

# **The United States Constitution**

# **The Constitution**

**Basic Structure**  
**3 Main Parts**

# The Constitution

## 1. Preamble

States *why* the  
Constitution was  
written.



*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.*

# The Constitution

## 2. The Articles

**7 divisions  
covering a  
general topic.**

1. Legislative Power
2. Executive Power
3. Judicial Power
4. States' Power and Limits
5. Process of Amendments
6. Federal Power
7. Ratification

# The Constitution



## 3. The Amendments

**“Changes” (there have been 27 changes to date).**

**The Constitution**

**Major  
Principles**

# The Constitution

## 1. Popular Sovereignty

People are the  
source of  
government  
power.



# The Constitution



## 2. Federalism

Power is divided between national, state, and local governments.



# The Constitution

## 3. Separation of Powers

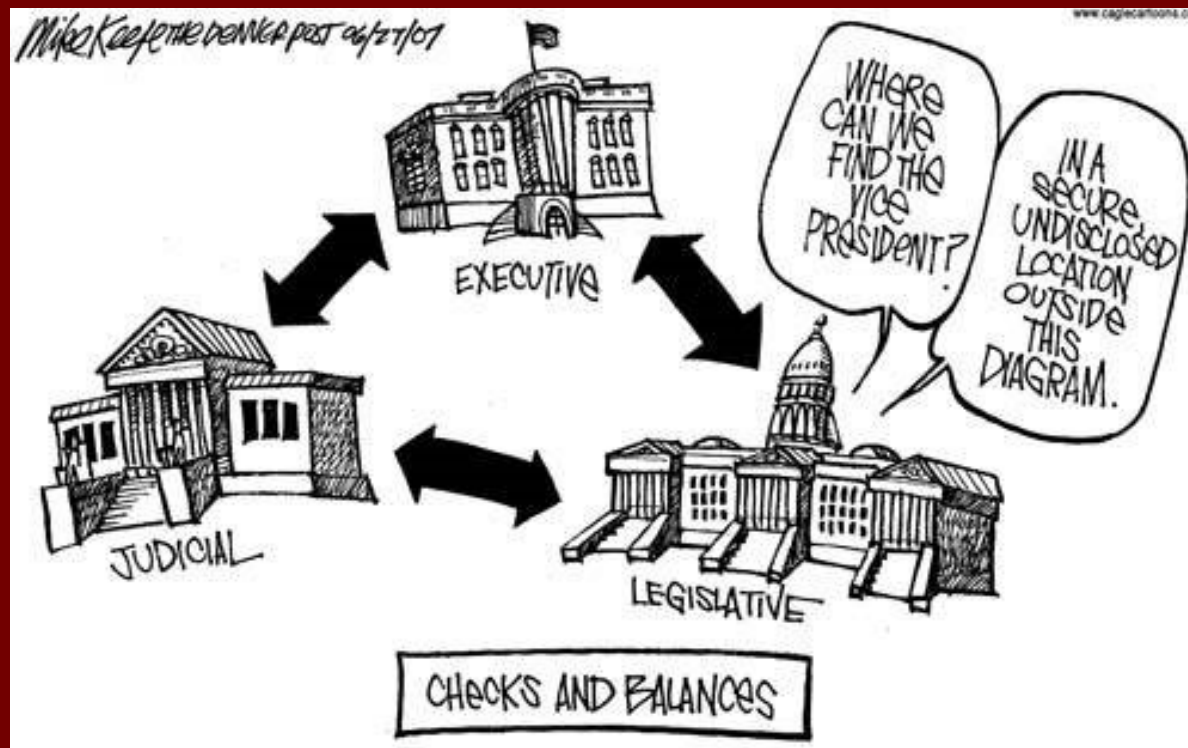
Three branches of government with their own responsibilities.



# The Constitution

## 4. Check and Balances

Each branch holds some control over the other two.



# The Constitution

## 5. Judicial Review

Courts have the power to declare laws and actions of Congress and the President unconstitutional.



# The Constitution

## 6. Limited Government

Limits the powers of government by making explicit grants of authority.



**The Constitution**

**Amending**

**The**

**Constitution**

# The Constitution

## 2 Steps

- 1. Proposing** – a two-thirds vote of both houses of Congress or a constitutional convention.
- 2. Ratifying** – three-fourths of the 50 state legislatures or three-fourths of special constitutional conventions called by the 50 states.



**The Constitution**

**Development**

**Of the**

**Constitution**

# The Constitution

The *Articles of Confederation* were America's first "constitution" but it had certain flaws:

1. Each state, regardless of size, had only one vote.
2. Congress could make laws, but there was no executive to enforce the laws.
3. Amendments could only be adopted by unanimous vote.
4. There was no national court to settle arguments between states.
5. Congress could not regulate commerce between states, or collect taxes.
6. Congress could ask for troops, but could not raise an army.

# **The Constitution**

**3 Compromises  
Reached in Forming  
The Constitution**

# The Constitution

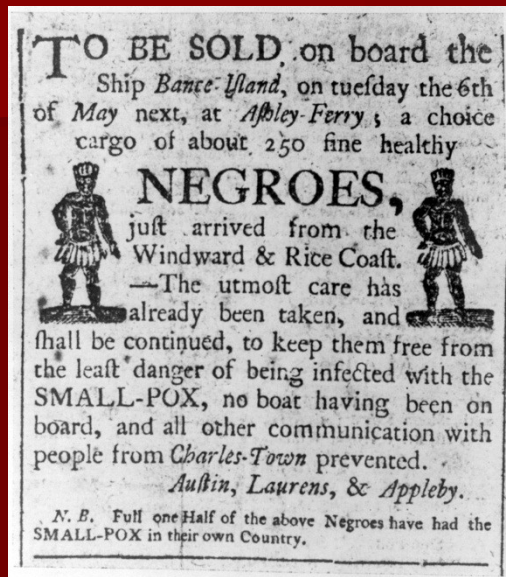
## 1. The Great Compromise

**Resolved the conflict between large and small states by providing equal representation in the Senate and representation based on population in the House.**

**(Oliver Ellsworth and Roger Sherman)**



# The Constitution



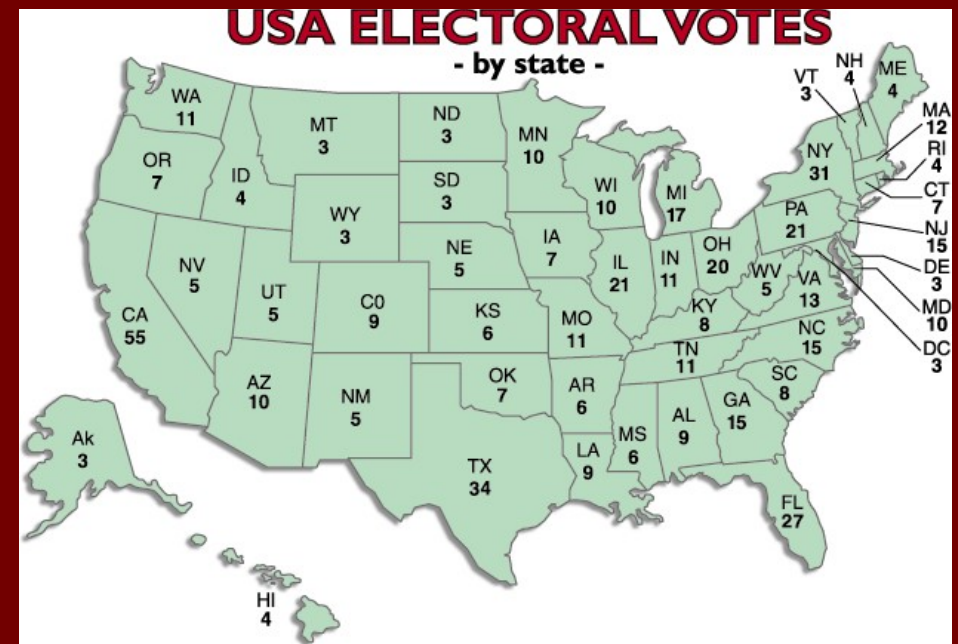
## 2. The Three-Fifths Compromise

**Resolved the conflict between slave and free states by counting five slaves as three people in determining each state's representation in the House of Representatives.**

# The Constitution

## 3. Indirect Vote for President

Resolved the conflict between the aristocrats and democrats by having the president elected by the Electoral College.



**The Constitution**

**The  
Branches  
Of  
Government**

# The Constitution



## 1. The Legislative Branch

The *law-making* body which includes the House of Representatives and the Senate. This branch makes laws concerning money, commerce, courts, war, the armed forces, immigration, and taxation.

# The Constitution

## 2. The Executive Branch

The *law-enforcing* body, led by the president, which conducts foreign policy, negotiates treaties, among other duties. The president is also Commander-in-Chief of the military and makes appointments of judges and members of the cabinet.



# The Constitution

## 3. The Judicial Branch

The *law-interpreting* body, made up of the Supreme Court and lesser federal courts, which determines the constitutionality of laws and interpretations of the Constitution.



**The Constitution**

**The**

**Bill of Rights**

**(The first 10 Amendments  
to the Constitution)**

# The Constitution

## First Amendment

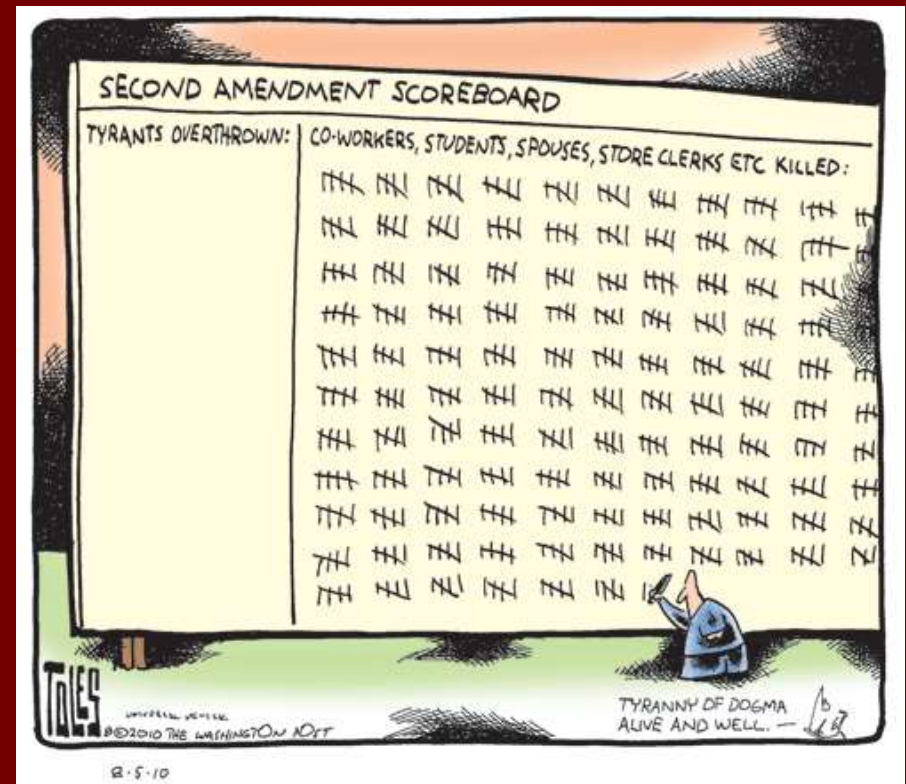
Guarantees the freedom of religion, speech, assembly, and press, and the right of the people to petition the government.



# The Constitution

## Second Amendment

Protects the right of states to maintain a militia and of citizens to bear arms.



# The Constitution

## Third Amendment

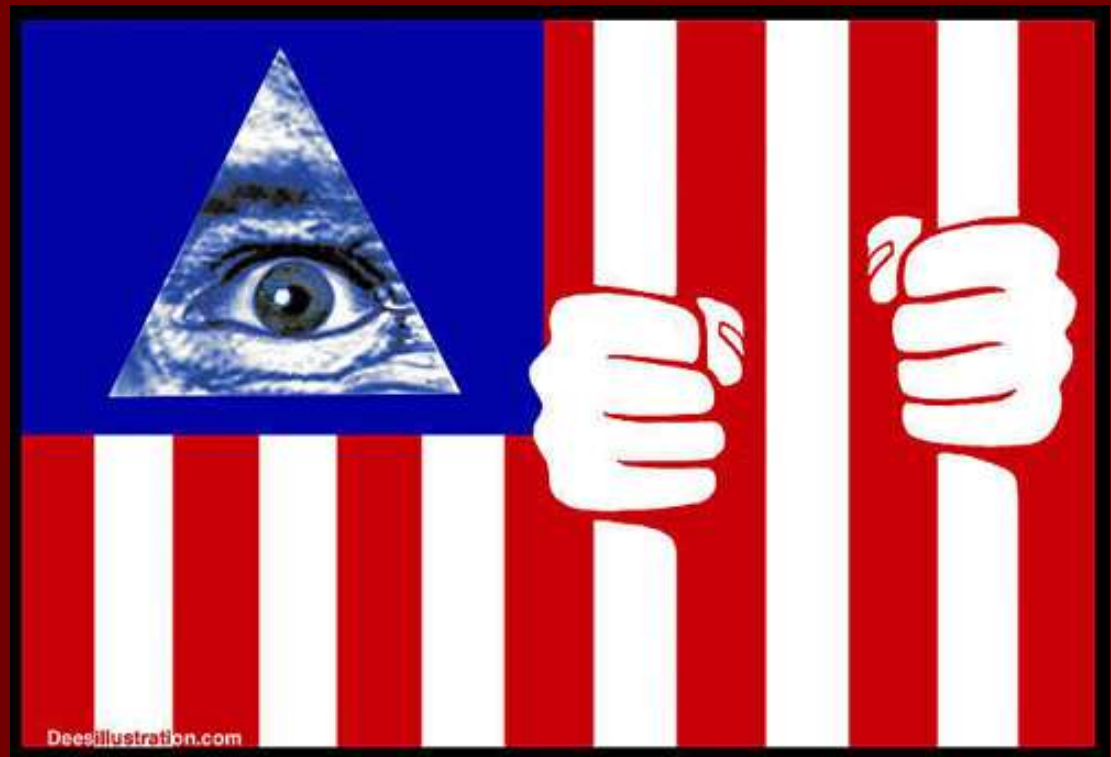
Restricts quartering of troops in private homes.



# The Constitution

## Fourth Amendment

Protects against  
“unreasonable  
searches and  
seizures.”



# The Constitution

## Fifth Amendment

Assures the right not to be deprived of "life, liberty, or property, without due process of law," including protections against double jeopardy, self-incrimination, and government seizure of property without just compensation.



# The Constitution

## Sixth Amendment

**Guarantees the right to a speedy and public trial by an impartial jury.**



# The Constitution

## Seventh Amendment

**Assures the right of a jury trial in cases involving common law (the law established by previous court cases).**



# The Constitution

## **Eighth Amendment**

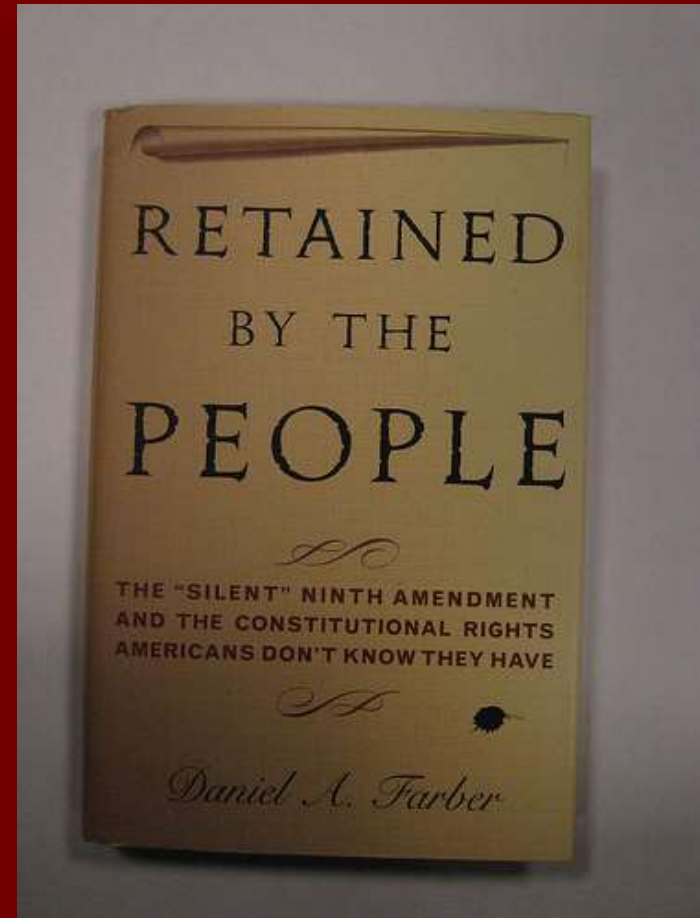
**Protects against  
excessive bail, or  
cruel and unusual  
punishments.**



# The Constitution

## Ninth Amendment

**Provides that  
people's rights are  
not restricted to  
those specified in  
Amendments One  
through Eight.**



# The Constitution

## Tenth Amendment

Restates the Constitution's principle of *federalism* by providing that powers not granted to the national government nor prohibited to the states are reserved to the states and to the people.



**The Constitution**

**Constitutional**

**Theories:**

**Why Did the  
Founders Adopt It?**

# The Constitution

## 1. Democracy / Pluralism Theory

(Dahl, McDonald, Alder,  
McClenaghan)

a. Altruistic, selfless, and honest founders.

b. Wanted to create a great and lasting democracy and union.

c. Primarily a legal document.

# The Constitution

## 2. Elite Class Theory

(Beard, Parenti, Rosenfeld)

a. Selfish, greedy, and self-interested founders.

b. Wanted to protect their private property rights from the poorer majority.

c. Primarily an economic document.

# The Constitution

## 3. Hyperpluralism Theory

(Lazare)

a. Aristocratic, undemocratic, founders.

b. Wanted to stop revolutionary change and the “mob mentality” of the people.

c. Primarily a conservative political document.