

We the People

Article I

in order domestic Tranquility provide for the common Defence promote the
and art Prosperity, do ordain and establish this Constitution for the United States

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.
Section 3. The Senate shall be composed of two Senators from each State, chosen by the Legislature thereof, for a Term of six Years; and they shall hold their Offices until their respective Terms be expired.



The BILL of RIGHTS Some states insisted that a bill of rights be added to the Constitution. They proposed more than 200 amendments. James Madison weeded out duplicates. Then he wrote up the most

First Amendment

► **PEOPLE HAVE** freedom of religion, of speech, and of the press. They have the right to gather in a peaceful way. They have the

right to appeal to the government if they feel something wrong is happening. Freedom of religion means two things. One, people can

worship, or not worship, as they please. Two, the government cannot promote religion in general or a particular religion.



Second Amendment



◀ **A WELL-REGULATED** militia (armed force) is important. Therefore, people have the right to keep and bear arms. This amendment has caused much

debate. Some argue that the amendment applies mostly to militias. Others say it means there should be no restrictions on owning guns.

The courts have ruled that some gun-control laws are allowed to protect citizens from those who would use guns for crimes.

Third and Fourth Amendments

► **THE THIRD** Amendment says the government cannot force people to keep soldiers in their homes, as the British did. The amendment

has been used to support the idea that citizens have a right to privacy. The Fourth Amendment says the government cannot unreasonably

search people or their property. Courts still debate the meaning of *unreasonable*.



Fifth Amendment



◀ **THIS AMENDMENT** has five parts. People can't be tried for a federal crime unless a grand jury agrees there is enough evidence. People cannot be charged twice for the same crime. People cannot be made

to testify against themselves. ("Taking the fifth" in court has come to mean refusing to answer a question because the answer might cause the witness to appear guilty of a crime.) People cannot be pun-

ished without due process of law. The government cannot take private property for public use without fair payment.

important ideas in 17 proposals. Congress sent 12 of these proposals to the states. In the end, ten were approved. In 1791, they became the first ten amendments to the Constitution. They are called the Bill of Rights. They outline some basic rights of citizens.

Sixth Amendment

► **PEOPLE ACCUSED** of a crime have the right to a speedy and public trial. They also have the right to be represented by a lawyer. Not until

1963, in *Gideon v. Wainwright*, did the Supreme Court say that the government had to pay for the lawyer, though. In a criminal trial, the

accused have the right to an impartial jury in the state and district where the crime was committed.



Seventh and Eighth Amendments



◀ **THE SEVENTH** Amendment says when one person sues another for more than \$20, the accused has the right to a trial by jury. A judge cannot overturn

the jury's decision. The Eighth Amendment says that bail and fines cannot be out of proportion to the crime with which a person is charged. It also

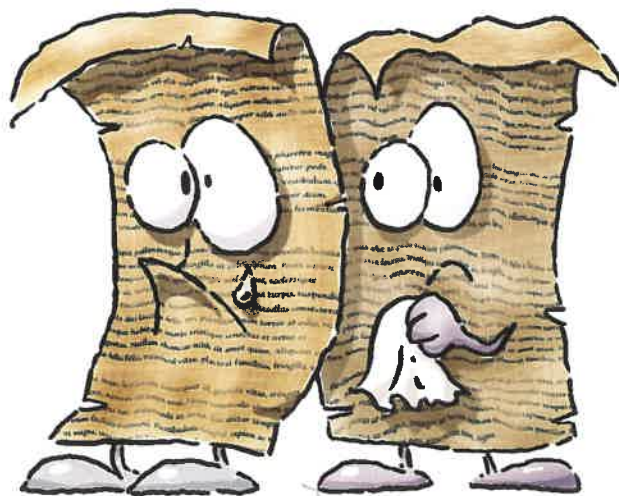
says that punishment cannot be cruel or unusual. What is "cruel and unusual" is still debated today.

Ninth and Tenth Amendments

► **THESE TWO** amendments cover rights not mentioned in the Constitution. The Ninth Amendment says that people

have rights other than those mentioned in the Constitution. The Tenth Amendment says that people or states

have all the rights not granted to the federal government by the Constitution.



◀ **TWO OF THE 12** proposed amendments were not ratified. One of them later became the 27th Amendment. It says that if Congress votes itself a raise, the

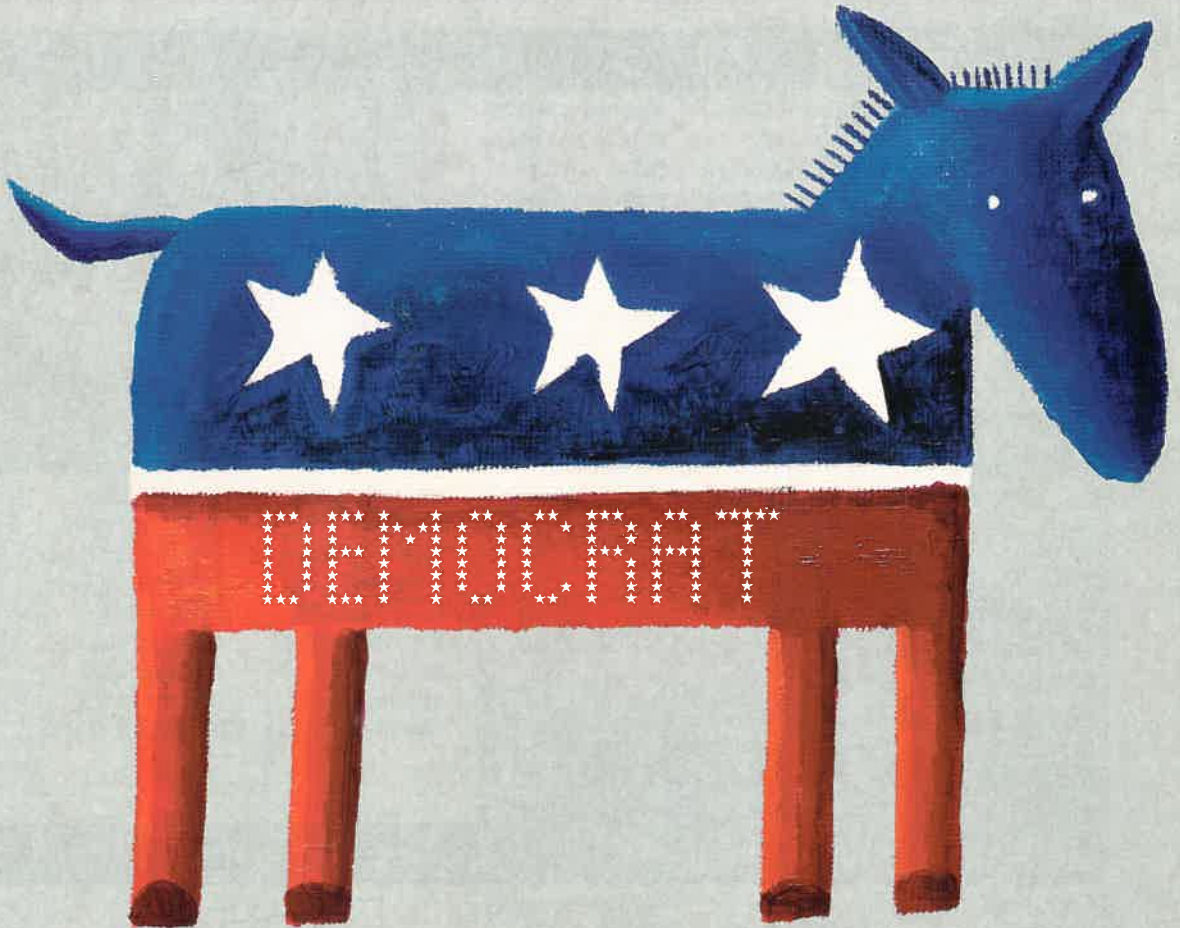
raise cannot take effect until after the next election. This gives the people a chance to show if they approve of the raise or not. By 1791, only

six states had voted for this amendment. Ohio approved it in 1873. Thirty more states ratified between 1983 and 1992.

More Changes to the CONSTITUTION

Since the Bill of Rights, more than 11,000 amendments have been proposed. Seventeen have been ratified by the states, for a total of only 27 amendments to the Constitution. This shows how hard it is to amend the

► **THE FRAMERS** (authors) did not realize that political parties would become important. They planned for candidates to be elected without them. They hoped that voters would choose candidates based on individual talents. The person receiving the most electoral votes would become president. The runner-up would become vice president. Very quickly, in 1796, electors picked Federalist John Adams as president and Democratic-Republican Thomas Jefferson as vice president. That made it hard for them to work together. The 12th Amendment fixed this by allowing parties to nominate a team for president and vice president. Today, the major political parties in the United States are the Democratic Party and Republican Party.



▲ **WITH THE END OF** the Civil War (also known as the War Between the States) in 1865, slavery ended. The 13th, 14th, and 15th Amend-

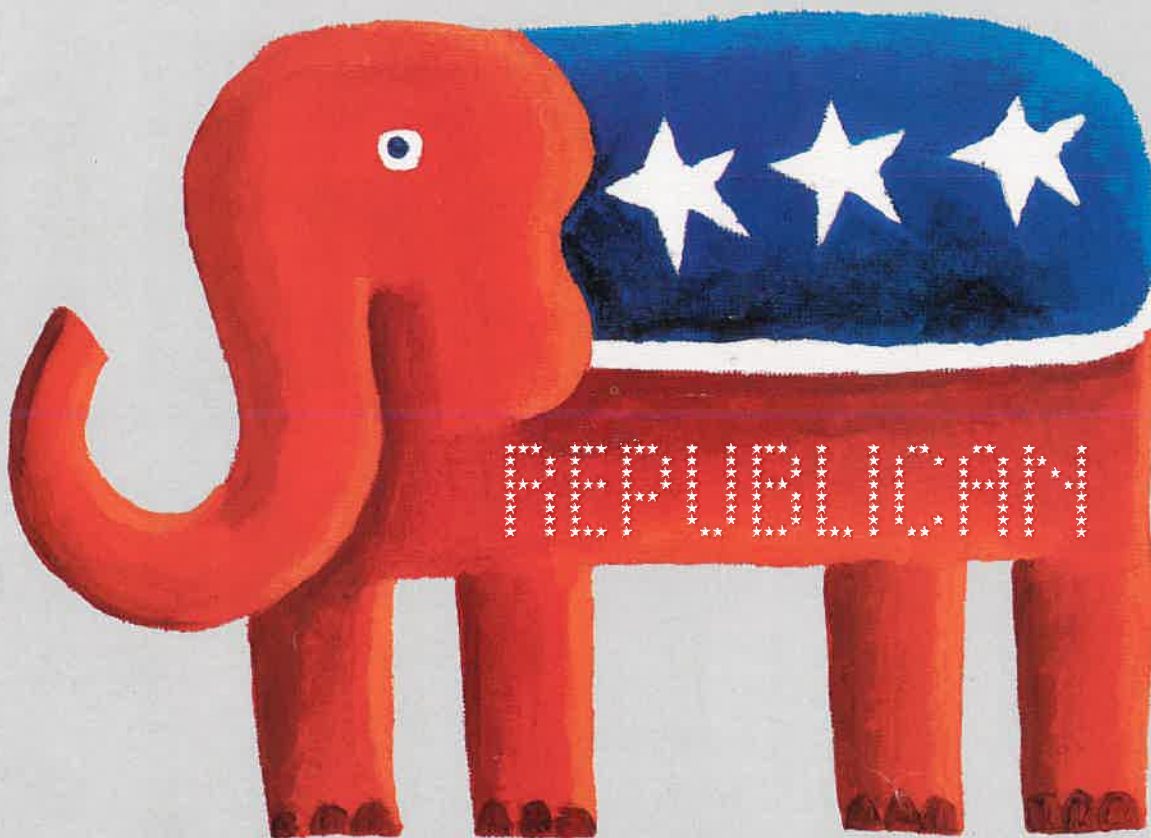
ments reflect this new reality. The 13th Amendment ends slavery. The 14th Amendment says that everyone born in the U.S. is a citizen.

That included former slaves. It also says that states cannot deny people rights granted in the Constitution. The 15th Amendment says that former slaves and other people of color have the right to vote. Some states got around this by charging a poll tax. Those who couldn't pay the tax couldn't vote. The 24th Amendment, passed in 1964, says people cannot be denied the right to vote just because they can't pay a tax.

▼ **FOR MANY YEARS,** there was a strong social movement to end the drinking of alcoholic beverages. In 1919, the 18th Amendment to the Constitution made it illegal to make, sell, or drink alcohol. But the law was hard to enforce. Huge numbers of people still found ways to drink. Organized crime provided most of the beer, wine, and liquor. By 1933, the legal experiment in controlling people's desire to drink was considered a failure. The 21st Amendment repealed (ended) the 18th Amendment.



Constitution. This is what the men who drew up the Constitution intended. They wanted a flexible document that expressed broad principles. That way, it would not have to be amended often. Future generations could interpret it according to changing attitudes and new situations. But some amendments have been necessary.



▼ **IN THE LATE 1960s**, men as young as 18 were being drafted to fight in the Vietnam War. Many thought it was wrong that these young men could be forced to go to war but could not vote. A movement to lower the voting age from 21 to 18 resulted in the 26th Amendment. It was passed in 1971. It grants the vote to citizens 18 and older.



▲ **THE FRAMERS OF** the Constitution were all white men. Most were wealthy property owners. They considered limiting the right to vote to other

white men who owned property. But they let the states set up voting qualifications. Until the middle of the 19th century, most states still had property re-

quirements. From 1848, there was a growing movement to allow women to vote. Finally, in 1920, the 19th Amendment gave women the vote.

▼ **IN 1972**, Congress passed the Equal Rights Amendment (ERA). It said there should be no discrimination based on gender. But in order for it to become an amendment, three-fourths of the states had to vote in favor of it.

The amendment didn't get the necessary three-fourths vote in the time limit that had been placed on it. Opponents said the amendment was not needed because there were already laws to protect equal rights for women. Those who think the ERA should have been passed say that gender discrimination still exists. For example, in 2007, female workers earned about 78 cents for every dollar earned by male workers.



THINK PIECE!

Do you think the voting age should be lower than that? Higher? Why?

The Supreme Court Rules!

“No Constitution is the same on Paper and in Life,” wrote Gouverneur Morris of Pennsylvania, who penned the Constitution’s final draft. Morris meant that words on paper do not change, but life does. The world changes. For example, the framers couldn’t imagine television or the

Internet. How should freedom of the press be applied to those media? The nine justices of the Supreme Court have the job of interpreting the Constitution in a changing world. They decide if acts of Congress and the president are allowed by the Constitution. This is called judicial review.



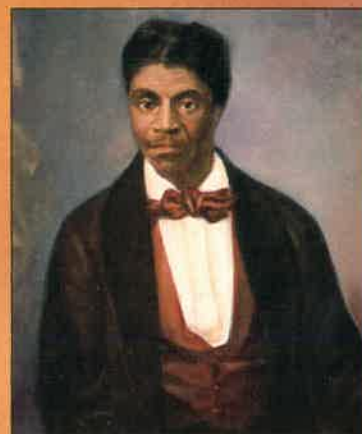
Let's put the
supreme in
Supreme Court!

▲ **IN 1803, THE** Supreme Court heard the case of *Marbury v. Madison*. In essence, it concerned Marbury’s claim that he had been cheated out of his appointment as a federal judge. The Court didn’t

rule on his claim. Rather, it ruled that the law under which the case was tried was unconstitutional. This was the first time that the Supreme Court claimed the right of judicial review. John Marshall (above left) served as Chief Justice of the Supreme Court from 1801 until his death in 1835.

➤ **DRED SCOTT WAS** an enslaved man. His owner took him to free territory, where slavery was not allowed. He lived there for five years. At the end of the time, Scott was returned to a state that allowed slavery. Scott sued for his freedom. He claimed that he

became free when he left a slave-holding state. In 1857, the Supreme Court ruled that, as a slave, Scott was not a citizen and could not use the federal courts. Therefore, he was still enslaved. The ruling outraged those who were against slavery.



▲ **GOLD WAS DISCOVERED** on Cherokee land. So Georgia gave Cherokee land to white settlers. The Cherokees sued in federal court. In 1832, the Supreme Court upheld their claim to their land. However,

President Andrew Jackson refused to carry out the Court’s ruling. Jackson said, “[Chief Justice] John Marshall has rendered his decision. Now let him enforce it.” Later, the Cherokees were forced to leave their land.



◀ **SOMETIMES, THE** Supreme Court has changed its mind. In 1940, the Court ruled that schools could force students to salute the flag even if their religion forbade it. In 1943, the Court reversed this ruling.

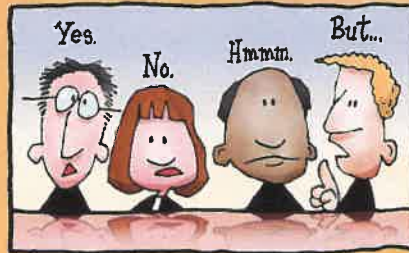


▲ **IT CAN TAKE THE** Court years to reverse an unfair ruling. In 1896, in the case of *Plessy v. Ferguson*, the Court ruled that forcing African Americans to sit in separate railway cars was legal. But the cars had to be equal to those for whites. This was called the "separate but equal"

ruling. It was used to justify segregation in all kinds of public places. But in 1954, the Court ruled in *Brown v. Board of Education* that separate schools for African American children were, by their very nature, unequal. The court determined that segregation in schools was unconstitutional.

▼ **SUPREME COURT** justices don't all agree on how to interpret the Constitution. Some believe in a "living Constitution." They think the framers wanted the Constitution to be flexible enough to allow for an

ever-changing world. Other justices, called originalists, insist that the courts should base their rulings only on the original intent of the framers. But who decides what the intent of the framers was?



▼ **IN 1966, IN** *Miranda v. Arizona*, the Court ruled that criminal suspects must be warned of their rights to remain

silent, to have an attorney present, and to have an attorney appointed by the state if the suspect cannot afford one.

WARNING AS TO YOUR RIGHTS

You are under arrest. Before we ask you any questions, you must understand what your rights are.

You have the right to remain silent. You are not required to say anything to us at any time or to answer any questions. Anything you say can be used against you in court.

You have the right to talk to a lawyer for advice before we question you and to have him with you during questioning.

If you cannot afford a lawyer and want one, a lawyer will be provided for you.

If you want to answer questions now without a lawyer present you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer.

P-4475

◀ **THE SUPREME** Court also affects public policy when it refuses to hear a case. Here is a recent example. *Surveillance* means secretly listening to or reading a private communication. It might be a telephone call or an e-mail. According to the Fourth Amendment, the government must ask a judge for a search warrant before doing this. The judge decides if the surveillance is needed to find illegal activity. Since 2001, following the attacks of September 11, the government has sometimes conducted surveillance without first obtaining a search warrant. In 2008, the Supreme Court decided not to hear a case about these activities.



Constitutional Rights

Next to the number of the constitutional amendment, write the right granted by the amendment.

Rights: to assemble in a peaceful group; for women to vote; to privacy; to vote if you are 18 years or older; to have a lawyer if you are accused of a crime; to not be searched without cause; to vote even if you can't pay a tax; to not be forced to testify against yourself

AMENDMENT 1	AMENDMENT 6
AMENDMENT 3	AMENDMENT 19
AMENDMENT 4	AMENDMENT 24
AMENDMENT 5	AMENDMENT 26

MORE ON THE CONSTITUTION

BOOKS FOR CHILDREN

- ☛ Lydia Bjornlund, *The Constitution and the Founding of America*, Greenhaven Press, 2000.
- ☛ Paul Finkelman, *American Documents: The Constitution*, National Geographic, 2005.
- ☛ Dennis Fradin, *The U.S. Constitution*, Marshall Cavendish Children's Books, 2007.
- ☛ Cathy Travis, *Constitution Translated for Kids*, Synergy Books, 2006.

BOOKS FOR ADULTS

- ☛ Akhil Reed Amar, *America's Constitution: A Biography*, Random House, 2006.
- ☛ Donald A. Ritchie & JusticeLearning.org, *Our Constitution*, Oxford University Press, 2006.

WEBSITES

- ☛ archives.gov/exhibits/charters/constitution.html.
- ☛ bensguide.gpo.gov/3-5/documents/constitution/index.html.

Constitutional Match-Up

Match the term with its definition.

- | | |
|------------------------------------|--|
| _____ 1. Preamble | a. a change to the Constitution |
| _____ 2. ratify | b. voters who choose the president |
| _____ 3. elastic clause | c. the introduction to the Constitution |
| _____ 4. amendment | d. agreement between slave and non-slave states |
| _____ 5. Bill of Rights | e. Supreme Court's power to decide if a law is allowed by the Constitution |
| _____ 6. Great Compromise | f. agree to |
| _____ 7. judicial review | g. first document outlining an agreement among the states |
| _____ 8. Electoral College | h. agreement about each state's representation in Congress |
| _____ 9. Articles of Confederation | i. what gives the government the right to make laws |
| _____ 10. Three-Fifths Compromise | j. first ten amendments to the Constitution |

CONSTITUTIONAL CROSSWORD

Across

1. Those in favor of ratifying the Constitution
4. Virginian who took detailed notes at the Constitutional Convention
6. The act of secretly listening to or reading a private communication
9. Man who led Massachusetts farmers in a rebellion
11. Betraying one's country
13. Branch of the government that makes laws
17. Georgia group that lost their homes despite a Supreme Court ruling in their favor

So, who makes the decisions involving liquid measure?



The Supreme Quart.



Down

1. Oldest man at the Constitutional Convention
2. Enslaved man denied his freedom by the Supreme Court (2 words)
3. Institution forbidden by the 13th Amendment
5. Brought a case to the Supreme Court that established judicial review
7. Amendment that says a person cannot be given "cruel or unusual punishment"
8. Branch of the government that enforces laws
10. Court that decides if a law is allowed by the Constitution
12. Tax meant to keep some people from voting
14. Amendment that grants the right to bear arms
15. ___ Rights Amendment, designed to guarantee the right of women to fair treatment
16. President's power to say no to a bill passed by Congress

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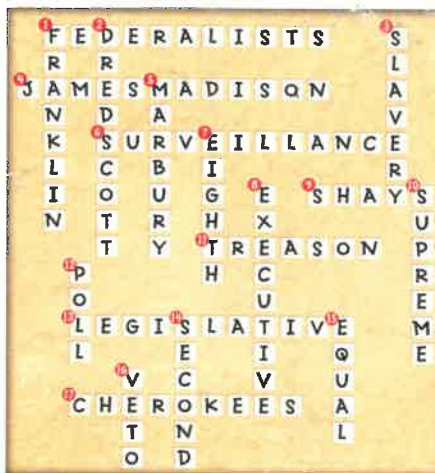
ORIGINAL ILLUSTRATIONS:

Aeme Design Company: Map, pp.4-5; Constitutional Rights, Constitutional Match-up, p.18.
Michael Kline Illustration: Cartoons: Cover, pp.4, 6-9, 13, 17; Constitutional Crossword, p.19.
Wood Ronsaville Harlin, Inc.: Rob Wood: The Constitutional Convention, pp.4-5; Matthew Frey: To Ratify or Not to Ratify?, pp.8-9; Greg Harlin: The Supreme Law of the Land, pp.2-3, Constitution, pp.10-11.

ON THE COVER: James Madison: Art Resource.

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ANSWERS: PAGE 19:
CONSTITUTIONAL CROSSWORD:



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ANSWERS:

PAGE 6: Article I contains an elastic clause. What's that? Article I, Section 8, gives the government the power "To make all Laws which shall be necessary and proper for carrying into Execution the Foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States...." This is sometimes called the elastic clause because it stretches to allow for situations that the framers of the Constitution could not foresee. What else does Article II call for? Article II tells what the president's duties and powers are. It explains what will happen if the president dies or is removed from office. It says that the president and others can be removed from office for committing certain crimes.

PAGE 7: Where can you see the Constitution? The Constitution, the Bill of Rights, and the Declaration of Independence can be seen in the Rotunda of the National Archives building at 700 Constitution Avenue in Washington, DC.

PAGE 18: CONSTITUTIONAL RIGHTS: 1. to assemble in a peaceful group; 3. to privacy; 4. to not be searched without cause; 5. to not be forced to testify against yourself; 6. to have a lawyer if you are accused of a crime; 19. for women to vote; 24. to vote even if you can't pay a tax; 26. to vote if you are 18 years or older. **CONSTITUTIONAL MATCH-UP:** 1. c; 2. f; 3. i; 4. a; 5. j; 6. h; 7. e; 8. b; 9. g. 10. d.

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