The Constitution

Structure of the Constitution

The U.S. Constitution opens with the Preamble, which is the mission statement for the nation. The Preamble outlines the broad purposes of the Constitution and establishes its overall goal, which is "to form a more perfect union." This is the primary reason why the Constitution was drafted—to correct the weaknesses of the Articles of Confederation. Other goals include ensuring cooperation among the states, providing national defense, promoting the welfare of the people, and securing liberty. The phrase "we the people" encompasses the principles of popular sovereignty and representative government.

The Constitution consists of seven articles. Article One of the Constitution sets forth the rules and requirements for the government's legislative branch. It maintains that the House of Representatives will be completely re-elected every two years and requires House members to be at least 25 years old and an American citizen for at least seven years. Representatives must also be a resident of the state they represent. Article One calls for apportionment (the number of delegates per state) of the House to be based on the census, which is conducted every ten years.

The Senate must be elected every six years, with one-third of the body being elected every two years. Each state has two senators, and the vice president serves as President of the Senate but votes only in the case of a tie. Senators must have been an American citizen for at least nine years, be at least 30 years old, and reside in the state that they represent.

Section eight of Article One defines the powers of Congress, giving the legislative body broad powers to tax, borrow, coin money, regulate commerce, grant patents and copyrights, establish a military, and declare war. These enumerated powers are found in the first 17 clauses. In Article I, Section 8, Clause 18 (called the elastic clause because it stretches the powers of Congress), the founders gave Congress the implied powers to do that which was "necessary and proper" for carrying out its duties.

Section nine of Article One sets limits on government with respect to important individual rights. It prohibits the government from denying citizens a writ of habeas corpus, which prevents arbitrary imprisonment. It prohibits the government from issuing bills of attainder, which are legislative acts that hold a person responsible for a crime without a trial. This section also prevents the government from establishing ex post facto laws, or laws that make actions criminal after they have occurred.

Article Two delineates the rules and requirements for the executive branch. It requires the election of the president and vice president every four years by an Electoral College, with electors determined by the popular vote of each state. Each state has electors equal to its number of senators and representatives.

Article Two requires the president to be a natural born citizen who is at least 35 years old and has lived in the United States for at least 14 years before the election. The enumerated powers of the president are listed in the second section of Article Two. The president serves as commander-in-chief of the military and as the nation's chief diplomat. He or she also heads the bureaucracy, appoints federal judges and officers, grants reprieves and pardons, and makes treaties.

The third section of Article Two requires the president to present a state of the union message to Congress. Section four outlines the circumstances under which the president, vice president, and other
civil officers may be removed from office. Removal requires impeachment for "conviction of treason, bribery or other high crimes and misdemeanors."

Article Three of the Constitution deals with the federal judiciary. The Constitutional Convention delegates agreed to create a Supreme Court and left the establishment of lower courts to the Congress. The article grants the Supreme Court both original and appellate jurisdiction and allows all federal judges to serve for life, with good behavior. In addition, Article Three guarantees a person accused of a federal crime the right to a jury trial and includes a definition of treason. Treason is defined as waging war against the government or giving "aid and comfort" to its enemies. A conviction for treason requires the testimony of two witnesses or a confession by the defendant in open court.

Article Four outlines the relationship among the states. It requires each state to give full faith and credit to the "public acts, records and judicial proceedings of every other state." The citizens of each state are provided "full privileges and immunities" in all states. The fourth article also establishes the rules for creating new states and requires new and existing states to have a republican form of government.

The fifth article of the Constitution discusses the methods of amending the Constitution. All proposals for amendments must be supported by a two-thirds vote of both houses of Congress or approved by two-thirds of a convention called for the purpose of amending the Constitution. An amendment must be ratified by three-fourths of the states, either by the legislature or by special conventions in each state. The Constitution has only been amended 27 times since 1787.

Article Six discusses the transfer of debt from the old confederation government to the new constitutional government and requires all officers to take an oath of affirmation. Article Six also contains the famous supremacy clause, establishing the Constitution as the supreme law of the land.

The Seventh article of the Constitution explains the method for ratifying the document. Ratification by nine states was required to make the Constitution the law of the land. According to the Articles of Confederation, unanimous approval was needed to ratify the Constitution. However, since the framers had already decided to discard the Articles of Confederation when drafting the Constitution, they no longer felt bound by its requirement of a unanimous vote for ratification. The delegates agreed that approval from only nine of the thirteen states would be adequate to ratify the United States Constitution.

Each of the states held special conventions where attendees were allowed to approve or reject the Constitution. Delaware was the first state to ratify on December 7, 1787. New Hampshire became the ninth state, six months later, making the new Constitution "the supreme law of the land." Two states, Rhode Island and North Carolina, refused to ratify the document.

The Constitution effectively resolved the weaknesses of the Articles of Confederation. It established a strong central government but effectively restrained its authority. The system of federalism allowed states to have power within their jurisdictions, creating a flexible and efficient system for handling matters of local or regional concern. However, many states wanted stronger wording in the Constitution regarding individual and civil liberties. These states pushed for inclusion of a Bill of Rights, using ratification of the Constitution as their leverage.

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