

## [ 3.1 ] An Overview of the Constitution



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### Learning Objectives

- Understand the basic outline of the Constitution.
- Understand the basic principles of the Constitution: popular sovereignty, limited government, and separation of powers.
- Understand the basic principles of the Constitution: checks and balances, judicial review, and federalism.

[http://www.phschool.com/curriculum\\_support/interactive\\_constitution/preamble/index.htm](http://www.phschool.com/curriculum_support/interactive_constitution/preamble/index.htm)

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## Key Terms

- bicameral
- Madison
- Executive Article
- Alexander Hamilton
- inferior courts
- popular sovereignty
- limited government
- constitutionalism
- rule of law
- separation of powers
- checks and balances
- veto
- Andrew Johnson
- Barack Obama
- judicial review
- unconstitutional
- federalism

## Federalists VS Antifederalists

Federalists argued that the new Constitution would create a strong system of government but would not threaten the fundamental rights and liberties of states and people.

Antifederalists feared that the Constitution would lead to an over centralisation of power in the hands of federal government, and this would threaten the independence of states and the rights of citizens.



# An Outline of the U.S. Constitution



A mural by Barry Faulkner, displayed in the rotunda of the National Archives, depicts James Madison delivering the final draft of the U.S. Constitution to George Washington.

# An Outline of the U.S. Constitution

## Articles of the Constitution

SECTION	SUBJECT
Preamble	States the purpose of the Constitution
Article I	Creates the Legislative branch
Article II	Creates the Executive branch
Article III	Creates the Judicial branch
Article IV	Relations among the States
Article V	Amending the Constitution
Article VI	National debts, supremacy of national law, and oaths of office
Article VII	Ratifying the Constitution

The body of the Constitution is made up of seven articles. These articles set out the basic shape of the Federal Government. Analyze Charts What is the purpose of the first three articles?

## 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.

**Article I** - establishes the first of the three branches of the government, the Legislature.

- Section 1 establishes the name of the Legislature to be The Congress, a bicameral, or two-part, body.
- Section 2 defines the House of Representatives, known as the lower house of Congress. It establishes a few minimum requirements, like a 25-year-old age limit, and establishes that the people themselves will elect the members for two years each. The members of the House are divided among the states proportionally, or according to size, giving more populous states more representatives in the House. The leader of the House is the Speaker of the House, chosen by the members.
- Section 3 defines the upper house of Congress, the Senate. Again, it establishes some minimum requirements, such as a 30-year-old age limit. Senators were originally appointed by the legislatures of the individual states, though this later changed. They serve for six years each. Each state has equal suffrage in the Senate, meaning that each state has the exact same number of Senators, two each, regardless of the population. This Section introduces the Vice-President, who is the leader of the Senate (called the President of the Senate); the Vice-President does not vote unless there is a tie.
- Section 4 says that each state may establish its own methods for electing members of the Congress, and mandates, or requires, that Congress must meet at least once per year.



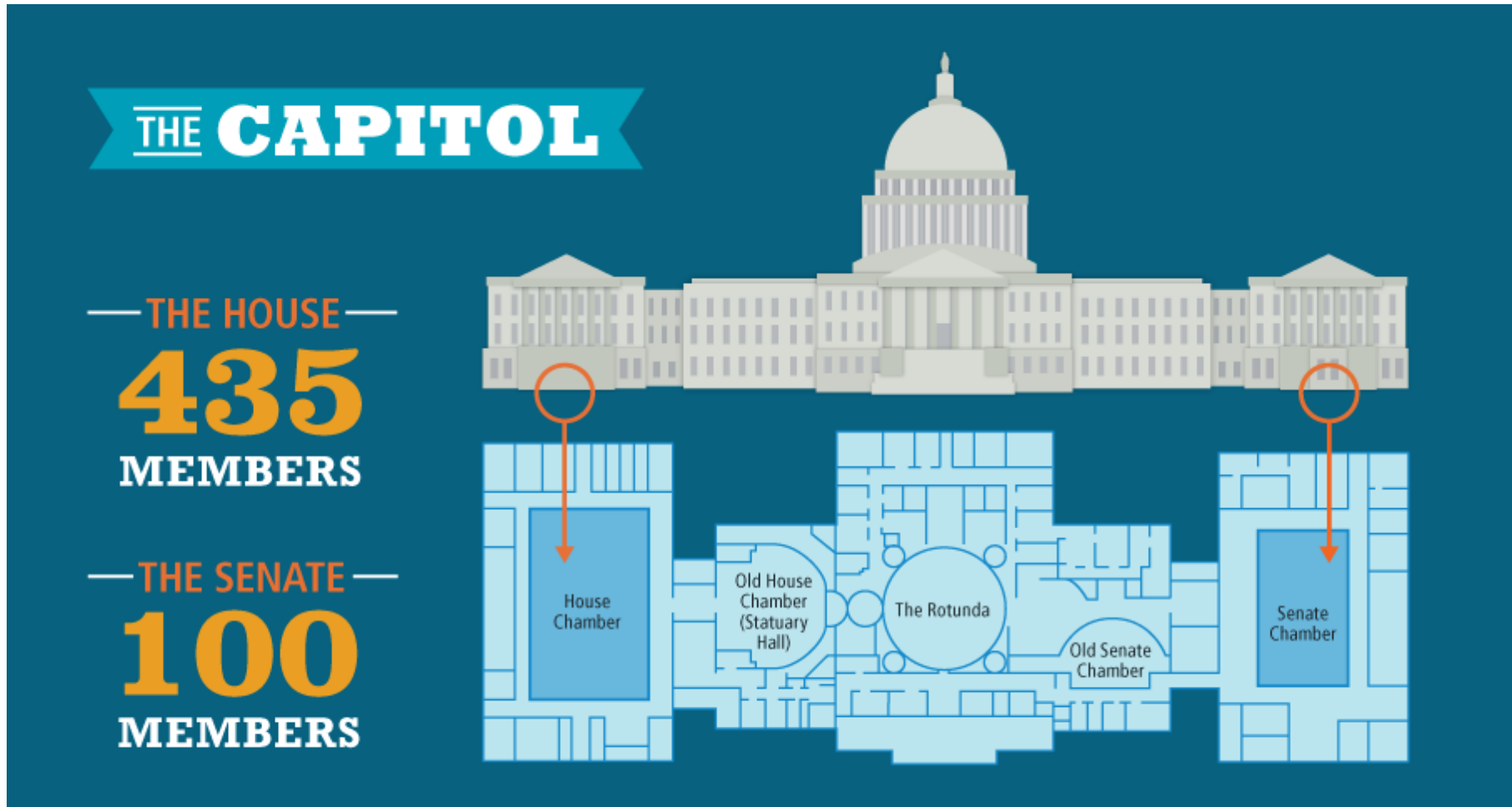
# Article I of the U.S. Constitution

- Section 5 says that Congress must have a minimum number of members present in order to meet, and that it may set fines for members who do not show up. It says that members may be expelled, that each house must keep a journal to record proceedings and votes, and that neither house can adjourn without the permission of the other.
- Section 6 establishes that members of Congress will be paid, that they cannot be detained while traveling to and from Congress, that they cannot hold any other office in the government while in the Congress.
- Section 7 details how bills become law. First, any bill for raising money (such as by taxes or fees) must start out in the House. All bills must pass both houses of Congress in the exact same form. Bills that pass both houses are sent to the President. He can either sign the bill, in which case it becomes law, or he can veto it. In the case of a veto, the bill is sent back to Congress, and if both houses pass it by a two-thirds majority, the bill becomes law over the President's veto. This is known as overriding a veto.
- There are a couple more options for the President. First, if he neither vetoes a bill nor signs it, it becomes a law without his signature after 10 days. The second option is called a pocket veto. It occurs if Congress sends the bill to the President and they then adjourn. If the President does not sign the bill within 10 days, it does not become law.

# Article I of the U.S. Constitution

- Section 8 lists specific powers of Congress, including the power to establish and maintain an army and navy, to establish post offices, to create courts, to regulate commerce between the states, to declare war, and to raise money. It also includes a clause known as the Elastic Clause which allows it to pass any law necessary for the carrying out of the previously listed powers.
- Section 9 places certain limits on Congress. Certain legal items, such as suspension of habeas corpus, bills of attainder, and ex post facto laws are prohibited. No law can give preference to one state over another; no money can be taken from the treasury except by duly passed law, and no title of nobility, such as Prince or Marquis, will ever be established by the government.
- Section 10, finally, prohibits the states from several things. They cannot make their own money, or declare war, or do most of the other things prohibited Congress in Section 9. They cannot tax goods from other states, nor can they have navies.

# Article I



Congress meets in the Capitol, which has undergone several additions as both the nation and Congress have grown. Analyze Maps Why are both chambers in the same building?

## **Article II** of the Constitution is known as the Executive Article

### **Article II**

Section 1 has 8 different clauses that all describe the rights and role of the President and Vice President of the country.

**Clause 1:** This is the vesting clause which says that the President of the United States has the executive power and will hold his or her office for a four year term along with a vice president for the same term.

**Clause 2:** Both the president and the vice president are chosen by the electors, who are usually picked by the state legislatures. Each state can choose as many electors as it has senators and representatives for that state.

**Clause 3:** Once the electors are chosen, they will meet in their state to vote on who shall be President and Vice President. Originally, the person with the most votes would become President while the second highest would become Vice President. However, after the passing of the 12th Amendment, Electors would vote once for a President and once for a Vice President.

**Clause 4:** Congress has the power to decide when Election Day will be held. Currently, the states choose their electors on the Tuesday after November's first Monday. The electors then vote on the second Wednesday of December.

**Clause 5:** In order for an individual to be qualified to be President or Vice President, he or she must be a natural born citizen, at least 35 years old, and must have lived in the United States for 14 years.

**Clause 6:** If the President resigns, dies, is removed from office, or is not able to act out his duties, the Vice President will be responsible for replacing the President. If the Vice President is unable to continue his office, Congress must choose a suitable offer to replace him or her until the next election.

**Clause 7:** The President's salary cannot change during his term. He also cannot get money from any other state or federal government.

**Clause 8:** The President must take an oath before entering his office

## **Section 2 of Article 2 of the Constitution**

Section 2 has three different clauses that talk about the powers given to the President.

**Clause 1:** The President of the United States is the commander-in-chief of the military. This clause also creates a Cabinet of senior executive officers who assist the President in his duties.

**Clause 2:** This clause is called the Advice and Consent clause, which means that the President can use his powers only by getting help and approval of the United States Congress.



**Clause 3:** The President has the power to appoint officers during recesses of the court, but these appointments expire once the next session of the Senate begins.

### **Section 3 of Article 2 of the Constitution**

Section 3 has five different clauses that talk about the responsibilities of the President.

**Clause 1:** The President has to give Congress information occasionally through a State of the Union address.

**Clause 2:** The President can call for sessions of the House of Representative, the Senate, or both.

**Clause 3:** The President will receive all foreign ambassadors.

**Clause 4:** The President must work to ensure that all laws are faithfully executed.

**Clause 5:** The President has the power to commission the officers of the United States, including those in the military or the foreign service.

### **Section 4 of Article 2 of the Constitution**

Section 4 is the last section of Article 2. This section talks about impeachment of the President, Vice President, or any civil officers like Cabinet Secretaries or judges.

## Article II



Mount Rushmore in South Dakota features four U.S. Presidents—George Washington, Thomas Jefferson, Theodore Roosevelt, and Abraham Lincoln—representing the first 130 years of U.S. history.

## Article III

During the years the Articles of Confederation were in force (1781-1789), there was no provision for federal courts or a national judiciary. The laws of the United States were interpreted and applied as each State saw fit, and sometimes not at all. Disputes between States and between persons who lived in different States were decided, if at all, by the courts in one of the States involved. Often, decisions by the courts in one State were ignored by courts in the other States.

## **Section 1 of Article 3 of the Constitution**

Section 1 of Article 3 of the Constitution creates the federal courts in the United States. In this part of Article 3, it says that the federal court system must have one Supreme Court. In this Supreme Court, there must be a Chief Justice who presides over the court. While Section 1 of Article 3 does not say how many justices there must be, the current law says that there must be nine justices, one of them being the Chief Justice. Article 3 does not say there has to be any lower courts. Instead, Congress is given the power to create and remove lower courts. Section 1 of Article 3 also says that judges can hold their offices for the rest of their lives or until they are convicted or impeached by Congress. The last part of Section 1 of Article 3 says that a judge's pay cannot be decreased while they are in office, but it can be increased.

## **Section 2 of Article 3 of the Constitution**

Section 2 of Article 3 of the Constitution talks about the powers of the judicial branch and explains who gets each power. This describes which cases a court can preside over and what topics those cases can be about. Section 2 of Article 3 states that the Supreme Court has the right to hear any case for the first time, meaning that the Supreme Court has original jurisdiction. This section also says that crimes have to be tried by a jury unless the defendant does not want one.

## **Section 3 of Article 3 of the Constitution**

Section 3 of Article 3 of the Constitution only talks about treason. This part of Article 3 says that treason is when someone tries to attack or wage war against the United States or if he or she tries to help enemies do so in some way. In order to prove that someone committed treason, there must be at least two different witnesses to the act, or the person must confess to treason.



## Article III



Until the late 1700s, U.S. laws were interpreted by State courts. In a 1735 trial, Andrew Hamilton's successful defense of John Peter Zenger set a precedent for freedom of the press.



# Basic Principles

The Constitution is built around six basic principles. The first three are popular sovereignty, limited government, and separation of powers.

# Basic Principles

- Popular Sovereignty - is the principle that the authority of a state and its government is created and sustained by the consent of its people, through their elected representatives (Rule by the People), who are the source of all political power.
- Limited Government - is a government outline where any more than minimal governmental intervention in personal liberties and the economy is not allowed by law, usually in a written Constitution
- Separation of Powers - an act of vesting the legislative, executive, and judicial powers of government in separate bodies.
- checks and balances - This system was built so that no one branch of our government could become too powerful.
- judicial review - is the doctrine under which legislative and executive actions are subject to review by the judiciary.
- federalism = A system of government in which power is divided between a national (federal) government and various regional governments.

# Basic Principles



The principle of popular sovereignty was set out in the Constitution. Analyze Political Cartoons According to the cartoon, what is citizens' role in the government?

## More Basic Principles

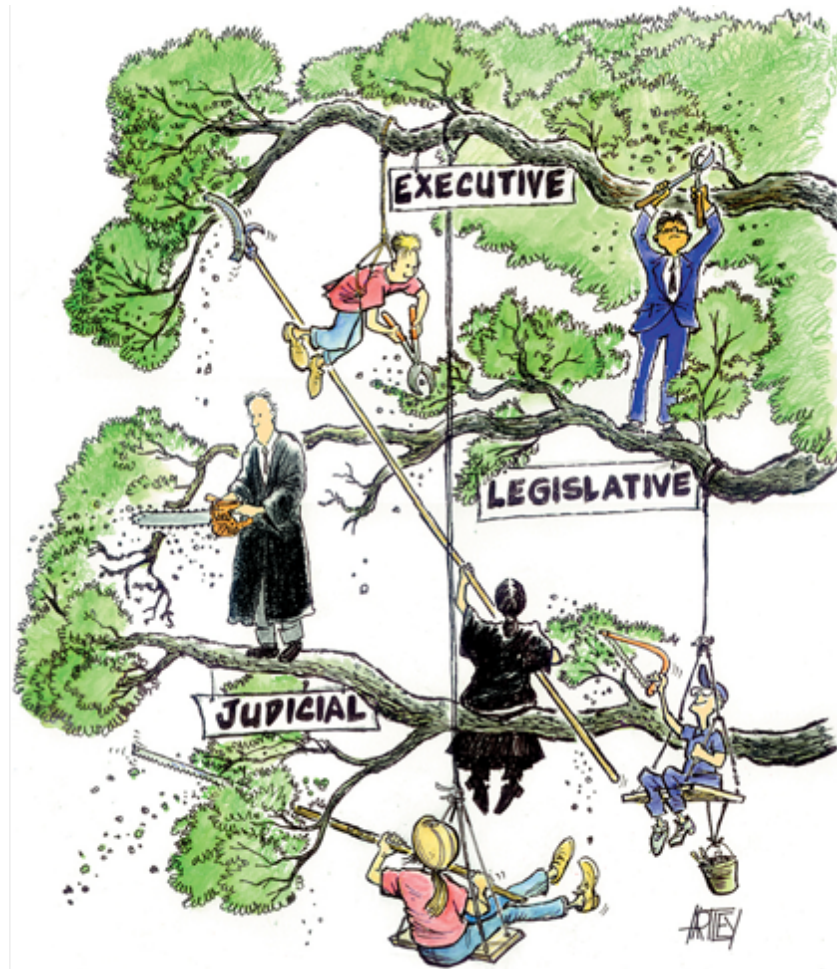
The remaining three basic principles of the Constitution are

## More Basic Principles

- Check and Balances
- Judicial Review
- Federalism

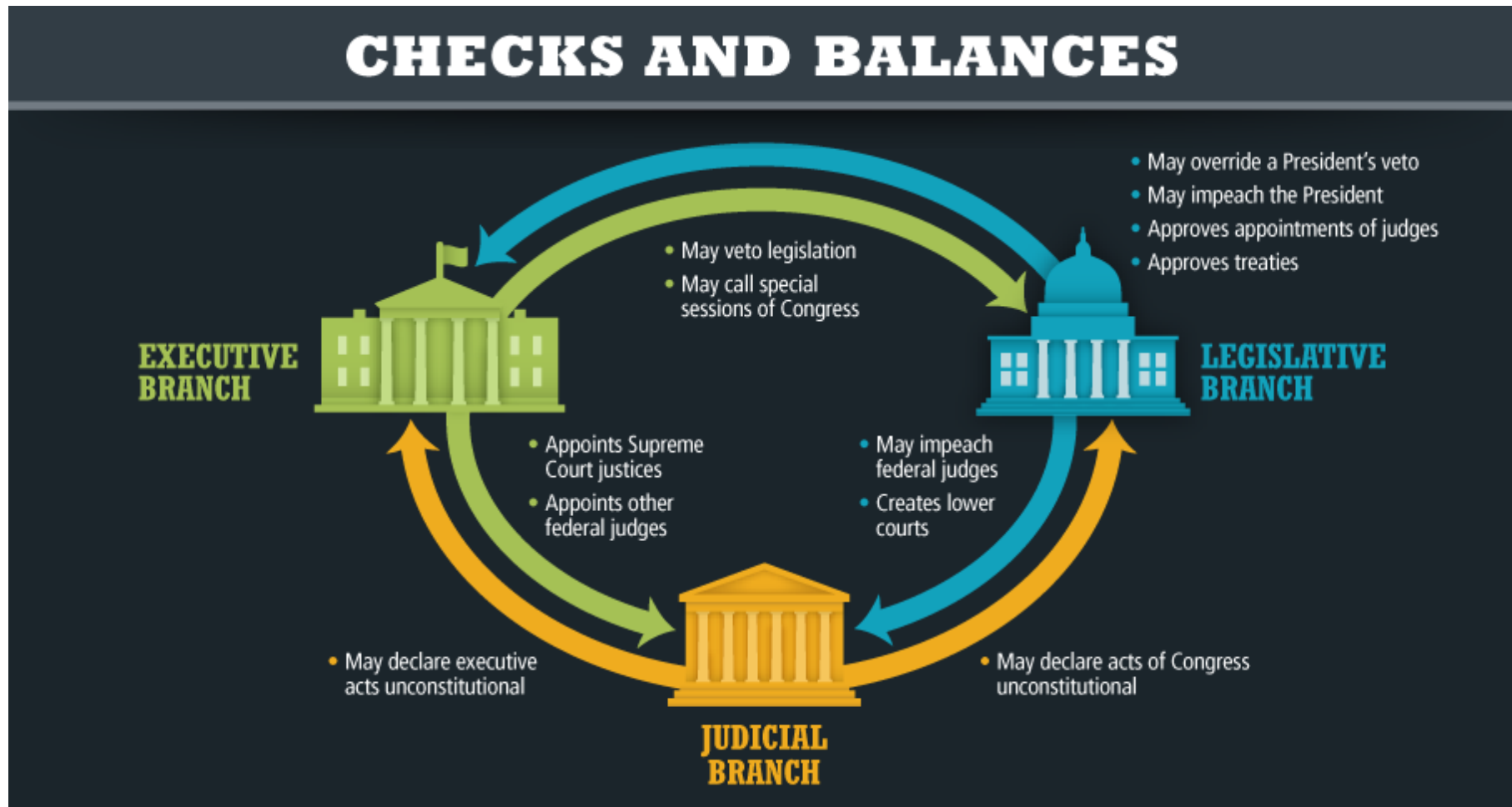


## More Basic Principles



The legislative, executive, and judicial branches are connected by a system of checks and balances. Analyze Political Cartoons What is one way the President can check the powers of Congress?

## More Basic Principles



The system of checks and balances allows each branch of government to limit the actions of the others. Analyze Diagrams How can the executive branch be checked by the other two branches?

# More Basic Principles

## Examples of United vs. Divided Government

PRESIDENT	CONGRESS	NUMBER OF LAWS PASSED
Dwight D. Eisenhower Republican	UNITED Republican majority	781 (1953–1954)
Lyndon B. Johnson Democrat	UNITED Democratic majority	810 (1965–1966)
Bill Clinton Democrat	DIVIDED Republican majority	333 (1995–1996)
George W. Bush Republican	DIVIDED Democratic majority	460 (2007–2008)

SOURCE: U.S. Senate; U.S. House of Representatives

A united or divided government has a significant impact on the number of bills passed. Analyze Charts What conclusion can you draw about furthering a political agenda in these situations?

# Quiz: An Outline of the U.S. Constitution

Why is the Preamble included in the Constitution?

- A. to state the purpose of the Constitution
- B. to tell how government leaders are to be chosen
- C. to organize the Constitution into the seven articles
- D. to explain that the government is split between three branches

## Quiz: Article I

Which of the following reasons influenced why the Framers chose bicameralism as their legislative form?

- A. The Framers recognized that the large and small states could not agree on the size of Congress.
- B. The Framers did not know of a different legislative form of government.
- C. The Framers listened to citizens who voted for this legislative form of government.
- D. The Framers and Congress members argued for this form of government over other legislative forms.

## Quiz: Article II

In what way has the Executive Article fueled debate on presidential power?

- A. It has often been interpreted incorrectly.
- B. It contains vague wording, leaving much room for interpretation.
- C. It was written long ago in our nation's history, and many consider it out of date.
- D. Its formation did not have all citizens' input.



## Quiz: Article III

How do constitutional courts and special courts function differently?

- A. Constitutional courts focus on issues that special courts cannot solve themselves.
- B. Special courts focus on issues that constitutional courts cannot solve themselves.
- C. Constitutional courts focus on broader issues; special courts focus on narrower issues.
- D. Constitutional courts decide issues for the States; special courts decide issues for the nation.

## Quiz: Basic Principles

Which of the following satisfied the Framers' needs to create a strong central government that would not become too powerful?

- A. allowing freedom of speech to citizens
- B. granting executive power to the President
- C. informing citizens that they have powers
- D. separating the powers of government

## Quiz: More Basic Principles

If Congress passes a law, but the President quickly vetoes it, who has the power to override the President's veto?

- A. no one
- B. Supreme Court
- C. U.S. citizens by a popular vote
- D. Senate and House of Representatives