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Main components of the constitution

The Constitution of the United States is the foundation of our federal government. It is often called the highest law of the land; no law may be given that contradicts his principles. At the same time, it is flexible and allows for changes in government. The Constitution is known as a living document because it can be amended, although there have been only 27 amendments in more than 200 years. The Constitution is organized into three parts. The first part, the Adhesive, describes the purpose of the document and the Federal Government. The second part, the seven articles, establishes how government is structured and how the Constitution can be changed. The third part, the Amendments, lists changes to the Constitution; the first 10 are called the Bill of Rights. The Constitution established a Federal Democratic republic. This is the system of the Federal Government; it's democratic because the people rule themselves; and it is a republic because the government's power is despised from its people. The purpose of our Federal Government, as found in the Adoption of the Constitution, is to establish Justice, ensure domestic tranquility, provide for the common defense, promote the general welfare and ensure the Blessings of Freedom for ourselves and our negligence. The Founding Fathers have three main principles on which our government is based: Inherent rights, or rights that anyone living in America, self-government, or the government by the people separating powers, or branches of government with separate forces After the American Revolutionary War (1775-1783), the states operate under the articles of Confederation, but the articles have little guidance to the states. In September of 1786, there was a meeting in Annapolis, Maryland, where representatives from New York, New Jersey, Delaware, Virginia and Pennsylvania met to see what they could do about trade barriers set up among the states. The system of government set up by the Articles of Confederation did not regulate trade among states and needed to be changed. I. THE UNITED STATES CONSTITUTION A. The Functions of the Constitution The United States Constitution is an incredible document. A bold experiment in democracy more than 200 years ago proved both stable and flexible enough to survive and remain effective in a world that is completely different from the one in which it was written. The Constitution has three main functions. First, it creates a national government comprised of a legislative, an executive and a judicial branch, with a system of checks and balances among the three branches. Second, it divides power between the federal government and the states. And third, it protects several individual freedoms of U.S. citizens. The Constitution's framework owes much to the which led to its drafting. The restrictions placed on the federal government and each of its branches were a response to the tyranny of British rule, and particularly the tyranny of the single monarch. Yet the breadth of the national government's powers was a correction to the weak government of the Articles of Confederacy (the short-lived system before the current constitution), which proved incompetent to forge the thirteen original states in one nation. 1. Separation of Powers The Government of the United States, the federal government, is divided into three branches: the executive power, invested in the President, the legislative power, given to Congress (the House of Representatives and Senate), and the judicial power, occupied in one Supreme Court and other federal courts created by Congress. The Constitution provides a system of checks and balances designed to avoid the tyranny of any one branch. The main action requires the participation of more than once branch of government. For example, Congress passes laws, but the President can veto them. The executive branch prosecutes persons for criminal offences, but they must be tried by the courts. The President appoints federal judges, but their appointment must be confirmed by the Senate. 2. Division of federal and state power Another important function of the Constitution is to divide power between the national government and the state governments. This division of authority is referred to as federalism. The federal government is very strong, with a lot of power over the states, but at the same time it is limited to the powers being smothered up in the Constitution. Powers not delegated to the federal government, nor are prohibited to the states, are reserved to the states or to the people. Although the powers of the federal government are limited to those meddled up in the Constitution, those assumed forces have been interpreted very broadly. And under the supremacy clause of the Constitution, federal law is highest over state law. State or local laws conflicting with the Constitution or federal statutory legislation are reserved. The Constitution also limits the powers of the states in relation to each other. Because the United States Congress has been given the power to regulate interstate trade, the states are limited in their ability to regulate or tax such trade between them. Under the Constitution's privileges and immunity clause, states are prohibited from discriminating against citizens of other countries in many ways. 3. Protection of Personal Freedom The third main objective of the Constitution is to protect the personal freedom of citizens from intrusions by the government. A few of these protections are found in the body of the Constitution itself. For example, Article I, articles 9 and 10 prohibit both ex post facto laws, which punish behavior that were not illegal when executed, and accounts of attainment that exception individuals or groups for punishment. Most Constitutional protections for individual rights are contained in the Bill of Rights, which makes up the first ten amendments to the Constitution. These amendments were adopted shortly after the adoption of the Constitution itself in response to state concerns about the Constitution's lack of protection for individual rights. Protecting these amendments was originally interpreted to apply only to the federal government, but the Supreme Court has since ruled that most of them were made applicable to the states through the passage of the Fourteenth Amendment process clause after the Civil War. The Fourteenth Amendment also contains the equal protection clause, which protects citizens from discrimination by the states based on race, sex and other characteristics. 4. Permanent protection of a Constitution In a democracy without a written constitution, such as the UK, the legislature may pass laws granting or taking away any rights, or even changing the structure of government itself. A constitution is harder to change, and the framers of the U.S. Constitution have made it especially difficult to amend. An amendment must first pass both houses of Congress with a two-thirds majority and must then be ratified by the lawmakers of three fourths of the states. In a sense, it makes the Constitution an anti-majoritarian document. By binding the hands of future generations, it prevents a majority of tyrannical forces from granting to the government in a time of crises. It also prevents a majority from easily taking away the rights of minorities. And that prevents those in office from holding on to power by raising their terms in office. A document that is so difficult to edit can become obsolete over time, as it is too detailed and inflexible. For the most part, however, the Constitution is written in terms of general or abstract enough to retain a core set of values, yet be amenable to changing interpretations as called for by the times. B. The Structure of the Federal Government 1. Legislative Branch Section I of the Constitution rests with the legislative power of the United States in a bicameral Congress. Congress consists of the House of Representatives, the members of which are elected for two-year terms and represent districts of equal numbers of people, and the Senate comprised of two senators from each state who serve terms for six years. Senators were originally selected by the state legislature but are now directly elected. The from the House and Senate represented a compromise between the larger states, which wanted a legislature based on the population and the smaller states, who wanted equal representation for each state. A majority of both houses must pass all bills, and if the President vetoes a bill, a two-thirds majority of both houses are required for the bill to become law. The powers of Congress are listed in Article I, Section 8, and Congress may not exercise any power listed there. But those forces include many areas, including taxes and spending, coining and borrowing money, controlling interstate and foreign trade, maintaining an army and navies, and declaring war. Several of these forces have been interpreted very broadly, especially the power to regulate interstate trade and the power to make all laws necessary and proper for the execution of all their other powers. Congress also has broad authority to delegate many of its powers to the President and administrative agencies. 2. Executive Branch The power of the executive branch occupied in the President. The President is elected for a four-year term, not by direct election, but by the electoral college. Under this system, each state has a number of members of the electoral college equal to the number of members of the House and Senate. The candidate who receives the largest number of votes in a state gets all the electoral votes from that state. The candidate with a majority of the electoral college becomes the President. If no candidate receives a majority of the electoral votes, the winner is selected by the House of Representatives. To be eligible to be President, one must be thirty-five years old and a natural born citizen of the United States. Under the Twenty-ninth Amendment, no person may serve as President more than twice. The powers explicitly granted to the President in Article II are very important but limited in number. The President is the commander-in-chief of the military. He also has the power to grant pardons and retaliation and has the power, with the advice and consent of the Senate, to make treaties, and to appoint federal judges, ambassadors and other public officers from the United States. The extent of the President's inherent power on matters not explicitly provided for in the Constitution is subject to debate. The power to do foreign affairs is inherent in the office, but the Supreme Court is less willing to expand inherent powers in the domestic area. The President has been subject to control by Congress in several ways. Congress has the last word on many disputes with its ability to pass laws even over the President's veto. The President's appointments are subject to confirmation by the Senate. Finally, the can be removed from office if impeached by the House and convicted by two-thirds of the Senate of high crimes and crime. 3. The Judicial Branch The Constitution grants the judicial power of the United States to one Supreme Court and other inferior courts that can be created by Congress. Federal judges have been appointed by the President for life and must be confirmed by the Senate. All federal courts are, under the Constitution, courts of limited jurisdiction. They may only hear cases or controversies, meaning they can perform non-judicial functions or give advice to the President or Congress about the constitutionality of proposed actions. They cannot hear all kinds of cases, but only those listed as being within the judicial power of the United States, as outlined in Article III. The kinds of cases listed in Article III have been chosen to protect various interests of the United States. The federal courts are also subject to the will of Congress inasmuch as far as it can distribute and even limit the jurisdiction of the various federal courts. The federal courts have one power not enjoyed by courts in some other states. They can declare a statute enacted by Congress to be in violation of the Constitution and thus invalidate. This power of judicial review was established by the Supreme Court in 1803 in the landmark case of Marbury v. Madison. If the Supreme Court declares a Congressional Statute unconstitutional, normally the only way to change this result is to use the difficult process of amending the Constitution. Although the Supreme Court is in one sense the final arbiter of the meaning of the Constitution, this power is not unlimited. The court cannot enforce its statements without the cooperation of the executive branch, and is subject, at least to some extent, to control over its jurisdiction by Congress. The court itself offlines the power to interpret certain areas of the Constitution, saying it is committed to other branches of government by the Constitution. The court, for example, determined that the power to judge the qualifications of members of Congress was entrusted solely by the Constitution to Congress itself and refused to act in such cases. Business.

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