

Understanding the Constitution

People confuse our Constitution and Declaration of Independence. What is the difference?

The Declaration of Independence is only a statement that proclaims that the 13 colonies were independent states and no longer under British rule. It declares that the United States of America is a free and independent nation.

The Constitution is the basis of the U.S. government. The Constitution is termed as the supreme law of the country.

Did these documents create equality?

Neither document condemned nor attempted to halt the business of slavery, despite the preamble to the Declaration of Independence stating that "all men are created equal." Though some believe Jefferson meant that phrase to mean all humanity is created equal and, according to Constitution Facts, "Jefferson had originally included language condemning the British promotion of the slave trade," that was later edited out. Jefferson himself was a slave owner.

Meanwhile, the Constitution allowed for each slave to count as three-fifths of a person in determining representation in Congress and taxation in what became known as the "Three-Fifths Compromise." Smaller, southern slave-owning states were wary of larger states having too much power in the House of Representatives and argued that slaves should count in some way toward their population counts. This is why even hate speech is protected under the U.S. constitution.

Why did we start using amendments to the Constitution?

The amendments James Madison proposed were designed to **win support in both houses of Congress and the states**. He focused on rights-related amendments, ignoring suggestions that would have structurally changed the government.

The first 10 amendments to the Constitution make up the Bill of Rights. James Madison wrote the amendments, which list specific prohibitions on governmental power, in response to calls from several states for greater constitutional protection for individual liberties.

How is an amendment or change to constitution made?

An amendment may be proposed by a two-thirds vote of both Houses of Congress, or, if two-thirds of the States request one, by a convention called for that purpose. The amendment must then be ratified by three-fourths of the State legislatures, or three-fourths of conventions called in each State for ratification.

Did Thomas Jefferson say the Constitution is a living document?

In Jefferson's own words, our Constitution is a living document. He encourages us to change as our "human minds" progress. We must hold righteous our social-democratic principles. In very simple terms, we as a country must continue to evolve.

Why did America's founders want the Constitution to be a living document?

The Constitution of the United States is a living document because **it was written to be adapted by future generations.** If it had not been written with such intentions, the government would be unable to ratify new amendments since this in itself is a change.

How did the Founding Fathers want the Constitution to be interpreted?

Madison's bottom-up interpretive framework demanded that the perpetually sovereign people maintain their right through time to be the final arbiters of constitutional meaning through popular politics and the thoughtful expression of public opinion.

What are the two most important aspects of Constitution?

It has a set of rules that govern the Government and its interactions with the citizens. A constitution is concerned with two primary aspects: a) **the relationship between the various levels of Government** and b) **the relationship between the Government and the people.**

We see changes happening to rights citizens have according to law. Did this set law go through the amendment process?

The nation has accomplished amending the Constitution just 27 times in the 233 years since the Constitution became the nation's supreme collection of laws. More than half of those amendments took place within the first 80 years after the Constitution's creation.

The most recent amendment to the Constitution took place in 1992 — an entirely forgettable change more than 202 years in the making that prohibited Congress from increasing or decreasing its own pay until after an election.

So how are many laws changed or decided to protect citizens rights?

The United States Bill of Rights comprises the first ten amendments to the United States Constitution.

The Bill of Rights, originally in the form of 12 amendments, was submitted to the legislatures of the states for their consideration on September 28, 1789, and was ratified by the required three-fourths (then 11) states in the form of 10 amendments on December 15, 1791.

The first 10 amendments to the Constitution, known as the Bill of Rights, guarantee essential rights and civil liberties, such as the right to free speech, the

right to bear arms, and the right to a fair trial, as well as protecting the role of the states in American government.

Other amendments: <https://law.tamu.libguides.com/c.php?g=513904&p=3510977#s-lg-box-10846839>

Many Cases decided before Supreme Court based on bill of rights amendments before Supreme Court.

Some Justices deciding on cases sometimes use their decision based on arguments of being an originalist...that is a whole other discussion