

## CHAPITRE 2

## LA CONSTITUTION DES ETATS UNIS : ARTICLES

In 1777, during the War of independence, the farmers of the United States of America decided to write a constitution for all the thirteen States; "the Articles of Confederation and Perpetual Union" adopted in 1781.

The farmers were inspired by the writings of Thomas Hobbes, John Locke and Montesquieu.

The principal idea was to separate the powers to avoid giving all the powers to a single man. So they created the Senate, the House of Representatives and the notion of President. Each part can balance any other decision. The new Constitution created a central or federal government led by the 3 representatives of American power. This government can intervene into state relations, defense and foreign affairs. The constitution contains 7 articles.

The president is elected for 4 years, he must be more than 35 years old, a natural born citizen and a long resident of the United States (more than 14 years). He is the Commander-in-Chief of the Army, he makes treaties and appoints ambassadors, ministers and Judges of the Supreme Court.

The Senate is composed of 2 senators for each state, they are elected for 6 years and must be US citizens for 6 years at least. They must be more than 30 years old. The Senate can try impeachments decided by the House of Representatives.

The House of Representatives is elected for 2 years. Each state is represented by the proportionate number of his population, the representatives must be more than 25 years old and have been US citizens for 7 years.

Then, each state has its own constitution. The executive power is given to a governor and the legislative one most of the time granted to the 2 Houses. A state supreme court has the judiciary power.

The main articles of this constitution are the first one which describes the legislative power; the House of Representatives, the senate, the vote of bills and the power of Congress, and the second article deals with the President from his election to his duties and his possible destitution.

Article 1: Legislative Branch: the U.S. Congress makes the laws for the United States. Congress has two parts, called "Houses," the House of Representatives and the Senate.

Article 2: Executive Branch: the President, Vice-President, Cabinet, and Departments under the Cabinet Secretaries carry out the laws made by Congress.

Article 3: Judicial Branch: the Supreme Court decides court cases according to US Constitution. The courts under the Supreme Court decide criminal and civil court cases according to the correct federal, state, and local laws.

Article 4: States' powers: States have the power to make and carry out their own laws. State laws that are related to the people and problems of their area. States respect other states laws and work together with other states to fix regional problems.

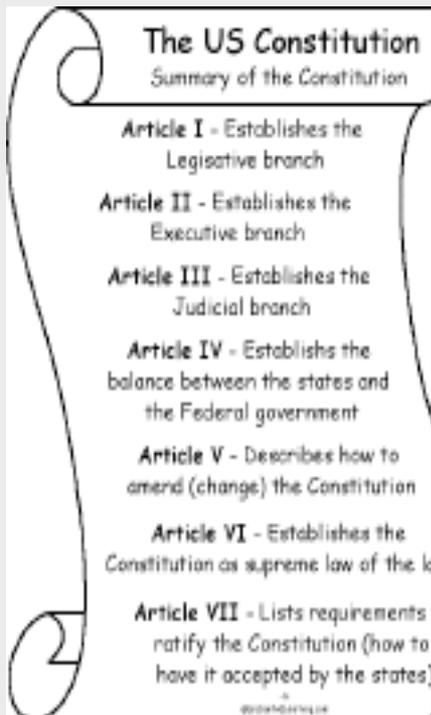
Article 5: Amendments: The Constitution can be changed. New amendments can be added to the US Constitution with the approval by a two-thirds vote in each house of Congress (67, 281) and three-fourth vote by the states (38).

Article 6: Federal powers: The Constitution and federal laws are higher than state and local laws. All laws must agree with the US Constitution.

Article 7: Ratification

## MILESTONES

- 1777: Articles for the Confederation and the perpetual Union, ratified in 1781.
- 1775-1781: War of Independence. All thirteen states join in the Alliance.
- May 1787 : adoption of the modern Constitution
- 1679: Habeas Corpus (guarantee of the individuals liberties)



Fiche effectuée par Marc BOURNIGAUT et Elise TIRVAUDEY