



**GUIDED READING** *Preamble and Article 1*

As you read the Preamble and Article 1 of the Constitution, answer the questions below. Circle **Yes** or **No** for each question and provide the location of the information that supports your answer. All information is in Article 1, so you need to supply only the section and clause information. Section 4, Clause 2 would be written 4.2.

- Example:* Do states have varying numbers of Senators? ..... Location 3/ Yes  No
1. Lois Deever, a Texan for two years, is 26 years old and has been a U.S. citizen for ten years. Could she serve as a congresswoman from Texas? ..... Location \_\_\_\_\_ Yes  No
  2. Ky Pham is 32 years old and became a U.S. citizen at the age of 24. Could he serve as a senator from Maine, where he has lived his entire life? ..... Location \_\_\_\_\_ Yes  No
  3. If the Senate votes 49 to 49 on a bill, does the President of the Senate cast the tie-breaking vote? ..... Location \_\_\_\_\_ Yes  No
  4. Can a senator be sued for slander because of things he or she said in a speech on the floor of the Senate? ..... Location \_\_\_\_\_ Yes  No
  5. If Congress creates a new government agency, can a senator or representative resign from office to become the head of that agency? ..... Location \_\_\_\_\_ Yes  No
  6. Can the Senate expel one of its members? ..... Location \_\_\_\_\_ Yes  No
  7. If the House unanimously votes to override a presidential veto, and the Senate votes to override by a vote of 64 to 34, does the bill become law? ..... Location \_\_\_\_\_ Yes  No
  8. Can Congress pass an *ex post facto* law if both houses favor it by a two-thirds majority? ..... Location \_\_\_\_\_ Yes  No
  9. Can a state impose an import tax on goods entering from another state? ..... Location \_\_\_\_\_ Yes  No
  10. Could a bill pass the Senate by a vote of 26 to 27? ..... Location \_\_\_\_\_ Yes  No
  11. If a bill is sent to the president one week before Congress adjourns, and the president neither signs it nor returns it, does it become law? ..... Location \_\_\_\_\_ Yes  No
  12. Can a state legally engage in war with a foreign nation if the state is invaded by troops of that nation? ..... Location \_\_\_\_\_ Yes  No



## GUIDED READING *Articles 2 and 3*

As you read Articles 2 and 3, answer each of the following questions by writing **Yes** or **No** on the blank line. Each question is specifically answered by the Constitution.

### Article 2

- \_\_\_\_\_ 1. Is the length of a president's term set by the Constitution?
- \_\_\_\_\_ 2. Does the number of electors that each state has in the Electoral College vary from state to state?
- \_\_\_\_\_ 3. Must national elections be held in November?
- \_\_\_\_\_ 4. Can a 30-year-old, natural-born citizen hold the office of president?
- \_\_\_\_\_ 5. Can an 80-year-old person who became a U.S. citizen at the age of 21 hold the office of president?
- \_\_\_\_\_ 6. Does a president's salary always remain the same while in office?
- \_\_\_\_\_ 7. Must someone elected to the presidency take an oath before taking office?
- \_\_\_\_\_ 8. Can the president pardon someone convicted of treason?
- \_\_\_\_\_ 9. Must the president report to Congress about how the nation is doing?
- \_\_\_\_\_ 10. Can a president convicted of bribery remain in office?

### Article 3

- \_\_\_\_\_ 11. Can a president dismiss a member of the Supreme Court and replace him or her with someone more in agreement with the president?
- \_\_\_\_\_ 12. Can the salary paid to a federal judge be lowered while that judge remains in office?
- \_\_\_\_\_ 13. Must a case in which a resident of Nebraska sues a citizen of Louisiana be heard in a federal court?
- \_\_\_\_\_ 14. Can someone who publicly urges others to overthrow the federal government be convicted of treason for that position?
- \_\_\_\_\_ 15. Can a person who gives secret information about U.S. military plans to a foreign government be convicted of treason?
- \_\_\_\_\_ 16. Can a person who denies having committed treason be convicted on the testimony of a single person who witnessed the treasonous act?



**GUIDED READING** *Articles 4–7*

As you read Articles 4-7, answer the following questions and note the article (with section and clause, when necessary) that is the source for the relevant information. Article 4, Section 3, Clause 2 would be written 4.3.2.

*Example:* Could Utah refuse to allow a U.S. citizen from Ohio to buy a home in Utah?      Yes  No   
 Location 4.2

**Article 4**

1. Must one state honor the ruling of a state court in another state? ..... Yes No  
 Location \_\_\_\_\_
2. If a woman commits a crime in Kentucky and is captured in New York, can New York refuse to return her to Kentucky? ..... Yes No  
 Location \_\_\_\_\_
3. Would it be possible for North and South Dakota to become one state if both state legislatures, and Congress, approved of such a merger? ..... Yes No  
 Location \_\_\_\_\_
4. Can one state establish a dictatorship within that state as long as it does not interfere with the lives of citizens in other states? ..... Yes No  
 Location \_\_\_\_\_

**Article 5**

5. What institution decides when an amendment to the Constitution should be proposed and considered? ..... Answer \_\_\_\_\_  
 Location \_\_\_\_\_
6. How many states must approve an amendment for it to take effect? ..... Answer \_\_\_\_\_  
 Location \_\_\_\_\_

**Article 6**

7. Can one state enforce a law within its own borders that conflicts with a national law? ..... Yes No  
 Location \_\_\_\_\_
8. If a man refused to support the Constitution, could he serve as a member of his state's legislature? ..... Yes No  
 Location \_\_\_\_\_
9. Can an atheist be denied the right to hold federal office? ..... Yes No  
 Location \_\_\_\_\_

**Article 7**

10. How many states had to ratify the Constitution for it to become the law of the land? ..... Answer \_\_\_\_\_  
 Location \_\_\_\_\_
11. In what year was the Constitution signed by delegates to the Constitutional Convention? ..... Answer \_\_\_\_\_  
 Location \_\_\_\_\_



## GUIDED READING *The Amendments*

As you read the amendments to the Constitution, circle the correct choice from each parenthetical pair of choices in the summary below.

- Amendment 1 establishes the people's right to (vote/criticize the government).
- Amendment 2 maintains that states have the right to have (armed militias/legislatures).
- Amendment 3 protects people from being forced to (serve as/house) soldiers in peacetime.
- Amendment 4 requires police to provide a (good reason/written accusation) to obtain a search warrant.
- Amendment 5 guarantees that the government cannot take private property for its own use without (the owner's agreement/fair payment).
- Amendment 6 protects the rights of (crime victims/people accused of crimes).
- Amendment 7 requires that most people accused of civil crimes be given a (jury/speedy) trial.
- Amendment 8 says that bails, fines, and punishments for crimes cannot be (delayed/unfair or cruel).
- Amendment 9 states that people's rights (are/are not) limited to those listed in the Constitution.
- Amendment 10 says that government powers not mentioned in the Constitution belong to (the states or the people/the House of Representatives).
- Amendment 11 prohibits a citizen of one state from suing another (state/citizen) in a federal court.
- Amendment 12 requires that electors for president and vice president clearly identify (the party each candidate belongs to/the person they choose for each office).
- Amendment 13 forbids slavery in the (South/United States).
- Amendment 14 requires that states give all people (the right to vote/equal protection under the law).
- Amendment 15 prohibits denying voting rights because of (sex/race).
- Amendment 16 establishes Congress's right to pass (an income/a sales) tax.
- Amendment 17 changes the way in which (the president/U.S. senators) are elected.
- Amendment 18 establishes (prohibition/civil rights).
- Amendment 19 prohibits denying the right to vote based on (age/sex).
- Amendment 20 (shortens/lengthens) the time between elections and taking office.
- Amendment 21 repeals Amendment (17/18).
- Amendment 22 limits the (years/number) of presidential terms.
- Amendment 23 gives residents of Washington, D.C., the right to vote in (presidential/local) elections.
- Amendment 24 forbids a tax on (voting/property).
- Amendment 25 establishes when and how the (Speaker of the House/vice president) can take over presidential powers.
- Amendment 26 extends suffrage to (residents/citizens) who are 18 years of age.
- Amendment 27 deals with pay raises for (members of Congress/the president).



**SKILLBUILDER PRACTICE** *Clarifying*

*Discussion of search warrants and warrants to arrest a person are commonly heard on police and detective television programs. The need for such warrants is based in Amendment 4 of the Bill of Rights. Read the Amendment, then fill in the charts below to help clarify the language of this important protection of citizens' rights. Use a dictionary, if you like. (See Skillbuilder Handbook, p. 1037.)*

**Amendment 4. Search and Seizure** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Original word or phrase	How you would define it
1. secure	1.
2. effects	2.
3. seizure	3.
4. warrant	4.
5. issue	5.
6. probable cause	6.
7. affirmation	7.

**8. Original wording:** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . .

**Simplified wording:**

**9. Original wording:** . . . and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

**Simplified wording:**



## GEOGRAPHY APPLICATION: REGION *The Electoral College*

*Directions: Read the paragraphs below and study the map carefully. Then answer the questions that follow.*

Delegates to the Constitutional Convention of 1787 debated the question of presidential election. Some wanted direct election. Others favored election by Congress. They compromised on a plan of indirect election by electors picked by popular vote. Called the electoral college, the plan is a double-election system.

Here is how it works. Political parties in each state choose electors, people pledged to support a party's candidate. The number of electors for each party equals the combined number of that state's U.S. senators and representatives. (Today there are 535 U.S. senators and representatives, plus 3 electors from the District of Columbia, for a national total of 538 electors.) A candidate must have a majority to win. Then, if no one receives 270 electors' votes, the House of Representatives chooses a

winner from the top three vote getters.

On election day, citizens vote for president. Their votes, however, are actually for electors pledged to that person. The candidate getting the majority of popular votes gets all the electoral votes of the state.

Then, about six weeks after the election, electors meet at their state capitals to cast ballots directly for president. But this may not mirror the country's popular vote. If, for example, someone gets a small majority in a few states with a big electoral count but loses heavily in many small states, a minority of nationwide popular votes can control a majority of electoral votes. In fact, three times—1824, 1876, and 1888—a candidate not having the largest popular vote became president through the electoral college.

**Electoral Votes for Each State in the 1990s (Total=538)**



**Interpreting Text and Visuals**

1. How was the electoral process for choosing the president decided on at the Constitutional Convention? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. How is the number of electoral votes for each state determined? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. What do you think caused some delegates to the Constitutional Convention of 1787 to be unwilling to let the people elect the president directly? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Which six states and one district have the fewest electoral votes? How many does each have? \_\_\_\_\_  
\_\_\_\_\_  
  
How many electoral votes does your state have? \_\_\_\_\_
5. How does the electoral college's "double-election" system work? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Explain how a presidential candidate can lose the overall popular vote and still become president. \_\_\_\_\_  
\_\_\_\_\_
7. What possible criticism do you see of the six-week delay between the popular vote and the electors' vote? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**AMERICAN LIVES** **James Madison**  
*Quiet Politician*

*“Every person seems to acknowledge his greatness. He blends together the profound politician, with the Scholar. In the management of every great question he evidently took the lead in the Convention.”—William Pierce, Georgia delegate to the Constitutional Convention, on James Madison (1787)*

James Madison was an unlikely politician. Frail, a hypochondriac, and shy, he was a private person who did not like campaigning and spoke so softly he was not always heard. Yet he served more than 40 years in public office, impressing people with his learning and careful preparation.

An eager student, Madison (1751–1836) read every book in his father’s library by age eleven. After studying with a tutor, he attended the College of New Jersey (now Princeton) and completed a three-year course in two. After one more year of study, he returned home, suffering some physical or emotional breakdown.

He was energized to enter politics when he met some Baptists imprisoned for their religious beliefs. Madison vowed to help them. In 1776, he joined the Virginia Convention and won approval of a call for the “free exercise of religion.”

From 1776 to 1787, Madison served either in Virginia’s revolutionary government or the national Congress. He won another victory for religious freedom, persuading the Virginia assembly to pass a law that ended the Anglican Church’s status as an official religion. Throughout this period, he concluded that the Confederation government was too weak to be effective.

Madison prepared for the Constitutional Convention by reading the history of other confederations. He listed their weaknesses and drafted the outlines of a new constitution. His ideas formed the basis of what was submitted as the Virginia Plan. Madison attended virtually every minute of the sessions, taking notes of the proceedings. He spoke often, always in defense of a strong central government. He also argued strongly for direct election of the legislature, which he called vital “to every plan of free government.”

Madison wrote about a third of the *Federalist Papers* urging ratification of the new Constitution. Critics argued that the document gave the new government power to tyrannize over individuals. Madison tried to reassure them: “Justice is the end

of government. . . . It ever has been, and ever will be pursued, until it be obtained or until liberty be lost in the pursuit.” During June 1788, he debated Patrick Henry, using his greater learning to combat Henry’s more passionate appeals. Madison won, and Virginia ratified. Yet Henry, who controlled the Virginia Assembly, succeeded in denying Madison either seat in the new Senate. He also tried to draw a district boundary that would prevent Madison from winning a seat in the House, but Madison did win election.

The Constitution was approved in part because of the promise to enact a Bill of Rights. Some wanted a new convention to draft these amendments, but Madison feared that such a meeting would rewrite the whole Constitution, undoing all the careful work. So, he wrote the necessary amendments and pushed the first Congress to pass them and send them to the states for final approval. Thus, a new convention was not needed.

Madison went on to serve as his friend Thomas Jefferson’s secretary of state for eight years and as president for another eight. He left office in 1817 scarred by divisions in the country caused by the War of 1812. In his remaining 19 years, Madison grew alarmed at the increasing divisions between sections. When he died, a brief message called “Advice to My Country” was discovered. It said: “The advice nearest to my heart and deepest in my convictions is, that the Union of the States be cherished and preserved.” It was a union that he had done much to build.

## Questions

1. Is a person of Madison’s shyness likely to succeed in politics now? Explain your answer.
2. What did Madison do to promote religious freedom?
3. In what sense is it fair to call Madison the “father of the Constitution”?




**AMERICAN LIVES**

# Thurgood Marshall

## *Lawyer, Jurist, Crusader for Equality*

***“Cast aside today are those condemned to face society’s ultimate penalty. Tomorrow’s victims may be minorities, women, or the indigent. Inevitably [these rulings] . . . will squander the authority and legitimacy of this court as a protector of the powerless.”—Thurgood Marshall, dissenting opinion in Payne v. Tennessee (1991)***

Born the great-grandson of a slave, Thurgood Marshall (1908–1993) did as much as anyone to erase the legacy of slavery. As a lawyer and as a Supreme Court justice, he fought to ensure that African Americans had full equality before the law.

Marshall was born to a middle-class African-American family of Baltimore. He was a spirited child who frequently suffered his elementary school principal’s favorite punishment: being sent to the school’s basement to memorize part of the Constitution. “Before I left that school,” Marshall later recalled, “I knew the Constitution by heart.”

After graduation from college, he applied to the University of Maryland law school but was turned down because of his race. He attended the Howard University Law School instead—graduating with high honors—and joined the Baltimore chapter of the National Association for the Advancement of Colored People (NAACP). Soon he won his first case: a suit against the Maryland law school that had refused to enroll him. It was, he later said, “sweet revenge.”

Within a few years, Marshall had joined the NAACP’s national Legal Defense Fund, which he was named to head in 1938. From that position, he began to chip away at segregation, especially in education. Marshall’s workload was tremendous: by the mid-1950s, he handled 50 court cases a year and traveled 60,000 miles a year preparing and arguing his cases. He argued 32 cases before the Supreme Court—and won 29. Most prominent was the 1954 decision *Brown v. Board of Education*. In past education cases, Marshall had won Court agreement that African Americans should receive equal access to postgraduate or professional education. In *Brown*, Marshall used the Fourteenth and Fifteenth Amendments to attack segregated public schools. In oral arguments, he put the issue bluntly: the Court should “strike down all types” of laws treating people differently according to race. To justify segregation, “there would have to be some

recognition of a reason why of all the multitudinous groups of people in this country you have to single out Negroes and give them this special treatment.” There was, he went on, no such reason. The Court ruled unanimously that segregation in education was unconstitutional. Marshall was “so happy I was numb.”

Marshall soon went back to work, trying to ensure that school systems complied with the Court. In 1961, he was named a judge of the U.S. Court of Appeals. He did not wish to abandon the cause of civil rights, but felt that the Legal Defense Fund had an able staff and that duty called. In four years as a judge and two years as solicitor general of the United States, Marshall became an effective advocate for citizen’s rights. In 1967, President Lyndon Johnson named Marshall as an Associate Justice of the Supreme Court—replacing, ironically, the grandson of a former Confederate soldier.

Marshall served as a justice for almost 25 years. He worked to protect the rights of women and minorities and the right of free speech; he argued frequently to end the death penalty. His views were often expressed in dissenting opinions, as he spent most of his tenure as part of a liberal minority on a conservative Court. His writing reflected a deep understanding of the law and down-to-earth life experience. He was also well known for his humor. When he retired in 1991, he was asked why. “I’m getting old and falling apart,” he wryly replied.

### Questions

1. In naming Marshall to the Court, Johnson said “he has already earned his place in history.” Do you agree or disagree? Explain.
2. How does the *Brown* case show the flexibility of the Constitution?
3. The opening quotation comes from Marshall’s last opinion, a dissent in a death penalty case. How does it reflect his concerns as a justice?



## LIVING HISTORY *Researching and Writing about a Constitutional Question*

**PLANNING YOUR RESEARCH** Before you decide on your constitutional question, do some preliminary research to see whether there's enough information available. Then write down your constitutional question.

**FOCUSING YOUR RESEARCH** Use the five W's to help focus your research:

- **What** are the issues or opposing sides of your constitutional question?
- **Who** is involved in the issues—politicians, lobbyists, organizations? Who would be a good person to quote in your essay?
- **Why** is this constitutional question being debated or challenged?
- **Where** is this question being debated or challenged—in Congress, in the courts, in the media, on the streets, or somewhere else?
- **When** did this question first come up, and how long have people been debating it?

**ORGANIZING YOUR MATERIAL** After you have researched your constitutional question, use this form to help organize your ideas:

- ✓ State your opinion about the constitutional question.
- ✓ List three main ideas to support your opinion and the sources you're using for information and quotes.
- ✓ Explain an opposing opinion about the constitutional question and at least one reason to support it, plus sources for the opposing opinion.

**WRITING YOUR ESSAY** Here are some suggestions to follow when drafting and revising your essay:

- Introduction explains the question and the issues surrounding it and then concludes with a statement of your opinion.
- Body of essay includes at least three reasons supporting your opinion.
- Body of essay also addresses and analyzes an opposing opinion with support.
- Quotations of important participants in the issue, as well as other facts, are used as support.
- Conclusion of essay restates your opinion and summarizes arguments for it.

### Tips for Researching a Topic

- Try the *Readers' Guide to Periodical Literature* to see how popular magazines are reporting the issue as well as the *New York Times Index*.
- Ask your librarian about the availability of electronic data bases.
- Browse the Internet
- Examine Supreme Court cases. For example, *U.S. v. Miller, 1939*, relates to the sale of firearms, and *Horton v. California, 1990*, relates to police searches without a warrant.
- Use a variety of sources and make sure you cite at least three sources in your essay.

**Remember** to document your sources with names, titles, dates, and page numbers.



**LIVING HISTORY** *Standards for Evaluating  
an Opinion Essay*

<b>RESEARCH</b>	<b>Exceptional</b>	<b>Acceptable</b>	<b>Poor</b>
1. Shows evidence of research from a variety of sources			
2. Uses research from at least three sources			
3. Documents research sources by listing authors, titles, dates of publication, and pages where materials were found			
<b>IDEAS AND CONTENT</b>			
4. Summarizes and explains a specific constitutional question			
5. Clearly states an opinion about the question			
6. Supports the opinion with quotations and other specific research			
7. Presents an opposing opinion with support			
<b>STRUCTURE AND FORM</b>			
8. Shows logical organization of ideas and research materials			
9. Is expressed in clear, coherent language			

Comments \_\_\_\_\_  
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 \_\_\_\_\_  
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Overall Rating \_\_\_\_\_