



FLORIDA...

The Story Continues

CHAPTER 3, The United States Constitution

PLACES

1915: Fellsmere allows women to vote—five years before the 19th Amendment. In February 1915 the citizens of Fellsmere approved a city charter that gave women “full and equal privilege for suffrage in municipal elections.” On June 19 of that year, Mrs. Zena Dreier was the first woman in Florida—and south of the Mason-Dixon Line—to vote in a municipal election. In 1919, the 19th Amendment to the U.S. Constitution finally granted voting rights to all American women.

PEOPLE

Present: The Florida governor has the power to veto bills. When a bill comes before the governor, the governor can sign the bill, approve it without signing it, or veto it. A vetoed bill cannot become law unless it is sent back to both houses of the legislature and passed by a two-thirds vote. The governor also has the right to veto certain items in bills dealing with budget expenditures without vetoing the entire bill. This is called a line-item veto. The power to veto is the governor’s strongest constitutional power.

EVENTS

1956: Tallahassee bus boycott. On May 26, 1956, two African American students at Florida A&M University were arrested in Tallahassee because they refused to give up their bus seats to white passengers. The next night a cross was burned outside their home. Within days, Tallahassee’s black citizens had begun boycotting the city’s buses. The boycott lasted mainly from May to December 1956, when the bus company stopped enforcing segregation laws. Buses were officially desegregated in Tallahassee in May 1958.

PEOPLE**1860: Madison S. Perry calls for delegates to Secession Convention.**

The 1860 presidential election of Abraham Lincoln was unpopular in many southern states like Florida, where slavery was legal. White southerners feared that Lincoln would try to end slavery. So in November 1860, Florida Governor Madison S. Perry called for the election of delegates to a convention regarding the state's possible withdrawal from the Union. On January 10, 1861, Florida seceded from the United States of America. By February, Florida and six other southern states had formed a new government, the Confederate States of America.

PLACES**1876: Temple Beth-El becomes first Jewish congregation in Florida.**

The first Jews came to Florida in 1763, settling in Pensacola. Florida's Jewish population grew slowly at first. But in 1876, Temple Beth El was founded in Pensacola as Florida's first Jewish

congregation. By 1940, there were about 25,000 Jews in Florida. Twenty years later, there were 175,000. Today, Florida has the third-largest Jewish population in the U.S.

EVENTS**1838–1968: Florida's constitutions.**

Florida has been ruled by six different constitutions. The first dates from 1838. The 1861 constitution authorized secession. The 1865 version was rejected by Congress; the constitution of 1868 allowed Florida to rejoin the union. An 1885 version was in place until the current constitution was ratified on November 5, 1968.



Unpacking the Florida Standards <...>

Read the following to learn what this standard says and what it means. See FL8-FL20 to unpack all the other standards related to this chapter.

Benchmark SS.7.C.1.2 Trace the impact that the Magna Carta, English Bill of Rights, Mayflower Compact, and Thomas Paine's "Common Sense" had on colonists' views of government.

What does it mean?

Identify and explain the importance of landmark documents that shaped the English colonists' understanding of the proper role of government. Describe the influential ideas in Magna Carta, the English Bill of Rights, the Mayflower Compact, and Thomas Paine's "Common Sense." Go to Chapter 2, Foundations of Government, for help.

CHAPTER 3

THE UNITED STATES CONSTITUTION

Essential Question What are the goals and structure of the Constitution?



Florida Next Generation Sunshine State Standards

SS.7.C.1.1 Recognize how Enlightenment ideas including Montesquieu's view of separation of power and John Locke's theories related to natural law and how Locke's social contract influenced the Founding Fathers. **SS.7.C.1.2** Trace the impact that the Magna Carta, English Bill of Rights, Mayflower Compact, and Thomas Paine's "Common Sense" had on colonists' views of government. **SS.7.C.1.6** Interpret the intentions of the Preamble of the Constitution. **SS.7.C.1.7** Describe how the Constitution limits the powers of government through separation of powers and checks and balances. **SS.7.C.1.9** Define the rule of law and recognize its influence on the development of the American legal, political, and governmental systems. **SS.7.C.2.4** Evaluate rights contained in the Bill of Rights and other amendments to the Constitution. **SS.7.C.2.13** Examine multiple perspectives on public and current issues. **SS.7.C.3.2** Compare parliamentary, federal, confederal, and unitary systems of government. **SS.7.C.3.3** Illustrate the structure and function (three branches of government established in Articles I, II, and III with corresponding powers) of government in the United States as established in the Constitution. **SS.7.C.3.4** Identify the relationship and division of powers between the federal government and state governments. **SS.7.C.3.5** Explain the Constitutional amendment process. **SS.7.C.3.6** Evaluate Constitutional rights and their impact on individuals and society. **SS.7.C.3.7** Analyze the impact of the 13th, 14th, 15th, 19th, 24th, and 26th amendments on participation of minority groups in the American political process. **SS.7.C.3.8** Analyze the structure, functions, and processes of the legislative, executive, and judicial branches. **SS.7.C.3.12** Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *in re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmeier*, *United States v. Nixon*, and *Bush v. Gore*. **SS.7.C.3.13** Compare the constitutions of the United States and Florida. **SS.7.C.3.14** Differentiate between local, state, and federal governments' obligations and services. **LA.7.1.7.3** The student will determine the main idea or essential message in grade-level or higher texts through inferring, paraphrasing, summarizing, and identifying relevant details.





America Gets a
Constitution

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WHY CIVICS Matters

The United States Constitution created a government flexible enough to change with the times while still guaranteeing your basic rights and the rights of all Americans.

PROJECT **Citizen**



STUDENTS TAKE ACTION

PROTECTING COMMUNITY HEALTH

What would you do if you learned that houses in your community were filled with a gas that causes lung cancer? Think about a plan to protect people in your neighborhood from this health problem.

FOCUS ON WRITING

A NEWSPAPER EDITORIAL It is 1787 and you're writing an editorial for a local newspaper. You want to convince your readers that the new Constitution will be much better than the old Articles of Confederation. In this chapter you'll find the information you need to support your opinion.

Reading Skills

In this chapter you will read about the United States Constitution, the document that outlines the founding principles of our nation and our government. You will learn about the goals of the Constitution, the three branches of

American government, and the role of the Constitution in your world today. As you read the chapter, look for the most important concepts and main ideas. Use organizers or take notes to help you remember them.

Finding Main Ideas

FOCUS ON READING

When you are reading, it is not always necessary to remember every tiny detail of the text. Instead, what you want to remember are the main ideas, the most important concepts around which the text is based. Use the Reading Focus questions at the beginning of each section to help you get started.

Identifying Main Ideas Most paragraphs in civics books include main ideas. Sometimes the main idea is stated clearly in a single sentence. At other times, the main idea is suggested, not stated. However, that idea still shapes the paragraph's content and the meaning of all of the facts and details in it.

Helpful Hints for Identifying Main Ideas

1. Read the paragraph. Ask yourself, "What is the topic of this paragraph—what is it mostly about?"
2. List the important facts and details that relate to that topic.
3. Ask yourself, "What seems to be the most important point the writer is making about the topic?" Or ask, "If the writer could say only one thing about this paragraph, what would it be?" This is the main idea of the paragraph.

The Revolutionary War began in 1775. Colonists known as Patriots chose to fight for independence. Loyalists—sometimes called Tories—were those who remained loyal to Great Britain. Historians estimate that 40 to 45 percent of Americans were Patriots, while 20 to 30 percent were Loyalists. The rest were neutral.

Topic: The paragraph is about Americans' loyalties during the war.

Facts and Details:

- Patriots wanted independence.
- Loyalists wanted to remain part of Great Britain.
- Some people stayed neutral.

Main Idea: Americans' loyalties were divided as the colonies prepared for the Revolutionary War.

LA.7.1.7.3 The student will determine the main idea or essential message in grade-level or higher texts through inferring, paraphrasing, summarizing, and identifying relevant details.

You Try It!

The following passage is from the chapter you are about to read. Read it and then answer the questions below.

In our federalist system, the top layer of government is the national, or federal, government. The federal government makes laws that govern the whole country. The national government is based in our nation's capital, Washington, D.C. It has offices and officials throughout the country and the world.

*From Chapter 3,
pp. 89–90*

The second layer is the state governments. Each state government has authority only over the people who live within that state. The state of California, for example, cannot pass a law governing the people of New York. Each state has its own capital, constitution, and state officials.

After you have read the passage, answer the following questions.

1. The main idea of the second paragraph is stated in a sentence. Which sentence expresses the main idea?
2. What is the first paragraph about? What facts and details are included in the paragraph? Based on your answers to these questions, what is the main idea of the first paragraph?

As you read Chapter 3, identify the main ideas of the paragraphs you are reading.

KEY TERMS

Chapter 3

Section 1

popular sovereignty (p. 87)
Preamble (p. 87)
limited government (p. 88)
majority rule (p. 88)
delegated powers (p. 90)
reserved powers (p. 91)
concurrent powers (p. 91)

Section 2

separation of powers (p. 93)
legislative branch (p. 94)
executive branch (p. 94)
judicial branch (p. 94)
checks and balances (p. 96)
veto (p. 96)
judicial review (p. 97)

Section 3

amendment (p. 100)
repeal (p. 100)
cabinet (p. 101)

Academic Vocabulary

Success in school is related to knowing academic vocabulary—the words that are frequently used in school assignments and discussions. In this chapter you will learn the following academic word:
federal (p. 89)

SECTION 1



SS.7.C.1.2; SS.7.C.1.6; SS.7.C.1.7; SS.7.C.1.9; SS.7.C.2.13; SS.7.C.3.2;
SS.7.C.3.4; SS.7.C.3.14; LA.7.1.6.1; LA.7.1.7.1

Ideals of the Constitution

BEFORE YOU READ

The Main Idea

The Constitution is an agreement between the citizens of the United States and the government that the people will grant powers to the government. In return, the government is to carry out the goals of the Constitution.

Reading Focus

1. How did the Pilgrims influence the framers of the Constitution?
2. What are the goals of the U.S. government as outlined in the Constitution?
3. What are the powers the Constitution gives to the federal and state governments?

Key Terms

popular sovereignty, p. 87
Preamble, p. 87
limited government, p. 88
majority rule, p. 88
delegated powers, p. 90
reserved powers, p. 91
concurrent powers, p. 91



Use the graphic organizer online to take notes on the ideals of the Constitution.



John Carver, who signed the Mayflower Compact, became the first governor of Plymouth Colony.



What gives the government the right to tell you what to do? You do. In the United States, the government receives its powers from its citizens. As a citizen, you consent, or give your permission, to be governed every time you vote—or choose not to. Your study of civics will help you make good choices at election time.

Pilgrims Influenced the Framers

The *Mayflower*, the tiny ship carrying the Pilgrims to the New World, was supposed to land in what is now called Virginia. Violently blown off course on its voyage from England, the *Mayflower* arrived in Massachusetts Bay instead. The two-month ocean journey tested the faith and spirits of the religious Pilgrims aboard.

Pilgrims Agree to Be Governed

William Bradford, who would soon be governor of the Massachusetts Colony, observed that on the day before their landing, some of the passengers were “not well affected to unity and concord.” That is, they were arguing. The colonists realized that before they got

This painting shows some of the Pilgrims signing the Mayflower Compact.

off their ship, they had better agree on some rules. The group decided that “there should be an association and agreement.” Bradford noted “that we should combine together in one body, and to submit to such government and governors as we should by common consent agree to make and choose . . .”

This was a historic decision. In the 1600s most people were governed or ruled without their consent. These Pilgrims knew they needed some government, so they took the next step. They *willingly* gave their consent to be ruled by a government that they would create.

Mayflower Compact

The agreement that the Pilgrims signed on November 21, 1620, is known as the Mayflower Compact. The citizens of the new colony gave up some of their individual powers to the government they had created. At the same time, they agreed to submit to and obey the government they chose.

The Mayflower Compact includes some of the basic ideals upon which the United States was founded. For example, the Declaration of Independence states that governments should receive their powers from “the consent of the governed.” Later, the framers of the Constitution began that document with the words “We the People” to show that the foundation of their new government was its citizens.

Government Power from the People

“We the People . . .” These three small words are heavy with meaning. Like a stone dropped in a pond, these opening words of the Constitution have rippled throughout time. The phrase has inspired generations of citizens around the world. But what does “We the People” mean?

The framers of the Constitution, following the ideas of the Mayflower Compact, chose these words to make it clear that the United States government gets its power from the American people. Government by **popular sovereignty**, or consent of the governed,

PRIMARY SOURCE

HISTORIC DOCUMENT

The Mayflower Compact

In November 1620 the Pilgrim leaders aboard the Mayflower drafted the Mayflower Compact, the first guidelines for self-government in the English colonies. This excerpt describes the principles of the colony's government.

“We whose names are underwritten, . . . do by these presents [this document] solemnly and mutually in the presence of God, and one of another, covenant [promise] and combine ourselves together into a body politic [government] for our better ordering and preservation and furtherance of the ends aforesaid [mentioned earlier]; and by virtue hereof, to enact, constitute [create], and frame such just and equal laws, ordinances [rules], acts, constitutions, and offices . . . as shall be thought most meet [fitting] and convenient for the general good of the colony unto which we promise all due submission and obedience.

The first part of the excerpt describes how and why the Pilgrims decided to join together to form a government.

The second part of the excerpt describes the purposes of the Pilgrims' government and sets out their promise to be bound by the new government.

ANALYSIS SKILL

ANALYZING PRIMARY SOURCES

Why do you think the colonists felt the need to establish a government for themselves?

is one of our nation's most cherished ideals.

“We the People” appears in the Preamble of the Constitution. The **Preamble** is an introduction that explains why the U.S. Constitution was written. It outlines the principle of popular sovereignty when it states that the American people “do ordain [authorize] and establish this Constitution.” Government, once established by the free choice of the people, then serves the people, who have supreme power.

SS.7.C.1.6 Interpret the intentions of the Preamble of the Constitution.

READING CHECK

Summarizing

What did the Pilgrims do that later influenced the framers of the Constitution?

Reaching the Goals of the Constitution

The Constitution is based on important principles that help to ensure government by popular sovereignty. These principles include limited government, majority rule with minority rights, and protection of individual rights.

SS.7.C.1.9 Define the rule of law and recognize its influence on the development of the American legal, political, and governmental systems.

ACADEMIC VOCABULARY

federal

of or relating to the central government in a system of governing in which powers are divided between different levels of government

Limited Government

Prior to the Magna Carta in 1215, the king of England had nearly unlimited power. To keep the new government from becoming too powerful, the framers created a **limited government**—one with specific restrictions on its power. The principle of limited government is also known as the rule of law. It means that no one is above the law. The rule of law is at the heart of our governmental, legal, and political systems.

Majority Rule with Minority Rights

How can a government resolve disagreements among its citizens? One way is through **majority rule**, the principle that in a disagreement, everyone will accept the decision of the

majority (most of the people). Yet the framers were concerned that a powerful majority could violate the rights of the minority. So they included provisions to protect the rights of the minority and to allow the minority to express its views on issues.

Powers of the People

Our most cherished rights and protections are stated in the Bill of Rights. Added to the Constitution in 1791, the Bill of Rights details the specific freedoms that belong to every United States citizen. It is one of the most influential documents ever written.

READING CHECK

Finding the Main Idea

What are the goals of the U.S. government as outlined in the Constitution?

Powers of the Federal and State Governments

As you read in Chapter 2, the delegates to the Constitutional Convention had a problem. The Articles of Confederation were not working. The delegates soon knew they needed a new plan for government.

6 Goals of the Constitution

QUICK FACTS

The Preamble states the goals of the Constitution. These goals reflect the belief that the U.S. government should serve its citizens. They remain the goals of the country today.

Which of these goals do you think is most important? Explain your answer.

1 Form a more perfect union

The new government should be a better union of states than the union created under the Articles of Confederation.

2 Establish justice

The government should make laws and establish a system of courts that is fair to all.

3 Insure domestic tranquility

The government should preserve peace within the country.



The Federal System

The principle of federalism came to the framers first out of necessity and second out of their experiences. They were faced with the problem of needing a strong central government. At the same time, they wanted to keep independent state governments. They also wanted to preserve self-government that had started with the Mayflower Compact.

From their experience, the framers remembered the Revolution. The colonies had fought against—and had defeated—the unwelcome rule of a strong central government. They had rebelled against a king who had tried to run colonial affairs. The framers certainly did not want to create that kind of interfering, powerful central authority. The solution the framers found was federalism, with its division of powers.

The federalist system created by the United States Constitution divides powers between two different levels, the national, or federal, government and the state governments. The top layer of government is the national, or **federal**, government. The federal government makes laws that govern the whole country. The national

ECON 101

Income Tax and Your Paycheck

One power that the Constitution gives to both federal and state governments is that of collecting taxes from citizens. Ratification of the Sixteenth Amendment in 1913 made it legal for the federal government to tax citizens on their income. The majority of states also tax individual income. Nine limit or do not have state income taxes.

When you look at your first paycheck, you may be surprised at the percentage of your salary that goes to the government. In later chapters, you will learn how governments use this money. Learn how to read your paycheck stub by looking for these items:

- **Federal Income Tax**
- **State Income Tax**
- **Social Security Taxes**
(shown as FICA, OASDI, SS, or Soc Sec)
- **Medicare**
- **Local Income Tax**

Get a copy of Form W-4 from the Internal Revenue Service. Read the form to learn about your control over withholdings.

ANALYSIS SKILL

ANALYZING ECONOMICS

Benjamin Franklin once said, “Nothing can be said to be certain, except death and taxes.” What do you think he meant by this?

4 Provide for the common defense

The government should work to protect the country from its enemies.

5 Promote the general welfare

The government should help provide for the well-being of all the people.

6 And secure the blessings of liberty

The government should work to safeguard the freedom of the people.

State Seat Belt Laws

In 1885 American inventor Edward J. Claghorn patented the first seat belt, to prevent people from falling out of horse-drawn carriages traveling on bumpy, unpaved roads. More than 120 years later, seat belt use is higher than ever, thanks in part to legislation requiring the restraints in 49 of the 50 states.

State of Florida officials estimate that seat belts saved 818 lives in Florida in 2008.

Why it Matters

You're probably obeying a law every time you buckle your seat belt. Since the early 1980s, states have taken steps to make sure that their citizens—especially children—are buckled in while driving or riding. In some states, if police stop you for a violation, such as speeding, you can also be ticketed for not wearing a seat belt. In other states, the police can stop you and ticket you just for not being buckled in. These laws have been nicknamed "Click It or Ticket." In some states, everyone in the car must be wearing a belt, whether they're 3 or 93.

In general, the issue of public safety is left to the individual states to regulate. Some people argue that laws that make it illegal not to wear a seat belt violate personal civil liberties. But supporters of seat belt laws point to the fact that states have the responsibility to protect the lives and health of their citizens. One way to do that, they argue, is to require that all people wear their seat belts.



ANALYSIS SKILL EVALUATING THE LAW

1. Why do you think seat belt laws vary from state to state?
2. Do you think a driver's age should affect which passengers have to wear seat belts?

hmhsocialstudies.com **ACTIVITY**

government is based in Washington, D.C. It has offices and officials throughout the country and the world.

The second layer is the state governments. Each state government has authority only over the people who live within that state. The state of California, for example, cannot pass a law governing the people of New York. Each state has its own capital, constitution, and state officials.

One of the strong points of our federal system is that the national government can focus on matters of wide, national concern. These include national defense and international trade.

At the state level, each state has a different mix of people, traditions, needs, problems, and resources. Our federal system recognizes those differences and lets states solve local problems based on their own needs.

Federal Government Powers

The powers the Constitution specifically gives to the federal government are called **delegated powers**. For example, only the federal government has the power to print money, control trade with other nations, and provide for the country's defense.

SS.7.C.3.4 Identify the relationship and division of powers between the federal government and state governments.

Under the Articles of Confederation, the central government did not have some of these important powers. That was one of the drawbacks of the Articles. To overcome these problems, the Constitution delegated important powers to the federal government alone. This made the national government stronger. However, the framers also wanted to limit the power of the federal government, to keep it from becoming too powerful.

State Government Powers

The Constitution gives several important powers to the states alone, allowing them to manage their own affairs. For example, states conduct all elections, even for national offices. States alone are responsible for establishing schools. State governments also regulate trade within the states.

The states, or the people, have all the powers that the Constitution does not give specifically to the federal government. These powers are known as **reserved powers** because they are reserved, or set aside, for the states or the people. The state governments, for example, conduct elections, regulate trade within the state, and establish local governments.

Shared Powers

The federal and state governments also share many powers. These powers are known as **concurrent powers**. For example, both the federal and state governments can raise money through taxes. Both have the power to borrow money. The federal and state governments also share the power to establish courts, to create banks, to enforce laws, and to provide for the health and well-being of the American people.

States do pass laws. What happens when a state law disagrees with the Constitution or with a federal law? The state law is invalid. The framers of the Constitution made this clear by stating that the Constitution and the laws of the federal government shall be “the supreme law of the land.”

The Constitution expresses our nation’s commitment to individual freedoms, democracy, and equal justice under the law. The constitutional principle of federalism both grants government powers and limits them. In this way, each level of government can do its part to meet the constitutional commitments.

READING CHECK

Drawing Inferences and Conclusions Explain why the Constitution sets out the powers granted to the federal and state governments.

SECTION 1 ASSESSMENT



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ONLINE QUIZ

Reviewing Ideas and Terms

- Define** Write a brief definition for the terms **popular sovereignty** and **Preamble**.
 - Explain** What did the Pilgrims do that later influenced the framers of the Constitution?
 - Predict** Is a government that states that it receives its power from the people likely to be more stable or less stable than a government that takes power by military force? Explain your reasoning.
- Define** Write a brief definition for the terms **limited government** and **majority rule**.
 - Analyze** Which of the six goals of the Constitution do you think is most important? Give reasons and examples to support your answer.
- Define** Write a brief definition for the terms **delegated powers**, **reserved powers**, and **concurrent powers**.
 - Find the Main Idea** Why is it important that the federal government and the state governments have separate as well as shared powers?

Critical Thinking

- Comparing and Contrasting** Use your notes and a graphic organizer like the one here to identify powers granted to federal and state governments and powers that they share.



FOCUS ON WRITING

- Analyzing Information** Write a poem or song that describes how the ideals of the Constitution affect your life today.

Historical Documents

Origins of the Republic

Some of the basic principles of government contained in the Declaration of Independence and the U.S. Constitution can be found in much earlier documents from Virginia.

Charters of the Virginia Company of London

In 1607 the Virginia Company of London formed the colony of Jamestown in what is now Virginia. The company's charters included the ideas of government by consent of the governed and the right of people to enjoy the fruits of their labor.

In 1619 the company formed a General Assembly at Jamestown. The Jamestown colonists looked to the company charters for rules of government as well as for guarantees of fundamental rights and liberties.

Virginia Declaration of Rights, 1776

The people of Virginia drafted their constitution during the Revolutionary War. The Virginia Declaration of Rights accompanied this constitution. The Declaration of Rights stated that people's inherent rights came from nature rather than government. The declaration also stated that people possess fundamental rights

such as the enjoyment of life, liberty, property, and the pursuit of happiness.

Virginia Statute of Religious Freedom

In 1779 Thomas Jefferson drafted the Virginia Statute of Religious Freedom. It was based on the principle that church and state should be separated. This statute was written in reaction against the Virginia legislature's attempts to make taxpayers provide for churches.

Ties to the Constitution

The Virginia documents established important rights and freedoms. However, the Declaration of Independence and U.S. Constitution guarantee freedoms that were left out of these earlier documents. For example, the Bill of Rights grants citizens freedom of speech, the right to assemble, the right to petition the government, the right to a trial by grand jury, and the right to legal representation. These are privileges and rights not mentioned in the earlier documents. Nevertheless, the Virginia documents all embody the principle of government according to rules established in a written document. More importantly, perhaps, they contain ideas about the inherent rights of life, liberty, the pursuit of happiness, and government by consent of the governed. These are core values that have shaped U.S. politics for more than 200 years.

1. What is the significance of the General Assembly that met in Jamestown, Virginia, in 1619?

2. Why is Thomas Jefferson's Statute of Religious Freedom important today?

3. How might a fundamental or "inherent" right be defined?

Virginia Declaration of Rights

The Declaration states that "all men are by nature equally free and independent." This idea is also included in the Declaration of Independence.



SECTION 2



SS.7.C.1.1; SS.7.C.1.7; SS.7.C.3.3; SS.7.C.3.8; SS.7.C.3.12;
LA.7.1.6.1; LA.7.1.7.1

The Three Branches of Government

BEFORE YOU READ

The Main Idea

The Constitution prevents any person, or any part of the government, from taking too much power. It does this by creating three separate branches of the federal government and distributing power among them.

Reading Focus

1. Why does the Constitution provide for the separation of powers?
2. What are the main responsibilities of each of the three branches of government?
3. How does the system of checks and balances work?

Key Terms

separation of powers, p. 93
legislative branch, p. 94
executive branch, p. 94
judicial branch, p. 94
checks and balances, p. 96
veto, p. 96
judicial review, p. 97



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TAKING NOTES

Use the graphic organizer online to take notes on the separation of powers, the three branches, and checks and balances.



Members of both the Senate and the House of Representatives meet in the House chamber when the president gives his speech.

The nine justices of the U.S. Supreme Court are part of the judicial branch of our government.

President Barack Obama addresses Congress, the Supreme Court, and other important officials in the annual State of the Union address.

The president is the head of the executive branch.

SS.7.C.1.7 Describe how the Constitution limits the powers of government through separation of powers and checks and balances.



Why do we have three branches of government? Well, who would protect your rights if the power to make and enforce laws was put in the hands of only one person? What might happen to your freedom of speech or your right to privacy?

Separation of Powers

Having all government power in the same hands is, in James Madison's words, "the very definition of tyranny." The framers of the Constitution agreed with Madison. They could have created a central government with all government power concentrated in one group of people. Many people feared such an all-powerful government.

As a shield against tyranny, the framers created separate branches of the federal government. One branch would write the laws. Another would carry out the laws. A third branch would interpret the laws. This structure is called the **separation of powers**.

READING CHECK

Summarizing Why did the framers separate the powers of government?

The Three Branches of Government

The concept of separation of powers had been written into many state constitutions already. For example, Georgia's constitution stated that, "the legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to the other."

SS.7.C.3.8 Analyze the structure, functions, and processes of the legislative, executive, and judicial branches.

The Legislative Branch

"[I]n republican government, the legislative authority necessarily predominates [is supreme]," James Madison wrote in *Federalist* No. 51. The Constitution reflects this idea. Article I of the Constitution creates the U.S. Congress as the **legislative branch**, the lawmaking arm of the federal government. Congress's functions are described in greater detail in the Constitution than the functions of the other branches. Besides making laws, Congress controls the money for the national government. This gives Congress great power.

The first Congress went right to work in the spring of 1789. In 519 days, it passed laws that helped set up the entire government. It constructed a financial system, organized new departments of the government, wrote the Bill of Rights, dealt with debts from the Revolutionary War, and chose a permanent location for the nation's capital: Washington, D.C.

The Executive Branch

Once George Washington took office as the nation's first president, Congress had to figure out how he should be addressed. The Senate came up with "His Highness the President of the United States of America and Protector of the Same." Opponents in the House of Representatives laughed at the suggestion of this kingly title. So Congress decided on the more modest title we use today: "Mr. President."

The president is head of the **executive branch** of the government, established by

Article II of the Constitution. The executive branch is responsible for executing, or carrying out, the country's laws. At first, the executive branch consisted of just the president and the vice president, as specified in the Constitution. Today the executive branch includes 15 executive departments, including the Department of State and the Department of the Treasury. The executive branch also includes thousands of agencies, divisions, commissions, and offices. The most recent addition to the executive branch was the Department of Homeland Security, created in 2002 to guard against terrorism.

The Judicial Branch

The Constitution described relatively little about the third branch of the government. The **judicial branch**, established in Article III, interprets the meaning of the laws passed by Congress and sets punishments for people who break the law.

The Constitution created the Supreme Court as the head of the judicial branch. It also set the limits of judicial power and created a process for appointing judges. Yet it left to Congress the enormous job of actually setting up the system of "lower" courts, those beneath the Supreme Court.

READING CHECK

Comparing and Contrasting

Compare the functions of the three branches of government.

Checks and Balances

When creating the three branches of government, the framers often looked to European philosophers for wisdom about human behavior and its effects on government. One such source was a 1748 work, *The Spirit of the Laws*, written by the French philosopher and judge Baron de Montesquieu. In it Montesquieu described how liberty could be threatened if one branch of government became too hungry for power. He argued for a balance of power among the branches of government.

SS.7.C.1.1 Recognize how Enlightenment ideas including Montesquieu's view of separation of power and John Locke's theories related to natural law and how Locke's social contract influenced the Founding Fathers.

3 Principles of Limited Government

QUICK FACTS

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INTERACTIVE ART

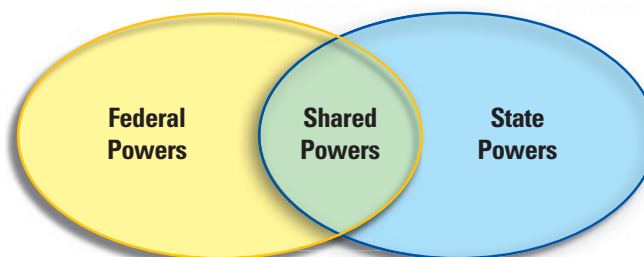
The genius of the U.S. Constitution is that it spreads the powers of government both within the national government and between the federal government and state governments.

SS.7.C.1.7 Describe how the Constitution limits the powers of government through separation of powers and checks and balances.

1

Federalism

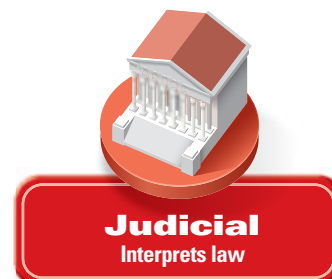
In our system of government, some powers of government belong only to the federal government, while others belong only to the state governments. Still other powers are shared by both levels of government.



2

Separation of Powers

The powers of government are divided among the executive, legislative, and judicial branches.



3

Checks and Balances

Each of the three branches of government has ways to check, or limit, the powers of the other branches.



- Can impeach and remove the president
- Can override veto
- Controls spending of money
- Senate can refuse to confirm presidential appointments and ratify treaties



- Can declare executive acts unconstitutional
- Judges, appointed for life, are free from executive control



- Can veto acts of Congress
- Can call special session of Congress
- Can suggest laws and send messages to Congress



- Judicial review: Can declare acts of Congress unconstitutional



- Appoints federal judges
- Can grant reprieves and pardons for federal crimes



- Can impeach and remove federal judges
- Establishes lower federal courts
- Can refuse to confirm judicial appointments

ANALYSIS SKILL

ANALYZING VISUALS

1. How does the federal system limit the powers of government?
2. What checks does the executive branch have over the other two branches?

A Balance of Power

The framers provided this balance of power in the U.S. Constitution. They gave each government branch powers that limit, or check, the powers of the other two branches. This scheme ensures that no branch of the federal government becomes too powerful. This equal distribution of powers and limits on power is called the system of **checks and balances**.

President Can Check Congress The chart on the previous page shows how the system of checks and balances works. For instance,

Congress has the power to make laws. However, the president has the power to **veto**, or reject, proposed laws. (The Latin word veto means “I forbid.”) With this *veto* power, the president can check the lawmaking power of Congress.

Congress Can Check the President In turn, the Constitution gives Congress a check on the president’s veto power. It allows Congress to override a presidential veto—that is, to pass the law despite the veto. Overriding a veto requires a two-thirds vote of both houses of Congress.

PRIMARY SOURCE

POLITICAL CARTOON

Checks and Balances

This cartoon deals with the principle of executive privilege, which asserts that the president has the right to withhold certain information from Congress.

In June 2007 President George W. Bush invoked executive privilege several times to withhold documents after congressional committees had requested them.



Many in Congress were frustrated by the president's actions because they felt that the claim of executive privilege upset the system of checks and balances set up in the Constitution.

ANALYSIS SKILL

ANALYZING POLITICAL CARTOONS

What does this cartoon suggest about the president's attitude toward invoking executive privilege?

Checks, Balances, and the Judicial Branch

The Constitution says relatively little about the judicial branch. However, President Washington believed that setting up the judicial branch was “essential to the happiness of our country and to the stability of its political system.” Congress went to work, passing a law that made the Supreme Court the head of the judicial branch. They set the number of Supreme Court justices at six, including a chief justice. Congress established the lower federal courts and designated their relationship to the state courts. Even when the judicial branch had been created, it was not clear how much power it would have in the checks and balances system. The Supreme Court defined the role of the judicial branch through one major ruling.

The Courts and Judicial Review

In an 1803 case called *Marbury v. Madison*, Chief Justice John Marshall established the principle of **judicial review**. According to this principle, it is up to the courts to review the acts of the other branches of government. The courts decide whether the government has acted correctly.

As a result of *Marbury*, the Supreme Court can check the powers of the other branches. For example, it can decide if laws passed by Congress are constitutional. It can strike down laws that are unconstitutional. The Supreme Court can also determine if an act of the president or members of the executive branch is constitutional. Later in this book you will learn more about how the branches of the federal government check and balance each other.

The Constitution embodies our American ideals of liberty and justice. No government—federal, state, or local—is supposed to act in violation of the Constitution. Sometimes, however, a legislative body passes a law that may or may not be constitutional. Such a law may be challenged in the judicial system.

In some cases, that challenge may go all the way to the U.S. Supreme Court. It is the Supreme Court that enforces the Constitution as the highest law of the land.

READING CHECK

Evaluating Why is the system of checks and balances important to government?

SECTION 2 ASSESSMENT

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ONLINE QUIZ

Reviewing Ideas and Terms

- Define** Write a brief definition for the term **separation of powers**.
 - Recall** Why were the framers of the Constitution concerned about concentrating government power in one place?
 - Describe** What is the separation of powers under the U.S. Constitution?
- Define** Write a brief definition for the terms **legislative branch**, **executive branch**, and **judicial branch**.
 - Explain** When it comes to the country's laws, how is the legislative branch's responsibility different from the executive branch's responsibility?
 - Predict** What do you think would happen if a president tried to avoid carrying out a law because he or she thought that the law was unconstitutional?
- Define** Write a brief definition for the terms **checks and balances**, **veto**, and **judicial review**.
 - Explain** Does veto power enable the president to stop any law passed by Congress? Why or why not?
 - Evaluate** How important do you think it is that the Supreme Court can review laws passed by Congress and, if necessary, declare the laws unconstitutional? Explain your answer.

Critical Thinking

- Categorizing** Copy the graphic organizer. Use it to list the powers of each branch of the U.S. government.

Executive	Legislative	Judicial

FOCUS ON WRITING

- Identifying Points of View** Write a newspaper editorial explaining what might happen if the system of checks and balances were eliminated.

STUDENTS TAKE ACTION

PROJECT Citizen



Improving Community Health

In November 2004, the City Council of Waterloo, Illinois, unanimously passed a resolution. It said, in part, “that any home being sold in Waterloo should be tested with a short-term radon canister so that the quantity of radon in the home may be determined.”

Community Connection Waterloo Junior High students had studied radon gas in their science classes. They learned that radon is the second-leading cause of lung cancer deaths in the United States. All eighth-grade students were offered in their science classes a free radon test canister. They could test for radon gas in their homes. The data they collected showed that 28 percent of the homes tested had radon levels above what is considered safe for human health.

Taking Action Students were disturbed by these results. So they used what they had learned in civics class about local government. They called and met with local officials. They also invited the local media to publish the results of their residential radon study. Then students presented their data to the city council, which passed the radon testing resolution. The next year, another Project Citizen class worked with the county board of commissioners. The board passed a similar resolution at the county level. The efforts of Project Citizen classes had an important result. All new home construction permits in Waterloo, Illinois, must include educational information about installing passive radon-reduction systems.



Students from Waterloo Junior High School explain the results of their radon study to the city council.

SERVICE LEARNING



1. How did the students at Waterloo Junior High use their knowledge of science to help the local community?
2. Why were good relationships with the city government and local media so important to the success of the Waterloo service-learning project?

 hmhsocialstudies.com **ACTIVITY**

SECTION 3



SS.7.C.2.4; SS.7.C.3.5; SS.7.C.3.6; SS.7.C.3.7; SS.7.C.3.12;
LA.7.1.6.1; LA.7.1.7.1

An Enduring Document

BEFORE YOU READ

The Main Idea

The Constitution is an enduring document that has met the needs of a changing country for more than 200 years.

Reading Focus

1. How did the framers envision change when writing the Constitution?
2. What are two ways in which the Constitution may be changed?

Key Terms

amendment, p. 100
repeal, p. 100
cabinet, p. 101



TAKING NOTES

Use the graphic organizer online to take notes on the U.S. Constitution.



The framers of the Constitution of the United States knew that we the people might need to change the Constitution. Therefore, they included ways for us to amend the document.

The Constitution of the United States



Our nation has changed greatly since 1787, when the Constitution was written. However, the framers of the Constitution planned a system of government that could adapt to meet changing conditions and changing needs. The U.S. Constitution is truly an enduring document.

Envisioning Change

The authors of the Constitution sat at wooden desks, dipping a quill pen into a bottle of ink to scratch notes on paper made of pressed animal skin. When they finally finished the document, it was copied on wooden

printing presses. It took days or weeks for the copies to be delivered, on horseback or by carriage, to the 13 states.

The Constitution has traveled in time for more than two centuries to the legislators of the present. Today's lawmakers ride in cars and airplanes, talk on cellular phones, and get email on portable electronic devices. Their discussions in Congress appear instantly to millions of people worldwide on television and the Internet. Lawmakers wrestle with issues unimaginable to the nation's founders: What steps should the nation take to protect against nuclear terrorism? How should the government spend its *trillions* of dollars?

FOCUS ON

Like the U.S. Constitution, Florida's constitution includes a list of rights guaranteed to its citizens. However, the Florida constitution lists them first, in Article I. Also, amendments to the constitution work a little differently. Instead of being listed at the end, changes to the Florida constitution are made to the text of the official document, often with explanatory notes.

The framers realized that Americans might someday want or need to change the Constitution. Therefore, they included in the Constitution a process for making changes to it. The framers wrote the document to be adaptable to situations they could never have imagined.

READING CHECK

Drawing Inferences and Conclusions What are some changes in modern times that the framers could not have foreseen?

Changing the Constitution

Altering the Constitution is difficult. The framers wanted the Constitution to endure the influence of politics and temporary changes of public opinion. The Constitution can be changed in two ways: formally by amendment and informally by government acts or by custom.

The Amendment Process

An **amendment** is a written change made to the Constitution. Article V of the Constitution outlines the process for making amendments. Proposed amendments must be approved by three-fourths of the states. The process can take a long time, and success is never certain. Lawmakers have succeeded in changing the document only 27 times, a small number considering how much the nation has grown and changed.

An amendment may be proposed in two ways:

- Congress can propose an amendment by a two-thirds vote in both houses.
- The legislatures of two-thirds of the states—34 out of 50—can ask Congress to call a national convention to propose an amendment.

After an amendment has been proposed, it must then be ratified, or approved, by the states. There are two ways an amendment may be ratified. The method of ratification must be described in each proposed amendment.

- The proposed amendment can be sent to the state legislatures for approval. All but one of the amendments to the Constitution were approved this way.
- The proposed amendment can be sent to state conventions for consideration.

After an amendment has been ratified by three-fourths (38) of the states, it becomes part of the written Constitution. If the people do not like the effects of an amendment, another amendment can be passed to **repeal**, or cancel, it. The most famous repeal occurred in 1933, when the Twenty-first Amendment was passed to repeal the Eighteenth Amendment, which had banned the production and sale of alcohol.

The Constitution Endures

QUICK
FACTS

The framers of the Constitution recognized that as society changed, there had to be a way to make sure that the Constitution endured as the foundation of democracy. These amendments helped expand voting rights.

If the right to vote is expanded or extended today to include more citizens, to whom do you think the right to vote might be given?



Thirteenth, Fourteenth, and Fifteenth Amendments

Ratified 1865, 1868, and 1870 Passed as a result of the Civil War and gave African Americans full citizenship in the United States

Are Public School Uniforms Constitutional?

In his 1996 State of the Union address, President Bill Clinton said, "If it means that teenagers will stop killing each other over designer jackets, then our public schools should be able to require their students to wear school uniforms."

After President Clinton's speech, public schools began to require uniforms. They wanted to improve discipline and reduce gang violence. However, critics of the idea, including many teens, argue that students have the right to express themselves through their dress.

The closest Supreme Court case related to this issue is *Tinker v. Des Moines*. There the Court ruled that students had the right to wear black armbands to school to protest the Vietnam War. The Court specifically noted that this quiet protest did not interfere with school operations or the rights of others. Today, some people believe that the *Tinker* decision supports a constitutional right to dress how they want to (within limits). Others believe it protects expression of beliefs, not clothes.

Do you think students are less able to express themselves if they have to wear uniforms? Why?



Interpreting the Constitution

The Constitution does not attempt to cover every possible situation. It sets broad guidelines for governing. A number of changes in the federal government have come about simply through custom and tradition. For example, the Constitution does not call for regular meetings of the executive branch. However, President George Washington

brought these leaders together regularly to serve as his advisers. They are known as the president's **cabinet**. Since those early days, meetings between the president and the cabinet have been an accepted practice.

Such traditions are seldom written down or passed into law. For this reason, they are sometimes referred to as the "unwritten Constitution."



Nineteenth Amendment

Ratified 1920 Gave women the right to vote

Twenty-Sixth Amendment

Ratified 1971 Changed the voting age from 21 to 18





FOCUS ON John Marshall (1755-1835)

John Marshall was a prominent Federalist. President John Adams appointed Marshall as chief justice of the Supreme Court in

1801. As chief justice, Marshall played a key role in cases such as *Marbury v. Madison*. It established the principle that the Court was an equal branch of government. In the *McCulloch v. Maryland* case, the Court declared that Congress had powers beyond those specifically listed in the Constitution. Marshall's actions and decisions made him one of the most influential Supreme Court justices in U.S. history.

Summarizing How did Marshall increase the power of the Supreme Court?

SS.7.C.3.12 Analyze the significance and outcomes of landmark Supreme Court cases including, but not limited to, *Marbury v. Madison*, *Plessy v. Ferguson*, *Brown v. Board of Education*, *Gideon v. Wainwright*, *Miranda v. Arizona*, *in re Gault*, *Tinker v. Des Moines*, *Hazelwood v. Kuhlmer*, *United States v. Nixon*, and *Bush v. Gore*.

Congress and the Constitution

Congress often applies the Constitution to a particular issue in society. It does this by interpreting whether some passage, or clause, in the Constitution gives Congress the authority to pass a particular law.

For example, the Constitution says nothing about whether all workers should earn a minimum wage. However, the Constitution does give Congress the power to

control trade among the states. Goods made by workers usually travel from one state to another. So Congress decided that the Constitution gives it the power to pass laws affecting working conditions nationwide. This includes wage rates. It then wrote laws establishing a minimum wage.

The Supreme Court has the power to decide if Congress has interpreted the Constitution correctly. The Court's interpretation is final. If the Supreme Court rules that a law is unconstitutional, the law is dead. If the Court upholds the law, it remains in effect.

If the Supreme Court declares an act of Congress unconstitutional, Congress may rewrite the law. If Congress overcomes the Court's objections, the new law will stand. For example, Congress may not pass bills of attainder (laws that punish a person without a jury trial) or ex post facto laws (which make an act a crime after the act has been committed). Congress also may not suspend the writ of habeas corpus. This is a court order requiring the government to bring a prisoner to court and explain why he or she is being held.

READING CHECK

Analyzing Information How can the Constitution be changed?

SECTION 3 ASSESSMENT



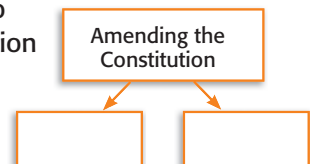
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ONLINE QUIZ

Reviewing Ideas and Terms

1. **a. Explain** Why is it important that the framers wrote the Constitution to include a process for changing the Constitution?
- b. Elaborate** How have changes in daily life since 1787 changed the problems that lawmakers deal with today?
2. **a. Define** Write a brief definition for the terms **amendment**, **repeal**, and **cabinet**.
- b. Explain** What are the two ways that an amendment to the Constitution may be proposed?
- c. Predict** What might happen if it were easier to amend the Constitution?

Critical Thinking

3. **Categorizing** Draw a graphic organizer like this one on your own sheet of paper. Then, use your notes to summarize the two ways in which the Constitution can be amended.



FOCUS ON WRITING

4. **Supporting a Point of View** Imagine that you are a delegate to the Constitutional Convention in Philadelphia in 1787. Write a short speech that will convince the other delegates that it is important to make the Constitution an enduring document.

Reading Flowcharts



SS.7.C.3.5

Learn

A flowchart is a diagram that presents information in a visual, easy-to-understand way. Its main purpose is to show the various steps that a process follows. Once you learn how to read a flowchart, you will be able to trace the movement of a process through time.

Practice

To read a flowchart:

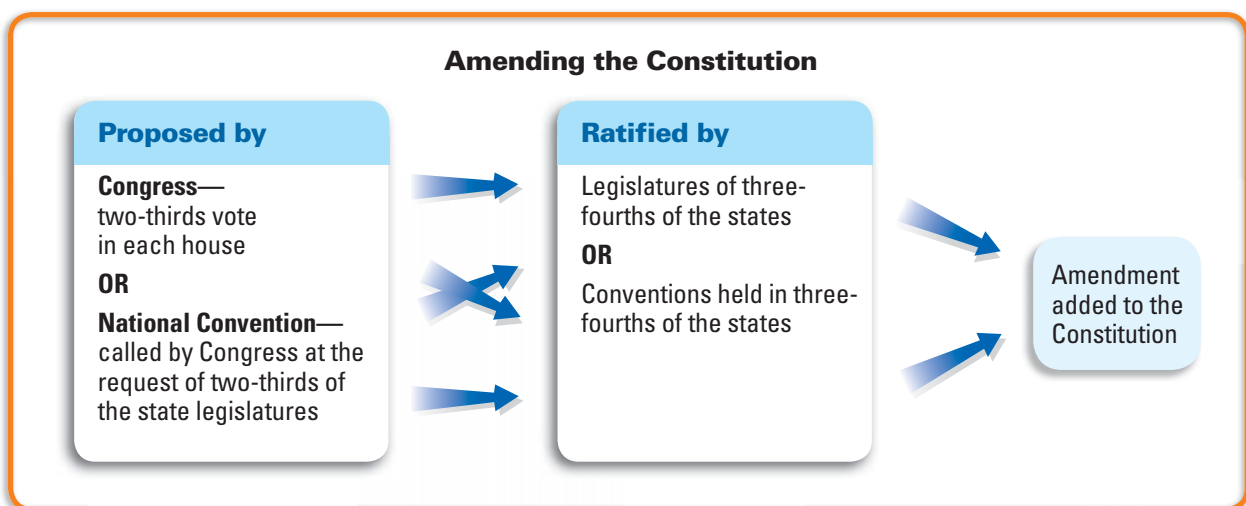
- 1 Determine the subject. Read the title of the chart to determine its subject matter. Look at any major headings for an overview of the process shown in the flowchart.
- 2 Identify the beginning and end points. Study the arrows in the chart, noting their direction. They will tell you how the process begins and how it ends. A process on a flowchart may have more than one beginning and more than one end.

- 3 Study the middle stages. The middle stages show you movement through time by connecting all the stages in the order in which they take place. They also show you where the process may become stalled.

Apply

Examine the flowchart below. Then answer the following questions.

1. What are the two ways in which an amendment to the Constitution can be proposed?
2. Based on the information in the flowchart, is the following statement true or false?
"A majority of people must favor an amendment before it is added to the Constitution."
 Explain your answer.



CHAPTER 3 REVIEW



FLORIDA CIVICS EOC PRACTICE

1. The statement below is from an historical document.

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, 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.

In which document is this statement found?

- A. the Bill of Rights
- B. the Preamble to the Constitution
- C. the Mayflower Compact
- D. *The Federalist Papers*

2. How did the outcome of *Marbury v. Madison* help influence the checks and balances system?

- A. It enabled the judicial branch to check the power of the president.
- B. It enabled the president to remove members of Congress.
- C. It enabled the judicial branch to check the power of the Congress.
- D. It established citizens as the source of authority for laws.

Reviewing Key Terms

Identify the correct term from the chapter that best fits each of the following descriptions.

- 1. A written change made to the Constitution
- 2. Government by the consent of the governed
- 3. Powers specifically given to the federal government
- 4. Presidential power to reject proposed laws
- 5. Opening sentence of the Constitution
- 6. Governmental powers shared by federal and state governments
- 7. Lawmaking arm of the federal government
- 8. Principle that in a disagreement everyone will abide by the decision of most of the people
- 9. Powers not given specifically to the federal government that are held by the states
- 10. Process by which a change to the Constitution can be canceled
- 11. Advisers to the president who head executive branch departments

- 12. Arm of government that interprets the laws
- 13. The equal distribution of governmental powers and limits on those powers
- 14. Government with specific restrictions on its powers
- 15. Structure of government in which power is divided up among different branches
- 16. Arm of government that is responsible for carrying out the country's laws

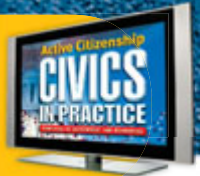
Comprehension and Critical Thinking

SECTION 1 (Pages 86–91)

- 17. a. **Identify** What are the six goals of government as stated in the Preamble of the U.S. Constitution?
- b. **Analyze** Why is popular sovereignty one of our nation's most cherished ideals?

Active Citizenship video program

Review the video to answer the closing question:
Why do you think that laws on issues of importance to all citizens often vary from state to state?



SECTION 2 (Pages 93–97)

- 18. a. Recall** What are the three branches of the federal government, and what are the primary responsibilities of each branch?
- b. Draw Conclusions** Why did the framers of the Constitution create a system of checks and balances for the federal government?

SECTION 3 (Pages 99–102)

- 19. a. Describe** What makes the Constitution of the United States an enduring document?
- b. Make Inferences** Why is the process for amending the Constitution so complicated?

Civics Skills

Reading Flowcharts Use the Civics Skill taught in this chapter to answer the questions below.

- 20.** Examine the flow chart on the Civics Skills page in this chapter. Use the information there to answer the following questions:
- a.** How many different ways are there to amend the Constitution? Draw a flowchart that shows each one.
- b.** What information, if any, does the flowchart give you about either the length of time an amendment process takes or which process is the easiest? Explain your answer.
- 21.** What part of your daily life could be put into a flowchart? Draw your answer.

Using the Internet

- 22. Amending the Constitution** Though the Constitution is the bedrock of the United States government, it is not exactly set in stone. Through your online textbook, research the process of amending the Constitution. Then propose a new amendment and draft a plan for getting your proposed amendment ratified. Your plan should account for all the steps in the amendment process. Include a short paragraph explaining your amendment and the reasons it should be added to the Constitution.

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Reading Skills

Finding Main Ideas Use the Reading Skill taught at the beginning of the chapter to answer the question about the reading selection below.

(1) The framers provided this balance of power in the U.S. Constitution by giving each government branch powers that limit, or check, the powers of the other two branches. (2) This scheme ensures that no branch of the federal government becomes too powerful. (3) This equal distribution of powers and limits on power is called the system of checks and balances.

- 23.** Which sentence contains the main idea of the paragraph? (1), (2), or (3)

FOCUS ON WRITING

- 24. Writing Your Editorial** You should start your editorial with a strong statement of your opinion about the Constitution. Then write two to three sentences about each of your main points of support—a weakness of the Articles of Confederation and/or a strength of the Constitution. End your editorial with a call to action: Ask the delegates to the Constitutional Convention to ratify the Constitution. Remember that you are trying to convince people to make a very important decision for our country—be persuasive.