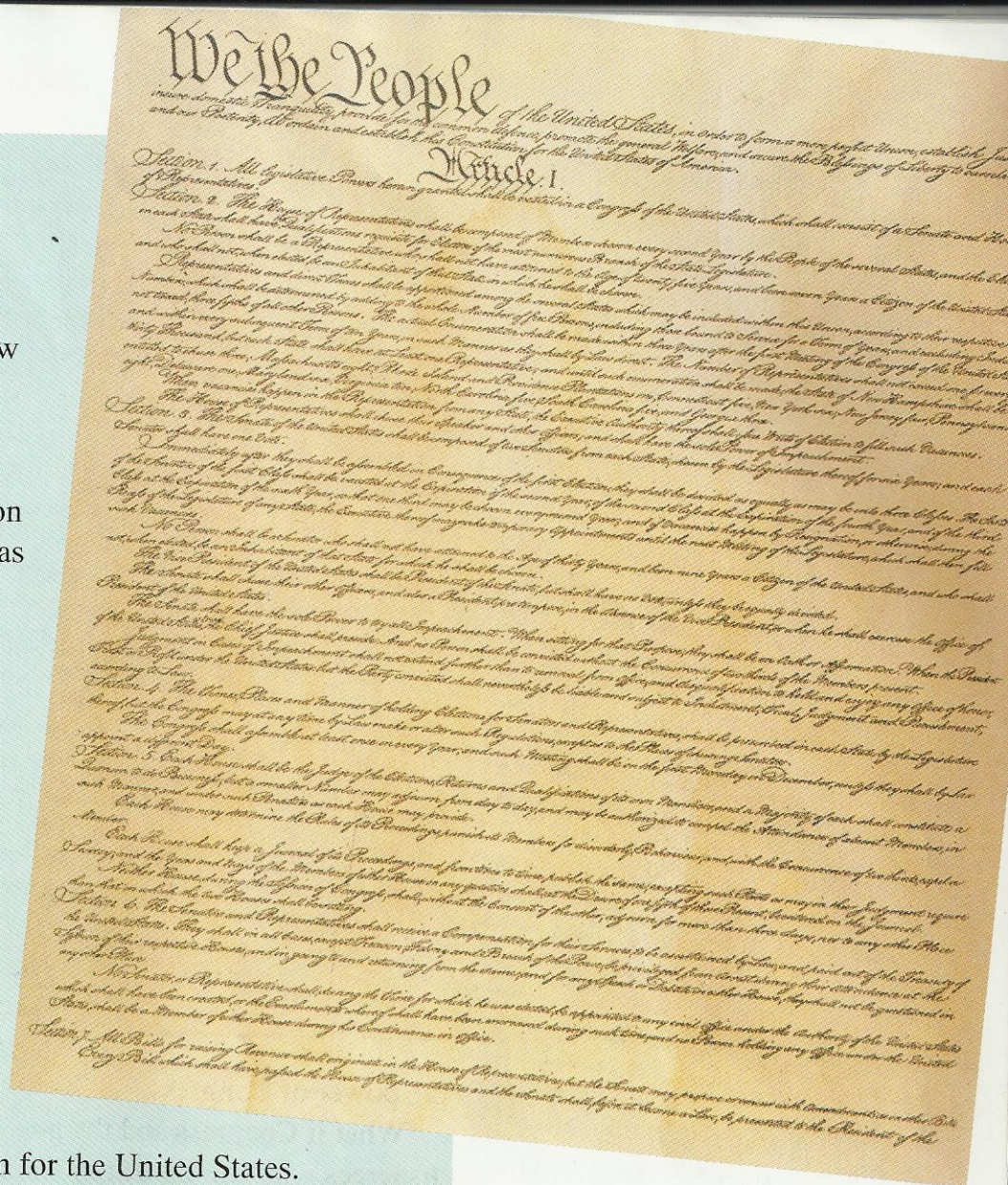
14.8 Chapter Summary

In this chapter, you read about how the Constitution gave the United States a new government. You used a metaphor of two stools to compare the government described by the Constitution with the government that was described by the Articles of Confederation.

You learned that the Articles of Confederation were Americans' first attempt to set up a national government. But Shays's Rebellion and other events showed that America needed a stronger government. After much debate and compromise, delegates attending the Constitutional Convention agreed on a new Constitution for the United States.

The writers of the Constitution divided the government's powers among three branches. They used a system of checks and balances to make sure that no one branch became too powerful. In this way, they tried to create a strong and lasting government that would respect Americans' rights and freedoms.

In the next chapter, you will learn about how the Bill of Rights was added to the Constitution to protect citizens' rights. What rights does this document protect? Read on to find out.



Here we see the first page of the Constitution.