

The Structure of the Constitution

GUIDE TO READING

Main Idea

The Constitution is a remarkable document, which serves as an adaptable blueprint for governing the United States.

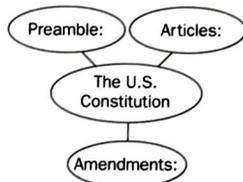
Key Terms

Preamble, amendment, Bill of Rights, income tax

Reading Strategy

Categorizing Information

As you read, create and complete a chart like the one below by listing important features of the U.S. Constitution.



Read to Learn

- How is the Constitution organized?
- What do the three parts of the Constitution accomplish?



Americans in Action

Throughout his remarkable career, Patrick Henry stood out as a supporter of the colonists and their rights. At the First Continental Congress in 1774, he energetically spoke for measures that assumed the unity of the colonies. At the same time, he was against a strong central government. Though selected to be a delegate, he refused to attend sessions in 1787 and 1788, while the Constitution was being drafted. Henry was perhaps the most famous Anti-Federalist to speak against ratification of the Constitution. With the addition of the Bill of Rights, however, Henry embraced the Constitution. As a Federalist, Henry won a seat in the Virginia legislature. He died before he could assume his post, though.



Patrick Henry

The Constitution and Its Parts

Men with strong but often opposing ideas about the role of government shaped the Constitution. When you read the Constitution, you discover how remarkable it is. In the words of Harry S Truman, our thirty-third president, "It's a plan, but not a straitjacket, flexible and short." In very few pages, it manages to provide an adaptable framework for government that has held up for more than 200 years.

Although the main purpose of the Constitution is to provide a framework for the U.S. government, it does much more than that. It is the highest authority in the nation. It is the basic law of the United States. The powers of all the branches of government come from the Constitution. Like the American flag, the Constitution is a symbol of our nation. It represents our system of government and our basic beliefs and ideals, such as liberty and freedom.

The Constitution has three main parts. First is the Preamble, an introduction that states the goals and purposes of the government. Next are seven articles that describe the structure of the government. Third are 27 amendments, or additions and changes, to the Constitution.

The Preamble

The opening section of the Constitution, the **Preamble**, tells why the Constitution was written. It consists of a single, concise sentence that begins and ends as follows:

“We the People of the United States . . . do ordain and establish this Constitution for the United States of America.”

These carefully chosen words make clear that the power of government comes from the people. The government depends on the people for its power and exists to serve them.

The middle part of the Preamble states six purposes of the government:

- “To form a more perfect Union”—to unite the states more effectively so they can operate as a single nation, for the good of all
- “To establish Justice”—to create a system of fair laws and courts and make certain that all citizens are treated equally
- “To insure domestic Tranquility”—to maintain peace and order, keeping citizens and their property safe from harm

- “To provide for the common defense”—to be ready militarily to protect the country and its citizens from outside attacks
- “To promote the general Welfare”—to help people live healthy, happy, and prosperous lives
- “To secure the Blessings of Liberty to ourselves and our Posterity”—to guarantee the freedom and basic rights of all Americans, including future generations (posterity)

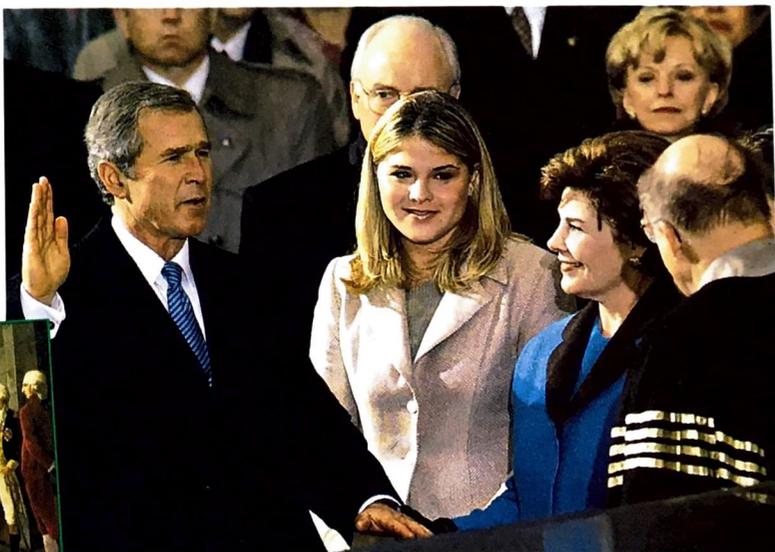
The Articles

The seven articles that follow the Preamble explain how the government is to work. The first three articles describe the powers and responsibilities of each branch of government in turn. The remaining articles address more general matters.

Article I: The Legislative Branch It is no accident that the first article deals with the legislative branch. The Framers of the Constitution intended the legislature to take the leading role in government.

Article I says that a Congress made of two houses—the Senate and the House of Representatives—will have all lawmaking

The Oath of Office Every American president takes an oath to “preserve, protect, and defend the Constitution of the United States.” George Washington and George W. Bush were sworn in as the first and forty-third presidents. **What is the president really pledging to protect?**



Comparing Governments

CONSTITUTION

Legislature

Senate, with states represented equally, and House of Representatives, apportioned according to population, have power to:

- ★ Pass laws by majority vote
- ★ Declare war
- ★ Coin and borrow money
- ★ Approve treaties
- ★ Amend Constitution by 2/3 vote in both houses and approval by 3/4 of states
- ★ Tax
- ★ Regulate commerce
- ★ Confirm presidential appointments

Executive

President chosen by electors has power to:

- ★ Enforce laws
- ★ Make treaties
- ★ Command armed forces

Supreme Court and lower federal courts have power to:

- ★ Interpret laws
- ★ Settle disputes between states

ARTICLES OF CONFEDERATION

Congress of one house with equal representation of 13 states has power to:

- ★ Pass laws by vote of 9 states
- ★ Declare war
- ★ Coin and borrow money
- ★ Make treaties
- ★ Amend Articles if all 13 states agree

No executive branch

Judiciary

No judicial branch

Evaluating Charts

The Constitution replaced a weak central government with a strong one. Which branches of government did the Constitution add?

authority. The article then describes how members of each house will be chosen and what rules they must follow in making laws. For example, a majority of both senators and representatives must vote for a bill before it can become a law.

Article I also lists specific powers that Congress does and does not have. For example, Congress may collect taxes, regulate foreign and interstate trade, coin money, and declare war. It may not tax exports, however, or favor one state over another. You will learn more about Congress in Chapter 6.

Article II: The Executive Branch

Article II provides for an executive, or law-enforcing, branch of government headed by a president and vice president. Article II explains how these leaders are to be elected and how they can be removed from office. The article also describes some of the president's powers and duties. As you will learn in Chapter 7, these include commanding the armed forces, dealing with the leaders of other countries, and appointing certain government officials.

Article III: The Judicial Branch The judicial branch is the part of government that interprets the laws and sees that they are fairly applied. Article III calls for “one Supreme Court” and such lower courts as Congress deems appropriate.

Article III then lists the powers of the federal courts and describes the kinds of cases they may hear. These include cases involving the Constitution, federal laws and treaties, and disputes between states. Read about our federal judiciary in Chapter 8.

Articles IV–VII In Article IV of the Constitution, the Framers shifted their focus to the states. The article says that all states must respect each other’s laws, court decisions, and records. Article IV also explains the process for creating new states, and it promises that the federal government will protect and defend the states.

Article V reveals the foresight of the Framers. They realized that in a changing world, the Constitution might need modification over time. Thus they specified how amendments are to be made.

Article VI contains a key statement declaring the Constitution the “supreme Law of the Land.” It adds that if state laws or court decisions conflict with federal law, the federal law shall prevail.

In Article VII, the Framers dealt with practical matters. The Constitution would take effect, they wrote, when nine states had ratified it.

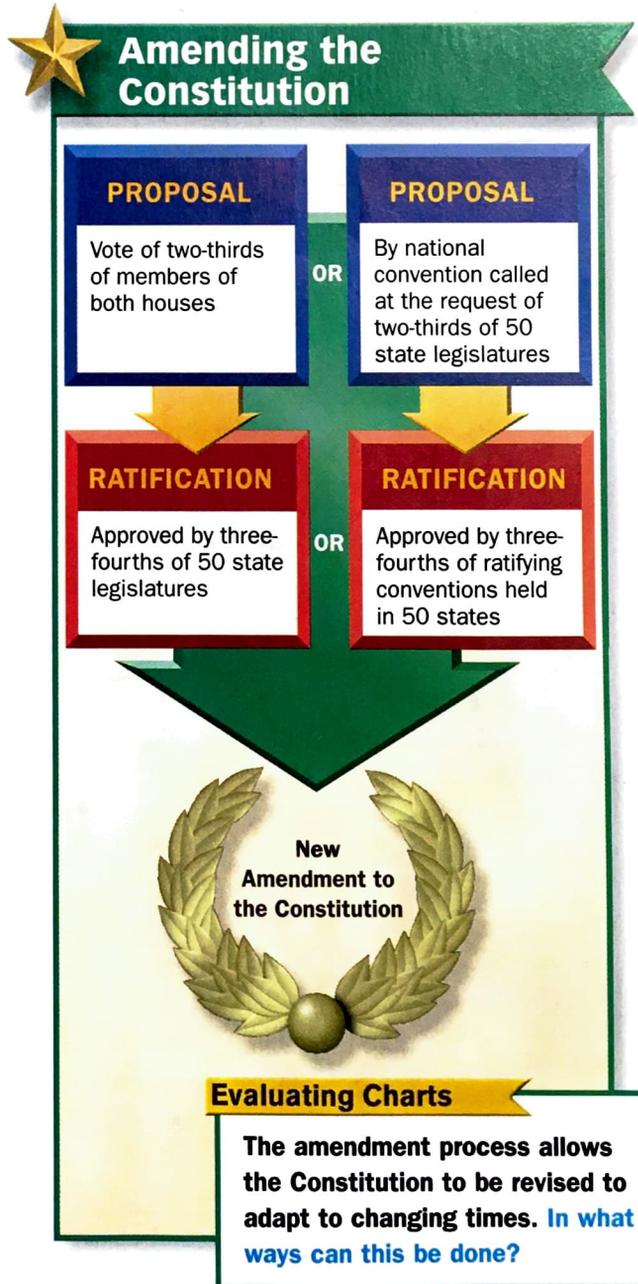
Reading Check **Describing** What is the main purpose of the U.S. Constitution?

Amending the Constitution

Since the Constitution was signed in 1787, it has been amended 27 times. (Any change in the Constitution is called an **amendment**.) The first 10 amendments, known as the **Bill of Rights**, were added in

1791. Chapter 4 discusses the Bill of Rights, along with other amendments that safeguard individual rights and liberties.

A number of amendments address entirely different matters, such as improving the way our government works. For example, the Sixteenth Amendment was passed in 1913 to allow Congress to collect an **income tax**—a tax on people’s earnings. This is now an important source of money for the government, helping it pay for services.



The Amendment Process

Would it surprise you to know that thousands of amendments to the Constitution have been considered over the years? Only 27 have become law because the Framers deliberately made the amendment process difficult. After months of debate and compromise, they knew how delicately balanced the Constitution was. Changing even one small detail could have dramatic effects throughout the government. Therefore, the Framers made sure the Constitution could not be altered without the overwhelming support of the people.

At the same time, the ability to amend the Constitution is necessary. Constitutional amendments safeguard many of our freedoms. For example, the abolition of slavery and the right of women to vote were added in amendments. If the Constitution could not have been amended to protect the rights of African Americans, women, and other oppressed groups, it—and our government—might not have survived.

The process for making an amendment to the Constitution, as outlined in Article V, involves two steps: proposal and ratification. An amendment may be proposed in either of two ways. The first method—used for all amendments so far—is by congressional action. A vote of two-thirds of the members of both houses of Congress is required. The second method is by a national convention requested by two-thirds of the state legislatures.

Once a national amendment has been proposed, three-fourths of the states must ratify it. The states have two ways to do this: by a vote of either the state legislature or a

special state convention. Only one amendment, the Twenty-first Amendment, has been ratified by means of state conventions. Congress proposed and the state legislatures ratified all others.

Reading Check **Inferring** Why are amendments to the Constitution necessary?

Interpreting the Constitution

Although the Constitution has been amended only 27 times, there have been many other changes to it. These changes have taken place through interpretation. The Framers of the Constitution wrote a general document, so many matters are left open to interpretation.

The Necessary and Proper Clause

Article I lists the powers of Congress. In this article, the Constitution gives Congress the power “to make all Laws which shall be necessary and proper” to carry out its duties. This necessary and proper clause allows Congress to exercise powers that are not specifically listed in the Constitution. These powers are known as “implied powers.”

Americans, though, do not agree about which laws are “necessary and proper.” Some people feel Congress should be allowed to make any laws the Constitution does not specifically forbid. These people believe in a loose interpretation of the Constitution. Others believe in a strict interpretation. They feel Congress should make only the kinds of laws mentioned by the Constitution.

Interpretation Through Court Decisions

The Supreme Court has the final authority on interpreting the Constitution. Over the years, the Supreme Court has interpreted the

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Constitution in different ways—sometimes strictly, sometimes loosely. With each new interpretation, our government changes.

Interpretation Through Congressional and Presidential Actions

Actions taken by Congress and the president have also caused new interpretations of the Constitution. The Constitution allows the House of Representatives to impeach, or accuse, federal officials, while the Senate determines the person's guilt or innocence. Congress has investigated more than 60 people on impeachment charges.

How has the president interpreted the Constitution? In 1841 William Henry Harrison became the first president to die in office. Vice President John Tyler assumed the powers of the president according to the Constitution. The Constitution, however, was unclear on this matter. Did Tyler automatically become president, or was he merely acting as president until the next election? Tyler went ahead and took the presidential oath. Not until 1967, when the Twenty-fifth Amendment was ratified, was Tyler's action officially part of the Constitution.

Presidents interpret the Constitution in other ways, too. Not only does the president make agreements with other countries without congressional approval, the president also requests legislation from Congress. The Constitution does not direct the president to take these actions.

Interpretation Through Custom

The interpretation of the Constitution has also changed through customs that have developed. For example, although the Constitution does not mention political parties, they are a very important part of today's political system. Today, parties help organize the government and conduct elections.

The government under the Constitution today is very different from the government set up by the Constitution in 1787. It will probably go through many more changes, too. However, the basic structure and principles of our government—a delicate balance between three branches—will no doubt remain.

 **Reading Check Identifying** What type of powers does the necessary and proper clause give to Congress?

SECTION 3 ASSESSMENT

Checking for Understanding

- 1. Key Terms** Write a paragraph about the Constitution in which you use all of the following terms: **Preamble, amendment, Bill of Rights, income tax.**

Reviewing Main Ideas

- 2. Identify** What is the purpose of the Preamble to the U.S. Constitution?
- 3. Describe** In what two ways can an amendment to the U.S. Constitution be ratified? How are the states involved in these processes?

Critical Thinking

- 4. Evaluating Information** Which part of the Constitution do you think is the most important? Explain your answer.
- 5. Summarizing Information** In a chart like the one below, describe the features of Articles I, II, and III of the Constitution.

Article I	Article II	Article III

Analyzing Visuals

- 6. Compare and Contrast** Review the chart that compares the Articles of Confederation and the U.S. Constitution on page 84. How did Congress differ under both forms of government?

★ BE AN ACTIVE CITIZEN ★

- 7. Organize** Read a section of your state's constitution. Find one similarity and one difference from the U.S. Constitution.