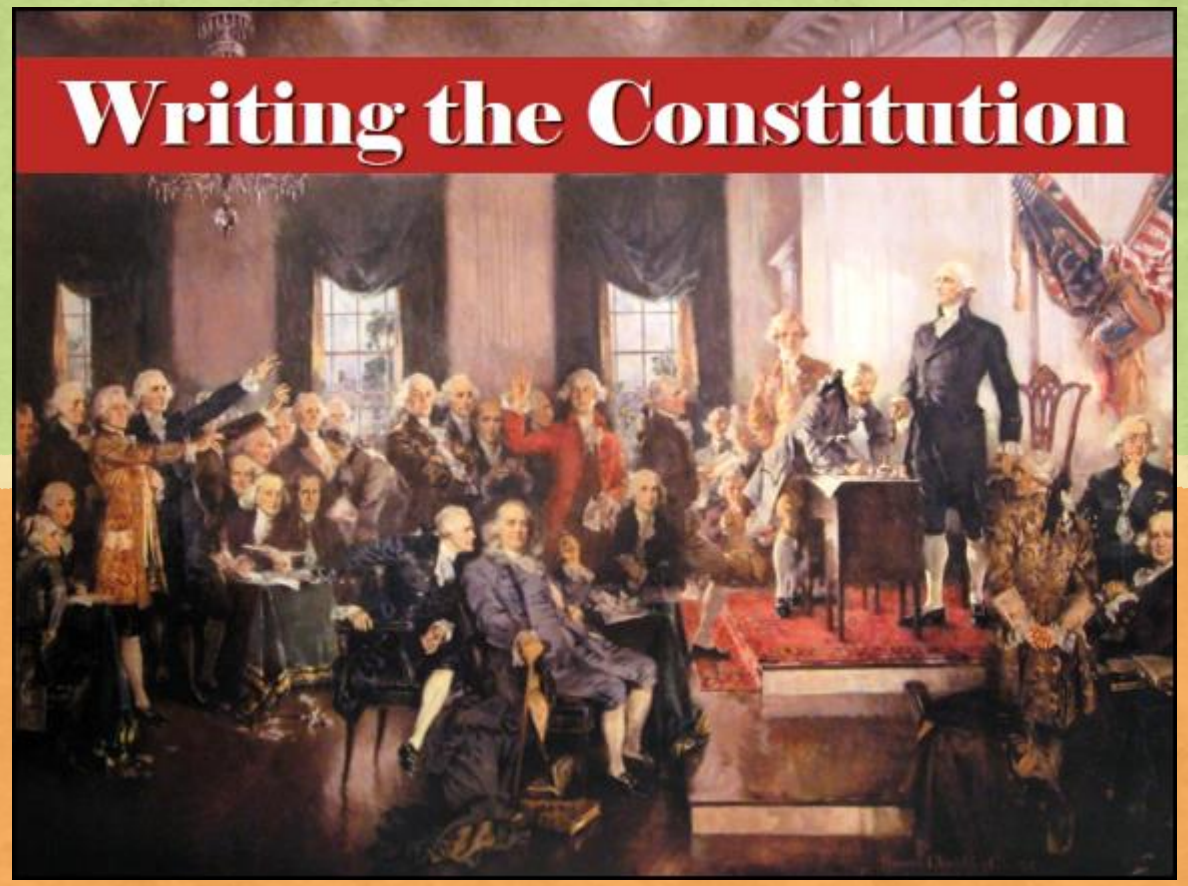
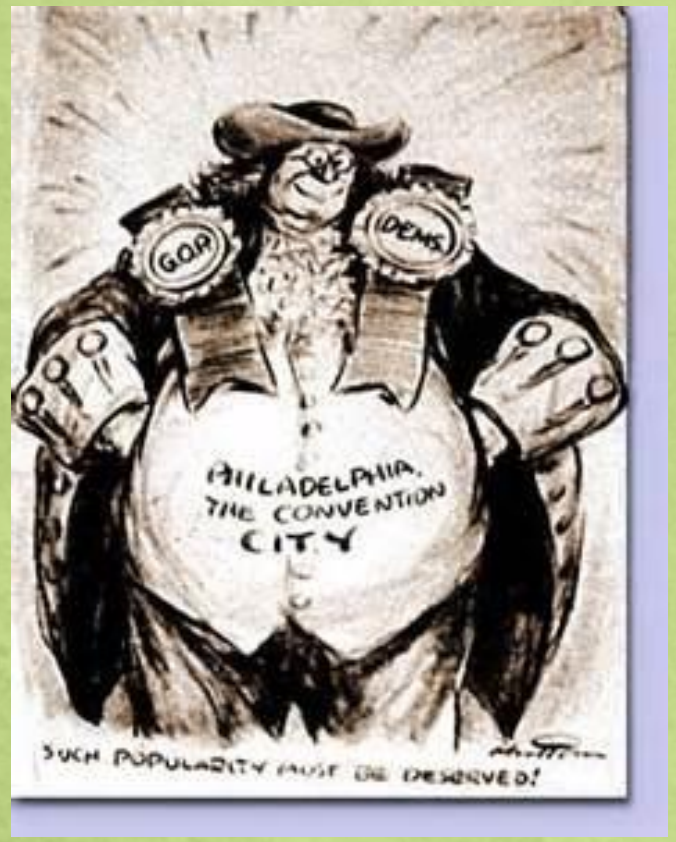
The Constitution



THE DEVELOPMENT OF THE U.S. CONSTITUTION

PURPOSE



EXAMINE THE PHILADELPHIA CONVENTION OF 1787

- WHY HAVE THIS MEETING?
- FRAMERS
- DECISIONS AT THE START

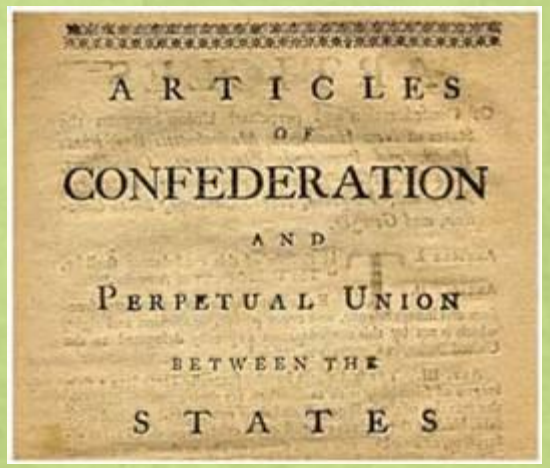
WHY HAVE IT AT ALL?

SEARCH FOR WAYS TO FIX THE ARTICLES OF CONFEDERATION

MAKE A PLAN

SUBMIT THE PLAN TO CONGRESS FOR APPROVAL

- ❖CONGRESS THINKS THESE GUYS ARE ADVISORS
- ❖ATTENDEES HAVE A DIFFERENT IDEA

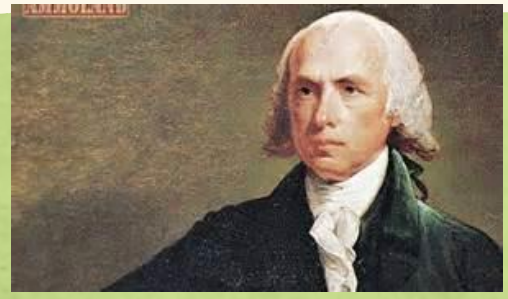


FRAMERS
(DESIGNERS/ WRITERS OF THE CONSTITUTION)

55 DELEGATES ASSEMBLED IN PHILADELPHIA

- ALL MEN
- MOST YOUNG (AVERAGE AGE 42)
- MOST PLAYED A ROLE IN THE REVOLUTION
- ¾ HAD SERVED IN CONGRESS
- LEADERS OF THEIR STATE
- SOME WERE RICH
- NONE WERE POOR
- NO WOMEN
- NO AMERICAN INDIANS
- NO AFRICAN-AMERICANS
- NONE OF THE POOR REPRESENTED BY SHAYS'S REBELLION

KEY FRAMERS PRESENT



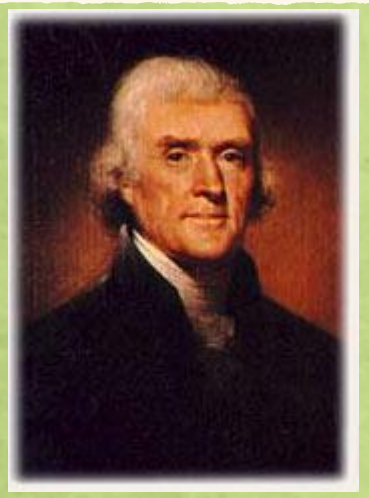
JAMES MADISON
- ❑ VIRGINIA
- ❑ “FATHER OF THE CONSTITUTION”
- ❑ CAME WITH A PLAN
- ❑ KEPT DETAILED NOTES OF PROCEEDINGS

GEORGE WASHINGTON
- ❑ VIRGINIA
- ❑ DIDN’T WANT TO ATTEND
- ❑ FEARED HIS ABSENCE WOULD SIGNAL LOST FAITH IN THE GOVERNMENT

BENJAMIN FRANKLIN
- ❑ PENNSYLVANIA
- ❑ OLD AND IN POOR HEALTH
- ❑ PRIMARY ROLE: ENCOURAGE EVERYONE TO COOPERATE

GOUVERNEUR MORRIS
- ❑ NEW YORK
- ❑ PREPARED FINAL DRAFT (GOOD SPEECHWRITER)

KEY PEOPLE MISSING



THOMAS JEFFERSON--- REPRESENTING THE US IN FRANCE

JOHN ADAMS---REPRESENTING THE US IN ENGLAND

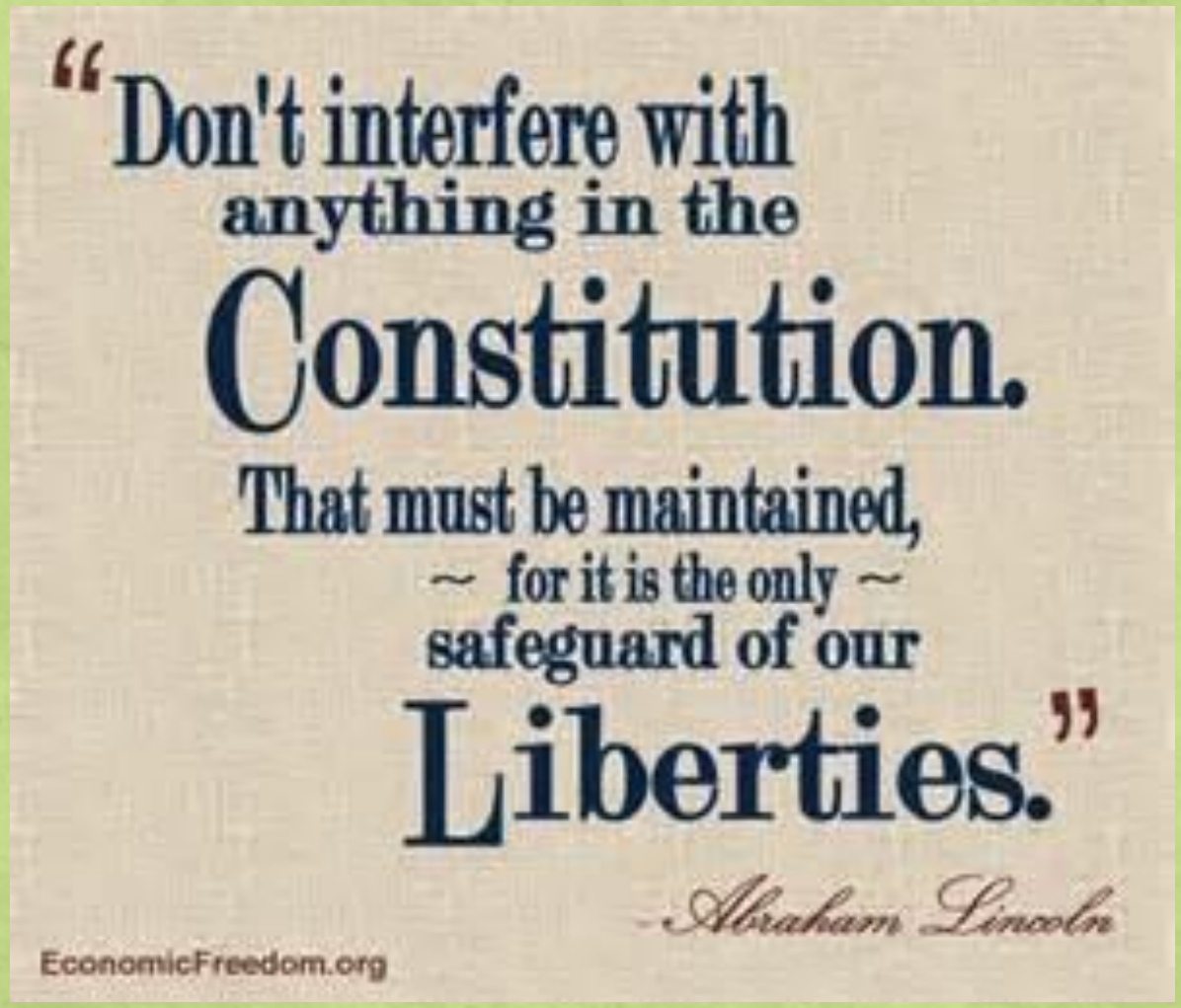
PATRICK HENRY--- REFUSED “I SMELL A RAT”

- ❑ AGAINST THE IDEA OF A STRONG GOVERNMENT
- ❑ WORKED HARD TO DEFEAT THE CONSTITUTION AFTER THE CONVENTION

RHODE ISLAND REFUSED TO SEND ANYONE!

- ❑ FIERCELY INDEPENDENT
- ❑ HOSTILE TO THE WHOLE IDEA

AND NOW….. THE CONSTITUTION AND AMENDMENTS… PRETTY SWEET STUFF

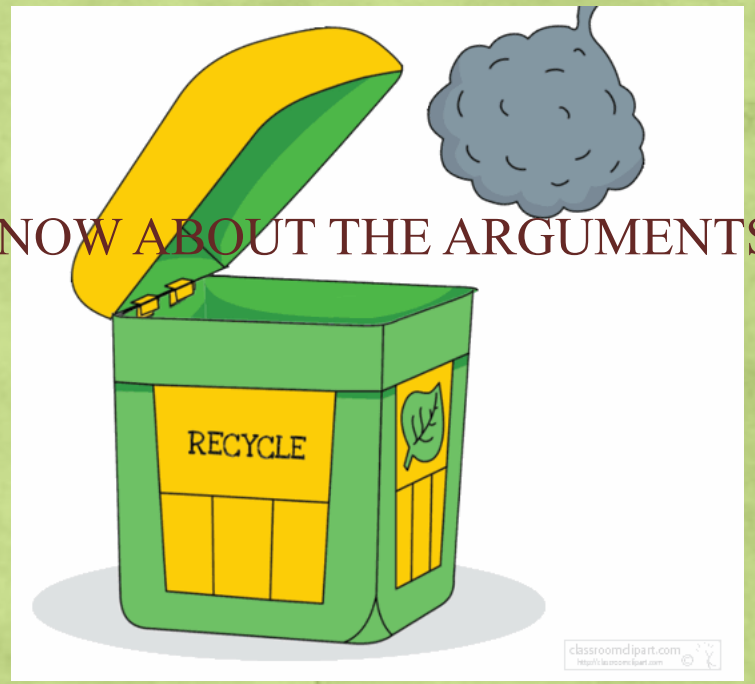


RULES THEY FOLLOWED AT THE BEGINNING

1. TRASH THE ARTICLES OF CONFEDERATION AND WRITE A NEW CONSTITUTION

2. KEEP EVERYTHING A SECRET FOR THIRTY YEARS. WHY?
   - ❑ EXPRESS OPINIONS FREELY
   - ❑ ELIMINATE OUTSIDE INFLUENCE
   - ❑ WANTED IT TO BE ACCEPTED.
     - ❑ BETTER CHANCE OF APPROVAL IF PEOPLE DIDN'T KNOW ABOUT THE ARGUMENTS

3. EACH STATE GETS ONE VOTE, REGARDLESS OF SIZE
   - ❑ GET SMALL STATES TO COOPERATE



BASIC IDEAS TO INCLUDE IN THE CONSTITUTION

- ✓ NATIONAL GOVERNMENT SHOULD BE CONSTITUTIONAL
  - ✓ LIMITED POWERS
- ✓ PURPOSE
  - ✓ PROTECT FUNDAMENTAL RIGHTS
  - ✓ PROMOTE COMMON GOOD
- ✓ STRONG NATIONAL GOVERNMENT TO PROTECT FUNDAMENTAL RIGHTS

- ✓ REPUBLICAN FORM OF GOVERNMENT
  - ✓ ELECTED REPRESENTATIVES
  - ✓ SERVE THE COMMON GOOD

- ✓ SYSTEM TO PREVENT ABUSE OF POWER
  - ✓ SEPARATION OF POWERS
  - ✓ CHECKS AND BALANCES

QUICK REVIEW: KEEP IT FOCUSED

- WHAT DID CONGRESS ASK THE DELEGATES TO DO? FIX THE ARTICLES OF CONFEDERATION
- DID THE DELEGATES DO WHAT THEY WERE ASKED? NO, THEY DESIGNED A NEW CONSTITUTION
- HOW WERE THE DELEGATES REPRESENTATIVE OF THE AMERICAN PEOPLE? LEADERS OF THEIR STATES,
  - YOUNGER
  - MEN
  - SOME RICH
  - SERVED IN THE REVOLUTION
  - MOST SERVED IN CONGRESS
- IN WHAT WAYS DID THE DELEGATES NOT REPRESENT AMERICANS?
  - NO WOMEN
  - NO AFRICAN-AMERICANS
  - NO POOR
  - NO AMERICAN INDIANS

MORE REVIEW!

- WHAT RULES DID THEY MAKE AT THE CONVENTION?
  - WRITE A NEW CONSTITUTION
  - KEEP A RECORD BUT KEEP IT SECRET FOR 30 YEARS
  - EACH STATE GOT ONE VOTE
- WHAT BASIC IDEAS DID THE FRAMERS AGREE SHOULD BE IN A NEW CONSTITUTION?
  - CONSTITUTIONAL GOVERNMENT WITH LIMITED POWERS
  - PROTECT FUNDAMENTAL RIGHTS
  - STRONG NATIONAL GOVERNMENT FOR THAT PROTECTION
  - REPUBLICAN FORM WITH ELECTED REPRESENTATIVES
  - SEPARATION OF POWERS AND CHECKS AND BALANCES

UNDERSTAND THE KEY CONCEPTS

- WRIT OF HABEAS CORPUS
- ELECTORAL COLLEGE
- ENUMERATED POWERS
- GREAT COMPROMISE
- JURISDICTION
- 3/5 COMPROMISE
- SUPREMACY CLAUSE

- EX POST FACTO LAW
- BILL OF ATTAINDER
- SPENDING CLAUSE
- IMPEACHMENT
- NECESSARY AND PROPER CLAUSE
- PROPORTIONAL REPRESENTATION
- EQUAL REPRESENTATION
- IMPLIED POWERS
- SEPARATION OF POWERS

WRIT OF HABEAS CORPUS

"The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

Imported into our Constitution from England

The writ of habeas corpus, or the "Great Writ,"

- is an order by a common-law court to require a person holding a prisoner to demonstrate the legal and jurisdictional basis for continuing to hold the prisoner.

- If there is no legal basis for detention or incarceration, the court orders the release of the prisoner.

SIMPLE AS THAT: CAN'T BE KEPT IN PRISON JUST BECAUSE……

UNDERSTAND THE KEY CONCEPTS

- ✓ WRIT OF HABEAS CORPUS
- ❑ ELECTORAL COLLEGE
- ❑ ENUMERATED POWERS
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ELECTORAL COLLEGE

- PROCESS NOT A PLACE!

- ESTABLISHED IN THE CONSTITUTION
  - COMPROMISE BETWEEN
    - ELECTION BY CONGRESS
    - POPULAR VOTE OF CITIZENS

- PROCESS
  - SELECTION OF ELECTORS IN EACH STATE: 538 TOTAL
    - 435 REPRESENTATIVES
    - 100 SENATORS
    - 3 FOR WASHINGTON D.C. (23d AMENDMENT)
  - ELECTORS MEET TO VOTE (BASED ON POPULAR VOTE): 19 DEC 2016
  - CONGRESS COUNTS THE VOTES
  - 270 NEEDED TO BECOME PRESIDENT
  - PRESIDENT OF THE SENATE ANNOUNCES THE WINNER: 6 JANUARY 2017

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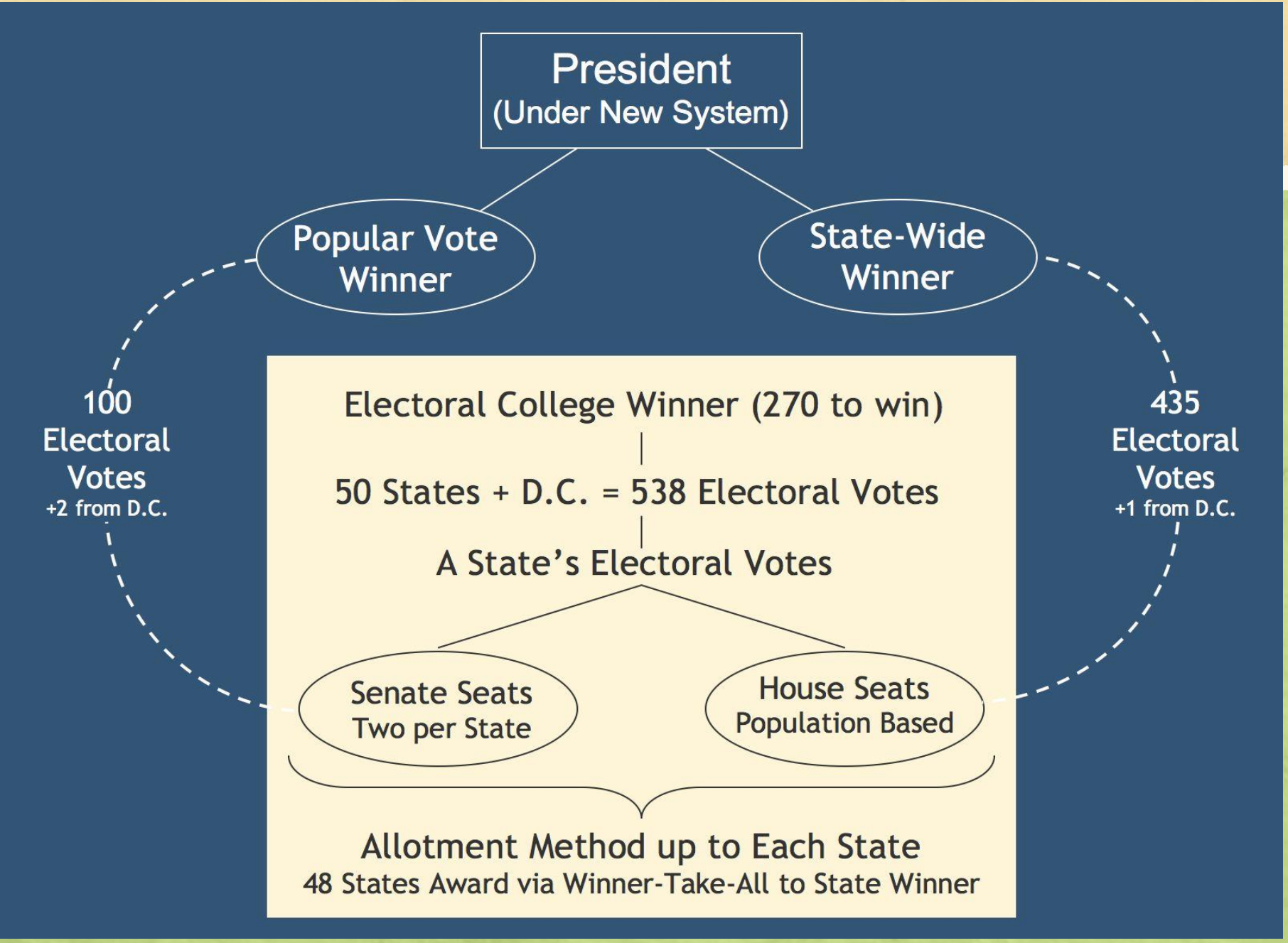

EXCEPTION TO THE RULE!!!

*****MAINE AND NEBRASKA

- Congressional District Method
  - STATE DIVIDES INTO DISTRICTS
  - WINNER OF THE DISTRICT GETS THE VOTE
  - WINNER OF THE STATE
    - GETS REMAINING 2 VOTES

(SINCE IMPLEMENTED, NEITHER STATE HAS EVER SPLIT THEIR VOTE)

UNDERSTAND THE KEY CONCEPTS

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ENUMERATED POWERS

The enumerated powers are a list of items found in Article I, Section 8 of the U.S. Constitution that set forth the authority of Congress. In summary, Congress may exercise the powers that the Constitution grants it, subject to the individual rights listed in the Bill of Rights.

- ❑ Lay and collect taxes, duties, imposts and excises : **TAX**
- ❑ To pay the debts : **PAY BILLS**
- ❑ Provide for the common defense and general welfare of the United States: **DEFEND THE COUNTRY**

(all duties, imposts and excises shall be uniform throughout the United States)

- ❑ To borrow money on the credit of the United States: **BORROW $$$$**
- ❑ To regulate commerce with foreign nations, and among the several states, and with the Indian tribes: **TRADE**
- ❑ To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States **FIGURE OUT WHO'S A CITIZEN, WHAT TO DO IF BUSINESS FAILS**
- ❑ To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures**:$$**
- ❑ To provide for the punishment of counterfeiting the securities and current coin of the United States: **PUNISH COUNTERFEITERS**

CONTINUING ON NEXT PAGE!!!

ENUMERATED POWERS (CONT'D)

- To establish post offices and post roads: **TAKE CARE OF THE MAIL**
- To promote the progress of science and useful arts: **PROTECT SCIENCE AND THE ARTS**
- To constitute tribunals inferior to the Supreme Court: **COURT OF JUSTICE BELOW SC**
- To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations: **PIRATES**
- To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water **DECLARE WAR**
- To raise and support armies
  - No appropriation of money to that use shall be for a longer term than two years** **RAISE AN ARMY BUT WATCH IT**
- To provide and maintain a navy **GOT TO PROTECT SHORES**
- To make rules for the government and regulation of the land and naval forces **MILITARY LAWS**
- To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions: **KEEP SAFE**
- To provide for organizing, arming, and disciplining, the militia **FIGURE OUT HOW MILITIA RUNS**
- To exercise exclusive legislation in all cases whatsoever, over **WASHINGTON D.C.**
- To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution **LAWS TO DO THE JOB**

UNDERSTAND THE KEY CONCEPTS

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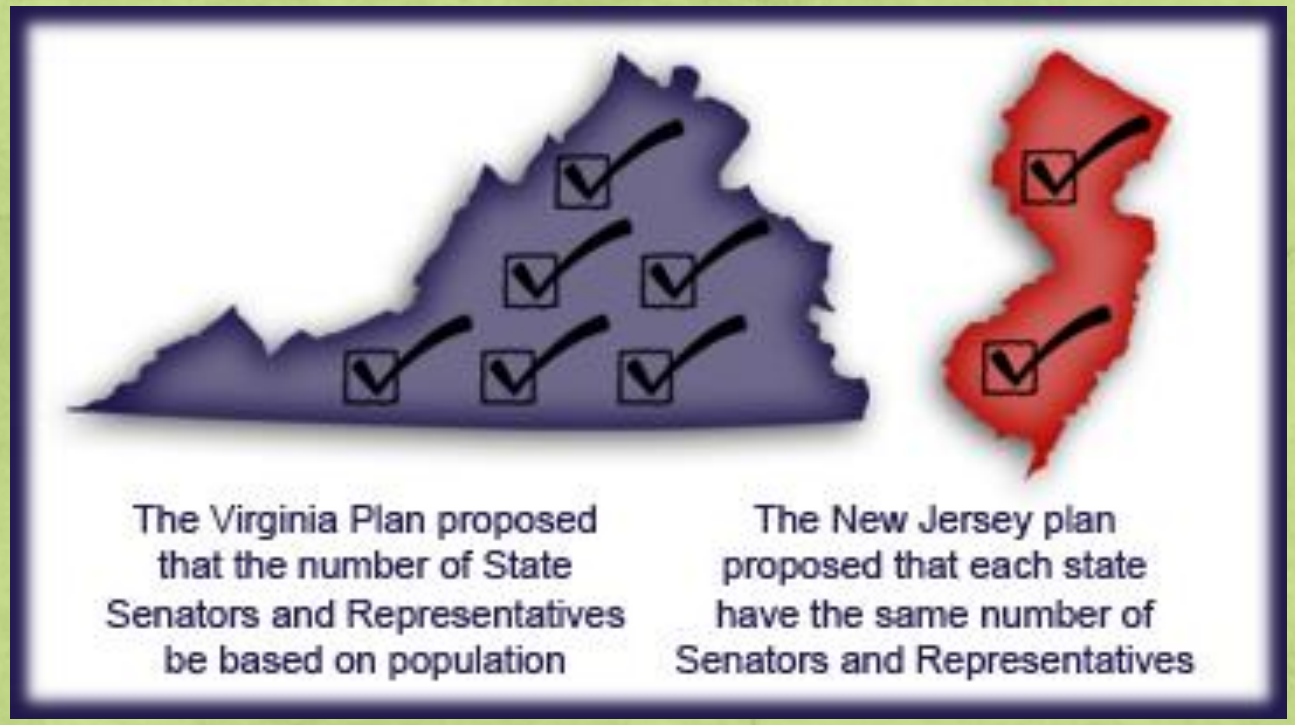
THE GREAT COMPROMISE



WHY DID WE NEED THIS?

- THE BIG STATES WANTED REPRESENTATION BASED ON POPULATION
  (**VIRGINIA PLAN**: WRITTEN BY JAMES MADISON, PRESENTED BY GOV. RANDOLPH)
  - THREE BRANCHES OF GOVERNMENT (CHECKS AND BALANCES TO PREVENT ABUSE OF POWER)
    - PRESIDENT (CHOSEN BY LEGISLATURE)
    - JUDICIAL (CHOSEN BY LEGISLATURE)
    - LEGISLATURE
      - TWO HOUSES (BICAMERAL)
        - ONE HOUSE REPRESENTED BY PEOPLE OF THE STATE FOR 3 YEAR TERMS.
        - ONE HOUSE OF OLDER MEN ELECTED BY STATE LEGISLATURES FOR 7 YEAR TERMS
        - BOTH HOUSES USE POPULATION TO DIVIDE SEATS AMONG THE STATES.

- THE SMALL STATES WANTED EQUAL REPRESENTATION
  (NEW JERSEY PLAN)
  - ONE VOTE PER STATE

BASIC ISSUE: LITTLE STATES THOUGHT THEY WOULD BE OVERRULED BY BIG STATES UNDER THE VIRGINIA PLAN
BIG STATES THOUGHT THOSE WITH MORE PEOPLE SHOULD HAVE MORE SAY

NEW JERSEY PLAN

PROPOSED BY WILLIAM PATTERSON AS A REBUTTAL TO THE VIRGINIA PLAN

- WANTED TO RE-SHAPE THE ARTICLES OF CONFEDERATION
- ONE HOUSE WITH ONE VOTE PER STATE
- EXECUTIVE SELECTED BY AND REMOVABLE BY THE LEGISLATURE

- THERE WAS ONE GOOD IDEA
  - ANY LAWS PASSED BY THE LEGISLATURE AND ALL TREATIES TAKE PRECEDENCE

  - STATE COURTS BOUND TO ENFORCE THE LAWS PASSED BY THE LEGISLATURE REGARDLESS OF ANY STATE LAWS TO THE CONTRARY

SUPREME LAW OF THE LAND

WHAT TO DO?????

LARGE STATES (POPULATION) WANTED THE VIRGINIA PLAN

- VIRGINIA
- NEW YORK
- PENNSYLVANIA
- MASSACHUSETTS
- NORTH CAROLINA (SLAVES)
- SOUTH CAROLINA (SLAVES)
- GEORGIA (SLAVES)

SMALL STATES WANTED THE NEW JERSEY PLAN

- NEW JERSEY
- NEW HAMPSHIRE
- DELAWARE
- MARYLAND
- CONNECTICUT

DON'T DO SOMETHING IT WILL ALL FALL APART BEFORE IT BEGINS!

GREAT COMPROMISE

ALSO KNOWN AS THE CONNECTICUT COMPROMISE

- The most famous compromise
- A bicameral (two houses) Congress
  - House of Representatives
    - Representation based on population of the State
  - Senate
    - Two Representatives for each State.

UNDERSTAND THE KEY CONCEPTS

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JURISDICTION

The practical authority granted to a legal body to administer justice within a defined area of responsibility

- JURISDICTION APPLIES TO AUTHORITIES AT:
  - Local
  - State
  - Federal

UNDERSTAND THE KEY CONCEPTS

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3/5 COMPROMISE

FREE STATES **DO NOT WANT** SLAVES COUNTED AS CITIZENS

- WANT SLAVERY ABOLISHED ALL TOGETHER
- WANT SLAVES TO COUNT FOR TAXATION ONLY!
- SUCCESSFUL IN BANNING IMPORTATION OF SLAVES AFTER 20 YEARS

SLAVE STATES **WANT** SLAVES COUNTED AS PEOPLE

- MORE PEOPLE MORE REPRESENTATIVES
- MORE REPRESENTATIVES MEANS THEY CAN KEEP SLAVERY

- POSSIBLE OUTCOME: LOSE THE SOUTH AND END UP WITH TWO COUNTRIES
- HAVE TO PROTECT THE RIGHTS OF FREE BLACKS LIVING IN THE STATES BOTH NORTH AND SOUTH

SO, COMPROMISE TO SATISFY BOTH SIDES: 3/5 OF “ALL OTHER PERSONS” WITHOUT SPECIFYING RACE.

FEDERALIST #54: THE LAWS UNDER WHICH WE LIVE HAVE TRANSFORMED BLACKS INTO SLAVES AND IF THE LAW RESTORES THEIR RIGHTS AS CITIZENS THEY COULD NO LONGER BE DENIED THEIR EQUAL SHARE OF REPRESENTATION WITH FELLOW INHABITANTS------ JAMES MADISON

UNDERSTAND THE KEY CONCEPTS

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SUPREMACY CLAUSE

"This Constitution, . . .shall be the **SUPREME LAW OF THE LAND**; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Article VI

- The core message of the Supremacy Clause is simple: the Constitution and federal laws (of the types listed in the first part of the Clause) **take priority over any conflicting rules of state law.**

- **This includes any Treaties made under the authority of the United States. If something in the Constitution is contrary to a Treaty; the Treaty takes precedence! BUT…**

  - Subject to limits found elsewhere in the Constitution
  - Treaties can set rules of decision for American courts.
  - Includes federal statutes enacted by Congress (within their limits).

UNDERSTAND THE KEY CONCEPTS

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EX POST FACTO LAW

Law that retroactively alters a defendant's rights ESPECIALLY:

- By criminalizing and imposing punishment for an act that was not criminal or punishable at the time it was committed
- By increasing the severity of a crime from its level at the time the crime was committed
- By increasing the punishment for a crime from the punishment imposed at the time the crime was committed
- By taking away from the protections afforded the defendant by the law as it existed when the act was committed

NOTE: Ex post facto laws are prohibited by Article I, Section 9 of the U.S. Constitution.

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BILL OF ATTAINDER

A Bill of Attainder is prohibited by Article I, Section 9, Clause 3 of the Constitution

- **Deprives the person or persons singled out for punishment of the safeguards of a trial by jury.**

- **Legislative act which declares a named person guilty of a crime, particularly treason.**

(FIRST IMPLEMENTED BY KING HENRY VIII IN 1542 TO EXECUTE POLITICAL ENEMIES)

UNDERSTAND THE KEY CONCEPTS

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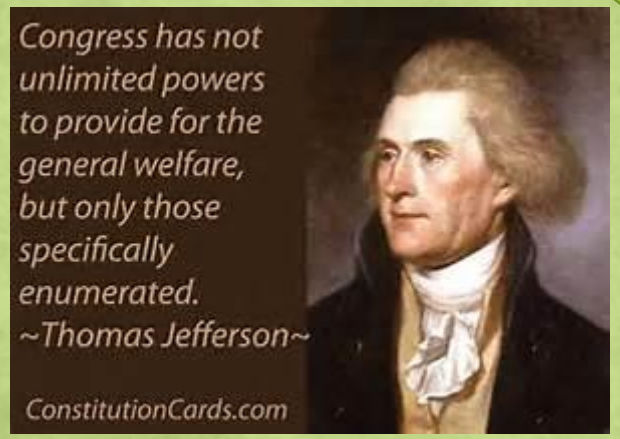
GENERAL WELFARE CLAUSE

"The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States...."

Article I, Section 8, Clause 1



COMMONLY KNOWN AS THE "SPENDING CLAUSE"

Spending under the clause be for the "general" (that is, national) welfare and not for purely local or regional benefit.

SPENDING CLAUSE

SOURCE OF CONGRESSIONAL AUTHORITY

- ✓ LEVY (IMPOSE) TAXES
  - ✓ PAY THE DEBTS OF THE UNITED STATES
  - ✓ PROVIDE FOR COMMON DEFENSE AND GENERAL WELFARE***

BUT THEY'VE BEEN ARGUING ABOUT IT FOR 200+ YEARS

- ❑ SHOULD BE **EXPANSIVE** AS LONG AS EQUAL AMONG STATES (HAMILTON)
- ❑ NOT SUPPOSED TO BE LOCAL OR REGIONAL BENEFIT (MONROE)
- ❑ ONLY SPEND ON THINGS THAT ARE IN THE ENUMERATED POWERS (JEFFERSON AND MADISON)

***TODAY, CONGRESS THINKS THE "GENERAL WELFARE" MEANS
THEY CAN SPEND
ON ANYTHING THEY FEEL IS HELPFUL.

UNDERSTAND THE KEY CONCEPTS

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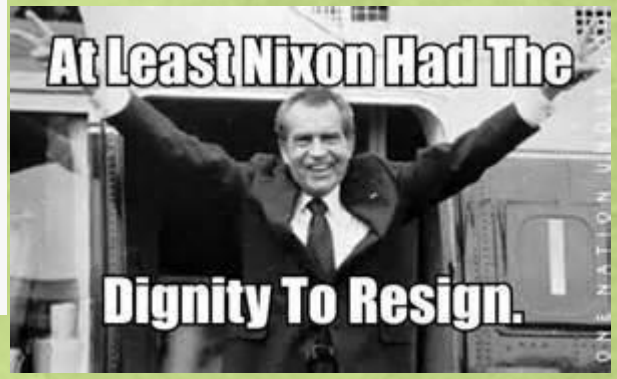
IMPEACHMENT

The House of Representatives...shall have the sole Power of Impeachment.

Article I, Section 2, Clause 5



- ***REMOVAL FROM OFFICE FOR WRONGDOING***
  - ***PRESIDENT***
  - ***VICE-PRESIDENT***
  - ***ALL CIVIL OFFICERS OF THE UNITED STATES***
  - ***JUDGES***
- **HOUSE OF REPRESENTATIVES VOTES FOR IMPEACHMENT**
- **TRIAL IS CONDUCTED BY THE SENATE**
  - **VICE-PRESIDENT PRESIDES OVER ALL TRIALS BUT HIS OWN AND THE PRESIDENT**
  - **CHIEF JUSTICE PRESIDES FOR PRESIDENT AND VICE-PRESIDENT**
  - **HOUSE APPOINTS MEMBERS TO PROSECUTE**

PART OF THE SYSTEM OF CHECKS AND BALANCES

UNDERSTAND THE KEY CONCEPTS

- ✓ WRIT OF HABEAS CORPUS
- ✓ ELECTORAL COLLEGE
- ✓ ENUMERATED POWERS
- ✓ GREAT COMPROMISE
- ✓ JURISDICTION
- ✓ 3/5 COMPROMISE
- ✓ SUPREMACY CLAUSE

- ✓ EX POST FACTO LAW
- ✓ BILL OF ATTAINDER
- ✓ SPENDING CLAUSE
- ✓ IMPEACHMENT
- ❑ NECESSARY AND PROPER CLAUSE
- ❑ PROPORTIONAL REPRESENTATION
- ❑ EQUAL REPRESENTATION
- ❑ IMPLIED POWERS
- ❑ SEPARATION OF POWERS

NECESSARY AND PROPER CLAUSE

"The Congress shall have Power To …make all Laws which shall be **necessary and proper** for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

Article I, Section 8, Clause 18

It was written to serve two great purposes.

- **The first was to facilitate organization of the government**
  - **Empowering Congress to organize the judicial branch (*see* Article I, Section 8, Clause 9).**
    - **Establish executive departments**
    - **Determine the size of the Supreme Court**
    - **Allocate power among Federal Courts.**
- **The second was to help effectuate the other enumerated powers of Congress.(more significant)**
  - **Enact laws that are appropriate**
  - **Enforcement clause for Amendments**
- **NOTE: CONGRESS CAN'T ENACT LAWS THEY SIMPLY THINK ARE "REASONABLE"**

UNDERSTAND THE KEY CONCEPTS

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PROPORTIONAL REPRESENTATION

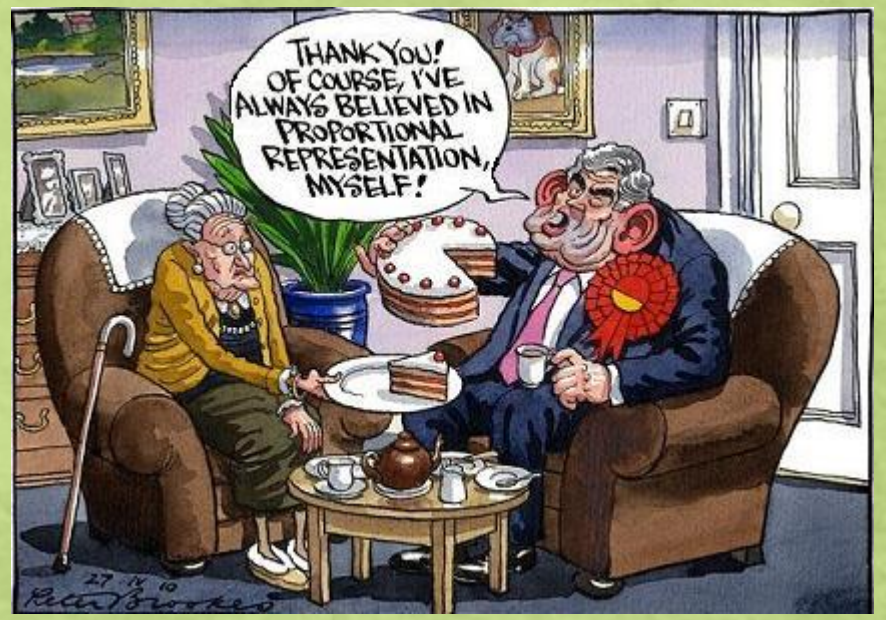
Representatives are apportioned in a manner roughly equal to population.

- Congressional districts are equal in population "as nearly as is practicable."

- The Constitutional Convention favored representation according to population.
  - Broken down over time into districts

- Selection by the people necessary
  - Links citizens directly to the national government
  - Prevents the states from overpowering the central authority.

Article I, Section 2, secured direct popular election of the House



UNDERSTAND THE KEY CONCEPTS

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- ❑ SEPARATION OF POWERS

EQUAL REPRESENTATION

ALL STATES HAVE AN EQUAL SAY IN THE SENATE
TO PREVENT LARGER STATES FROM FORCING POLICIES
ON THE SMALLER STATES

CONNECTICUT COMPROMISE

UNDERSTAND THE KEY CONCEPTS

- ✓ WRIT OF HABEAS CORPUS
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IMPLIED POWERS

- "The Congress shall have power … to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."
  - Used to cover any governmental action not enumerated in the Constitution.
  - Creates implied powers.
    - These are powers that are not stated in the Constitution, but are implied by the government's need to carry out all of its functions.

- McCULLOGH V. MARYLAND: THE NATIONAL BANK WAS CONSTITUTIONAL EVEN THOUGH NOT SPECIFIED BECAUSE IT WAS NECESSARY AND PROPER.

UNDERSTAND THE KEY CONCEPTS

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- ✓ IMPLIED POWERS

- ❑ SEPARATION OF POWERS

SEPARATION OF POWERS

BATTLE OF THE BRANCHES

- Instead of placing authority in the hands of one person, like a king, or even a small group of people, the U.S. Constitution divides power.
    - BETWEEN THE FEDERAL GOVERNMENT AND THE STATE/ LOCAL GOVERNMENT UNDER THE BANNER OF FEDERALISM.
    - FEDERAL LEVEL FURTHER DIVIDED
        - Between the three major branches
            - LEGISLATIVE
            - EXECUTIVE
            - JUDICIAL

UNDERSTAND THE KEY CONCEPTS

- ✓ WRIT OF HABEAS CORPUS
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WORDS IN POLITICS NICE TO KNOW

IMPLEMENT BA SUBORDINATE FILLIBUSTER REBUTTAL MA/MS APPORTION JURISDICTION

RETROACTIVE SPECIAL PROSECUTOR CONFIRMATION PhD. Ed.D ACCESSION SPEAKER OF THE HOUSE INCUMBENT

WHIP ENUMERATED VALIDITY COMMERCE ABSENTEE BALLOT MAJORITY LEADER CENSURE

- MAJORITY
-MINORITY

-

BI-CAMERAL/ UNICAMERAL FISCAL INFRASTRUCTURE CONSTITUENT IMPLIED PARTISAN/ BI-PARTISAN

APPROPRIATIONS EQUITY INVESTMENT BANKER GOLDMAN SACHS PUBLIC POLICY REVENUE

GDP/ GNP LAME DUCK STRATEGIC CAUCUS PUNDIT LOBBYIST PLATFORM REFERENDUM PRIMARY

THE MEAT ON THE CONSTITUTIONAL BONE

BASIC CONCEPT: THREE BRANCHES OF GOVERNMENT

PREAMBLE

SETS THE TONE FOR WHAT FOLLOWS

- **“WE THE PEOPLE”**
- **FORM A UNION THAT IS MORE PERFECT THAN BEFORE**
  - **PROVIDE FOR THE PEOPLE**
    - **JUSTICE**
    - **DOMESTIC TRANQUILITY**
    - **COMMON DEFENSE**
    - **GENERAL WELFARE**
    - **SECURE LIBERTY FOR ALL FOREVER**
- **ESTABLISH THIS DOCUMENT AS LAW OF THE LAND**

- **DECLARES THE ENACTMENT OF THE PROVISIONS THAT FOLLOW**
  - **THE “ENACTING CLAUSE”**
  - **COLLECTIVE: “…OWNED BY THE PEOPLE, NOT THE GOVERNMENT OR ANY BRANCH…”**

ARTICLE I
LEGISLATIVE BRANCH

SECTION 1: CONGRESS MAKES THE LAWS THROUGH TWO HOUSES

- **SENATE**
- **HOUSE OF REPRESENTATIVES**
- **ESTABLISHES QUALIFICATIONS AND TERMS**

SECTION 2: HOUSE OF REPRESENTATIVES

- **LENGTH OF OFFICE: 2 YEARS**
- **AGE: 25**
- **RESIDENCE**
- **POPULATION REQUIREMENTS**
- **POWER OF IMPEACHMENT**
- **3/5TH COMPROMISE**
  - **Another explanation**

CHANGED OVER THE YEARS BY AMENDMENTS 14, 16, 17, AND 20

SECTION 3: SENATE

- **TWO PER STATE**
- **LENGTH OF OFFICE: 6 YEARS**
- **1/3 EVERY TWO YEARS (PREVENTS TOTAL TURNOVER OF GOVERNMENT).**
- **AGE: 30**
- **RESIDENCE**
- **TRIAL FOR IMPEACHMENTS**
- **VICE-PRESIDENT IS "PRESIDENT" OF THE SENATE**

ARTICLE I (CONT'D)

SECTION 4: TIME AND PLACE OF ELECTIONS FOR BOTH HOUSES

SECTION 5: RULES FOR EACH HOUSE

- ❑ SET THEIR OWN RULES
- ❑ VERIFIES QUALIFICATIONS OF THOSE ELECTED
- ❑ DECIDES MEETING SIZE
- ❑ PUNISHMENT FOR WAYWARD MEMBERS
- ❑ KEEP RECORDS
- ❑ COORDINATE WITH EACH OTHER FOR RECESS

SECTION 6: COMPENSATION AND PROTECTION

- SALARY
- PROTECTED FROM ARREST WHILE WORKING
  - GOING TO CONGRESS
  - LEAVING TO GO HOME
- ONLY JOB YOU HAVE!!!!!!!!!!!!!!!!

ARTICLE I (CONT'D)

SECTION 7: REVENUE GENERATION
- ❑ STARTS IN HOUSE
- ❑ SENATE CAN AMEND
- ❑ BILLS GO TO THE PRESIDENT TO BE ENACTED
  - ❑ SIGN
  - ❑ VETO WITH OBJECTIONS NOTED
    - ❑ 2/3 VOTE BY BOTH HOUSES TO OVERRIDE VETO
  - ❑ 10 DAY RULE
    - ❑ PRESIDENT LETS IT SIT ON HIS DESK IT BECOMES LAW
    - ❑ IF CONGRESS ADJOURNS BEFORE THE 10 DAYS, NOT LAW
  - ❑ ALL LAWS GO TO PRESIDENT
  - ❑ PRESIDENT DOES NOT DECIDE ADJOURNMENT

SECTION 8: THE POWERS OF THE CONGRESS
- ❑ ENUMERATED POWERS (SPECIFIC)
- ❑ OVERSIGHT OF WASHINGTON D.C.
- ❑ IMPLIED POWERS

SECTION 9: WHAT THE CONGRESS CAN NOT DO

SECTION 10: WHAT STATES CAN NOT DO

ARTICLE II
EXECUTIVE BRANCH

SECTION I:

- PRESIDENT
  - TERM: 4 YEARS
    - LIMITED TO TWO TERMS
    - 10 YEARS
  - QUALIFICATIONS
    - RESIDENCE: 14 YEARS
    - AGE: 35 YEARS OLD
    - CITIZENSHIP: NATURAL BORN
  - COMPENSATION: DOES NOT CHANGE WHILE IN OFFICE.
  - THE OATH HE/SHE TAKES: SPECIFIED IN CONSTITUTION
    - SWEAR OR AFFIRM TO PRESERVE, PROTECT, AND DEFEND THE CONSTITUTION

CHANGED OVER THE YEARS BY 12TH AND 25TH AMENDMENTS

ARTICLE II (CONT'D)

HOW THE PRESIDENT IS ELECTED (SECTION I)

- POPULAR VOTE IN EACH STATE DETERMINES ELECTORS FOR THAT STATE
  - ELECTORS BOUND BY LAW IN STATE TO VOTE
    - 29 STATES + D.C. (VIOLATION IS A FINE OF $1000 OR SO)
  - NEW JERSEY AND 20 STATES FREE TO VOTE AS THEY WISH OR NOT VOTE AT ALL.

- ELECTORAL COLLEGE: 538 VOTES (435+100+3)
  - ACTUALLY HOW THE PRESIDENT IS ELECTED
  - 270 ELECTORS TO WIN THE PRESIDENCY (538/2=269+1)
  - THE SITTING VIDE-PRESIDENT, AS THE PRESIDENT OF THE SENATE, COUNTS THE VOTES AND DECLARES THE WINNER.

- IF THERE IS A TIE IT IS UP TO THE HOUSE OF REPRESENTATIVES TO CHOOSE THE PRESIDENT
  - 2/3 OF THE STATES MUST BE PRESENT
  - EACH STATE GETS ONE VOTE
  - SIMPLE MAJORITY TO SELECT PRESIDENT
- PRESIDENT AND VICE-PRESIDENT CANNOT BE FROM THE SAME STATE.

ARTICLE II (CONT'D)

SECTION 2:

- COMMANDER-IN-CHIEF OF ARMED FORCES
- POWER TO GRANT PARDONS AND REPRIEVES EXCEPT CASES OF IMPEACHMENT
- POWER TO MAKE TREATIES (2/3 OF THE SENATE CONSENT REQUIRED)
- APPOINTS AMBASSADORS, JUDGES, ALL OTHERS NOT OTHERWISE PRESCRIBED (MAJORITY VOTE OF THE SENATE)
- FILL VACANCIES DURING CONGRESSIONAL RECESS (LIMITED TO END OF THE SESSION)

SECTION 3:

- ADDRESS THE STATE OF THE UNION FROM TIME TO TIME IN ANY MANNER CHOSEN
  - RECOMMEND MEASURES FOR THEM TO CONSIDER IN LEGISLATION..
- CALL INTO SESSION EITHER OR BOTH HOUSES IN EXTRAORDINARY CASES
- OR ADJOURN IF THE HOUSES CANNOT AGREE
- ENFORCES THE LAW
- MEETS WITH FOREIGN REPRESENTATIVES
- MAKES SURE THE LAWS ARE FAITHFULLY EXECUTED
- COMMISSIONS ALL OFFICERS OF THE UNITED STATES

SECTION 4: IMPEACHMENT PROCEEDING

- REMOVAL FOR CONVICTION: TREASON, BRIBERY, HIGH CRIMES/ MISDEMEANORS.

ARTICLE III
JUDICIAL BRANCH

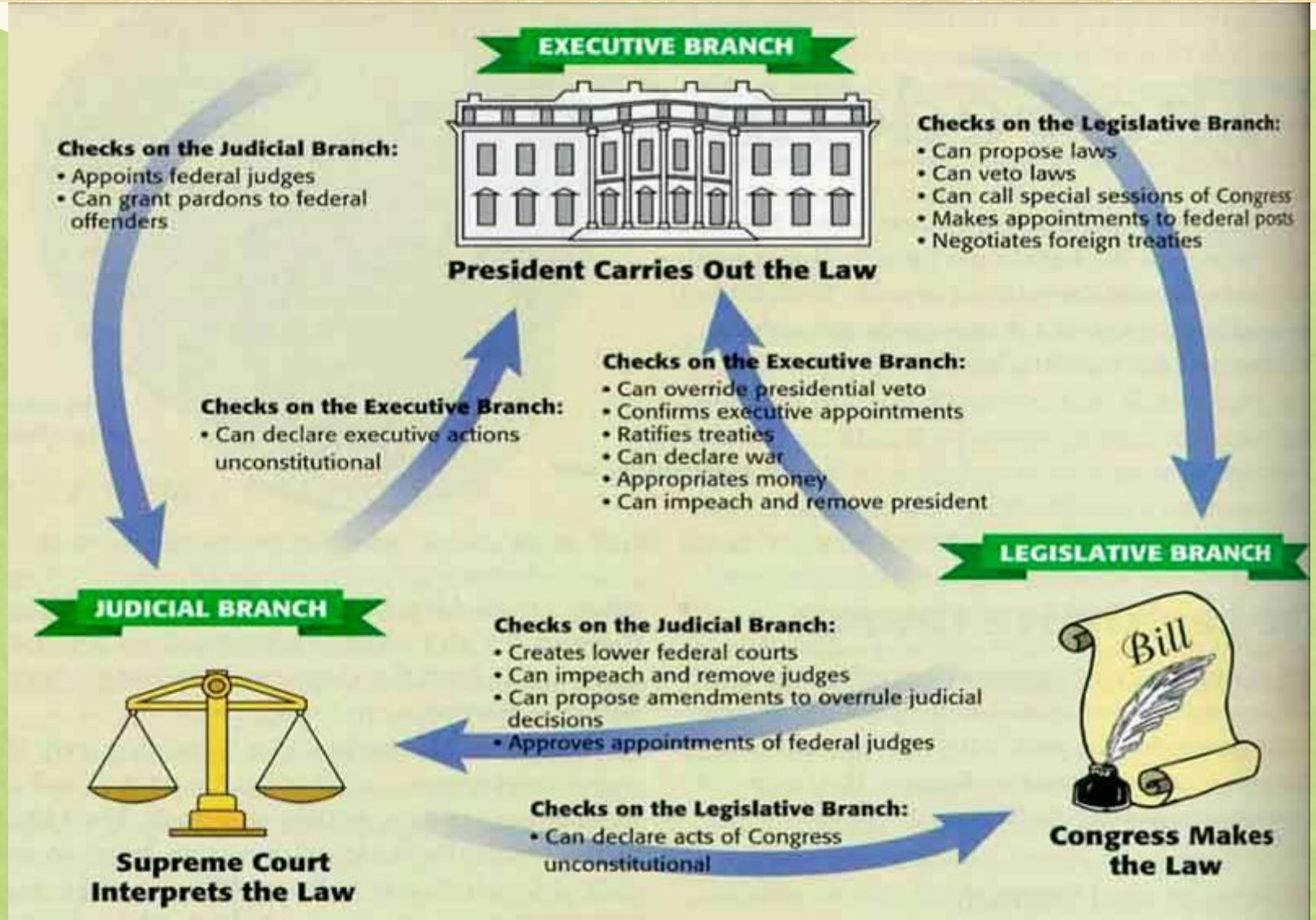
SECTION 1:
- ESTABLISHES THE SUPREME COURT: NUMBER OF JUSTICES HAS CHANGED FROM 6 TO 9
- OTHER COURTS THE CONGRESS THINKS IS NECESSARY
- TERM OF OFFICE: LIFE
- COMPENSATION

SECTION 2:
- SCOPE
  - LAWS OF UNITED STATES
  - TREATIES
  - ALL CONTROVERSIES THE UNITED STATES MAY BE INVOLVED IN.
  - RULE OVER AMBASSADORS, MINISTERS, AND CONSULS
  - TRIAL BY JURY EXCEPT IMPEACHMENT

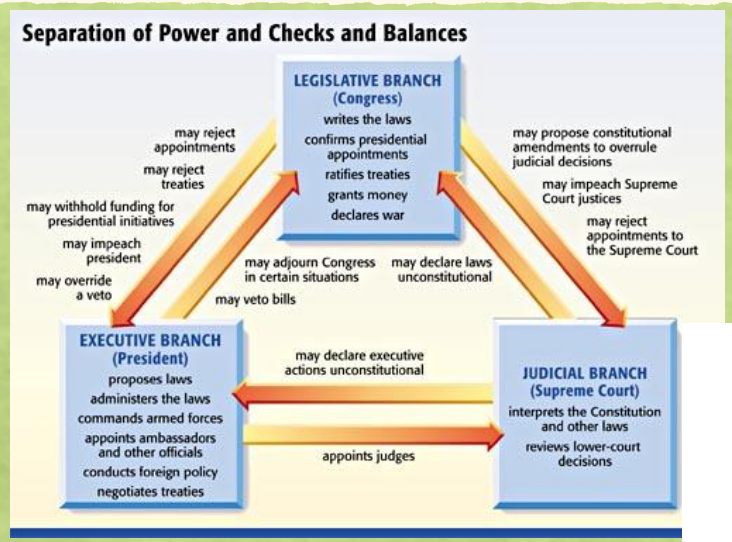
SECTION 3:
- RULES FOR TREASON
  - WAR AGAINST
  - AID AND COMFORT TO THE ENEMY
  - TWO WITNESSES MUST TESTIFY TO THE SAME ACT
  - TREASON DOES NOT EXTEND TO FUTURE GENERATIONS

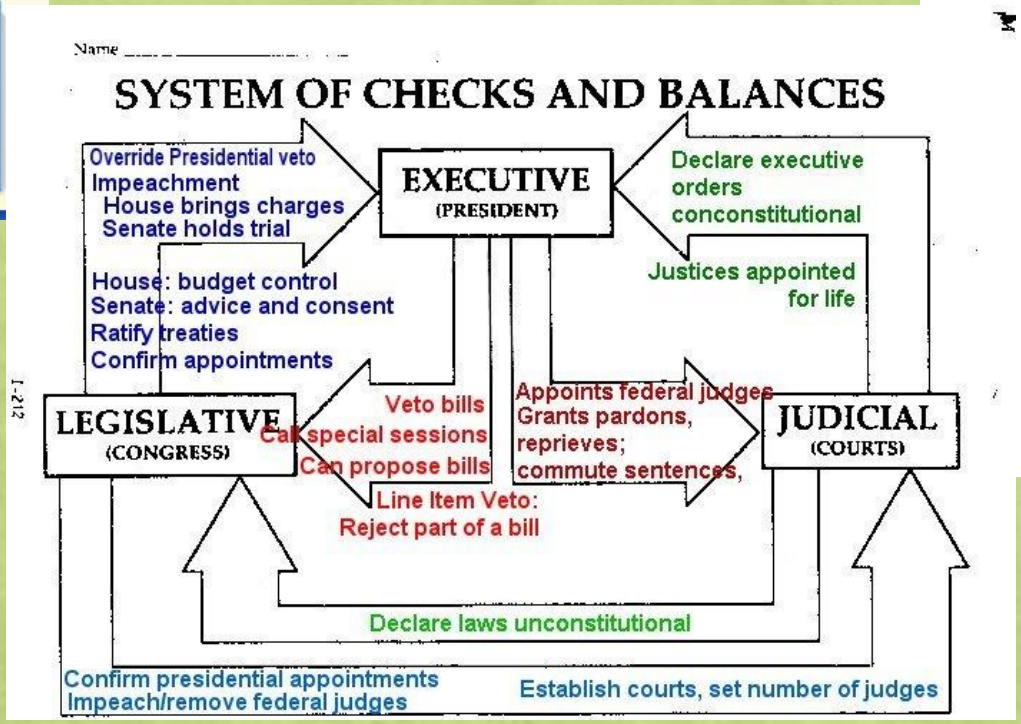
CHANGED BY THE 11TH AMENDMENT

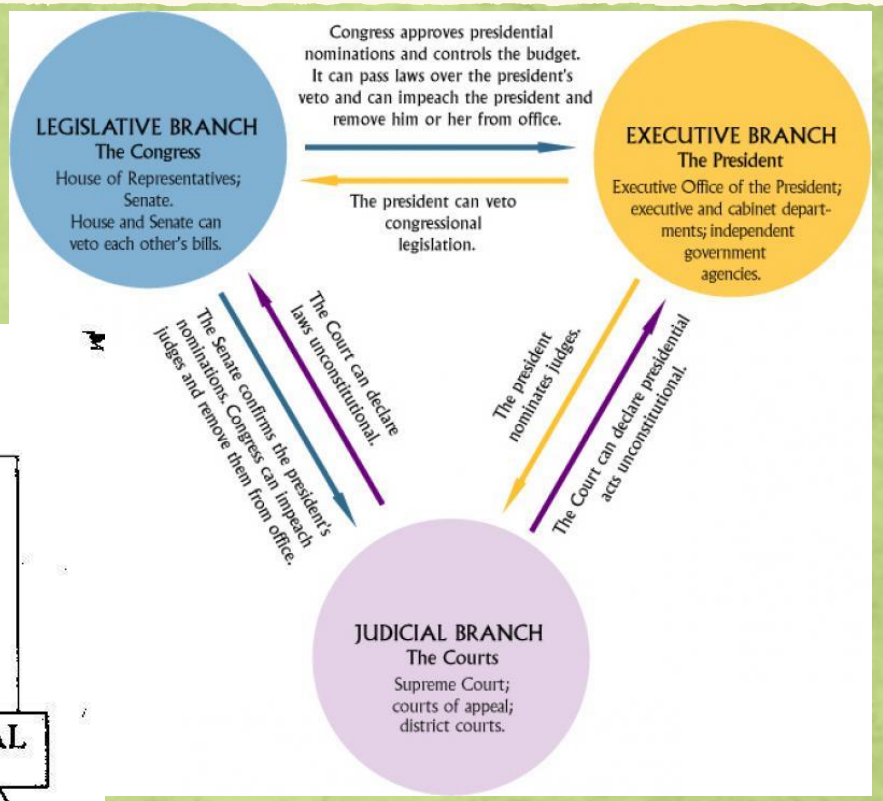
SYSTEM OF CHECKS AND BALANCES MAKES IT ALL WORK



ANOTHER WAY TO LOOK AT IT (OR THREE)!







ARTICLE IV
STATES, CITIZENSHIP, NEW STATES

SECTION 1:
- FULL FAITH AND CREDIT BETWEEN STATES
  - PUBLIC ACTS
  - RECORDS
  - JUDICIAL PROCEEDINGS

CHANGED BY 13TH AMENDMENT

SECTION 2:
- CITIZENSHIP BENEFITS ACROSS STATE LINES
- EXTRADITION FOR CRIMES

SECTION 3:
- NEW STATES
- TERRITORIAL LIMITS (CAN NOT FORM FROM EXISTING STATE WITHOUT CONSENT)
- CONGRESS MAKES RULES FOR TERRITORY THEY OWN

SECTION 4:
- GUARANTEE REPUBLICAN FORM OF GOVERNMENT
- PROTECT STATE FROM FOREIGN AND DOMESTIC THREATS

ARTICLE V
AMENDMENT PROCESS

- 2/3 OF BOTH HOUSES MUST PROPOSE ANY NEW AMENDMENTS

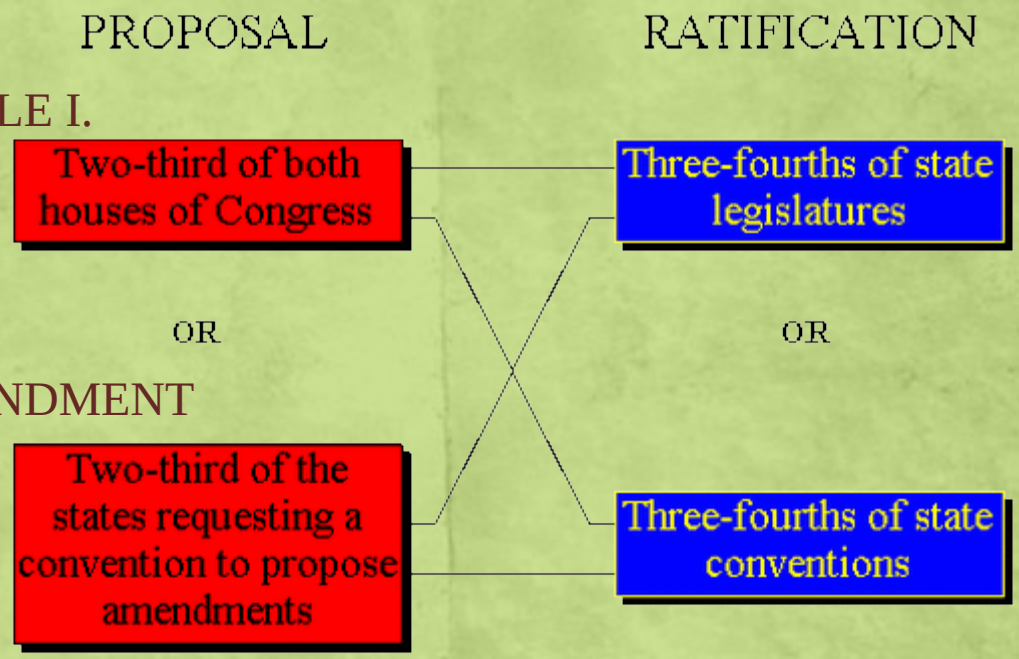
OR

- APPLICATION OF 2/3 OF THE STATE LEGISLATURES CALL A CONVENTION TO PROPOSE AMENDMENTS

- IN EITHER CASE THEN ¾ OF STATES OR ¾ IN STATE CONVENTIONS NEEDED FOR IT TO BE APPROVED

- (NO AMENDMENTS PRIOR TO 1808)
  - REGARDING 1ST AND 4TH CLAUSES OF SECTION 9, ARTICLE I.
    - SLAVERY
    - TAXATION BASED ON CENSUS

- NO STATE CAN BE DENIED THE RIGHT TO VOTE ON AN AMENDMENT



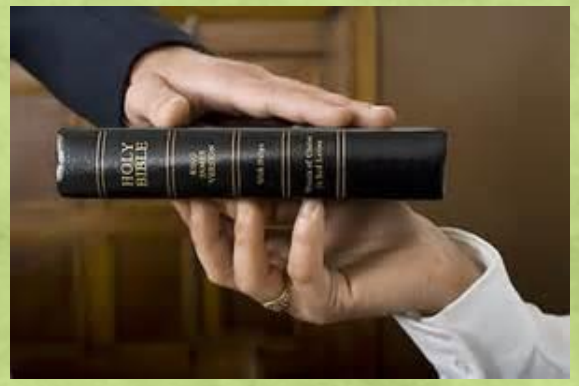
ARTICLE VI
DEBTS, SUPREMACY, OATHS, RELIGIOUS TESTS

- ALL DEBTS ACCRUED BEFORE THE CONSTITUTION ARE VALID

- CONSTITUTION AND TREATIES ARE THE **SUPREME LAW OF THE LAND**
  - JUDGES IN EACH STATE MUST COMPLY
  - OVERRULES STATE LAW

- ALL MEMBERS OF STATE AND FEDERAL OFFICES ARE BOUND TO SUPPORT THE CONSTITUTION BY OATH OR AFFIRMATION

- **NO** RELIGIOUS TEST EVER REQUIRED



ARTICLE VII
RATIFICATION

ONCE NINE STATES RATIFY THIS CONSTITUTION IT GOES INTO EFFECT

NOW THAT IT IS WRITTEN: GOT TO SELL IT TO THE PEOPLE

FEDERALIST PAPERS: SUPPORT THE CONSTITUTION

- AUTHORS
  - ALEXANDER HAMILTON
  - JOHN JAY
  - JAMES MADISON
- WHAT ARE THEY?
- WHY WRITTEN?
  - TO SELL THE CONSTITUTION BY EXPLAINING WHY IT WAS WRITTEN THE WAY IT WAS.
- TARGET AUDIENCE: THE PEOPLE
  - ENCOURAGE STATE LEGISLATURES

ANTI-FEDERALIST PAPERS: OPPOSE THE CONSTITUTION

- AUTHORS: HATED THE IDEA BUT WEREN'T ORGANIZED
  - CEORGE CLINTON
  - MELANCTON SMITH
  - JOHN DEWITT
  - PATRICK HENRY
  - GEORGE MASON
- WHAT ARE THEY?
- WHY WRITTEN?
- TARGET AUDIENCE

OUTCOME: THE BILL OF RIGHTS

THAT’S ALL THERE IS TO IT

WAS SIND IHRE FRAGEN
(WHAT ARE YOUR QUESTIONS)

YOUR NEXT TEST ENDS HERE!

- EVERYTHING WE HAVE DONE UP TO THIS POINT WILL BE THE SUBJECT OF YOUR NEXT TEST.

- WE WILL DESIGN OUR OWN CONSTITUTIONS TO REINFORCE WHAT WE HAVE LEARNED.

- QUESTIONS?
  - YES, I'LL MAKE A STUDY STACK, BUT…YOU HAVE TO PAY ATTENTION.

WHERE ARE WE GOING?

- DESIGN A CONSTITUTION FOR A MYTHICAL COUNTRY
  - IN TEAMS
  - IN CLASS
  - FULLY REMOTE STUDENTS WILL BE ASSIGNED TO A TEAM
  - WORK TOGETHER TO ORGANIZE AND WRITE

  THEN:
    - Examine your home-grown Constitutions
    - Discuss the problems doing it from scratch
- Selling your Constitution to the people
- PEER GRADED EXERCISE!

PREVIOUS YEARS STUDENT DEVELOPED CONSTITUTIONS

TYPES OF GOVERNMENTS DEVELOPED

- MONARCHY
- OLIGARCHY
- DEMOCRACY
- REPUBLIC
- DICTATORSHIP
- ANARCHY

ISSUES UNCOVERED WHILE PLANNING

- ORGANIZATION
- LAWS
- ENFORCEMENT
- INTERACTION AMONG TEAM PLAYERS
  - STRONG ARM?
  - COMPLIANCE?
  - APATHY?

DESIGNING A CONSTITUTION

TEAM MEMBERS: _____, _____. _____. _____.

_____ .

CONSTITUTION FOR THE COUNTRY OF _____

TYPE OF GOVERNMENT FORMED: _____

TEAM MEMBER BEING EVALUATED: _____

PEER EVALUATION

0	1	2	3	4
DID NOTHING	WORKED WHEN PUSHED	CONSISTENT	TOOK CHARGE	GREAT JOB

AREA S EVALUATED: RESEARCHED ASSIGNED TASKS, DEVELOPED A CONCEPT, PUT THINGS IN ORDER, IDENTIFIED ESSENTIAL BRANCHES, CONSIDERED AN AMENDING PROCESS, RULES TO RATIFIY, HOW ARE LAWS WRITTEN, DESIGNING A FLAG, INDIVIDUAL AND TEAM WORK ETHIC, COOPERATION WITH OTHER MEMBERS OF THE TEAM.

HOW TO DECIDE ON WHAT'S THE BEST OPTION?

ASK THESE QUESTIONS:

- ❑WILL IT LAST?
- ❑IS IT LOGICAL?
- ❑IS IT FAIR?
- ❑CAN IT GROW WITH THE TIMES?
- ❑CAN THE PEOPLE LIVE WITH IT?
- ❑DOES IT DO EVERYTHING IT WAS DESIGNED TO DO?
- ❑WILL IT WORK ON THE INTERNATIONAL STAGE?

AND NOW, THE AMENDMENTS

THE FIRST TEN ARE KNOWN COLLECTIVELY AS THE BILL OF RIGHTS

THE BILL OF RIGHTS

The First Ten Amendments to the U.S. Constitution

1

FREEDOM OF SPEECH, RELIGION, PRESS, ASSEMBLY, AND PETITION

2

RIGHT TO BEAR ARMS

3

QUARTERING OF SOLDIERS

4

ARRESTS AND SEARCHES

5

RIGHTS OF PERSONS ACCUSED OF CRIMES

6

RIGHTS OF PERSONS ON TRIAL FOR CRIMES

7

JURY TRIALS IN CIVIL CASES

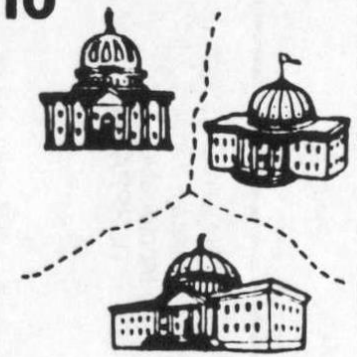
8

LIMITATIONS ON BAIL AND PUNISHMENTS

9

RIGHTS KEPT BY THE PEOPLE

10



POWERS KEPT BY THE STATES OR THE PEOPLE