

Elements of the Constitution

The Constitution provides the basic framework for American government. It also guarantees the rights and freedoms that we, as Americans, sometimes take for granted. Cases like *Goss v. Lopez* help to clarify those rights. They also underscore the role played by the Constitution in our democratic system.

The Constitution is a three-part document, consisting of the Preamble, the articles, and the amendments. Although it may seem complicated, the Constitution is actually a relatively brief and straightforward document. It consists of about 7,400 words, making it approximately the length of this lesson. Adopted as the “law of the land” in 1788, it is the oldest written constitution still in use.

For more than two centuries, we have relied on the Constitution as the basis for our political system. It serves as both a practical outline for government and a symbol of our national way of life. Learning about the Constitution not only helps us understand the rights and freedoms we enjoy as Americans, but also gives us tools to defend those freedoms.

The Preamble Sets the Purpose The Constitution’s opening paragraph, the Preamble, is a single, long sentence that defines the broad purposes of the [republican government](#) created by the Constitution. It begins with the phrase “We the people,” signifying that power and authority in our system of government come from the people, not the states.

The Preamble goes on to set various goals for the nation under the Constitution. These goals are expressed in a series of key phrases.

Form a more perfect union. The framers of the Constitution wanted to ensure cooperation among the states, and cooperation between the states and the national government.

Establish justice. The framers hoped to create a system of government based on fair laws that apply equally to all people.

Ensure domestic tranquility. The framers wanted government to ensure peace and order.

Provide for the common defense. The framers wanted the government to protect the nation against foreign enemies.

Promote the general welfare. The framers hoped the government would ensure the well-being of its citizens.

Secure the blessings of liberty to ourselves and our posterity. The framers hoped to guarantee freedom for Americans, both at present and in future.

The Articles Establish Our National Government The main body of the Constitution consists of seven articles. These seven articles are further divided into sections and clauses. The first three articles establish the three branches of government—legislative, executive, and judicial—and define their powers. These articles lay out the basic structure of the national government.

The four remaining articles of the Constitution cover various subjects, including relations among the states, the supremacy of national law, and the amendment process.

Article I Establishes the Legislative Branch The first article sets up Congress as the lawmaking body in government. It describes the two chambers of Congress, the Senate and the House of Representatives, as well as the election, terms, and qualifications of their members. It also sets guidelines for rules and procedures in each chamber. This is the longest article in the Constitution, reflecting the founders' belief in the importance of the legislature in a representative democracy.

Section 8 of Article I lays out some of the main powers granted to Congress. These powers are both enumerated and implied. **Enumerated powers** are those that are specifically listed in the Constitution, such as the power to collect taxes, coin money, and declare war.

Implied powers are those that the legislature can claim as part of its lawmaking responsibility. This claim to implied power stems from Clause 18 of Section 8, which says that Congress can “make all laws which shall be necessary and proper” for carrying out its duties. This **Necessary and Proper Clause** is also known as the **Elastic Clause**, since it can be “stretched” to cover a variety of issues and circumstances.

Section 9 of Article I lists powers denied to Congress. Among these denied powers are the suspension of [habeas corpus](#) and the granting of titles of nobility. Habeas corpus is the right of accused persons to be brought before a judge to hear the charges against them. The ban on titles of nobility reflects the principle that “all men are created equal,” as expressed in the Declaration of Independence. Banning nobility also guaranteed that the government would continue to be run “by the people, for the people” and not by an elite class.

Article II Establishes the Executive Branch The executive branch is led by the president and vice president. As it does for members of Congress, the Constitution describes the election, terms of office, and qualifications of these executive officers. It also defines the powers of the president, which include the power to command the armed forces, to make treaties, and to appoint other executive officials.

Article III Establishes the Judicial Branch Article III creates the Supreme Court, the highest court in the land, while leaving Congress to create the lower courts. It defines the [jurisdiction](#) of the federal courts, specifying the types of cases that can be tried. It also guarantees the right to trial by jury in criminal cases and defines the crime of treason.

Structure of the Constitution ▼

Preamble	Articles	Amendments
Purpose of government	I: Legislative branch II: Executive branch III: Judicial branch IV: Relations among the states V: Amendment process VI: Payment of debts; Supremacy Clause; oaths of office VII: Ratification	Formal changes to the Constitution

The Constitution has a three-part structure. The Preamble is the introduction to the document. The articles make up the body. The amendments are additions and changes made over time.

Powers of the Three Branches of Government ▼

Legislative



- Makes the laws
- Appropriates funds for laws and programs
- Approves treaties and executive appointments
- Establishes federal courts

Executive



- Enforces the laws
- Acts as commander in chief of military
- Negotiates treaties
- Appoints federal judges and other top officials

Judicial



- Interprets the laws
- Reviews lower-court decisions
- Judges whether laws and executive actions are constitutional
- Rules on cases between states

The Constitution establishes a government of three branches, with separate powers for each branch. By dividing power, the framers hoped to ensure that no single branch would become too powerful.

Article IV Concerns Relations Among the States Article IV has four sections, which make the following key points:

Full faith and credit. Each state must honor the laws and court decisions of other states.

Treatment of citizens. No state may discriminate against the residents of another state. It must treat them as it treats its own residents. States must return suspected criminals to the states in which they are wanted.

New states and territories. Only Congress can authorize the creation of new states. It also has power over territories and other jurisdictions of the United States.

Protection of states. The national government guarantees each state a republican form of government. It also promises to protect states from outside attack and, if requested, to help states put down internal rebellions.

Article V Describes the Amendment Process The framers understood that it might be necessary to make changes to the Constitution from time to time as circumstances changed. Article V spells out the ways such amendments can be proposed and ratified.

Article VI Makes the Constitution the Supreme Law of the Land Article VI covers several topics. It states that the national government agrees to repay all of the debts that were incurred under the Articles of Confederation. This was critical to ensure support for the new government.

It also states that the Constitution is the “supreme Law of the Land.” This section, known as the **Supremacy Clause**, means that federal law supersedes all state and local laws. When the laws conflict, federal law reigns supreme.

In addition, it stipulates that all federal and state officials must take an oath swearing their allegiance to the Constitution. Also, no religious standard can be imposed on any official as a qualification for holding office.

Article VII Explains the Ratification Process Article VII stipulates that the Constitution would not take effect until ratified by at least nine states. Although the Constitution was signed by the framers on September 17, 1787, ratification did not occur until the following year.