

A New Plan of Government

Essential Question

What ideas and features are found in the United States Constitution?

Reading Guide

Content Vocabulary

federalism

(p. 206)

judicial branch

(p. 208)

legislative branch

(p. 207)

checks and

balances (p. 208)

executive branch

(p. 207)

amendment

(p. 210)

Electoral College (p. 207)

Academic Vocabulary

tradition (p. 205)

reside (p. 208)

Key People

John Locke (p. 206)

Baron de Montesquieu (p. 206)

Reading Strategy

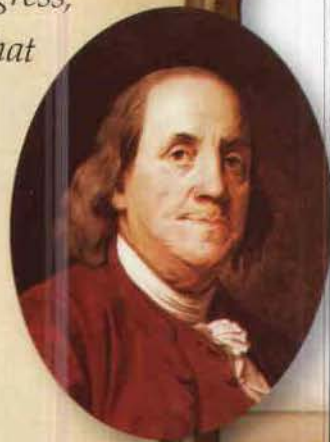
Taking Notes As you read, use a chart like the one below to identify ways in which each branch of the federal government can check, or limit, the power of the other branches.

Branch	Example
Executive	
Legislative	
Judicial	

American Diary

As Benjamin Franklin was leaving the last session of the Constitutional Congress, a woman asked, "Well Doctor, what have we got: a republic or a monarchy?" Franklin answered, "A republic, if you can keep it." He meant that in order to maintain a republic—a system of government in which the people elect representatives to exercise power for them—citizens must take an active role.

—quoted in the "Papers of Dr. James McHenry, 1787"



The U.S. Constitution on display at the National Archives, Washington, D.C.

Roots of the Constitution

Main Idea As the Framers wrote the Constitution, they borrowed ideas from other political systems and philosophers of the Enlightenment.

History and You Has a person influenced you to do better in school or participate in an activity that helps others? Read to learn about the ideas and thinkers who helped shape the Constitution.

After four long and difficult months, Franklin and the other delegates had produced a new constitution. The document provided the framework for a strong central government for the United States. Although a uniquely American document, the Constitution has roots in many other civilizations. The delegates studied and discussed the history of political thought at length—starting with ancient Greece—so that their new government could avoid the mistakes of the past. Many ideas found in the Constitution came from the study of European political institutions and political writers. British ideas and institutions influenced the delegates.

The Framers who shaped the document were familiar with the parliamentary system

of Britain, and many had participated in the colonial assemblies or their state assemblies. They valued the individual rights guaranteed by the British judicial system. Although the Americans broke away from Britain, they respected many British **traditions**, or cultural beliefs and practices.

European Influences

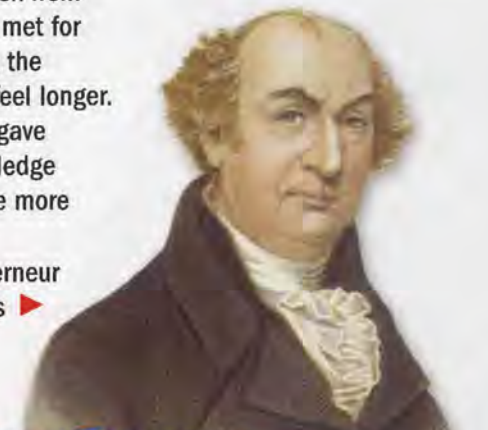
The English Magna Carta (1215) placed limits on the power of the monarch. England’s lawmaking body, Parliament, emerged, or became known, as a force that the monarch had to depend on to pay for wars and to finance the royal government. Like Parliament, the colonial assemblies controlled their colonies’ funds. For that reason the assemblies had some control over colonial governors. The English Bill of Rights of 1689 provided another model for Americans. Many Americans felt that the Constitution also needed a bill of rights. The Framers of the Constitution believed in the ideas about the nature of people and government promoted by European writers of the Enlightenment. The Enlightenment was a movement of the 1700s that promoted knowledge, reason, and science as a means of improving society.

By the Numbers The Delegates Talk

Speeches—Long and Short Except for two short breaks, the delegates met six days a week from May to September 1787. Although they met for only five to six hours each day, the heat, the debating, and the sitting often made it feel longer. During the Convention, many delegates gave speeches to share their ideas and knowledge about government. Some delegates gave more speeches than others.

Delegate	Number of Speeches
Gouverneur Morris	173
James Wilson	168
James Madison	161
George Washington	1

Gouverneur Morris ▶



Critical Thinking

Making Generalizations Do you think talking a lot convinces people to listen to you more? Explain.

James Madison and other architects of the Constitution were familiar with the work of **John Locke** and **Baron de Montesquieu** (mahn-tuhs-KYOO), two philosophers of the Enlightenment.

Locke, an English philosopher, believed that all people have natural rights. These natural rights include the rights to life, liberty, and property. In his *Two Treatises of Civil Government* (1690), he wrote that government is based on an agreement, or contract, between the people and the ruler. Many Americans interpreted natural rights to mean the rights of Englishmen defined in the Magna Carta and the English Bill of Rights. The Framers viewed the Constitution as a contract between the American people and their government. The contract protected the people's natural rights by limiting the government's power. In *The Spirit of Laws* (1748), the French writer Montesquieu declared that the powers of government should be separated and balanced against each other. This separation would prevent any single person or group from gaining too much power. The powers of

government should also be clearly defined and limited to prevent abuse. Following the ideas of Montesquieu, the Framers of the Constitution carefully specified and divided the powers of government.

The Federal System

The Constitution created a federal system of government that divided powers between the national, or federal, government and the states. In the Articles of Confederation, the states held most powers. Under the Constitution, the states gave up some powers to the federal government and kept others. **Federalism**, or sharing power between the federal and state governments, is one of the distinctive features of the United States government. Under the Constitution, the federal government gained broad powers to tax, regulate trade, control the currency, raise an army, and declare war. It could also pass laws that were "necessary and proper" for carrying out its responsibilities. This power allowed Congress to make laws as needed to deal with new situations.

LINKING PAST TO PRESENT

The United States Flag

THEN On June 14, 1777, Congress resolved that "the flag of the United States be thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field representing a new constellation." Congress, however, did not specify how to arrange the stars. As a result, some flags had stars arranged in a circle, whereas other flags had the stars aligned.



◀ American flag, 1795-1818, had 15 stars and 15 stripes. In 1818 Congress set the number of stripes at 13.

◀ A legend claims that Betsy Ross made the first American flag, but no historical evidence supports this claim.



The Constitution, however, left important powers in the hands of the states. The states had the power to regulate trade within their borders. They also could establish local governments and schools and set marriage and divorce laws.

The Constitution also allows for power to be shared between the federal and state governments. Both federal and state governments have the power to tax and administer criminal justice.

The Supreme Law of the Land

The Constitution and the laws that Congress passed were to be “the supreme law of the land.” No state could make laws or take actions that went against the Constitution. Any dispute between the federal government and the states was to be settled by the federal courts on the basis of the Constitution. Under the new federal system, the Constitution became the final and supreme authority.

Reading Check **Describing** What is the principle of federalism?

Now A star was added as each new state entered the Union. On July 4, 1960, the number of stars reached the present total of 50. The 50th star represents Hawaii.



▲ The Stars and Stripes today

Critical Thinking

- 1. Making Inferences** Why do you think Congress decided to set the number of stripes at 13?
- 2. Applying** What are other symbols of our nation?

The New Government

Main Idea The Constitution divides and limits power among three branches of government.

History and You Do you think government leaders should be limited to what they can or cannot do? Read about the division of powers and responsibilities of government.

Montesquieu’s idea of a division of powers led the Framers to divide the federal government into three branches—legislative, executive, and judicial. The first three articles, or parts, of the Constitution describe each branch’s powers and responsibilities.

Branches of Government

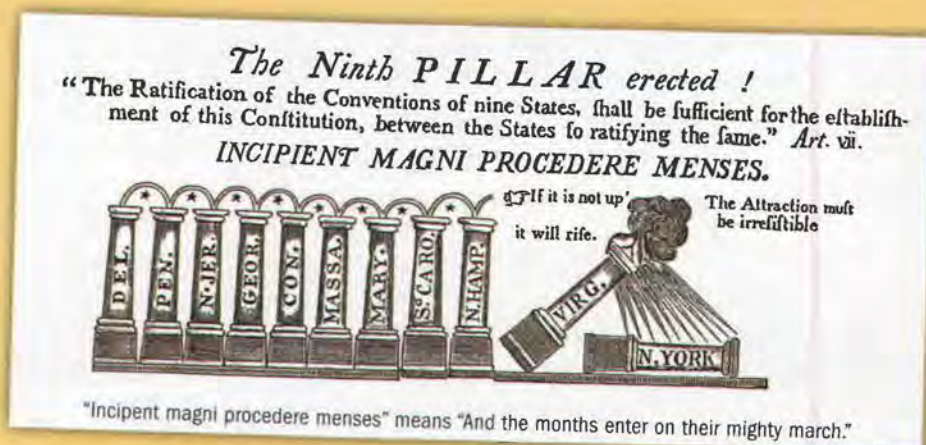
Article I of the Constitution establishes Congress as the **legislative branch**, or law-making branch, of the government. Congress is composed of the House of Representatives and the Senate. As a result of the Great Compromise between large and small states, each state’s representation in the House is proportional to its population. Representation in the Senate is equal—two senators for each state. The powers of Congress include collecting taxes, coining money, and regulating trade. Congress also can declare war and “raise and support armies.” Finally, it makes all laws needed to fulfill its functions as stated in the Constitution. Memories of King George III’s rule made some delegates reluctant to establish a powerful executive, or ruler. Others believed that the Articles of Confederation failed, in part, because it lacked an executive branch. They argued that a strong executive would limit the power of Congress.

Article II of the Constitution established the **executive branch**, headed by the president, to carry out the nation’s laws and policies. The president serves as commander in chief of the armed forces and conducts relations with foreign countries. The president and a vice president are elected by a special group called the **Electoral College**, made of presidential electors.

INTERPRETING POLITICAL CARTOONS

This cartoon was published in 1788, as the state conventions were voting to ratify the new Constitution.

- Interpreting** What do the pillars represent?
- Synthesizing** What is the significance of the ninth pillar?



Each state’s voters select electors to cast their votes for the president and vice president. Every state has the same number of electors as it has senators and representatives in Congress. The president and vice president serve a four-year term.

Article III deals with the **judicial branch**, or court system. The nation’s judicial power **resides**, or exists, in “one supreme Court” and any other lower federal courts that Congress might establish. The Supreme Court and the federal courts hear cases involving the Constitution, laws passed by Congress, and disputes between states.

System of Checks and Balances

The Framers built in a system of **checks and balances**. Each branch has ways to check, or limit, the power of the others so that no single branch can dominate the government. Both the House and the Senate must pass a bill for it to become law. The president can check Congress by vetoing, or rejecting, the bill. Congress can check the president by overriding, or voting down, the veto. To override a veto, two-thirds of the members of both houses must vote for the bill.

The system of checks and balances also applies to the Supreme Court. The president appoints Supreme Court justices, and the Senate must approve the appointments. Over time, the Court has become a check on Congress and the president by ruling on the constitutionality of laws and presidential acts. This system has kept a balance of power among the branches and has limited abuses.

National Citizens

The Constitution created citizens who choose their officials—directly or indirectly. Officials answer to the people rather than to the states. The new government pledged to protect the personal freedoms of its citizens. Americans showed the world that it was possible for a people to change its form of government through discussion and choice—rather than through chaos, force, or war. The world watched the new nation to see if its experiment in self-government really would work.

Reading Check **Explaining** What is the purpose of the first three articles of the Constitution?

Debate and Adoption

Main Idea After a much heated debate, the states ratified the Constitution.

History and You How do some people influence a group's decisions more than others? Read how influential leaders helped ratify the Constitution.

The delegates produced the Constitution, but before it could go into effect, nine states had to ratify, or approve, it. A great debate then took place throughout the country. In newspapers, at meetings, and in ordinary conversations, Americans discussed the arguments for and against the new Constitution.

Federalists and Antifederalists

Supporters of the new Constitution were called Federalists. Federalists enjoyed the support of two of the most respected men in America—George Washington and Benjamin Franklin. Gifted political thinkers James Madison, Alexander Hamilton, and John Jay also

backed the Constitution. Madison, Hamilton, and Jay wrote a series of essays explaining and defending the Constitution. These essays appeared in newspapers around the country. Called the Federalist Papers, they were later published as a book and sent to delegates at state conventions. Jefferson called the essays “the best commentary on the principles of government which was ever written.”

People who opposed the Constitution were called Antifederalists. Antifederalists responded to the Federalists by writing their own essays, now known as the Antifederalist Papers. Their main argument was that the strong national government created by the Constitution would take away the liberties Americans had fought for in the war against Great Britain. The government would ignore the will of the states and the people and favor the wealthy few over the common people.

Antifederalists favored local government that was controlled more closely by the people. A central government, they feared, would be made of a small group of individuals.

Primary Source James Madison and the Federalist Papers

Debating the Constitution During the national debate over ratification of the Constitution, newspapers published articles for and against it. The most famous of these articles appeared as a series of essays published under the pen name “Publius” in New York newspapers. “Publius” was actually three men—John Jay, Alexander Hamilton, and James Madison. Their essays explained the benefits of the new Constitution and became known as the Federalist Papers.

After taking a leading role in shaping the Constitution, James Madison argued for its ratification. ▶



“I believe I never have yet mentioned to you that publication. It was undertaken last fall by Jay, Hamilton, and myself. The proposal came from the two former. The execution was thrown, by the sickness of Jay, mostly on the two others.”

—James Madison, in a letter to Thomas Jefferson, 1788

Critical Thinking

Speculating Why do you think that Jay, Hamilton, and Madison signed their essays with a single pen name?

They agreed with Patrick Henry, who warned that the Constitution was “incompatible with [contrary to] the genius of republicanism.”

Protecting Rights

Perhaps the strongest criticism of the Constitution was that it lacked a bill of rights to protect individual freedoms. Several state conventions announced that they would not ratify it without the addition of a bill of rights. Mercy Otis Warren expressed the problem:

PRIMARY SOURCE

“We have struggled for liberty & made costly sacrifices . . . and there are still many among us who [value liberty] too much to relinquish . . . the rights of man for the Dignity of Government.”

—from a letter to Catherine Graham

The Federalists feared disorder without a strong central government. Antifederalists worried about the oppression that might result if power was concentrated in a central government.

Adopting the Constitution

On December 7, 1787, Delaware became the first state to approve the Constitution. By June 21, 1788, the ninth state—New Hampshire—ratified it. In theory, that meant the new government could go into effect. However, without the support of the two largest states—New York and Virginia—the future of the new government was bleak.

In Virginia, Patrick Henry charged that the Constitution did not sufficiently limit the power of the central government. Still, Virginia ratified the Constitution after being assured that it would include a bill of rights amendment. An **amendment** is something added to a document. The Bill of Rights would be added in 1791. In July 1788, New York finally ratified the Constitution, followed by North Carolina in November 1789 and Rhode Island in May 1790. The nation celebrated its new government.

Reading Check **Explaining** Why was it important that New York and Virginia ratify the Constitution?

Section 3 Review

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Vocabulary

1. Use each of these terms in a sentence that will help explain its meaning: *tradition, federalism, legislative branch, executive branch, Electoral College, judicial branch, reserve, checks and balances, amendment.*

Main Ideas

2. **Identifying** What features of the Constitution developed from the ideas of Baron de Montesquieu?
3. **Explaining** Why does the Constitution divide power among branches of government?

4. **Specifying** Why did Virginia eventually ratify the Constitution?

Critical Thinking

5. **Interpreting** If a state law conflicts with a federal law, which law will prevail? How do you know?
6. **Identifying Central Issues** Use a diagram like the one below to summarize the Antifederalist arguments against the Constitution.






7. **Persuasive Writing** Take the role of James Madison. Write an essay for the Federalist Papers, urging ratification of the Constitution. Use details that you know about the Constitution to support your argument.

8. Answer the Essential Question

What ideas and features are found in the United States Constitution?

Visual Summary

The first constitution of the United States was the Articles of Confederation. The United States Constitution, ratified in 1788, replaced the Articles of Confederation and has served as the plan for government ever since.

Articles of Confederation	United States Constitution
Established a weak central government and strong state governments	Created a federal system that divided powers between the national government and state governments
“a firm league of friendship” in which each state retained its “sovereignty, freedom and independence”	“the supreme law of the land”
Congress could: <ul style="list-style-type: none"> conduct foreign affairs maintain armed forces borrow money issue currency 	Congress can: <ul style="list-style-type: none"> issue taxes regulate trade control currency raise an army declare war pass laws that are “necessary and proper” to carry out its responsibilities 
Congress could not: <ul style="list-style-type: none"> regulate trade force citizens to join the army impose taxes 	States can: <ul style="list-style-type: none"> regulate trade within their borders establish local government schools set marriage and divorce laws 
No chief executive; rule by congressional committees	Three branches of government: <ul style="list-style-type: none"> legislative (makes the laws) executive (carries out the laws) judicial (interprets the laws) Includes a system of checks and balances so that no branch becomes more powerful than another
One state, one vote	Congress includes: <ul style="list-style-type: none"> House of Representatives—number of representatives for each state based on the state’s population Senate—two senators per state
An agreement was needed by 9 of the 13 states to approve a law.	Both the House of Representatives and the Senate must approve a bill for it to become law. The president may approve or veto the bill.

◀ Independence Hall, Philadelphia, Pennsylvania



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