

Social Studies

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THE CONSTITUTION

PROTECTING OUR RIGHTS
AND FREEDOMS

Fascinating Facts

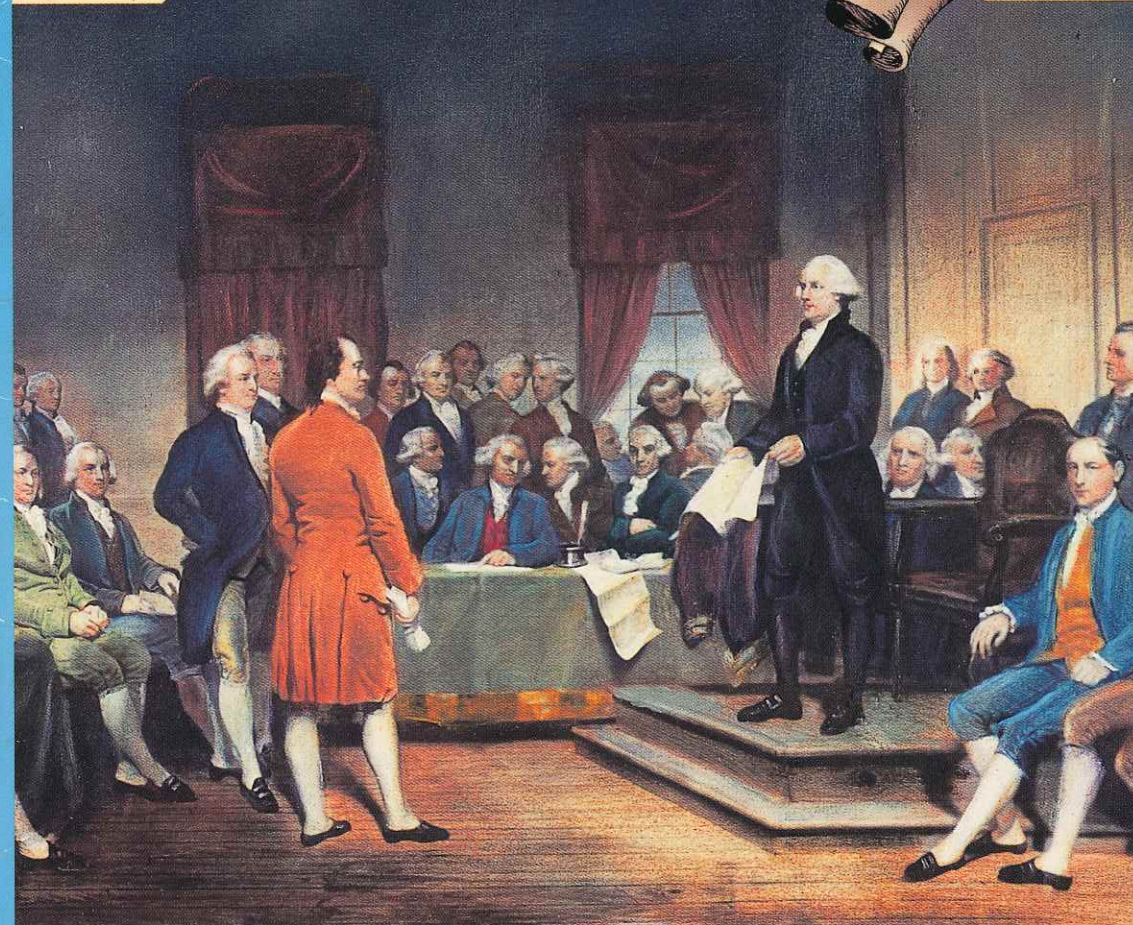
- The Constitutional Convention of 1787 lasted almost four months—a long time for the writers of the Constitution to agree!
- Thomas Jefferson did not go to the Constitutional Convention, because he was in France, serving as our country's ambassador.
- Three-fourths of the states must agree to an amendment to the Constitution in order for it to become law.

Genre	Comprehension Skill	Text Features
Nonfiction	Main Idea and Details	<ul style="list-style-type: none">• Captions• Diagram• Sidebar

Scott Foresman Social Studies



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by **KRISTIN CASHORE**

A New Constitution for a New Nation

In 1787 the United States of America was a young nation. The Revolutionary War had ended only four years before. Many people disagreed about how the new country should be run. The nation's leaders decided to hold a meeting to discuss this important issue.

In May of 1787, representatives from almost every state in the union met in Philadelphia. This meeting is called the Constitutional Convention. For months, the representatives talked, listened, and debated. They argued about what kind of **government** the country should have. Finally, they wrote the Constitution of the United States of America.

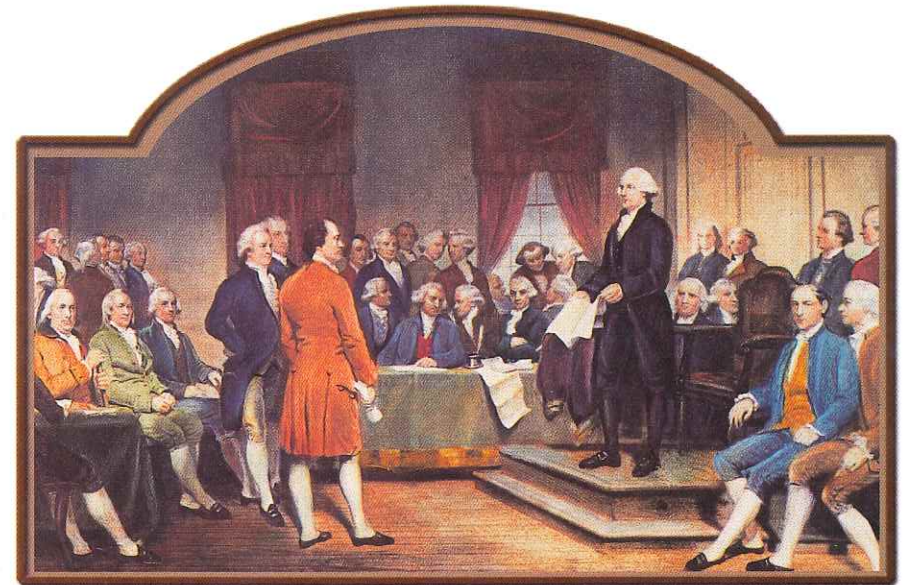
The Constitution formed a new government. Today this Constitution is still the foundation of our national government. The Constitution presented a thoughtful and a wise plan. The representatives who wrote it were forward-thinking people. A closer look at the document will demonstrate this.

It took months for the representatives at the Constitutional Convention to come to an agreement about what the new nation's government should be.

The Constitution starts with a section called the Preamble. The Preamble is only a few lines long, but it is very important. It explains why the Constitution is being written.

The Constitution, says the Preamble, will create a strong and fair government. It will ensure that the country is peaceful, and it will keep its **citizens** safe. It will help the people, rather than hurt them. It will promise liberty to citizens in 1787 and to all future citizens.

After the Preamble, the Constitution sets out an explanation of the new nation's government. The Constitution explains that this government will have three branches.





The Legislative Branch: The Lawmakers

One branch of the government is called the **legislative branch**. The legislative branch is also known as Congress. Congress has two parts: the House of Representatives and the Senate.

Each state is represented by two senators in the Senate. Each state's number of representatives in the House is based on the population of the state. The greater the population of a state is, the greater the number of representatives it has. The state of California, for example, has many more representatives than the state of Rhode Island because California has many more people.

Citizens vote for their senators and representatives. Senators serve for six years and representatives serve for two years. There are no term limits for senators and representatives. This means that they can be elected over and over again.

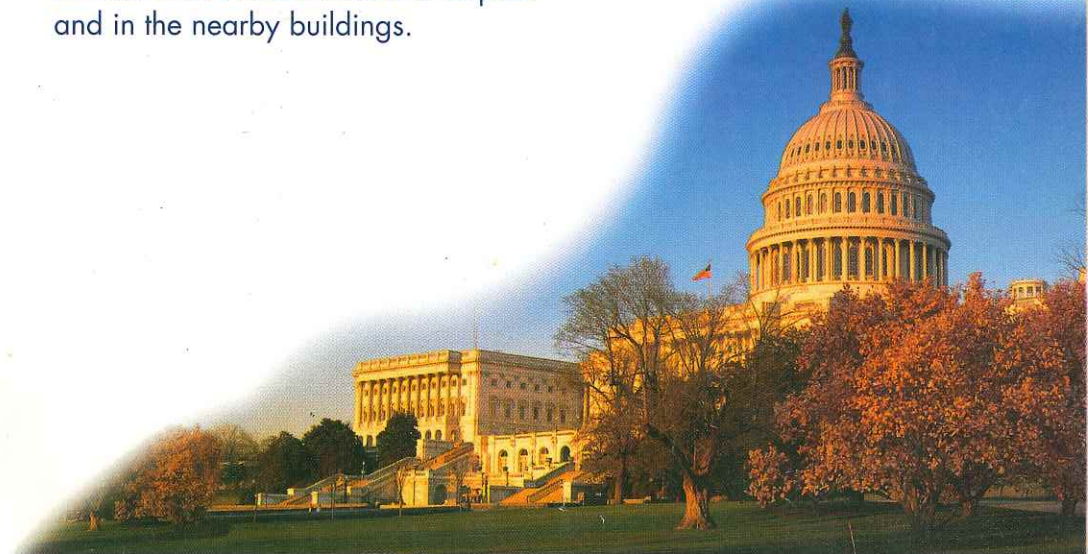
The main responsibility of the legislative branch is to legislate, or make new laws. How does Congress make a new law?

An idea for a law is called a **bill**. When a bill has been proposed, members of Congress debate the good and bad effects of the bill and then they vote on it. If the bill wins

enough votes in both the House and the Senate, then the bill is sent to the President. If the President signs the bill, it becomes a law. If the President does not like the bill, it can be vetoed. The bill is sent back to Congress, and Congress can vote on it again. If two-thirds of the members of both the House and the Senate vote for the bill, then it will become a law, even if the President does not agree with it.

The legislative branch also has other responsibilities. It raises money for the government and establishes new courts.

The House of Representatives and the Senate have offices inside the Capitol and in the nearby buildings.





The Executive Branch: Enforcers of the Law

The President, the Vice President, and all of the President's aides make up the **executive branch**.

The President is the most powerful person in the executive branch. Therefore, there are strict rules about who can be President. For example, the President must be at least thirty-five years old. The President must have been born in the United States. Unlike senators and representatives, the President has term-of-office limits and may only be elected President twice. Each term lasts four years.

The Constitution gives the President a great deal of power. The President enforces the laws. The President has the power to sign or veto federal laws. The President commands the armed forces. The President chooses judges and other officials in the government.

The President gives Congress ideas for laws. The President also delivers the State of the Union address to Congress. In this speech, the President tells Congress if the country is running well.



The President works and lives in the White House.

Presidential Term Limits

In the original Constitution, there were no term-of-office limits for Presidents. George Washington started the tradition of serving no more than two terms. Other Presidents followed Washington's example until Franklin D. Roosevelt was President. Roosevelt was first elected in 1932. He served during a very difficult time. The Great Depression and World War II took place while he was in office. The country was satisfied with his leadership and he was elected President four times! In 1951 the 22nd Amendment set term-of-office limits, stating that a person can only be elected President twice.

The Judicial Branch: Interpreters of the Law

Another branch of government is the **judicial branch**. The judicial branch consists of the Supreme Court, the highest court in the United States, as well as all the federal courts.

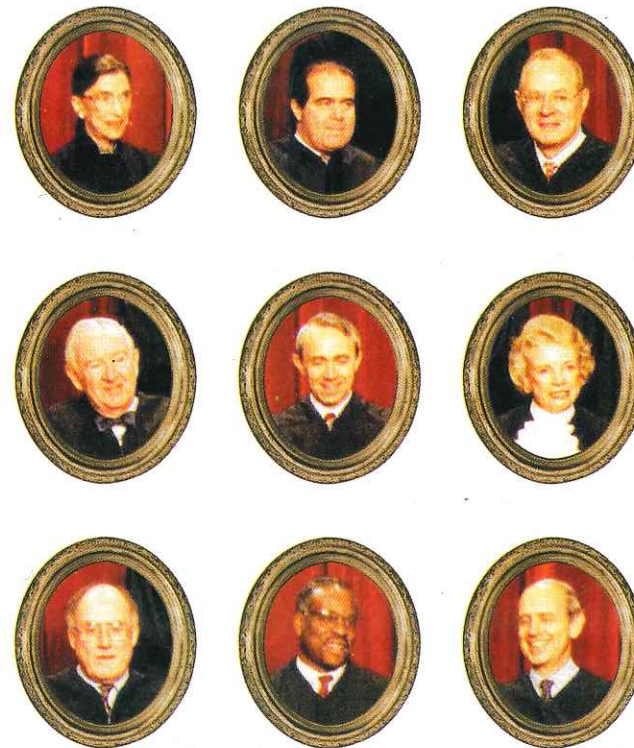
The President chooses the judges who serve in all federal courts, including the Supreme Court. However, the Senate must approve the President's choice before a judge can join the Supreme Court or another federal court.

The judges who sit on the Supreme Court are called justices. Supreme Court justices and other federal judges serve until they die or retire.

Congress decides how many justices sit on the Supreme Court. The current Supreme Court has nine justices.

The Supreme Court justices interpret the Constitution, or decide what the Constitution means. The Supreme Court decides if laws are fair or unfair under the Constitution. If the Supreme Court finds a law to be unjust, it can overturn that law. The Supreme Court is located in Washington, D.C. The other federal courts are found in every region of the country. The lower federal courts decide other federal cases.

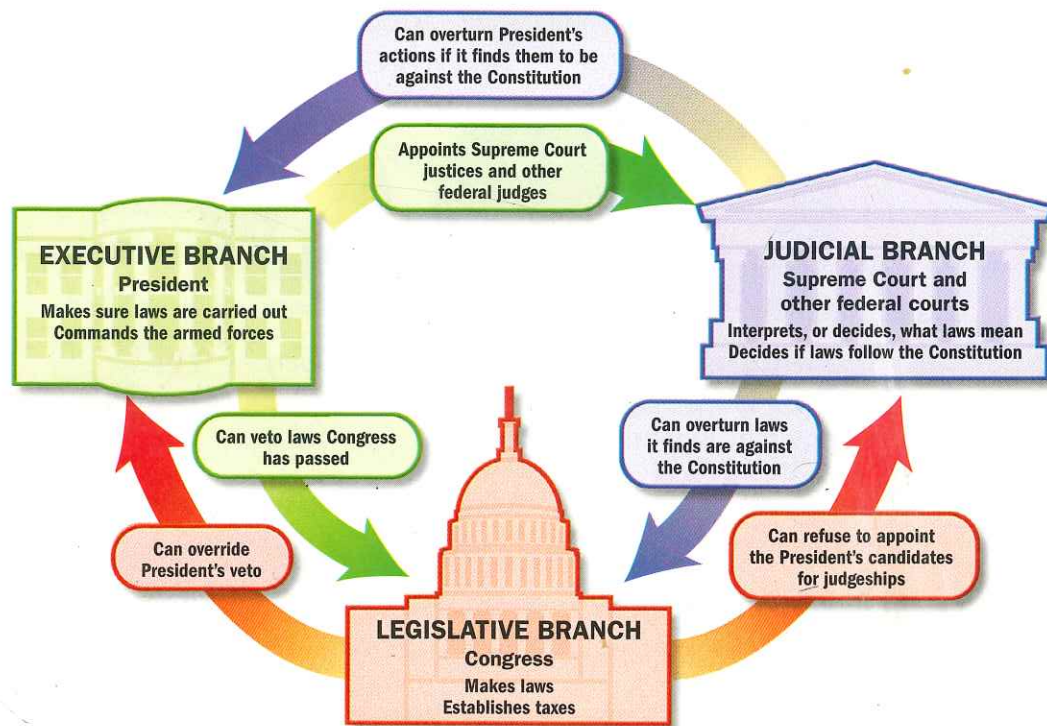
The Supreme Court works hard to protect the people from unfair laws. Because it is the highest court in the nation, the Supreme Court's decision is always final.



There are nine justices on the Supreme Court. The Supreme Court justices are the most powerful judges in the country.

Checks and Balances: Balancing the Branches

The Constitution gives each of the branches great power. Our leaders in 1787 worried that the government might become too powerful. The writers of the Constitution wanted to make sure that this did not happen, so they created a system of checks and balances. They also wanted to make sure that state governments keep important powers of their own.



In this system of checks and balances, the three branches of government balance each other out. Each branch checks, or limits, the power of every other branch.

The President, for example, may veto a bill that Congress has approved. Congress may pass a law that the President has vetoed. The Supreme Court may overturn a law that Congress has passed. Because of these checks and balances, no single branch can control federal laws completely.

Here is another example. The President chooses justices and other officials in the government. However, the President cannot choose just anyone. If the Senate does not agree with the President's choice, the President must choose again. The President must keep choosing until the Senate agrees.

A person not fit for the job will not stay in office. Presidents, senators, representatives, and justices can be removed from office, if necessary.

The people also have the power to check the government, because the United States is a **democracy**. The citizens vote for their representatives, senators, and Presidents. If the citizens think that someone is doing a bad job in office, the citizens can choose not to reelect that person.

The system of checks and balances prevents any branch of the government from becoming too powerful.

Amendments: Changing the Constitution

The Constitution was written in 1787, and its writers wanted to make a plan for a government that would last for a very long time. They may not have known exactly *how* the world would change over time, but they did know that it *would* change. Therefore, they took one more step to protect the people. They made it possible to add to the Constitution, or even change it if necessary. An addition to the Constitution is called an **amendment**.

The first ten amendments to the Constitution are called the Bill of Rights. They were added between 1789 and 1791. They are a list of freedoms that are promised to all citizens. For example, the Bill of Rights guarantees freedom of speech, freedom to meet in groups, freedom of the press, and freedom of religion. It promises that a crime suspect will be treated fairly. It promises that a person accused of a crime will have a fast trial and a fair jury. It states that punishments for crimes should not be cruel.

The Bill of Rights is an important addition to the Constitution. The United States is known for being a land of freedom, and the Bill of Rights lists and describes the most basic freedoms of all citizens.

Of course, the first ten amendments are not the only important amendments. So far, the Constitution has been amended twenty-seven times. The 13th Amendment abolished slavery. The 15th Amendment allowed men of all races to vote. The 19th Amendment allowed women to vote. The 22nd Amendment limited the President's term of office to two terms.

Amendments allow the Constitution to change as the world changes.

The Bill of Rights gives people the right to form groups and protest. People protest for things like civil rights, women's rights, and peace. In some countries, such protests are illegal.



Creating a Lasting Democracy

The representatives at the Constitutional Convention had two goals. The first goal was to create a government that was strong enough to ensure peace and order in the country. The second goal was to make sure that the federal government was powerful enough, but not too powerful. The leaders of the Constitutional Convention all remembered what it had been like under England's powerful rule. It was important to the representatives that the people of United States enjoy both security and freedom. So what did the representatives do?

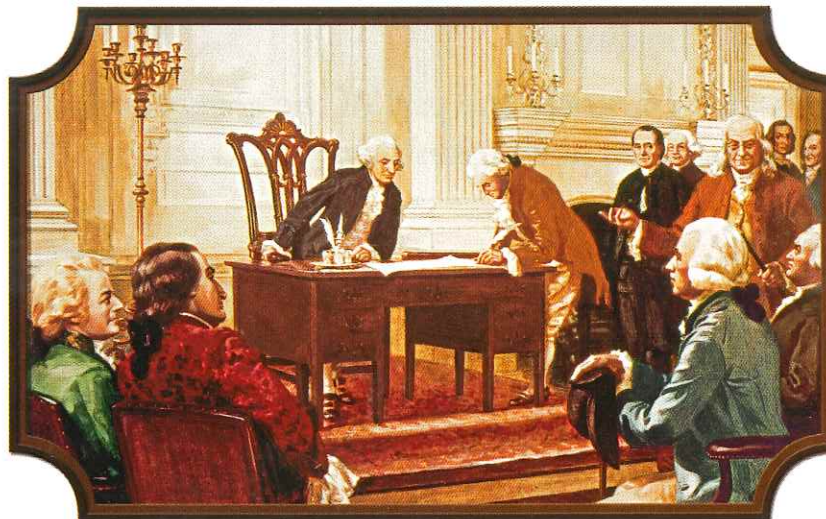
The representatives built a strong government with three branches. They created a system of checks and balances. They wrote a strong Constitution, but allowed it to be amended if necessary. They guaranteed that the United States would be a democracy where every citizen could play a role in the government.

The creators of the Constitution hoped that it would be the foundation for a strong government.

In some ways, the Constitution is like a rock on which the nation is built. It gives the government a strong foundation. It supports the nation as it grows and changes and protects its citizens.

In another way, the Constitution is very different from a rock. This is because the Constitution is flexible. When necessary, it can be changed. It is a living document that grows as the world does.

The writers of the Constitution made the Constitution both strong and flexible. The United States has grown into the Constitution, and the Constitution has grown with the United States. We owe a debt of gratitude to the wise leaders of 1787.





Glossary

amendment an addition

bill an idea for a law that is put into writing

citizen an official member of a country

democracy a system of government in which every citizen has the right to take part

executive branch the part of the government that makes sure our nation's laws are followed

government the leaders who run a country and the laws that the citizens of the country follow

judicial branch the part of the government that decides if our nation's laws are fair under the Constitution

legislative branch the part of the government that makes our nation's laws

Write to It!

Think of a problem in society that concerns you. Do you have an idea for a law that will help with this problem? Suppose you are the President. Write a speech in which you present your idea for a law to Congress. Explain why you think Congress should pass this law.

Write your speech on a separate sheet of paper.

Photographs

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