

# *The U.S. Constitution*

An Introduction & Overview to the US Constitution



***“Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free.”***

**~ Ronald Reagan**



# Lesson Objectives

## Cadets will be able to:

1. Explain the purpose of the U.S. Constitution.
2. Identify the basic principles of the Constitution.
3. Explain the makeup of the three branches of the U.S. government.
4. Explain the importance of governmental checks and balances.
5. Explain why the U.S. Constitution was written & identify the challenges the States faced in getting it ratified.
6. Identify the basic assurances offered to the people in the Bill of Rights.

# Warm-Up Questions

1. What is the U.S. Constitution?
2. Why do you feel it is important in your life?



# The Declaration of Independence

*The Declaration of Independence* was approved by the 2<sup>nd</sup> Continental Congress on July 4, 1776.

The document announced the separation of 13 North American British colonies from Great Britain. It was the last of a series of steps that led the colonies to final separation from Great Britain.

# **The Declaration of Independence states three basic ideas:**

- 1. God made all men equal and gave them the rights of life, liberty, and the pursuit of happiness;**
- 2. the main business of government is to protect these rights;**
- 3. if a government tries to withhold or deny these rights, the people are free to revolt and to set up a new government.**

# The Declaration of Independence

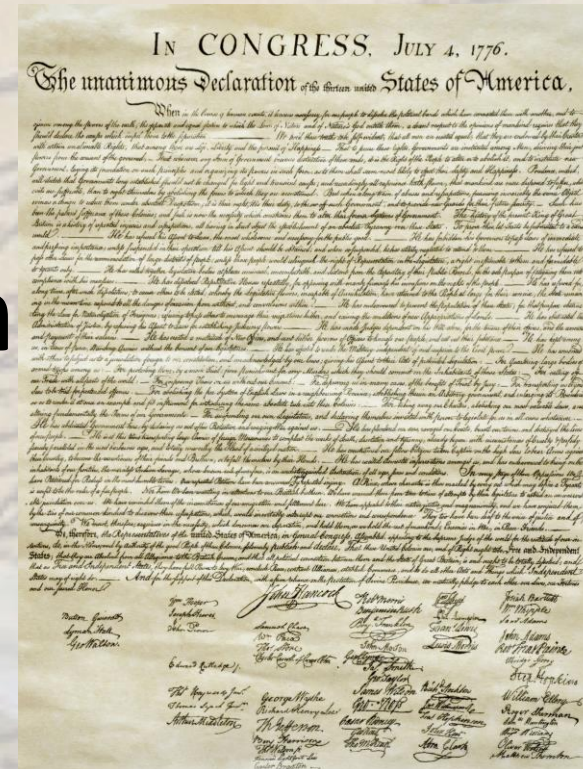
*"When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the Powers of the Earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation."*

# The Declaration of Independence

***“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.”***

# The Declaration of Independence

- All 56 signers of the Declaration took a significant risk.
- If the colonies had lost the war, then the British might have used the signatures as evidence of treason.



# An Enduring Constitution

- Has endured over 230 years.
- World's oldest national constitution still in use.
  - Also the shortest: Only 4,543 words.
- Ave. lifespan of other national constitutions:
  - 17 years

# Understanding the Constitution

More than **1 in 3** Americans (**37%**) cannot name a single right protected by the **1st Amendment**.

Only **1 in 4** (**26%**) can name all **three branches of the government**.

**1 in 3** (**33%**) cannot name **any branch of government**.

# Understanding the Constitution

## President James Madison:

- *“A well-informed people alone can be permanently a free people.”*

## President Andrew Jackson:

- *“But you must remember, my fellow-citizens, that eternal vigilance by the people is the price of liberty, and you must pay the price if you wish to secure the blessing.”*

# The Genius of the Constitution

The Constitution's genius begins with recognizing both the virtues and limitations of **human nature**.

It establishes a system of government that channels **human nature** toward the **good of all**.

# The Genius of the Constitution

**James Madison:**

*“If men were angels, no government would be necessary.”*

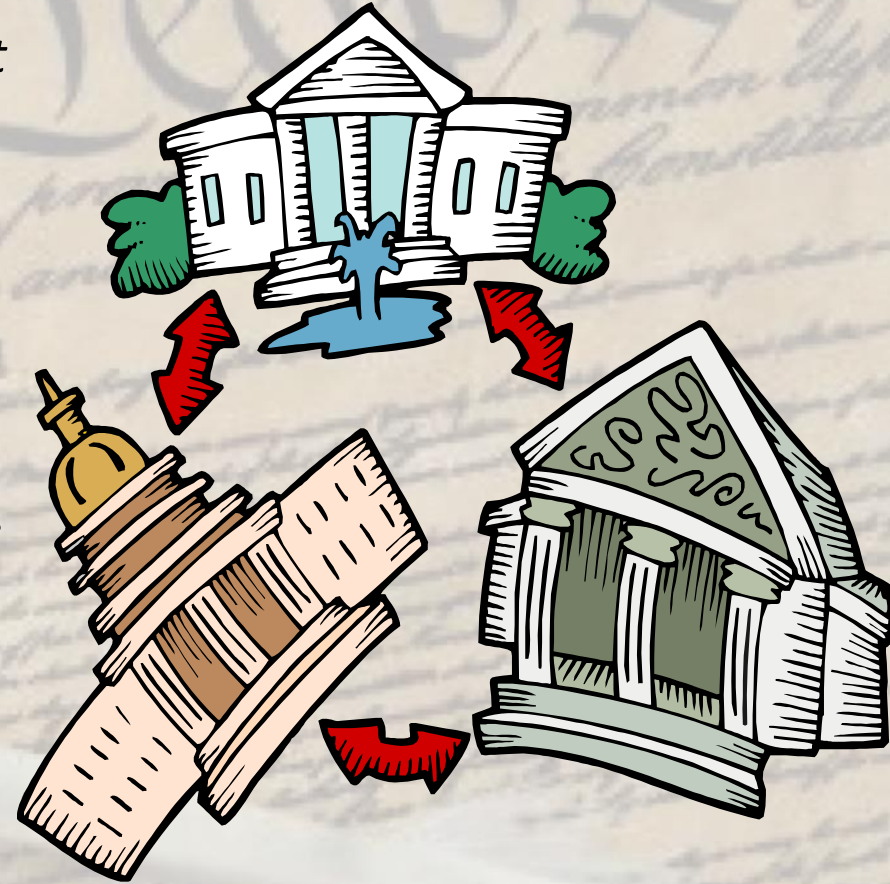
*If angels were to govern men, neither external nor internal controls on government would be necessary.”*

# 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.

# What are the basic principles of the Constitution?

- **Popular Sovereignty** (*government of the people, by the people, for the people*)
  - Government power resides in the people
- **Limited government**
  - Government is not all powerful; it can only do what the people let it.
- **Separation of Powers**
  - Helps prevent one branch from becoming too powerful
  - Checks and Balances
- **Federalism**
  - Division of power among national and state governments



# The Branches of Government

There are three branches of government:

1. Legislative (Congress) – *Makes the laws*



2. Executive (President)- *Enforces the laws or makes sure the laws are carried out*



3. Judicial (Supreme Court)- *Interprets the laws or explains the laws and makes sure they are fair*



# Legislative Branch

- The legislative branch is called Congress and is made up of two Houses (parts):
  - The House of Representatives
  - The Senate



# The House of Representatives

- States with the largest populations have the most representatives in the House.
- 435 members
- At least 25 years old to serve.
- Elected to a two-year term



# The Senate

- The Senate is the other part of the Congress
- There are two senators for each state, which means there are 100 Senators
- At least 30 years old
- Elected to a six year term



# Legislative Branch

## Responsibilities:

- Creates FEDERAL laws
- Appropriates money
- Approves treaties
- Declares war
- Proposes Constitutional amendments



# The Executive Branch

- The Executive Branch is headed by the **President**.
- The President is the **Commander-In-Chief** of the Armed Forces.



# The President

- Elected to a four year term

- Can only serve two terms

- Franklin D. Roosevelt – 4 terms (1933-1945)
  - 22<sup>nd</sup> Amendment (1951)

- U.S. Citizen by birth

- At least 35 years old



# The Executive Branch

## Responsibilities:

- Vetoes bills
- Calls Congress into special session
- Nominates federal court judges & Supreme Court Justices
- Vice President breaks ties in the Senate



# The Judicial Branch

- The Judicial Branch of the federal government is headed by the Supreme Court.
- Supreme Court justices are nominated by the President and approved by the Senate.
- 9 Supreme Court justices
- Appointed for life



# The Judicial Branch

## Responsibilities:

- Interprets the law
- Resolves legal disputes between:
  - Private parties
  - Private parties & the govt.
  - Different branches of govt.
- Strikes down laws that are unconstitutional



# Checks and Balances

## James Madison:

- Putting legislative, executive & judicial powers *“in the same hands, whether of one, a few, or many...may justly be pronounced the very definition of tyranny.”*
- *“There can be no liberty...if the power of judging be not separated from the legislative and executive powers.”*

**\*\*\* This would allow government to change laws without considering the will of the people!**

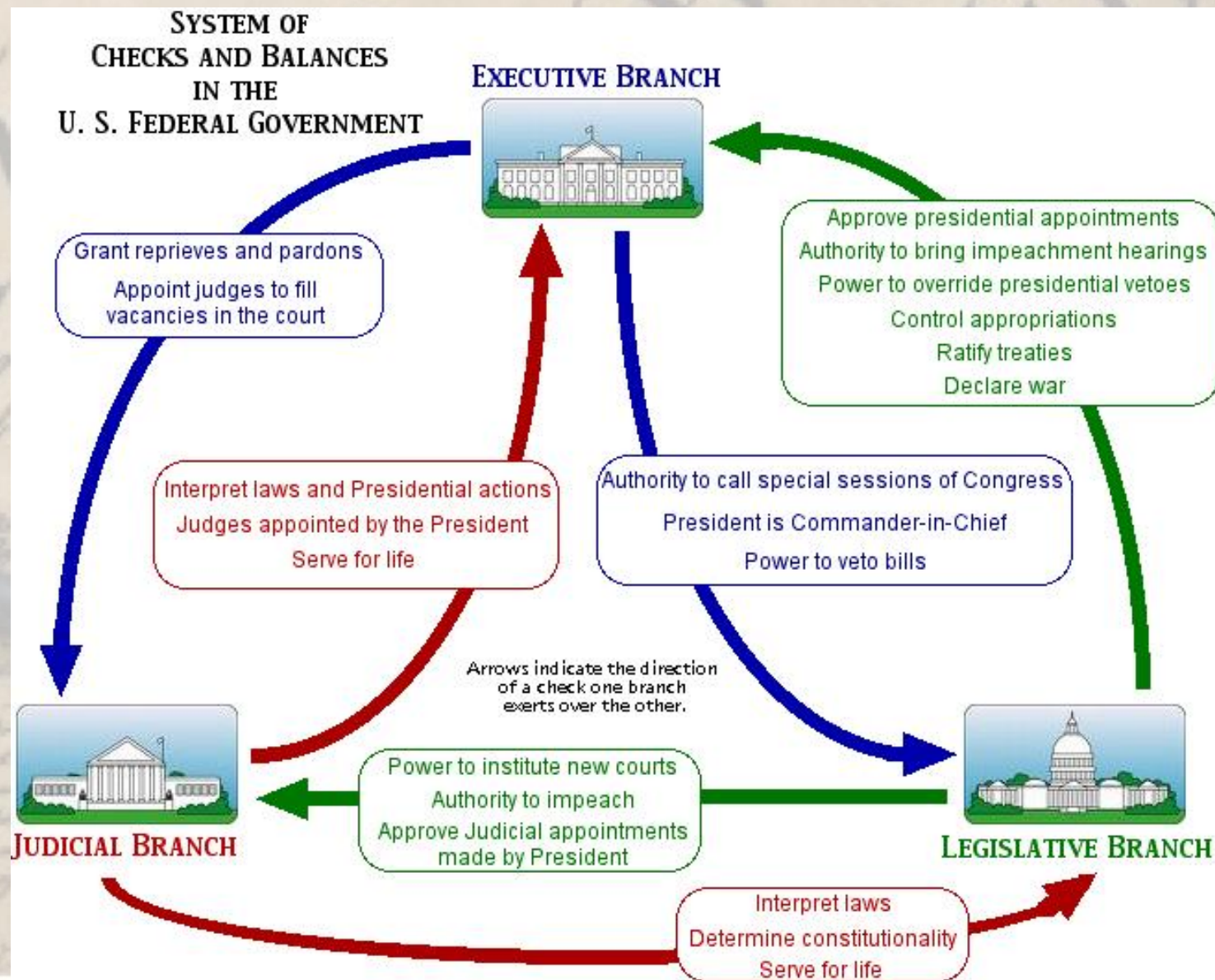
# Checks and Balances

- The framers of the Constitution established a system of **checks and balances** to prevent any branch of government from getting too powerful.
- **Example:** Congress has the right to pass bills into law, but the President can veto them, which means the bill does not become a law.

# More examples

- *If the President vetoes a law, the Congress can override his veto by a 2/3 majority.*
- *The Supreme Court can say that any law is unconstitutional. The law no longer exists.*

# What are the Checks and Balances?



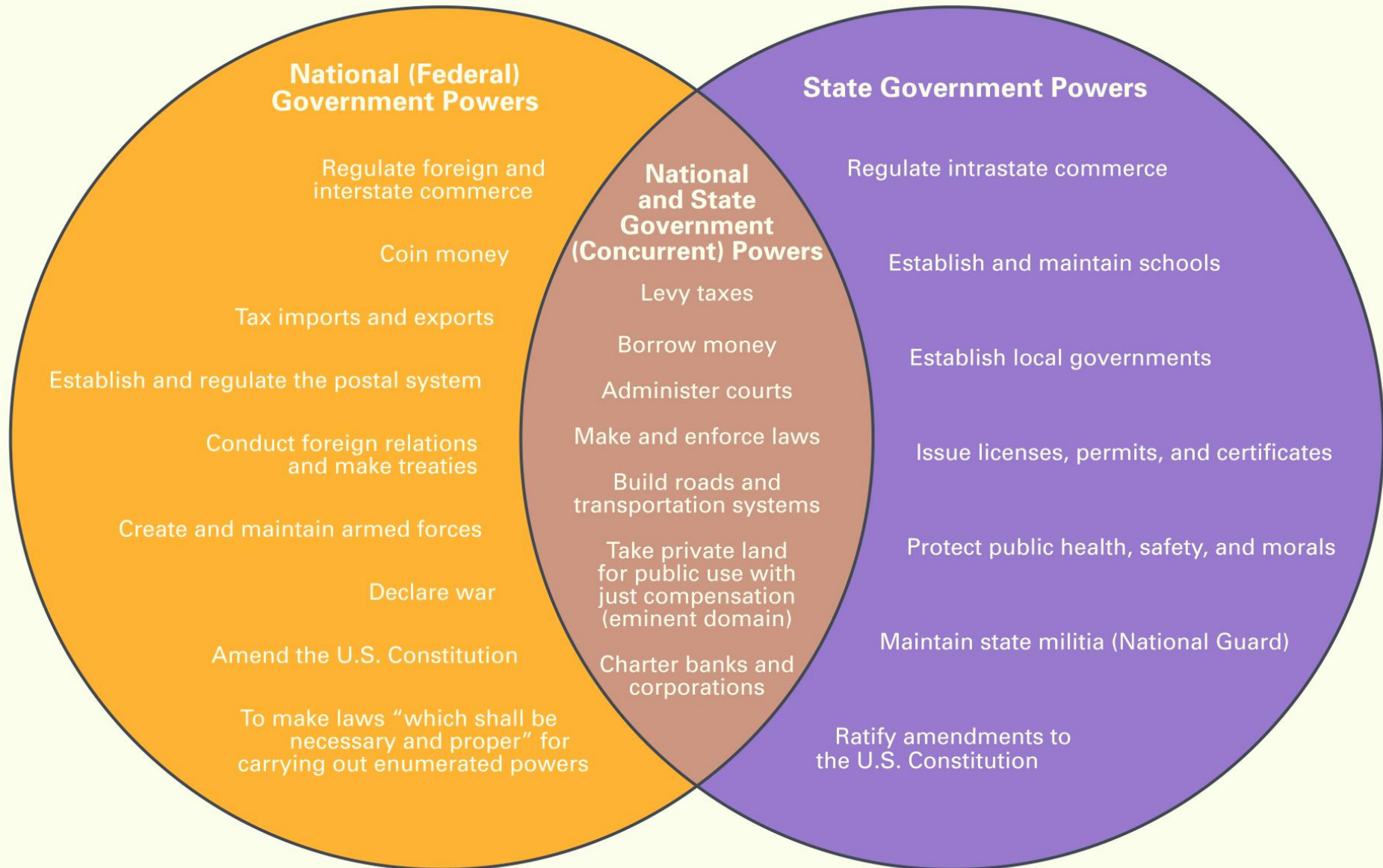
# Federalism

- The power of government is also split between the States and the Federal Government
  - This is called Federalism
- If the Constitution does not have a law, the States can do what they want:
  - Driving age
  - Death penalty
  - Etc.
- State law cannot contradict Federal law
  - *Article VI: Supremacy clause*

# Federalism

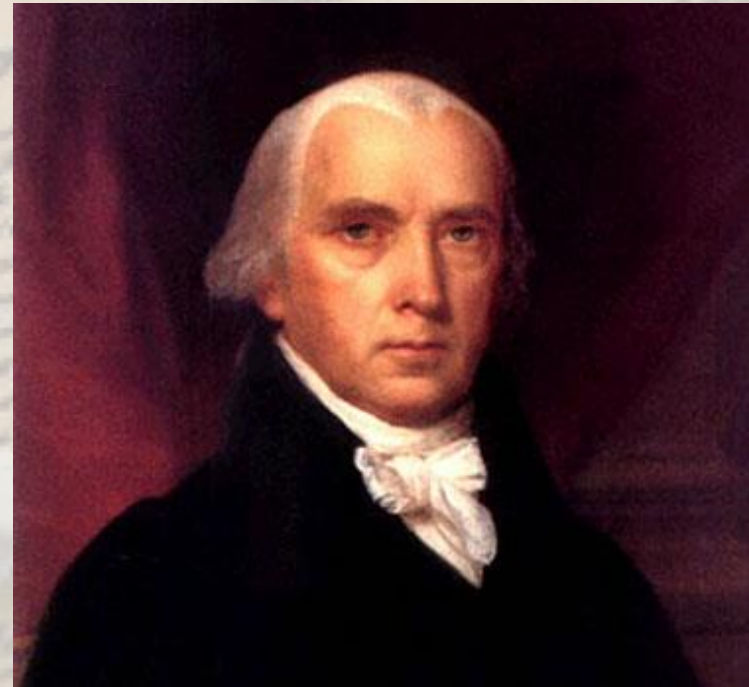
- Framers designed the Constitution so that the States would give specific powers to the federal government – Not vice versa.
- **10<sup>th</sup> Amendment**
  - Any powers not directly given to the federal government “*are reserved to the States respectively, or to the people.*”

# GOVERNMENT POWERS UNDER U.S. FEDERALISM



# Who Wrote It?

- James Madison is considered the “**Father of the Constitution.**”
- His important contributions:
  - The Virginia Plan
    - Bicameral legislative branch
  - 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 (*one legislative or parliamentary chamber*)
  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 13 states had to approve of the changes.
    - This made it essentially impossible to fix problems with *Articles*.
  5. No executive branch, judicial branch, or national military.
  6. Congress did not have the power to regulate commerce which caused competition among states. It also caused diplomatic issues when states refused to pay for goods they received from other nations.

# Why was it written?

- **Shays' Rebellion: (1786)**
  - An uprising of farmers in Massachusetts – led by Daniel Shays.
    - Atks on courthouses
    - Farmers opposed economic policies
    - Veterans received little compensation
    - Boston business abuses
    - State taxes were higher than British taxes
  - 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.”

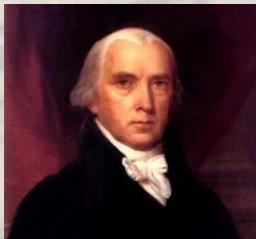
# What were the important outcomes of the Constitutional Convention?

- Virginia Plan:
  - Separation of powers
  - Bicameral legislature based on population
  - Federal government had increased powers
- 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:
    - 3/5's of slave population counted for representation purposes & taxes.
- New Jersey Plan:
  - Unicameral legislature where every state received equal representation.

# Federalists vs. Anti-Federalists

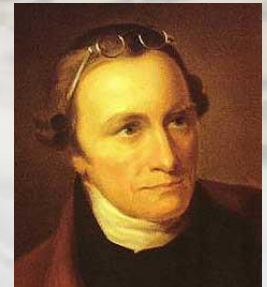
- Federalists:

- Supported the Constitution and a strong central government
- *Federalist Papers* – series of articles written in defense of the Constitution (“Publius”)
- Alexander Hamilton, James Madison, John Jay



- 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 Debate

- Needed 9 of 13 states to ratify or officially approve of the Constitution before it went into effect.
- A huge debate emerged between two sides:
  - Federalists
    - Supported strong central government
  - Anti-Federalists
    - Opposed stronger U.S. federal government



# Ratification

## Ratification of the Constitution

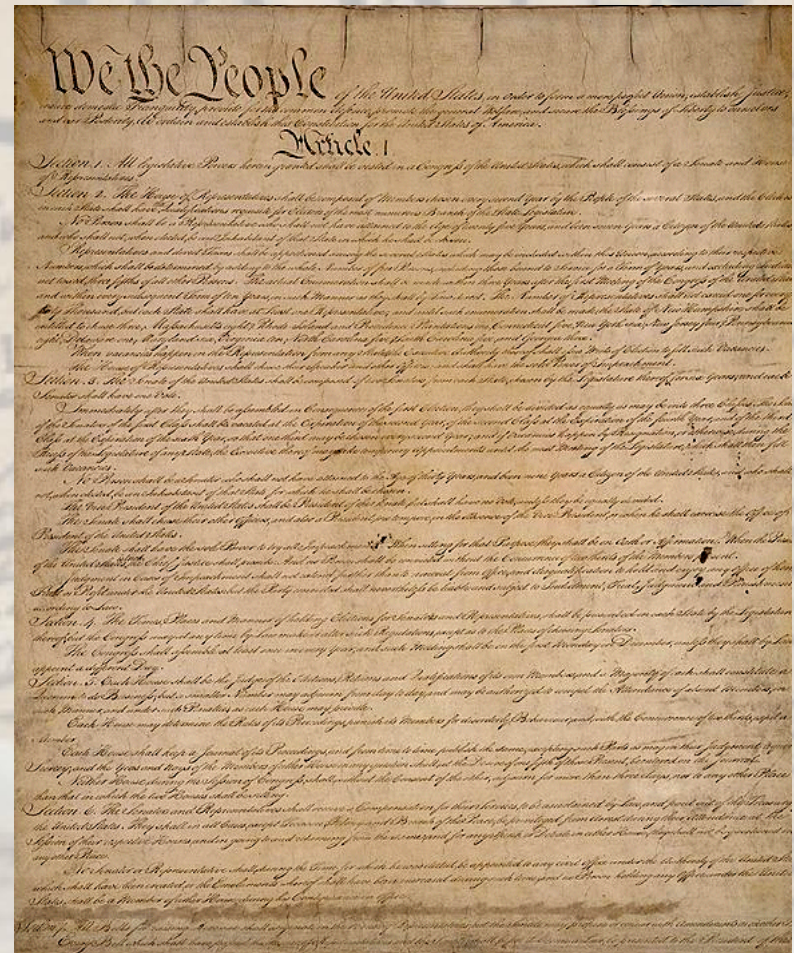
### *Votes of State Ratifying Conventions*

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 (*Dec. 1791*)

# 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

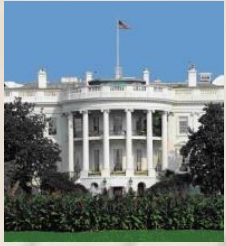




# Article I: Legislative Branch



- 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 & 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



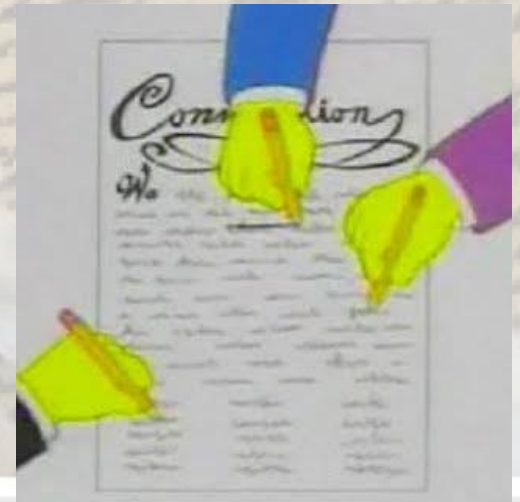
# Article III: Judicial Branch



- 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  $\frac{3}{4}$  of State legislatures or by conventions in  $\frac{3}{4}$  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** *(Ratified: 6 Dec 1865)*
  - Abolished slavery
- **14<sup>th</sup> Amendment** *(Ratified: 9 Jul 1868)*
  - Ratified to protect the rights of native-born Black Americans, whose rights as recently-freed slaves were being denied.
  - Due process and equal protection under the law
  - All persons born in US are citizens
- **15<sup>th</sup> Amendment** *(Ratified: 3 Feb 1870)*
  - Right to vote regardless of race, color, or previous servitude

# Other Important Amendments:

- **18th Amendment: (1919)**
    - Prohibition of alcohol
  - **19th Amendment: (1920)**
    - Women's suffrage
  - **21st Amendment: (1933)**
    - Repeals prohibition
  - **22nd Amendment: (1951)**
    - Presidential term limits
  - **24th Amendment: (1964)**
    - Prohibits poll taxes for voting
  - **26th Amendment: (1971)**
    - Lowers voting age to 18
- 
- Repealed

The background of the slide is a faded, high-resolution image of the United States Constitution. The text of the Constitution is visible in a light, cursive script, with the words 'We the People' being particularly prominent at the top. A white quill pen is positioned diagonally across the lower right portion of the image, its tip pointing towards the bottom right corner. The overall color palette is a warm, aged cream or light beige.

# **THREATS to the Constitution**

# Why should the Constitution matter to you?

- The threat of authoritarian government is always with us.
- ***All of these factors are undermining democracy:***
  - Widespread ignorance of the Constitution
  - Efforts to dissolve the separation of powers
  - Attempts to ignore the plain meaning of the constitutional text

# THREATS to the Constitution

## **(1) The “Living Constitution” and Judicial Activism**

**— The Constitution is the meaning of its words.**

- Founding Fathers (authors) were clear on meaning
- Judges cannot change the words, but activist judges under guise of “interpretation” change what words mean.
  - i.e.- 2<sup>nd</sup> Amendment is outdated
- Role of judges is to interpret laws, not make laws.

# THREATS to the Constitution

## (1) The “Living Constitution” and Judicial Activism

### — President Ronald Reagan:

- “[T]he framers knew that unless judges are bound by the text of the Constitution, we will, in fact, no longer have a government of laws, but of men and women who are judges.”

# THREATS to the Constitution

## (2) Attempts to “pack” the Supreme Court

- Congress creating additional judicial positions for the President (of the same party) to quickly fill.
  - **Intent**: Add judges who are willing to change the meaning of the Constitution in the guise of “interpretation” to better suit needs of political party.
- FDR attempted this in 1937 (to help approve New Deal legislation) – Congress vehemently opposed.

**This would fatally politicize the courts & threaten the Constitution.**

# THREATS to the Constitution

## **(3) Growth of the Federal Government – The Administrative State**

- Congress initially created (3) small departments:
  - Dept of State
  - Dept of War
  - Dept of Treasury
- 1900: Total of eight departments
- Today: 120 executive agencies + 60 independent entities (Employs more than 1 million federal workers).

# THREATS to the Constitution

## (4) Power of the Presidency

– Executive action (orders) used in place of Congress passing legislation.

- Laws & policies become unstable
- Can be reversed w/ each new administration

# 2<sup>nd</sup> Amendment

***“A well regulated Militia,  
being necessary to the  
security of a free State, the  
right of the people to keep  
and bear Arms, shall not be  
infringed.”***

# 2<sup>nd</sup> Amendment

- Amendment upon which guarantee of all other Amendments rests.
- "**Well-regulated** in the 18th century tended to be something like well-organized, well-armed, well-disciplined. It didn't mean 'regulation' in the sense that we use it now, in that it's not about the regulatory state... It means the militia was in an effective shape to fight."
  - Jack Rakove (Pulitzer Prize-winning political science professor at Stanford Univ.)
  - In other words, it didn't mean the state was controlling the militia in a certain way, but rather that the militia was prepared to do its duty.

# 2<sup>nd</sup> Amendment

## So what did our founding fathers say about this right?

- "A free people ought not only to be armed, but disciplined..."  
- George Washington, First Annual Address, to both House of Congress, January 8, 1790
- "No free man shall ever be debarred the use of arms."  
- Thomas Jefferson, Virginia Constitution, Draft 1, 1776
- "I prefer dangerous freedom over peaceful slavery."  
- Thomas Jefferson, letter to James Madison, January 30, 1787
- "What country can preserve its liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance. Let them take arms."  
- Thomas Jefferson, letter to James Madison, December 20, 1787

# 2<sup>nd</sup> Amendment

## So what did our founding fathers say about this right?

- "To disarm the people...is the most effectual way to enslave them."  
- George Mason, referencing advice given to the British Parliament by Pennsylvania governor Sir William Keith, *The Debates in the Several State Conventions on the Adoption of the Federal Constitution*, June 14, 1788
- "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."  
- Benjamin Franklin, *Historical Review of Pennsylvania*, 1759
- "The Constitution of most of our states (and of the United States) assert that all power is inherent in the people; that they may exercise it by themselves; that it is their right and duty to be at all times armed." - Thomas Jefferson, letter to John Cartwright, 5 June 1824

# 2<sup>nd</sup> Amendment

## So what did our founding fathers say about this right?

- "I ask who are the militia? They consist now of the whole people, except a few public officers."  
- George Mason, Address to the Virginia Ratifying Convention, June 4, 1788
- "The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their own arms." - Samuel Adams, Massachusetts Ratifying Convention, 1788
- "Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are ruined.... The great object is that every man be armed. Everyone who is able might have a gun." - Patrick Henry, Speech to the Virginia Ratifying Convention, June 5, 1787

# 2<sup>nd</sup> Amendment

## So what did our founding fathers say about this right?

- "The laws that forbid the carrying of arms are laws of such a nature. They disarm only those who are neither inclined nor determined to commit crimes.... Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man."

- Thomas Jefferson, *Commonplace Book* (quoting 18th century criminologist Cesare Beccaria), 1774-1776

- "Before a standing army can rule, the people must be disarmed, as they are in almost every country in Europe. The supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a force superior to any band of regular troops."

- Noah Webster, *An Examination of the Leading Principles of the Federal Constitution*, October 10, 1787

# 2<sup>nd</sup> Amendment

## So what did our founding fathers say about this right?

- "The right of the people to keep and bear arms shall not be infringed. A well regulated militia, composed of the body of the people, trained to arms, is the best and most natural defense of a free country."  
- James Madison, *I Annals of Congress* 434, June 8, 1789
- "...the ultimate authority, wherever the derivative may be found, resides in the people alone..."  
- James Madison, *Federalist No. 46*, January 29, 1788
- "A militia when properly formed are in fact the people themselves...and include, according to the past and general usage of the states, all men capable of bearing arms... "To preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them."  
- Richard Henry Lee, *Federal Farmer No. 18*, January 25, 1788

# 2<sup>nd</sup> Amendment

## So what did our founding fathers say about this right?

- "Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are ruined.... The great object is that every man be armed. Everyone who is able might have a gun."

- Patrick Henry, Speech to the Virginia Ratifying Convention, June 5, 1778

- "The Constitution shall never be construed to prevent the people of the United States who are peaceable citizens from keeping their own arms."

- Samuel Adams, Massachusetts Ratifying Convention, 1788

**WITH GUNS, WE ARE CITIZENS**



**WITHOUT THEM, WE ARE SLAVES**

# Aldous Huxley

- **“There will be, in the next generation or so, a pharmacological method of making people love their servitude, and producing dictatorship without tears, so to speak, producing a kind of painless concentration camp for entire societies, so that people will in fact have their liberties taken away from them, but will rather enjoy it, because they will be distracted from any desire to rebel by propaganda or brainwashing, or brainwashing enhanced by pharmacological methods. And this seems to be the final revolution”**

