

# Anatomy of the Constitution

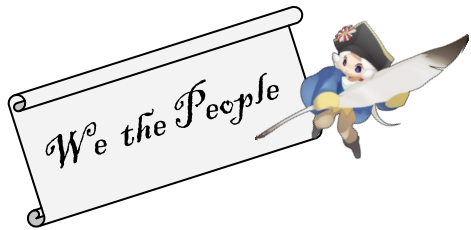
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## How Do They Govern?

The U.S. Constitution is the document that creates our nation's government. The contents of the Constitution create the three branches of our government and give directions for how the federal government works. (It does this with a little over 4,500 words covering only four sheets of paper!) Although the Constitution was written in 1787, over 220 years ago, it still guides our officials in running our country today. It is the oldest written constitution in the world that is still in use.



*The Constitution on display at the National Archives in Washington, DC.*

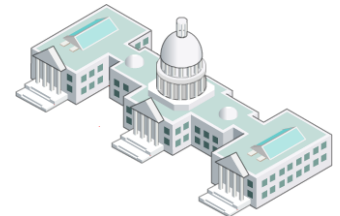


## Introducing... The Preamble

Our Constitution is divided into nine parts. The first paragraph is called the *Preamble*. Its job is to introduce the Constitution, explain what the Constitution is meant to do, and describe the purpose of the new government. The first three words of the Constitution—"We the People"—contain the important idea of **self-government**.

## Creating Congress: Article I

Article I is the first and longest part of the Constitution. It creates the legislative branch of our government. *Legislative* means law-making. This section is the longest because the people who wrote the Constitution believed that a legislative branch is very important in a government that represents the citizens. Members of the *legislature*, or law-making body, are responsible for turning citizens' wants and needs into laws.



## Represent Me!

The legislative branch makes our government a representative democracy. In a *representative democracy*, citizens elect people to represent their needs and concerns in government. Article I creates a legislature called Congress and divides it into two parts: the Senate and the House of Representatives. Article I describes how Congress should be organized, tells what qualifications legislators must have, and says how often Congress should hold elections and meet as a group. It also describes other details of operation that each house of Congress gets to decide for itself.



|                   | The Senate   | The House of Representatives  |
|-------------------|--|---|
| Qualifications    | You must be at least 30 years old, been a U.S. citizen for at least 9 years, and live in the state you represent | You must be at least 25 years old, been a U.S. citizen for at least 7 years, and live in the state you represent. |
| Size              | 2 senators per state = 100 total   | Number per state depends on population = 435 total (in 2011)  |
| They represent... | the interests of the citizens in the entire state for 6 years per term.  | the interests of the citizens who live in the district they represent within the state for 2 years per term.      |
| Special Duties    | The Senate acts as a court during impeachments.  | All bills that raise money must start in the House of Representatives.  |
| Role in Lawmaking | A bill must be approved by BOTH houses of Congress before it can go to the President to become a law.            |   |

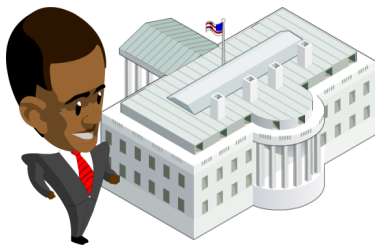
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## The Powers of Congress

Article I lists the powers Congress has. Even though Congress is a law-making body, it is not allowed to make laws about anything that's not on this list:

- Collect taxes
- Borrow money and pay debts
- Make rules for how to become a citizen
- Regulate *commerce* (trade) with other nations, between the states, and with Indian tribes
- Coin money and punish counterfeiters
- Establish post offices
- Give patents to new inventions
- Create the lower federal courts
- Punish pirates
- Declare war and support an army and navy
- Make any other laws that are "necessary and proper" to carry out the powers in this list.



## Creating the President: Article II

Article II of the Constitution describes the job of the executive branch. This branch *executes*, or carries out, laws. The president heads this branch, which also includes the vice president and many departments in charge of carrying out the government's day-to-day business. Article II describes who qualifies to be the president, what powers the office has, and what happens if a president misbehaves! It also explains the Electoral College, which is the process of how the president is selected.

## Presidential Powers

The overall job of the executive branch is to carry out and enforce laws, but Article II gives the president a list of specific duties:

- Act as the commander-in-chief of the armed forces
- Maintain a *cabinet* of advisors who run the 15 executive departments like the State Department and the Treasury
- Grant pardons in all federal criminal offenses, and *reprieves* (postpone punishments like executions)
- Negotiate treaties with other countries
- Appoint ambassadors, Supreme Court Justices and federal court judges, and Cabinet members
- Make a State of the Union address to Congress
- Represent the United States when dealing with foreign countries
- Make sure that laws are carried out (*executed*)



The U.S. Supreme Court in Washington, DC

## Creating the Courts: Article III

Here come the judges! Article III creates the judicial branch. The judicial branch interprets laws to decide what they mean and whether they have been followed in specific cases.

Article III creates the Supreme Court and authorizes Congress to create federal courts below the Supreme Court. These are courts that deal with United States laws, not state laws. Article III also gives directions about what kinds of cases the Supreme Court and federal courts can hear. Under Article III, federal judges are appointed, not elected. They stay on the bench until they retire, die, or are removed for bad behavior. Article III also guarantees trial by jury for criminal cases and explains the crime of treason.

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## The States: Article IV

States have the power to create and enforce their own laws. Article Four of the Constitution describes how the states should interact with each other.

- Each state has to respect the laws and court decisions of the other states.
- If a criminal flees from one state to another, the state where the crime was committed can request that the criminal be returned to face charges. This is called *extradition*.
- New states can be admitted to the Union with the authorization of Congress and the president.
- All states must have a *republican*, or representative, type of government. (Sorry, states can't have kings.)

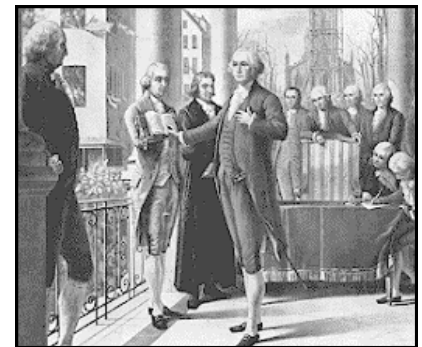


## Amending the Constitution: Article V

The Constitution is not set in stone, and Article Five describes how it can be changed! A change or addition to the Constitution is called an **amendment**. Given what you've learned so far, do you think the Founding Fathers made it easy or difficult to amend the Constitution? If you guessed difficult, you're right. You'll read all about on the next page.

## Supreme Law of the Land: Article VI

**Federalism** is the idea that the national government shares power with the state governments. But what happens if a state law disagrees with a national or federal law? Article Six states that the laws and treaties of the U.S. government are "the supreme law of the land." If a state law disagrees with a federal law, federal law wins. This article also requires officials working in the state and federal governments to take an oath to support the Constitution no matter what.



George Washington taking the oath of office for President of the U.S.



The list of states in order of ratification of the Constitution.

## Ratification: Article VII

Article Seven says the Constitution could not take effect until at least nine out of the thirteen states approved it. (Back then, there were only thirteen states.) Each state held its own convention to discuss and vote on the Constitution's plan for government. But getting approval wasn't easy. Some people thought the seven articles weren't enough. After much debate, it was agreed that ten amendments would be added to the Constitution. These amendments, called the Bill of Rights, would list specific rights not already mentioned in the Constitution. This put people's minds at ease, and the Constitution became the law of the land in March 1789. The Bill of Rights was added in 1791.

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## The Amendment Process

The Constitution has only been amended 27 times in all these years. Does that tell you anything about how easy it is to change? Believe it or not, there are only two steps to the amendment process: approval in the U.S. Congress and approval by the states. But these steps are hugely difficult (especially the second one). Getting members of Congress to agree on something is hard enough... but getting states to agree?? That's an awful lot of agreement! With so much approval required, changing the Constitution can take years.

Here are the ways it can be done:

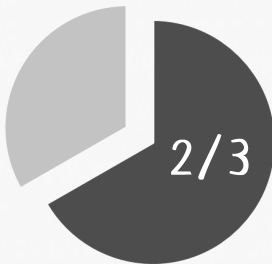
### STEP 1: PROPOSE

Choose one of these methods:

#### ☐ Congressional Vote

(All existing amendments proposed this way)

Two-thirds ( $2/3$ ) of both houses of Congress vote YES to the amendment.



#### ☐ Congressional Convention

(Never actually been used)

Two-thirds ( $2/3$ ) of state legislatures ask Congress to hold a convention. The amendment is proposed at this meeting.



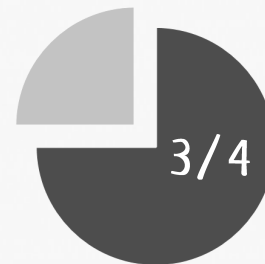
### STEP 2: RATIFY

Choose one of these methods:

#### ☐ State Legislature Vote

(Most common method)

Three-fourths ( $3/4$ ) of state legislatures vote YES to ratify (approve) the amendment.



#### ☐ Special State Conventions

(Only been used once)

Each state holds a special convention to consider the proposed amendment. Three-fourths ( $3/4$ ) of state conventions vote YES to ratify the amendment.

## So Few Amendments, So Much Time

Hundreds of amendment proposals are introduced in Congress each year. Only 33 have ever received enough votes to actually be proposed. Of those, 27 were ratified and are now part of our Constitution. The first twelve amendments were proposed only a year after the Constitution took effect! Only ten of these were ratified by the states. They became the first ten amendments to the Constitution, and we call them the **Bill of Rights** because they define many of the rights guaranteed to U.S. citizens. The 27th Amendment was actually one of those original twelve... but it wasn't ratified until 1992! The 21st Amendment, which repealed the prohibition against alcohol in 1933, was the only amendment where states held special conventions to ratify the proposal.



*This postage stamp commemorated the 19th Amendment, which gave women the right to vote in 1920.*

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