

The Constitution

Section 3

3.3 Applying the Constitution



MAIN IDEA

The scope and impact of the Constitution have expanded as it has been put into practice, interpreted, and applied to new or changing social and political challenges.

Key Terms

executive agreements arrangements or compacts with foreign leaders or foreign governments

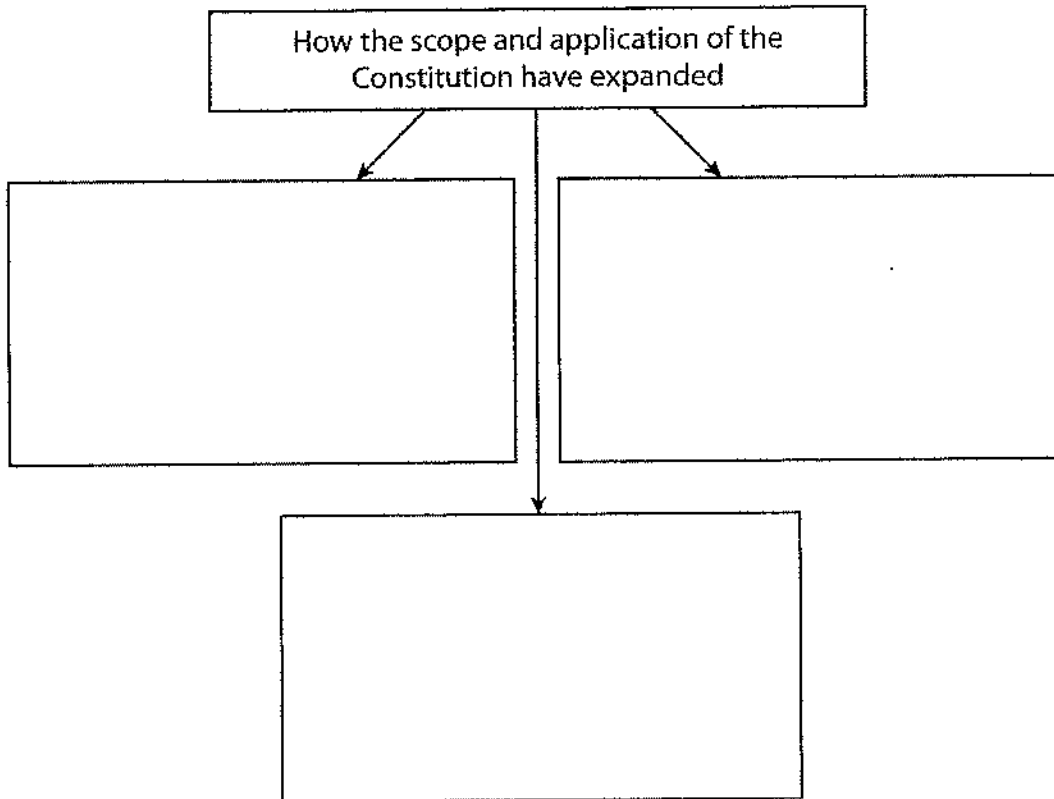
political party an organized group that seeks to win elections in order to influence the activities of government

cabinet a group of advisers consisting of the heads of the executive departments

gridlock inability to govern effectively due to separation of powers

electoral college body of 538 people elected from the 50 states and the District of Columbia who elect the president and vice president

Taking Notes ~ *complete after reading summary on next page.*
As you read, take notes on how the reach of the Constitution has expanded. Record your notes in the graphic organizer below.



Section Summary

THE FEDERAL GOVERNMENT APPLIES THE CONSTITUTION

Over the years, each branch of government has applied and thereby expanded the meaning of the Constitution—and the scope of government itself. The legislative branch, using powers it has interpreted in the Constitution, has increased the lower level of the judicial branch, created various executive departments and agencies, and passed legislation that often requires a new way of looking at old laws. The executive branch has interpreted the Constitution in other ways to make **executive agreements**—arrangements with foreign countries—and adopt rules for its departments and agencies.

The judicial branch's interpretation has resulted in court rulings that apply laws to modern-day situations. This power of judicial review is often the subject of the debate over "loose" versus "strict" construction of the Constitution. Some Americans believe that it is possible to infer other concepts beyond what the actual words in the document say—this is loose construction. Other Americans believe that the powers of the Constitution lie in the literal meaning of its words—this is strict construction.

Give two examples of how the legislative branch has interpreted the Constitution.

Why do you think judicial review is often a controversial subject in politics?

POLITICAL PARTIES, CUSTOMS, AND TRADITIONS

In addition to the three branches, other groups also influence how the Constitution is interpreted. For example, **political parties**, or groups who wish to win elections in order to influence government, can have a great effect on candidates, the kind of legislation Congress passes, and who a president nominates to become federal judges. Other groups, including political action committees and political bloggers, also affect legislation by making their voices heard—sometimes with the help of a political party and sometimes without.

Customs and traditions also play a role in how government is carried out. For example, George Washington created his **cabinet**—a group of advisers consisting of the heads of the executive departments—through an interpretation of Article II of the

What do you think the relationship is between a political party and its candidates? Underline evidence for your answer in the paragraph at left.

Section 3 *continued*

Constitution. Since then, every U.S. president has created a cabinet. Other traditions have become formal law, as in the case of the Twenty-second Amendment. Although earlier presidents had all served a maximum of two terms in office, President Franklin D. Roosevelt served four terms. In response to this break from tradition, Congress passed the Twenty-second Amendment, which limited presidents to two terms.

CRITICISMS OF THE CONSTITUTION

While the U.S. Constitution is one of the most respected documents in the world, it is criticized for various reasons. Some criticize the **gridlock**, or inability to govern, that can take place due to separation of powers. These critics feel that it is too easy for one branch to blame another when certain policy-making cannot be accomplished. Others believe that the Constitution does not allow for fair representation in Congress, arguing that states with much larger populations should be given more senators.

Additional criticisms involve the effectiveness of the **electoral college**—the body of people from the 50 states and the District of Columbia who elect the president and vice president—and winner-take-all elections. In both cases, critics worry that large portions of the popular vote do not hold enough value.

Why do some people criticize how states are represented in the Senate?
