

## A New Plan of Government

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2. Whose traditions did the Americans still respect? (208)
3. What was the Magna Carta and how did it influence government in America? (208)
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# SECTION 3

# A New Plan of Government

## Guide to Reading

### Main Idea

The United States system of government rests on the Constitution.

### Key Terms

Enlightenment, federalism, article, legislative branch, executive branch, Electoral College, judicial branch, checks and balances, ratify, Federalist, Antifederalist, amendment

### Reading Strategy

**Organizing Information** Re-create the diagram below. In the boxes explain how the system of checks and balances works.

	Has check or balance over:	Example
President		
Congress		
Supreme Court		

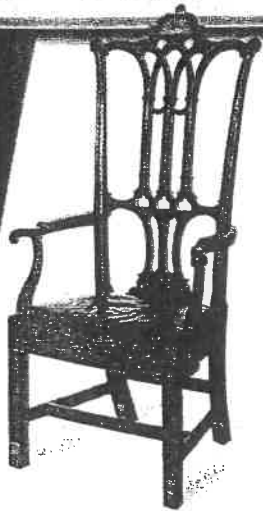
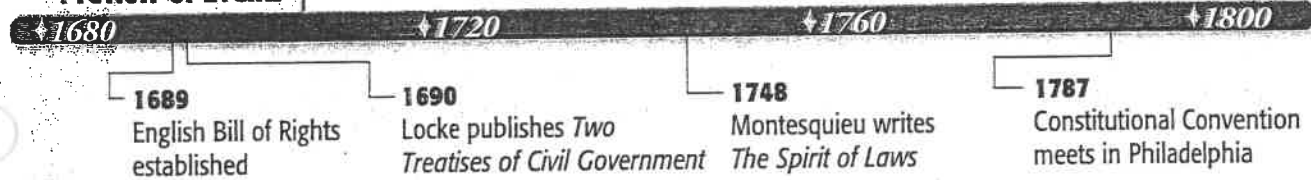
### Read to Learn

- about the roots of the Constitution.
- how the Constitution limits the power of government.

### Section Theme

**Civic Rights and Responsibilities**  
The Constitution outlines the responsibilities and the limits of the three branches of the national government.

### Preview of Events



Washington's chair, Constitutional Convention

## AN American Story

As Benjamin Franklin was leaving the last session of the Constitutional Convention, a woman asked, "What kind of government have you given us, Dr. Franklin? A republic or a monarchy?" Franklin answered, "A republic, Madam, if you can keep it." Franklin's response indicated that a republic—a system of government in which the people elect representatives to exercise power for them—requires citizens to take an active role.

## Roots of the Constitution

After four long and difficult months, Franklin and the other delegates had produced a new constitution. The document provided the framework for a strong central government for the United States.

Although a uniquely American document, the Constitution has roots in many other civilizations. The delegates had studied and discussed the history of political development at length—starting with ancient Greece—so that their new government could avoid the mistakes of the past.

Many ideas embedded in the Constitution came from the study of European political institutions and political writers. British ideas and institutions particularly influenced the delegates.

The Framers who shaped the document were familiar with the parliamentary system of Britain, and many had participated in the colonial assemblies or their state assemblies. They valued the individual rights guaranteed by the British judicial system. Although the Americans had broken away from Britain, they respected many British traditions.

### British System of Government

The Magna Carta (1215) had placed limits on the power of the monarch. England's lawmaking body, Parliament, emerged as a force that the king had to depend on to pay for wars and to finance the royal government. Like Parliament, the colonial assemblies controlled their colony's funds. For that reason the assemblies had some control over colonial governors.

The English Bill of Rights of 1689 provided another important model for Americans. Many Americans felt that the Constitution also needed a bill of rights.

Framers of the Constitution got many ideas on the nature of people and government from European writers of the Enlightenment. The Enlightenment was a movement of the 1700s that promoted knowledge, reason, and science as the means to improve society. James Madison and other architects of the Constitution were familiar with the work of **John Locke** and **Baron de Montesquieu** (MAHN•tuhs•KYOO), two important philosophers.

Locke, an English philosopher, believed that all people have **natural rights**. These natural rights include the rights to life, liberty, and property. In his *Two Treatises of Civil Government* (1690), he wrote that government is based on an agreement, or contract, between the people and the ruler. Many Americans interpreted natural rights to mean the rights of Englishmen defined in the Magna Carta and the English Bill of Rights. The Framers viewed the Constitution as a contract between the American people and their government. The contract protected the people's natural rights by limiting the government's power.

*“[E]very man has a property in his own person. This nobody has any right to but himself.”*

—John Locke, *The Second Treatise of Government* (1690)



In *The Spirit of Laws* (1748), the French writer Montesquieu declared that the powers of government should be separated and balanced against each other. This separation would keep any one person or group from gaining too much power. The powers of government should also be clearly defined and limited to prevent abuse. Following the ideas of Montesquieu, the Framers of the Constitution carefully specified and divided the powers of government.

**✓ Reading Check Describing** How did the English Bill of Rights influence Americans?

### The Federal System

The Constitution created a federal system of government that divided powers between the national, or federal, government and the states. Under the Articles of Confederation the states retained their sovereignty. Under the Constitution the states gave up some of their powers to the federal government while keeping others.

### Shared Powers

Federalism, or sharing power between the federal and state governments, is one of the distinctive features of the United States government.

Under the Constitution, the federal government had broad powers to tax, regulate trade, coin the currency, raise an army, and declare war. It could also pass laws that were "necessary and proper" for carrying out its responsibilities.

However, the Constitution left important powers in the hands of the states. The states had the power to pass and enforce laws and regulate trade within their borders. They could also establish local governments, schools, and other institutions affecting the welfare of their citizens. Both federal and state governments also had the power to tax and to build roads.

### The Constitution Becomes Supreme Law of the Land

The Constitution and the laws that Congress passed were to be "the supreme law of the land." No state could make laws or take actions that went against the Constitution. Any dispute between the federal government and the states was to be settled by the federal courts on the basis of the Constitution. Under the new federal government, the Constitution became the final and supreme authority.

**Reading Check** **Describing** What is the principle of federalism?

### The Organization of Government

Influenced by Montesquieu's idea of a division of powers, the Framers divided the federal government into three branches—legislative, executive, and judicial. The first three articles, or parts, of the Constitution describe the powers and responsibilities of each branch.

#### America's Architecture

**The Old Senate Chamber** The U.S. Senate met in the Old Senate Chamber from 1810 until 1859. The two-story chamber is semicircular in shape and measures 75 feet long and 50 feet wide. Two visitors galleries overlook the chamber: After the Senate moved to its present location, the room was occupied by the Supreme Court, from 1860 to 1935. **What branches of government conducted business in the chamber?**

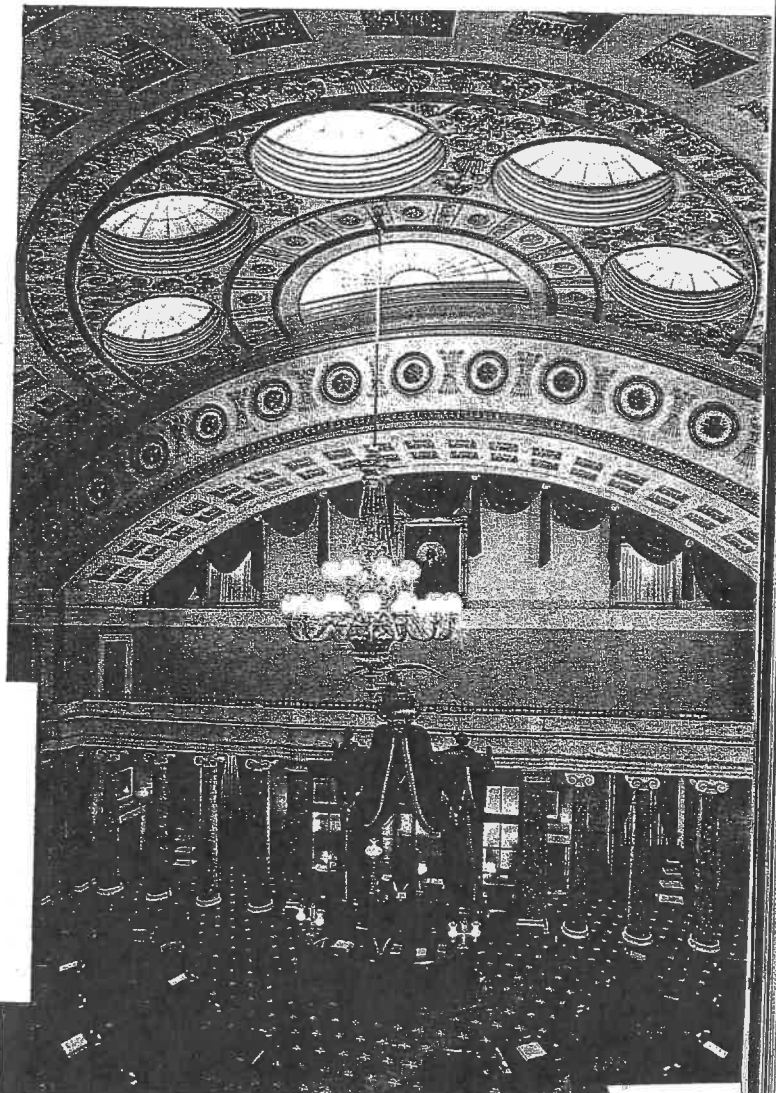
### The Legislative Branch

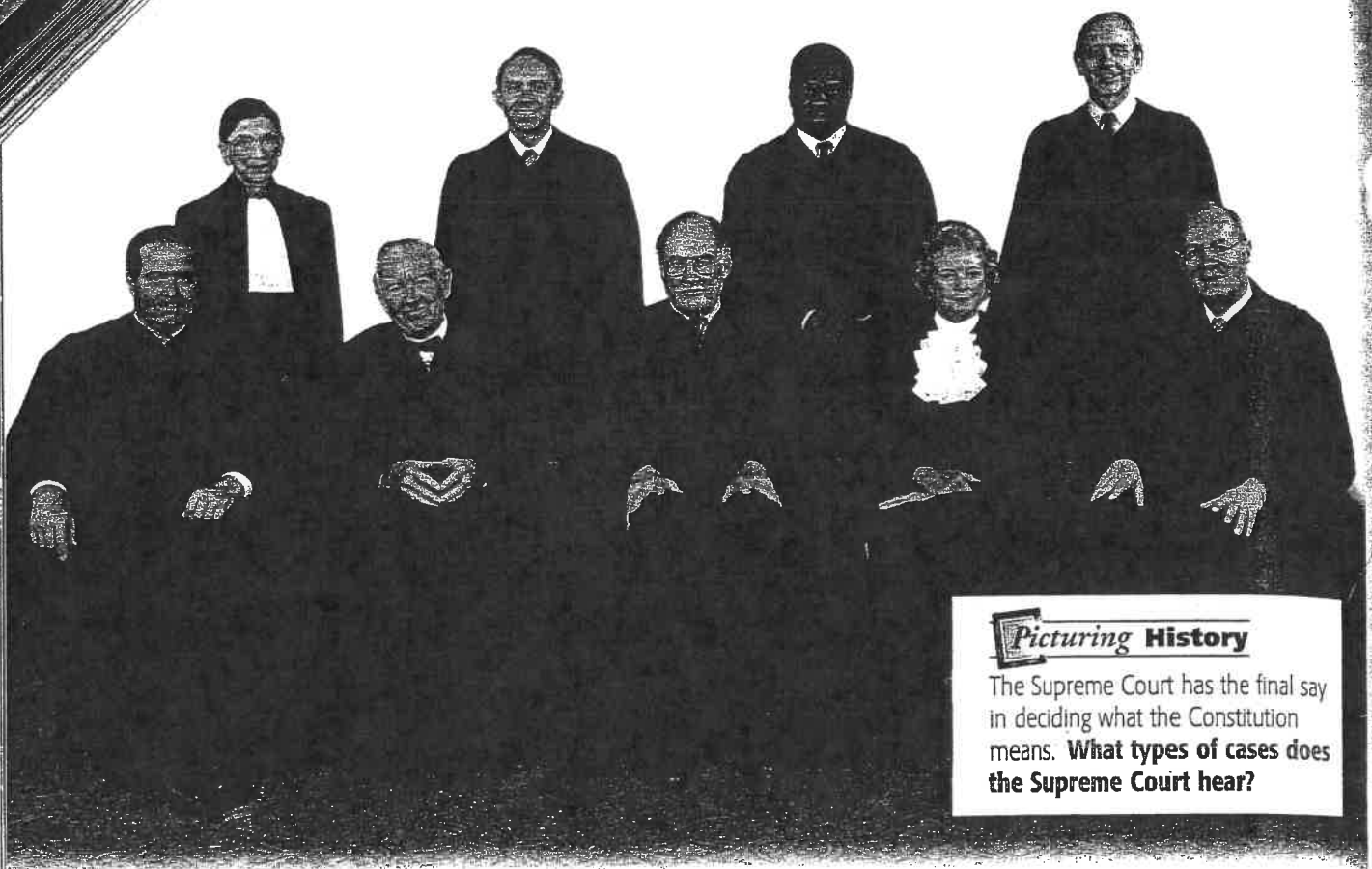
Article I of the Constitution establishes Congress, the legislative branch, or lawmaking branch, of the government. Congress is composed of the House of Representatives and the Senate. As a result of the Great Compromise between large and small states, each state's representation in the House is proportional to its population. Representation in the Senate is equal—two senators for each state.

The powers of Congress include collecting taxes, coining money, and regulating trade. Congress can also declare war and "raise and support armies." Finally it makes all laws needed to fulfill the functions given to it as stated in the Constitution.

### The Executive Branch

Memories of King George III's rule made some delegates reluctant to establish a powerful executive, or ruler. Others believed that the





### **Picturing History**

The Supreme Court has the final say in deciding what the Constitution means. **What types of cases does the Supreme Court hear?**

Confederation had failed, in part, because it lacked an executive branch or president. They argued that a strong executive would serve as a check, or limit, on Congress.

Article II of the Constitution established the executive branch, headed by the president, to carry out the nation's laws and policies. The president serves as commander in chief of the armed forces and conducts relations with foreign countries.

The president and a vice president are elected by a special group called the Electoral College, made up of presidential electors. Each state's voters select electors to cast their votes for the president and vice president. Each state has as many electors as it has senators and representatives in Congress. The president and vice president chosen by the electors serve a four-year term.

### **The Judicial Branch**

Article III of the Constitution deals with the judicial branch, or court system, of the United States. The nation's judicial power resides in "one supreme Court" and any other lower federal courts that Congress might establish. The

Supreme Court and the federal courts hear cases involving the Constitution, laws passed by Congress, and disputes between states.

### **System of Checks and Balances**

The most distinctive feature of the United States government is the separation of powers. The Constitution divides government power among the legislative, executive, and judicial branches. To keep any one branch from gaining too much power, the Framers built in a system of checks and balances. The three branches of government have roles that check, or limit, the others so that no single branch can dominate the government.

Both the House and the Senate must pass a bill for it to become law. The president can check Congress by vetoing, or rejecting, the bill. However, Congress can then check the president by overriding, or voting down, the veto. To override a veto, two-thirds of the members of both houses of Congress must vote for the bill.

The system of checks and balances also applies to the Supreme Court. The president appoints Supreme Court justices, and the Senate must approve the appointments.

# Linking Past & Present

## Great Seal of the United States

The Great Seal of the United States is the official seal of the United States government. The seal appears on important government documents. First adopted in 1782, it remains in use today. The face of the seal shows an American eagle with its wings spread. The seal also includes the motto *E pluribus unum* ("From many, one"). Most Americans don't know it, but they often carry around the seal. The one-dollar bill has both sides of the Great Seal on its back.



The United States has had several versions of the Great Seal.

### The Great Seal and the number thirteen

#### On the Great Seal are

- 13 stars in the crest above the eagle
- 13 stripes on the eagle's shield
- 13 arrows in the eagle's left claw
- 13 olives and leaves in the eagle's right claw
- 13 letters in *E Pluribus Unum*
- 13 letters in the motto above the eye, *Annuit Coeptis*

### Federalists

Supporters of the new Constitution were called Federalists. Better organized than their opponents, Federalists enjoyed the support of two of the most respected men in America—George Washington and Benjamin Franklin.

Over time, the Court became a check on Congress and the president by ruling on the constitutionality of laws and presidential acts. The system has been successful in maintaining a balance of power among the branches of the federal government and limiting abuses of power.

### National Citizens

The Constitution created citizens of the United States. It set up a government in which the people choose their officials—directly or indirectly. Officials answer to the people rather than to the states. The new government pledged to protect the personal freedoms of its citizens.

With these revolutionary changes, Americans showed the world that it was possible for a people to change its form of government through discussion and choice—rather than through chaos, force, or war. The rest of the world watched the new nation with interest to see whether its experiment in self-government would really work.

**Reading Check** Explaining Why does the Constitution divide government power among the legislative, executive, and judicial branches?

### Citizenship


## The Constitutional Debate

The delegates at Philadelphia had produced the Constitution, but its acceptance depended upon the will of the people. Gaining approval of the Constitution, with its radical new plan of government, was not going to be easy. Supporters and opponents prepared to defend their positions.

Before the Constitution could go into effect, nine states needed to ratify, or approve, it. State legislatures set up special ratifying conventions to consider the document. By late 1787 these conventions started to meet. Rhode Island stood apart. Its leaders opposed the Constitution from the beginning and therefore did not call a convention to approve it.

A great debate now took place throughout the country. In newspapers, at public meetings, and in many conversations, Americans discussed the arguments for and against the new Constitution.

Three of the nation's most gifted political thinkers—James Madison, Alexander Hamilton, and John Jay—also backed the Constitution.

Madison, Hamilton, and Jay teamed up to write a series of essays explaining and defending the Constitution. These essays appeared in newspapers around the country and were widely read by Americans of every persuasion. Called *The Federalist Papers*, they were later published as a book and sent to delegates at the remaining ratifying conventions.  (See pages 614–615 of the Appendix for excerpts from *The Federalist Papers*.) Jefferson described the series of essays as

“the best commentary on the principles of government which was ever written.”

### Antifederalists

The Federalists called those who opposed ratification Antifederalists. Although not as well organized as the Federalists, the Antifederalists

#### Picturing History

Antifederalist Mercy Otis Warren feared that the Constitution would make the central government too powerful. **What was the biggest criticism of the Constitution by Antifederalists?**



had some dedicated supporters. They responded to the Federalists with a series of their own essays, now known as the *Antifederalist Papers*. Their main argument was that the new Constitution would take away the liberties Americans had fought to win from Great Britain. The Constitution would create a strong central government, ignore the will of the states and the people, and favor the wealthy few over the common people. Antifederalists preferred local government close to the people. An energetic central government, they feared, would be government by a small, educated group of individuals. They agreed with Patrick Henry, who warned that the Constitution was “incompatible with the genius of republicanism.”

### Protecting Rights

Perhaps the strongest criticism of the Constitution was that it lacked a bill of rights to protect individual freedoms. Antifederalists believed that no government could be trusted to protect the freedom of its citizens. Several state conventions took a stand and announced that they would not ratify the Constitution without the addition of a bill of rights.

Mercy Otis Warren, a Massachusetts opponent of the Constitution, expressed the problem faced by many Antifederalists. She admitted the need for a strong government but feared it.

“We have struggled for liberty and made costly sacrifices . . . and there are still many among us who [value liberty] too much to relinquish . . . the rights of man for the dignity of government.”

In many ways the debate between Federalists and Antifederalists came down to their different fears. Federalists feared disorder without a strong central government. They believed that more uprisings like Shays's Rebellion would occur. They looked to the Constitution to create a national government capable of maintaining order. The Antifederalists feared oppression more than disorder. They worried about the concentration of power that would result from a strong national government.

 **Reading Check Explaining** According to the Antifederalists, why was a bill of rights important?



## Analyzing Political Cartoons

A cartoon published in 1788 celebrates New Hampshire becoming the ninth state to ratify the Constitution. From the cartoon, which was the first state to ratify?

*The Ninth PILLAR erected!*  
 "The Ratification of the Conventions of nine States, shall be sufficient for the establishment of this Constitution, between the States so ratifying the same." Art. vi.  
 INCIPIENT MAGNI PROCEDERE MENSES.



## Adopting the Constitution

On December 7, 1787, Delaware became the first state to approve the Constitution. On June 21, 1788, the ninth state—New Hampshire—ratified it. In theory that meant that the new government could go into effect. However, without the support of the two largest states—New York and Virginia—the future of the new government was not promising. Neither state had ratified yet, and both had strong Antifederalist groups.

In Virginia, Patrick Henry gave fiery speeches against the proposed Constitution. It did not, he charged, sufficiently limit the power of the central government. Still, Virginia ratified the constitution at the end of June 1788, after being assured that the Constitution would include a bill of rights amendment. An amendment is something added to a document.

That left three states—New York, North Carolina, and Rhode Island—to ratify. In July 1788, New York finally ratified it by a narrow margin. North Carolina ratified in November 1789, and Rhode Island ratified in May 1790.

After ratification came the celebrations. Boston, New York, and Philadelphia held big parades accompanied by cannon salutes and ringing church bells. Smaller celebrations took place in hundreds of American towns.

The task of creating the Constitution had ended. The Bill of Rights would be added in 1791, after the new government took office. Now it was time for the nation to elect leaders and begin the work of government.

**Reading Check Explaining** Why was the support of New York and Virginia vital to ratifying the Constitution?

## SECTION 3 ASSESSMENT



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### Checking for Understanding

- Key Terms** Define the following terms: Enlightenment, federalism, article, Electoral College, checks and balances, ratify, Federalist, Antifederalist, amendment.
- Reviewing Facts** What influence did John Locke have on American government?

### Reviewing Themes

- Civic Rights and Responsibilities** Why did the Framers of the Constitution believe that a division of powers and a system of checks and balances were necessary in a government?

### Critical Thinking

- Finding the Main Idea** What do you think was the most important reason for establishing a strong central government under the Constitution?
- Comparing** Re-create the diagram below. Describe the differences between Hamilton's and Henry's views on the Constitution.

Views on the Constitution	
Hamilton	Henry

### Analyzing Visuals

- Political Cartoons** Study the political cartoon on this page. Then answer the questions that follow. What do the pillars represent? How do the last two pillars appear?

### Interdisciplinary Activity

**Citizenship** Refer to the Bill of Rights on pages 244–245. Collect photographs from newspapers or magazines that illustrate the freedoms guaranteed in the Bill of Rights. Put your photos on a poster entitled "Pictures of Liberty."

