



The Government of the New Nation

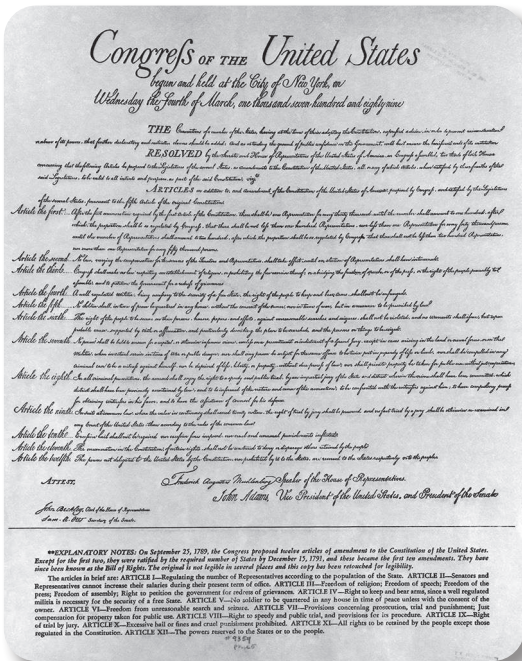
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Judicial review

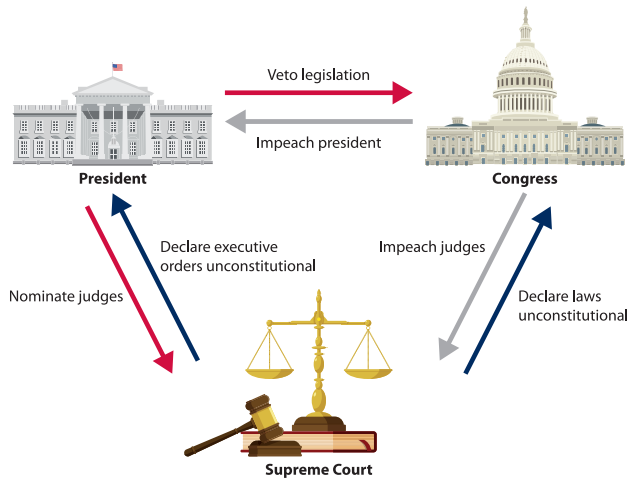
Patrick Henry



Bill of Rights



Checks and balances



EXPLANATORY NOTES: On September 25, 1789, the Congress proposed twelve articles of amendments to the Constitution of the United States. Ten of the twelve were ratified by the required number of States by December 15, 1791, and these became the first ten amendments. They have since been known as the Bill of Rights. The original is not legible in several places and this copy has been retouched for legibility.

The articles in bold are: ARTICLE I.—Regarding the number of Representatives according to the population of the States. ARTICLE II.—Concerning the President and the powers of the Executive. ARTICLE III.—Concerning the Judiciary. ARTICLE IV.—Rights of States and Territories. ARTICLE V.—The manner in which amendments may be made. ARTICLE VI.—The Supremacy of the Constitution. ARTICLE VII.—The manner in which the Constitution may be ratified. ARTICLE VIII.—Rights of States and Territories. ARTICLE IX.—Rights reserved to the States. ARTICLE X.—Rights reserved to the people.

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Chapter 1

Federalists, Anti-Federalists, and the Bill of Rights

Learning to Compromise As you have learned, compromise was central to the Constitutional Convention. In fact, it was Connecticut's Roger Sherman and Oliver Ellsworth who came up with the plan that became known as the Great Compromise. Their plan got the large and small states to agree on the makeup of the federal legislature. But the Constitution still had to be formally accepted. To do that, it needed to be approved by most of the states.

The Framing Question

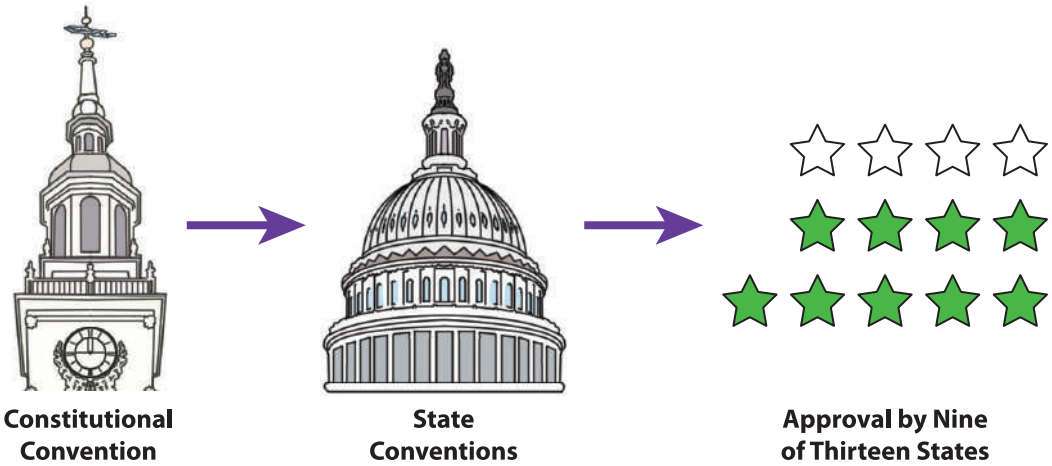
How did the debate between the Federalists and the Anti-Federalists lead to the Bill of Rights?

The members of the Constitutional Convention had drawn up the Constitution, including the makeup of the House of Representatives and the Senate. They also specified the lengths of terms of office for the president and members of Congress. This document laid out the way the new government of the United States would function.



Most of the people who attended the Constitutional Convention realized that compromise was inevitable.

The Ratification Process



The Constitution needed to be ratified by nine states in order to replace the Articles of Confederation.

Vocabulary

ratify, v. to approve

Everyone agreed that before the new Constitution could go into effect, it had to be **ratified** by the states. But by how many states? And who would

speak for each state? The Articles of Confederation had provided an example of what *not* to do. They had let the state legislatures decide for each state and had required all thirteen of them to give their approval. It had taken four years to get all thirteen states to ratify the Articles of Confederation!

The delegates to the Constitutional Convention knew they could not let that happen again. So this is what they decided:

Each state would call a special ratifying convention. That way, the states' citizens would have a direct say in deciding whether to approve the new Constitution. The people would choose who would represent them as members of these state ratifying conventions. Their only job would be to decide whether to approve the new Constitution. When nine of the state conventions approved, the Constitution would go into effect.

The Federalists and the Anti-Federalists

It had become clear that some Americans wanted the Constitution very much but that others did not want it at all. Those who wanted to approve it came to

be called Federalists, a group that included people such as Benjamin Franklin, William Paterson (the author of the New Jersey Plan that ultimately was not accepted), and Roger Sherman (the co author of the Great Compromise that outlined the structure of Congress). Those who opposed it became known as Anti-Federalists.

One of the main reasons the Federalists wanted a strong central government was because they thought this would help the national economy. The new United States had taken on a lot of war debt during the American Revolution. Moreover, states managing their own economies were looking out for their own interests, often creating barriers to trade with other states. The national economy was suffering, and the government had very little ability to do anything to fix it. To remedy this situation, the Constitution, as you may recall, included the Commerce Clause (Article I, Section 8):

Congress shall have the power . . . to regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Anti-Federalists were not happy that the original intent of the Constitutional Convention had been abandoned. The convention's purpose had been to revise the Articles of Confederation, not replace them. Anti-Federalists were alarmed that the central government being proposed appeared to have a lot of power. Also, there was, as yet, no bill of rights, which is a formal declaration of citizens' personal freedoms. Anti-Federalists believed that if state constitutions had clauses and provisions protecting people's individual rights, the national constitution needed them, too.

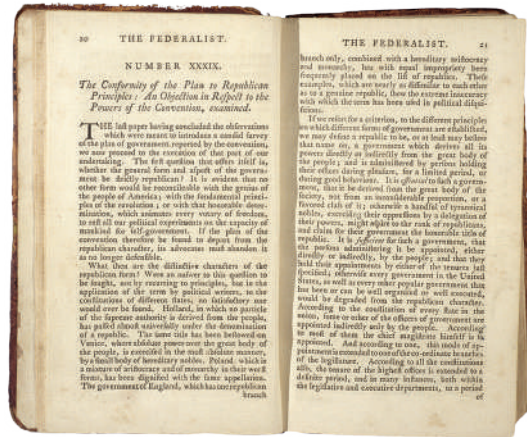
The Federalists wanted to get the Constitution ratified quickly in states where there was strong support and to put off votes in states where there was strong opposition. Among the leading supporters on the Federalist side were Alexander Hamilton and James Madison. Hamilton and Madison, as well as John Jay from New York, wrote eighty-five separate newspaper articles in which they discussed every part—practically every sentence—of the new Constitution. They explained to the American people why each part was important.

They explained how the new government would work. They also explained why the Articles of Confederation needed to be replaced. These essays became known as *The Federalist Papers*.

Patrick Henry, a Virginian, was one of the leading voices of the Anti-Federalists. He was especially concerned about the preamble to the Constitution:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Henry worried that the wording implied taking power from the states. Why, Henry asked, was it “we the people” and not “we the states”? The Anti-Federalists feared that the federal government would overreach in its attempts to “form a more perfect union.” The new United States had just broken away from a monarchy Americans viewed as tyrannical. Henry and the other Anti-Federalists were very wary of a central government that had as much power as the British monarchy.



The Federalist Papers set out to explain the ideas behind the creation of the U.S. Constitution.



Patrick Henry was an Anti-Federalist.

Important *Federalist Papers*

Number 1	It explains why a new Constitution is needed to replace the Articles of Confederation. It argues that the government established by the Constitution will be more stable and effective and protect the rights and liberties of the people.
Number 10	It warns that factions, or people with a narrow set of interests, could pose a threat to the interests of the whole country. It argues that the proposed federal system would limit the influence of factions.
Number 51	It emphasizes the importance of the separation of powers and checks and balances. It argues that the three branches of government set up by the Constitution would prevent any branch from becoming too powerful.

*Federalist Numbers 1, 10, and 51 are considered three of the most significant of the essays that became known as *The Federalist Papers*.*

Leading Virginians, some of whom played an important role in the Constitutional Convention, distrusted any constitution that did not include a bill of rights. They threatened to withhold support for ratification until one was added. In fact, George Mason, a Virginia delegate, demanded a bill of rights to protect personal liberties.

On the other hand, the Federalists, especially James Wilson, argued that the preamble made it obvious that the Constitution would protect the people. Alexander Hamilton felt strongly that a bill of rights could be harmful. He argued it would imply people did not possess those rights and that the national government might use it to claim more powers. He also argued that the Constitution already protects rights. Justice, tranquility, welfare, and liberty, the Federalists said, were hallmarks of a society in which individual freedoms were protected. Moreover, they claimed that the power of government came from the people themselves, not the states.

Massachusetts and Virginia were two states with the largest populations. If their conventions voted for ratification, chances were that other states would follow.

Ratification Dates for the Constitution



All the original states voted for ratification eventually.

John Hancock, a Boston merchant and a signer of the Declaration of Independence, made it his mission to get his home state of Massachusetts to agree to ratify. He made a promise: if Massachusetts supported the Constitution, he would make sure it contained a bill of rights. James Madison promised to lead the efforts to draft a bill of rights protecting individual liberties. Virginia, led by Anti-Federalist George Mason, then threw its support behind ratification. But when New Hampshire ratified the Constitution four days before Virginia, it became the ninth state to do so. With that, the new Constitution became the law of the land.

The first American president, George Washington, was **nonpartisan**, meaning he was not affiliated with any political party, which at the time were the Federalists and the Anti-Federalists. However, he seemed sympathetic to the former, with many members of his administration being Federalists. The second president, John Adams, would prove to be the only Federalist president. The party became divided over economic and other issues. By the end of the War of 1812, the Federalist Party ceased to exist.

Vocabulary
nonpartisan, adj.
 not affiliated with any political party

The Bill of Rights

James Madison was true to his word. He was elected to the House of Representatives in the new government, and he set to work putting together a bill of rights. He introduced his proposed amendments in June 1789. After debate in the House and the Senate, most of them were adopted and sent to the states for approval. Amending the Constitution requires a two-thirds majority in each house of Congress and then approval by three-fourths of the states. In 1791, ten of these amendments were ratified by the states and added to the Constitution.

These first ten amendments are known as the Bill of Rights. They protect each American's individual freedoms, as well as the power of the states. The addition of the Bill of Rights made the Constitution complete. With ratification finalized, celebrations



The Bill of Rights comprises the first ten amendments to the Constitution. There are a total of twenty-seven amendments today.

broke out across the country. The biggest one was in Philadelphia, where people organized parades, rang bells, and joyfully gathered in the streets. One leading citizen of the city said, "Now we are a nation."

The Bill of Rights established the legal protection of people's liberties. It guarantees freedom of speech, freedom of assembly, and freedom of the press. The freedom of speech in the First Amendment applies to both written and spoken words. Certain kinds of speech, however, are no longer protected by the First Amendment, such as speech that provokes crime, violence, or harm to another person. Freedom of assembly guarantees the rights of the American people to gather in groups. This is especially important in preserving the ability to protest, which can lead to changes in unjust laws.

The Bill of Rights also protects against unreasonable search and seizure of property by the government. For example, if police obtain evidence against a person without a warrant or **probable cause**, they cannot use it in court.

Vocabulary

probable cause, n.
reason to believe a person is guilty of a crime

The Bill of Rights guarantees many protections for people accused of a crime. In fact, four of the ten amendments in the Bill of Rights state the rights of the accused. These include the right of the accused to be judged by a jury of their peers. They are also guaranteed legal counsel, meaning that they do not have to represent themselves in court. They can always have a lawyer speak for them. Moreover, they do not have to say anything that might indicate they are guilty of a crime. The Fifth Amendment gives people the right to remain silent.

The Bill of Rights also guarantees religious freedom. This unique concept was borrowed from the Enlightenment, a movement that had spread new ideas about government, reason, and human rights. Throughout history, governments and religion were often intertwined, each using the other for its own political and social goals. The Bill of Rights, however, built on the Virginia Statute for Religious Freedom, which had been passed in 1786. The statute,

authored by Thomas Jefferson, protected citizens from a state-established religion and led to the principle of American religious freedom.

The Bill of Rights

Amendment	Protections, Freedoms, and Rights
First	Freedoms of religion, speech, press, assembly, and petition
Second	The right to bear arms
Third	Prohibition of the quartering of soldiers in private homes in peacetime without the owner's consent
Fourth	Protection against unreasonable searches and seizures of property and issuing of warrants without probable cause
Fifth	Protection against arrests without indictment; double jeopardy; self-incrimination; deprivation of life, liberty, or property without due process of law; and property seizure for public use without just compensation
Sixth	The rights to a speedy public trial, an impartial jury, confrontation of witnesses against the accused, the calling of witnesses on their behalf, and legal counsel
Seventh	The right to a jury of your peers
Eighth	Protection against excessive bail or fines and cruel or unusual punishment
Ninth	Statement that rights listed by the Constitution shall not imply that other rights do not exist
Tenth	Reservation of powers not delegated to the United States by the Constitution to the states or the people

The Commerce Clause and Native Americans

The Commerce Clause was important in ensuring that Congress could get the United States out of debt. However, it had another effect as well. As you know, the Commerce Clause explicitly gave Congress the right to regulate trade with Native Americans. This enabled the federal government to exercise some control over how American citizens interacted with Native Americans.

This was a necessary provision at the time the Constitution was ratified. The new United States was founded on land that had been home to Native Americans. And more and more Americans were moving into new areas. Many of these areas were also home to Native Americans, and conflicts were inevitable. The Commerce Clause made it clear who had the power to determine how trade could be conducted with Native American groups. It put this responsibility in the hands of the federal government, not the states.

About fifty years after the Constitution was ratified, the Supreme Court, under Chief Justice John Marshall, made several decisions that had a lasting impact on Native Americans. The Marshall court established the Supreme Court's power of **judicial review**. It handed down decisions that interpreted the Constitution across a range of matters. The decisions in *Johnson v. McIntosh* (1823), *Cherokee Nation v. Georgia* (1831), and *Worcester v. Georgia* (1832) recognized Native American peoples as distinct nations who could rule themselves without interference. Unfortunately, despite these rulings, Native American sovereignty would be ignored in the future.

Vocabulary

judicial review, n.
the ability of the Supreme Court to have the final say in whether laws adhere to the Constitution



Justices make decisions regarding the constitutionality of laws in the Supreme Court.

PRIMARY SOURCE: EXCERPT FROM *FEDERALIST* NUMBER 84 (1788) BY ALEXANDER HAMILTON

The *Federalist Papers* was a series of essays written by Federalists, including Alexander Hamilton, James Madison, and John Jay.

The most considerable of the remaining objections to the Constitution is that it contains no bill of rights. One response is that many states themselves lack a bill of rights. Another response is that the Constitution proposed by the convention contains a number of provisions that protect individual liberties.

I would also state that bills of rights are not only unnecessary in the proposed Constitution but would even be dangerous. They would contain suggestions that the national government had powers not granted and give false justifications to claim more than were granted.

There remains but one other view of this matter to conclude the point. The truth is that the Constitution is itself a bill of rights. The constitution of each state is its bill of rights. And the proposed Constitution, if adopted, will be the bill of rights of the Union [the United States].

PRIMARY SOURCE: FROM THE BILL OF RIGHTS

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Chapter 2

Structures, Powers, and Functions of the U.S. Government

Still Going Strong The United States looks a lot different than it looked in the 1780s when the Constitution was first written. However, the Constitution's strong guiding principles have survived the invention of electric lights, telephones, televisions, skyscrapers, and computers. Today's American citizens can still be heard debating about whom to vote for, as well as the issues of the day. Choosing representatives, meeting publicly to discuss laws, exercising our rights to free speech and a free press—surely if any of the Framers of the Constitution visited the nation today, they would find these practices quite familiar. Chances are, they would smile, congratulate each other, and say, “The Constitution we wrote more than two hundred years ago is alive and well in twenty-first-century America.”

The Framing Question

What is the structure of the U.S. government, and how does it function?

The Constitution has served the American people well because of its four strong guiding principles. The first of these guiding principles is the one that Thomas Jefferson stated in the Declaration of Independence: *Governments get “their*



Citizens of the United States have been engaging in respectful and open-minded debate for hundreds of years.

just powers from the consent of the governed.”

This means that “we the people” rule. Americans rule by choosing the people who represent us in government. We do this on the national level. We do it on the state level. We do it in the counties and cities in which we live. If we like the job our representatives have done, we can reelect them. If we don’t, we can choose others to represent us. If we don’t like the job the president has done in running our government, we can elect a new one. This idea is known as **popular sovereignty**, which means that the government’s authority depends on the people agreeing to respect and abide by that authority. It also guarantees the **rule of law**, which means that everyone, including government leaders, must follow the same laws. No one is above the law.

Vocabulary

popular sovereignty, n.
the idea that the government’s authority depends on the people agreeing to respect and abide by that authority

rule of law, n.
the principle that everyone, including government leaders, is subject to the same laws

The second guiding principle is *limited government*. The Constitution lists many things the national government may do. It can collect taxes and borrow money. It can control trade between the United States and other countries. It can make laws about immigration and citizenship. It can coin and print money, run a postal service, and create new courts. It can create an army and a navy, and it can declare war and make peace. Those are a lot of powers, to be sure. But the Constitution prevents the government from interfering with the freedoms and liberties of the people. The Bill of Rights spells out still other limits on the federal government. The Bill of Rights guarantees many individual rights and the rights of states that the government cannot take away. The principle of limited government is what guarantees people’s freedoms and guards against the possibility of government becoming too powerful.

The third guiding principle built into the U.S. Constitution is the *separation of powers*. The responsibility for government in the United States is split among

Vocabulary

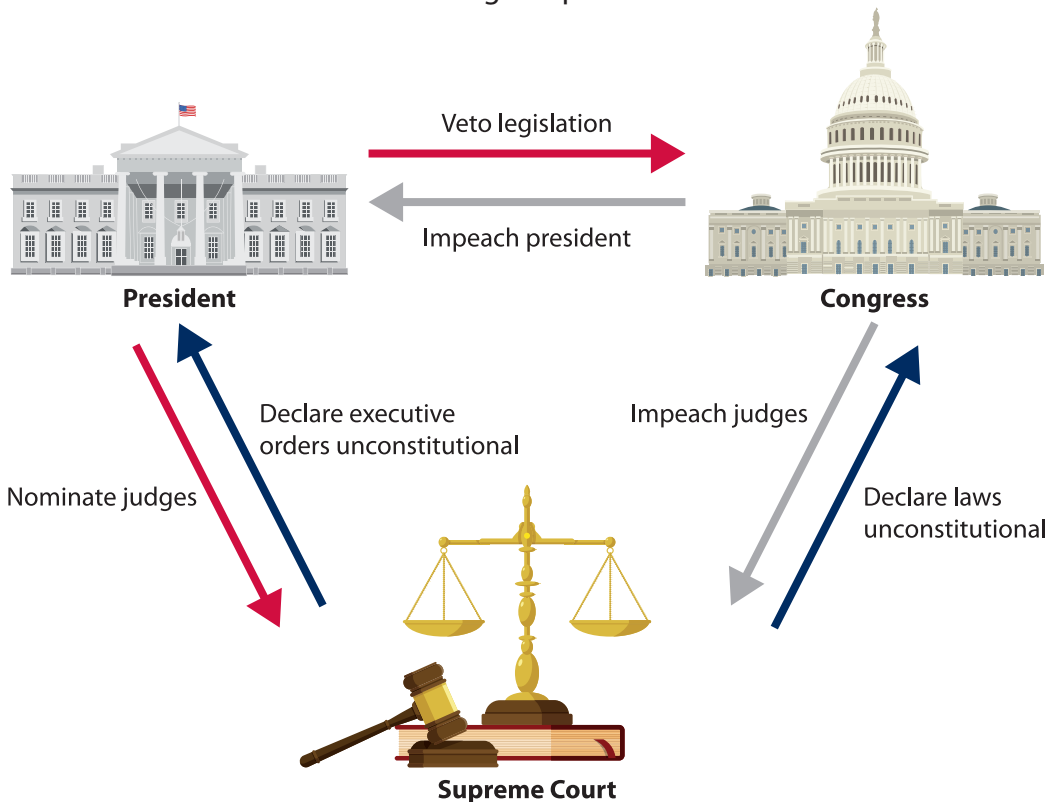
federalism, n. a system of government in which the national government shares power with other levels of government, such as the states

checks and balances, n. the division of power in the American government by which each branch prevents the others from becoming too powerful

three branches—legislative, executive, and judicial. Each branch has its own specific function, which you will read about later.

The fourth guiding principle is **federalism**. As you recall, the Constitution divides powers between the national government and the state governments. This distribution of power is called *federalism*. The trick to making a federal system work well is to give each level of government the jobs it does best.

The system of government set up in the Constitution includes **checks and balances**. This is a division of power by which each branch of the federal government prevents the others from becoming too powerful.



The Constitution built checks and balances into the American government.

The Legislative Branch

The Framers of the Constitution devoted Article I to the legislative branch, which they believed reflected the will of the people more than the judicial and executive branches. Article I split the legislature into two chambers: the House of Representatives and the Senate. The Constitution gave Congress certain powers, including the powers to make laws, declare war, regulate commerce, and borrow money.

The House of Representatives is often referred to as the “People’s House,” in part because a state’s representation is based on its population. Consequently, the states with more people have more representatives than those with fewer people. In 1929, the number of House members was capped at 435. Each represents a particular district in their home state. The House also includes six nonvoting delegations from the District of Columbia, Puerto Rico, American Samoa, Guam, the U.S. Virgin Islands, and the Northern Mariana Islands.

The Speaker of the House is the presiding officer. The Speaker is the most powerful person in the House. Generally, the Speaker is also a member of the political party that has a majority of members in the House.

The House has the “power of the purse.” In other words, all revenue and spending bills begin in the chamber. The House also has the power to impeach, or bring charges against, federal officials, including the president. The House can also break a tie in presidential elections, although that has happened only one time in U.S. history.

The Senate comprises one hundred senators, two from each state. At first, state legislatures, not voters, selected senators. That changed with the passage of the Seventeenth Amendment in 1913. This amendment provided for the direct election of senators in each state. One-third of the Senate is elected every two years.

The vice president of the United States presides over the Senate. The vice president has no official power except to cast a tie-breaking vote. As with

the House, the Constitution gives the Senate specific powers. For example, it has the power to confirm presidential appointments and ratify treaties with foreign governments. If the House impeaches a federal official, that official will stand trial in the Senate. If found guilty by two-thirds of senators, the impeached official is removed from office.

The House and the Senate must work together to pass legislation. Proposed laws, referred to as bills, can come from either chamber, except for bills involving revenue and taxation.

Appropriations bills typically begin in

the House too, but the Constitution doesn't require this. After a bill is introduced, it goes through various committees before a full vote is taken. If approved,

Vocabulary

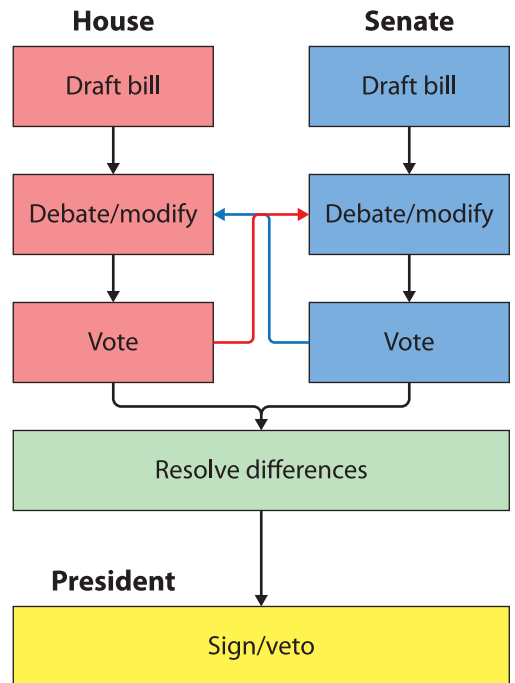
appropriation, n. money devoted to a particular purpose, such as a function of government

budget, n. an amount of money available for spending based on a plan for how it will be spent

levy, v. to impose

the bill is then passed to the other chamber, where the process is repeated. If the bill passes in both chambers, differences that may have arisen are resolved. Then the bill is sent to the president. If the president signs it, it becomes a law. If the president vetoes it, it does not become a law, unless the veto is overturned by Congress with a two-thirds vote. If the president does nothing and Congress is still in session, the bill becomes a law after ten days.

Part of Congress's job is to pass a **budget** each year to keep the government funded. Congress can **levy** taxes to pay for government services, such as



A bill must be approved by both chambers of Congress and then signed by the president before becoming a law.

running the military and funding social programs. Congress can also impose duties on imported goods and borrow money.

Oversight is another function of the legislative branch, especially when it comes to reviewing the policies of the executive branch. Congress has investigative power and can require people to testify and give evidence. This is another way Congress can hold the other branches of government—and itself—accountable.

Vocabulary

oversight, n. the action of watching over something

The Executive Branch

Article II of the Constitution outlines the powers of the executive branch and its chief executive—the president of the United States. As the chief executive, the president decides how laws are to be enforced. The president also appoints cabinet secretaries, judges, and ambassadors and negotiates treaties. The Constitution requires presidents to give an update on the state of the nation “from time to time” and gives them the power to veto laws passed by Congress. (Congress can, however, override a veto with a two-thirds vote.) Presidents can also pardon criminals convicted of federal crimes and issue **executive orders** to shape policy. Executive orders have the effect of law, essentially getting around the lawmaking authority of Congress. However, a president elected later on can retract a former president’s executive order.

Vocabulary

executive order, n. a decision made by an executive head of government, such as a president, that has the force of law

In addition to serving as chief executive, the president also acts as head of state, commander in chief of the military, and head of government. As head of state, the president represents the United States on the international stage. As commander in chief, the president runs the armed forces, although it is the job of Congress to declare war. As head of government, the president ensures that laws passed by Congress are carried out.



The president can seek the guidance of members of the cabinet when it comes to making decisions.

The president is assisted by the various departments and agencies that make up the executive branch. The leaders of many of these departments and agencies make up a panel of advisers called the cabinet. The president chooses cabinet members, who are then confirmed by the Senate.

The Judicial Branch

Article III of the Constitution created the judicial branch, made up of one Supreme Court and any number of lower courts, to be determined by Congress. Congress can create or abolish courts. It can add to or subtract from the number of judges in the federal system. Also, it can determine the jurisdiction of the courts.

The Supreme Court sits at the top of the judicial pyramid that includes circuit courts and district courts. Nine justices sit on the Supreme Court and serve for life or until retirement. Like other federal judges, Supreme Court justices can be removed through impeachment. The chief justice is the head of the Supreme Court and is in charge when the court is in session. The chief justice

can also determine which justice should write the opinion when a ruling has been made on a case.

The Supreme Court primarily hears **appeals** from federal and state courts. It decides which cases it wants to hear. Usually, the court will hear a case if there is a pressing constitutional issue that needs to be decided or clarified. In some cases, such as those that involve conflict between states, the Constitution gives the Supreme Court **original jurisdiction**. This means that no other court can hear the case.

Vocabulary

appeal, n. the process of bringing a legal case in front of a higher court to review the decision of a lower court

original jurisdiction, n. the power to review a legal case and apply the law

The Supreme Court has the final say on whether or not a law adheres to the Constitution. This is the principle of judicial review. If a law violates the Constitution, the Supreme Court has the ability to declare it unlawful.

Elections and Offices

The president and members of Congress are chosen by election, and Supreme Court justices are appointed by the president and confirmed by the Senate.

Although citizens vote in presidential elections, the president isn't chosen by **popular vote**. Instead, the Framers created the Electoral College to choose the president. The vote of the Electoral College does not always match the outcome of the popular vote. For example, George W. Bush became president in 2000 despite losing the popular vote.

Vocabulary

popular vote, n. the results of an election based on individual ballots cast by citizens

During a presidential election, people in each state actually vote for slates of electors who make up the Electoral College. In most states, the candidate who receives the most votes wins all of that state's electors. The number of electors in each state is based on its number of representatives in Congress. Texas, a highly populated state with a large congressional delegation,

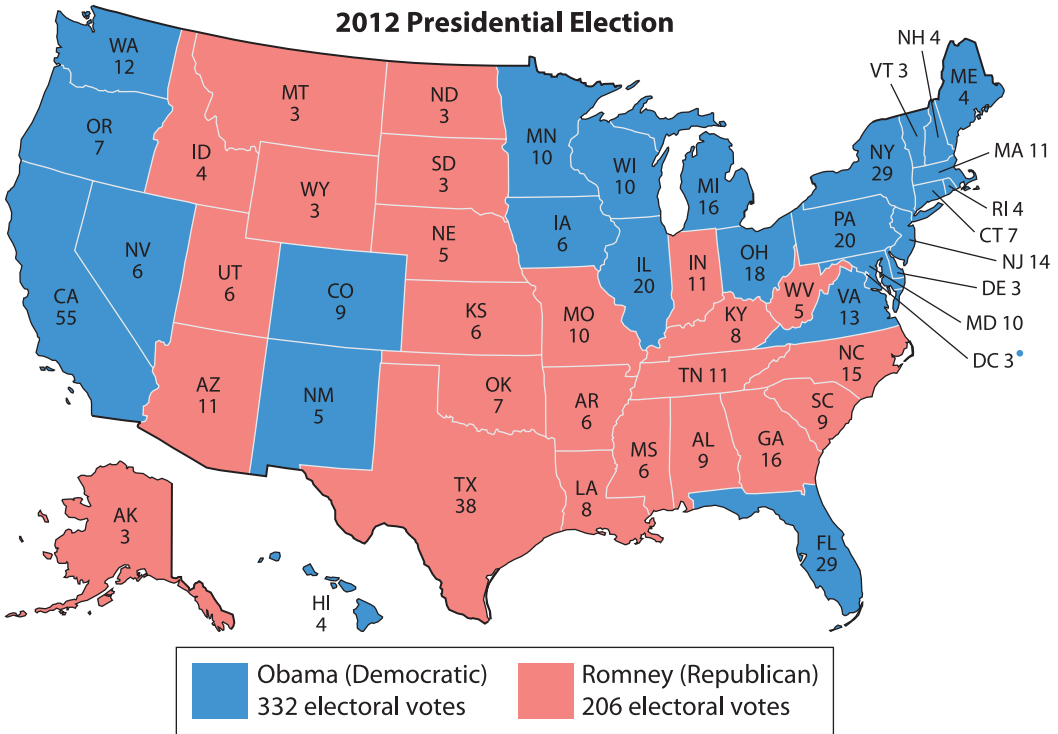
has more electoral votes than Connecticut, a small state with a smaller congressional delegation. The person who becomes president needs to win more than half of the country’s 538 electoral votes—270.

Significant Offices in the Federal Government

Office	Term	Responsibilities	Qualifications
President	four years	<ul style="list-style-type: none"> enforces laws appoints cabinet secretaries, judges, ambassadors negotiates treaties signs or vetoes laws issues executive orders pardons criminals 	<ul style="list-style-type: none"> natural-born citizen at least thirty-five years old has lived in the United States for at least fourteen years
Congress	two years (House) six years (Senate)	<ul style="list-style-type: none"> makes laws declares war regulates commerce borrow money impeaches officials (House) tries officials (Senate) confirms appointments (Senate) ratifies treaties (Senate) 	<ul style="list-style-type: none"> citizen at least twenty-five (House) or thirty (Senate) years old has lived in the United States for at least seven (House) or nine (Senate) years lives in the state represented
Supreme Court	life	<ul style="list-style-type: none"> hears appeals from lower courts makes decisions in cases between states determines if laws are constitutional 	<ul style="list-style-type: none"> appointed by the president and confirmed by the Senate

Obama (D) 332

206 Romney (R)



In the 2012 election, Barack Obama won the Electoral College vote against Mitt Romney.

Federalism

As you know, federalism is the system of dividing the powers of government between the national government and the state governments. Remember that federalism was born because the Articles of Confederation had given the states so much power over the central government that they virtually made each state an independent nation. The Framers of the Constitution tried to remedy this by striking a delicate balance between the national government and the states. Fearful of a strong central government, the Framers denied it certain powers. In fact, the Tenth Amendment says that the federal government has only those powers written in the Constitution, called **enumerated powers**.

Vocabulary

enumerated powers, n. powers of the federal government that are specifically listed in the Constitution

Other powers, called **reserved powers**, are left to the states. At times, the powers of the states and the federal government intersect. These are known as **concurrent powers**.

Amending the Constitution

The Framers of the Constitution could not think of every eventuality, so they created a way to amend, or change, the Constitution. They wanted to make the amendment process difficult but not impossible. If people want to change the Constitution, it has to be done with the consensus of the majority. To that end, each chamber of Congress has to approve any change by a two-thirds majority. Once that hurdle is passed, the measure goes to the states for ratification. Three-fourths of the states have to agree to an amendment before it becomes part of the Constitution.

As you have learned, the Bill of Rights comprises the first ten amendments to the Constitution. The rights guaranteed within them have been upheld throughout the nation's history by the Supreme Court.

Notably, the Third Amendment, which prohibits the quartering of soldiers in private homes, has never been tried at the level of the Supreme Court.

Significant Amendments to the Constitution

Amendment	Partial Text
Thirteenth Amendment	Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Vocabulary

reserved powers, n. powers in the U.S. system of government that belong to the states rather than the federal government

concurrent powers, n. powers in the U.S. system of government that are shared by the state and federal governments

Amendment	Partial Text
Fourteenth Amendment	All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
Nineteenth Amendment	The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.
Twenty-Second Amendment	No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.
Twenty-Fourth Amendment	The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

The Final Factor

As you read earlier, the four guiding principles that provided a foundation for the U.S. Constitution are what has helped it continue to serve the American people to this day. But there is one other reason for the success of the Constitution. It is the American people themselves. We have respected the Constitution and taken care to preserve it. And in return, the Constitution has taken care of us. Shortly after the Constitutional Convention ended, someone asked Benjamin Franklin what kind of government had just been created for the young country. He quipped, "A republic, if you can keep it."

PRIMARY SOURCE: FROM ARTICLE I OF THE U.S. CONSTITUTION

Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

Section 3

... The Senate shall have the sole Power to try all Impeachments. And no Person shall be convicted without the Concurrence of two thirds of the Members present. . . .

Section 7

... Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law. . . .

Section 8

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; . . .

To constitute Tribunals inferior to the supreme Court;

To declare War. . . ;

To raise and support Armies. . . ;

To provide and maintain a Navy;

... To make all laws that will be necessary and proper for carrying out these powers and all other powers given by this Constitution to the government of the United States.

PRIMARY SOURCE: FROM ARTICLE II OF THE U.S. CONSTITUTION

Section 1

The executive Power shall be vested in a President of the United States of America. . . .

Section 2

The President shall be Commander in Chief of the Army and Navy of the United States. . . .

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States. . . .

Glossary

A

appeal, n. the process of bringing a legal case in front of a higher court to review the decision of a lower court (22)

appropriation, n. money devoted to a particular purpose, such as a function of government (19)

B

budget, n. an amount of money available for spending based on a plan for how it will be spent (19)

C

checks and balances, n. the division of power in the American government by which each branch prevents the others from becoming too powerful (17)

concurrent powers, n. powers in the U.S. system of government that are shared by the state and federal governments (25)

E

enumerated powers, n. powers of the federal government that are specifically listed in the Constitution (24)

executive order, n. a decision made by an executive head of government, such as a president, that has the force of law (20)

F

federalism, n. a system of government in which the national government shares power with other levels of government, such as the states (17)

J

judicial review, n. the ability of the Supreme Court to have the final say in whether laws adhere to the Constitution (12)

L

levy, v. to impose (19)

N

nonpartisan, adj. not affiliated with any political party (9)

O

original jurisdiction, n. the power to review a legal case and apply the law (22)

oversight, n. the action of watching over something (20)

P

popular sovereignty, n. the idea that the government's authority depends on the people agreeing to respect and abide by that authority (16)

popular vote, n. the results of an election based on individual ballots cast by citizens (22)

probable cause, n. reason to believe a person is guilty of a crime (10)

R

ratify, v. to approve (4)

reserved powers, n. powers in the U.S. system of government that belong to the states rather than the federal government (25)

rule of law, n. the principle that everyone, including government leaders, is subject to the same laws (16)



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