

Chapter 1 : Perspectives on the Constitution: Understanding Our Constitution - National Constitution Center

2c. Creating the Constitution Thomas Jefferson is one of the major figures in the creation of the United States government. He was the primary drafter of the.

For more information, please see the full notice. Constitutional Convention and Ratification, “ The Constitutional Convention in Philadelphia met between May and September of 1787 to address the problems of the weak central government that existed under the Articles of Confederation. The United States Constitution that emerged from the convention established a federal government with more specific powers, including those related to conducting relations with foreign governments. Under the reformed federal system, many of the responsibilities for foreign affairs fell under the authority of an executive branch, although important powers, such as treaty ratification, remained the responsibility of the legislative branch. After the necessary number of state ratifications, the Constitution came into effect in 1789 and has served as the basis of the United States Government ever since. Constitution Under the Articles of Confederation, the federal government faced many challenges in conducting foreign policy, largely due to its inability to pass or enforce laws that individual states found counter to their interests. The Treaty of Paris, which ended the American War of Independence, stipulated that debts owed by Americans to British subjects were to be honored, and also stipulated that former British loyalists could bring forth suits in U.S. courts. These provisions were unpopular and many states blocked their enforcement. This led to British refusal to vacate military forts in U.S. territory. Additionally, after the war, British traders flooded U.S. Southern delegates to the Confederation Congress wanted to lift this ban, while coastal merchants, especially in the northeast, were willing to make concessions in exchange for a treaty with otherwise favorable commercial terms. The large majorities necessary for ratification of such measures under the Articles of Confederation often resulted in the deadlock along sectional lines between North and South. The Constitutional Convention in Philadelphia In attempting to resolve such issues, as well as problems arising from the payment of debts from the Revolutionary War and other domestic issues, the delegates to the Constitutional Convention created a model of government that relied upon a series of checks and balances by dividing federal authority between the Legislative, the Judicial, and the Executive branches of government. The framers of the Constitution had originally imagined a weak presidency and a strong legislature divided into a House of Representatives and the Senate. Under the Articles of Confederation, considerable minor paperwork had bogged down important business enough that legislators decided to establish an executive branch to deal with routine paperwork. When writing the Constitution, the framers expected the Senate to handle important issues, particularly the ratification of treaties, while the Executive would attend to matters of lesser consequence. However, as deliberations continued, the Executive branch acquired more power to deal with some of the issues that had been a source of sectional tension under the Articles of Confederation” and so the President acquired the authority to conduct foreign relations. The two-thirds clause for ratification of treaties in the Senate, as opposed to a simple majority, allowed the South a greater voice in these matters and assuaged concerns about the attempts to abandon navigation of the Mississippi. The Constitution does not stipulate existence of departments within the executive branch, but the need for such departments was recognized immediately. Congress passed legislation creating the Department of Foreign Affairs in its first session in 1789, and in the same year changed the name to the Department of State after it added several additional domestic duties to the Department. After the ratification of the Constitution in 1789, the machinery of state had been designed, but not yet tested and put to use. The provisions for management of foreign affairs would be put to the test in 1790, when the Senate had the opportunity to accept or reject the.

Chapter 2 : Milestones: “ - Office of the Historian

A More Perfect Union: The Creation of the U.S. Constitution. The Articles of Confederation. The determined Madison had for several years insatiably studied history and political theory searching for a solution to the political and economic dilemmas he saw plaguing America.

This marked the area of the beginning of the British dominance outside Europe. British now had the largest empire the world had seen. With the debt from the wars, Britain was needed help from the colonies that it helped defend to help pay off their debt Oct 7, Proclamation of It was issued by Britain after the end of the 7 Years War. The British said that the colonists could not settle west of the Appalachian Mountains. The British just got out of the war with the French and the Native Americans. They did not want to get back into war with the Native Americans because of colonists settling on the Natives land. The colonists ignored the proclamation. British soldiers fired upon some colonists. Five colonists were killed from the shots fired by the British, including the first person who was not even part of the mob but was on his way back from work. Newspapers used this as a way to make it seem that the soldiers killed a lot of colonists so they would turn on the British. Apr 19, Battles of Lexington and Concord The battles were the first military engagements of the Revolutionary War. The first shot fired is known as "the shot heard around the world. The objective was to get Bunker Hill. The British won this battle and suffered heavy losses. While the colonists suffered little losses. This showed the British that the colonists were not going to back down. He lead a surpriss attack and surrounded the Hessian garrison on Christmas Night. This battle started to inspire more rebels in the colonies. Sep 19, Saratoga It is known as the turning point in the Revolutionary War. The victory brought France to help fight with the colonists in the war and Spain to give supplies. Before the battle France was just giving supplies to the colonists. It was very weak and did not work out. I pushed more for states rights and a weak central government. Without a government, laws could not be enforced. There was not a military so each state had to have its own military. States were not willing to work with each other and would raise the tariffs on goods when other states were buying or trading goods. Oct 19, Yorktown The last battle of the Revolutionary War. General Cornwallis was hoping the British fleet would come and help him out but the fleet was stopped by France. General Cornwallis was then forced to surrender thus ending the Revolutionary War. The leader of this rebellion was Daniel Shay. He was mad because of the taxes the state government was putting on the people when they just faught a war because of having to pay too many taxes. The rebellion helped the people see that the Articles of Confederation were too weak and something had to be done to fix them.

Chapter 3 : Ideas That Influenced the Constitution - Online History Resource

The Creation of the U.S. Constitution Following the adoption of the Declaration of Independence on July 4, , the newly independent American Colonies needed to form their own standard of government.

Perspectives on the Constitution: Kmiec It is especially fitting that your copy of the Constitution originates with the National Constitution Center in Philadelphia. Signed in Independence Hall on September 17, , the Constitution is a truly remarkable means to advance the premises of the American Republic stated eloquently in in the Declaration of Independence. A great Chief Justice once said, "the Declaration is the promise, the Constitution, its fulfillment," and nothing could be more true. The very important Fourteenth Amendment following the Civil War resolves to protect "privileges or immunities" and the equality of all persons under the law. But before our "rights" were listed, the Constitution enumerated or allocated power among those that make policy judgment the legislative , those that implement and propose new initiatives the executive , and those that resolve dispute and render interpretation the judicial. Aided by the best of ancient and modern philosophy, the Founders understood that tyranny can only be avoided if no one person or group comes to possess the power to make, enforce, and interpret the law. Even more insightfully, the powers separated by the Constitution are predisposed to remain separate. Political abuse is avoided because to a carefully limited degree, governmental power is "blended" or made overlapping. A foolish law enacted by Congress can be vetoed by the President, but an obstinate President can be overcome by a two-thirds majority of both Houses of Congress. We are a nation of "dual sovereigns"-the federal government is given specific responsibilities to coin money, raise armies, and regulate interstate and foreign commerce, for example, but as Madison reflected, these powers are ". Those which remain in the State governments are numerous and indefinite. Coming from many lands, races, ethnicities, and perspectives, our dreams and aspirations can be differently stated. One single, uniform view is seldom enough for all of us, and "federalism"-or the reservation of power in the States-allows these different approaches to be tried with less imposition of view on others. The federal Constitution envisions unity where it is necessary as a people to speak with one voice-for example, where our national security or trade interests are jeopardized by a foreign power, but it allows countless voices to be heard on matters pertaining to the day-to-day general welfare. And lest it be overlooked, dividing power between federal and State governments also protects liberty by giving States an incentive to check federal abuses, and vice versa. As important as the structural aspects of the Constitution are, when Americans are asked what the Constitution means to them, they will likely invoke some of the phrases and ideas inscribed in the celebrated Bill of Rights-freedom of speech and of the press, religious liberty, freedom from unreasonable searches, jury trials, and due process, to name a few. But as noted above, this Bill of Rights did not appear in the original Constitution that emerged from the Philadelphia Convention. The original document did not think these "rights" unimportant-far from it. Rather, as Hamilton wrote, "the Constitution is itself, in every rational sense, and to every useful purpose, a bill of rights. Americans may sometimes do business on a handshake, but more often than not, they believe that good governments, like good personal relationships, can also be assisted by "putting it in writing. Two things about this "Bill" might surprise present-day Americans. First, these early amendments emphasized "States" rights and majority rights alongside those of the minority. The Bill limited the newly created federal government, but imposed no express restrictions on the States. Thus, the First Amendment barred Congress from creating a national church, but many States at the Founding openly promoted particular religious belief. The Second Amendment protected local militias like the Minutemen who had fought at Lexington and Concord , and several other amendments protected local juries. This emphasis on localism and populism becomes less surprising when we remember that Americans had recently fought a War of Independence against a British government seen as distant, undemocratic and oppressive. Local communities had mobilized citizens against central tyranny, and in many Americans still feared central authority and linked liberty with local direction. The second surprise is that the Bill of Rights played little role in courts or in the lives of ordinary Americans before the Civil War. All that began to change when yet another amendment-the Fourteenth Amendment-was ratified in That Amendment reaffirmed the freedoms of the Bill

of Rights, and made most of these rights and privileges applicable against State and local governments. This new birth of freedom responded to the abuses of the proslavery State governments before the Civil War: The Fourteenth Amendment crystallized a more national vision of freedom that at its core has come to give considerable latitude to individual citizens. The Revolutionary War had reflected suspicion of the federal or central government, but the Civil War era proved that States, too, needed watching. Thus, the national government pledged to protect the fundamental freedoms of individual "citizens" and "persons," even if they were in the minority against local majority rule. The Fourteenth Amendment helped pave the way for vigorous judicial protection of the Bill of Rights. In addition, the Amendment chiseled into our Constitution a phrase close to the hearts of modern Americans: Perhaps ashamed of their complicity with slavery, the Philadelphia Framers and the early amenders had omitted all mention of the "equality" referenced in the Declaration of Independence. Today the concept of equality-for all persons, regardless of race, sex, or religion-animates everything in the Constitution. Ours is a system of equal justice under law. The Bill of Rights is remarkably compact: Now would be a good time-any time would be a good time-to read or reread the Bill of Rights itself. So, then, does the Constitution as amended really advance human good-our "pursuit of happiness? Yes, a well-structured federal government of enumerated power and explicit rights invites every voice to be heard in the political process, secures investments and the jobs they yield, defends us from foreign and domestic threats to peace, and most of all, because of these refined limits of governmental power, leaves to each citizen a great expanse of freedom. Of course, it is up to each of us to employ that freedom wisely. Madison and others in the founding generation knew, for example, that free speech permits both the search for truth and wisdom as well as falsehood and libel. Property can lend economic security to family and human flourishing, but it can also be abused to magnify environmental harms or deny just wages and working conditions. In the final consideration, the Founders understood that only a virtuous people can be free, and if the American constitutional story has thus far unfolded well-and we believe it has-it is because "we the people" have largely resolved to be so. We know greater familiarity with the provisions of our wonderful charter does also, and we hope you will have occasion to make use of your "Pocket Copy" often.

Chapter 4 : The Creation of the U.S. Constitution by Michael Burgan

- *Creation of the American Constitution A constitution is the legal structure of our political system, establishing governmental bodies, determining how their members are selected, and prescribing the rules by which they make their decisions.*

United States Declaration of Independence On June 4, 1776, a resolution was introduced in the Second Continental Congress declaring the union with Great Britain to be dissolved, proposing the formation of foreign alliances, and suggesting the drafting of a plan of confederation to be submitted to the respective states. Independence was declared on July 4, 1776; the preparation of a plan of confederation was postponed. Although the Declaration was a statement of principles, it did not create a government or even a framework for how politics would be carried out. It was the Articles of Confederation that provided the necessary structure to the new nation during and after the American Revolution. The Declaration, however, did set forth the ideas of natural rights and the social contract that would help form the foundation of constitutional government. The era of the Declaration of Independence is sometimes called the "Continental Congress" period. John Adams famously estimated as many as one-third of those resident in the original thirteen colonies were patriots. Scholars such as Gordon Wood describe how Americans were caught up in the Revolutionary fervor and excitement of creating governments, societies, a new nation on the face of the earth by rational choice as Thomas Paine declared in *Common Sense*. Republican government and personal liberty for "the people" were to overspread the New World continents and to last forever, a gift to posterity. These goals were influenced by Enlightenment philosophy. The adherents to this cause seized on English Whig political philosophy as described by historian Forrest McDonald as justification for most of their changes to received colonial charters and traditions. It was rooted in opposition to monarchy they saw as venal and corrupting to the "permanent interests of the people. Property requirements for suffrage for men were reduced to taxes on their tools in some states. Free blacks in New York could vote if they owned enough property. New Hampshire was thinking of abolishing all voting requirements for men but residency and religion. New Jersey let women vote. In some states, senators were now elected by the same voters as the larger electorate for the House, and even judges were elected to one-year terms. These "radical Whigs" were called the people "out-of-doors. Crowds of men and women massed at the steps of rural Court Houses during market-militia-court days. Shays Rebellion is a famous example. Revolutionary Congress[edit] The government of the First and Second Continental Congress, the period from September to March 1, 1776, is referred to as the Revolutionary Congress. Beginning in 1776, the substantial powers assumed by Congress "made the league of states as cohesive and strong as any similar sort of republican confederation in history". Hylton and again in *Penhallow v. Articles of Confederation* The Articles of Confederation was unanimously adopted in 1777. Over the previous four years, it had been used by Congress as a "working document" to administer the early United States government, win the Revolutionary War and secure the Treaty of Paris with Great Britain. Lasting successes prior to the Constitutional Convention included the Land Ordinance of 1784 whereby Congress promised settlers west of the Appalachian Mountains full citizenship and eventual statehood. Governmental functions, including declarations of war and calls for an army, were supported in some degree for some time, by each state voluntarily, or not. The British refused to negotiate a commercial treaty in 1775 because the individual American states would not be bound by it. Congress could not act directly upon the States nor upon individuals. It had no authority to regulate foreign or interstate commerce. Every act of government was left to the individual States. Each state levied taxes and tariffs on other states at will, which invited retaliation. Congress could vote itself mediator and judge in state disputes, but states did not have to accept its decisions. British officers on the northern boundaries and Spanish officers to the south supplied arms to Native American tribes, allowing them to attack American settlers. The Spanish refused to allow western American farmers to use their port of New Orleans to ship produce. None paid what they were asked; sometimes some paid nothing. Congress appealed to the thirteen states for an amendment to the Articles to tax enough to pay the public debt as principal came due. Twelve states agreed, Rhode Island did not, so it failed. Repeatedly, one or two states defeated legislative proposals of major importance. Seven of the

thirteen states printed large quantities of its own paper money, backed by gold, land, or nothing, so there was no fair exchange rate among them. State courts required state creditors to accept payments at face value with a fraction of real purchase power. The same legislation that these states used to wipe out the Revolutionary debt to patriots was used to pay off promised veteran pensions. The measures were popular because they helped both small farmers and plantation owners pay off their debts. It imposed a tightly limited currency and high taxes. Without paper money veterans without cash lost their farms for back taxes. This triggered Shays Rebellion to stop tax collectors and close the courts. Troops quickly suppressed the rebellion, but nationalists like George Washington warned, "There are combustibles in every state which a spark might set fire to. Seven amendments to the Articles of Confederation were proposed. Under these reforms, Congress would gain "sole and exclusive" power to regulate trade. States could not favor foreigners over citizens. Congress could charge states a late payment penalty fee. A state withholding troops would be charged for them, plus a penalty. If a state did not pay, Congress could collect directly from its cities and counties. There would have been a national court of seven. No-shows at Congress would have been banned from any U. Delegates from five states gathered to discuss ways to facilitate commerce between the states and establish standard rules and regulations. At the time, each state was largely independent from the others and the national government had no authority in these matters. Because so few states were present, delegates did not deem "it advisable to proceed on the business of their mission. They desired that Constitutional Convention take place in Philadelphia in the summer of New York and others hesitated thinking that only the Continental Congress could propose amendments to the Articles. The "Federal Constitution" was to be changed to meet the requirements of good government and "the preservation of the Union". Congress would then approve what measures it allowed, then the state legislatures would unanimously confirm whatever changes of those were to take effect.

Chapter 5 : History of the United States Constitution - Wikipedia

Federalists supported the Constitution, needed strong central government for unity after Shays's Rebellion, Madison, Jay and Hamilton. Anti-Federalists did not support the Constitution, believed it gave too much power to the national government, wanted a Bill of Rights, Henry, Henry Lee, Sherman.

Creating the Constitution "Nothing spoken or written can be revealed to anyone" not even your family until we have adjourned permanently. Gossip or misunderstanding can easily ruin all the hard work we shall have to do this summer. Twelve of the thirteen states were represented. Once the drafters signed the Constitution, as seen here, it began to make a slow path around the states in search of ratification. Constitutional Convention Most of the delegates at the Constitutional Convention had already risked being hanged as traitors by the British. Persuading the states to accept the Constitution was every bit as difficult as they predicted. It took two years for all thirteen states to ratify it. But their product was a blueprint for a new kind of government based on the principles of separation of powers, checks and balances, and federalism. All debates over laws have the few pages of the Constitution as their basis, and much political conflict has arisen due to different traditions of interpreting its clauses. The Constitution provided for the structure and powers of Congress in Article I. It created a bicameral legislature, set qualifications for holding office in each house, and provided for methods of selecting representatives and senators. It carefully enumerated powers, such as regulating interstate commerce and declaring wars. Article II vested the power to execute laws in a president of the United States. The Founders disagreed on how much power to give the judges, but they ultimately gave judges appointments for life and forbid Congress to lower their salaries while they hold office. Checks and Balances The Founders were ever mindful of the dangers of tyrannical government. So they built a system in which the powers of each branch would be used to check the powers of the other two branches. Additionally, each house of the legislature could check one another. For example, both houses of Congress must vote to enact laws, the president can veto legislation, and the Supreme Court can rule laws unconstitutional. Congress can override presidential vetoes. The president nominates Supreme Court justices, but the Senate can refuse to confirm the nominees. The Congress can impeach and remove the president or a member of the Supreme Court. As a result, a "balance" was created among the three branches. Wide differences of opinion existed even among the 55 delegates concerning the proper balance between liberty and order. Alexander Hamilton , for example, valued order more than liberty and supported the creation of a very strong executive. James Madison, influenced by his mentor Thomas Jefferson, conceded that an executive was necessary, but he saw the legislature as the preserver of liberty and an important check on the power of the executive. Thomas Jefferson did not attend the convention because he was serving as ambassador to France, but his belief that "a little rebellion now and then" was a good thing tilted his balance more toward liberty. Federalism Article IV defined the relationship between the federal government and the states in a system of federalism, which divides the power of government between national and state governments. This federal system was meant to correct the chaos of the country during the Articles of Confederation. However, it was still mindful of the threat of a tyrannical central government. This article included mechanisms for admitting new states to the Union. Alexander Hamilton was one of the most important proponents of federalism at the Constitutional Convention. He presented a plan to create a strong executive branch, out of a belief that order is more important than liberty. The relationship between national and state governments was defined in many other parts of the Constitution. For example, Article 1, Section 10 forbids the states to form alliances or enter with foreign countries or to coin their own money. Article V provides methods of amending the Constitution. Only 27 amendments have been added to the constitution since the ratification in The Founders acted boldly in when they threw out the Articles of Confederation and created the Constitution. The document they created has survived for more than years. The risks that they took resulted in the longest lasting written constitution in world history. Thomas Jefferson Thomas Jefferson is one of the major figures in the creation of the United States government. He was the primary drafter of the Declaration of Independence and the third President of the U. The Library of Congress presents this excellent megasite devoted to Jefferson, his life and work.

Chapter 6 : Creating the Constitution [blog.quintoapp.com]

The framers of the Constitution drafted it in response to failings of the U.S. government under the Articles of Confederation. Many political leaders attributed the widespread economic disaster to the lack of centralized regulation of commerce.

Federal courts[edit] Section 1 vests the judicial power of the United States in federal courts, requires a supreme court, allows inferior courts, requires good behavior tenure for judges, and prohibits decreasing the salaries of judges. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office. Number of courts[edit] Article III authorizes one Supreme Court, but does not set the number of justices that must be appointed to it. Since the number of justices has been fixed at nine by the Judiciary Act of 1789, During the Constitutional Convention , a proposal was made for the Supreme Court to be the only federal court, having both original jurisdiction and appellate jurisdiction. This proposal was rejected in favor of the provision that exists today. Under this provision, the Congress may create inferior i. The Article III courts, which are also known as "constitutional courts", were first created by the Judiciary Act of 1789, and are the only courts with judicial power. Article I courts, which are also known as "legislative courts", consist of regulatory agencies, such as the United States Tax Court. Later, in *Ex parte Bakelite Corp.* Congress through Federal Law , 80 Stat. The Judicial Procedures Reform Bill of 1937, frequently called the court-packing plan , [3] was a legislative initiative to add more justices to the Supreme Court proposed by President Franklin D. Roosevelt shortly after his victory in the presidential election. Although the bill aimed generally to overhaul and modernize the entire federal court system , its central and most controversial provision would have granted the President power to appoint an additional justice to the Supreme Court for every incumbent justice over the age of 70, up to a maximum of six. The Judiciary Act of 1789 increased the number of courts to permit the Federalist President John Adams to appoint a number of Federalist judges before Thomas Jefferson took office. When Jefferson became President, the Congress abolished several of these courts and made no provision for the judges of those courts. The Judicial Code of 1875 abolished "circuit riding" and transferred the circuit courts authority and jurisdiction to the district courts. Tenure[edit] The Constitution provides that judges "shall hold their Offices during good Behavior. A judge may also be removed by impeachment and conviction by congressional vote hence the term good behavior ; this has occurred fourteen times. Three other judges, Mark W. Delahay , [5] George W. English , [6] and Samuel B. Kent , [7] chose to resign rather than go through the impeachment process. Salaries[edit] The compensation of judges may not be decreased, but may be increased, during their continuance in office. Judicial power, jurisdiction, and trial by jury[edit] Section 2 delineates federal judicial power, and brings that power into execution by conferring original jurisdiction and also appellate jurisdiction upon the Supreme Court. Additionally, this section requires trial by jury in all criminal cases, except impeachment cases. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;â€”to all Cases affecting Ambassadors, other public Ministers and Consuls;â€”to all Cases of admiralty and maritime Jurisdiction;â€”to Controversies to which the United States shall be a Party;â€”to Controversies between two or more States;â€”between a State and Citizens of another State;â€”between Citizens of different States;â€”between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects. In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make. Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed

within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed. Cases and controversies[edit] Main article: Case or Controversy Clause Clause 1 of Section 2 authorizes the federal courts to hear actual cases and controversies only. Their judicial power does not extend to cases which are hypothetical, or which are proscribed due to standing , mootness , or ripeness issues. Generally, a case or controversy requires the presence of adverse parties who have a genuine interest at stake in the case. United States , U. Counsel for both sides were to be paid from the federal Treasury. The Supreme Court held that, though the United States was a defendant, the case in question was not an actual controversy; rather, the statute was merely devised to test the constitutionality of a certain type of legislation. In turn, the Judiciary Act of and subsequent acts never granted the U. Supreme Court the power to review decisions of state supreme courts on pure issues of state law. It is this silence which tacitly made state supreme courts the final expositors of the common law in their respective states. They were free to diverge from English precedents and from each other on the vast majority of legal issues which had never been made part of federal law by the Constitution, and the U. Supreme Court could do nothing about that, as it would ultimately concede in *Erie Railroad Co.* By way of contrast, other English-speaking federations like Australia and Canada never adopted the Erie doctrine. That is, their highest courts have always possessed plenary power to impose a uniform nationwide common law upon all lower courts and never adopted the strong American distinction between federal and state common law. Eleventh Amendment and state sovereign immunity[edit] Main articles: Georgia , 2 U. It prohibits the federal courts from hearing "any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State". Original and appellate jurisdiction[edit] See also: Jurisdiction stripping Clause 2 of Section 2 provides that the Supreme Court has original jurisdiction in cases affecting ambassadors, ministers and consuls, and also in those controversies which are subject to federal judicial power because at least one state is a party; the Court has held that the latter requirement is met if the United States has a controversy with a state. *Madison* , 5 U. *Cranch* 1 the same decision which established the principle of judicial review. *Marbury* held that Congress can neither expand nor restrict the original jurisdiction of the Supreme Court. However, the appellate jurisdiction of the Court is different. Judicial review and Judicial review in the United States The power of the federal judiciary to review the constitutionality of a statute or treaty , or to review an administrative regulation for consistency with either a statute, a treaty, or the Constitution itself, is an implied power derived in part from Clause 2 of Section 2. A constitution, is, in fact, and must be regarded by the judges, as a fundamental law. It therefore belongs to them to ascertain its meaning, as well as the meaning of any particular act proceeding from the legislative body. If there should happen to be an irreconcilable variance between two, that which has the superior obligation and validity ought, of course, to be preferred; or, in other words, the constitution ought to be preferred to the statute, the intention of the people to the intention of their agents. Hamilton goes on to counterbalance the tone of "judicial supremacists," those demanding that both Congress and the Executive are compelled by the Constitution to enforce all court decisions, including those that, in their eyes, or those of the People, violate fundamental American principles: Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposes that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental. This might as well happen in the case of two contradictory statutes; or it might as well happen in every adjudication upon any single statute. The courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgement, the consequence would equally be the substitution of their pleasure to that of the legislative body. The observation, if it prove any thing, would prove that there ought to be no judges distinct from that body. Madison involved a highly partisan set of circumstances. Though Congressional elections were held in November , the newly elected officers did not take power until March. The Federalist Party had lost the elections. In the words of President Thomas Jefferson , the Federalists "retired into the judiciary as a stronghold". In the four months following the elections, the outgoing Congress created several new judgeships, which were filled by President John Adams. In the last-minute rush, however,

Federalist Secretary of State John Marshall had neglected to deliver 17 of the commissions to their respective appointees. When James Madison took office as Secretary of State, several commissions remained undelivered. Bringing their claims under the Judiciary Act of 1789, the appointees, including William Marbury, petitioned the Supreme Court for the issue of a writ of mandamus, which in English law had been used to force public officials to fulfill their ministerial duties. Here, Madison would be required to deliver the commissions. Secretary of State James Madison, who won *Marbury v. Madison*, but lost Judicial review. Marbury posed a difficult problem for the court, which was then led by Chief Justice John Marshall, the same person who had neglected to deliver the commissions when he was the Secretary of State. Marshall held that appointee Marbury was indeed entitled to his commission. However, Justice Marshall contended that the Judiciary Act of 1789 was unconstitutional, since it purported to grant original jurisdiction to the Supreme Court in cases not involving the States or ambassadors [citation needed]. The ruling thereby established that the federal courts could exercise judicial review over the actions of Congress or the executive branch. However, Alexander Hamilton, in *Federalist No. 78*, expressed his deep reservations about the doctrine of judicial review: Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps Their power [is] the more dangerous as they are in office for life, and not responsible, as the other functionaries are, to the elective control. The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots. It has more wisely made all the departments co-equal and co-sovereign within themselves. Federal trials[edit] A nineteenth-century painting of a jury. Clause 3 of Section 2 provides that Federal crimes, except impeachment cases, must be tried before a jury, unless the defendant waives his right. Also, the trial must be held in the state where the crime was committed. If the crime was not committed in any particular state, then the trial is held in such a place as set forth by the Congress. The United States Senate has the sole power to try impeachment cases. The Supreme Court has extended the protections of these amendments to individuals facing trial in state courts through the Due Process Clause of the Fourteenth Amendment. Section 3 defines treason and its punishment. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court. The Constitution defines treason as specific acts, namely "levying War against [the United States], or in adhering to their Enemies, giving them Aid and Comfort. In *Ex Parte Bollman*, 8 U. Constitution, including the Treason Act, there were essentially five species of treason.

Chapter 7 : Article Three of the United States Constitution - Wikipedia

Creation of the Constitution People in England, the mother country of the American colonies, also used that term to describe the rules structuring their government. But to the British, the constitution was not a single document or code.

The Purpose of the Constitution: Why was the United States Constitution Created? Its 4, words have played a crucial role in limiting government and creating freedom for over years. Why was the Constitution created? The answers to this question seem contradictory: The Founding Fathers, most of whom opposed slavery, feared slave owners, who considered slaves property, would use the phrase to perpetuate slavery. The Weakness of the Articles of Confederation The immediate reason for creating the Constitution was to replace the Articles of Confederation, which contained the following weaknesses: The Articles created a unicameral legislature with no executive or judicial branch, hence, no separation of powers. The Articles granted very little power to the central government. The central government had no authority to tax, raise money for the common defense, or to regulate interstate trade. A unanimous vote among the 13 states was required to amend the Articles, a nearly impossible feat. Nine out of thirteen votes were required to pass laws, not impossible, but very difficult. All these weaknesses are addressed in the United States Constitution. The United States Constitution is deliberately inefficient. Framers of the Constitution recognized the tendency for human beings in power to abuse that power. They desired to establish a framework for government that takes into account human nature. It seems paradoxical, therefore, that the Founding Fathers would create a document strengthening the central government that was intended to limit government. A look at the intent of James Madison, "the father of the Constitution," settles this point. According to historian Pauline Meier in her introduction to *The Constitution and the Declaration of Independence*, "James Madison was more concerned with the wrongful acts of the states than with the weaknesses of the Confederation Worse yet, many of the new laws passed by triumphant state majorities violated the rights of minorities. In other words, state constitutions had proved ineffective in securing the rights of citizens; a national Constitution, therefore, with strict limitations on government, could better protect individual rights.

Chapter 8 : 10 Events That Led to the Creation of the Constitution timeline | Timetoast timelines

The Constitution of the United States is over years old. Below are some of the important dates that led to the creation of the Constitution: " The Revolutionary War between the Colonies and Britain begins. "Declaration of Independence written; the 13 colonies become the 13 states.

Chapter 9 : Creating the U.S. Constitution: A Time Line | Scholastic

The creation of the United States Constitution-John Adams described the Constitutional Convention as "the greatest single effort of national deliberation that the world has ever seen"-was a.