

# History of the U.S. Constitution



# Introduction

- 13 colonies declared their freedom from Great Britain in 1776
- Each state had its own independent government
- In order to protect their new found freedom they got representatives together from each state to decide what to do next.

# The Confederation Congress

The body of leaders from each state sent to make decisions for their state.

(formerly the Continental Congress during the Revolution)

- They met together in Philadelphia Pennsylvania to write a “constitution”
- **Constitution**: a set of laws or rules which outlines how a government is organized.

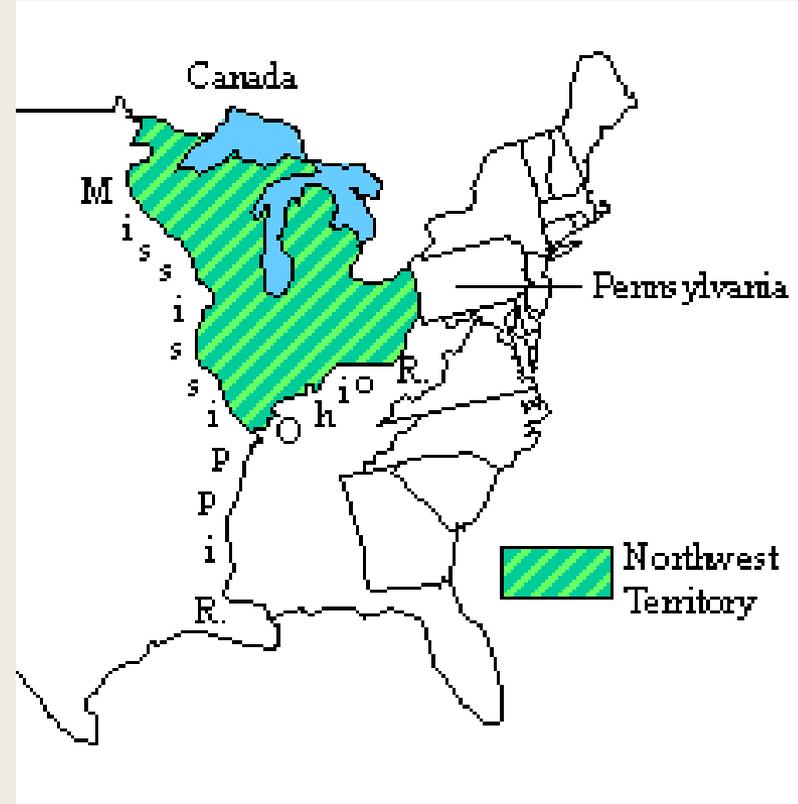
# Articles of Confederation

- The first constitution of the United States was called the **Articles of Confederation**. (1781-1789)
  - Each state remained Independent
  - Each state had a single vote
  - The Central government had little power

# The Northwest Ordinance 1783

(part of the Articles of Confederation)

- outlined the means by which the territories between the Appalachian mountains and the Mississippi and Ohio Rivers would be settled, governed, and admitted to the union.
- Helped answer some of the problematic questions of the time
  - State Territorial Claims
  - Slavery
- It established the framework and the process by which the new nation would unfold from 13 states into the 50-state federation we know today.



# What the Government could do under the Articles of Confederation

- Conduct foreign affairs
- Make treaties
- Declare war
- Maintain an Army and Navy
- Coin it's own money
- Run the post office



# Shays' Rebellion

- While congress had the power to create an army, they had no way of paying for it.



- A former Continental soldier **Daniel Shays** led a rebellion against the Government in Massachusetts because he and many others could not afford to live after having served in the Continental Army

# Shays' Rebellion

- The rebellion was stopped and Shays escaped into the Mountains of Vermont

## The results

Shays' Rebellion showed that there were still many problems in the United States that the Revolution and Articles of Confederation did not solve

- After a few years it became apparent that the Articles of Confederation were weak and probably wouldn't work.



# Why the Articles didn't work

- Many of the states were in debt because of the war.
- The federal government had almost no way to raise money but was expected to pay for itself and help the states
- Required 9 of the 13 states approval before any action by the Congress was accepted
- States printed their own money which may or may not be honored in other states

# Why else the Articles didn't work

- No President, so all discussions had to be done in groups, making actions very slow
- The states did not have to accept the laws that congress passed
- There was almost no way to **Amend**, or change the articles

# Constitutional Convention

Because of all these problems they decided to get together to change the Articles of Confederation in what became known as the **Constitutional Convention.**



Did the delegates at the Constitutional Convention have the power to do away with the Articles of Confederation?



# Constitutional Convention Quick Facts:

- President of the Constitutional Convention: George Washington
- Location: The State House (Philadelphia, Pennsylvania), known as Independence Hall
- When: May 14- Sept. 17 1787
- Oldest Delegate: Benjamin Franklin, 81
- **The Document they created remains today, the world's oldest written Constitution**

# Constitutional Convention

- **Delegates** (or chosen representatives) from every state except Rhode Island began showing up in May 1787



Independence Hall

# Constitutional Convention

- Initially the plan was to **amend**, or change the Articles of Confederation and make them work



- But shortly after beginning, it was clear the Articles had to go.

# Constitutional Convention

The decision was made to create a new document in order to create a more perfect union.



What does a more perfect union mean?

# Constitutional Convention

- Gov. Edmund Randolph of Virginia purposed a plan called the **Virginia Plan**



# Virginia Plan

- National Government with 3 branches
  - Executive- one president
  - Legislative- a bicameral congress or congress with two houses
  - Judicial- a group of judges to settle things

# Virginia Plan

- Purposed that votes within the legislature be dependent upon population of the states.

I.E. the more people in the state, the more power your state had.

# Response to Virginia Plan

- There was a debate between small states and large states about representation in the national government.
- Small states didn't want to be dominated by the bigger states
- Larger states believed that having more people to represent should give them more representatives

# New Jersey Plan

- William Paterson proposed the **New Jersey Plan** in response to Virginia's Plan
- The New Jersey Plan favored smaller states as opposed to bigger ones



# New Jersey Plan

- A National Government with 3 branches
  - Executive- one president
  - Legislative- A Unicameral congress, meaning only one house
  - Judicial- a group of judges to settle things

# New Jersey Plan

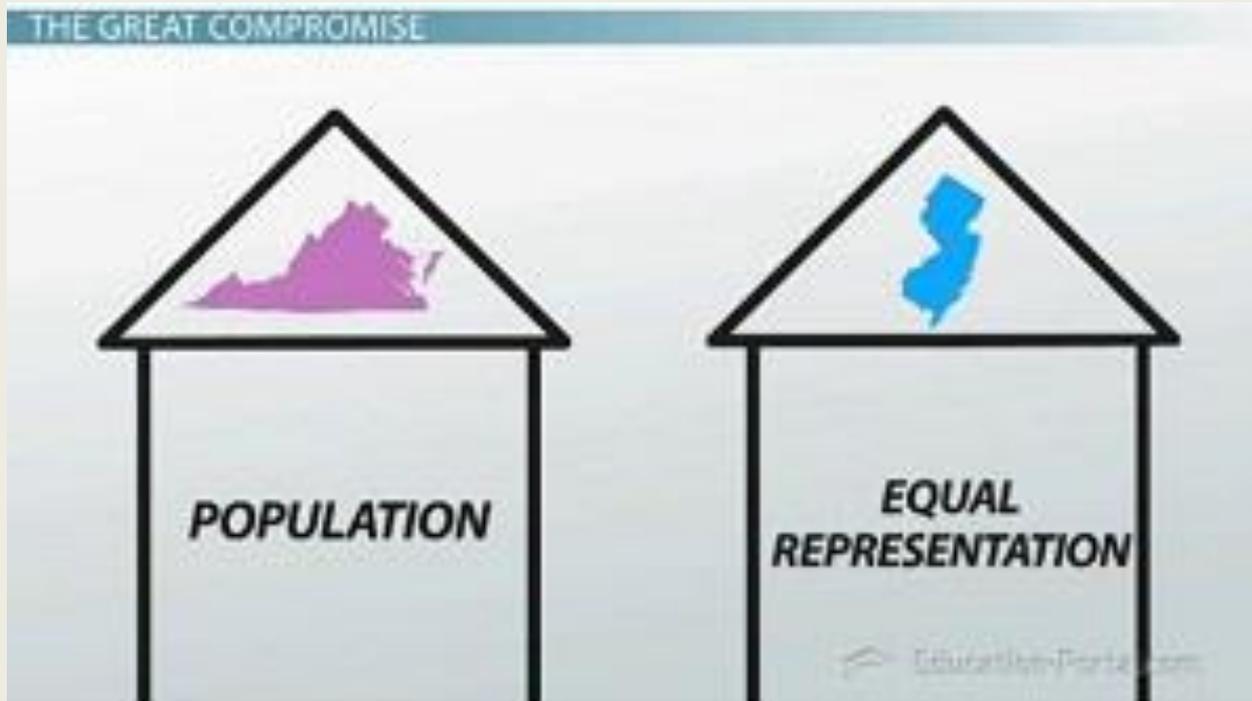
- Proposed that every state in the congress should have only one vote
- This was to make sure larger states and smaller states had an equal say.

Which do you think is best?  
Why?



# The Great Compromise

- In the end a compromise was struck and it became known as the **“Great Compromise”**



# The Great Compromise

- Bicameral Legislature
  - Upper House or **Senate**:
    - 2 senators elected by each states legislature
    - 2 votes per state
  - Lower House or **House of Representatives**:
    - The number of Reps. Depended on the population of the state
    - Each Representative had a vote
    - Representatives were directly elected by the people

# The Issue of Slavery

- The states were also divided on the issue of slavery North and South
- The North wanted to end slavery or at least limit it
- The South relied on slavery to maintain their economy and way of life

# The Issue of Slavery

- A couple key questions arose
  - Would slavery continue to be allowed in a country were all men were supposedly created equal?
  - Would slaves count towards a states total population or not?



# 3/5's Compromise

- Under threat that the Southern States would boycott the Constitutional Convention altogether, a compromise was written in to the Constitution protecting slavery and slave holders rights.

# 3/5's Compromise

- It was decided that slaves would count as 3/5's of a person toward a states total population



- However, the slave trade itself was put on a time limit. Importing new slaves would only be legal until 1808.

# Finishing the Constitution

- The Constitution also outlined several other important aspects of the government
  - The jobs of the 3 branches of government
    - **Legislative- Creates Laws**
    - **Executive- Enforces Laws**
    - **Judicial- Interprets the Laws**
  - The citizenship and age requirements for candidates
  - How the constitution could be amended
  - The Federal Gov. assumed all state debts
  - How new states would be admitted
  - How the constitution was to be **ratified** or approved

# Finishing the Constitution

- The Constitution was finally finished on September 17, 1787 and made public.
- However, It did not contain any sort of Bill of Rights, even though that question had been heavily debated

# Ratification

- Each state was given 6 months to review and **ratify** (accept) or deny the new Constitution
- During this 6 month period two groups emerged.
  - **The Federalists**
  - **The Anti-Federalists**

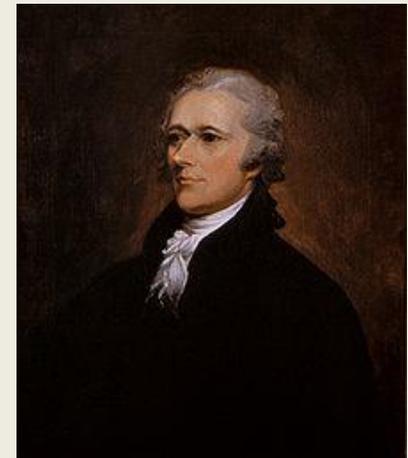
# Federalists

- The Federalists were those who accepted the new Constitution and encouraged the states to ratify it.
- They argued for stronger National Government with a powerful Executive Officer
- They included the likes of...



John Adams

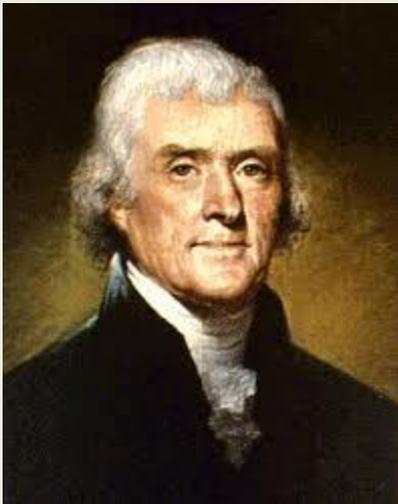
&



Alexander Hamilton

# Anti-Federalists

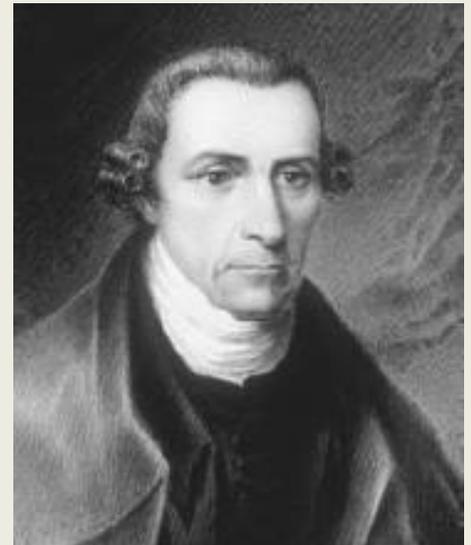
- They opposed the new Constitution primarily because it did not contain a Bill of Rights
- They also argued for more power to individual states and a focus on agricultural interests
- They included the likes of....



Thomas Jefferson

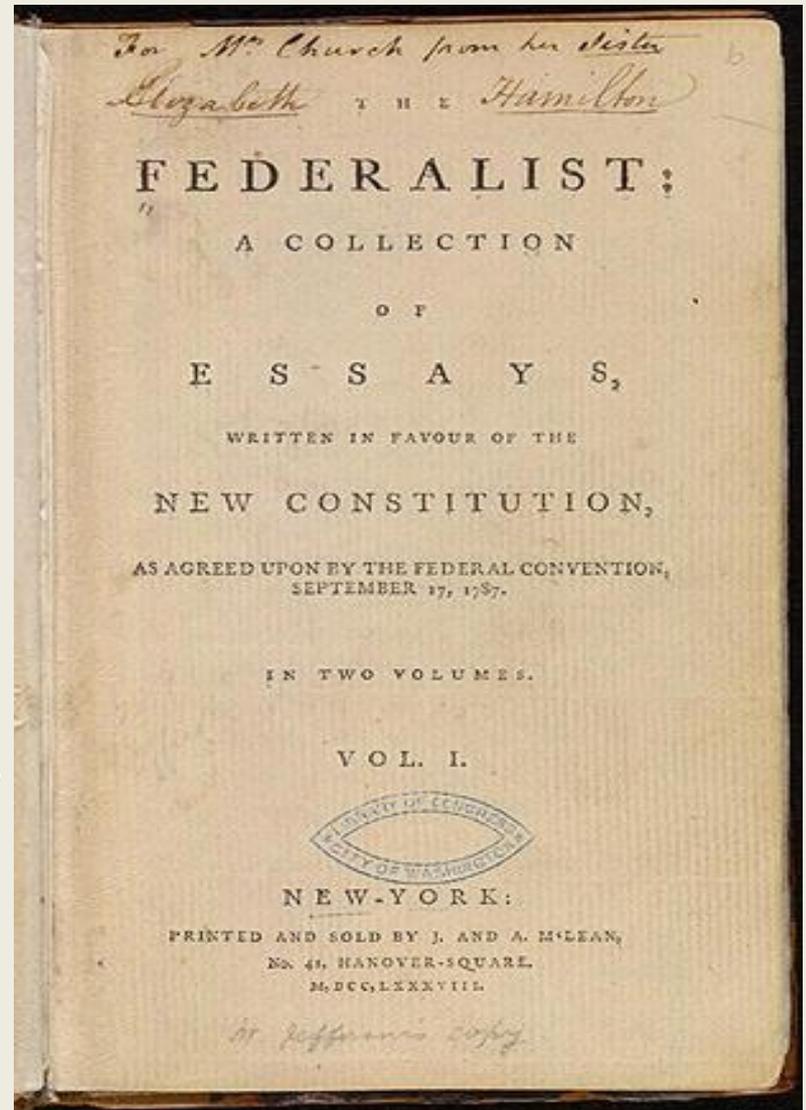
&

Patrick Henry



# The Federalist Papers

- The leading members of the Federalists publish 85 essays in New York called the **Federalist Papers**
- These works explained how the government would work under the new constitution and why people should ratify it



# Ratification

- The Constitution was finally ratified in 1788 and became the law of the land.



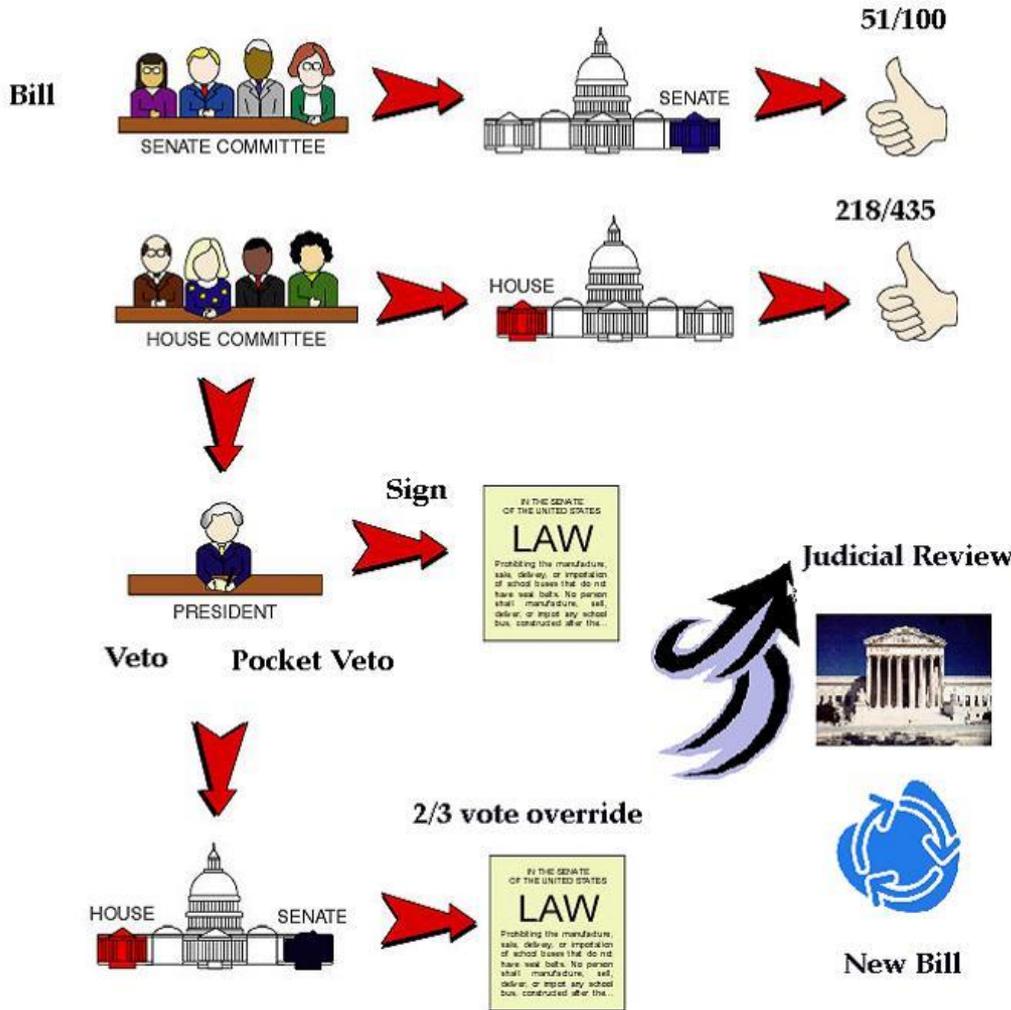
# What are “rights”?

**Rights** are the freedoms people are guaranteed under the law

Where do we get our rights from?

# Sources of Our Rights

## How laws are made

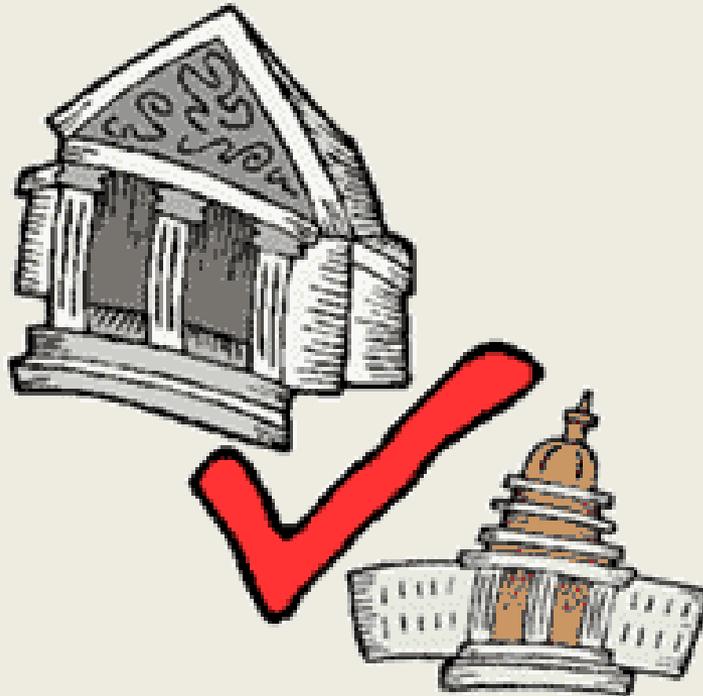


Laws passed by government

- include laws passed by Federal, State or Local governments

# Sources of Our Rights

- **Rulings by the Court**—the courts interpret the meaning of the laws passed by government



# Sources of Our Rights

- Written Documents
  - including:
    - Constitution
    - Bill of Rights
    - Declaration of Independence
    - State Constitutions



What do you think should be included  
in a bill of rights?

List 10 rights



# Bill of Rights

- There was so much interest in adding a Bill of Rights that 3 ½ years after the ratification, the constitution was amended to contain a Bill of Rights
- 12 rights were proposed but only 10 were accepted.

# Bill of Rights

- The first 10 amendments to the Constitution is known as the **Bill of Rights**.

## **Amendments 1-10 = Bill of Rights**



# Bill of Rights

The rights included in the Bill of Rights are:

## **I. The Freedom of Speech, Religion, Assembly, and Petition**

# 1<sup>st</sup> Amendment

- Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

# Bill of Rights

## **II. The Right to Keep and Bear Arms**

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.

# Bill of Rights

## **III. Conditions for the Quartering of Soldiers**

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

# Bill of Rights

## **iv. The Right of Search and Seizure Regulated**

## iV. Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

# Bill of Rights

## **V. Prosecution Provisions**

# V. Amendment

- No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...  
...nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

# Bill of Rights

## **Vi. Right to a speedy trial**

## Vi. Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

# Bill of Rights

**Vii. Right to trial by a Jury of your peers**

## Vii. Amendment

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

# Bill of Rights

## **Viii. Crime and Punishment**

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

# Bill of Rights

## **IX. Rights of the people remain**

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

# Bill of Rights

## X. States Rights

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

# The Constitution

## We the People

of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defence, 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.

### Article I.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Persons; but each State shall have at Least one Representative; and until such Enumeration shall be made, the States of New Hampshire shall be entitled to three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When Vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies. The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall vacate at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

# Structure of the U.S. Constitution

- The constitution can be broken down into 3 distinct parts
  - The **Preamble**: Introduction
  - The **Articles**: Body of the constitution
  - The **Amendments**: 27 changes which makes it a “living document”

# The Preamble

- A **preamble** is an introduction which states the purpose of the document.
- **The Preamble to the United States Constitution** states the purpose behind the Constitution and outlines the principles which it is based upon.

# The Preamble

We the people of the United States, in order to **form a more perfect union, establish justice, insure 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.

# Organization of the Constitution

## – 7 Articles

- #1-3 establish the 3 branches
- #4 how the states and federal government interact
- #5 how to make amendments
- #6 establishes the Constitution as the Highest Law (nothing is above it)
- #7 The ratification process

# What is a Principle?

- A **principle** is a basic rule that guides and influences thought or action...

**Principles** guide our decision-making,  
and keep us in order

What principles do you live by and why?



Some of the principles the U.S. Constitution is based upon are.....

# *Popular Sovereignty*



- People are the source of govt. power
  - (1) **Popular** = “People”
  - (2) **Sovereignty** = “Power” or “Authority”
- **Example:**
  - elections
  - peaceful demonstrations

- **Federalism** = Power is divided between two levels of government working together
- The two levels of government in the U.S. are:
  - 1) National Government  
(National & Federal are the same!)
  - 2) State Government



# Federalism

## FEDERALISM: THE DIVISION OF POWERS

### DELEGATED POWERS (NATIONAL)

- declare war
- negotiate treaties
- issue money
- regulate interstate and foreign trade
- maintain military forces

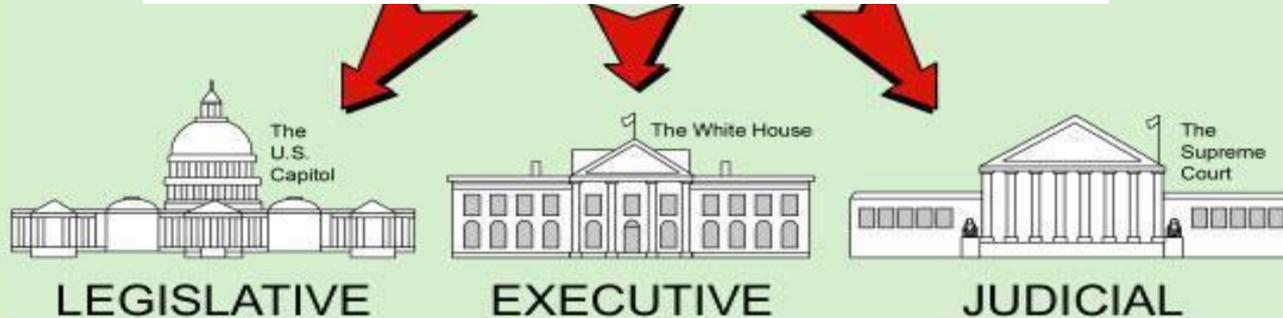
### CONCURRENT POWERS (BOTH)

- levy taxes
- define crimes and their punishment
- determine voting qualifications
- borrow money

### RESERVED POWERS (STATES)

- regulate education
- grant licenses
- provide police and fire protection
- regulate the sale of property within the state

## *Powers of National Government*



# *Separation of Powers*

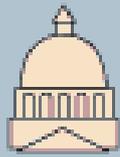
- The Powers of Government are divided into three Branches:
  - Legislative Branch → Makes Laws
  - Executive Branch → Enforces Laws
  - Judicial Branch → Interprets Laws

# *Checks and Balances*



**Definition:** Each branch of Govt. has some power over the other two branches

**Purpose:** Prevent any one branch from having too much power



### LEGISLATIVE BRANCH

The Congress

House of Representatives;  
Senate.

House and Senate can  
veto each other's bills.

Congress approves presidential  
nominations and controls the budget.  
It can pass laws over the president's  
veto and can impeach  
the president and remove  
him or her from office.



### EXECUTIVE BRANCH

The President

Executive office of the president;  
executive and cabinet depart-  
ments; independent  
government  
agencies.

The president can veto  
congressional  
legislation.

The Court can declare  
laws unconstitutional.

The Senate confirms the president's  
nominations. Congress can impeach  
judges and remove them from office.

The president  
nominates judges.

The Court can declare  
presidential  
acts unconstitutional.



### JUDICIAL BRANCH

The Courts

Supreme Court;  
Courts of Appeal;  
District courts.

# Checks and Balances

# Practicing Checks and Balances

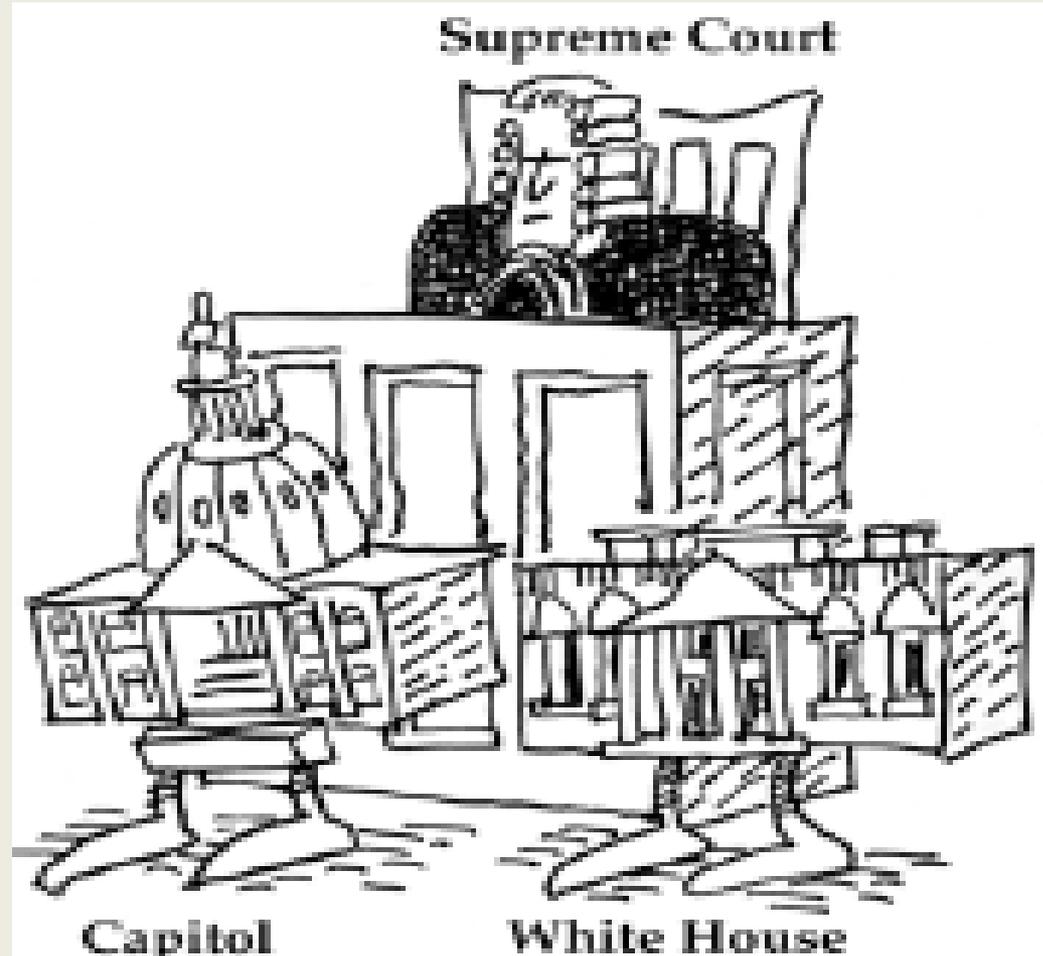
1. If Congress makes a law, what can the **President do** if he does not like the law?
2. If Congress does not think the President's veto was fair, what can the **Congress do**?
3. If a law or action is unlawful, which branch determines if the law or action is unconstitutional?

# Judicial Review

- Courts decide if govt. acts violate the constitution
- ***Marbury v. Madison*** established judicial review.

## Example:

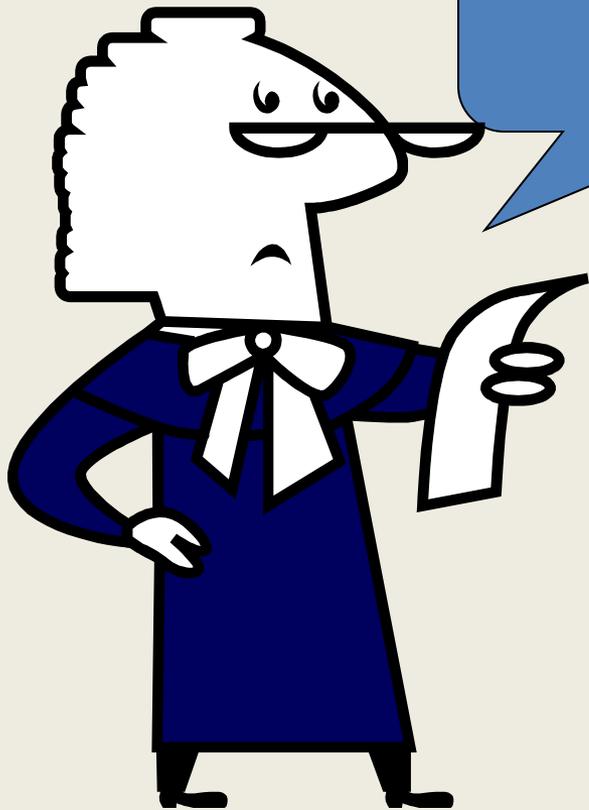
*Brown v. Board of Ed.* → Court stated that segregation was illegal in public places



# *Judicial Review*

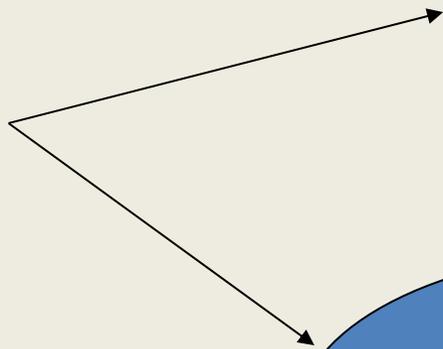
*Hmmm...*

*Constitutional  
or not???*



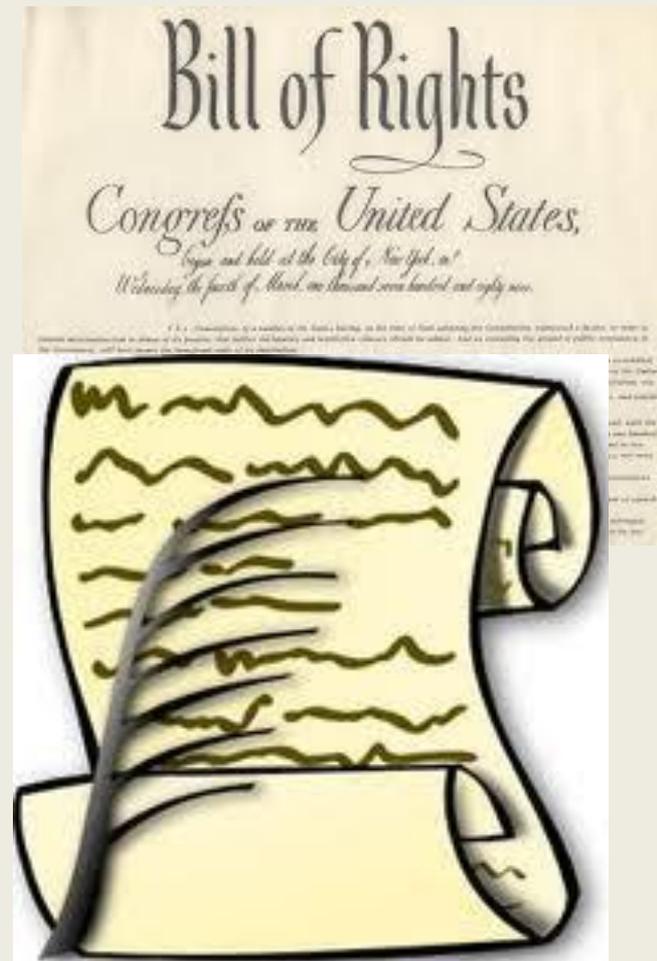
*Executive  
Actions*

*Congressional  
Laws*



# *Limited Government*

- Government Powers are limited to what is written in the Constitution.
- Also known as the “rule of law”
- Example: The police cannot search or seize your property without demonstrating cause and getting a warrant.



*Bill of Rights*

# Majority Rule

- Decisions in the Government are made by a majority vote while respecting the rights of the minority.



# Identifying Constitutional Principles

1. The President appointed a new Justice for the Supreme Court and the Senate will review his appointment next week.
2. The people called a town meeting to debate construction of a new park.
3. The President, the members of Congress, and the Justices of the Supreme Court pay taxes just like every citizen in the United States.
4. The Constitution provides for legislative, executive, and judicial branches of government.

The U.S. Constitution is a living document.

What do you think this means?

Why do you think it's important?



# Constitutional Amendments

- **Why It Matters:**
  - The Framers of the Constitution realized that, inevitably, changes would have to be made in the document they wrote.
  - **Article V** provides for the process of formal amendment.
  - To this point, **27 amendments** have been added to the Constitution.

# A Changing Country

- 4 million people to 312 million people
- 13 colonies to 50 states
- Constitution is NOT the same now as in 1787.
  - Bill of Rights and other amendments have been added
  - interpretations vary



# How is the Constitution Amended



# • Formal Amendment Process

## – Article V

- Proposal by 2/3 of each house of Congress to be ratified by 3/4 of states.
  - This method has been used 26 out of 27 amendments
- Proposal by 2/3 of each house and a call for conventions in the states. Then approved by 3/4 of states.
  - Only used once on the 21<sup>st</sup> amendment in 1933.
- Call from 2/3 of state legislatures for a national convention to consider amendment. It must then be ratified by 3/4 of states. **Never used.**
- An amendment may also be proposed by a national convention and then ratified in 3/4 of state conventions. **Never used.**

# Proposed Amendments

- **10,000** amendment proposals have been submitted.
  - Only **33** have been sent to the states and only **27** ratified.

# Amendment Process

- Many proposed amendments never made it through the legislature,
- Others failed at the approval level such as:
  - » One proposed in 1789 with the Bill of Rights died.
  - » One offered in 1789 later became the 27<sup>th</sup> (Congressional Compensation).
  - » 1810-foreign titles void citizenship.
  - » 1861-maintain slavery amendments.
  - » 1924 an act to regulate child labor.
  - » 1972 Equal Rights Amendment by 1984 fell short.
  - » 1978 representation for the District of Columbia

# Formal Amendment

- The 27 Amendments
  - The Bill of Rights
    - Proposed in 1789—ratified by 1791.
  - The Later Amendments
    - The 12<sup>th</sup> corrected an electoral college problem after the election of 1800.
    - The 13<sup>th</sup> abolished slavery in 1865,
    - The 14<sup>th</sup> granted citizenship to blacks in 1868
    - In 1870 the 15<sup>th</sup> granted the right to vote to blacks.

# Formal Amendment

- The Later Amendments
  - 16<sup>th</sup> in 1913 required all citizens to pay an tax on their income
  - 17<sup>th</sup> Election of Senators by the people; senatorial vacancies (1913)
  - 18<sup>th</sup> in 1919 prohibited alcohol and was repealed by the 21<sup>st</sup> in 1933.
  - 19<sup>th</sup> in 1920 granted women the vote.
  - 20<sup>th</sup> Abolition of “lame duck” session in Congress--change in date of assembly (1933)
  - 22<sup>nd</sup> in 1951 limited the presidency to two terms.

# Formal Amendment

- The Later Amendments
  - 23rd Right of people in District of Columbia to vote for electors of President and Vice President (1961)
  - 24<sup>th</sup> Failure to pay taxes not a restriction on federal voting rights (1964)
  - 25<sup>th</sup> Succession to the Presidency in case of vacancy or disability (1967)
  - 26<sup>th</sup> in 1971 granted the vote to all over 18.
  - 27<sup>th</sup> in 1992 prohibits congressional raises during the “current” term. (originally proposed as the 1<sup>st</sup> article in Bill of Rights)