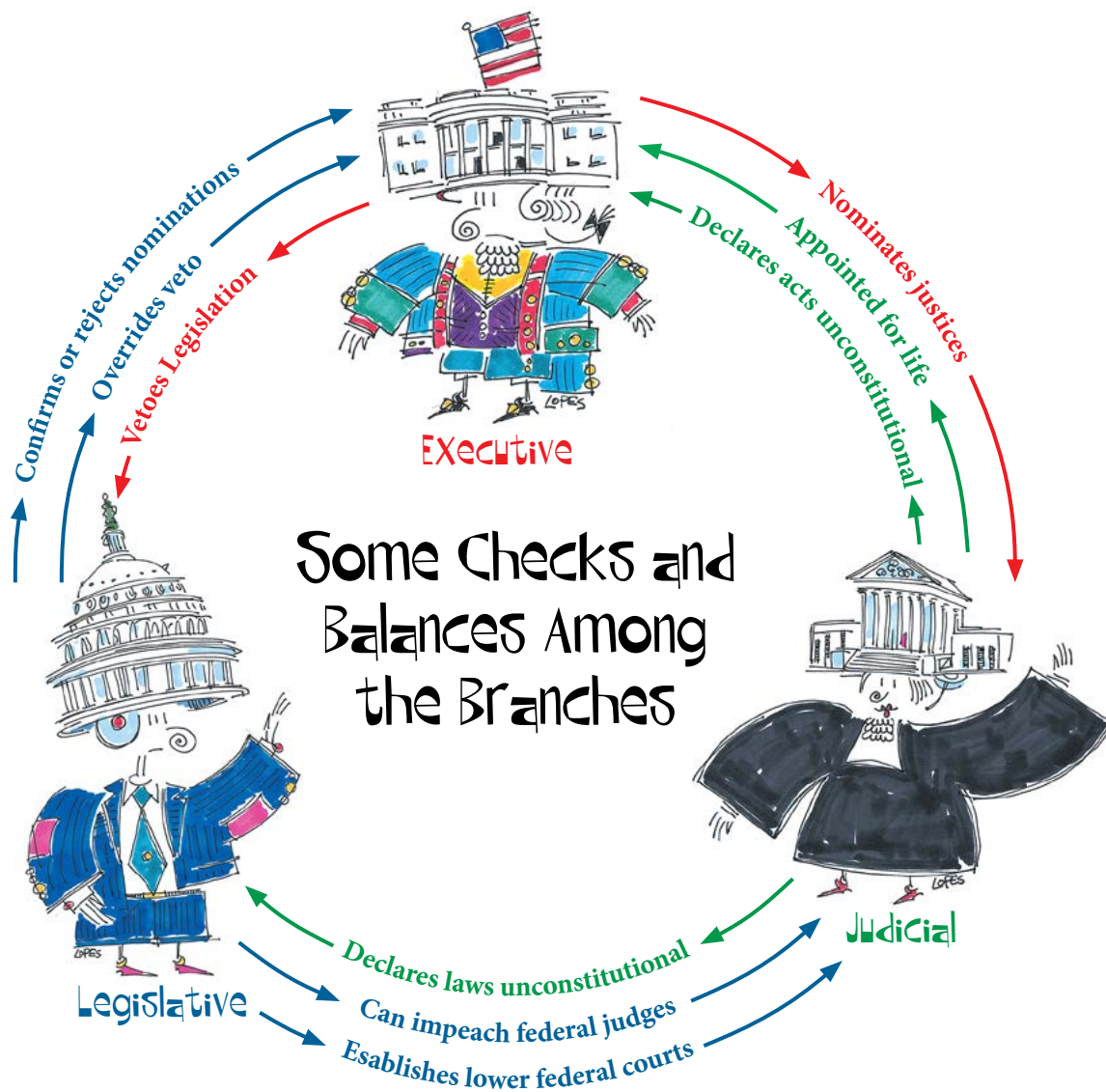


A Product of **Argument** and **Compromise**

The men who wrote the U.S. Constitution had various goals, and they disagreed about many of them. They wanted a strong national leader, but not a king. They wanted laws made by representatives of the people, but not rule by a mob. And, they wanted courts of law that would act independently, using the guidelines set by the Constitution.



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After weeks of argument and compromise, the Framers developed a plan that created a new kind of government. Beginning with: “We the people of the United States . . .,” the Constitution implies that it is the people who choose—and, if necessary, change—their government and its leaders.

The Framers were skeptical of a powerful government. They divided power among three branches: legislative, executive, and judicial. The Constitution spells out the specific duties of each branch, as well as what each one may not do. Finally, the Constitution gives each branch ways to limit the actions of the other two. This system is called “checks and balances.” For instance, the president (executive branch) can veto, or turn down, laws passed by Congress. On the other hand, if Congress (legislative branch) can gather enough votes, it can override the president’s veto.

More than two hundred years have passed since this great document was written. Since then, to keep up with changing times, Congress has passed other laws that expand and further interpret the Constitution’s basic ideas.



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The Capitol

A Look at the Legislative Branch

People often think of the executive branch—the president and others in his administration—as the center of government. The Constitution, though, places the legislative branch first. Article I sets up a two-house Congress—the Senate and the House of Representatives. Both make their own rules and choose their own leaders. To be a senator, one must be at least thirty years old; representatives must be twenty-five.

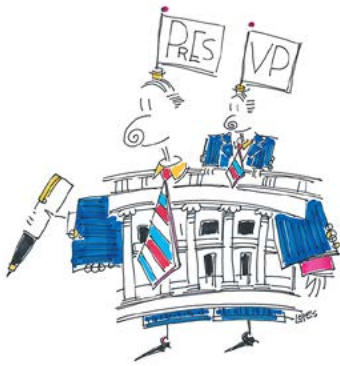
Today, the Senate has one hundred members—two from each of America’s fifty states. Voters from each state elect their senators to six-year terms. (Originally, the writers of the Constitution did not trust the “common citizen” voters, so state legislatures chose senators. In 1913, that was changed by an amendment to the Constitution.)

The House of Representatives is supposed to reflect changing American public opinion. Its members are elected every two years. The number of representatives from each state depends on the state’s population. If a state

gains or loses population, the number of representatives it has may change. Every state is promised at least one representative, however. In 1910, Congress limited the total House membership to 435.

The Constitution spells out many Congressional powers. Important jobs include making national laws, imposing taxes, coining money, maintaining an army and navy, declaring war, and authorizing government spending. Congress has the power to pass any laws needed to carry out those duties.

The Constitution also defines things Congress cannot do. For example, it cannot tax goods exported by a state. Similarly, the Constitution lists tasks that individual states must not do. A state cannot issue its own money, for instance.



The White House

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Exploring the Executive Branch

Diplomats are people who have been appointed to represent a government in its dealings with other governments.

The Constitution names just two members of the executive branch—the president and the vice president. Unlike the specific tasks the Constitution lists for Congress, it describes the president’s job in very general terms. Mainly, according to Article II of the document, the president must “take care that the laws be faithfully executed.” The president also is commander in chief of the armed forces. In addition, he names **diplomats**, grants pardons, and makes other major appointments to his administration.

The Constitution says even less about the job of the vice president. And, there is no mention of the Cabinet, which consists of the men and women who head various governmental departments and advise the president. The Framers of the Constitution would be very surprised at the size of the executive branch today.

Many people do not realize that Americans do not vote directly for a president.

The Constitution sets up a complicated system called the Electoral College. Voters in each state actually choose electors, who are pledged to support a certain candidate (though legally they can change their vote). The electors then meet, cast their votes, and choose a president.

According to the Constitution, a president must be at least thirty-five years old and must have been born an American citizen. A candidate is elected to

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a four-year term. Constitutional amendments have changed some aspects of electing and replacing the chief executive. For example, a 1951 amendment ruled that a person can be elected only twice to the presidency.



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The Supreme Court

The Juice on the Judicial Branch

The job of the judicial branch, as described in Article III of the U.S. Constitution, is to interpret the laws made by Congress. The Constitution establishes a Supreme Court and gives Congress the power to establish lower federal courts. (Each state also has its own court system.) The president appoints all federal court judges, including the justices of the Supreme Court. The Senate must approve all these appointments.

The Supreme Court has original **jurisdiction** in a few types of cases, such as disputes between states or those involving diplomats. All other cases come to the Supreme Court on appeal; that is, they have been decided in a lower court, but the lawyers want another opinion. The Supreme Court is the final authority in such cases.

One of the Supreme Court’s best-known powers is the ability to declare a local, state, or federal law unconstitutional. This power to review laws to see if they disagree with the principles of the Constitution is not actually in the document. It was established in a landmark court decision of 1803, in the case of *Marbury v. Madison*. Chief Justice John Marshall declared, “It is emphatically . . . the duty of the judicial department to say what the law is.” This decision made clear that, as Article VI states, the Constitution is “the supreme law of the land.”

Jurisdiction is the right and power to interpret and apply laws. “Original jurisdiction” means that a court is the first to hear a case.

The U.S. Court System

There are state and federal courts in the U.S. system. State courts handle state law-related cases, while federal courts address criminal and civil suits related to federal law. To appeal a case means to request the right to try the case again in front of a higher court.

Federal Courts:

- U.S. Supreme Court
- U.S. Court of Appeals
- U.S. District Court
- Tariff Court
- Tax Court

State Courts:

- State Supreme Court
- Court of Appeals
- General Trial Courts
- Municipal Courts



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The Facts of Federalism

To fully understand the workings of America’s central government, it is important to understand what federal means. According to the American Heritage Dictionary, federal is defined as “a form of government in which a union of states recognizes the **sovereignty** of a central authority while also keeping some powers of government on a local level.”

What does that mean for us in the twenty-first century? In a simplified way, it means that certain powers are divided between the federal, or central, government and the fifty state governments. The federal government in Washington, D.C., is responsible for things or events that affect America’s citizens as a nation. This ranges from a national taxing system to the kinds of relationships the United States has with other countries in the world. The state governments, meanwhile, provide localized control of issues that pertain more specifically to each of the states. These include such topics as maintaining roads and structures, determining education issues, and establishing individual state taxing systems.

Our Founding Fathers—with their suspicion of a strong central government and support of states’ rights—might be surprised today to see how the federal government has evolved. Laws passed by Congress and interpreted by the Supreme Court more often have supported the establishment of a strong national government at the expense of the states.

A map of the United States (above), including the British and Spanish territories, published after the treaty of 1784.

Sovereignty means supremacy or power.