

The Constitution of the United States of America



The Preamble to the Constitution



It reflects the fundamental principle of the American Government, the right of the people to govern themselves.

The preamble contains the six goals of the Government:

“We the people of the United States,
in order to form a more perfect Union,
establish justice, ensure domestic tranquility,
provide for the common defense, **promote the
general welfare**, and secure the blessings of
liberty to ourselves and our posterity, do ordain
and establish this Constitution for the United
States of America.”

Six Goals of the Government



- 1. Form a more perfect union**
- 2. Establish justice**
- 3. Insure domestic tranquility**
- 4. Provide for the common defense**
- 5. Promote the general welfare**
- 6. Secure the blessings of liberty**

Form a more perfect union

- Create a better, more efficient system of government than was possible under the Articles of Confederation by working together as a single country.



Establish Justice



- Guarantee all people treated fairly under the same laws.

Insure Domestic Tranquility

- Guarantee a peaceful existence within the United States.



Provide for the Common Defense



- Guarantee an adequate defense against those who would be our enemies.

Promote the General Welfare



- Encourage what is good for ALL people.
- Guarantee “life, liberty and the pursuit of happiness”.
- Provide for the citizens of the United States.



Secure the blessings of liberty

- Guarantee our freedom and make certain that our children and our children's children have those same freedoms.



Article I Congress



Section 1

Bicameral Congress

- House of Representatives
- Senate

Section 2

Membership of the House

- Chosen every two years by the people of the states.
- Must be at least 25 years old and a citizen of the United States for at least seven years.
- Has the *Power of Impeachment*

Section 3

Membership of the Senate

- Two senators from each state elected by the people every six years.
- Must be at least 30 years old and a citizen for nine years.
- The vice president is the President of the Senate, but only votes when there is a tie.
- **The Senate can try all impeachments.**

Section 4

The **state legislatures** decide when and where elections will be held.

Section 5

Rules of Congress

Each house is responsible for judging elections, returns and qualifications as well as punishments .

Section 6

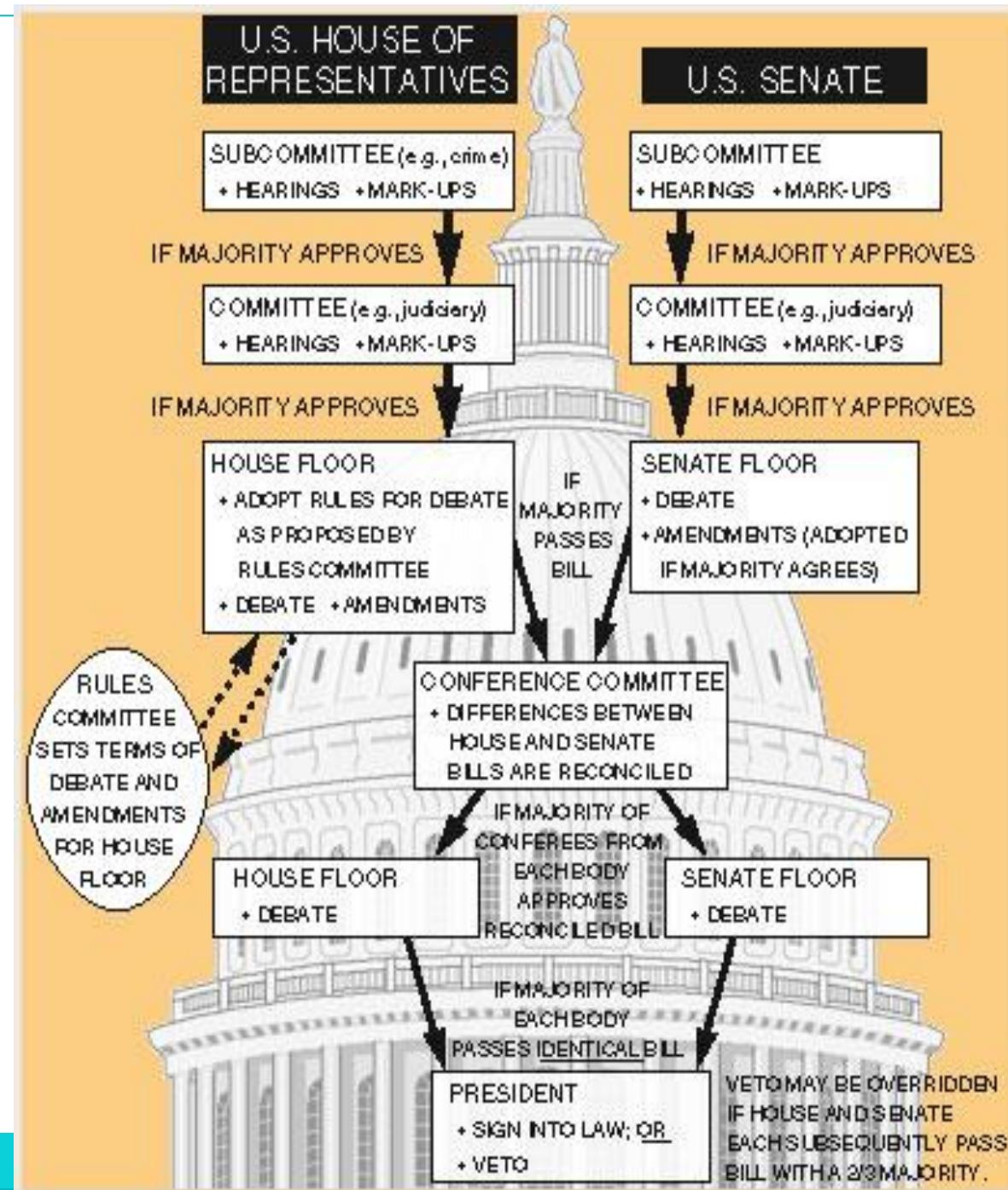
Salaries, immunities and bars

- Each member of the house gets a salary paid by the U.S. treasury.
- Each member cannot be arrested during their house sessions except for treason, or a felony.
- No member of congress can serve in the President's cabinet or any other federal appointed office.

Section 7

Creating money, laws and veto power.

- The House has the power to enact new taxes to raise money (**revenue**).
- All bills originate in the house and then go to the senate. If the senate approves, the bill is sent to the president.
- The president may veto a bill and/or send it back for revisions.
- The house can change the bill, or override the president with a **2/3** vote.



Section 8

The powers of Congress

- Establish **Tax**
- Regulate **interstate commerce** with other countries, the Indian tribes and among the states.
- Establish the rules for **Naturalization** (immigration laws).
- Establish a **post office**.
- Create courts
- **Declare War**

Necessary and proper clause (create all laws which are necessary and proper for the people of the United States)

Section 9

Restrictions on congressional powers

- Congress can not prevent the slave trade until after the year **1808**.
- Congress cannot **suspend habeas corpus** unless in times of war or rebellion.
- Congress can't arrest you for committing a crime when the year you committed the so called crime – it wasn't against the law yet. (**ex post facto**)
- There will be no titles of nobility.

Section 10

Restrictions on the states.

- States cannot coin their own money.
- States cannot keep their own armies or navies in times of peace.
- States cannot declare war on another country.

Article II The Executive



Section I

Office of the President

Four year term

Chosen by the ***electoral college***

Requirements of the President:

Must be born in the United States.

Be at least 35 years old.

Live in the U.S. for the past 14 years.

If the President dies, the Vice President will take his/her place.

The President swears an oath upholding the Constitution before he can become president.

Section 2

The Powers of the President

- Commander and chief of the army, navy, and air force.
- Power to ***pardon***
- Power to make treaties with foreign nations with at least 2/3 agreement from the Senate.
- The power to make appointments:
 - Ambassadors
 - Judges of the Supreme Court
 - Presidential Cabinet

Section 3

The President must hold **State of the Union Addresses** to congress.

Section 4

The President of the United States can be impeached for treason, bribery, or other high crimes and misdemeanors.

Article III The Judiciary



Section I

The Supreme Court

Highest court

Nine judges

Appointed by the President

Appellate Courts

Court of Appeals

Local Courts

Section 2

Jurisdiction

Constitutional rights

Ambassadors or other public officials

Controversies between states

The United States and other countries

Citizens of different countries

Citizens filing against the state

Section 3

Treason against the United States

Starting a war with another country.

Giving aid or “comfort” to enemies of the state.

Two witnesses must testify to the treason.

Congress determines the punishment.

Article IV



Section I

Full faith and credit clause

Requires states to honor each other's rulings, records, and civil laws

State's allowed to make exceptions for "public policy"

Section 2

Privileges and Immunities.

States cannot discriminate against citizens from another state without justification

Extradition

***Fugitive Slave Clause* (overturned)**

Section 3

Creation of new states

States cannot be formed from other states without the state's consent or approval from Congress.

How a state becomes a state...

- Most of the states were part of territories first.
- Petition to become a state.
- President and Congress approve petition and authorize a drafting of a Constitution.
- Constitution must be approved by majority of citizens, Congress, and the President.

Governing territories

Congress has legislative power over all US property and territory.

Constitutional rights DO NOT apply to every federal territory.

Incorporated territories: receive full Constitutional rights and might become states.

Unincorporated territories : will never become a state.

Section 4

Protection of states

The United States shall guarantee to every State in this Union a Republican Form of Government...

And shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

Article V



*“The congress, shall propose **Amendments** to this Constitution, or, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, Provided that no Amendment which may be made prior to the Year **one thousand eight hundred and eight** shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.”*

Amending the Constitution

- **2/3** of both houses agree or
- **2/3** of the states can call a convention and **3/4** must ratify.

The U.S. has amended the constitution **17** times.

Article VI



Section I

All **Debts** contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

Section 2

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, **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.

Section 3

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by **Oath or Affirmation, to support this Constitution**; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article VII



- The Ratification of the Conventions of **nine** States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

Only **41** of the **55** men who participated in the **Constitutional Convention** actually signed the finished product.

Several left before negotiations were completed, and three of the Founding Fathers, **Edmund Randolph, George Mason, and Elbridge Gerry**, objected to the Constitution's expansions of government power and refused to sign on principle.

At least one delegate signed from 12 of the 13 states; only **Rhode Island**, which boycotted the Constitutional Convention entirely, lacked a signatory.

Ratified in 1791
consists of the first
ten amendments of
the Constitution:

Estas diez primeras
enmiendas protegen
las libertades y
derechos
fundamentales del
hombre.



The Bill of Rights

Article 1

Freedom of speech, press, religion, assemble, and petition.

Article 2

Right to bear arms.

Article 3

No quartering. (*in times of peace*)

Article 4

No unreasonable search and seizures.

Article 5

Rights of the accused and the due process clause.

Article 6

Trial rights

Article 7

Common law suits

Article 8

No cruel and unusual punishments.

The first eight amendments protect the rights of the individuals against actions of the federal government.

The last two amendments set limits on the power of the federal government.

Article 9

People's rights

The Ninth Amendment states that the people have other rights not listed in the Constitution.

Article 10

States' rights

The Tenth Amendment states that any power not given specifically to the federal government are reserved for the states.

Amendments 11-20



Amendment 11

Limits on suits against the state

Amendment 12

Revision of the electoral college procedure.

Amendment 13

End of slavery

Amendment 14

Ex-slaves are made citizens, due process applied to states, and equal-protection clause.

Amendment 15

African Americans are given the right to vote.

Amendment 16

Federal income tax

Amendment 17

Popular election of senators

Amendment 18

Prohibition

Amendment 19

Right to vote for women

Amendment 20

Change in federal terms of office, and
presidential succession.

Amendments 21-27



Amendment 21

Repeals prohibition

Amendment 22

Two term limit for presidents

Amendment 23

People living in Washington D.C. are given the right to vote.

Amendment 24

Prohibits poll taxes

Amendment 25

Presidential disability and succession.

Amendment 26

Voting age is lowered to 18 (1971)

Amendment 27

Congressional pay raises (1992)

How does the Constitution Work?



The Constitution establishes three main branches or powers of Government.

These are:

Legislative power

Executive power

Judicial power

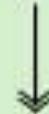


Each one has its own role in how the law is made and used.

CONSTITUTION



LEGISLATIVE



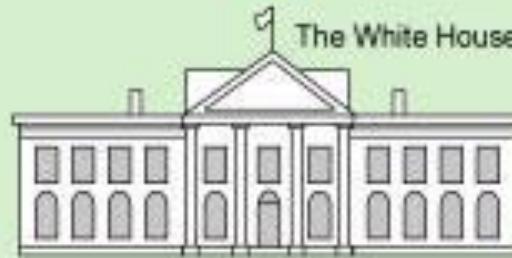
CONGRESS



HOUSE OF
REPRESENTATIVES



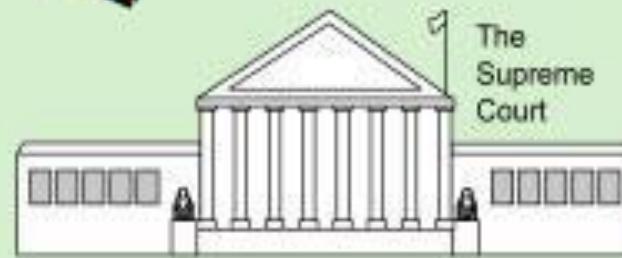
SENATE



EXECUTIVE



PRESIDENT → VICE
PRESIDENT



JUDICIAL



SUPREME COURT

Legislative Power



The legislature is called
the **Congress**

It is composed of two bodies:

1. The House of representatives
2. The Senate

The House of Representatives



Each representative comes from a neighborhood in one of the 50 States.

There are **435 representatives**. Each one's work is to represent the people in his district.

The people elect the representative and they have the right to tell you how they feel about issues.

The States with the largest population have more representatives and each State has at least one.

The Senate



The Senate is formed of **100 senators, two** from each State.

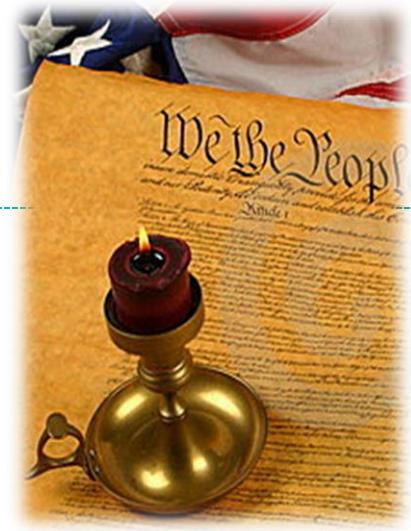
Senators are elected by the people of the State and must represent the interests of all people.

When Congress wants to pass a law, both the House and the Senate need to agree in the law itself. If they can't agree, then the law cannot pass.

The Executive Power



The role of the Executive is to ensure compliance with the law.



It is headed by the **President** and includes the **Vice President** and the **Secretaries** of all the national services, as the Department of Homeland Security and Department of education.

All together they form the **Presidential Cabinet**.

Before a project becomes a law, it is sent to the President.

The President has three options:

1. He can **sign the draft Bill**, in which case it becomes law.
2. He can **veto the Bill** and send it back to Congress, who can override the veto if two-thirds of both houses of Congress vote to do so.
3. He can **refuse to sign the Bill**, but not veto it. In this case, the project will become law after ten days.

This process is called **Checks and Balances** in the government of the United States.

Congress should pass laws with the support of the **President**, but the **President** may **not refuse** to sign a law without taking a position on the matter.

Judicial Power



The role of the judiciary
Is to **interpret the law.**



It includes all **federal courts**, up to the **Supreme Court**, which is the highest authority.

States have their own judicial systems that are below the national judicial system.

All government branches have to work together.

Just as the drafters of the document reached an agreement on the content of the Constitution, **the branches must agree on the laws.**

No branch has too much power.

Power is shared. This helps to protect the people.

Federalism



The Constitution defines three types of governmental power:

THE ENUMERATED FACULTIES

THE CONCURRENT POWERS

THE RESERVED FACULTIES

The Federal System

Enumerated Faculties

Federal Government

- Regulates trade
- Mints coins and money
- Organizes armed forces
- Foreign Affairs

Concurrent Powers

Federal and National Government

- Collect taxes
- Establish courts
- Enforce laws
- Make loans

Reserved Faculties

National Government

- Regular State Trade
- Establish schools
- Pass marital laws
- Organizing elections

Interpretation of the Constitution



The Constitution includes two **clauses** that grant Congress the power to take measures which are necessary to adapt to changing conditions:

The Elastic Clause

The Commerce Clause

The Elastic Clause

Congress can issue all the laws that are necessary and suitable to exercise the powers of the Government.

Congress has certain **implied powers** that are not defined in the Constitution to cover the needs that may arise in the Government.

The Commerce Clause

It expands the authority of Congress granting them the power to **regulate commerce** with foreign Nations, and among several States in the nation.

Congress used this clause to regulate aircraft industries, radio and television, and the production of electric power, among others.

Judiciary Review

The role of the judicial branch has also been extended with the **implied powers** of the Constitution.

The **Supreme Court** examines the actions and laws of the State and national Governments and has the right to determine whether or not a law violates the Constitution, faculty which is not contemplated in the judicial power of the Constitution.



Rights and Duties of the Citizens



The three major rights of every American citizen are:

Due process of law:

The right to be protected from unfair actions on the part of the Government.

Equal protection:

The right to enjoy equal treatment under the law.

Fundamental freedoms:

The right to enjoy the freedom of expression, cult, press, congregation and request.

Participation of Citizens

Duties are things that we are required to do by law and which are our responsibility, things that morally we do.

Every citizen has basically **four fundamental duties** :

- Obey the law.
- Pay taxes.
- Defend the nation.
- Respect the rights of others.

