

~ United States Constitution ~

Branches of Gov:

"enumerated power" = sequence, determining amount.

"bicameral Congress" = two chambers

**Article 1: Legislative Branch:**

- House of Representatives, proportional; Senate, two each.
- Power of Congress, the ppl, in a Republic.

**Article 2: Executive Branch:**

- Limits on the President (elections, salary, oath, pardons, military, treaties, impeachment, )

**Article 3: Judicial Branch:**

- Federal only.

**Article 4: States' Rights:**

- Relationship bw states (no state can discriminate against a citizen just bc of the state their from) and federal relations (fugitive slaves, federal lands, states get protection from invasion by federal gov.)
- State sovereignty; adding states; extradition.

**Article 5: Altering the Constitution (Amendments):**

- Amendment, ratification (2/3), or national convention called by 2/3 states.

**Article 6: Federal Supremacy:**

- Federal supremacy (either than state sovereignty), or "supreme law" = highest form of legality

**Article 7: "Ratification":**

- This document taking effect; the number of states for the constitution to become real; and then ratification.

~ Bill of Rights ('immediate' Amendments to the US Constitution) ~

"Bill of Rights" = the first ten amendments:

1. Freedoms:

**1st Amendment:** Freedoms

- religion (Congress cannot start a religion), freedom of speech, freedom of the press, right to peaceful assembly, obscenity, libel
- applied to federal only until 1925.

**2nd Amendment:** Arms

- "A well regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed". (purpose: deterring undemocratic gov.; anti-invasion/insurrection; natural law of self-defense; help law enforcement, militia)
- 2008 (end of Bush): right to bear arms unconnected to militia.

**3rd Amendment:** Quartering

- prohibits the quartering of troops in peacetime without consent.
- most unimportant amendment, tho used legally to protect personal privacy.

2. Unfreedoms:

**4th Amendment:** Search/Seizure

- meaning, the government, law enforcement, needs a warrant to arrest. Privacy, too.

**5th Amendment:** Legal Protection in Criminal Prosecution

- government enforces law of the land, but protects individuals from those laws--grand juries, due process (follow the letter), no double jeopardy; not compelled to testify against yourself (pleading the fifth).

**6th Amendment:** Criminal Prosecution

- notice of accusation; speedy; public; objective jury; no hearsay (confrontation); compulsory process: compel witness to testify in favor of criminal; right to counsel; self-representation.

**7th Amendment:** Jury Trial

- Jury trial; no re-examination of evidence.

**8th Amendment:** Anti-Excessiveness

- Gov can't be excessive in fines, bails, unusual punishment.

3. Final Power Delegation:

**9th Amendment:** Enumeration

- rights of ppl not specifically mentioned.

**10th Amendment:** States' Power otherwise.

- Powers not specifically mentioned to federal or state, are then state or ppl (Congress) (1787).
- Today continuing fight over if States can "nullify" Federal law (exemption). "secession issue" rests on this amendment, even tho the Judiciary is explicit about States not being able to nullify federal authority.
- Secession issue: 2009, 7 states pass "state sovereignty resolutions" or "10th Amendment Resolutions (Alaska, Idaho, NDakota, SDakota, Oklahoma, Louisiana, Tenn.), another 7 (Alabama, Arizona, Kansas, Nebraska, SCarolina, Utah, Wyoming) in 2010.
- 2010: 5 states claimed the right to bring back national guards from overseas
- 2010: 5 states claimed the right to purchase gold/silver and nullify fed. legal tender.
- Secession issue: 2011: In April 2009, Rick Perry, the Governor of Texas, appeared to endorse a resolution supporting Texan sovereignty at a Tea Party in Austin, Texas, following a question from a reporter.

There's a lot of different scenarios. Texas is a unique place. When we came into the union in 1845, one of the issues was that we would be able to leave if we decided to do that.... My hope is that America, and Washington in particular, will pay attention. We've got a great union. There's absolutely no reason to dissolve it. But if Washington continues to thumb their nose at the American people, who knows what may come of that? But Texas is a very unique place, and a pretty independent lot to boot.
- 1/3 Texans believe they have the right to seceded, however, only 18% favor actual secession, ranges in opposing from 60%-75%, different among Texan Republicans.

~ Subsequent Constitutional Amendments ~

After 1795:

**11th Amendment:** States' (legal) sovereignty

- Sovereign Immunity: a state can be sued by its own citizens, citizens from other States, and even foreigners... that the supreme (federal) court would listen to these suits.

**12th Amendment:** Pres and VP (1804)

- How the President and VP are chosen.

Reconstruction Amendments--1865, '68, '70:

- 13th Amendment: prohibits slavery, enforce abolition.
- 14th Amendment: definition of citizen (life, liberty, or property to be protected, immunities, privileges, repeals Three-fifths: 1787, slave pop. is 3/5 in terms of representation for House and taxes).
- 15th Amendment: illegal to deny vote based on race.

Modernity:

- 16th Amendment: levy income tax (1913, Taft).
- 17th Amendment: direct elections of senators by the people (1913, Wilson).
- 18th Amendment: no booze \*repelled by 21st Amendment\* (1913).
- 19th Amendment: illegal to deny vote based on sex.
- 20th Amendment: terms for elected federal officers.
- 22nd Amendment: limits president to two terms (1947-51).
- 23rd Amendment: Washington DC can vote for President.
- 24th Amendment: no state can 'condition' voting (poll taxes, literacy tests) (1962-64).
- 25th Amendment: revamp of Presidential succession. VP becomes Pres if Pres dies (1967) (John Tyler after William H. Harrison [1841]).
- 26th Amendment: Limits voting to 18 (1971)... youth grievance over older 21yrs. (Also, conscripting men at age 18 *who can't vote*).
- 27th Amendment: limits changing salaries for Congress, at the time (1992).