
The U.S. Constitution

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A Nation Built on Democracy

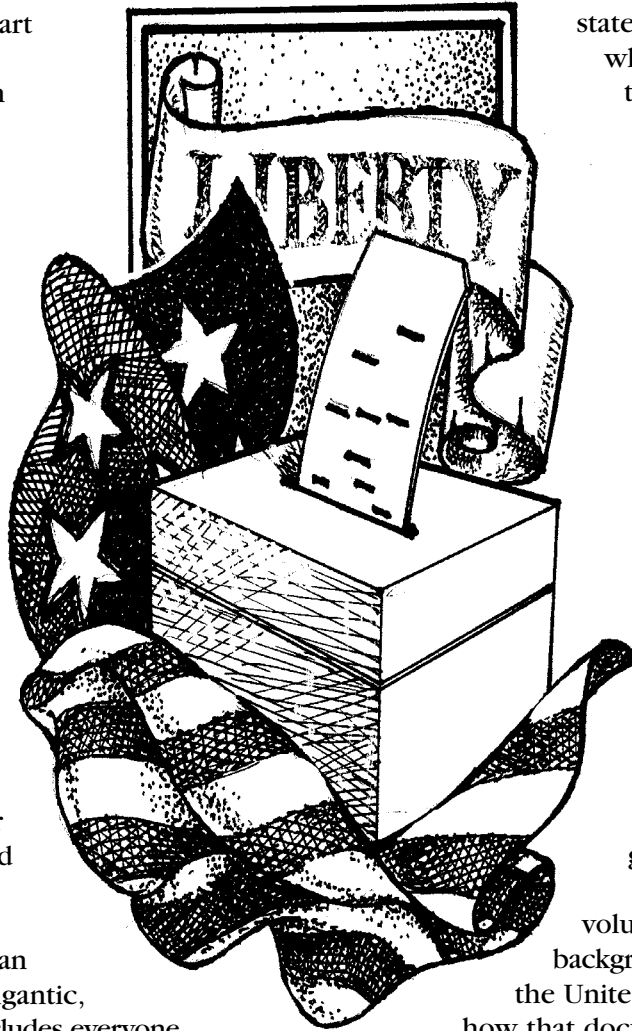
An Introduction

It begins within the heart of every citizen. For some Americans, it happens when they see the American flag; for others, it is the sight of the monuments in the nation's capital or the words of our national anthem. Whatever symbol arouses their patriotism, most Americans are thankful they live in a nation as free as the United States of America.

But what is this nation all about? How are we more free than the people of other countries? Why do we think of ourselves as living in a land of liberty? And what structures provide a framework for our values of liberty, equality, and human rights?

The answers rest in our political system. The American political system today is a gigantic, multi-level organism that includes everyone who participates in politics, elections, government, and matters of law. This includes the 18-year-old who goes to the polls and votes for the candidate he/she considers the most qualified for the job. It includes the police officer in the streets, who has sworn to serve and protect the citizens of his/her precinct. It includes the delegate to a national convention who shares in the responsibility of nominating the president. It includes the president of the United States who carries, perhaps, the greatest responsibility of the American political system.

From the citizens who attend local school board meetings and speak their minds to a powerful



state governor, to a U.S. Senator who helps create a new law, to the chief executive who enforces those laws—the American political system is designed to meet the challenges of living in a democracy as large as the United States and to provide opportunities for responsible involvement on the part of millions of American citizens.

The purpose of this book is to examine the nature of the American political system, including how government was created in early America, how government continues to serve its citizens, and how government works.

Through the pages of this volume, the reader will learn the background behind the writing of the United States Constitution and how that document has served the American public through today. We will focus on the nature of political power and authority in American government and how such power is intended to serve the American will. Our study will make clear why our system of government is not only practical but among the best systems for allowing the greatest number of freedoms and rights for its citizens.

Overall, the purpose of this volume is to have the reader gain an understanding of the principles on which this government is founded and how those ideals continue to set the course for the nation and the agendas of its politicians and citizens.

The Meaning of Democracy

More than two hundred years have passed since the writing of the United States Constitution in 1787. Simple in construction and design (only 4300 words long), this founding document established a federal system of government based on republican principles.

But what of the present role of the U.S. Constitution? Does it continue to serve as a viable framework for government? Does it truly serve the majority of the American people? As we move further into the Constitution's third century, do the words of this document remain a relevant force and framework for the enhancement of democracy in America? This book will help you answer such questions.

Rooted in Democracy

Most Americans believe that the core ideal of the American political system is democracy. But what is democracy? How do we define it as Americans? Does it continue to serve as the best of American ideals today? Are there different types of democracy? If so, what type of democracy does the United States exemplify?

First, some definitions and sources. The United States did not invent the concept of democracy. The word democracy is an ancient term used by the Greeks beginning around the 400s B.C. It comes from a combination of two Greek terms: *demos*, referring to "the people" or "the masses," and *kratos*, meaning "power." In combination, the ancient Greeks thought of democracy as rule by the people.

With this as the working definition, some ancient Greeks held democracy at arms length—afraid of mob rule. Common people were not considered adequately educated to govern themselves. Even Greek city-states such as Athens that practiced democracy only used a limited form, with rule held in the hands of the educated elite.

Even in the early years of creating the United States, for some of the Founding Fathers the word

democracy carried the idea of mob rule. But today, we think of democracy only in positive terms. We view democracy as a state where an informed electorate participates in government, giving it shape and direction.

Review and Write

1. The founding principle of the United States is democracy. What is your definition of democracy? Does democracy have limits? Or is the purpose of democracy to create a government that allows its citizens complete freedom without obligation or boundaries?

2. Discuss the etymology of the word "democracy."

3. Compare the democracy of the ancient Greeks with that of the Founding Fathers.

The Scope of Presidential Power

Presidential power extends in a multitude of directions. Not only does the president of the United States hold extraordinary power over the government's bureaucracy and military, the modern president is recognized as one of the most significant of all world leaders.

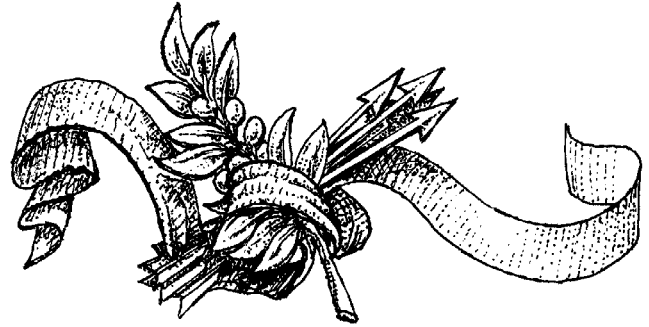
Since World War II (1939–1945), the United States has held a dominant position among the leading nations of the free world. The end of World War II resulted in a distinct division between the Western powers, which included the United States, Western European nations, and Japan, and the Communist countries dominated by the Soviet Union and Communist China (by 1949).

This role of president-as-world-leader was not a recognized power of the presidency until the 20th century. Early presidents, such as George Washington and Thomas Jefferson, encouraged their countrymen not to become embroiled in foreign entanglements. Throughout the 19th century, American presidents were not considered important world leaders. Most of those presidents pursued extremely limited foreign policy agendas.

By the beginning of the 20th century, the United States pursued more aggressive foreign policy. Theodore Roosevelt (1901–1909) believed in the power of the presidency to influence world events. He supported a Panamanian revolution against Colombia so the United States could gain a favorable treaty with Panama, allowing the United States to build the Panama Canal. President Woodrow Wilson (1913–1921) took the U.S. into World War I, dreaming of extending American influence across Europe through his League of Nations.

Over the half century following World War II, Western powers and Communist nations fought a costly ideological war, vying with one another for international preeminence—a struggle which ultimately brought the United States into a position of world leadership.

America's postwar presidents—including Harry Truman, Dwight Eisenhower, and John Kennedy—took a strong position in opposition to the expansion of communism around the world. Their leadership, and that provided by other



presidents from the 1960s through the 1980s, helped to provide leadership for the West in meeting the challenge of communism.

The American presidency has continued to wield a worldwide influence. In 1990–91, President George H.W. Bush was able to bring together a coalition of nations in opposition to the aggression of Middle Eastern leader Saddam Hussein of Iraq. Using the United Nations as the focus of the coalition, Bush drummed up both military and economic support for the Persian Gulf War that succeeded in removing all Iraqi troops from neighboring Kuwait. His influence continued past his presidency with other leaders, including George W. Bush, accusing Saddam Hussein of violating the terms of the cease fire. In 2003, the United States, the United Kingdom, Australia, and Poland invaded Iraq, signaling the start of the Iraq War. Saddam Hussein was eventually caught and sentenced to death.

Sometimes, however, presidents attempt to influence other nations and fail. President Clinton attempted to bring Western European nations into the long-standing conflicts of the Balkan region. However, European powers were not willing to commit adequate resources and manpower to the region. In addition, Clinton was not prepared to commit American resources and his military to the Balkans without European assistance. His attempt to provide world leadership fell on deaf ears.

A limited, relatively weak presidency is a thing of the past. The U.S. president is now considered one of the most important world leaders. With this expectation comes tremendous responsibility for those who serve as chief executive.

The Supreme Court

The Supreme Court building in Washington, D.C., is an impressive structure. Located just a short walk from the U.S. Capitol, its marble facade rests on massive pillars. This grand temple of law represents the Constitution's goal of creating a government based on laws. High atop the building's west portico, chiseled in stone, are the words *EQUAL JUSTICE UNDER THE LAW*. These words suggest the purpose of the Supreme Court—to provide the final authority in legal cases without prejudice and to render decisions based only on the law.

The Supreme Court of the United States—as its name clearly implies—is the highest, most powerful court in the land. It hears cases presented from lower courts and makes decisions that are binding. The Constitution provides no means by which a Supreme Court decision can be overturned.

It is the only court specifically mentioned in the Constitution. It is also a small body of people. Today the Supreme Court includes nine members, or justices. (The number has varied over the past two hundred years from six to ten.) A chief justice presides over the Court. All the justices serve for life. (They may choose to retire voluntarily.)

The court is in session from the first Monday in October through the month of June. However, the justices do not hear cases for all of those months. They remain largely out of the public eye and are rarely seen. They only hear cases and legal arguments during fourteen weeks of their annual session. Cases are heard on Mondays, Tuesdays, and Wednesdays, during alternating two-week periods, beginning in October and ending in April.

What kinds of cases do the justices on the Supreme Court hear? To begin with, the number of cases that reach the full court are few each year, averaging about 100 cases a season. That is a small number compared to the approximately 8000 that may be filed for the court's consideration. Those not chosen by the court are denied review and the lower court decision stands.

The Supreme Court is not required to hear any

specific case. It chooses the cases it wants to hear. When attorneys want the court to consider a case, they file a petition for a *writ of certiorari*. This petition is a request to the court to hear a case. The justices may refuse any and all cases.

Most of the cases are not looked at by the justices themselves but by their pool of law clerks. These people often pick the cases the justices will hear. The justices later look at the selected cases and decide which ones they want to hear. Approximately 90 percent of the cases selected for the court's review are rejected by the justices.

Once a case is picked for the court's hearing, the parties involved are contacted and ordered to file briefs explaining their arguments concerning the case. A key part of the court's proceedings is the oral argument phase where both sides present oral statements before all nine members of the court. After hearing a case, the justices decide their opinions. They base their decisions on majority rule.

The justices meet in conference and present their opinions. Usually the majority opinion is clear. One justice is selected to write the majority opinion known as the opinion of the court. Once these decisions are made they become binding law.

Review and Write

The Supreme Court has the power to decide what cases it wants to hear. Do you think the Supreme Court should have that much power? Explain.
