

# *Constitution 101:*

## An Introduction & Overview to the US Constitution



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# What is the US Constitution?

- The supreme law of the United States.
- It is the foundation and source of the legal authority underlying the existence of the United States of America and the Federal Government of the United States.
- It provides the framework for the organization of the United States Government.

# Who Wrote It?

- James Madison is considered “the father of the Constitution.”
- His important contributions:
  - The Virginia Plan
  - Separation of Powers
  - Bill of Rights





# Why was it written?

- After the Revolutionary War, the Articles of Confederation set up the structure of the US Government.
- The federal government was extremely weak and this created many problems such as:
  1. No separation of powers – only unicameral legislature.
  2. Weak central government – states had most power.
  3. Congress did not have the power to tax – this means they could not get their finances in order.

# Why was it written?

- More problems with the *Articles of Confederation*:
  4. In order to change the Articles, all thirteen states had to approve of the changes. This made it essentially impossible to make any changes.
  5. For any major laws to pass they had to be approved by 9 or the 13 states which was difficult.
  6. Congress did not have the power to regulate commerce which caused competition between states. It also caused diplomatic issues when states refused to pay for goods their received from other nations.

# Why was it written?

- Shays' Rebellion:
  - An uprising of farmers in Massachusetts – led by Daniel Shays.
  - Helped convince leaders that a strong central government was needed.



*"A scene at Springfield, during Shay's Rebellion, when the mob attempted to prevent the holding of the Courts of Justice."—E. Benjamin Andrews, 1895*

# When was it written?



- May 25<sup>th</sup> to September 17<sup>th</sup>, 1787
- Philadelphia
- Intention was to revise *Articles of Confederation*
- Ended up replacing the *Articles* and creating a new government
- Called the “Constitutional Convention.”

# What were the important outcomes of the Constitutional Convention

- Virginia Plan:
  - Separation of powers
  - Bicameral legislature based on population
  - Federal government had increased powers
- New Jersey Plan:
  - Unicameral legislature where every state received equal representation.
- Great Compromise:
  - Hybrid of VA and NJ Plans:
    - Bicameral legislature:
      - House of Reps based on population
      - Senate based upon equal representation
  - Three-Fifth's Clause:
    - Slaves count as 3/5's of a person for representation purposes.



# Ratification Debate

- Needed 9 of 13 states to ratify or official approve of the Constitution before it went into effect.
- A huge debate emerged between two sides:
  - Federalists
  - Anti-Federalists



# Federalists v. Anti-Federalists

- Federalists:
  - Supported the Constitution and a strong central government
  - Alexander Hamilton, James Madison, John Jay
  - *Federalist Papers* – series of articles written in defense of the Constitution
- Anti-Federalists:
  - Supported a weaker central government – felt too much power was taken away from the states
  - Opposed the Constitution
  - Wanted a Bill of Rights included
  - Samuel Adams, Patrick Henry



# Ratification

## Ratification of the Constitution

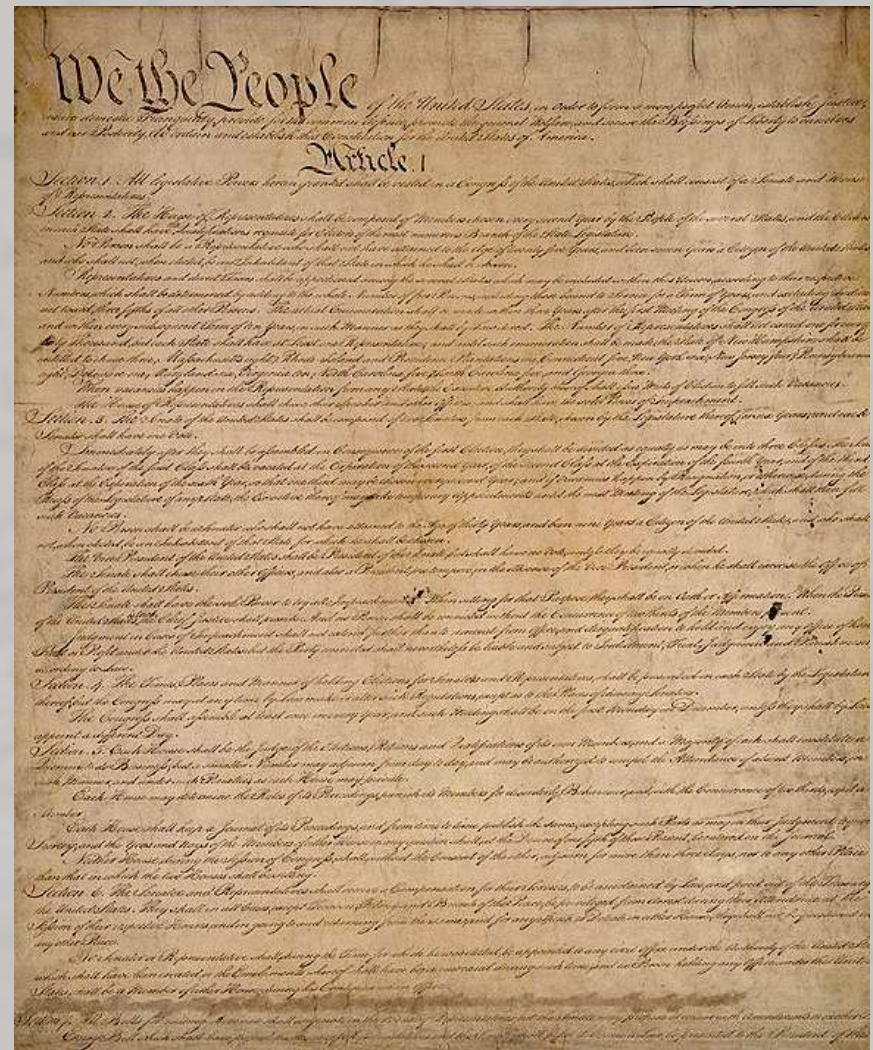
### *Votes of State Ratifying Conventions*

State	Date	For	Against
Delaware	December 1787	30	0
Pennsylvania	December 1787	46	23
New Jersey	December 1787	38	0
Georgia	January 1788	26	0
Connecticut	January 1788	128	40
Massachusetts	February 1788	187	168
Maryland	April 1788	63	11
South Carolina	May 1788	149	73
New Hampshire	June 1788	57	47
Virginia	June 1788	89	79
New York	July 1788	30	27
North Carolina	November 1789	194	77
Rhode Island	May 1790	34	32

- Officially adopted after ratified by New Hampshire.
- Once the new government convened, they added a Bill of Rights to the Constitution.

# Structure of the Constitution

- Preamble:
  - Statement of purpose
- Articles:
  - I: Legislative Branch
  - II: Executive Branch
  - III: Judicial Branch
  - IV: Relations Among the States
  - V: Amendment Process
  - VI: Federal Power
  - VII: Ratification
- Amendments:
  - 27 Total
  - 1<sup>st</sup> ten are the Bill of Rights





# Article I: Legislative Branch



- Bicameral:
  - Senate
    - 2 Senators for each state
  - House of Representatives
    - Based on population
- Reps serve for 2 year terms
- Senators serve for 6 year terms
- Important Powers:
  - Make laws
  - Set taxes
  - Declare war
  - Override Vetoes
  - Borrow money
  - Regulate international and national trade
  - Print money



# Article II: Executive Branch



- President and Vice President are elected to 4 year terms
- Qualifications:
  - At least 35 years old
  - 14 year resident of the US
  - Natural born citizen
- Elected by the Electoral College
- Important powers:
  - Commander-in-Chief
  - Grant pardons
  - Make treaties
  - Appoint federal officers
  - Ensure laws are executed



# Article III: Judicial Branch

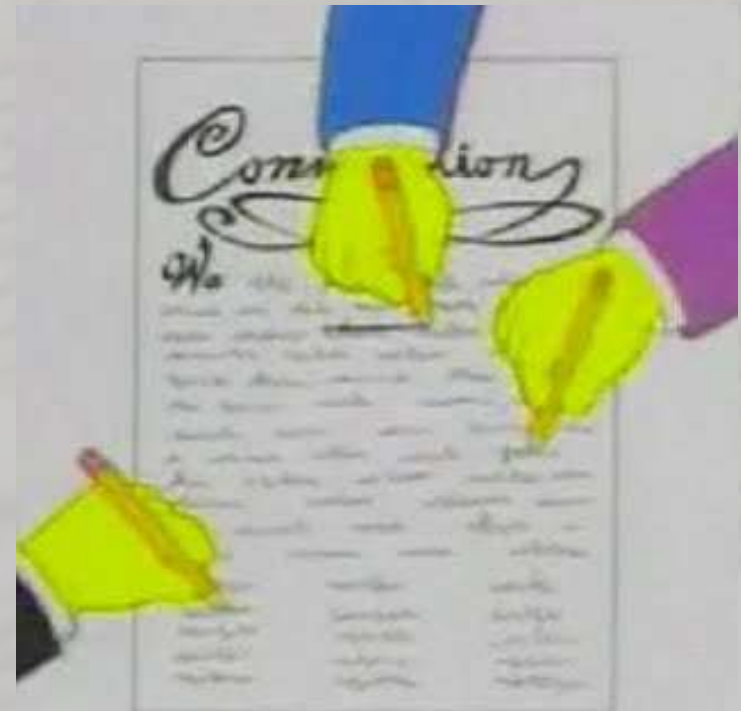


- Supreme Court judges serve for life unless impeached.
- Judicial power rests with US Supreme Court and other courts created by Congress
- Important Powers:
  - Decides cases of Constitutional law and federal law
  - Cases involving ambassadors go straight to Supreme Court
  - Judicial Review comes later (1803 – *Marbury v. Madison*)

# Other Important Articles:

- Article V: Amendments:
  - Amendments are proposed when 2/3 of House and Senate deem it necessary
  - Amendments are proposed when 2/3 of states deem it necessary
  - Amendments must be ratified by ¾ of state legislatures or by conventions in ¾ of states

- Article VI: Federal Power
  - Supremacy Clause: Federal law is supreme to state law
  - No religious tests for public office





# Important Amendments: Bill of Rights

1. Freedom of religion, of speech, of the press, to assemble, and to petition
2. Right to bear arms
3. No quartering of soldiers
4. No unreasonable search and seizure
5. Indictments; Due process; Self-incrimination; Double jeopardy, and rules for Eminent Domain.
6. Right to a fair and speedy public trial, Notice of accusations, Confronting one's accuser, Subpoenas, Right to counsel
7. Right to trial by jury in civil cases
8. No excessive bail & fines or cruel & unusual punishment
9. There are other rights not written in the Constitution
10. All rights not given to Federal Government belong to states and people.



# Other Important Amendments: Reconstruction Amendments

- 13<sup>th</sup> Amendment
  - abolished slavery
- 14<sup>th</sup> Amendment
  - Due process and equal protection under the law
  - All persons born in US are citizens
- 15<sup>th</sup> Amendment
  - Right to vote regardless of race, color, or previous servitude

# Other Important Amendments:

- 18th Amendment
  - Prohibition of alcohol
- 19<sup>th</sup> Amendment:
  - Women's suffrage
- 21<sup>st</sup> Amendment:
  - Repeals prohibition
- 22<sup>nd</sup> Amendment:
  - Presidential term limits
- 24<sup>th</sup> Amendment:
  - Prohibits poll taxes for voting
- 26<sup>th</sup> Amendment:
  - lowers voting age to 18