



A More Perfect Union

As
You
Read

Explore These Questions

- What ideas helped shape the Constitution?
- How did the framers of the Constitution divide power between the national government and the states?
- How did they limit the power of government?

Define

- republic
- separation of powers
- federalism
- electoral college
- checks and balances
- bill
- veto
- override
- impeach

Identify

- Magna Carta
- English Bill of Rights
- House of Burgesses
- Mayflower Compact
- Enlightenment
- John Locke
- Montesquieu

SETTING the Scene

Jonathan Smith, a Massachusetts farmer, wanted to learn the results of the Constitutional Convention. During Shays' Rebellion, he had seen how weak government could lead to violence and tyranny. Smith noted:

“When I saw this Constitution, I found that it was a cure for these disorders. It was just such a thing as we wanted. I got a copy of it and read it over and over. I had been a member of the convention to form our state constitution, and had learnt something of the checks and balances of power; and I found them all here. I formed my own opinion, and I was pleased with this Constitution.”

The framers of the Constitution had designed a **republic**, a government in which citizens rule themselves through elected representatives. The Constitution outlined a new government that would be strong. At the same time, it protected the people from excessive power in government. As Smith hoped, it also prevented any one branch of government from becoming too powerful.

Origins of the Constitution

The framers of the Constitution were well-educated men. They were familiar with the traditions of British and American gov-

ernment. Many of them had read the latest works of Europe's leading political philosophers. In creating the Constitution, the framers made good use of their rich knowledge and experience.

British government

As you learned in Chapter 3, the **Magna Carta** limited the power of English rulers. The Magna Carta contained two basic ideas that helped to shape both British and American government. First, it stated that English nobles had certain rights—rights that were later extended to other classes of people as well. Second, the Magna Carta made clear that English monarchs themselves had to obey the law.

When King John signed the Magna Carta, he agreed not to raise taxes without first consulting the Great Council of nobles and church officials. Eventually, the Great Council grew into the representative body known as Parliament. Parliament consisted



Connections With Civics

Benjamin Franklin admired the government formed by Indian nations in the Iroquois League. The nations in the League governed their own affairs, but joined together for mutual defense.

of two bodies—the House of Lords and the House of Commons.

In the Magna Carta, King John was also forced to recognize that citizens had legal rights. One of the most important of these was the right to a trial by jury:

“No freeman shall be arrested or imprisoned or dispossessed or . . . in any way harmed . . . except by the lawful judgment of his peers or by the law of the land.”

In 1689, the **English Bill of Rights** went further in limiting the monarchy and protecting the rights of citizens. The document said that parliamentary elections should be held regularly. It reaffirmed the right to a trial by jury, while protecting people from excessive fines and cruel or unjust punishment. It allowed citizens to bear arms. It also affirmed the right of habeas corpus, the idea that no person could be held in prison without first being charged with a specific crime.

The American experience

Americans enjoyed a long tradition of elected representative government. In 1619, the Virginia colonists set up the **House of Burgesses**. Eventually, each of Britain's thirteen American colonies had its own representative legislature.

Another American tradition was having written documents that clearly identified the powers and limits of government. In 1620, the Pilgrim leaders at Plymouth drew up and signed the **Mayflower Compact**, the first document of self-government in North America. They agreed to “combine ourselves together in a civil body politic” in order to establish “just and equal laws.” Each of the 13 colonies had a written charter granted by the monarch or Parliament.

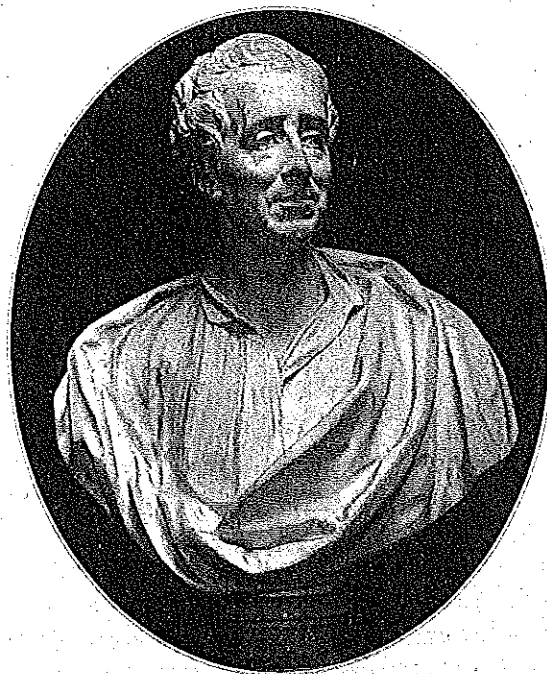
The framers of the Constitution also drew on their own experiences. They were very familiar with the workings of the Second Continental Congress, the Articles of Confederation, and their own state governments. Much that went into the Constitution came from either the Articles or from one of the state constitutions.

The Enlightenment

The Constitution was also based on the ideas of the European **Enlightenment**. Enlightenment thinkers believed that people could improve society through the use of reason. Many of the Constitution's framers had read the works of Enlightenment thinkers, such as John Locke and the Baron de Montesquieu (MOHN teh kyoo).

In 1690, **John Locke** published *Two Treatises on Government*. In it, he stated two important ideas.

First, Locke declared that all people had natural rights to life, liberty, and property. Second, he suggested that government is an agreement between the ruler and the ruled. The ruler must enforce the laws and protect the people. If a ruler violates the people's natural rights, the people have a right to rebel.

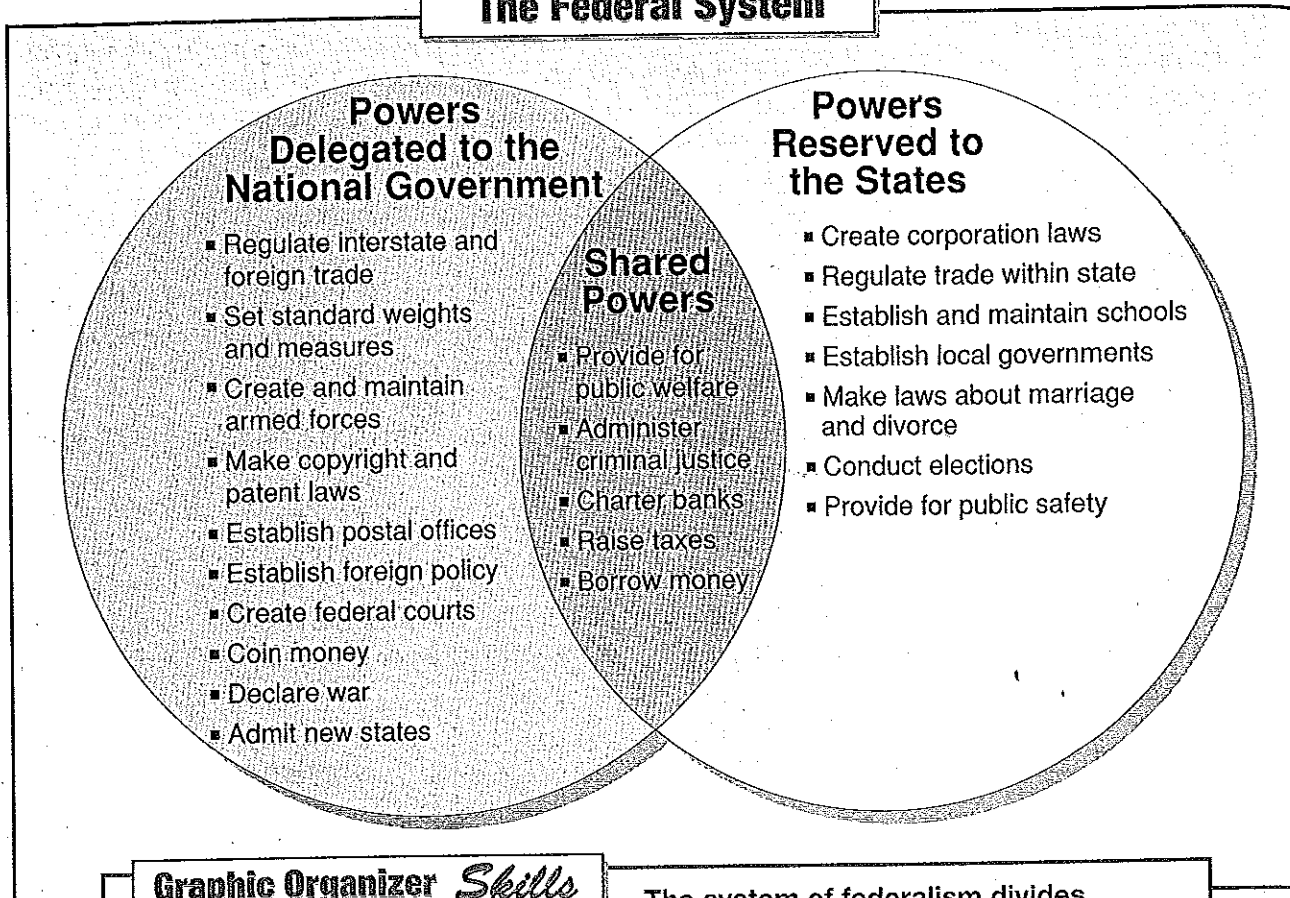


Biography

Baron de Montesquieu

Montesquieu studied European, Chinese, and Native American governments. His ideas influenced the framers of the Constitution to divide government power among three separate branches. He said that “government should be set up so that one man need not be afraid of another.” ★ Why do you think the framers of the Constitution did not want to place all power into a single branch of government?

The Federal System



Graphic Organizer *Skills*

The system of federalism divides power between the national government and state governments.

1. Comprehension (a) List two powers shared by national and state governments. (b) List two powers reserved to the states.

2. Critical Thinking Why do you think the power to create and maintain armed forces was delegated to the federal government?

Civics



Locke's ideas were popular among Americans. The framers of the Constitution wanted to protect people's natural rights and limit the power of government. They saw the Constitution as a contract between the people and their government.

In 1748, the French thinker Baron de Montesquieu published *The Spirit of the Laws*. He urged that the power of government be divided among three separate branches: the legislative, executive, and judicial. This idea, known as the separation of powers, was designed to keep any person or group from gaining too much power.

Montesquieu stressed the importance of the rule of law. The powers of government, he

said, should be clearly defined. This would prevent individuals or groups from using government power for their own purposes. In the Constitution, the framers set out the basic laws of the nation, defining and limiting the powers of the government.

A Federal System

The framers had to decide how to divide power between the national government and the states. Under the Articles of Confederation, states had more power than Congress. Under the Constitution, states delegated, or gave up, some of their powers to the national government. At the same time, the states reserved, or kept, other powers. This division

of power between the states and the national government is called federalism.

Federal powers

The Constitution spells out the powers of the federal government. For example, only the federal government can coin money or declare war. The federal government can also regulate trade between the states and with other countries.

State powers

Under the Constitution, states have the power to regulate trade within their borders. They decide who can vote in state elections. They also have power to establish schools and local governments.

In addition, the Constitution says that those powers not clearly given to the federal government belong to the states or the people. This point pleased people who were afraid that the federal government might become too powerful.

Shared powers

The Constitution lists some powers that are to be shared by federal and state governments. Both governments, for example, can build roads and raise taxes.

The framers of the Constitution had to decide how the state governments and the federal government would settle disagreements. They did so by making the Constitution "the supreme law of the land." This means that the Constitution is the final authority in any dispute between the states and the federal government.

Separation of Powers

The framers of the Constitution set up a strong federal government. However, they also took steps to prevent any one branch from becoming too powerful. James Madison said that this was necessary in order to prevent tyranny:

“The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether one, a few, or many... may justly be pronounced the very definition of tyranny.”

To prevent such a tyranny, the framers relied on Montesquieu's idea of separation of powers. In the Constitution, they created three branches of government and then defined the powers of each.

The legislative branch

The legislative branch of government is Congress. Its main function is to make laws. Congress consists of the House of Representatives and the Senate. Members of the House are elected for two-year terms. Senators are elected for six-year terms.

Under the Constitution, voters in each state elect members of the House of Representatives. Delegates to the Constitutional Convention wanted the House to represent the interests of ordinary people.

At first, the Constitution provided for senators to be chosen by state legislatures. In 1913, this was changed. Today, senators are elected in the same way as House members.

Article 1 of the Constitution sets out the powers of Congress. These include the power to collect taxes and to regulate foreign and interstate trade. In foreign affairs, Congress has the power to declare war and to "raise and support armies."

The executive branch

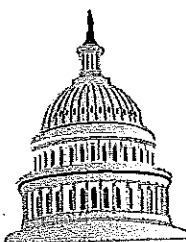
Article 2 of the Constitution sets up the executive branch of government. It is headed by the President. The executive branch also includes the Vice President and any advisers appointed by the President. The President and Vice President serve four-year terms.

The President is responsible for carrying out all laws passed by Congress. The President is also commander in chief of the armed forces and is responsible for directing foreign relations. Over the years, the power of the presidency has greatly increased.

The judicial branch

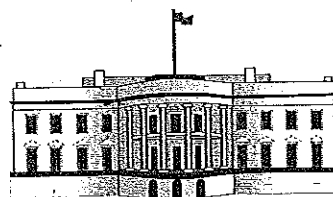
Article 3 of the Constitution calls for a Supreme Court. The article also allows Congress to set up other federal courts. The Supreme Court and other federal courts hear cases that involve the Constitution or any laws passed by Congress. They also hear cases arising from disputes between two or more states.

Separation of Powers



Legislative Branch (Congress)

Passes laws
 Can override President's veto
 Approves treaties and presidential appointments
 Can impeach and remove President and other high officials
 Creates lower federal courts
 Appropriates money
 Prints and coins money
 Raises and supports the armed forces
 Can declare war
 Regulates foreign and interstate trade



Executive Branch (President)

Carries out laws
 Proposes laws
 Can veto laws
 Negotiates foreign treaties
 Serves as commander in chief of the armed forces
 Appoints federal judges, ambassadors, and other high officials
 Can grant pardons to federal offenders



Judicial Branch (Supreme Court and Other Federal Courts)

Interprets laws
 Can declare laws unconstitutional
 Can declare executive actions unconstitutional

Chart Skills

The Constitution set up three branches of government. Each of the branches has its own powers.

- 1. Comprehension** (a) Who heads the executive branch? (b) What is the role of the legislative branch?
- 2. Critical Thinking** Based on this chart, describe the relationship between the judicial branch and the executive branch.



Electing the President

The framers of the Constitution wanted to ensure that the President would not become too strong. Some feared that a President elected directly by the people might become too independent of Congress and the states.

Others opposed direct election because they worried that voters would not know a candidate from outside their area. In the late 1700s, news traveled slowly. New Englanders would probably know little about a candidate from the South. A candidate from Pennsylvania might be unknown to voters in Vermont or Georgia.

As a result of these concerns, the Constitution calls for an electoral college. It is made up of electors from every state. Every

four years, the electors vote for the President and Vice President of the United States.

The framers of the Constitution expected that the electors would be well informed and familiar with the national government. They believed that such people would choose a President and Vice President wisely.

Checks and Balances

The Constitution set up a system of checks and balances. Under this system, each branch of the federal government has some way to check, or control, the other two branches. The system of checks and balances is another way in which the Constitution limits the power of government. (See the chart on page 220.)

Checks on Congress

To do its work, Congress passes **bills**, or proposed laws. A bill then goes to the President to be signed into law. The President can check the power of Congress by **vetoing**, or rejecting, a bill.

The Supreme Court checks the power of Congress by reviewing laws. If a law violates the Constitution, the Court can declare the law unconstitutional.

Checks on the President

After the President vetoes a bill, Congress can **override**, or overrule the veto. To override a veto, two thirds of both houses of Congress must vote for the bill again. In this way, a bill can become law without the President's signature.

Congress has other checks on the President. The President appoints officials such as ambassadors to foreign countries and federal judges. The Senate must approve these appointments. The President can negotiate treaties with other nations; however, a treaty becomes law only if two thirds of the Senate approve it.

Congress also has the power to remove a President from office if it finds the President

guilty of a crime or serious misbehavior. First of all, the House of Representatives must **impeach**, or bring charges against, the President. A trial is then held in the Senate. If two thirds of the senators vote for conviction, the President must leave office.

Checks on the courts

Congress and the President have checks on the courts. The President appoints judges, who must be approved by the Senate. If judges misbehave, Congress may remove them from office. Congress establishes the number of justices in the Supreme Court. Congress can also propose changes to the Constitution to overturn Court decisions.

A Living Document

The Constitution carefully balances power among the three branches of the federal government. It also divides power between the federal government and the states. This balance has helped keep it alive for more than 200 years, longer than any other written constitution in the world. The Constitution has lasted because it is a living document. As you will read, it can be changed to meet new conditions.

★ Section 3 Review ★

Recall

1. **Identify** (a) Magna Carta, (b) English Bill of Rights, (c) House of Burgesses, (d) Mayflower Compact, (e) Enlightenment, (f) John Locke, (g) Montesquieu.
2. **Define** (a) republic, (b) separation of powers, (c) federalism, (d) electoral college, (e) checks and balances, (f) bill, (g) veto, (h) override, (i) impeach.

Comprehension

3. Describe three traditions or ideas that helped to shape the Constitution.

4. Why did the framers of the Constitution set up a system of federalism?
5. Describe one check on each of the following:
(a) Congress, (b) the President, (c) the courts.

Critical Thinking and Writing

- 6. Analyzing Ideas** On page 200, you read that the framers "... saw the Constitution as a contract between the people and their government." What do you think is meant by this statement?
- 7. Comparing** Was the national government stronger under the Articles of Confederation or the Constitution? Explain.



Activity Summarizing You have been shipwrecked on a far-off island! The islanders want to set up a government like that of the United States. Write a summary for them in which you explain the basic ideas behind the Constitution.