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Study Guide

Chapter 3, Section 1

For use with textbook pages 52–54

The Road to the Constitution

KEY TERM

Constitutional Convention the meeting held in Philadelphia in 1787 to write a new constitution *(page 54)*

DRAWING FROM EXPERIENCE

What problems did the government have under the Articles of Confederation? How do you think the problems might have been solved?

In this section, you will learn about the decisions made at the Constitutional Convention. You will also learn about the delegates to the convention.

ORGANIZING YOUR THOUGHTS

Use the cause-and-effect diagram below to help you take notes. The Constitutional Convention started in May 1787. Explain why the convention started and the result of the meeting.

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Chapter 3, Section 1 (continued)

READ TO LEARN

• A Distinguished Gathering *(page 52)*

By early 1787, Congress realized that the national government had to be strengthened. It asked each state to send delegates to Philadelphia to fix the problems with the Articles of Confederation. Every state except Rhode Island sent delegates.

The convention started in Independence Hall in Pennsylvania on May 25, 1787. Most of the 55 delegates were lawyers, merchants, physicians, generals, governors, and planters who had political experience. Benjamin Franklin was the oldest delegate at 81 years of age. Most of the other delegates were in their thirties or forties. Many would go on to have successful political careers. Some important leaders were not at the convention. Thomas Jefferson and John Adams were in Europe representing the American government. Patrick Henry did not attend the convention because he was against it.

3. How many delegates attended the convention in Philadelphia in 1787?

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• Early Decisions *(page 53)*

The delegates appointed George Washington to supervise the convention. Washington was respected for his leadership in the American Revolution. His job was to call on speakers and to make sure that the meetings ran in an orderly fashion.

One of Washington's first actions was to appoint a committee to make rules for running the convention. The committee decided that meetings could only be held if the representatives of at least seven states were present. Decisions were to be made by a majority vote of the states.

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Chapter 3, Section 1 (continued)

Each state would have only one vote. The delegates agreed to keep what happened during the meetings secret. They promised not to tell outsiders what was going on at the convention. The public was not allowed to attend meetings. By keeping the meetings secret, the delegates hoped that they would be able to speak freely, without reaction from the public. They could more easily make deals with one another and change their minds on issues. No formal records of the meeting were kept. We know details about the convention from a notebook of daily events written by one of the delegates, James Madison.

The delegates set out to change the Articles of Confederation. Very soon, however, they realized that changing them would not be enough. They decided instead to write a new constitution. For this reason, the meeting became known as the **Constitutional Convention.**

4. How were decisions at the Constitutional Convention made?

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Chapter 3, Section 2

For use with textbook pages 55–59

Creating and Ratifying the Constitution

KEY TERMS

legislative branch the branch of government that makes laws *(page 55)*

executive branch the branch of government that carries out the laws *(page 55)*

judicial branch the branch of government that interprets the laws *(page 56)*

Great Compromise the compromise that resolved the problem of states' representation in Congress *(page 57)*

Three-Fifths Compromise the compromise that resolved the issue of how enslaved people would be counted in the population *(page 57)*

Electoral College a group of people named by each state legislature to select the president and vice president *(page 58)*

Federalists supporters of the Constitution *(page 58)*

federalism a form of government in which power is divided between the federal government and the states *(page 58)*

Anti-Federalists opponents of the Constitution *(page 59)*

DRAWING FROM EXPERIENCE

What is a compromise? What kinds of compromises do you think most people have to make in their daily lives?

The last section discussed the purpose of the Constitutional Convention. This section discusses the compromises made in the convention to reach an agreement on a new constitution.

ORGANIZING YOUR THOUGHTS

Use the chart on the next page to help you take notes. Delegates to the Constitutional Convention had to reach compromises in order to come to an agreement on a new constitution. Identify and describe the compromises made for each of the issues listed in the chart on the next page.

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Chapter 3, Section 2 (continued)

Issues	Compromise Reached
Representation in Congress	**1.**
Enslaved people	**2.**
Trade	**3.**
Electing the president	**4.**

READ TO LEARN

- **Two Opposing Plans** *(page 55)*

Shortly after the Constitutional Convention began, the delegates from Virginia presented a plan for the new government, which became known as the Virginia Plan. James Madison designed most of the plan. This plan called for a government made up of three branches. The **legislative branch** would make the laws. The **executive branch** would carry out the laws. The **judicial branch,** which was a system of courts, would interpret the laws. The Virginia Plan called for the legislative branch to be divided into two houses. The states would be represented based on their population, so the large states would have more votes than the smaller states. Delegates from the large states were in favor of the Virginia Plan. However, delegates from the small states feared that the large states would ignore the interests of the smaller states.

After two weeks of angry debates, William Paterson of New Jersey suggested another plan. This plan became known as the New Jersey Plan. It called for three branches of government. However, the legislative branch was to be made up of one house in which each state would get one vote. Under this plan, the small states would have the same power as the large states. Delegates from the large states opposed this plan because they believed that larger states should have more power than smaller states.

5. Why did the delegates from the large states support the Virginia Plan and oppose the New Jersey Plan?

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Chapter 3, Section 2 (continued)

• Constitutional Compromises *(page 56)*

Debates over the two plans went on for six weeks. Neither side was willing to give in. A committee headed by Roger Sherman of Connecticut came up with a solution. It suggested that Congress be made up of two houses—a Senate and a House of Representatives. States would have equal representation in the Senate. Representation in the House would be based on population. Although neither the large states nor the small states were completely satisfied, they agreed to the plan. Sherman's plan was called the Connecticut Compromise or the **Great Compromise.**

Delegates then faced the problem of how to count the population for the purposes of representation in Congress. At that time, more than 550,000 African Americans were enslaved. The Southern states wanted to count them as part of their population. The Northern states, which had few enslaved people, argued that because enslaved people did not participate in government they should not be used to increase representation in Congress. Delegates agreed to the **Three-Fifths Compromise.** Under this compromise, every five enslaved persons would count as three free persons. This meant that three-fifths of the slave population in each state would be used to determine representation in Congress. (This number would also be used to figure taxes.)

The Northern and Southern delegates also compromised on trade matters. The Northern states believed that Congress should regulate both foreign trade and trade between the states. Southern states opposed that because they feared that Congress would use the power to tax exports. Export taxes would hurt the Southern economy, which depended on exports. The Southern states also feared that Congress would stop slave traders from bringing enslaved people into the United States. The South depended on slave labor. The South and the North reached a compromise. The Southern states agreed that Congress could regulate trade between other nations and between the states. In return, the Northern states agreed that Congress could not tax exports and would not interfere with the slave trade before 1808.

The delegates also compromised on how the president should be chosen. Some delegates believed that Congress should choose the president. Other delegates believed that people should vote for the president. The solution to the disagreement was the **Electoral College.** This was a group of people who would be named by each state legislature to select the president and vice president. Today, the voters, not the legislatures, choose the electors.

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Chapter 3, Section 2 (continued)

6. Why did the Southern states not want Congress to regulate trade?

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• Approving the Constitution *(page 58)*

In September 1787, the Constitution was ready to be signed. Now the states had to ratify, or approve, it. Each state set up a ratifying convention to vote for or against the Constitution. At least 9 of the 13 states had to ratify the Constitution before it could become the supreme law of the land.

Those who supported the Constitution were called **Federalists.** They chose the name to stress that the Constitution would create a system of **federalism,** a form of government in which power is divided between the federal, or national, government and the states. In a series of essays known as *The Federalist* papers, the Federalists explained why the Constitution should be ratified. Federalists believed that the nation would not survive without a strong national government. Those who opposed the Constitution were known as the **Anti-Federalists.** They believed that the Constitution gave the national government too much power. They also believed it took away power from the states. The Anti-Federalists also believed that the Constitution should have included a bill of rights to protect basic freedoms of individuals.

The Federalists promised that if the Constitution was approved, the new government would add a bill of rights. That promise led more states to ratify the Constitution. The Constitution became the law of the land on June 21, 1788, when New Hampshire became the ninth state to ratify it. By 1790, all the states had ratified it. The 13 states became one nation, the United States of America.

7. Why did Anti-Federalists oppose ratification of the Constitution?

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Chapter 3, Section 3

For use with textbook pages 82–87

The Structure of the Constitution

KEY TERMS

Preamble the opening section of the Constitution *(page 83)*

amendment a change in the Constitution *(page 85)*

Bill of Rights the first 10 amendments to the Constitution *(page 85)*

income tax a tax on people's earnings *(page 85)*

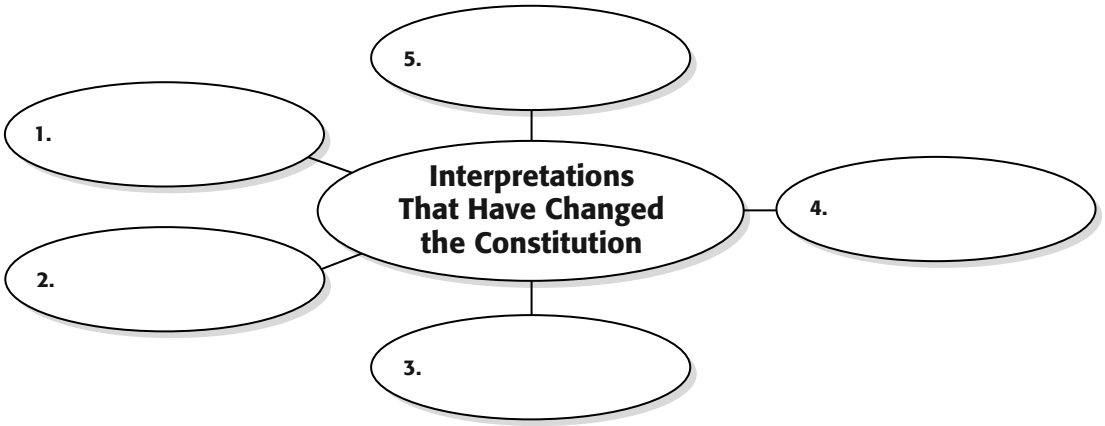
DRAWING FROM EXPERIENCE

The Constitution has been the supreme law of the United States for more than 200 years. Why do you think the Constitution has lasted so long?

The last section described the compromises made to reach an agreement on a new Constitution. This section describes how the Constitution is organized and how amendments can be added to it.

ORGANIZING YOUR THOUGHTS

Use the diagram below to help you take notes. The Constitution has been changed through amendments. The Constitution has also been changed through interpretation. In the diagram, list the kinds of interpretations that have led to changes in the interpretation of the Constitution.



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Chapter 3, Section 3 (continued)

READ TO LEARN

- **The Constitution and Its Parts** *(page 82)*

The Constitution provides the framework for the nation's government. It is the basic law of the land. The powers of the three branches of government come from the Constitution. It represents our system of government and our basic beliefs.

The Constitution has three main parts. The first part is the **Preamble.** This part tells why the Constitution was written. The Preamble states that the power of government comes from the people. It also states the six purposes of government.

Seven articles make up the second part of the Constitution. The first three articles describe the powers and responsibilities of each branch of government. Article I states that the legislative branch of the government is made up of a Congress of two houses—the Senate and the House of Representatives. The article explains how members of each house will be chosen and the rules they must follow in making laws. Article I lists the powers that Congress has and powers that they do not have.

Article II states that the executive branch of government is headed by a president and vice president. The article explains how the leaders are elected and how they can be removed from office. It also describes the president's power and duties.

Article III states that the judicial branch is the part of the government that interprets the law. It provides for a Supreme Court and lower courts that Congress would set up. Article III lists the powers of the federal courts and describes the kinds of cases they can hear.

Article IV of the Constitution deals with the states. It says that all states must respect each other's laws, court decisions, and records. The article also sets up the process for creating new states. Article V explains how **amendments,** or changes in the Constitution, are to be made. Article VI states that the Constitution is the supreme law of the land. It also states that if state laws or court decisions conflict with federal law, then the federal law prevails. Article VII states that the Constitution would take effect when nine states had ratified it.

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6. What do the first three articles of the Constitution deal with?

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• Amending the Constitution *(page 85)*

Since the Constitution was ratified, 27 amendments have been added to it. The first 10 amendments are known as the **Bill of Rights.** They were added in 1791. The Bill of Rights protects individual rights and freedoms. Other amendments deal with other matters. The Sixteenth Amendment, for example, gives Congress the power to collect an **income tax,** or a tax on people's earnings.

Although thousands of changes have been suggested to the Constitution in more than 200 years, only 27 amendments have become law. The Framers of the Constitution made it difficult to change the Constitution. They made sure that the Constitution could not be changed unless it had the support of the people.

Article V outlines the process that is necessary for amendments to be added to the Constitution. The process involves two steps. In the first step, an amendment is proposed. It can be proposed in one of two ways. Congress can propose an amendment. A vote of two-thirds of the members of both houses of Congress is necessary for an amendment to be proposed. This is the method that has been used for all the amendments so far. The other method is by a national convention called for by two-thirds of the state legislatures.

Once an amendment is proposed, three-fourths of the states must ratify it. The states can do this through a vote of either the state legislature or a special state convention. All but one amendment has been ratified by the vote of the state legislatures.

7. Why have the Framers made it difficult to amend the Constitution?

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• Interpreting the Constitution *(page 86)*

The Constitution has been changed in other ways than through amendments. It has been changed through interpretation. Article I gives Congress the power to make laws that it considers necessary to carry out its duties. It allows Congress to exercise powers that are not specifically listed in the Constitution. Some people believe that Congress should be allowed to make any laws that the Constitution does not forbid. These people believe in a loose interpretation of the Constitution. Other people believe that Congress should only make the kinds of laws that the Constitution mentions. These people believe in a strict interpretation of the Constitution.

The Supreme Court has the power to interpret the Constitution. Over the years, the Supreme Court has sometimes interpreted it loosely and sometimes strictly. The government changes with each new interpretation.

The actions of the president and Congress have also caused new interpretations of the Constitution. For example, presidents have made agreements with other countries without the approval of Congress. Presidents also have requested legislation from Congress. The Constitution does not direct the president to take these actions.

The interpretation of the Constitution has also changed through customs that have developed. For example, the Constitution does not mention political parties. However, they have become an important part of today's political system.

8. In what ways has the Supreme Court interpreted the Constitution over the years?

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Chapter 3, Section 4

For use with textbook pages 89–93

Principles Underlying the Constitution

KEY TERMS

popular sovereignty the principle that the power of government lies with the people *(page 89)*

rule of law the principle that the law applies to everyone *(page 90)*

separation of powers the split of the authority of government among the legislative, executive, and judicial branches of government *(page 91)*

checks and balances the system in which each branch of government is able to check the power of the other branches *(page 91)*

expressed powers the powers specifically granted to the national government *(page 92)*

reserved powers the powers that the Constitution does not give to the national government and are kept by the states *(page 92)*

concurrent powers the powers that both the national government and the state governments can exercise *(page 93)*

DRAWING FROM EXPERIENCE

What do you think is meant by the words "government of the people?" In what way do the words apply to the United States government?

The last section described the structure of the Constitution. This section explains the principles that the Framers of the Constitution applied in setting up the new government.

ORGANIZING YOUR THOUGHTS

Use the diagram on the next page to help you take notes. The Constitution gives the government the powers it needs to run efficiently, but it also limits the powers. In the diagram, list the ways that the Constitution limits the powers of the government.

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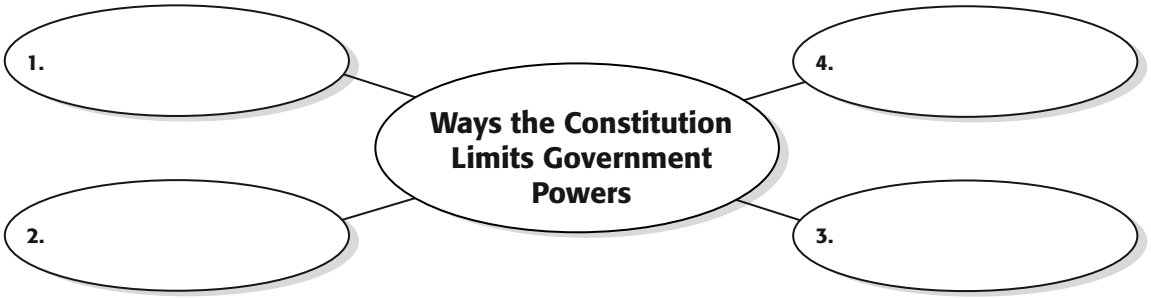

READ TO LEARN

- **Popular Sovereignty** *(page 89)*

The Framers of the Constitution applied five principles in creating this government. The government established by the Constitution is a republic. Today a republic is any representative government that is headed by a leader such as a president rather than a king or queen. The Framers of the Constitution considered a republic to be a representative democracy. In a republic, power belongs to the people. The people express their will through elected representatives. The idea that power lies with the people is called **popular sovereignty.** This principle is expressed in the Declaration of Independence and in the Preamble of the Constitution.

The Constitution includes provisions that ensure popular sovereignty. It gives citizens the right to vote. People exercise power when they vote for their representatives. Elected officials are always accountable to the people. The Constitution provides for regularly scheduled elections. People can reject and replace representatives who do not serve them well.

5. How does the Constitution provide for popular sovereignty?

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• Rule of Law *(page 90)*

The Constitution limits the power of both the federal government and the state governments. It indicates what they can and cannot do. The Constitution also states that the government is limited by the **rule of law.** This means that the law applies to everyone, even government leaders.

6. What does the principle of "rule of law" mean?

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• Separation of Powers *(page 91)*

The Constitution helps reduce the threat of the government abusing its power by dividing the government into branches. Each branch has its own purpose. The separation of government into the legislative, executive, and judicial branches is called the **separation of powers.**

7. What is separation of powers?

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• Checks and Balances *(page 91)*

The Constitution makes sure that no branch of government becomes too powerful by including a system of **checks and balances.** Each branch of government can check on the other branch. For example, the

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Chapter 3, Section 4 (continued)

president can veto laws passed by Congress. Congress can block presidential appointments and treaties. The Supreme Court can check the other two branches by overturning laws and executive policies that it rules are against the Constitution.

8. Why does the Constitution include a system of checks and balances?

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• Federalism *(page 92)*

Under federalism, the national government and state governments share power. Americans must obey both federal and state laws. The Constitution gives the national government certain exclusive powers. For example, only the national government has the power to coin money. The powers that are specifically given to the national government are called **expressed powers.** Those powers that the Constitution does not give specifically to the national government are kept by the states. These powers are called **reserved powers.** These powers include establishing schools and making rules for marriage. Some powers are exercised by both the national and state governments. These powers are called **concurrent powers.** The power to collect taxes is an example of concurrent powers.

Sometimes the laws of the nation and those of a state may conflict. For this reason, the Framers of the Constitution included the supremacy clause in Article VI. This clause declares that the Constitution is the supreme law of the land. The national government is not supposed to act against it. Also, states may not do anything that goes against the federal laws or the Constitution. By including the principles of popular sovereignty, the rule of law, separation of powers, checks and balances, and federalism, the Framers made sure that the Constitution gave government leaders enough power to run the country and protect people's rights. At the same time, the Constitution set limits on the government.

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9. How is power divided under federalism?

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