

ARKANSAS KIDS GUIDE

THE U.S. CONSTITUTION AND BILL OF RIGHTS

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby adopt and establish this Constitution for the United States of America.

Article I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States; and the Electors in each State shall have the Qualifications requisite for Electors of that State.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and seven Years Residence within the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Section 3. Representatives and Deputies in each State shall be chosen by the Electors in that State; and the Electors in each State shall have the Qualifications requisite for Electors of that State.

Section 4. The Times, Places and Manner of holding the Elections of Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law alter or add to the Rules and Regulations of the Electors in any State.

Section 5. The Congress shall have Power to enforce the Provisions of this Article by appropriate Legislation.

Bill of Rights

Amendment I

Establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

The right of the people to keep and bear arms, shall not be infringed.

Amendment III

No Soldier, shall in time of war, be a quartered in any house, without the consent of the owner.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V

No person shall be held to answer for a capital or otherwise infamous crime, unless by a grand Jury and indictment or information; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall any person be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without just compensation; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state or district where the offence was committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Amendment VII

In Suits at common law, where the value in controversy shall exceed twenty Dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive Bail—no excessive fines imposed; nor cruel and unusual punishments inflicted.

Amendment IX

Enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people.

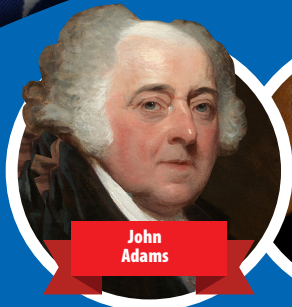
Benjamin Franklin

James Madison

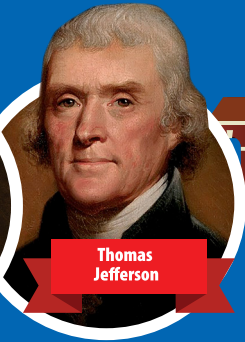
George Washington



Did You Know?



John Adams



Thomas Jefferson



...that Founders Thomas Jefferson and John Adams could not attend the Constitutional Convention of 1787? See why on pages 6 & 7!

...that during a time of kings and tyrants, America's Founders were very careful to create a unique form of government, one that was only permitted to rule by the "Consent of the Governed"? Read more on pages 8 & 9!

...that the all-important Bill of Rights was added to our Constitution to reinforce the idea that the power of government comes only from the people? Read your rights on pages 12-15!



...that the U.S. Constitution is a living document that protects the rights of people and has lasted almost 250 years? Find out more on pages 16 & 17!

INTRODUCTION TO THE U.S. CONSTITUTION & BILL OF RIGHTS



Before the establishment of the United States of America, people risked their lives on the voyage to the New World. For example, a group of British immigrants commonly known as the Pilgrims arrived in 1620, seeking to practice their religion freely. Thousands of early immigrants from across Europe followed, each seeking the right to build new lives far away from the **authoritarian** kings they once served. By 1776, the hopes, dreams, rights, and freedoms of the colonists were proclaimed in a bold Declaration of Independence and then, in 1787, the U.S. Constitution.

While the Declaration of Independence began a revolution and birthed a nation, the U.S. Constitution changed the world. The U.S. Constitution set an example of representative democracy that other countries have followed. Among its many unique features, the U.S. Constitution outlined three branches of government and a carefully crafted system of **checks and balances** to control government size and power.

Another essential component of the U.S. Constitution that truly sets it apart from previous forms of government is the Bill of Rights, which is based on the foundational belief that the ultimate power to rule comes from the people. The Bill of Rights establishes the principle that we are all born with **inalienable rights** that government cannot take away or control.

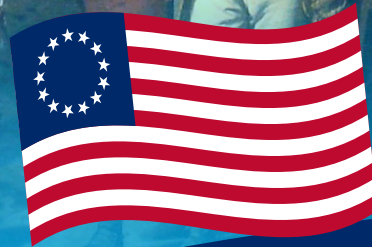
HELPFUL HINT! You will find the definitions to important words in the Glossary on Page 19.

REVOLUTION

- 1774** **First Continental Congress:** 12 of the 13 colonies sent representatives to align themselves against British Imperialism.
- 1775** **Second Continental Congress:** Colonial representatives met in Philadelphia, established a continental army led by George Washington, and began to structure a central government union of the colonies.
- 1776** **Declaration of Independence:** Armed clashes between colonists and their British governors went on for over a year before the conflict became a "war for independence."
- 1777** **Articles of Confederation:** Written in 1777 and ratified in 1781, a formal plan/document was developed that organized the union of the colonies.
- 1783** **Treaty of Paris:** Signed in 1783, this series of agreements officially ended the Revolution, and Great Britain formally recognized the American colonies as independent.
- 1787** **Constitutional Convention:** Delegates began drafting the U.S. Constitution.



Bataille de Yorktown,
by Auguste Couder (1781)



Did you know . . . while Betsy Ross *may* have made the first American flag, the Stars and Stripes (1777), there is no definitive proof she did. However, she was a talented seamstress that went on to make flags and banners for the United States.

Original 13 Colonies



Word Origins

revolution: derives from the Latin stem *revolvere*, which means "turn, roll back"

Now what?

After gaining independence from England, the original 13 colonies became 13 states united as one nation. To govern this new nation, our leaders recognized that the country needed a guiding set of principles to establish **self-rule**.

These principles were first identified in the 1777 agreement between the states known as the **Articles of Confederation**. These Articles outlined a system of government that distributed power among the states, leaving a small, central government with limited power to govern them.

Almost immediately, some states argued about how the new country would operate as a union. From 1783 to 1789, this period of uncertainty and debate regarding how the nation should be ruled is known as the "Critical Period" of U.S. early history.



U.S. CONSTITUTION

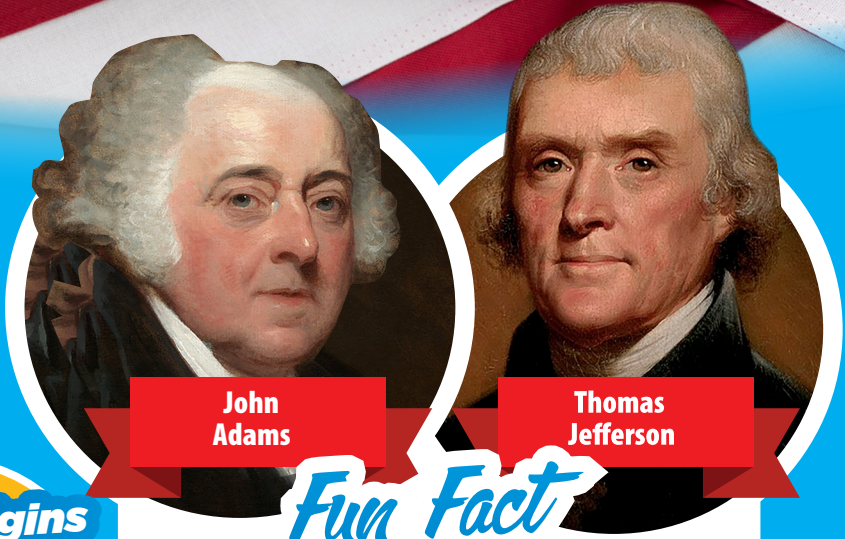
During the Revolutionary War, colonial leaders sought foreign military and financial support to help gain independence. As a result, the newly formed United States owed money to other nations. In order to pay back these debts, a central government would need to tax its states and its citizens.

However, which states would contribute and how much they would contribute needed to be determined. For example, some state militias committed more to revolutionary military efforts than others, while some states suffered more property damage than others during the war. If the new country was attacked, who would defend it, and from which state would the militias come? There was no funding for a national army.

There were also issues of settling disputes as a group. In the Articles of

Confederation, each state only had one vote in Congress, even though some states had larger land masses and others had more people. Also, Congress did not have the power to tax, print money, regulate commerce, or oversee the trading of goods - the states held all these powers individually. There was no national leadership to enforce any acts passed by Congress, and there was no federal court to enforce the law for all citizens equally.

Recognizing the need for changes to the Articles of Confederation, leaders from each state began discussing revisions and, in 1787, gathered in Philadelphia to hold a Constitutional Convention. While the original intent was to change or amend the Articles of Confederation, a new government plan emerged.



John Adams

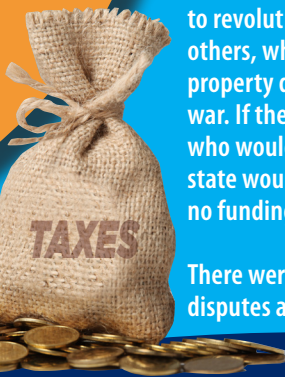
Thomas Jefferson

Word Origins
constitution: derives from the Latin word *constitutionem*, which means "anything arranged or settled upon"

Fun Fact

John Adams and Thomas Jefferson, whose ideas led to the U.S. Constitution, could not attend the Constitutional Convention of 1787, as they were in Europe, serving as Minister to England and Minister to France, respectively. Both of them would eventually be elected to serve as President of the United States (Adams, 1797-1803; Jefferson, 1801-1809).

George Washington was unanimously elected to serve as the 1st President of the United States, serving two terms (1789-1793, 1793-1797). He set the precedent for limiting a president's time in office. The practice was not written into law until the ratification of the 22nd Amendment in 1951.



Challenges of a New Nation

- ★ As states were different sizes and had diverse populations, how could each state be appropriately represented?
- ★ Was there a way to give larger states more power, while ensuring that they could not collude to overrule smaller ones?
- ★ Would the United States permit slavery? By 1787, some states had abolished slavery. However, many states continued the practice of slavery.
- ★ Should there be a single leader of the federal government? How substantial should that person's powers be?
- ★ How would power be divided between the states and a central government?



James Madison was the primary architect of the U.S. Constitution. Madison, along with John Jay and Alexander Hamilton, wrote a series of essays promoting the new U.S. Constitution for states to adopt. Madison later went on to become the 4th President of the United States (1809-1817).

Scene at the Signing of the Constitution of the United States, by Howard Chandler Christy (1940)

A NEW KIND OF GOVERNMENT



The architects of what would become our U.S. government assembled for the Continental Congress to address the need of creating a document that would outline and give structure to the new form of government they hoped to establish; they knew that they wanted to reject the form of government that was mistreating and exploiting them.

They wanted a form of government that allowed for people to rule and for democratic authorization of power. Though this was a new style of governing for the British colonists, many of the indigenous inhabitants of the New World had long-established forms of government that supported self-governing and democratic representation.

For example, the Iroquois Confederacy was a union of several tribal nations that had been operating as a constitutional government for hundreds of years. In a 1744 treaty between the Iroquois Confederacy and the British colonial government, printed by Benjamin Franklin, Iroquois Confederacy leader Canasatego, recognizing the inherent inequality in the monarchist and colonial governing practices, advised the colonists to unite and form a confederation of colonies.

More than thirty years later, the Continental Convention met to begin sketching out the structure of the new nation and government they hoped to establish.

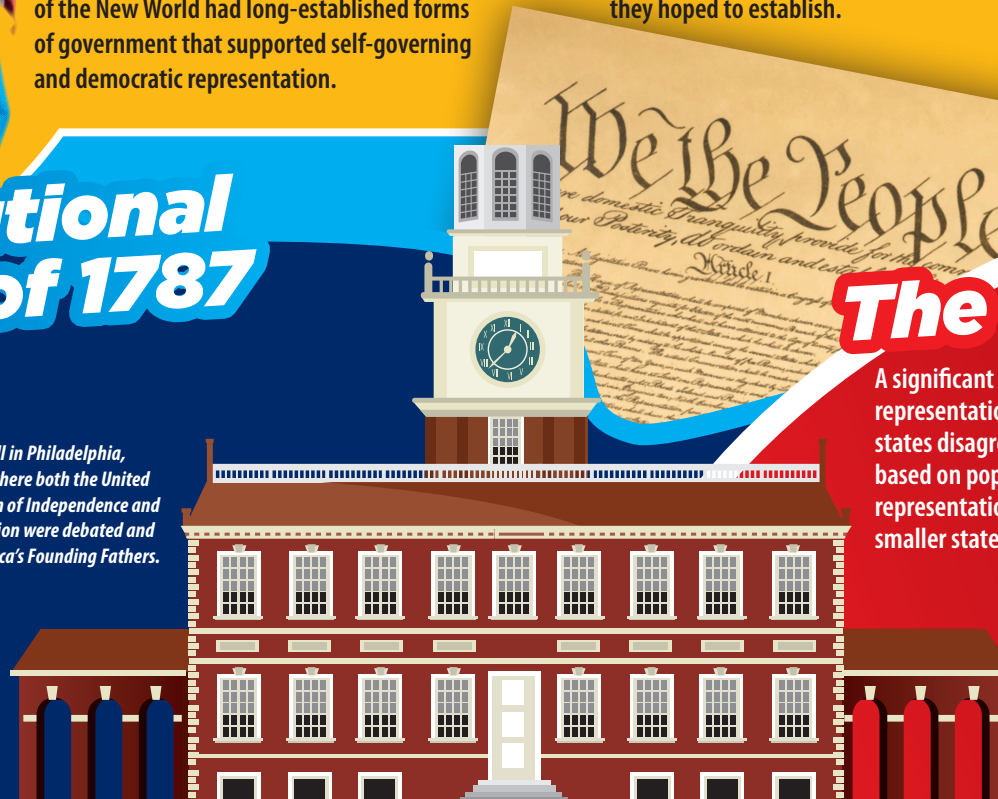


The Constitutional Convention of 1787

Soon after the Constitutional Convention began, immediate challenges arose between states' rights and representation in the creation of laws and the powers of a central government.

These challenges created what would be known as "The Great Debate."

Independence Hall in Philadelphia, Pennsylvania is where both the United States Declaration of Independence and the U.S. Constitution were debated and adopted by America's Founding Fathers.



The Great Debate

A significant issue that called for compromise was the issue of representation in the legislative branch known as Congress. The states disagreed on the number of votes each state should have based on population. States with larger populations wanted representation to be based on number of citizens in the state, while smaller states argued for equal representation despite state size.

Federalists, who were in favor of the ratification of the U.S. Constitution, believed that representation based on population would be more equitable, while Anti-federalists, who did not support ratification, wanted equal representation from each state.

WHAT'S IN THE U.S. CONSTITUTION?

The main body of the U.S. Constitution begins with the seven articles that lay out the structure of the new American government and the procedures for the people's rule. Here is a partial summary containing important articles of note.

Article I

Article I created and defined the law-making or legislative branch. There was significant debate over state representation as states were of different sizes with different sized populations.

Article II

Article II defined the executive branch, including the requirements to be president, the powers and duties of the office, and the election process.

Article III

Article III established the judicial branch, including the Lower, Superior, and Supreme Courts, so that the people would have a way to challenge laws based on the rights specified in the U.S. Constitution and Bill of Rights.

TWO LEGISLATIVE HOUSES

Roger Sherman, from Connecticut, proposed a system of two legislative houses: the *Senate* and the *House of Representatives*. Each state would receive two representatives in the Senate and a variable number of representatives in the House proportionate to that state's population. The image on the right illustrates the current number of House (left) and Senate (right) members.



Article IV

Article IV established how states should consider themselves part of one nation and respect each state's rights to lead as their citizens wished. This critical idea allowed states to pass their own laws, as long as such laws were in agreement with the U.S. Constitution.

Article V

Article V allowed the U.S. Constitution to be amended or changed when a large majority of states, representatives, and the people approved.

Article VI

Article VI allowed the people to create laws locally that are just as powerful as laws enacted by the federal government.

Article VII

Article VII sets the procedure for ratification or approval of the Constitution, giving the ultimate approval power to the people. Article VII also declared that each state and its people have the right to approve the final document fully.

IMPORTANT FACT!

As you can see, many of the powers of government are shared by the states and national government. These are called *concurrent powers*. There are several powers though, like overseeing education, that belong only to the states.

CHECKS & BALANCES

Having separate judicial, executive, and legislative branches created a unique system of checks and balances designed to prevent any part of the government from gaining power over the other two branches.



JUDICIAL



EXECUTIVE



LEGISLATIVE



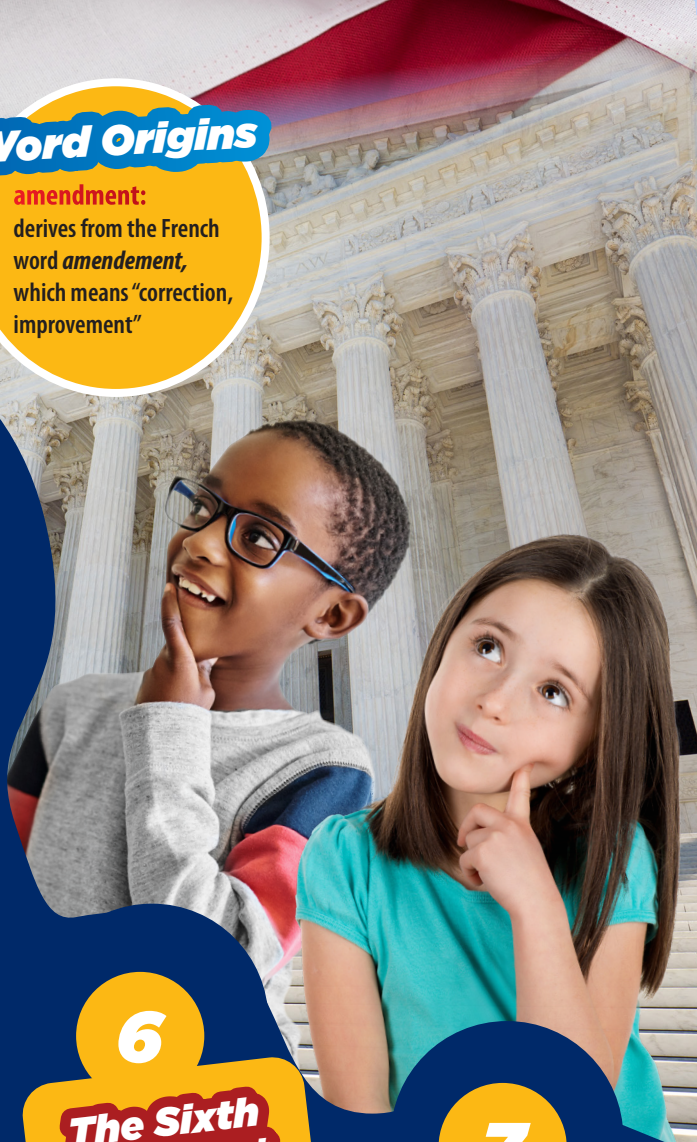
THE BILL OF RIGHTS

There have been 27 amendments to the U.S. Constitution, and each has remained grounded in the principles of the document itself. Here are the original ten amendments, known as the Bill of Rights.



Word Origins

amendment: derives from the French word *amendement*, which means "correction, improvement"



1 The First Amendment

The 1st Amendment grants individuals the right to choose their religious beliefs, speak their minds, peacefully protest, and have a free press. Like the rights of the Declaration of Independence, these rights are inalienable and must be protected.

2 The Second Amendment

The 2nd Amendment allows state militias and citizens to be armed to defend their lives and property, and, if needed, the nation.

3 The Third Amendment

The 3rd Amendment forbids the sheltering of soldiers in private homes without the owner's consent. This was created in response to the Quartering Acts passed by the British parliament, which allowed the British Army to take over private homes.

4 The Fourth Amendment

The 4th Amendment states that no American home can be searched without first proving to a court that there is a sufficient reason or *probable cause*, meaning clear evidence of a crime.

5 The Fifth Amendment

The 5th Amendment guarantees Americans protection from unfair arrest and treatment by the government and the courts.

6 The Sixth Amendment

The 6th Amendment guarantees citizens the right to a fair trial, including representation by legal counsel, the ability to know one's accusers, and the ability to interview witnesses.

7 The Seventh Amendment

The 7th Amendment protects the people's rights by allowing them to defend themselves in front of a jury of their peers.



The Supreme Court of the United States of America

THE BILL OF RIGHTS OF RIGHTS

Continued

8

The Eighth Amendment

The 8th Amendment prohibits unfair bails and fines. It also requires that punishments and sentences for crimes be fair and proportionate.

9

The Ninth Amendment

The 9th Amendment states that any **inalienable rights** granted to Americans, even those not formally mentioned in the U.S. Constitution, could not be taken away by the government. This means that the creation of the U.S. Constitution itself limits the powers of government based on individual rights.

10

The Tenth Amendment

The 10th Amendment followed the 9th by reinforcing that the federal government only has the powers expressly granted by the Constitution. Any powers not explicitly granted are the responsibility of the states and the people themselves.

13

The Thirteenth Amendment (1865)

The significant 13th Amendment abolished slavery as well as forced labor based on a servant's indebtedness to a master or other party.

14

The Fourteenth Amendment (1868)

The 14th Amendment ensured that states could not make any law that infringed upon citizens, rights guaranteed by the U.S. Constitution; it was put in place to make sure that states did not deny the rights of any citizen in support of the 13th Amendment.

15

The Fifteenth Amendment (1870)

The 15th Amendment gave all African American men national voting rights and forbade all state and local governments from denying voting rights based on race.

19

The Nineteenth Amendment (1920)

The 19th Amendment stated that neither the federal government nor the states could deny any woman the right to vote based on gender, and that Congress had the power to compel and enforce these rights.

What Your Constitutional Rights Mean Today?

- ★ You get to vote at 18.
- ★ You can attend any church or religious institution you want and cannot be discriminated against for your religious beliefs.
- ★ You can say or write your opinions freely.
- ★ You can own a firearm to protect your family and property.
- ★ You can assemble in groups and protest peacefully.
- ★ Your property cannot be searched or taken without a proper warrant or cause.
- ★ You cannot be discriminated against based on race or gender.
- ★ You cannot be held unreasonably for any reason, especially without being charged with a specific crime. If so charged, you are guaranteed a timely and fair trial.

These powers are still yours & include the right to . . .

- privacy,
- travel freely,
- run for office,
- petition the government,
- & protest.



WE THE PEOPLE

The framers designed the U.S. Constitution to be a living document, that is, a document that changes with advancing philosophical debates on human rights. For this reason, America needed a document that could evolve yet continually be guided by the central principle - that nations are born of the people, by the people, and for the people.

Therefore, the opening words of the U.S. Constitution Preamble, or introduction, "We the People," were carefully chosen. They emphasize that the ultimate power of this new government rests with the people first, not the states, not a leader, and certainly not a king.

The inclusion of amendments to the U.S. Constitution allows for the document to "live" and evolve with the opinions and values of the people it governs. The U.S. Constitution

provides a framework for the United States government, but the amendments identify and protect the rights of American citizens.

When the time came to ratify or approve the U.S. Constitution, the document was sent to be read and agreed upon in special congresses in every state.

According to Article VII of the Constitution, the document would not go into effect until nine of the 13 states ratified or approved it. On June 21, 1788, New Hampshire became the ninth state, and the U.S. Constitution became the official framework of the government of the United States of America.

Because the U.S. Constitution was constructed to be a living document, it has allowed for the extension of rights to all American citizens, regardless of color, race, gender, or background.



DATES OF RATIFICATION



Delaware	December 7, 1787
Pennsylvania	December 12, 1787
New Jersey	December 18, 1787
Georgia	January 2, 1788
Connecticut	January 9, 1788
Massachusetts	February 6, 1788
Maryland	April 28, 1788
South Carolina	May 23, 1788
New Hampshire	June 21, 1788
Virginia	June 25, 1788
New York	July 26, 1788
North Carolina	November 21, 1789
Rhode Island	May 29, 1790

THE ISSUE OF SLAVERY

People often ask how a nation that champions freedom could allow for the institution of slavery. Keep in mind that, at the time, many countries practiced slavery. For example, England banned slavery in 1703 but allowed English merchants to trade and sell slaves in America for nearly a century after, all to the financial benefit of the British ruling classes. The Dutch did not ban the practice until 1803.

While hard to understand from our present perspective, the failure to address the challenge of slavery came down to adopting the U.S. Constitution

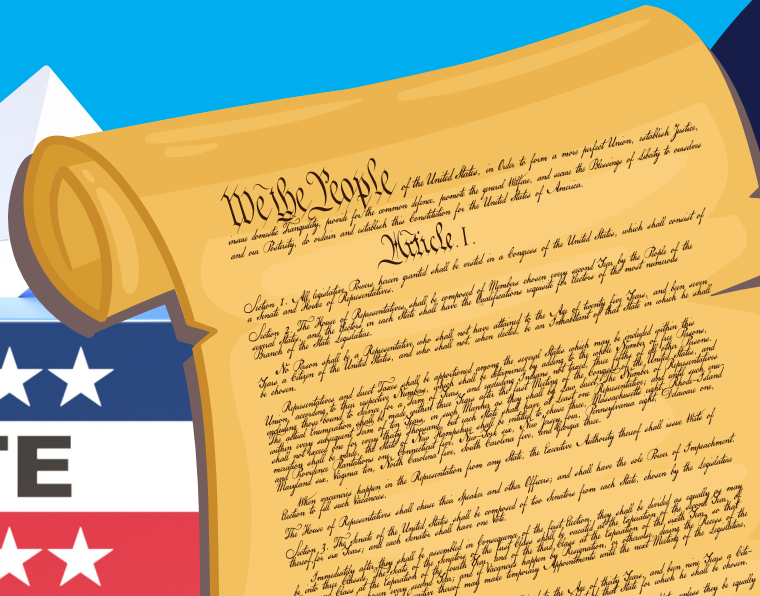
itself. Parts of the country wanted to abolish slavery, while other parts did not.

Many of the delegates to the Constitutional Convention were firmly against slavery. Still, they recognized that if they attempted to end the practice outright, they might end up with no country at all.

In fact, the **principles** set forth in the U.S. Constitution allowed Congress to ban the importation of slaves in 1808. Still, the issue of slavery was so contentious that it resulted in the Civil War (1861-1865).

Word Origins

vote: derives from the Latin word **votum**, which means "a vow, wish, solemn pledge, dedication"



VOTE

SUMMING IT UP!

The power is ours. We should use it wisely!

Knowing your rights and where they come from is one of the most important aspects of being an American. While the U.S. Constitution protects you and your rights, this historical document holds little power without you upholding your part.

The U.S. Constitution has many elements, from its original Articles to the 27 added Amendments. Most importantly, no addition to the U.S. Constitution may violate its original intent that all rights and powers ultimately rest with the people, and that governments are only valid when the governed consents.

Throughout history, many rulers created laws without considering the voice of the people they were leading. This implies that they thought they had more rights than others. The U.S. Constitution ensures that cannot happen in America.

Thanks to the U.S. Constitution, the power to govern comes not from leaders or kings but from the people. American citizens elect and allow members of our fellow citizenry the limited terms to govern. It is our responsibility as citizens to know and protect these rights, to be active in local government, and to ensure that these rights are protected.



ARKANSAS HAS A CONSTITUTION TOO!

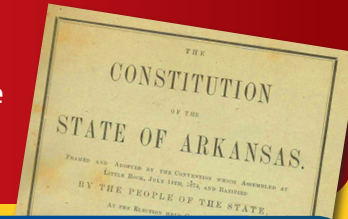
The first Arkansas Constitution was ratified by Congress on January 30, 1836. On June 15th of the same year, President Andrew Jackson signed the act making Arkansas the 25th state.



Arkansas has been governed by five different constitutions, all written and put in place within 40 years of each other. The first of Arkansas' constitutions was written in 1836 as Arkansas was pushing to join the United States, while the Arkansas Constitution that governs us now was written and approved by the people of Arkansas in 1874.

Just like the federal government, the Arkansas Constitution divides the state government into three equal branches with a governor and a lieutenant governor overseeing the executive branch. Arkansas also has a **bicameral**, two-house system, for making laws. Whereas the nation has a Congress consisting of a House of Representatives and a Senate, Arkansas has a General Assembly divided into an upper Senate and a lower House.

Like the U.S. Constitution, the opening preamble of the Arkansas Constitution reinforces the notion of self-governing by use of "We the People." In that spirit, when amendments are made to the Arkansas Constitution, the people vote to approve them.



GLOSSARY

Articles of Confederation -

The original agreement between the 13 original states that established the country's first form of government.

Amendment - A change or addition designed to improve the Constitution or part of a law.

Authoritarian - A form of government or leadership that demands blind submission to authority and opposes individual freedom.

Bicameral - A legislative body that has two branches or chambers.

Checks and Balances -

Structures in the constitutional system which make sure that no one branch of government becomes more powerful than the others.

Concurrent Powers - political powers shared by both state and federal governments.

Consent of the Governed - Stated in the Declaration of Independence and carried forward into the U.S. Constitution, the concept means government by the people's permission.

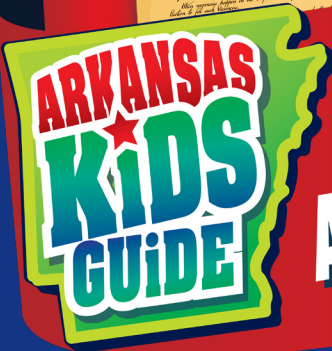
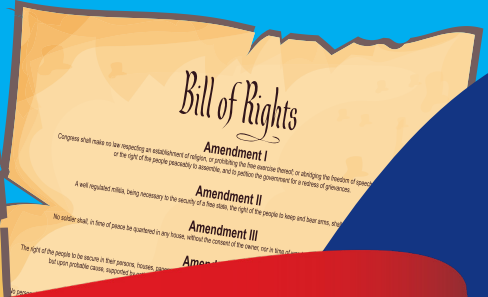
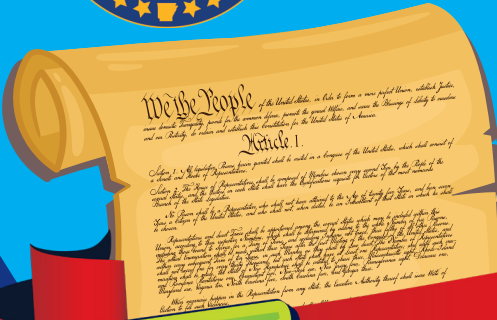
Inalienable Rights - Also known as Natural Law or Absolute Rights; such rights cannot be taken away, sold, or lost. They are absolute and unchanging.

Principle - Refers to a fundamental truth that serves as the foundation for a system of behavior or chain or reasoning.

Self-Rule - Refers to the right of people to come together as a group and create laws to govern themselves.



DIVISION OF ELEMENTARY & SECONDARY EDUCATION



THE U.S. CONSTITUTION AND BILL OF RIGHTS

SEE WHAT'S INSIDE!

- ★ What happened before the U.S. Constitution was written?
- ★ Why did we need the U.S. Constitution?
- ★ What were the challenges?
- ★ What is in the U.S. Constitution?
- ★ What is the Bill of Rights?
- ★ What does "We the People" mean?
- ★ ... And More!



Visit the *Crystal Bridges Museum of American Art* in Bentonville, Arkansas for free! crystalbridges.org



SCAN ME