

Topic Page: [Constitution of the United States](https://search.credoreference.com/content/topic/constitution_of_the_united_states)

Summary Article: **US Constitution**

From *The Hutchinson Unabridged Encyclopedia with Atlas and Weather Guide*

The framework of US federal government, drafted at the Constitutional Convention in Philadelphia in 1787, and ratified in 1788 to take effect from 1789. It replaced the Articles of Confederation (1781). Although the framers of the Constitution sought to increase the power of central (federal) government, they included safeguards against possible tyranny, and the states retain considerable powers of self-government. Certain powers are reserved to the states or forbidden to central government, and the legislative, executive, and judicial branches are separate and hold powers to check and balance each other. Since 1788, the Constitution has had 27 amendments, including the Thirteenth Amendment (1865) abolishing slavery and the Nineteenth Amendment (1920) giving women the vote. Article VI establishes the Constitution as the 'supreme law of the land'.

Central v. states' powers The Constitution established a federal system distributing power between the states and the central government. Article I specifies powers that are 'reserved' to the states; powers 'delegated' to the central government; concurrent powers, shared by both state and central government; and powers expressly prohibited to the central government, thus limiting government. Most of the powers are set forth in Article I, Section 8.

Executive, legislature, and judiciary The framers established a mixed system, separating the three branches of federal government, legislative, executive, and judicial. As a further guard against the usurpation of power, the Constitution provides that each branch has powers that would enable it to check and, therefore, balance the use of powers by the other branches.

Article II specifies the powers of the chief executive (the president), and provides a veto as a means of checking the legislature (Congress). The legislature can check the executive by a two-thirds vote of both houses (the Senate and House of Representatives) to override the veto. In addition the Senate (the upper house of Congress), has the power of 'advise and consent' over presidential appointments. The president can be impeached by the House of Representatives and, if convicted by the Senate, removed from office.

Judiciary Article III established the judiciary, giving it power over 'all cases in law and equity, arising under the Constitution'. The Supreme Court has the power to declare acts of Congress unconstitutional. Judges of the 'supreme and inferior courts' are appointed for life by the president, with the advice and consent of the Senate, but may be removed from office.

Amendments and slavery The Constitution established a process by which the document could be amended, with the proviso that no amendment abolishing the slave trade could be made before 1808. Opposing views regarding slavery were discussed at the Constitutional Convention, but delegates refrained (under pressure from the slave-holding states) to go any further than including a clause permitting Congress to abolish the slave trade after a twenty-year period had elapsed following ratification of the Constitution (Article V). Although the words 'slave' or 'slavery' are not mentioned in the Constitution, the document provides for the return of 'fugitives' (Article IV, Section 2) and apportions state representatives to the House of Representatives by counting three-fifths of all persons 'bound to service', a euphemism for slaves (Article I, Section 2). The sections of the

Constitution recognizing slavery were deleted with the ratification of the Thirteenth Amendment in 1865, and Fourteenth Amendment in 1868 (see Amendment, Thirteenth and Amendment, Fourteenth).

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