

# CHAPTER 3

## The Constitution

### Essential Question

How has the Constitution lasted through changing times?

#### Section 1:

Basic Principles

#### Section 2:

Formal Amendment

#### Section 3:

Change by Other Means



### GOVERNMENT ONLINE

#### On the Go

To study anywhere, anytime, download these online resources at [PearsonSuccessNet.com](http://PearsonSuccessNet.com)

- Political Dictionary
- Audio Review
- Downloadable Interactivities

## Lesson Goals

### SECTION 1

Students will . . .

- identify a key problem facing the Framers, as expressed from different viewpoints in two primary source quotes.
- define the six basic principles around which the Constitution is built.
- read the Constitution and identify where in the document the basic principles are reflected.

### SECTION 2

Students will . . .

- compare the process of ratification of amendments by studying a chart.
- examine the meaning of several amendments by creating and performing a skit.
- debate the merits of three unsuccessful amendments, using primary sources.

### SECTION 3

Students will . . .

- identify the informal methods of change used in example scenarios.
- apply the informal methods of change by writing example scenarios.

“These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation.”

—Thomas Jefferson, 1801

Photo: Sculptures of the Framers at the National Constitution Center in Philadelphia

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## Pressed for Time

To cover this chapter quickly, explain the six basic principles of the Constitution, and have students work through the Section 1 Reading Comprehension Worksheet. Use the chart in Section 2 of the textbook to describe the methods of formal amendment. Then have students work through the Section 2 Bellringer Worksheet and the Section 2 Core Worksheet. Finally, distribute the Section 3 Core Worksheet to students, and work through it with them to identify the methods of change by other means.

### DIFFERENTIATED INSTRUCTION KEY

Look for these symbols to help you adjust steps in each lesson to meet your students' needs.

**L1** Special Needs

**L2** Basic

**ELL** English Language Learners

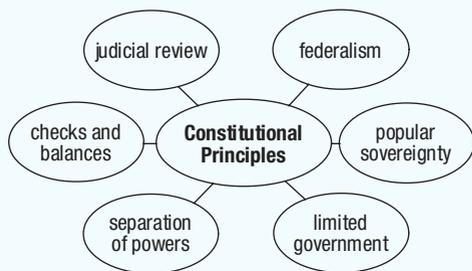
**LPR** Less Proficient Readers

**L3** All Students

**L4** Advanced Students

## GUIDING QUESTION

What are the six main principles on which the Constitution is based?



## Get Started

### LESSON GOALS

Students will . . .

- identify a key problem facing the Framers, as expressed from different viewpoints in two primary source quotes.
- define the six basic principles around which the Constitution is built.
- read the Constitution and identify where in the document the basic principles are reflected.

### BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 1 All-in-One, p. 133) before class.

**L2 Differentiate** Reading Comprehension Worksheet (Unit 1 All-in-One, p. 135)

## SKILLS DEVELOPMENT

### PROBLEM SOLVING

Before students do the Bellringer activity, you may want to review tips on problem solving in the Skills Handbook, p. S17.

## SECTION 1

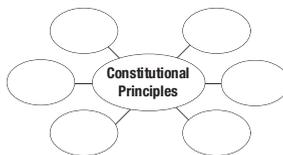
# Basic Principles



### Guiding Question

**What are the six main principles on which the Constitution is based?**

Use a concept web like the one below to take notes on the six basic principles of the Constitution.



### Political Dictionary

- popular sovereignty
- limited government
- constitutionalism
- rule of law
- separation of powers
- checks and balances
- veto
- judicial review
- unconstitutional
- federalism

### Objectives

1. Understand the basic outline of the Constitution.
2. Understand the six basic principles of the Constitution: popular sovereignty, limited government, separation of powers, checks and balances, judicial review, and federalism.

**Image Above:** Voters express their will to the government. This concept is called popular sovereignty.

The Constitution of the United States dates from the latter part of the eighteenth century. Written in 1787, it took effect in 1789. The fact that it is more than 220 years old does not mean, however, that in the twenty-first century, it is only an interesting historical artifact, best left to museums and dusty shelves. On the contrary, it remains a vitally important and vibrant document.

The Constitution is this nation's fundamental law. It is, by its own terms, "the supreme Law of the Land"—the highest form of law in the United States.

## An Outline of the Constitution

The Constitution sets out the basic principles upon which government in the United States was built and operates today. The document lays out the ways in which the Federal Government is organized, how the leaders of that government are selected, and many of the procedures those leaders must follow as they perform their duties. Of utmost importance, it sets out the limits within which government must conduct itself.

The Constitution also lays out the basic rules of American politics. By doing so, it helps to determine who wins and who loses in the political arena. To really understand government and politics in this country, we must know a good deal about the Constitution and how it has been interpreted and applied throughout our history.

Even with its 27 amendments, the Constitution is a fairly brief document. Its little more than 7,000 words can be read in half an hour. You will find the text of the Constitution at the beginning of the book. As you read it, remember that this document has successfully guided this nation through more than two centuries of tremendous growth and change. One of the Constitution's greatest strengths is that it deals largely with matters of basic principle. Unlike most other constitutions—those of the 50 States and those of other nations—the Constitution of the United States is not weighted down with detailed and cumbersome provisions.

As you read the Constitution, you will also see that it is organized in a simple and straightforward way. It begins with a short introduction, the Preamble. The balance of the original document is divided into seven numbered

## Focus on the Basics

**FACTS:** • The Constitution is the supreme law of the land. • It sets the framework of government. • The people are sovereign and government is limited. • The Constitution distributes powers among three branches of government. • Each branch has the power to check the other branches.

**CONCEPTS:** separation of powers, popular sovereignty, federalism, limited government, judicial review, checks and balances, constitutionalism, rule of law

**ENDURING UNDERSTANDINGS:** • The Constitution has guided American government for more than 200 years. • The Constitution is based on six principles: limited government, popular sovereignty, separation of powers, checks and balances, judicial review, and federalism.

sections called articles. The first three articles deal with the three branches of the National Government: Congress, the presidency, and the federal court system. These articles outline the basic organization and powers of each branch, and the methods by which the members of Congress, the President and Vice President, and federal judges are chosen. Article IV deals mostly with the place of the States in the American Union and their relationships with the National Government and with one another. Article V indicates how formal amendments may be added to the document. Article VI declares that the Constitution is the nation's supreme law; Article VII provided for the ratification of the Constitution.

The seven articles of the original document are followed by 27 amendments, printed in the order in which each provision was adopted.

The Constitution is built around six basic principles. They are popular sovereignty, limited government, separation of powers, checks and balances, judicial review, and federalism.

## Popular Sovereignty

In the United States, all political power resides in the people, a concept known as **popular sovereignty**. The people are the *only* source for any and all governmental power. Government can govern only with the consent of the governed.

The principle of popular sovereignty is woven throughout the Constitution. In its opening words—the Preamble—that document declares: “We the People of the United States . . . do ordain and establish this Constitution for the United States of America.”

The people have given the United States Government whatever powers it has, through the Constitution. That government exercises those powers through popularly elected leaders who are chosen by the people to represent them in the exercise of the people's power.

## Limited Government

The principle of **limited government** holds that no government is all-powerful. That government may do *only* those things that the people have given it the power to do.

**Checkpoint**  
What is the purpose of the Preamble of the Constitution?

**political arena**  
*n.* the setting in which political activity occurs

**provision**  
*n.* a clause in a document or agreement

## BELLRINGER

Display Transparency 3A, A Question of Power, showing quotations from both a Federalist and an Anti-Federalist perspective. Write on the board:

**(1) What problem do both of these quotations address? (2) Which of the six principles help to solve this problem? Answer in your notebook.**

**L2 ELL Differentiate** Define these words on the board to help students understand the quotes: *denied* (declared untrue), *encroaching* (intruding), *effectually* (effectively), *restrained* (limited), *assigned* (given), *discriminating* (noting differences in), *invasion* (intrusion), *vested in* (given to), *annihilate* (destroy), *absorb* (swallow up), *consolidated* (combined), *iron-handed* (powerful), *despotism* (tyranny), and *supremacy* (domination).

## Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

### INTRODUCE THE TOPIC

Tell students that today they will discuss the six important ideas upon which the Constitution is based. You will return to their Bellringer answers later in the lesson.

### The Seven Articles

## Outline of Government

The body of the Constitution is made up of seven articles. These articles set out the basic shape of the Federal Government. **What is the purpose of the first three articles?**

### Articles of the Constitution

Section	Subject
Preamble	States the purpose of the Constitution
Article I	Creates the Legislative branch
Article II	Creates the Executive branch
Article III	Creates the Judicial branch
Article IV	Relations among the States
Article V	Amending the Constitution
Article VI	National debts, supremacy of national law, and oaths of office
Article VII	Ratifying the Constitution

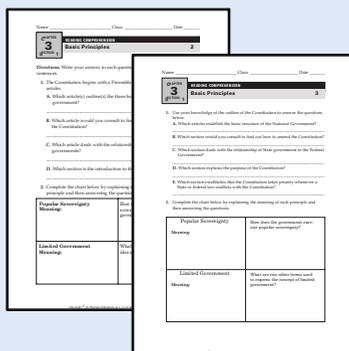


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## Differentiated Resources

The following resources are located in the All-in-One, Unit 1, Chapter 3, Section 1:

- L2** Prereading and Vocabulary Worksheet (p. 129)
- L3** Reading Comprehension Worksheet (p. 133)
- L2** Reading Comprehension Worksheet (p. 135)
- L3** Core Worksheet (p. 137)
- L3 L4** Extend Worksheet (p. 139)
- L3** Quiz A (p. 141)
- L2** Quiz B (p. 142)



## Answers

**Checkpoint** to state the Constitution's purpose  
**The Seven Articles** to lay out the powers of the three branches: legislative, executive, and judicial

## DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 3 Section 1 Core Worksheet (Unit 1 All-in-One, p. 137), which lists the six principles. Display Transparencies 3C, Popular Sovereignty and Limited Government, 3D, Separation of Powers and Checks and Balances, and 3E, Judicial Review and Federalism, and ask students to interpret each cartoon. Have students offer definitions of the principles in a brainstorming session. Write down a definition next to each principle and have students record these on the Core Worksheet. (Possible definitions are shown in the Core Worksheet solutions.)

Name \_\_\_\_\_ Class \_\_\_\_\_ Date \_\_\_\_\_

**CHAPTER 3 CORE WORKSHEET**  
**SECTION 1 Basic Principles 3**

**Constitution Scavenger Hunt**  
 The Framers of the Constitution based their government on the six basic principles listed in this chart. First, write a definition of each principle. Next, read the Preamble and Articles I–VII of the Constitution. As you find statements that reflect each principle, record the number of the article, section, and clause. Then describe how the statement relates to the basic principle.

Popular Sovereignty			
Article	Section	Clause	Description
Limited Government			
Article	Section	Clause	Description
Separation of Powers			
Article	Section	Clause	Description

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**L1 L2 Differentiate** Have students label six index cards with one principle on each card. In pairs, have them write a simple definition of each term on the back of the card. Ask students to share their definitions and try to reach a consensus about each one. Based on this discussion, write a definition on the board for them to record on the Core Worksheet. They may keep these cards to refer to throughout their study of American government.

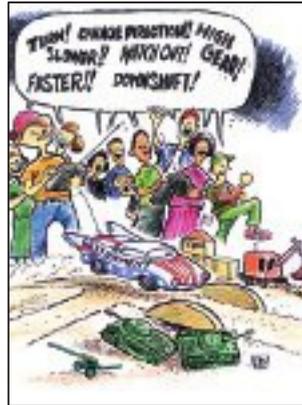
**L4 Differentiate** Ask students to think of an example of each principle in action.

## Answers

**Basic Principles of the Constitution** judicial branch: to act as a check on the other branches and to be the referees who determine when the government has overstepped the bounds of the Constitution; citizens: to communicate their will to the government and to keep the government in check

# Basic Principles of the Constitution

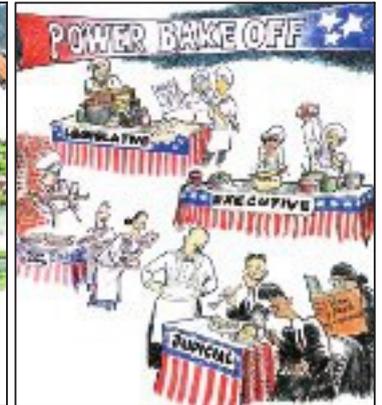
These cartoons illustrate the six principles of government, some of which are explained on the following pages. **According to the cartoons, what is the role of the judicial branch? What are the roles of citizens?**



Popular Sovereignty



Limited Government



Separation of Powers

**enshrined**  
 v. set out with respect; honored

In effect, the principle of limited government is the other side of the coin of popular sovereignty. It is that principle stated the other way around: The people are the only source of any and all of government's authority; and government has only that authority the people have given to it.

The concept of limited government can be put another way: Government must obey the law. Stated this way, the principle is often called **constitutionalism**—that is, government must be conducted according to constitutional principles. The concept of limited government is also frequently described as the **rule of law**, which holds that government and its officers, in all that they do, are always subject to—never above—the law.

**prohibition**  
 n. a denial; a ban

In large part, the Constitution is a statement of limited government. Much of it reads as **prohibitions** of power to government. For example, notice the Constitution's guarantees of freedom of expression. Those great guarantees—of freedom of religion, of speech, of the press, of assembly, and of petition—are

vital to democratic government. They are **enshrined** in the 1st Amendment, which begins with the words: "Congress shall make no law . . ."

## Separation of Powers

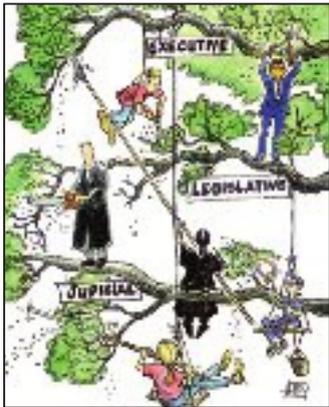
Recall from Chapter 1 that in a parliamentary system, the legislative, executive, and judicial powers of government are all gathered in the hands of a single agency. British government is a leading example of the form. In a presidential system, these basic powers are distributed—separated—among three distinct and independent branches of the government.

This concept is known as **separation of powers**. The idea had been written into each of the State constitutions adopted during the Revolution. A classic expression of the doctrine can be found in the Massachusetts constitution written in 1780 (Part the First, Article XXX):

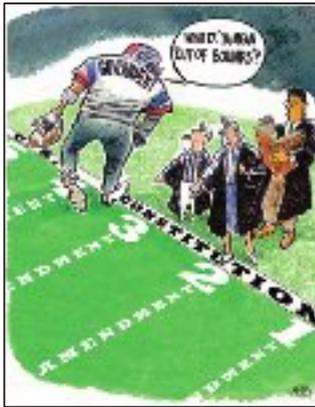
"In the government of this commonwealth, the legislative department shall never

## Myths and Misconceptions

**POPULAR SOVEREIGNTY** Not every Framer enthusiastically embraced the great principle of popular sovereignty set forth in the Constitution. In fact, the idea of granting the people as a whole too much say in government frightened many of them. Alexander Hamilton, for example, wrote that the "turbulent and changing" opinions of the masses "seldom judge or determine right," and referred to the "imprudence of democracy." Thomas Jefferson held a different opinion, however. "I know no safe depository of the ultimate powers of the society but the people themselves," he wrote in 1820, "and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power."



Checks and Balances



Judicial Review



Federalism

exercise the executive and judicial powers, or either of them: The executive shall never exercise the legislative and judicial powers, or either of them: The judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.”

The Constitution of the United States distributes the powers of the National Government among the Congress (the legislative branch), the President (the executive branch), and the courts (the judicial branch). This separation of powers is clearly set forth in the opening words of each of the first three Articles of the Constitution.

Article I, Section 1 declares: “All legislative Powers herein granted shall be **vested** in a Congress of the United States. . . .” Thus, Congress is the lawmaking branch of the National Government.

Article II, Section 1 declares: “The executive Power shall be vested in a President of the United States of America.” Thus, the President is given the law-executing, law

enforcing, and law-administering powers of the National Government.

Article III, Section 1 declares: “The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.” Thus, the federal courts, and most importantly the Supreme Court, interpret and apply the laws of the United States in cases brought before them.

Remember, the Framers intended to create a stronger central government for the United States. Yet they also intended to limit the powers of that government. The doctrine of separation of powers was designed to accomplish just that.

In *The Federalist*, No. 47, James Madison wrote of this arrangement: “The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many . . . may justly be pronounced the very definition of tyranny.”

The earliest of the State constitutions provided for a separation of powers among the

**✓ Checkpoint**  
How does the separation of powers keep government from becoming too powerful?

**vested**  
v. given to, conferred upon

**MAKE CONNECTIONS**

Ask students to review the list of six basic principles and identify patterns. Ask: **What issues do the principles address, as a group?** (Possible answer: All six principles are concerned with the power of government, with limiting that power, with protecting individual rights and States’ rights, and with preventing abuse and corruption of power.) Then ask them to think back to what they know about the causes of the Revolutionary War and the weaknesses of the Articles of Confederation. Ask: **What experiences made the Framers build these six principles into the Constitution?** (Possible answer: King George undermined the colonial judiciary and suspended their legislatures; he imposed taxes without representation, abolished laws arbitrarily, and deprived colonists of jury trials; under the Articles of Confederation, Congress was the sole body created; there was no executive or judicial branch; the Congress itself was hobbled by restrictions on its power.)

Finish by asking students to read their Bellringer answers aloud. (1. Both quotes address the problem of preventing the central government from becoming too powerful. 2. limited government, separation of powers, checks and balances, federalism)

**ANALYZE THE CONSTITUTION**

Explain that students will be using the Constitution itself as a primary source to find where in the document the major principles are reflected. Remind them that the principle of judicial review does not appear specifically in the Constitution. However, Federalist writings suggest that the Framers intended for the federal courts to have this power. Direct students to the Constitution reproduced in the textbook. Have them work in pairs to find statements in the Constitution that relate to each principle, and record the locations in the Core Worksheet. Then call on partners to share their responses for each section.

**L1 L2 Differentiate** Have students work in small groups. Assign each group one principle to locate in the Constitution. Call on groups to present information about their principle to the class.

**L4 Differentiate** Have students work individually to find as many places as possible where each principle is addressed.

Tell students to go to the Interactivity for an interactive version of Basic Principles of the Constitution.

**Constitutional Principles**

**GOVERNMENT BY THE PEOPLE** Our representative government arises from the principle of popular sovereignty. The people exercise their sovereignty by electing representatives to carry out their will. However, the Constitution left the decision of who could vote up to the States. The Constitution says only that those entitled to vote for the “most numerous Branch of the State Legislature” can also vote for members of the House of Representatives (Article I, Section 2, Clause 1). At first, our government represented only *some* of the people, for the States allowed only white male property owners to vote. Hard times in the early nineteenth century led men to demand an end to the property requirement. Over time, immigrants, African Americans, Native Americans, and women gained voting rights, creating a government more truly “by the people.”

**Answers**

**Checkpoint** by preventing the concentration of legislative, executive, and judicial powers in one group

## EXTEND THE LESSON

**L3 Differentiate** Use these questions to continue students' search of and discussion about the Constitution.

1. Which section and clause of Article I contains the Three-Fifths Compromise? (Section 2, Clause 3) What other compromise related to slavery appears in Article I? In what Section and Clause is it located? (Section 9, Clause 1: Congress may not interfere with the importation of enslaved people until 1808.) Why did the Framers include these compromises in Article I? (The Three-Fifths Compromise relates to representation in the House of Representatives, the subject of Article I. The agreement that Congress would not interfere with the slave trade helped to win the South's agreement to the Three-Fifths Compromise.)
2. What military power does Article II grant the President? (Commander in Chief)
3. According to Article III, how long is the term for a federal judge? (for life) Why do you think the Framers saw fit to make the terms of judges different from those of other offices? (probably to allow judges to make objective decisions, free of the influence of politics and public opinion)
4. Which section of Article IV deals with the formation of new States? (Section 3)
5. According to Article V, what fraction of the States must approve an amendment before it becomes part of the Constitution? (two thirds)
6. What is the purpose of Article VI, Section 2? (to establish the Constitution as the supreme law of the land)

**Checkpoint**  
Name one of the ways in which the President can check the powers of Congress.

legislative, executive, and judicial branches of the new governments they established. This was a reflection of the mistrust and suspicion toward any government common to the people of the new United States in the late 1700s. Thus, the inclusion of the doctrine of separation of powers was both natural and inevitable in the writing of the Constitution.

## Checks and Balances

The National Government is organized around three separate branches. As you have just seen, the Constitution gives to each branch its own field of governmental authority: legislative, executive, and judicial.

These three branches are not entirely separated nor completely independent of one another. Rather, they are tied together by a complex system of **checks and balances**. This means that each branch is subject to a number of constitutional checks, or restraints, by the other branches. In other words, each branch has certain powers with which it can check the operations of the other two.

Congress has the power to make laws, but the President may **veto** (reject) any act of Congress. In its turn, Congress can **override** a presidential veto by a two-thirds vote in each house. Congress can refuse to provide funds requested by the President, or the Senate may refuse to approve a treaty or an appointment made by the President. The chief executive is the commander in chief of the armed forces, but Congress provides that military force; and so on.

The system of checks and balances links the judicial branch to the legislative and the executive branches. The President has the power to name all federal judges. Each appointment, however, must be approved by a majority vote in the Senate. At the same time, the courts have the power to determine the constitutionality of acts of Congress and of presidential actions, and to strike down those they find unconstitutional.

Head-on clashes between the branches of government do not often happen. The check-and-balance system operates all the time, however, and in routine fashion. The very fact that it exists affects much of what happens in Washington, D.C.

For example, when the President picks someone to serve in some important office in the executive branch—as, say, secretary of state or director of the Office of National Intelligence—the President is quite aware that the Senate must confirm that appointment. So, the chief executive is apt to pick someone who very likely will be approved by the Senate. In a similar sense, when Congress makes a law, it does so with a careful eye on both the President's veto power and the power of the courts to review its actions.

Spectacular clashes—direct applications of the check-and-balance system—do sometimes occur, of course. The President does veto some acts of Congress. On rare occasions, Congress does override a veto. And, even more rarely, the Senate does reject a Presidential appointee. Twice in our history, the House of Representatives has impeached (brought charges against) a President, seeking his removal: Andrew Johnson in 1868 and Bill Clinton in 1998. On both occasions the President was acquitted by the Senate.

But, again, these and other direct confrontations are not common. Congress, the President, and even the courts try to avoid them. The check-and-balance system makes compromise necessary—and, remember, compromise is a vital part of democratic government.

Over time, the check-and-balance system has worked quite well. It has done what the Framers intended it to do; it has prevented “an unjust combination of a majority.” At the same time, the system of checks and balances has not often forestalled a close working relationship between the executive and legislative branches of the Federal Government.

Note, however, that that working relationship runs more smoothly when the President and a majority in both houses of Congress are of the same political party. When the other party controls one or both houses, **partisan** friction and conflict play a larger-than-usual part in that relationship.

Through most of our history, the President and a majority of the members of both houses of Congress have been of the same party. Over the past 50 years or so, however, the American people have become quite familiar with divided government—that is, a political

**override**  
v. to overturn, reverse, cancel

**partisan**  
n. loyalty to a particular political party

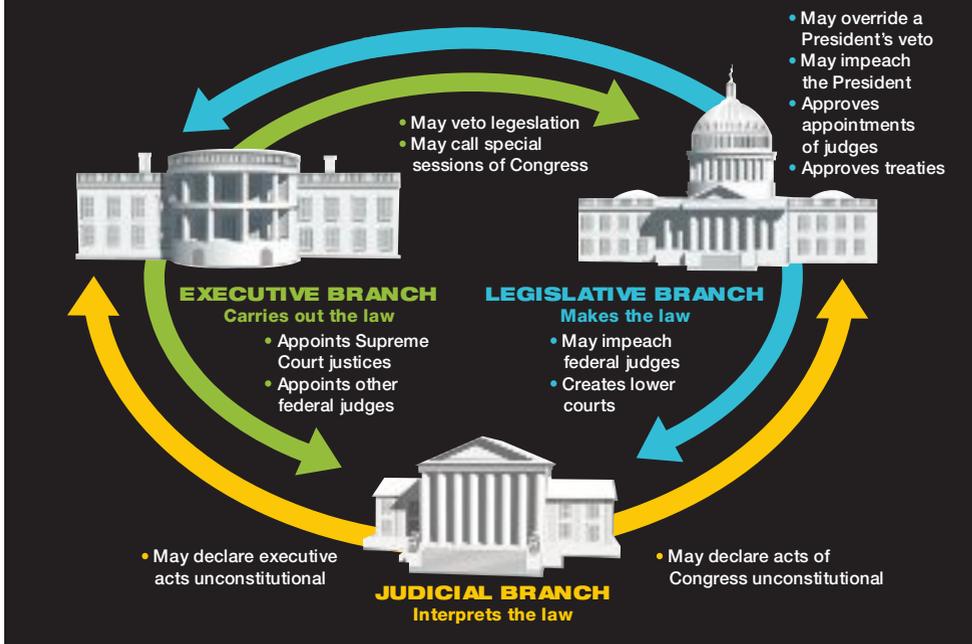
## Political Cartoon Mini-Lesson

Display Transparency 3F, Road to Nowhere, when you discuss the system of checks and balances. The cartoon shows that the system is intended to force the branches to work together toward compromise. Ask: **In this cartoon, which branch of government is being checked? (legislative branch) Which branch is doing the checking? (executive branch) How? (by veto) What does the cartoon suggest must happen for the government to get its work done? (Branches must work together toward compromise.) At the time this cartoon was created, do you think the presidency and Congress were controlled by the same party? How do you know? (No. The direct confrontation between the branches depicted in this cartoon suggests that the President's agenda differs significantly from that of the congressional majority, suggesting that they are from different parties.)**

## Answers

**Checkpoint** by vetoing an act of Congress

# Checks and Balances



▶ **Interpreting Diagrams** Under the system of checks and balances, each branch of government can check the actions of the others. **In what ways can the power of the executive be checked by the other two branches?**

environment in which one party occupies the White House and the other controls one or both houses of Congress.

Most recently, Republican President George W. Bush faced an opposing Congress in the last two years of his eight-year presidency. In 2008, Barack Obama recaptured the White House for the Democrats, and the Democratic party strengthened their slim majorities in both houses on Capitol Hill.

## Judicial Review

One aspect of the principle of checks and balances is of such importance in the American constitutional system that it stands by itself, as one of that system's basic principles. The

power of **judicial review** may be defined as the power of a court to determine the constitutionality of a governmental action.

In part, then, judicial review is the power to declare **unconstitutional**—to declare illegal, null and void, of no force and effect—a governmental action found to violate some provision in the Constitution. The power of judicial review is held by all federal courts and by most State courts, as well.<sup>1</sup>

The Constitution does not provide for judicial review in so many words. Yet it seems

<sup>1</sup> Generally, the power is held by all courts of record. These are courts that keep a record of their proceedings and have the power to punish for contempt. Usually, only the lowest courts in a State—justice of the peace courts—are not courts of record.

**L3 Differentiate** What might happen if the system of checks and balances did not exist? Have students work together to develop a scenario in which this principle was not a part of American government. Ask them to create a short radio broadcast describing the situation. Alternatively, students might base their scenario on one of the other six principles.

**L1 Differentiate** The Preamble to the Constitution is an eloquent statement of the purpose and ideals of the United States government. Have small groups work together to set the Preamble to music. Encourage them to consider carefully their choice of musical style, keeping in mind the subject matter and significance of the document. The words might serve as lyrics; or they might be read, with music as background. Allow time for students to perform their creations for the class.

**L4 Differentiate** To what extent do the six basic principles address weaknesses of the Articles of Confederation? Have students create a poster or write a brief essay to answer this question.

**L3 L4 Differentiate** Distribute the Chapter 3 Section 1 Extend Worksheet (Unit 1 All-in-One, p. 139), which asks students to read excerpts from *The Federalist* and decide which basic principles are the subject of each excerpt.

Tell students to go to the Audio Tour for a guided audio tour of Checks and Balances.

## How Government Works

**CHECKS AND BALANCES** After students have compiled their lists of checks and balances on their Core Worksheet, begin a flow chart on the board. Write "Executive Branch," "Legislative Branch," and "Judicial Branch" on the board in a triangular pattern, in the same positions as they appear in the textbook diagram. Have students read each description of a check from their Core Worksheet and identify the branch that holds this power. For example, Article I, Section 2, Clause 5, assigns the power to impeach to the House of Representatives. Write the description under that branch on the board. Then have students identify the branch(es) being checked. Draw an arrow from each description to the affected branch(es). In the impeachment example, draw arrows to both the executive and judicial branches, since the House may impeach judges as well as members of the executive branch.

## Answers

**Interpreting Diagrams** The judicial branch may declare executive acts constitutional. The legislative branch may override the President's veto, may impeach the President, approves appointments, and approves treaties.

## Assess and Remediate

**L3** Display Transparency 3G, Who Has the Power? Have students draw conclusions about why this diagram represents the principle of federalism. Students should then present their conclusions to the class. (The powers show a division among a central government and several regional [State] governments.)

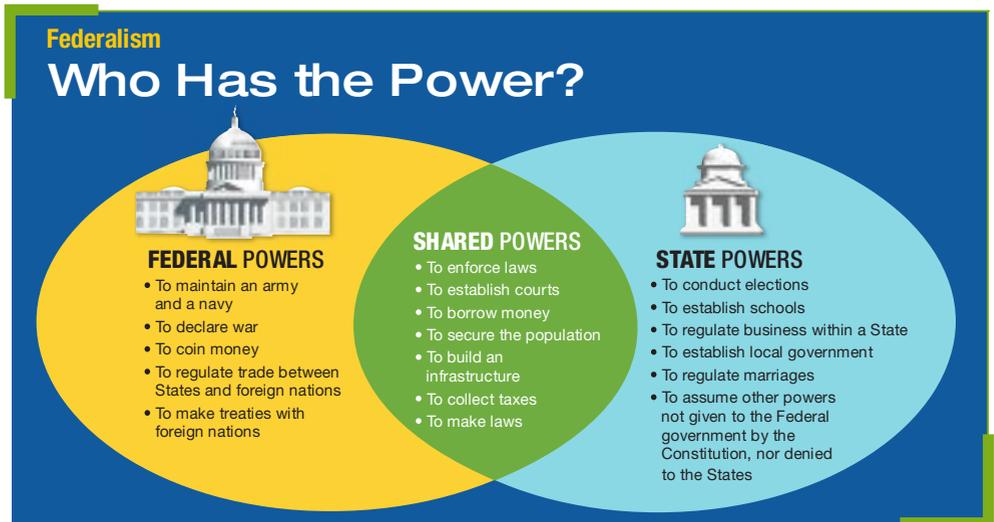
**L3** Collect the Core Worksheets and assess students' work.

**L3** Assign the Section 1 Assessment questions.

**L3** Section Quiz A (Unit 1 All-in-One, p. 141)

**L2** Section Quiz B (Unit 1 All-in-One, p. 142)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.



► **Interpreting Diagrams** The Constitution divides power among the State and Federal governments. **Why might the Constitution give the power to regulate trade among the States to the Federal Government?**

**auxiliary**  
*adj*; extra; supportive; supplemental

clear that the Framers intended that the federal courts, and in particular the Supreme Court, should have that power. In *The Federalist* No. 51, James Madison described the judicial power as one of the “auxiliary precautions” against the possible domination of one branch of the government over another.

In *The Federalist* No. 78, Alexander Hamilton wrote:

“The interpretation of the laws is the proper and peculiar province of the courts. A constitution is, in fact, and must be regarded by the judges as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between the two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the Constitution ought to be preferred to the statute. . . .”

In practice, the Supreme Court established the power of judicial review in the landmark case of *Marbury v. Madison* in

1803. Since *Marbury*, the Supreme Court and other federal and State courts have used the power in thousands of cases. For the most part, those courts have upheld challenged governmental actions. That is, in most cases in which the power of judicial review is exercised, the actions of government are found to be constitutional.

That is not always the case, however. To date, the Supreme Court has decided some 150 cases in which it has found an act or some part of an act of Congress to be unconstitutional. It has struck down several presidential and other executive branch actions as well. The Court has also voided hundreds of actions of the States and their local governments, including some 1,200 State laws and local ordinances.

### Federalism

As you know, the American governmental system is federal in form. The powers held by government are distributed on a territorial basis. The National Government holds some of those powers. Others belong to the 50 States.

**Government**  
**online**

All print resources are available on the Teacher's Resource Library CD-ROM and online at [PearsonSuccessNet.com](http://PearsonSuccessNet.com).

## Teacher-to-Teacher Network

**ALTERNATE LESSON PLAN** Have students learn about our nation's constitutional foundation by playing the “Constitution Game.” Teams will study the Constitution and prepare game cards containing clues to facts in the Constitution. During the game, teams will alternate giving clues and identifying constitutional facts from the clues. After a team identifies a fact, it will look up the passage in the Constitution where the fact is revealed. Then a team member will read the passage aloud.

To see this lesson plan, go to



## Answers

**Interpreting Diagrams** possible response: to make trade rules uniform across the nation and to prevent trade disputes between States

The principle of **federalism**—the division of power among a central government and several regional governments—came to the Constitution out of both experience and necessity. At Philadelphia, the Framers faced a number of difficult problems, not the least of them: How to build a new, stronger, more effective National Government while preserving the existing States and the concept of local self-government.

The colonists had rebelled against the harsh rule of a powerful and distant central government. They had fought for the right to manage their own local affairs without the meddling and dictation of the king and his ministers in far-off London. Surely, the colonists would not now agree to another such government.

The Framers found their solution in federalism. In short, they constructed the federal arrangement, with its division of powers, as a compromise. It was an alternative to both the system of nearly independent States, loosely tied to one another in the weak Articles of Confederation, and to a much feared, too powerful central government.

We shall explore the federal system at length in the next chapter. For now, keep in mind that among so many other reasons, federalism is an important part of the Constitution's web of protections of individual freedom. Remember, the Framers were dedi-

cated to the concept of limited government. They were convinced (1) that governmental power poses a threat to individual liberty, (2) that, therefore, the exercise of governmental power must be restrained, and (3) that to divide governmental power, as federalism does, is to curb it and to prevent its abuse. Alexander Hamilton addressed this in his *Federalist Papers*:

#### PRIMARY SOURCE

**In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each is subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself.**

—The Federalist No. 51

**Checkpoint**  
Identify two powers that the States hold, but that the Federal Government does not.

## REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
The articles of the Constitution (Question 2)	Work with students to create an outline of the articles, breaking down their most important elements.
The six principles of the Constitution (Questions 3, 5, 6)	Look at the cartoons representing the principles on pages 70 and 71. Work with students to understand how each cartoon represents a principle, and how the elements of each principle are depicted.
The separation of powers among the three branches of government (Question 3)	Divide students into three groups, and assign each group a branch of the government. Have each group become an "expert" in their branch, and teach the other groups about it.

## SECTION 1 ASSESSMENT

### Essential Questions Journal

To continue to build a response to the chapter Essential Questions, go to your Essential Questions Journal.

1. **Guiding Question** Use your completed concept web to answer this question: What are the six main principles on which the Constitution is based?

#### Key Terms and Comprehension

- How do the first three articles differ from the other four articles?
- (a) Into what three branches are the powers of the Federal Government separated? (b) Give a brief summary of the **checks and balances** in place for each of the three branches.

- (a) Explain the concept of **rule of law**. (b) Why would this concept have been important for the Framers? (c) What might happen if there were no rule of law?

#### Critical Thinking

- Summarize** (a) Explain the concept of judicial review. (b) How was this power formally established?
- Express Problems Clearly** What issues might arise when the legislative and executive branches are controlled by different parties?

#### Quick Write

**Writing for Assessment: Develop a Main Idea** Some essay tests provide a list of topics from which you must choose. Try to select a topic for which you can quickly develop a main idea. For example:

- (a) The relationship between the separation of powers, checks and balances, and judicial review
- (b) The importance of federalism to the survival of the U.S. government
- (c) The importance of separating powers between the State and Federal governments

## Assessment Answers

- popular sovereignty, limited government, separation of powers, checks and balances, judicial review, federalism
- The first three articles are the only ones that deal specifically with the organization of the Federal Government.
- (a) executive, judicial, and legislative (b) **judicial**: may declare a law or presidential action unconstitutional; **executive**: appoints judges, may veto a law, may call special ses-

sions of Congress; **legislative**: may override a veto, may impeach a president or a judge, approves treaties and appointments of judges, creates lower courts

- (a) The government and its officers are always subject to the law. (b) The Framers wanted to avoid absolute rule similar to that exercised by the British government over the colonists. (c) Government would have unlimited power. It could act arbitrarily and for its own interests.
- (a) the power of the judicial branch to declare acts of Congress or the President unconstitutional (b) Although intended by the Framers,

the concept became official when the Supreme Court decided *Marbury v. Madison* in 1803.

6. Possible response: Conflict between party agendas would make checks and balances more apparent, with more frequent vetoes and battles over judicial appointees. The legislative process could become gridlocked as confrontations between the branches prevent legislation on politically charged issues from passing into law.

**QUICK WRITE** Sample main idea: Constitutional change by other means has allowed branches of government to work around checks and balances.

## LESSON GOAL

- Students will discuss the Supreme Court case *Marbury v. Madison*, and then write a letter to the editor of a 19th-century newspaper.

## Teach

Write *judicial review* on the board. Ask students to define the term, and write their answers on the board. Judicial review is the power of a court to determine the constitutionality of a government action. Point out that most courts may exercise judicial review. Emphasize that judges cannot rule against a legislative or executive action based on their own ideas of fairness or morality; they must decide based on whether or not the Constitution allows the action.

**L2 ELL Differentiate** To help students define the key term, have them define *judge* (a public official authorized to decide questions put before a court). Then have students apply their definition to *judicial* (of or relating to a judgment). Next, have them define *review* (a critical evaluation). Finally, have them define the key term *judicial review*.

## CREATE A CONCEPT WEB

Draw a concept web on the board. Write *Marbury v. Madison* in the center circle. Have students identify the results of the Court's decision, and write them in circles around the center circle. For example, students might suggest that the Supreme Court reprimanded the President, but did not order him to do anything; and that the Supreme Court struck down the Judiciary Act of 1789. Ask: **What was the significance of the Court's decision?** (*The Court established the power of judicial review.*)

## SKILLS DEVELOPMENT

## DRAW INFERENCES AND CONCLUSIONS

Before students begin the Landmark Decisions of the Supreme Court Worksheet (Unit 1 AiO, pp. 163–166), you may want to review tips on drawing inferences and conclusions in the Skills Handbook p. S19.

## What is judicial review?

The Supreme Court holds the power of judicial review, which it first asserted when it decided *Marbury v. Madison* in 1803. What began as a dispute over a small provision of federal law became, arguably, the most important decision in the history of the Supreme Court.

“It is emphatically the province and duty of the Judicial Department to say what the law is. . . .

“If, then, the Courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the Legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply.”

—Chief Justice John Marshall

Outgoing President John Adams and his Federalist Party were defeated by Democratic-Republican Thomas Jefferson in 1801. Before he left office, President Adams and the Federalists tried to ensure their continuing influence on the government by packing the judiciary with loyal party members. To this end, Congress created several new federal judgeships; President Adams quickly filled those posts with Federalists.

One of those party members, William Marbury, was appointed a justice of the peace for the District of Columbia. The Senate had confirmed his appointment and, late on the night before he left office, President Adams signed the commission for Marbury. Then secretary of state John Marshall affixed the Great Seal of the United States to the commission, but never delivered it to Marbury.

When the new President learned of the last-minute appointments, he angrily directed James Madison, the new secretary of state, not to deliver those commissions to the “midnight justices.” President Jefferson saw his worst fears about the judicial branch realized in those appointments; with their life tenure, he believed that judicial appointees possessed far too much influence.



Secretary of State James Madison refused to reissue Marbury's appointment.

William Marbury requested a writ of mandamus after his appointment was lost and never reissued.

John Marshall decided the case against Marbury. In doing so, he affirmed the power of the courts.

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## Supreme Court Notes

**FLETCHER V. PECK, 1810** In *Marbury v. Madison*, the Supreme Court first asserted its power to strike down a federal law. Seven years later, the Court extended the power of judicial review to State laws. In 1795, the Georgia State legislature passed a law granting land to four companies but later repealed the law. John Peck acquired some land under the original grant. He later sold the land to Robert Fletcher. Fletcher sued, arguing that Peck had no legal right to sell the land. The case reached the Supreme Court. Noting that the Constitution does not allow *ex post facto* (after the fact) laws, the Court ruled that the Georgia legislature could not void grants made by the previous law. Thus Georgia's repeal of its law was unconstitutional. By asserting the power of judicial review over both federal and State laws, the Supreme Court secured its authority as chief interpreter of the Constitution.

## GOVERNMENT ONLINE

### In the News

To learn more about the relevance of the case today, go to [PearsonSuccessNet.com](http://PearsonSuccessNet.com)

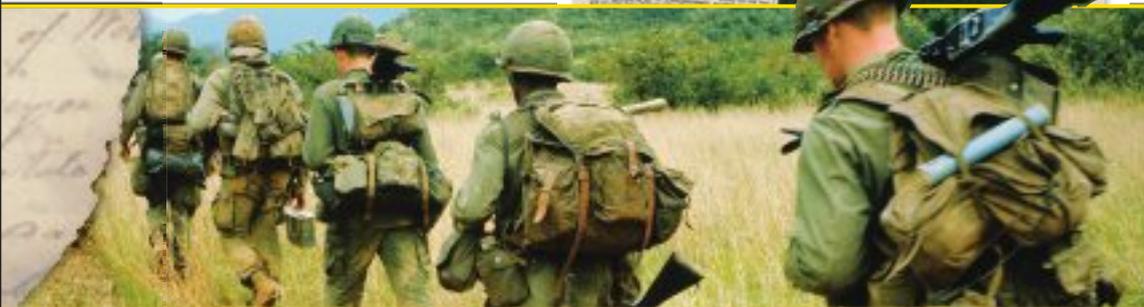
When Marbury went to the Supreme Court seeking a writ of mandamus—a court order directing a public official to perform his or her duty—to force delivery of the commission, Chief Justice John Marshall faced a dilemma. If he granted the writ to force Madison to deliver the commission, the President would likely ignore it. This would create a precedent under which the authority of the judicial branch would suffer. On the other hand, a refusal to issue the writ would deny Marbury his commission, which was legally his. Rather than choose either option, Marshall devised a brilliant maneuver.

In a unanimous opinion written by the Chief Justice, the Court refused Marbury's request. It did so, however, not because Marbury was not entitled to his commission, but rather because it found the section of the Judiciary Act on which Marbury had based his case to be in conflict with the Constitution and, therefore, void. Specifically, the Court found the statute, which allowed cases to be heard by the Supreme Court without moving through the lower courts, in conflict with Article III, Section 2, Clause 2 of the Constitution, which stated that cases such as Marbury's must come to the Supreme Court only by way of the lower courts.

Marshall's powerful opinion asserted that: "The powers of the legislature are defined and limited; and that those limits may not be mistaken or forgotten, the Constitution is written." With this ruling, the Court asserted its power to determine the constitutionality of government actions and placed itself on an equal footing with the executive and legislative branches. The power of judicial review established in *Marbury* has been used in hundreds of significant cases since 1803, including those concerned with segregation (*Brown v. Topeka Board of Education*, 1954), the rights of the accused (*Miranda v. Arizona*, 1966), and the right to privacy (*Roe v. Wade*, 1973).

### Think Critically

1. Should the Supreme Court have the power to declare an act of Congress unconstitutional? Why or why not?
2. **Constitutional Principles** Explain why the power of judicial review is an important part of the system of checks and balances.



Marshall's decision paved the way for the Supreme Court to declare other acts of Congress and the President unconstitutional. In *New York Times v. U.S.*, the Supreme Court ruled that President Nixon could not prevent the *New York Times* from publishing classified documents about United States activity in Vietnam.

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## RESEARCH

Ask students to form pairs and find other cases where the court exercised judicial review. (*Examples include Miranda v. Arizona and Plessy v. Ferguson.*) Have students present their findings and explain how the Supreme Court exercised judicial review.

## LETTER TO THE EDITOR

Divide the class into five groups, and assign each group an important figure from the case (Jefferson, Marbury, Madison, Adams, or Marshall). Give each group time to further research *Marbury v. Madison* and how their historical figure related to the case. Distribute the Rubric for Assessing Letters to the Editor (Unit 1 All-in-One, p. 219). Then, have students assume the role of their historical figure and individually write letters to the editor discussing the outcome of the case. Each student should write a reaction to the case as their figure would have reacted.

**L1 L2 Differentiate** Make sure each group is a mix of lower-level and higher-level students. Circulate among the groups to ensure that lower-level students understand and are participating in the research. Encourage higher-level students to help lower-level students as they write their letter. Have students assess the work of another student in his or her group, using the rubric. Allow students to revise their work before submitting it for a grade.

## Assess and Remediate

### EXTEND THE LESSON

**L3 L4 Differentiate** Assign the Landmark Decisions of the Supreme Court Worksheet (Unit 1 All-in-One, p. 163).

**L2 Differentiate** Assign the adapted Landmark Decisions of the Supreme Court Worksheet (Unit 1 All-in-One, p. 165).

Assess the letters to the editor using the Rubric for Assessing Letters to the Editor (Unit 1 All-in-One, p. 219).

Assess students' answers to the Think Critically questions.

## Answers

1. Sample answer: Yes. The Constitution is a set of basic principles, not a detailed list covering all situations. Someone must interpret and apply its meaning. The principles of separation of powers and checks and balances both suggest that the interpreter should be a different branch from those that make and execute the laws.
2. The judicial branch can invalidate laws passed by Congress and executive orders or other acts of the executive branch. This power enables the courts to keep the Constitution—not Congress or the President—as the supreme law of the land.

## Supreme Court Notes

**JUDICIARY ACT OF 1789** Article III, Section 1, of the new Constitution left to Congress the responsibility to "ordain and establish" a federal court system. Congress wasted little time. Senate Bill Number One of the First Session of the First Congress became the Judiciary Act of 1789. This act established the federal district and circuit courts and the authority of judges and court officials. Section 13 of the act authorized the Supreme Court to issue writs of mandamus in original jurisdiction, rather than upon appeal from a lower court. In *Marbury v. Madison*, John Marshall pointed out that Article III, Section 2, of the Constitution lists specific situations in which the Court has original jurisdiction, and issuing writs of mandamus was not one of them. Therefore, he concluded, anything not listed in this section of the Constitution must go through the lower courts first. Section 13 of the Judiciary Act was unconstitutional.

## GUIDING QUESTION

How has the Constitution been amended through the formal amendment process?

### I. Formal Amendment Process

#### A. First Method

1. proposed by two-thirds vote of each house of Congress
2. ratified by three fourths of State legislatures

#### B. Second Method

1. proposed by two-thirds vote of each house of Congress
2. ratified by conventions in three fourths of States

#### C. Third Method

1. proposed by national convention called by Congress at request of two thirds of State legislatures
2. ratified by three fourths of State legislatures

#### D. Fourth Method

1. proposed by national convention called by Congress at request of two thirds of State legislatures
2. ratified by conventions in three fourths of States

## Get Started

### LESSON GOALS

Students will . . .

- compare the process of ratification of amendments by studying a chart.
- examine the meaning of several amendments by creating and performing a skit.
- debate the merits of three unsuccessful amendments, using primary sources.

## SKILLS DEVELOPMENT

### ANALYZE SOURCES

To practice analyzing sources in this section, use the Chapter 3 Skills Worksheet (Unit 1 All-in-One, p. 149). You may teach the skill explicitly either before or after beginning the chapter. For L2 and L1 students, assign the adapted Skill Activity (Unit 1 All-in-One, p. 150).

## SECTION 2

# Formal Amendment



### Guiding Question

How has the Constitution been amended through the formal amendment process? Use an outline like the one below to take notes on how the Constitution can be amended.

#### I. Formal Amendment Process

##### A. First Method

1. \_\_\_\_\_
2. \_\_\_\_\_

##### B. Second Method

1. \_\_\_\_\_
2. \_\_\_\_\_

### Political Dictionary

- amendment
- Bill of Rights
- ratification
- formal amendment

### Objectives

1. Identify the four different ways by which the Constitution may be formally changed.
2. Explain how the formal amendment process illustrates the principles of federalism and popular sovereignty.
3. Understand that several amendments have been proposed, but not ratified.
4. Outline the 27 amendments that have been added to the Constitution.

**Image Above:** Inez Milholland fought to amend the Constitution to allow women's suffrage.

The Constitution of the United States has now been in force for more than 200 years—longer than the written constitution of any other nation in the world.<sup>2</sup>

When the Constitution became effective in 1789, the United States was a small agricultural nation of fewer than four million people. That population was scattered for some 1,300 miles along the eastern edge of the continent. The 13 States, joined together mostly by travel on horseback and sailing ships, struggled to stay alive in a generally hostile world.

Today, well over 300 million people live in the United States. The now 50 States stretch across the continent and beyond, and the country has many far-flung commitments. The United States is the most powerful nation on Earth, and its modern, highly industrialized and technological society has produced a standard of living that has long been the envy of many other countries.

How has the Constitution, written in 1787, endured and kept pace with that astounding change and growth? The answer lies in this highly important fact: The Constitution of today is, and at the same time is not, the document of 1787. Many of its words are the same, and much of their meaning remains the same. But some of its words have been changed, some have been eliminated, and some have been added. And, very importantly, the meanings of many of its provisions have been modified, as well.

This process of constitutional change, of modification and growth, has come about in two basic ways: (1) by formal amendment and (2) by other, informal means. In this section, you will look at the first of them: the addition of formal amendments to the Constitution.

## Formal Amendment Process

The Framers knew that even the wisest of constitution makers cannot build for all time. Thus, the Constitution provides for its own **amendment**—that is, for changes in its written words.

<sup>2</sup> The British constitution dates from well before the Norman Conquest of 1066, but it is not a single, written document. Rather, it is an “unwritten constitution,” a collection of principles, customs, traditions, and significant parliamentary acts that guide British government and practice. Israel, which has existed only since 1948, is the only other state in the world without a written constitution.

## Focus on the Basics

**FACTS:** • The formal amendment process established in Article V emphasizes federalism. • An amendment may be proposed by a two-thirds vote in both houses of Congress or by a national convention called by Congress at the request of two thirds of State legislatures. • An amendment may be ratified by three fourths of State legislatures or by conventions in three fourths of the States.

**CONCEPTS:** constitutional government, federalism, popular sovereignty

**ENDURING UNDERSTANDINGS:** • The amendment process enables constitutional modification as the nation changes. • The Bill of Rights guarantees freedom of belief and expression, security, and fair and equal treatment before the law.

Article V sets out two methods for the proposal and two methods for the **ratification** of amendments. So, there are four possible methods of **formal amendment**—changes or additions that become part of the written language of the Constitution itself. The diagram below sets out these two methods of proposal and two methods of ratification.

First, an amendment may be proposed by a two-thirds vote in each house of Congress and ratified by three fourths of the State legislatures. Today, at least 38 State legislatures must approve an amendment to make it a part of the Constitution. Of the Constitution's 27 amendments, 26 were adopted in this manner.

Second, an amendment may be proposed by Congress and ratified by **conventions**, called for that purpose, in three fourths of the States. Only the 21st Amendment (1933) was adopted in this way.

When Congress proposes an amendment, it chooses the method of ratification.

State conventions were used to ratify the 21st Amendment, largely because the lawmakers felt that the conventions' popularly elected delegates would be more likely to reflect public opinion on the question of the repeal of nationwide prohibition than would State legislators.

Third, an amendment may be proposed by a national convention, called by Congress at the request of two thirds of the State legislatures—today, 34. As you can see in the diagram, it must then be ratified by three fourths of the State legislatures. To this point, Congress has not called such a convention.<sup>3</sup>

<sup>3</sup> The calling of a convention was a near thing twice over the past 40 years or so. Between 1963 and 1969, 33 State legislatures, one short of the necessary two thirds, sought an amendment to erase the Supreme Court's "one-person, one-vote" decisions; see Chapter 24. Also, between 1975 and 1983, 32 States asked for a convention to propose an amendment that would require that the federal budget be balanced each year, except in time of war or other national emergency.

**convention**  
n. a meeting to discuss matters of common concern

## BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 1 All-in-One, p. 143) before class.

**L2 Differentiate** Reading Comprehension Worksheet (Unit 1 All-in-One, p. 145)

## BELLINGER

Distribute the Bellringer Worksheet (Unit 1 All-in-One, p. 147) and instruct students to answer the questions about the constitutional amendments.

## Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

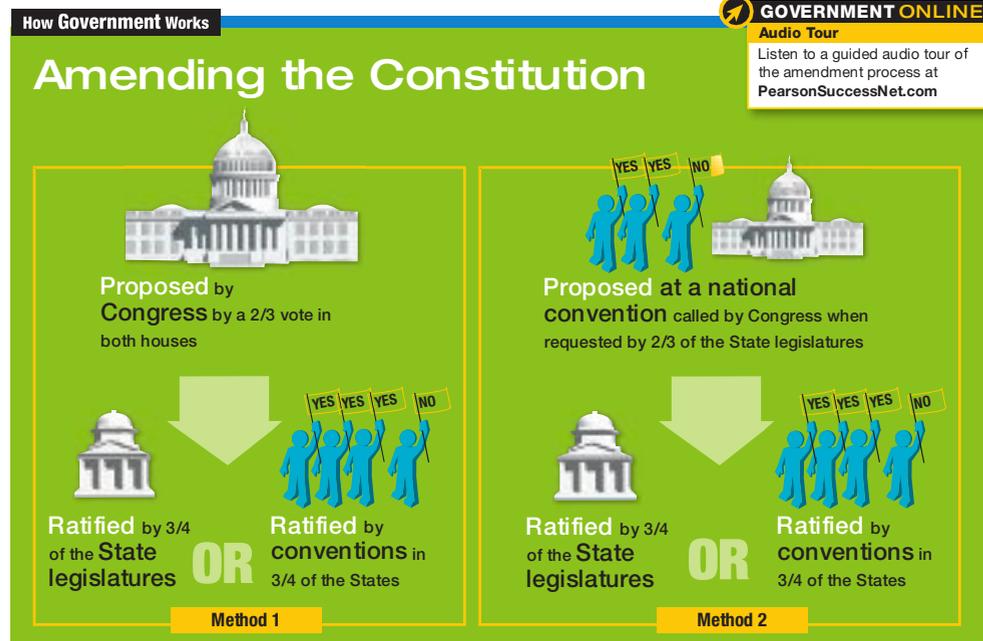
## INTRODUCE THE TOPIC

Tell students that today they will discuss the formal amendment of the Constitution. Before reviewing answers to the Bellringer worksheet, have students divide into teams for a "Quick-Check" game. Instruct the teams to consult on each question, and have a team captain raise a hand when the team has the answer. The first team with the correct answer wins one point. Ask: **How many amendments to the Constitution are there? (27) How many formal methods of amendment does the Constitution provide? (4) Which method of amendment has been used most frequently? (The Amendment is proposed in Congress and ratified by State legislatures.) How many amendments were ratified this way? (26 of 27) Which amendment was ratified differently? (the 21st Amendment) What method was used to ratify the 21st Amendment? (The 21st Amendment was proposed in Congress and ratified by State conventions.) What was the purpose of the 21st Amendment? (repeal of Prohibition) What are the other two methods of amendment? (The Amendment is proposed at a national convention called by Congress and ratified by State legislatures or State conventions.) How many amendments have been ratified by these methods? (0) You may want students to take out their Reading Comprehension worksheets (Unit 1 All-in-One, p. 143) at this time. Then review students' answers to the Bellringer worksheet.**

Tell students to go to the Interactivity for an interactive version of the processes of formal amendment.

## Answers

**Amending the Constitution** Most successful amendments have been proposed by Congress by a two-thirds vote in both houses and ratified by three fourths of the State legislatures

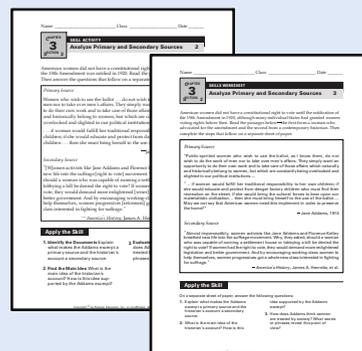


▶ **Interpreting Diagrams** There are two ways to propose an amendment, each with two means of ratification. **Which method has been used to ratify the most amendments?**

## Differentiated Resources

The following resources are located in the All-in-One, Unit 1, Chapter 3, Section 2:

- L3** Reading Comprehension Worksheet (p. 143)
- L2** Reading Comprehension Worksheet (p. 145)
- L3** Bellringer Worksheet (p. 147)
- L3** Core Worksheet (p. 148)
- L3** Skills Worksheet (p. 149)
- L2** Skill Activity (p. 150)
- L3** Quiz A (p. 151)
- L2** Quiz B (p. 152)



## DISTRIBUTE THE CORE WORKSHEET

Distribute Chapter 3 Section 2 Core Worksheet (Unit 1 All-in-One, p. 148), and divide the class into teams. Assign each team one of the following amendments: 3rd, 11th, 14th, 15th, 16th, 19th, 22nd, 24th, 26th, or 27th. Instruct them not to reveal their amendment to other teams. Explain that each team will create a skit to act out the subject of their assigned amendment. The rest of the class will try to guess the amendment being depicted. Tell students that the skits may be set in the past or present and may depict a real event or realistic fictional event. Explain that when they serve as the audience, they will use their Core Worksheet to record the number of the amendment depicted in each skit and evidence from the skit that led them to that conclusion.

**L1 L2 Differentiate** Some amendments are easier to address than others. Assign less-skilled students one of these more concrete amendments: 14th, 15th, 19th, 24th, or 26th.

## DISCUSS

Use these questions to continue the discussion of the amendments to the Constitution.

- 1. What changes in the United States made the 13th, 14th, and 15th Amendments necessary? (The Civil War ended slavery.) Do these amendments help to explain the Constitution's durability? Give your reasons. (Possible response: Yes. Slavery was reflected in the original Constitution in the Three-Fifths Compromise. When slavery ended, the Constitution needed to be adjusted to guarantee full voting rights and citizenship for the newly freed African Americans.)**
- 2. Did your skit, or another team's skit, change the way you think about an amendment? Give your reasons.**
- 3. How did the two world wars and the Vietnam War contribute to the passage of the 26th Amendment? (Many Americans felt that if 18-year-olds were old enough to fight, they should be old enough to vote.)**
- 4. Which amendment affects you most today? Why?**
- 5. Which amendment affects you least today? Why?**

## Answers

**The Amendments** Amendments provide a way to update the Constitution to conform to changes in American society.

# The 27 Amendments

## 1700s



The first ten amendments are known as the Bill of Rights.

**1791 Amendments 1–10**  
Bill of Rights

**1795 Amendment 11** States immune from certain lawsuits

## 1800s

**1804 Amendment 12** Changes in electoral college procedures

**1865 Amendment 13** Abolition of slavery

**1868 Amendment 14** Citizenship, equal protection, and due process

**1870 Amendment 15** No denial of vote because of race, color, or previous enslavement



A symbol of the anti-slavery movement

## 1900s

**1913 Amendment 16** Congress given the power to tax incomes  
**Amendment 17** Popular election of U.S. Senators

**1919 Amendment 18**  
Prohibition of alcohol

**1920 Amendment 19** Women's suffrage



The first women to vote in Brooklyn, New York.

► **The Amendments** As the U.S. changed, amendments were added to the Constitution. **How do the amendments keep the Constitution relevant to the times?**

And fourth, an amendment may be proposed by a national convention and ratified by conventions in three fourths of the States. Remember, the Constitution itself was adopted in much this same way.

## Federalism and Popular Sovereignty

Note that the formal amendment process emphasizes the federal character of the governmental system. Proposal takes place at the national level and ratification is a State-by-State matter. Also note that when the Constitution is amended, that action represents the expression of the people's sovereign will.

Some criticize the practice of sending proposed amendments to the State legislatures rather than to ratifying conventions, especially because it permits a constitutional change without a clear-cut expression by

the people. The critics point out that State legislators, who do the ratifying, are elected to office for a mix of reasons: party membership; name familiarity; and their stands on certain issues. They are almost never chosen because of their stand on a proposed amendment. On the other hand, the delegates to a ratifying convention would be chosen by the people on the basis of only one factor: a yes-or-no stand on the proposed amendment.

The Supreme Court has held that a State cannot require an amendment proposed by Congress to be approved by a vote of the people of the State before it can be ratified by that State's legislature. It made that ruling in *Hawke v. Smith*, in 1920. However, a State legislature can call for an advisory vote by the people before it acts, as the Court held in *Kimble v. Swackhamer*, in 1978.

## Proposed Amendments

The Constitution places only one restriction on the subjects with which a proposed amendment may deal. Article V declares

## Political Cartoon Mini-Lesson

Display Transparency 3H, Equal Rights Amendment, when you discuss the amendment ratification process. Point out that Congress may place time limits on the ratification of an amendment. The Equal Rights Amendment (ERA) was set to expire in 1979. Ask: **Was the ERA close to ratification before the deadline expired? How do you know? (Yes. The runner representing the amendment is inches from the finish line.) According to the cartoon, would the ERA pass if the deadline is extended? (Probably not. Ratification had stalled for so long that the ERA runner in the cartoon grew roots.)**

Audio Tour

Listen to a guided audio tour of The 27 Amendments at PearsonSuccessNet.com



Left: Franklin Roosevelt was elected to four terms as President.

Right: Washington, D.C., could not vote for the President before 1964.

1971 Amendment 26 Voting age changed to 18

1992 Amendment 27 Congressional pay

Below: A young woman rallies for the ratification of the 26th amendment.



1933 Amendment 20 Change of dates for presidential and congressional terms

Amendment 21 Repeal of Prohibition (18th Amendment)

1951 Amendment 22 Limit on presidential terms

1961 Amendment 23 District of Columbia allowed to vote in presidential elections

1964 Amendment 24 Ban of tax payment as voter qualification

1967 Amendment 25 Presidential succession, vice presidential vacancy, and presidential disability

that “no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.”

When both houses of Congress pass a resolution proposing an amendment, Congress does not send it to the President to be signed or vetoed, though the Constitution would seem to require it<sup>4</sup>—because when Congress proposes an amendment, it is not making law (not legislating). Although the chief executive has no formal role in the amendment process, his or her political influence can affect the success or failure of any attempt to amend the Constitution, of course.

If a State rejects a proposed amendment, it is not forever bound by that action. It may later reconsider and ratify the proposal. Most constitutional scholars agree that the reverse is not true, however. Once a State has approved an amendment, that action cannot be undone; and no governor’s veto power

<sup>4</sup> See Article I, Section 7, Clause 3. This practice of not submitting proposed amendments to the President is an example of the many changes in the Constitution that have been made by means other than formal amendment, a matter addressed in the next section.

extends to the ratification of a proposed amendment.

Some 15,000 joint resolutions calling for amendments to the Constitution have been proposed in Congress since 1789. Only 33 of them have been sent on to the States. Of those, only 27 have been finally ratified. One of the unratified amendments had been offered by Congress in 1789—along with 10 other proposals that became the Bill of Rights in 1791, and another that became the 27th Amendment in 1992.

The unratified amendment of 1789 dealt with the distribution of seats in the House of Representatives. A second, proposed in 1810, would have voided the citizenship of anyone accepting any foreign title or other honor. Another, in 1861, would have prohibited forever any amendment relating to slavery. A fourth, in 1924, was intended to give Congress the power to regulate child labor. A fifth one, proclaiming the equal rights of women (ERA), was proposed in 1972; it fell three States short of ratification and died in 1982. An amendment to give the District of

**Checkpoint**  
How does the formal amendment process reflect the concept of federalism?

EXTEND THE LESSON

Display Transparency 31, Unsuccessful Amendments, which shows three proposed amendments that failed to win ratification. Have partners examine each amendment and provide an argument for and against each of these proposed amendments. Point out that the first two amendments are still ongoing and not ratified, while the Equal Rights Amendment expired, unratified.

**L3 Differentiate** Have individuals or partners propose an amendment, explain why it is necessary, make arguments for it, and anticipate and address arguments against it.

**L4 Differentiate** Have students research current proposals, like those for electoral college reform or regulating corporations. Evaluate their merits and chances for success.

Tell students to go to the Audio Tour for a guided audio tour of the 27 Amendments.

Debate

In 2006, the Senate defeated a constitutional amendment, preventing it from passing to the States for a ratification vote. Known as the Flag Desecration Amendment, the measure would have banned the burning of the American flag. Supporters intended the amendment as a way to overrule the Supreme Court, who had twice struck down similar laws. In *Texas v. Johnson* (1989), the Court overturned a Texas law, arguing that burning a flag in protest is symbolic speech. “[I]f there is a bedrock principle underlying the First Amendment, it is that the Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.” Today, the debate continues over whether flag burning is hate speech and should be banned, or is simply a distasteful exercise of free expression. Have students debate the issue. Ask: **Should flag burning be banned?**

Answers

**Checkpoint** In all four methods of amending the Constitution, proposals occur at the national level and ratification at the State level.

## Assess and Remediate

**L3** Display Transparency 3J, Changing Views of Free Speech. Ask: **What are some of the debates resulting from the guarantees of freedom of speech and press?** (possible answer: debates over the right to criticize the government or over the right to wear protest armbands in school)

**L3** Collect the Core Worksheets and assess the students' class participation using the Rubric for Assessing Role Play (Unit 1 All-in-One, p. 220).

**L3** Assign the Section 2 Assessment questions.

**L3** Section Quiz A (Unit 1 All-in-One, p. 151)

**L2** Section Quiz B (Unit 1 All-in-One, p. 152)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

### The First Ten Amendments

<b>Amendment 1</b>	<ul style="list-style-type: none"><li>• Freedom of religion, speech, and the press</li><li>• Freedom to peaceably assemble and to petition the government</li></ul>
<b>Amendment 2</b>	<ul style="list-style-type: none"><li>• The right to maintain a militia</li><li>• The right to bear arms</li></ul>
<b>Amendment 3</b>	<ul style="list-style-type: none"><li>• Protection from having to quarter (house) soldiers in time of peace without the consent of the owner, nor in time of war except as provided by law</li></ul>
<b>Amendment 4</b>	<ul style="list-style-type: none"><li>• Protection against arbitrary searches and seizures without probable cause</li></ul>
<b>Amendment 5</b>	<ul style="list-style-type: none"><li>• Protection from prosecution without an indictment</li><li>• Protection from being tried for the same crime twice</li><li>• Protection from having to testify against oneself</li><li>• Protection from the loss of life, liberty, or property without due process of law</li><li>• Protection from loss of property without just compensation</li></ul>
<b>Amendment 6</b>	<ul style="list-style-type: none"><li>• The right to a speedy trial by an impartial jury</li><li>• The right to be informed of the charges, to cross-examine witnesses, and to present favorable witnesses</li><li>• The right to an attorney</li></ul>
<b>Amendment 7</b>	<ul style="list-style-type: none"><li>• The right to a trial by jury in any civil case where the amount of money involved is \$20 or more</li></ul>
<b>Amendment 8</b>	<ul style="list-style-type: none"><li>• Protection from excessive bail or fines</li><li>• Protection from cruel and unusual punishment</li></ul>
<b>Amendment 9</b>	<ul style="list-style-type: none"><li>• The fact that the Constitution spells out a number of civil rights does not mean that there are not other, unwritten, rights held by the people.</li></ul>
<b>Amendment 10</b>	<ul style="list-style-type: none"><li>• The powers not delegated to the Federal Government may be exercised by the States, as long as they are not prohibited by the Constitution.</li></ul>

▶▶ The first ten amendments protect many fundamental and basic rights held by the people. **Why is it important to spell out these rights?**

**✓ Checkpoint**  
What is the purpose of the Bill of Rights?

Columbia seats in Congress was proposed in 1778; it died in 1785.

When Congress proposed the 18th Amendment in 1917, it set a seven-year deadline for its ratification. The Supreme Court held that Congress can place "a reasonable time limit" on the ratification process, in a case from California, *Dillon v. Gloss*, in 1921. Congress has set a similar limit on the ratification period for each of the amendments (except the 19th) that it has proposed since then. It also granted a three-year extension of the deadline for the Equal Rights Amendment in 1979.

### The 27 Amendments

The Constitution's 27 amendments are summarized on pages 80 and 81, and in the table above. As you review them, note

this important fact: As significant as they are, those 27 amendments have not been responsible for the extraordinary vitality of the Constitution. That is to say, they have not been a major part of the process by which the Constitution has kept pace with more than two centuries of change.

**The Bill of Rights** The first ten amendments were added to the Constitution less than three years after it became effective. They were proposed by the first session of the First Congress in 1789 and were ratified by the States in late 1791. Each of these amendments arose out of the controversy surrounding the ratification of the Constitution itself. Many people, including Thomas Jefferson, had agreed to support the Constitution only if a listing of the basic rights held by the people were added to it, immediately.

Collectively, the first ten amendments are known as the **Bill of Rights**. They set out the great constitutional guarantees of freedom of belief and expression, of freedom and security of the person, and of fair and equal treatment before the law.

The first ten amendments were added to the Constitution so quickly that, for all intents and purposes, they might just as well be regarded as a part of the original Constitution. In point of fact, they were not. We shall look at the 1st through the 9th amendments at some length in Chapters 19 and 20. The 10th Amendment does not deal with civil rights, as such. Rather, it spells out the concept of reserved powers in the federal system.

**The Later Amendments** Each of the other amendments that have been added to the Constitution over the past 200 years also grew out of some particular, and often interesting, set of circumstances. For example, the 11th Amendment declares that no State may be sued in the federal courts by a citizen of another State or by a citizen of any foreign state. It was proposed by Congress in 1794 and ratified in 1795, after the State of Georgia had lost a case in the United States Supreme Court. The case (*Chisholm v. Georgia*, decided by the Court in 1793) arose out of a dispute over the ownership of some land in Georgia.

## Answers

**The First Ten Amendments** These rights were not included in the original Constitution. They were added to make sure they were guaranteed, as well as to appease Anti-Federalists.

**Checkpoint** Anti-Federalists feared that a strong central government would trample individual rights. They wanted the protection of rights written into the Constitution.

## Background

**27TH AMENDMENT** The remarkable history of the 27th Amendment began during the debate over ratification of the Constitution. Pointing out that the Constitution was silent on congressional pay, James Madison proposed an amendment that forbade Congress from voting itself a pay raise during that term. It failed to win ratification. The amendment remained dormant until college student Gregory Watson made it the topic of his research paper in 1982. Watson began to lobby State legislatures to ratify this forgotten amendment. Eventually he succeeded, and the 27th Amendment took effect in 1992, nearly 203 years after it was proposed. In 1989, however, Congress passed a law that established automatic cost-of-living pay increases for Congress. Twice, in 1994 and 2001, federal courts ruled that the automatic raises did not violate the 27th Amendment. This finding has yet to be tested in the Supreme Court.

It had been brought to the brand new federal court system by a man who lived in South Carolina.

The 12th Amendment was added in 1804 after the electoral college had failed to produce a winner in the presidential election of 1800. Thomas Jefferson became the third President of the United States in 1801, but only after a long, bitter fight in the House of Representatives.

The 13th Amendment, added in 1865, provides another example. It abolished slavery in the United States and was a direct result of the Civil War. The 14th Amendment, with its definition of citizenship (in 1868), and the 15th Amendment on the right to vote (in 1870) also resulted from that conflict.

The 18th Amendment, establishing a nationwide prohibition of alcohol, was ratified in 1919. Known as “the noble experiment,” it lasted fewer than 14 years. The 18th Amendment was repealed by the 21st in 1933.

The 22nd Amendment (1951), limiting the number of terms in which a President may serve to two, was proposed in 1947, soon after the Republican Party had gained control of Congress for the first time in 16 years. Over that period, Franklin D. Roosevelt, a Democrat, had won the presidency four times.

The 26th Amendment was added in 1971. It lowered the voting age to 18 in all elections in the United States. Many who



► **Analyzing Political Cartoons** This cartoon illustrates the 4th Amendment. **What is this cartoon conveying about that amendment?**

backed the amendment began to work for its passage during World War II, creating the slogan “Old enough to fight, old enough to vote.” Its ratification was spurred by the war in Vietnam.

The most recent amendment, the 27th, was written by James Madison and was among the first to be offered by Congress, in 1789. It forbids members of Congress from raising their own pay during that term. It finally became a part of the Constitution in 1992, when the 38th State, Michigan, ratified it.

## REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
The 27 Amendments (Questions 2, 3)	Provide historic background to give each of the amendments context.
The Bill of Rights (Question 4)	Review Chapter 2 to give students an understanding of the purpose of the Bill of Rights. Work through each amendment to simplify the wording.
The Formal Amendment Process (Question 5)	Create a “timeline” for each method of ratification. Have volunteers place the steps for each method on their respective timelines.

## SECTION 2 ASSESSMENT

### Essential Questions Journal

To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

1. **Guiding Question** Use your completed outline to answer this question: How has the Constitution been amended through the formal amendment process?

#### Key Terms and Comprehension

- (a) Which method of **formal amendment** has been used only once? (b) For which **amendment** was it used?
- Explain how the **ratification** process is an example of popular sovereignty.

#### Critical Thinking

- Predict Consequences** (a) Why was the Bill of Rights added to the Constitution? (b) What rights do these amendments protect? (c) How might news reports differ if freedom of speech and the press were not part of the Constitution?
- Identify Central Issues** Some people have criticized the ratification of amendments by State legislatures instead of by popularly elected delegates. (a) Why has this process been criticized? (b) Do you agree? Why or why not?

#### Quick Write

**Writing for Assessment: Gather Details** Reread the topic you chose in the previous section. What is this question asking for? For example, when you see the word *effect* in a question, you know you are looking for a cause-and-effect relationship. Gather details from the reading that specifically answer the question. Leave out unnecessary details.

## Answers

**Analyzing Political Cartoons** The 4th Amendment prohibits searches without probable cause. In the cartoon, the warrant satisfies the requirement of probable cause, requiring the people to admit the bear into the tent.

## Assessment Answers

1. **Method 1:** amendment proposed by a two-thirds vote in Congress and ratified by three quarters of State legislatures; **Method 2:** amendment proposed by two-thirds vote in Congress and ratified by conventions in three quarters of States; **Method 3:** amendment proposed by national convention called by Congress at request of two thirds of State Legislatures and ratified by three quarters of State legislatures; **Method 4:** amendment proposed by national convention called by Congress at

request of two thirds of State Legislatures and ratified by conventions in three quarters of the States

- (a) amendment proposed by two-thirds vote in Congress and ratified by conventions in three quarters of States (b) 21st
- Popularly elected Congressional representatives propose amendments, which are ratified by elected representatives in State legislatures or elected delegates to State conventions.
- (a) to gain support from Anti-Federalists who wanted a list of basic rights (b) guaran-

tees of freedom of belief and expression, of freedom and security of the person, and of fair and equal treatment before the law (c) The government could dictate to the media the stories to report.

5. (a) because people elect convention delegates based solely on the delegates’ views on the proposed amendment; the people elect State legislators for many other reasons (b) Sample response: I agree. Ratification by delegates chosen by the people for that purpose would better represent the people’s will.

**QUICK WRITE** Details should support the topic.

## LESSON GOAL

- Students will research an issue of interest and conduct an opinion poll.

## Teach

### SURVEY

Have students read the introduction to Citizenship 101. Ask students to rate each question in terms of its significance to their lives, giving the most significant issue three points and the least significant one point. Record their responses. Invite students to comment on why each issue was more or less significant to them as a group.

### RESEARCH

Have students research in groups or on their own one of the issues. They should find information on both sides of the issue, as well as recent national opinion polls. Ask: **What do people in different parts of the country think about this issue? How do different political parties react to this issue?** Ask them to create a chart of their findings, detailing the results of the opinion polls.

### CONDUCT A POLL

Have students who conducted research on the same issue work together to create polling questions. Have students ask their questions of a sample of students in the school, and record responses. Allow time for groups to share the results of their polls. Did these results differ from or reflect national polls that they found in their research? Can they explain why?

## Assess and Remediate

Have students write two or three paragraphs on what they learned about how political roots affect public opinion. Students should be able to extrapolate a response from their research and responses to their poll questions.

### Answers

1. A strong answer will show an understanding of how family, friends, party affiliations, geography, or other sources influenced the student's political attitudes.
2. A strong answer will show an understanding of how a family's party affiliation or cultural background influenced the student's political attitudes.
3. Interview questions should address the influence of family, friends, party affiliations, geography, and cultural background.

## Identifying Political Roots and Attitudes

What is your position on the following questions:

- Should all Americans receive free healthcare or is it too expensive?
- Should the Federal Government do more to save the environment?
- Is outsourcing jobs to other countries good or bad for America?

Your position on these issues probably reflects a number of factors, especially your background and personal experiences. Family, friends, and teachers, as well as their party affiliations, may also influence you. The part of the country in which you live may be at the root of your political attitudes, as well.

Political attitudes evolve from a variety of sources. People settle in different parts of the country. They belong to different ethnic and cultural groups. Career paths and education also have a major impact.

These political attitudes affect the way a citizen votes. They also affect the way senators and representatives vote, and how Presidents choose the issues they support or oppose. Use these steps to determine where your classmates stand on one of the above issues.

**1. Choose a Question** Look at the questions above. Do you have opinions about these issues? Where do you think your opinions came from? Have you read articles about these issues? Have you heard others talking about them?

**2. Choose One Question** Choose one of these questions and look at opinion polls from various sources to see how people across the country feel about the issue. Do you notice trends? For example, how do people in the city feel about the environment and how do people from rural areas feel about it? What is the opinion of each of the political parties?

**3. Create and Ask Polling Questions** Now, create your own polling questions on the issue. Ask fellow students their opinion

on the subject. Make sure your questions are neutral in nature.

Ask them how much they have read or heard about the matter, as well as how they think of themselves politically. Are they conservative? Liberal? With which party do they most often identify? How did they come to identify with this party?

Collect your information to present to the class. Then, review what you've learned. Where do your political roots originate? Has your opinion on this issue changed? Understanding your own political roots and attitudes can help you judge where you stand on an issue, and how you would make the best choice when voting.

### What do you think?

1. What personal experiences and individuals have influenced your political attitudes?
2. What has had the greatest effect on your political attitudes: the place where you live, your family's party affiliation, or your cultural background? Explain your answer.
3. **You Try It** Write five interview questions about political roots and attitudes. Answer each question yourself. Then interview a friend or family member about their views.

### GOVERNMENT ONLINE Citizenship Activity Pack

For an activity on political roots and attitudes, go to [PearsonSuccessNet.com](http://PearsonSuccessNet.com)



## Citizenship Activity Pack

**L1 L2** If your students need extra support, use the Citizenship Activity Pack lesson *Political Roots and Attitudes*. It includes a lesson plan for you and materials to help students understand how political roots and attitudes are formed. First, students will take a self-test to identify their existing views on three important issues: public assistance, capital punishment, and immigration. You can tabulate the results and write them on a poster showing the spectrum of political views—from far left to far right. In the core activity, students will assess their views based on additional information about the issues provided on card handouts. Students may also access the Citizenship Activity Pack online for activities on Political Roots and Attitudes at [PearsonSuccessNet.com](http://PearsonSuccessNet.com).

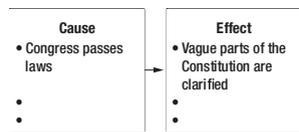
## SECTION 3

# Change by Other Means



### Guiding Question

How have the day-to-day workings of government affected how we interpret the Constitution? Use a cause-and-effect chart like the one below to take notes on the workings of government.



### Political Dictionary

- executive agreement
- treaty
- electoral college
- Cabinet
- senatorial courtesy

### Objectives

1. Identify how basic legislation has added to our understanding of the Constitution over time.
2. Describe the ways in which the executive and judicial branches have interpreted the Constitution.
3. Analyze the role of party practices and custom in interpreting the Constitution.

**Image Above:** Delegates, like the one above, play an important role in shaping the U.S. government.

**S**urely, the Framers would be surprised to learn that only 17 amendments have been added to their handiwork since the adoption of the Bill of Rights more than two centuries ago. That so few formal changes have been made is, in part, a tribute to the wisdom of the Framers. But it is also due, in no small part, to the fact that many of the Constitution's provisions are cast in almost outline-like form; they are brief and seldom very detailed or specific. In short, their skeletal nature virtually guarantees interpretation.

So, to understand the Constitution, you must grasp this key point: There is much in that document—in fact, a great deal—that cannot be seen with the naked eye.

To put this essential point another way: Over time, many interpretations have been made in the Constitution that have not involved any changes in its written words. This vital process of constitutional change by means other than formal amendment has taken place—and continues to occur—in five key ways: through (1) the passage of basic legislation by Congress; (2) actions taken by the President; (3) key decisions of the Supreme Court; (4) the activities of political parties; and (5) custom and usage.

## Basic Legislation

Congress has been a major agent of constitutional change in two important ways. First, it has passed a number of laws to clarify several of the Constitution's brief provisions. That is, Congress has added flesh to the bones of those sections of the Constitution that the Framers left purposely skeletal—provisions they left for Congress to detail as circumstances required.

Take the structure of the federal court system as an example. In Article III, Section 1, the Constitution provides for “one supreme Court, and . . . such inferior Courts as the Congress may from time to time ordain and establish.” Beginning with the Judiciary Act of 1789, all of the federal courts, except the Supreme Court, have been created by acts of Congress. Or, similarly, Article II creates only the offices of President and Vice President. The many departments, agencies, and offices in the now huge executive branch have been created by acts of Congress.

### GUIDING QUESTION

How have the day-to-day workings of government affected how we interpret the Constitution?

Cause	Effect
<ul style="list-style-type: none"> <li>• Congress passes laws</li> <li>• Congress uses its expressed powers</li> <li>• President uses power as commander in chief to deploy troops</li> <li>• President makes an executive agreement with another country</li> <li>• President acts on a broad interpretation of “executive power” in Section 1, Article II</li> <li>• Courts, especially the Supreme Court, interpret and apply the Constitution to cases</li> <li>• Political parties nominate candidates</li> <li>• Congress and President make decisions based on party affiliation</li> <li>• Government follows unwritten customs, such as senatorial courtesy</li> </ul>	<ul style="list-style-type: none"> <li>• Vague parts of the Constitution are clarified</li> <li>• Broad terms in the Constitution become more defined</li> <li>• American troops enter conflicts without a declaration of war</li> <li>• A binding agreement is created without a formal treaty</li> <li>• Executive powers are expanded without amending the Constitution</li> <li>• Actions that are and are not addressed in the Constitution are clarified</li> <li>• A nominating system not stated in the Constitution is established</li> <li>• Government governs through parties</li> <li>• Customs take on the force of written law</li> </ul>

## Get Started

### LESSON GOALS

Students will . . .

- identify the informal methods of change used in example scenarios.
- apply the informal methods of change by writing example scenarios.

## SKILLS DEVELOPMENT

### DECISION MAKING

Before students begin the Core Worksheet in this lesson, you may want to review tips on decision making in the Skills Handbook, p. S18.

## Focus on the Basics

**FACTS:** • Over time, change has occurred through interpretation and practice. • There are five informal means of change: basic legislation, executive action, court decisions, party practices, and custom and usage.

**CONCEPTS:** judicial review, checks and balances, constitutional government, rule of law

**ENDURING UNDERSTANDINGS:** • The provisions of the Constitution are cast in almost outline-like form. • Over the years, the Constitution's brief provisions have been fleshed out and reshaped as a result of the day-to-day workings of government, without formal amendment.

## BEFORE CLASS

Assign the section, the graphic organizer in the text, and the Reading Comprehension Worksheet (Unit 1 All-in-One, p. 153) before class.

**L2 Differentiate** Reading Comprehension Worksheet (Unit 1 All-in-One, p. 155)

## BELLRINGER

Distribute the Bellringer Worksheet (Unit 1 All-in-One, p. 157), and write on the board: **Identify each statement on the worksheet as true or false and explain your answer.**

## Teach

To present this topic using online resources, use the lesson presentations at **PearsonSuccessNet.com**.

## INTRODUCE THE TOPIC

Tell students that today they will discuss the process of change by means other than formal amendment. Before reviewing the Bellringer questions, ask students to use their Reading Comprehension Worksheets to review the five ways in which informal changes occur. Then encourage students to give examples of each method. (**basic legislation:** *Judiciary Act of 1789 created a federal court system*; **executive action:** *the President can send troops without a formal declaration of war from Congress*; **court decisions:** *Marbury v. Madison established the power of judicial review*; **party practices:** *parties nominate candidates for office*; **custom and usage:** *Cabinet is made up of the 15 department heads*) Review answers to the Bellringer activity. (1. false; 2. true; 3. true; 4. false; 5. true; 6. true; 7. false)

# The State of the Union

The President shall from time to time give to Congress information of the State of the Union and recommend to their Consideration such measures as he shall judge necessary and expedient.

— Article II, Sec. 3

## FROM THE CONSTITUTION



**Creating a Custom** While an address to Congress is required by the Constitution, the method of address is left to each President. George Washington spoke to Congress, but Thomas Jefferson wrote his report, and a written address was customary for the next 112 years. Woodrow Wilson revived the speech in 1913. Calvin Coolidge's address in 1923 was the first to be broadcast on the radio. Harry Truman's State of the Union was televised in 1947. Today, the State of the Union is an annual televised address to Congress and all Americans.

**Constitutional Principles** How does the State of the Union address reflect the checks and balances between Congress and the President?

▲ President Harry Truman delivers the first televised State of the Union.

**Checkpoint**  
Name the two methods by which Congress has shaped the government.

**succession**  
n. the process by which one follows in order (succeeds) to an office

**ordain**  
v. to order, direct, decree

As an additional example, the Constitution deals with the matter of presidential **succession**, but only up to a point. The 25th Amendment says that if the presidency becomes vacant, the Vice President automatically succeeds to the office. Who becomes President if both the presidency and the vice presidency are vacant? Thus, the Constitution leaves the answer to that question to Congress.

Second, Congress has added to the Constitution by the way in which it has used many of its powers. The Constitution gives to Congress the expressed power to regulate foreign and interstate commerce.<sup>5</sup> But what is “foreign commerce” and “interstate commerce”? What, exactly, does Congress have the power to regulate? The Constitution does not say. Congress has done much to

define those words, however, by exercising its commerce power with the passage of literally thousands of laws. As it has done so, Congress has, in a very real sense, expanded the Constitution.

## Executive Action

The manner in which various Presidents, especially the more vigorous ones, have used their powers has also contributed to the growth of the Constitution. For example, the document says that only Congress can declare war.<sup>6</sup> But the Constitution also makes the President the commander in chief of the nation's armed forces.<sup>7</sup> Acting under that authority, several Presidents have made war without a declaration of war by

<sup>5</sup> See Article I, Section 8, Clause 3.

<sup>6</sup> See Article I, Section 8, Clause 11.

<sup>7</sup> See Article II, Section 2, Clause 1.

## Answers

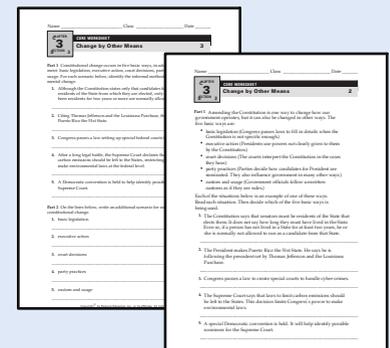
**Constitutional Principles** The constitutional requirement that the President report to Congress about the state of the Union establishes a check on executive power by the legislative branch.

**Checkpoint** by passing laws that spell out brief provisions in the Constitution and by using its powers in ways that help define the meaning of the broad terms in the Constitution

## Differentiated Resources

The following resources are located in the All-in-One, Unit 1, Chapter 3, Section 3:

- L3** Reading Comprehension Worksheet (p. 153)
- L2** Reading Comprehension Worksheet (p. 155)
- L3** Bellringer Worksheet (p. 157)
- L3** Core Worksheet (p. 158)
- L2** Core Worksheet (p. 159)
- L3** Quiz A (p. 161) **L2** Quiz B (p. 162)
- L3** Chapter Test A (p. 167)
- L2** Chapter Test B (p. 170)



Congress. In fact, Presidents have used the armed forces abroad in combat without such a declaration on several hundred occasions in our history.

Take the use of executive agreements in the conduct of foreign affairs as another example. An **executive agreement** is a pact made by the President directly with the head of a foreign state. A **treaty**, on the other hand, is a formal agreement between two or more sovereign states. The principal difference between agreements and treaties is that executive agreements need not be approved by the Senate. They are as legally binding as treaties, however. Recent Presidents have often used them in our dealings with other countries, instead of the much more cumbersome treaty-making process outlined in Article II, Section 2 of the Constitution.

Additionally, most Presidents have insisted that the phrase “executive Power” in Section 1 of Article II includes much more than the particular presidential powers set out in that article. Thus, Thomas Jefferson engineered the Louisiana Purchase in 1803, doubling the size of the United States—even though the Constitution does not say that the President has the power to acquire territory.

## Court Decisions

The nation’s courts, most **tellingly** the United States Supreme Court, interpret and apply the Constitution in many of the cases they hear. You have already encountered several of these instances of constitutional interpretation by the Court, most notably in *Marbury v. Madison*, 1803.

Recall that the Court established the power of judicial review—which is not specifically mentioned in the Constitution. You will find many more instances throughout the pages of this book—for the Supreme Court is, as Woodrow Wilson once put it, “a constitutional convention in continuous session.”

## Party Practices

The nation’s political parties have been a major agent of constitutional change over the course of our political history; despite the fact that the Constitution makes no mention

of them. In fact, most of the Framers were opposed to political parties. In his Farewell Address in 1796, George Washington warned the people against what he called “the baneful effects of the spirit of party.” He and many others feared the divisive effect of party politics on government. Yet, even as he spoke, parties were developing. They have had a major place in the shaping of government and its processes ever since. Illustrations of that point are almost endless.

Neither the Constitution nor any law provides for the nomination of candidates for the presidency. From the 1830s on, however, the major parties have held national conventions to do just that. The parties have converted the **electoral college**, the body that makes the formal selection of the nation’s President, from what the Framers intended into a “rubber stamp” for each State’s popular vote in presidential elections. Both houses of Congress are organized and conduct much of their business on the basis of party. The President makes appointments to office with an eye to party politics. In short, government in the United States is in many ways government through party.

## Custom and Usage

Unwritten customs may be as strong as written law, and many of them have developed in our governmental system. Again, there are many examples. By custom, not because the Constitution says so, the heads of the 15 executive departments make up the **Cabinet**, an advisory body to the President.

On each of the eight occasions when a President died in office, the Vice President succeeded to that office—most recently Lyndon Johnson, following John Kennedy’s assassination in 1963. Yet, the written words of the Constitution did not provide for this practice until the adoption of the 25th Amendment in 1967. Until then, the Constitution said only that the powers and duties of the presidency—but *not* the office itself—should be transferred to the Vice President.<sup>8</sup>

<sup>8</sup> Read carefully Article II, Section 1, Clause 6, and then read Section 1 of the 25th Amendment.

**Checkpoint**  
How have political parties changed the way we interpret the Constitution?

**tellingly**  
adv. striking, with marked effect

## DISTRIBUTE CORE WORKSHEET

Distribute the Chapter 3 Section 3 Core Worksheet (Unit 1 All-in-One, p. 158), which asks students to consider scenarios involving informal change. Students can work individually to identify the informal method of change used in each scenario in Part 1. Then have partners work together to complete Part 2. Encourage them to come up with examples not given in the text. Have students read their scenarios aloud to the class.

**L2 LPR Differentiate** Distribute the adapted Chapter 3 Section 3 Core Worksheet (Unit 1 All-in-One, p. 159) to these students.

**L4 Differentiate** Have students do research to come up with specific, real examples of change for each informal method.

Name \_\_\_\_\_ Class \_\_\_\_\_ Date \_\_\_\_\_

**CHAPTER 3 CORE WORKSHEET**  
**3 Change by Other Means 3**

**Part 1** Constitutional change occurs in five basic ways, in addition to formal amendment: basic legislation, executive action, court decisions, party practices, custom and usage. For each scenario below, identify the informal method used for the governmental change.

- Although the Constitution states only that candidates for the Senate must be residents of the State from which they are elected, only candidates who have been residents for two years or more are normally allowed to run.  
\_\_\_\_\_
- Citing Thomas Jefferson and the Louisiana Purchase, the President declares Puerto Rico the 51st State.  
\_\_\_\_\_
- Congress passes a law setting up special federal courts to handle cyber-crimes.  
\_\_\_\_\_
- After a long legal battle, the Supreme Court declares that laws restricting carbon emissions should be left to the States, restricting Congress’s power to make environmental laws at the federal level.  
\_\_\_\_\_
- A Democratic convention is held to help identify possible appointees to the Supreme Court.  
\_\_\_\_\_

**Part 2** On the lines below, write an additional scenario for each informal method of constitutional change.

- basic legislation  
\_\_\_\_\_
- executive action  
\_\_\_\_\_
- court decisions  
\_\_\_\_\_
- party practices  
\_\_\_\_\_
- custom and usage  
\_\_\_\_\_

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## EXTEND THE LESSON

Remind students that Woodrow Wilson once described the Supreme Court as “a constitutional convention in continuous session.” Call on volunteers to explain his meaning. Then direct students to the Supreme Court Glossary at the back of the textbook. Have them read the brief descriptions of these First Amendment cases: *Dennis v. United States*, 1951; *Schenck v. United States*, 1919; and *United States v. Eichman*, 1990. After they read each case description, ask: **In what way does this decision reflect Wilson’s description?**

**L1 L2 Differentiate** Have a student read the description of the Court’s ruling in *Schenck v. United States*, 1919, aloud. Then ask students to explain how this decision interpreted the Constitution.

## Answers

**Checkpoint** Political parties have determined the system for nominating candidates, changed the original intent of the electoral college, and influenced the way the government operates.

## Background

**TITLE IX** Display Transparency 3K. The role of women in American society has expanded dramatically, exposing the need to extend constitutional protections to the rights of women. Congress passed a landmark law that helped open to women the full range of educational opportunities. Title IX of the Higher Education Act (1972) states that “No person . . . shall, on the basis of sex, be excluded from participation in . . . any educational program or activity.” Now, more women are attending college and serving on faculties. Medical schools and law schools are accepting women on an equal basis with men. Support for the law remains strong. Before Title IX, only 300,000 high school girls participated in the few competitive sports available to them. By 2005, 2.95 million girls were playing sports of all kinds. Title IX has helped extend to women the constitutional protections against discrimination.

## Assess and Remediate

**L3** Collect the Core Worksheets and assess the students' class participation, using the Rubric for Assessing a Writing Assignment (Unit 1 All-in-One, p. 221).

**L3** Assign the Section 3 Assessment questions.

**L3** Section Quiz A (Unit 1 All-in-One, p. 161)

**L2** Section Quiz B (Unit 1 All-in-One, p. 162)

Have students complete the review activities in the digital lesson presentation and continue their work in the **Essential Questions Journal**.

### REMEDIATION

If Your Students Have Trouble With	Strategies For Remediation
Change by other means (Questions 2, 3, 4, 5)	Review each subhead with students. Write each method on the board. Create scenarios for each method and read them aloud to students. Have students match each scenario with the method under which it falls.



▲ President George W. Bush sits with Cabinet members Gale Norton (far left), Colin Powell (left), and Donald Rumsfeld. The Cabinet is made up of the President's advisors.

**✓ Checkpoint**  
Which two customs did the 22nd and 25th amendments establish as law?

It is a long-established custom that the Senate will approve only those presidential appointees, such as a federal judge or a United States marshal, who are acceptable to the senator or senators of the President's party from the State involved. This practice is known as **senatorial courtesy**, and it

amounts to an unwritten rule that is closely followed in the Senate. Notice that its practical effect is to shift a portion of the appointing power from the President, where the formal wording of the Constitution puts it, to certain members of the Senate.

Both the strength and the importance of unwritten customs can be seen in the reaction to the rare circumstances in which one of them has not been observed. For nearly 150 years, the "no-third-term tradition" was a closely followed rule in presidential politics. The tradition began in 1796, when George Washington refused to seek a third term as President, and several later Presidents followed that lead. In 1940, and again in 1944, however, Franklin Roosevelt broke the no-third-term custom. He sought and won a third

and then a fourth term in the White House. As a direct result, the 22nd Amendment was added to the Constitution in 1951, limiting the President to two terms. What had been an unwritten custom, an informal rule, became part of the written Constitution itself.

## SECTION 3 ASSESSMENT

**Essential Questions Journal**  
To continue to build a response to the chapter Essential Question, go to your Essential Questions Journal.

- 1. Guiding Question** Use your completed cause-and-effect chart to answer this question: How have the day-to-day workings of government affected how we interpret the Constitution?

### Key Terms and Comprehension

- 2. (a)** Did the Framers lay out the provisions of the Constitution in a general or specific manner? **(b)** In what way has the Framers' plan eased change throughout the last two centuries?
- 3.** In what two ways has Congress "added flesh to the bones" of the Constitution? Give an example of each.

### Critical Thinking

- 4. Predict Consequences** Several Presidents have deployed troops to various conflicts without asking Congress for a declaration of war. What might be the consequences of setting aside this check **(a)** on the executive branch? **(b)** on Congress? **(c)** How might it change the interpretation of the Constitution?
- 5. Draw Conclusions (a)** Name two examples of customs that have endured despite their absence in the Constitution. **(b)** How important is custom in the workings of the Federal Government? Why?

### Quick Write

**Writing for Assessment: Outline and Answer** Once you have gathered the details you need for the topic you selected in Section 1, write an outline to organize the information. Remember, you may not have much time. Make your outline brief and to the point. Use the outline as a framework to write your response.

## Answers

**Checkpoint** 22nd: limit on presidential terms; 25th: presidential succession

## Assessment Answers

**1.** Legislation, executive action, court decisions, political parties, and customs can influence our interpretation of the Constitution. Laws passed by Congress flesh out and define broad provisions in the Constitution. The President's use of executive agreements, power as commander in chief, and other interpretations of powers granted under the Constitution can expand executive power. By interpreting and applying the Constitution to cases, the courts clarify what actions are and are not permissible. Parties nominate candidates and influence much of the work of government. Government

follows unwritten customs that take on the force of written law.

**2. (a)** general **(b)** This enabled the flexibility to change through interpretation and practice.

**3.** First, Congress has passed laws to spell out the provisions of the Constitution. For example, the Judiciary Act of 1789 set up the federal court system. Second, Congress has added to the Constitution by the way it has used its powers. For example, Congress has defined what commerce it has the power to regulate by the way it exercises its commerce power in laws.

**4. (a)** broadens the President's powers as commander in chief **(b)** reduces Congress's ability to control use of troops **(c)** It could negate the constitutional power Congress holds to declare war.

**5. (a)** sample response: the makeup of the Cabinet and senatorial courtesy **(b)** Very important. Custom provides rules that were not laid down in the Constitution but are still important to a smoothly-running government.

**QUICK WRITE** Students should write an outline using the details they gathered, and then use the outline to write their assessment essay.

Have students download the digital resources available at Government on the Go for review and remediation.

### STUDY TIPS

**Test-Taking Skills** A few simple strategies should help most students improve their performance on tests. A positive attitude toward the test and their own abilities is top priority. Beyond that, students should scan the entire test before beginning to work. Using this approach, they should answer the easiest questions first, and then focus on the more difficult ones. This strategy boosts confidence, and the simpler questions may contain information that helps with the more difficult ones. When answering questions, students should be sure to read the entire question before answering and to read any instructions thoroughly. If they find a question confusing, they should ask the teacher for clarification. Focusing on one question at a time can help with concentration. Finally, if students find themselves getting anxious, they should stop working and take a few deep breaths to help them relax.

### ASSESSMENT AT A GLANCE

#### Tests and Quizzes

Section Assessments  
Section Quizzes A and B, Unit 1 **All-in-One**  
Chapter Assessment  
Chapter Tests A and B, Unit 1 **All-in-One**  
Document-Based Assessment  
Progress Monitoring Online  
ExamView Test Bank

#### Performance Assessment

Essential Questions Journal  
Debate, p. 81  
Assessment Rubrics, **All-in-One**

### Political Dictionary

popular sovereignty p. 69  
limited government p. 69  
constitutionalism p. 70  
rule of law p. 70  
separation of powers p. 70  
checks and balances p. 72  
veto p. 72  
judicial review p. 73  
unconstitutional p. 73  
federalism p. 75  
amendment p. 78  
ratification p. 79  
formal amendment p. 79  
Bill of Rights p. 82  
executive agreement p. 87  
treaty p. 87  
electoral college p. 87  
Cabinet p. 87  
senatorial courtesy p. 88

**Guiding Question**  
**Section 2** How has the Constitution been amended through the formal amendment process?

**Guiding Question**  
**Section 1** What are the main principles on which the Constitution is based?

**CHAPTER 3**  
**Essential Question**  
How has the Constitution lasted through changing times?

**Guiding Question**  
**Section 3** How have the day-to-day workings of government affected how we interpret the Constitution?

### The Six Basic Principles

<b>Popular Sovereignty</b>	The people give the government its power.
<b>Limited Government</b>	Government has only those powers that the people give it.
<b>Separation of Powers</b>	The powers of government are split among the judicial, legislative, and executive branches.
<b>Checks and Balances</b>	Each branch has the power to check the other two branches.
<b>Judicial Review</b>	The courts have the power to determine if government actions violate the Constitution.
<b>Federalism</b>	The powers of government are divided between the Federal Government and the States.

### The Formal Amendment Process

#### By Congress

- **Proposal** by a 2/3 vote in each house of Congress
- **Ratification** by 3/4 of State legislatures or by conventions in 3/4 of the States

#### By a National Convention

- **Proposal** by a national convention called by Congress
- **Ratification** by 3/4 of State legislatures or by conventions in 3/4 of the States

## For More Information

To learn more about the Constitution, refer to these sources or assign them to students:

- L1** Sobel, Syl. *The U.S. Constitution and You*. Barron's Educational Series, 2001.
- L2** Bjornlund, Lydia. *The U.S. Constitution: Blueprint for Democracy*. Lucent Books, Inc., 1999.
- L3** Lane, Eric and Michael Oreskes. *The Genius of America: How the Constitution Saved Our Country—and Why It Can Again*. Bloomsbury USA, 2007.
- L4** Amar, Akhil Reed. *America's Constitution: A Biography*. Random House, 2005.

# Chapter Assessment

## COMPREHENSION AND CRITICAL THINKING

### SECTION 1

- (a) The executive branch may veto legislation and call special sessions of Congress. The legislative branch may override a President's veto, impeach a President, and approve appointments and treaties. (b) The Framers feared that one branch would gain too much power, or that the presidency would become a monarchy. These checks protect against such abuses of power.
- (a) The Massachusetts constitution restricts each branch of government from performing the duties of the other two branches. (b) By preventing the concentration of power in any one group, this separation of powers will require government officials to operate within the law.
- (a) The Framers wanted to make sure that the people would be the source of government power and that government would remain under the rule of law. (b) judicial branch (c) through presidential power to name federal judges and the Senate's right to approve those appointments
- (a) It suggests the judicial branch's ability to declare laws made by Congress as unconstitutional. (b) The members of Congress are not above the law of the Constitution when they create legislation.

### SECTION 2

- (a) through proposal by a two-thirds vote in each house of Congress and ratification by three fourths of the State legislators (b) Both national and State levels are involved in the amendment process.
- (a) the Civil War (b) election of Franklin D. Roosevelt to four terms as President
- (a) When Congress proposes an amendment, it is not making law, so the proposal need not go to the President to sign or veto. (b) Possible response: I agree. Ratification of an amendment requires popular support. A veto is a check by the President on the power of Congress. It was not intended as a check on the will of the people.
- The Framers provided an amendment process to give the Constitution flexibility to meet future needs. They promoted federalism by including both the national and State levels in the amendment process. Their goal of popular sovereignty is reflected in the fact that an amendment requires broad popular support to win ratification by 38 of the 50 States.

# Chapter Assessment

**GOVERNMENT ONLINE**  
Self-Test  
To test your understanding of key terms and main ideas, visit [PearsonSuccessNet.com](http://PearsonSuccessNet.com)

## Comprehension and Critical Thinking

### Section 1

- (a) What checks exist between the legislative and executive branches? (b) How do these checks represent the intentions of the Framers?
- Reread the excerpt from the Massachusetts Constitution in Section 1. (a) What restrictions does it put on the three branches of the State government? (b) What is meant by "a government of laws and not of men"?
- (a) Why were the Framers so careful to limit the powers of the Federal Government? (b) Which branch of the Federal Government seems to have the least amount of checks against its power? (c) How might the power of this branch be further limited?
- Analyze Political Cartoons (a)** Which checks on government does this cartoon suggest? (b) How does it reflect "a government of laws and not of men"?



### Apply What You've Learned

- Essential Question Activity** Propose your own amendment to the Constitution.

  - Research a current government issue, something that you feel should be made a permanent part of the Constitution.
  - Create an outline of arguments for and against your proposed addition to the Constitution.
  - Create a plan detailing which method you would use to get your amendment proposed and ratified.
  - Bring your amendment before the class and explain why it should be passed.

- Essential Question Assessment** Based on your work from the activity and the content you have learned in this chapter, hold a group discussion to help you answer the Essential Question: **How has the Constitution lasted through changing times?** Take notes on your ideas from the discussion.

**Essential Questions Journal** To respond to the chapter Essential Question, go to your **Essential Questions Journal**.

### SECTION 3

- (a) Political parties have determined the system for nominating candidates, changed the original intent of the electoral college, and influenced the way the government operates. (b) The Framers were against political parties. (c) Possible response: I agree. Political parties influence the government without having a constitutional check on their power.
- (a) Possible response: The president's cabinet was established; presidents choose only those appointees that the Senate will approve. (b) Possible response: Custom is

very important to our government. Though it doesn't really affect the processes of government, it has affected the way in which the government carries out its processes.

### WRITING ABOUT GOVERNMENT

- Students should follow their outline to answer their chosen essay question.

### APPLY WHAT YOU'VE LEARNED

- Students should clearly describe the intent of their amendment and choose one of the formal amendment methods. They should present persuasive arguments for adopting

# Document-Based Assessment

## CHAPTER 3

### Amendments for a Growing City

In 1790, Congress chose a site along the Potomac River for the nation's capital. The map illustrates the plan for the new city. This site would belong to no State. It would be under the authority of Congress. The image reflects the city's small population at its beginnings. In 1950, Washington, D.C., was home to over 800,000 residents, who could not vote for their President. Document 1 shows the amendment that changed that situation.

#### Document 1

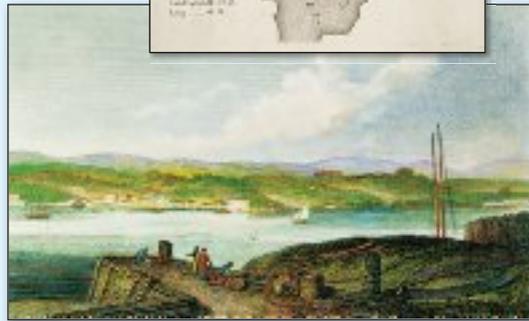
**Section 1.** The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of Amendment.

**Section 2.** Congress shall have the power to enforce this article by appropriate legislation.

—23rd Amendment

#### Document 2



—Washington, D.C., circa 1790

Use your knowledge of the Constitution, the amendment process, and Documents 1 and 2 to answer Questions 1–3.

1. What was the purpose of the 23rd Amendment to the Constitution?
  - A. to include voters of Washington, D.C., in all elections
  - B. to include voters of Washington, D.C., in presidential elections
  - C. to include members of Congress, living in Washington, D.C., in presidential elections
  - D. to include members of Congress, living in Washington, D.C., in all elections
2. Why did the Constitution not address the issue of voters in the national capital?
3. **Pull It Together** How does the example of Washington, D.C., help to explain why the Constitution has endured through changing times?

**GOVERNMENT ONLINE**  
**Online Documents**  
To find more primary sources on amendments, visit [PearsonSuccessNet.com](http://PearsonSuccessNet.com)

#### DOCUMENT-BASED ASSESSMENT

1. B
2. At the time it was built, Washington, D.C., was a sparsely populated town. The votes of its citizens would not amount to very much.
3. Because Washington, D.C., grew and its citizens wanted the right to vote, the Constitution had to be amended. The flexibility of the Constitution allowed for an amendment to allow Washington, D.C., citizens to vote in presidential elections.

**L2 Differentiate** Students use all the documents on the page to support their thesis.

**L3 Differentiate** Students include additional information available online at [PearsonSuccessNet.com](http://PearsonSuccessNet.com).

**L4 Differentiate** Students use materials from the textbook, the online information at [PearsonSuccessNet.com](http://PearsonSuccessNet.com), and do additional research to support their views.

 **Go Online to [PearsonSuccessNet.com](http://PearsonSuccessNet.com)** for a student rubric and extra documents.

their amendment and have prepared arguments to counter anticipated objections.

13. Possible discussion points: The Framers created the Constitution to be a flexible document. They formed it around basic principles rather than try to detail every possible situation. Therefore, changes can be made based on enduring principles rather than on specifics that could become outdated. The formal amendment process reflects two of these principles: popular sovereignty and federalism. Also, the almost-outline form of the Constitution leaves room for change through interpre-

tation and practice to reflect growth and change in the nation.

# Introduce the Chapter

## Essential Questions:

### UNIT 1

What should be the goals of government?

### CHAPTER 4

Is the federal system the best way to govern the United States?

### ACTIVATE PRIOR KNOWLEDGE

Have students examine the image and quotation on these pages. Ask: **What governments in our country make laws that you must obey?** (*National and State*) **How do these different governments know which responsibilities belong to them?** (*The Constitution divides powers between the National and State governments.*) In this chapter, students will learn about our nation's dual system of government called *federalism*. Then tell students to begin to further explore federalism by completing the Chapter 4 Essential Question Warmup Activity in their **Essential Questions Journal**. Discuss their responses as a class.

### BEFORE READING

**L2 ELL Differentiate** Chapter 4 Prereading and Vocabulary Worksheet (Unit 1 All-in-One, p. 180)

### SUCCESSNET STUDENT AND TEACHER CENTER

Visit **PearsonSuccessNet.com** for downloadable resources that allow students and teachers to connect with government "on the go."

### DIGITAL LESSON PRESENTATION

The digital lesson presentation supports the print lesson with activities and summaries of key concepts.

## SKILLS DEVELOPMENT

### PROBLEM SOLVING

You may wish to teach problem solving as a distinct skill within Section 1 of this chapter. Use the Chapter 4 Skills Worksheet (Unit 1 All-in-One, p. 186) to help students learn how to solve a problem. The worksheet asks students to read information about the Framers of the Constitution, determine the main problem they had to solve at the Philadelphia Convention of 1787, and choose possible solutions to the problem. For L2 and L1 students, assign the adapted Skill Activity (Unit 1 All-in-One, p. 187).



The chapter WebQuest challenges students to answer the chapter Essential Question by asking them about federalism.



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## Block Scheduling

**BLOCK 1:** Teach Section 1, omitting the debate.

**BLOCK 2:** Teach Sections 2 and 3, and choose one Extend the Lesson feature.