

Attachment A: The United States Constitution

Ratification Debates:

How did the amount of power given to the national government polarize the ratification debates?



- Nine of thirteen states needed to ratify constitution
- Anti-Federalist position
 - suspicious of a strong central government
 - wanted bill of rights to protect personal liberties
- Federalist position
 - a strong central government was the best way to protect freedom
- *The Federalist* was a series of essays supporting adoption of the *United States Constitution*.

The Preamble:

What is the significance of the Preamble of the *United States Constitution*?



- To form a more perfect union
- To establish justice
- To ensure domestic tranquility
- To provide for the common defense
- To promote the general welfare
- To secure the blessings of liberty

Fundamental Principles:

What are the fundamental principles contained in the *United States Constitution*?



- **Consent of the governed:** People are the only source of governmental power.
- **Limited government:** The government may do only those things that the people have given it the power to do.
- **Separation of powers:** Government is divided into three branches—legislative, executive, and judicial.
- **Checks and balances:** This is a system whereby each branch of government exercises some control over the others.
- **Federalism:** In this form of government, powers are divided between the national government and state governments.
- **Rule of law:** The United States Constitution is supreme and all individuals are accountable under the law.

Constitutional Organization:

How does the *United States Constitution* organize the national government?



- Article I - establishes the legislative branch of the national government setting forth the two houses of Congress to make laws.
- Article II - establishes the executive branch to carry out the laws passed by Congress.
- Article III - creates the U.S. Supreme Court and empowers Congress to establish lower Federal Courts to interpret the laws.

Amending the Constitution:

What are the procedures to amend the *United States Constitution*?



Article V describes how to amend the Constitution

- To propose an amendment:
 - Requires a $2/3$ vote of both Houses of Congress

OR

- Requires a national convention requested by $2/3$ of state legislatures

- To ratify an amendment:
 - Approval by $3/4$ of state legislatures

OR

- Acceptance by conventions of $3/4$ of states

The First Amendment of the *Bill of Rights*:

What is the *Bill of Rights*?

What are the freedoms listed in the First Amendment to the *United States Constitution*?



- Civil liberties: Freedoms upon which the government may not infringe.
- The *Bill of Rights* is composed of the first ten amendments to *the United States Constitution*. It guarantees the rights of individuals and expresses limitations on federal and state governments.

First Amendment Freedoms

- Religion
 - Congress may not establish a national religion.
 - Government may not unduly interfere with the free exercise of religion.
- Speech
 - Individuals are free to express their opinions and beliefs.
- Press
 - The press is free to gather and publish information, including that which criticizes the government.
- Assembly
 - Individuals may peacefully gather.
- Petition
 - The freedom to make the individual's views known to public officials.

Selective Incorporation:

How did the Supreme Court use the 14th Amendment to extend the *Bill of Rights* protections to state proceedings?



- Beginning in the twentieth century, the Supreme Court used the 14th Amendment (due process of law clause) to limit state actions, just as the *Bill of Rights* limits the national government.
- The Supreme Court has incorporated in the due process clause all of the provisions of the *Bill of Rights* except those of the 2nd, 3rd, 7th, and 10th Amendments and the grand jury requirement of the 5th Amendment.