

Name _____



Date _____

The Constitution and the Bill of Rights

By Phyllis Naegeli

Our Constitution has endured over two hundred years of testing. It has stood as an example of freedom, not only in America, but also around the world. The first draft contained seven articles that formed our federal government. It replaced the weaker government that was created by the Articles of Confederation. Our Constitution has been called "a bundle of compromises." In coming to these compromises, the original framers established a strong central government.

Article I established the legislative branch of our government. It divided the Congress - the law-making body - into two houses, the Senate and the House of Representatives. As a result of "The Great Compromise" the formation of the Senate made the smaller states happy. Each state has two senators. The House of Representatives satisfied the larger states. Representatives are assigned based on population. Laws must be approved by both parts of the Congress. This gives everyone an equal voice in our government. The Congress was given the power to coin money and collect taxes. They can establish a military. The Congress makes laws and approves many of the decisions of the executive branch.

Article II established the executive branch. This branch carries out the laws made by the Congress. It established the office of president. It outlines the powers of this office. Commanding the military, appointing judges and ambassadors, negotiating treaties, and approving or vetoing laws made by the Congress were given to this branch of the government. It allows for the president to choose a cabinet to help do the day-to-day work of the government. Today there are fifteen cabinet departments.

Article III established the Supreme Court. This is the highest court in our land. The nine judges who serve in this branch are appointed by the president. The Congress approves these appointments. The Supreme Court decides cases involving constitutional and federal laws. The Congress was given the power to establish the lower courts in this branch. This was done in 1789 with the creation of the U.S. District Courts and the U.S. Appeals Courts.

Article IV established the relationship of the states. States were now required to obey the laws of the central government and to honor one another. The central government would provide a military to defend the states. Congress was given the power to admit new states.

Article V established a way to change the Constitution. The delegates knew the country was growing. They knew that things would change. Therefore, they planned a way to amend the Constitution. However, they didn't make it easy. First, an amendment must pass both houses of Congress by a two-thirds vote. Then, three-fourths of the states must also approve the amendment.

Article VI says that the government must pay the country's debts. In addition, it makes the Constitution and treaties the supreme law of the land. Any laws made by Congress or state governments must agree with the Constitution. People who serve in the government must take an oath of office. They must promise to support the Constitution. It also prohibits the use of a religious test for officials in the federal government.

Article VII established the rules for ratification. Once nine of the thirteen states held conventions and agreed to the Constitution, it became the supreme law of the land. On June 21, 1788, New Hampshire became the ninth state to ratify the Constitution.

During the process of ratification, Massachusetts and Maryland conditionally agreed to the Constitution. Both states were concerned that the people's rights were not listed in the document. This resulted in the addition of the Bill of Rights, the first ten amendments that outlined the rights of the people. These rights include freedoms such as religion, speech, press, assembly, the right to privacy, and the rights given to people accused of breaking the law.

Once the Constitution was ratified, Congress got to work. The Bill of Rights was written and sent to the states for approval. They called on James Madison to write it. His first draft had fifteen rights. Congress approved twelve on September 25, 1789. These were sent to the states for ratification. The first two, which applied to compensation for

Name _____



Date _____

congressional representatives and the number of citizens they would represent, were rejected. The other ten were ratified by the states, producing the Bill of Rights.

The Bill of Rights includes the following freedoms:

The First Amendment provides for freedom of religion, press, speech, and assembly. It also gives people the right to ask the government for help when an injustice is done.

The Second Amendment provides the freedom to bear arms.

The Third Amendment prohibits the government from forcing citizens to house soldiers during time of war.

The Fourth Amendment protects people from unreasonable search and seizure. A court is required to authorize any search. It can only be done when there is evidence a crime has been committed.

The Fifth Amendment allows the freedom from being tried twice for the same crime when found innocent of that crime, and allows a person on trial the opportunity to abstain from testifying against him or herself. This amendment also allows the government to take private land for public use as long as fair compensation is given to the owner of the land.

The Sixth Amendment gives the people of the United States the right to a fair and speedy trial by a jury of peers. People also have the right to counsel. They must be told of the charges against them. They have the right to bring witnesses for their defense.

The Seventh Amendment provides for trial by jury for disputes with monetary value over \$20.00.

Amendment Eight prohibits the use of cruel or unusual punishment and prohibits the demand for excessive bail or fines.

Amendment Nine prohibits other rights held by the people from being denied by the Constitution.

Finally, Amendment Ten delegates powers not granted to the government and not prohibited by the United States by the Constitution, to the states, or to the people.

Since 1791, only twenty-seven amendments have been added to our Constitution. None of them have changed the Bill of Rights. These ten amendments provide us with special freedoms that are an example used around the world. Our Constitution continues to keep us free. The framers' work has stood the test of time.

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Questions

- _____ 1. The Great Compromise established a Senate and House of Representatives. Which of the houses of Congress was established to please the smaller states?
- A. the House of Representatives
 - B. the Senate
- _____ 2. Which branch of government makes laws?
- A. the Executive Branch
 - B. the Legislative Branch
 - C. the Judicial Branch

Name _____



Date _____

- _____ 3. People who serve as officials in our government must take an oath of office. What must they promise in this oath?
- A. to make laws
 - B. to quit when their term is over
 - C. not to raise their pay
 - D. to support the Constitution
- _____ 4. What part of Congress must approve an amendment to the Constitution?
- A. three-fourths
 - B. 100%
 - C. one-half
 - D. two-thirds
- _____ 5. Who wrote the Bill of Rights?
- A. George Washington
 - B. Thomas Jefferson
 - C. Benjamin Franklin
 - D. James Madison
- _____ 6. What does the Bill of Rights establish?
- A. the rights of the federal government
 - B. the way state governments are organized
 - C. the rights of the people
 - D. all of the above
- _____ 7. Which state was the ninth state to approve the Constitution?
- A. Massachusetts
 - B. Maine
 - C. New York
 - D. New Hampshire
- _____ 8. The Constitution can be changed by adding an amendment.
- A. false
 - B. true