

The US Constitution

The US Constitution is the supreme law of the United States. It is the source of all government power and creates a structure to the Federal Government. It emphasises certain principles, amongst which are sovereignty of the people, separation of powers, checks and balances, limited government and federalism.



The Seven Articles of the Constitution

Preamble	The Constitution is granted by the people of the United States, 'We the people'.
Article I	<i>'All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.'</i>
Article II	<i>'The executive Power shall be vested in a President of the United States of America.'</i>
Article III	<i>'The judicial Power of the United States shall be vested in one Supreme Court and in such inferior Courts as Congress may from time to time ordain and establish.'</i>
Article IV	Federal-state and state-federal relationships.
Article V	Amendment procedure.
Article VI	Miscellaneous provisions, including the ' <i>supremacy clause</i> ' and noting the Constitution as ' <i>supreme law of the land</i> '.
Article VII	Ratification procedure.

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The US Constitution provides a separation of powers. Separation of powers is a theory of government whereby political power is distributed between the legislature, the executive and the judiciary, each acting both independently and interdependently.



Legislature

US Congress

Senate – 100 members

House of Representatives – 435 members



Executive

President

Vice President

Cabinet/Executive Office of President



Judiciary

Supreme Court comprising nine justices

Lower federal courts

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Checks and balances – a system of government that gives each branch the means to partially control the power exercised by other branches.

Checks by the → on the ↓	Legislature	Executive	Judiciary
Legislature		<ul style="list-style-type: none"> • Presidential veto – Obama used the veto on 12 occasions, and Trump on 8 occasions. • ‘State of the Union’ address is an opportunity for the President to set out proposed legislation to a joint session of Congress. 	Judicial Review
Executive	<ul style="list-style-type: none"> • Amending, delaying or rejecting the legislative proposals of the President. • Overriding the presidential veto with a 2/3 majority in both houses. • Power of the purse (House). • Refusing to ratify the President’s treaties (Senate). • Refusing to confirm the President’s appointments (Senate). • Impeachment powers to remove the President from office. 		Judicial Review
Judiciary	Senate confirms judicial appointments as well as having the power to impeach justices (Senate). Congress, with the help of the states, could also support a constitutional amendment in order to overturn a previous Supreme Court ruling.	Can check the federal courts by nominating judges and use of the presidential pardon.	

Amending the Constitution

The Constitution can be amended in a variety of ways. The process is deliberately difficult, with all possible avenues to amendment requiring super majorities in a two-stage process. The Constitution has been amended on 27 occasions and the table below outlines the various routes to amendment.

	Proposed by	Ratified by	Times used?
1	2/3 of both House and Senate.	3/4 of state legislatures (38).	26
2	2/3 of both House and Senate.	Ratifying conventions in 3/4 of the states.	1
3	Legislatures in 2/3 of the states call for national constitutional convention.	3/4 of the state legislatures.	0
4	Legislatures in 2/3 of the states call for national constitutional convention.	Ratifying conventions in 3/4 of the states.	0

In 1791, the Bill of Rights was passed which represents the first 10 amendments to the Constitution.

Bill of Rights

Amendment	Content
I	Freedom of speech, press, assembly and religion
II	Right to keep and bear arms
III	No quartering of troops in private homes
IV	Unreasonable searches and seizures prohibited
V	Rights of accused persons
VI	Rights of trial
VII	Common-law suits
VIII	Excessive bail, and cruel and unusual punishments prohibited
IX	Unenumerated rights prohibited – citizens have rights beyond those enumerated in the Bill of Rights
X	Powers reserved to the states or to the people

Later Amendments

XIII	Slavery prohibited (1865)
XIV	Former slaves made citizens. This amendment includes two important clauses – ‘equal protection’ and ‘due process’ (1868).
XVI	Federal Government granted powers to impose income tax (1913)
XVII	Direct election to the Senate (1913)
XXII	Two-term limits for the President (1951)

Key principles of the US Constitution



Strengths of the US Constitution	Weaknesses of the US Constitution
Codified nature of US Constitution means that all provision can be found easily within one document.	The US Constitution can be inflexible and difficult to amend. With current polarisation in Congress it is difficult to imagine the formal amendment process being effectively used.
The US Constitution is entrenched and considered fundamental law. This means that citizens and government are protected from arbitrary change.	It gives too much power to the Supreme Court. Their 'discovered' power of Judicial Review effectively allows the Court to determine the meaning of the document.
The system of checks and balances ensures a distribution of power between the three branches of Federal Government.	Many parts of the document are largely ignored in the contemporary US, e.g. Congress declaring war.