

**Université de Paris 1 Panthéon-Sorbonne
Centre Port-Royal René Cassin Lourcine
Année universitaire 2023-2024**

ANGLAIS JURIDIQUE

Introduction to the Political Institutions of the United States



**École de Droit de la Sorbonne
Droit 1^{ère} année
Semestre 2**

CLASS SCHEDULE: *Introduction to the Political Institutions of the United States*

	Themes	Notions
Week 1 29/01 – 03/02	Introduction – Key moments in US History	
Week 2 05/02 – 10/02	Foundations of American Government (1)	settlers, London Company, Thirteen Colonies, Puritans, religious groups, plantations, trade, freedom, forced/volunteer immigration, British rule, natural growth, slavery, Governor
Week 3 12/02 – 17/02	Foundations of American Government (2)	American Revolution, Townshend Acts, Intolerable Acts, Independence, Boston Tea Party, George III, First/Second Continental Congress, Congress, Declaration, Constitution, Articles of Confederation, federal, checks and balances, Framers
RECESS - Monday, February 19th to Monday, February 25th		
Week 4 26/02 – 02/03	Federalism	sovereignty, presumed powers, republicanism, supremacy clause, confederation/federal state, Supreme Court, reserved powers, concurrent powers, national government, state rights, Great Depression, Thomas Jefferson
Week 5 04/03 – 09/03	The Chief Executive (1)	administration, checks and balances, cooperation, federal agencies, article 2, defined/implied powers, executive privilege, veto, executive orders, impeachment, hearing, Franklin Delano Roosevelt, inherent powers, primaries and caucuses, party conventions, great electors
Week 6 11/03 – 16/03	<i>mid-term test</i> The Chief Executive (2)	Inaugural Address, Emancipation Proclamation, oath, Vice-President, House Speaker, Civil War, Capitol Assault, Civil Rights Movements, Lincoln Memorial, president-elect, presidential elections
Week 7 18/03 – 23/03	The Legislative Branch (1)	Congress, Representatives and Senators, apportionment, article 1, congressional powers, investigation, trial, hearing, impeachment, shutdown, oversight, Elastic Clause, taxing, bills, mid-terms, ratification, budget, appointments
Week 8 25/03 – 30/03	The Legislative Branch (2)	Republicans and Democrats, congressional hearing, House Speaker, election deniers, tie-breaking vote, collaboration, Supreme Court, overriding, majority, mid-terms, diversity, Congress of <i>records and firsts</i>
Week 9 02/04 – 06/04	The Federal Judiciary	<i>Marbury v. Madison</i> , article 3, federal/state judiciary, John Adams, John Marshall, Thomas Jefferson, Judicial review, activism/restraint, Framers, Federalists, overruling, precedent, interpretation, judicial selection, higher/lower courts
RECESS - Monday, April 8th to Monday, April 15th		
Week 10 15/04 – 20/04	The Supreme Court	Presidential appointment, Senate approval, overruling, Justices, writ of cert, diversity, concurring/dissenting opinion, rule of 5, conservative/progressive

Week 11 22/04 – 27/04	to be defined + Presidency and American History Quiz	<i>session content to be defined by your teacher (may be dedicated to other topics of discussion, oral presentations, themes to be further discussed, unfinished previous activity, question-answer with students on course content, etc.)</i>
Week 12 29/04 – 04/05	FINAL EXAM – END OF SEMESTER	

Schedule is likely to be adapted in the course of the semester and type of test to be defined by your teacher.

Modalités de contrôle continu des connaissances (subject to change) :

- **Un contrôle de connaissances au cours du semestre sous forme d'un court devoir sur table, noté sur /20.**
- **Un devoir de fin de semestre sous forme d'un devoir sur table pendant l'heure du TD noté sur /40.**
→ en semaine 12
- **Une note globale d'oral prenant en compte votre participation, investissement et/ou diverses contributions au TD ainsi qu'une présentation orale obligatoire selon les modalités de votre enseignant, sur /20.**

Assiduité :

- **Obligatoire – ⚠ L'accumulation de plus de trois absences à ce TD entraîne la "défaillance" dans la matière et donc un passage automatique au rattrapage en 2^e session.**
- **Il n'y pas de rattrapage individuel de test en cas d'absence le jour d'une évaluation pour des raisons évidentes d'organisation et d'équité.**

Rattrapages :

- **Les étudiants qui ne valident pas le semestre à l'issue du contrôle continu sont inscrits à la session de rattrapage (2^e session). L'examen de rattrapage dure 1 heure. Il comporte des questions précises sur les thématiques abordées au cours du semestre. Il convient alors d'effectuer un travail minutieux de révision de l'intégralité des thèmes et documents qui font partie du corpus de révision, en apportant une attention particulière aux textes mais également de façon plus large aux différentes problématiques relatives aux institutions en question.**

En cas de questions, vous êtes invités à contacter en premier lieu votre enseignant d'anglais juridique du semestre. Pour toute autre demande générale administrative, merci d'adresser vos questions à: respjscoll112@univ-paris1.fr

➤ **Quelques suggestions de ressources (liste non exhaustive)**

• **Useful reference books:**

- Daniel J. Boorstein, *American Civilization*, new edition, McGraw-Hill, New York, 2018.
- Gerhard Falk, *The American Criminal Justice System*, Praeger, 2010.
- Jay M. Feinman, *Law: Everything You Need to Know About American Law*, 5th edition, OUP, 2018.
- Eric Foner, *The Story of American Freedom*, Norton, 1999.
- Laurence Friedman, *A History of American Law*, 4th edition, OUP, 2019.
- Robert . Johnston, *The Making of America*, revised edition, NGS, 2016.
- David Mauk & John Oakland, *American Civilization*, 7th edition, Routledge, 2017.
- Howard Zinn, *People's History of the United States*, Harper Classics, 2015.

• **US institutions and Constitution:**

[https:// www.usa.gov](https://www.usa.gov)

[https:// www.whitehouse.gov](https://www.whitehouse.gov)

[https:// www.house.gov](https://www.house.gov)
[https:// www.senate.gov](https://www.senate.gov)
[https:// www.supremecourt.gov](https://www.supremecourt.gov)
<https://www.senate.gov/about/origins-foundations/senate-and-constitution/constitution>
<https://www.law.cornell.edu/constitution>
<https://crsreports.congress.gov/search/#/?termsToSearch=&orderBy=Date>
(Congressional Research Service)
<https://www.loc.gov/classroom-materials/constitution-day-resources/>
(Library of Congress)
<https://deathpenaltyinfo.org/>
<https://www.ussc.gov/>
https://avalon.law.yale.edu/subject_menus/major.asp

• **Press:**

<https://www.nytimes.com>
<https://www.wsj.com/>
<https://www.washingtonpost.com/>
<https://www.latimes.com/>
<https://eu.usatoday.com/>
<https://www.chicagotribune.com/>

• **Radio:**

<https://www.npr.org>
<https://www.pbs.org/>
<https://www.bbcamerica.com/>
<https://www.c-span.org/radio/>
<https://www.voanews.com/>
<https://kpfa.org/program/letters-and-politics/> (podcast)

• **Video:**

Netflix
<https://edition.cnn.com>
<https://www.pbs.org/>
<https://www.msnbc.com/>
<https://www.cbsnews.com/>
<https://www.bbcamerica.com/>

• **Brush up your grammar:**

EPIGRAM - <https://cours.univ-paris1.fr/enrol/index.php?id=32992>
Raymond Murphy, *English Grammar in Use*, 4th edition, Cambridge University Press, 2015.
Michael Swan & Françoise Houdart, *L'Anglais de A à Z*, Hatier, 2011.
<https://www.anglaisfacile.com>
<https://www.ispeakspokespoken.com/grammaire-anglais/>
<https://lestutosdehuito.com/index.php/la-grammaire-anglaise-pour-les-nuls/>

Introduction

Key moments in American History



↔ In Congress, July 4, 1776. **The unanimous Declaration of the thirteen united States of America**, When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.– That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, – That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security. –Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

↔ **Outlining the New Deal Program**, May 7, 1933 (Radio Address of the President)

On a Sunday night a week after my Inauguration I used the radio to tell you about the banking crisis and the measures we were taking to meet it. I think that in that way I made clear to the country various facts that might otherwise have been misunderstood and in general provided a means of understanding which did much to restore confidence.

Tonight, eight weeks later, I come for the second time to give you my report – in the same spirit and by the same means to tell you about what we have been doing and what we are planning to do.

Two months ago we were facing serious problems. The country was dying by inches. It was dying because trade and commerce had declined to dangerously low levels; prices for basic commodities were such as to destroy the value of the assets of national institutions such as banks, savings banks, insurance companies, and others. [...] The legislation which has been passed or in the process of enactment can properly be considered as part of a well-grounded plan.

First, we are giving opportunity of employment to one-quarter of a million of the unemployed, especially the young men who have dependents, to go into the forestry and flood prevention work. [...]

Second, I have requested the Congress and have secured action upon a proposal to put the great properties owned by our Government at Muscle Shoals to work after long years of wasteful inaction, and with this a broad plan for the improvement of a vast area in the Tennessee Valley. [...]

Next, the Congress is about to pass legislation that will greatly ease the mortgage distress among the farmers and the home owners of the nation, by providing for the easing of the burden of debt now bearing so heavily upon millions of our people. Our next step in seeking immediate relief is a grant of half a billion dollars to help the states, counties and municipalities in their duty to care for those who need direct and Immediate relief. [...] We are planning to ask the Congress for legislation to enable the Government to undertake public works, thus stimulating directly and indirectly the employment of many others in well-considered projects.

To you, the people of this country, all of us, the Members of the Congress and the members of this Administration owe a profound debt of gratitude. Throughout the depression you have been patient. You have granted us wide powers, you have encouraged us with a wide-spread approval of our purposes. [...] In the present spirit of mutual confidence and mutual encouragement we go forward.

↔ **Barack Obama's Victory Speech** (November 5, 2008)

If there is anyone out there who still doubts that America is a place where all things are possible; who still wonders if the dream of our founders is alive in our time; who still questions the power of our democracy, tonight is your answer.

It's the answer told by lines that stretched around schools and churches in numbers this nation has never seen; by people who waited three hours and four hours, many for the very first time in their lives, because they believed that this time must be different; that their voice could be that difference.

It's the answer spoken by young and old, rich and poor, Democrat and Republican, black, white, Latino, Asian, Native American, gay, straight, disabled and not disabled – Americans who sent a message to the world that we have never been a collection of red states and blue states; we are, and always will be, the United States of America.

It's the answer that led those who have been told for so long by so many to be cynical, and fearful, and doubtful of what we can achieve to put their hands on the arc of history and bend it once more toward the hope of a better day.

It's been a long time coming, but tonight, because of what we did on this day, in this election, at this defining moment, change has come to America.

[...] This is our chance to answer that call. This is our moment. This is our time – to put our people back to work and open doors of opportunity for our kids; to restore prosperity and promote the cause of peace; to reclaim the American Dream and reaffirm that fundamental truth that out of many, we are one; that while we breathe, we hope, and where we are met with cynicism, and doubt, and those who tell us that we can't, we will respond with that timeless creed that sums up the spirit of a people: Yes, we can.

Thank you, God bless you, and may God bless the United States of America.

In 1607, a small band of about 100 English (1) _____ reached the coast near Chesapeake Bay. They founded Jamestown, the first permanent English (2) _____ in North America. During the next 150 years, a steady stream of colonists went to America and settled near the coast.

The Thirteen Colonies:

In the early 1600s, the English king began granting (3) – _____ for the purpose of establishing colonies in America. By the mid-1700s, most of the settlements had been formed into 13 British colonies. Each colony had a (4) _____ and legislature, but each was under the ultimate control of the British government.

The 13 colonies included the New England Colonies of Massachusetts, Connecticut, Rhode Island, and New Hampshire in the far north; the Middle Colonies of New York, New Jersey, Pennsylvania, and Delaware; Virginia and Maryland along Chesapeake Bay; and the Southern Colonies of North Carolina, South Carolina, and Georgia in the far south.

Virginia and Maryland were among the earliest English colonies. Virginia began with the Jamestown settlement of 1607. The London Company, an organization of English merchants, sent the settlers to America, hoping that they would find gold and other treasures. But the settlers found no treasures at Jamestown, and they faced great hardships. In about 1612, some Jamestown colonists began growing tobacco, which the London Company sold in Europe. Maryland was founded by the Calverts, a family of wealthy English Roman Catholics. Catholics were (5) _____ in England, and the Calverts wanted to provide a place where Catholics could enjoy freedom. Colonists established the first Maryland settlement in 1634.

New England – (6) _____, originally financed by English merchants, founded the New England Colonies. Puritans were English (7) _____ who faced persecution because of their opposition to the Church of England, the official church in England. In 1620, a group of Separatists (Puritans who had separated from the Church of England) and other colonists settled in New England. Called (8) _____, they founded the Plymouth Colony along Cape Cod Bay. It was the second permanent British settlement in North America.

Between 1628 and 1630, Puritans founded the Massachusetts Bay Colony at what are now Salem and Boston. Plymouth became part of Massachusetts Colony in 1691. Connecticut was first settled in 1633 and became a colony in 1636. Colonists settled in Rhode Island in 1636. Rhode Island became a colony in 1647. New Hampshire, first settled in 1623, became a colony in 1680.

The Middle Colonies – Soon after English settlement started, the Dutch founded New Netherland, a trading post and colony that included what are now New York and northern New Jersey. They began a permanent settlement in New York in 1624, and in New Jersey in 1660. In 1638, the Swedes established a trading post and settlement called New Sweden in present-day Delaware and southern New Jersey. The Dutch claimed New Sweden in 1655. But in 1664, the English – far better established in America than the Dutch – took over New Netherland and New Sweden. Swedes established a small settlement in what is now Pennsylvania in 1643. In 1681, William Penn of England received a charter that made him proprietor of Pennsylvania. Penn was a Quaker – a religious group that was persecuted in many countries. At Penn's urging, Quakers and other settlers who sought freedom flocked to Pennsylvania. Penn carefully planned settlements in his colony, and Pennsylvania thrived.

The Southern Colonies – In 1663, King Charles II gave the land between Virginia and Florida, called Carolina, to eight proprietors. Virginians had set up a settlement in the northern part of Carolina about 10 years earlier. After 1663, Carolina attracted English settlers, French Protestants called Huguenots, and Americans from other colonies. In 1712, the northern two-thirds of the region was divided into two colonies, North Carolina and South Carolina. The southern one-third of Carolina remained largely unsettled until 1733. Then, James Oglethorpe of England founded Georgia there.

Life in colonial America:

Reports of the economic success and religious and political freedom of the early colonists attracted a steady flow of new settlers. Through (9) _____ and natural growth, the colonial population rose to 1.2 million by 1753. Most of the settlers came from Britain, but the colonies also drew newcomers from almost every other country of Western Europe. In addition, the (10) _____ trade brought in so many Africans that, by the 1750's, blacks made up about 20 per cent of the population.

The colonists – Europeans knew that a person who went to America faced great hardship and danger. But the New World also offered people the opportunity for a new start in life. Some Europeans went to America seeking religious freedom. In addition to the Puritans, Roman Catholics, Quakers, and Huguenots, they included Jews and members of German Protestant sects. Other people who went to America had no choice in the matter. They

included (11) _____ from overcrowded English jails, Irishmen captured by the English in battle, and black Africans captured in intertribal warfare and sold to European traders.

The prisoners and captives were sold into service in America.

The economy – The earliest colonists had to struggle to produce enough food to stay alive. But before long, colonial America had a thriving economy. (12) _____ grew large crops of rice, indigo, and tobacco. Small farmers raised livestock and grew such crops as maize and wheat. When not busy in their fields, many farmers fished or hunted. Some cut timber from forests to provide the materials for such products as barrels and ships. The colonists used part of what they produced, but they exported large quantities of goods. They traded chiefly with Britain, whose manufacturing firms depended on raw materials from its colonies. In return, they received manufactured goods. The colonies also traded with the French, Dutch, and Spanish.

The colonists and government – The colonists rejected the old idea that government was an institution inherited from the past. Instead, they regarded it as something they themselves had created for their own use. The colonists lived under British rule. But to them, laws made in Britain meant little until they were enforced on the spot. They often ignored British laws. This independent attitude would soon lead to a clash between the Americans and the British.

1/ Read the text carefully and fill in the blanks with the right word.

immigration – planters – colonists – governor – prisoners – Protestants – slave – settlement – Pilgrims – persecuted – charters – Puritans



2/ Explain the meaning of the American flag:

3/ Answer the following questions:

- What did the King do to promote colonies? Did he govern directly?
- Explain the role of the London Company in the establishment of the colonies.
- Who were the Puritans and where did they establish?
- List the various religious groups and their place of settlement.
- What did the new colonies represent for these groups?
- How did colonies develop?
- What reasons led to a break-up with British rule?

4/ Associate one sentence from the text to the following pictures:



1.



2.



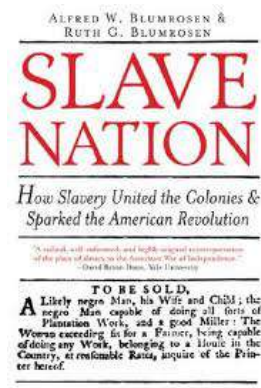
3.



4.



5.



6.



7.

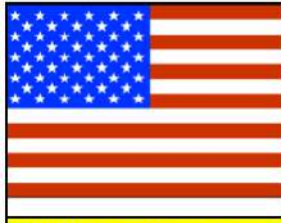


8.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

5/ Grammar – use the right verb in the adequate tense and form (you may use the negative or passive form):
 take / come / have / flee / establish / start / assimilate / incorporate / settle / oversee / settle

1. European settlers _____ from a variety of social and religious groups, including adventurers, farmers, indentured servants, tradesmen, and a very few from the aristocracy.
2. Although the English _____ the Colony of Roanoke (1585), successful colonies _____ within several decades.
3. Over time, non-British colonies East of the Mississippi River _____ over and most of the inhabitants _____.
4. By the end of the 18th century, England, France, and the Netherlands _____ also colonies in the West Indies as they had the ability to build ocean-worthy ships but _____ not as strong a history of colonization in foreign lands as Portugal or Spain.
5. In the 1700s, the first persecuted religious group _____ mostly Charles I's England. They then _____ mostly in New England.
6. The administration of all British colonies _____ by the *Board of Trade* in London. Each colony had a paid colonial agent in London to represent its interests.
7. Prisoners being relocated or imported slaves _____ gradually in the colonies' population.



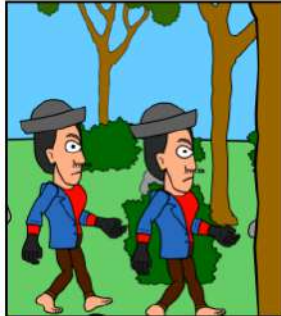
THE AMERICAN REVOLUTION (1775-83) IS ALSO KNOWN AS THE AMERICAN REVOLUTIONARY WAR AND THE U.S. WAR OF INDEPENDENCE. AMERICAN REVOLUTION WAS THE STRUGGLE OF THIRTEEN AMERICAN COLONIES AGAINST GREAT BRITAIN



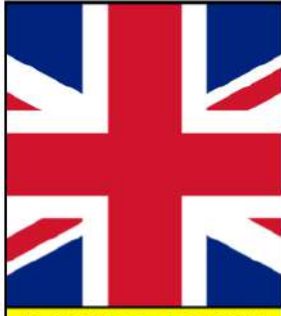
THE CAUSES OF THE AMERICAN REVOLUTION ARE: THE STAMP ACT, THE TOWNSHEND ACTS, THE BOSTON TEA PARTY, SUGAR ACT, THE QUEBEC ACT AND THE BOSTON PORT BILL.



THE STAMP ACT IS ON HOW EVERY AMERICAN COLONIST HAD TO PAY TAX FOR EVERY PRINTED PAPER THEY USE!



THE MAIN PURPOSE OF THESE TAXES WAS TO HELP BRITAIN PAY FOR THE TROOPS STATIONED IN NORTH AMERICA, FOR BRITISH VICTORY IN THE SEVEN YEAR'S WAR.



THE TOWNSHEND ACTS (1767) WERE A SERIES OF LAWS BEING PASSED BY THE PARLIAMENT OF GREAT BRITAIN, RELATING TO THE BRITISH COLONIES IN NORTH AMERICA.



SOME OF THE ACTS INCLUDED ARE: THE REVENUE ACT OF 1767, THE COMMISSIONERS OF CUSTOMS ACT, THE VICE ADMIRALTY COURT ACT, THE INDEMNITY ACT AND THE NEW YORK RESTRAINING ACT.



THE PURPOSE OF THIS ACT WAS TO RAISE REVENUE IN AMERICAN COLONIES AND ESTABLISH THE AUTHORITY THAT THE BRITISH PARLIAMENT HAD THE RIGHT TO TAX THEM.



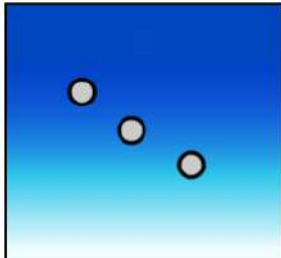
THE BOSTON TEA PARTY WAS ONE OF THE KEY EVENTS WHICH LED TO THE GROWTH OF AMERICAN REVOLUTION.



ON DECEMBER 16, 1773, A GROUP OF COLONISTS BOARDED THE THREE SHIPOARDS OF TAXED TEA IN BOSTON AND DESTROYED THE TEA BY THROWING IT INTO BOSTON HARBOR.



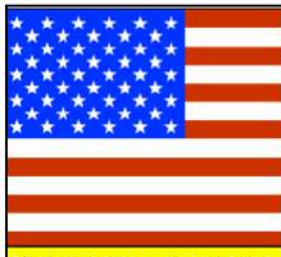
ACCORDING TO THE BOSTON PORT BILL, BOSTON HARBOR WAS CLOSED TO ALL SHIPS UNTIL BOSTONIANS REPAID THE BRITISH EAST INDIA COMPANY, FOR DAMAGES CAUSED IN THE BOSTON TEA PARTY.



SUGAR ACT (1764) THAT PUT A THREE-CENT TAX ON FOREIGN REFINED SUGAR.



THE REVOLUTION WAS FOLLOWED BY THE REVOLUTIONARY WAR, AN ASSEMBLAGE OF MANY EVENTS LIKE THE BATTLE OF SARATOGA (1777), FRANCE AND UNITED STATES FORM FRANCO-AMERICAN ALLIANCE (1778), ENTRANCE OF SPAIN IN THE WAR AGAINST BRITAIN (1779) AND THE PEACE OF PARIS SIGNED TO END WAR (1783).



THE PEACE OF PARIS SIGNED TO END WAR (1783). ENDING THE U.S. WAR OF INDEPENDENCE, THE TREATY OF PARIS WAS SIGNED IN 1783. HOWEVER, INDEPENDENCE DAY IN THE U.S. IS CELEBRATED ON 4TH OF JULY, THE DATE ON WHICH AMERICA WAS DECLARED INDEPENDENCE IN 1776. THE REVOLUTION HAD A STRONG IMPACT ON THE THIRTEEN COLONIES OF AMERICA, GREAT BRITAIN, IRELAND AND FRANCE.



THE LAST BRITISH TROOP DEPARTED FROM NEW YORK IN NOVEMBER 1783, LEAVING THE NATION INDEPENDENT AND TO BE RULED BY ITS OWN GOVERNMENT.

L1 TD3 Foundations of American Government: from Independence to the Constitution

The road to independence:

In 1767, Parliament passed the *Townshend Acts*, which taxed lead, paint, paper, and tea imported into the colonies. In 1770, Parliament (1) _____ all provisions of the Townshend Acts with one exception – the tax on tea. Furious Americans vowed not to use tea and colonial merchants refused to sell it. On Dec. 16, 1773, a group of American colonists staged the *Boston Tea Party*; dressed as Indians, they boarded East India Company ships and threw their cargo of tea into Boston Harbor.

Angered by the Boston Tea Party, Parliament passed laws to punish the colonists early in 1774. Called the *Intolerable Acts* by the Americans, the laws included provisions that closed the port of Boston, gave increased power to the British governor of Massachusetts colony, and required the colonists to house and feed British soldiers. The Intolerable Acts stirred colonial anger more than ever before. On Sept. 5, 1774, delegates from 12 colonies met in the First Continental Congress in Philadelphia. The delegates called for an end to all trade with Britain until Parliament repealed the Intolerable Acts. *King George* insisted that the colonies either submit to British rule or be crushed.

On April 19, 1775, British troops tried to seize the military supplies of the Massachusetts (2) _____. This action led to the start of the *American Revolution*. Colonial leaders met in the Second Continental Congress on May 10, 1775. The Congress faced the task of preparing the colonies for war. It organized the Continental Army, which colonists from all walks of life joined. King George officially declared the colonies in rebellion on Aug. 23, 1775. Some people – called (3) _____ – favored submission to British rule, but a growing number supported the fight for independence.

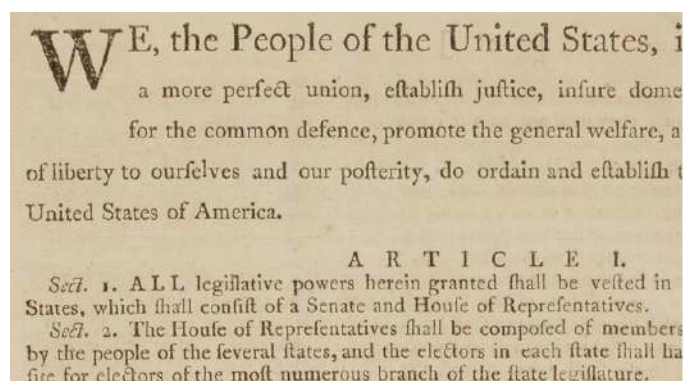
On July 4, 1776, the Second Continental Congress officially declared independence and formed the United States of America by adopting the *Declaration of Independence*. It stated that all men are created equal, and are endowed by their Creator with rights to life, liberty, and the pursuit of happiness. To protect those rights, men organized governments, and the governments derived their powers from the consent of the governed. But when a government ceased to preserve the rights, it was the duty of the people to change the government, or abolish it and form a new one.

Establishing a government:

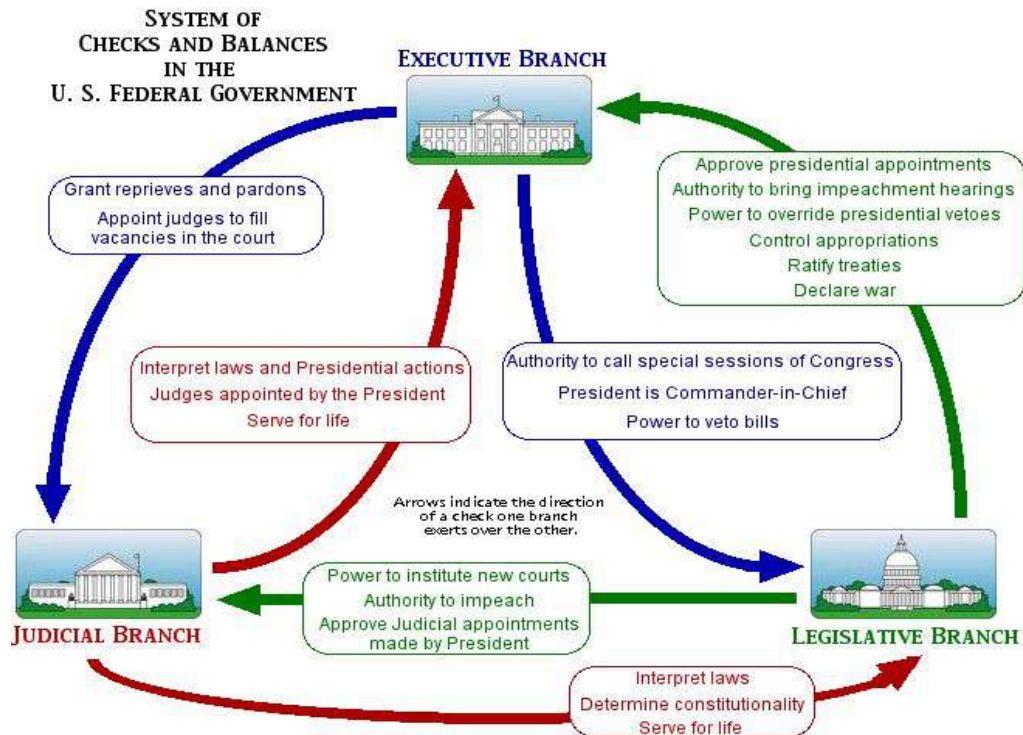
The American people began (4) _____ a new system of government as soon as they declared their independence. Each of the new states had its own constitution before the *American Revolution* ended. The state constitutions gave the people certain liberties, usually including freedom of (5) _____, religion, and the press. In 1781, the states set up a federal government under laws called the *Articles of Confederation*.

In 1787, delegates from every state except Rhode Island met in Philadelphia to consider (6) _____ to the Articles of Confederation. The delegates agreed to write an entirely new Constitution. They debated long and hard over the contents of the Constitution but they finally reached agreement on a new Constitution on Sept. 17, 1787. The authors worked out a system of government that satisfied the opposing views of the people of the 1780's. At the same time, they created a system of government (7) _____ enough to continue in its basic form to the present day.

The *Constitution* (8) _____ for a two-house legislature – a *House of Representatives* and a *Senate*. Representation in the House was based on population in order to satisfy the large states. All states received equal representation in the Senate, which pleased the (9) _____ states. The Constitution gave many powers to the government, including the rights to collect taxes and regulate trade. But the document also reserved certain powers for the states. The Constitution provided for three (10) _____ of government: the Executive, headed by a President; the Legislature, made up of the two Houses of Congress; and the Judiciary, or Federal Court system. The creators of the Constitution provided for a system of (11) _____ and (12) _____ among the three branches of government. Each branch received powers and duties that ensured that the other branches would not have too much power.



The first page of the first printing of the final text of the U.S. Constitution, a rare, valuable document that went up for auction at Sotheby's.



1/ Read the text carefully and fill in the blanks with the right word:

speech – flexible – branches – check – federal – revisions – provided – Loyalists – repealed – balances – setting up – militia

2/ Identify the following items from the text: *Townshend Acts, Boston Tea Party, Intolerable Acts, King George, American Revolution, Declaration of Independence, Articles of Confederation, Constitution*

3/ Prepare short answers to the following questions:

1. What caused the *Boston Tea Party*?
2. What was the reaction to the *Intolerable Acts*?
3. How did the *American Revolution* technically start?
4. How did the colonists justify their *Revolution* and *Declaration of Independence*?
5. What are the main features of the system provided by the *Constitution* of 1787?

4/ Read the following comparative chart on the provisions of the *Articles of Confederation* and the *Constitution* on the next page and answer.

1. How different are these two visions of what *national government* should be?
2. In terms of control, which one seems more *libertarian*? What may explain this in the particular period they were written (1780s)?
3. Which is in favor a weak form of government?
4. What is different concerning the role of the US President?
5. What is different about Congress in each system?
6. Why was a strong national government considered as a sort of failure by the defenders of the *Articles*?

5/ Grammar – use the adequate article: a/an – the – Ø

1. Both _____ Constitution and _____ Articles of _____ Confederation are landmark texts in _____ annals of _____ American history.
2. In 1787, _____ convention to form _____ new Constitution was organized: it was then adopted in 1788.
3. _____ Framers of _____ state constitutions were mostly concerned by _____ limitation on _____ government powers.
4. Under their colonial charters, _____ Americans had learnt to fear _____ power of _____ Governor who was _____ appointed agent of the British King.
5. _____ distribution and _____ limitation of central power, and thus _____ risk tyrannical power, was _____ major preoccupation in the new republic, _____ aspect that will be resolved through the system of _____ federalism.
6. _____ Constitution states that “all legislative powers [...] shall be vested in _____ Congress of _____ United States, which shall consist of _____ Senate and House of _____ Representatives.”

Articles of Confederation vs. the Constitution

The following chart compares some of the provisions of the Articles of Confederation with those in the Constitution. It's important to note that most commentators see the Articles period (1781-1789) as a weak one in terms of governmental power. Whether that is a positive or negative for the United States depends on one's point of view regarding the size and influence of a national government. Libertarians would view the Articles period as the pinnacle of American freedom, while those favoring a strong central government would see it as a failure.

	Articles of Confederation	Constitution
Levying taxes	Congress could request states to pay taxes	Congress has right to levy taxes on individuals
Federal courts	No system of federal courts	Court system created to deal with issues between citizens, states
Regulation of trade	No provision to regulate interstate trade	Congress has right to regulate trade between states
Executive	No executive with power. President of U.S. merely presided over Congress	Executive branch headed by President who chooses Cabinet and has checks on power of judiciary and legislature
Amending document	13/13 needed to amend Articles	2/3 of both houses of Congress plus 3/4 of state legislatures or national convention
Representation of states	Each state received 1 vote regardless of size	Upper house (Senate) with 2 votes; lower house (House of Representatives) based on population
Raising an army	Congress could not draft troops, dependent on states to contribute forces	Congress can raise an army to deal with military situations
Interstate commerce	No control of trade between states	Interstate commerce controlled by Congress
Disputes between states	Complicated system of arbitration	Federal court system to handle disputes
Sovereignty	Sovereignty resides in states	Constitution the supreme law of the land
Passing laws	9/13 needed to approve legislation	50%+1 of both houses plus signature of President

Feldmeth, greg D. "US Resources", www.earthlink.net

The Authors of the Constitution

John Dickinson,
Gouverneur Morris
Thomas Jefferson
John Adams
Thomas Paine
Edmund Randolph
James Madison
Roger Sherman
James Wilson
George Wythe



<http://nhd-thefoundationofconstitution.weebly.com/the-framers.html>

L1 TD4

Federalism

Although it was not directly named in the Constitution, *federalism* is a central principle of government in the United States of America.

Defining federalism

The word federal denotes (1) _____ between independent sovereignties. Unlike a confederation, a federal republic does not permit a state to have full or primary sovereignty over its internal affairs. If a conflict exists between the state and federal government, the supremacy clause mandates that federal laws are supreme. The powers of the central or national government typically are enumerated in a written constitution.

Under the *U.S. Constitution*, any powers not specifically (2) _____ to the national government are (3) _____ to be retained by state governments. State governments have their own spheres of jurisdiction and often have been extolled as important laboratories for governmental experimentation. Throughout United States history, individuals have argued that the states are better able than the national government to (4) _____ effectively to public policy issues. Others seek the strength of the national government, particularly during times of (5) _____.

The U.S. federal system has five basic characteristics:

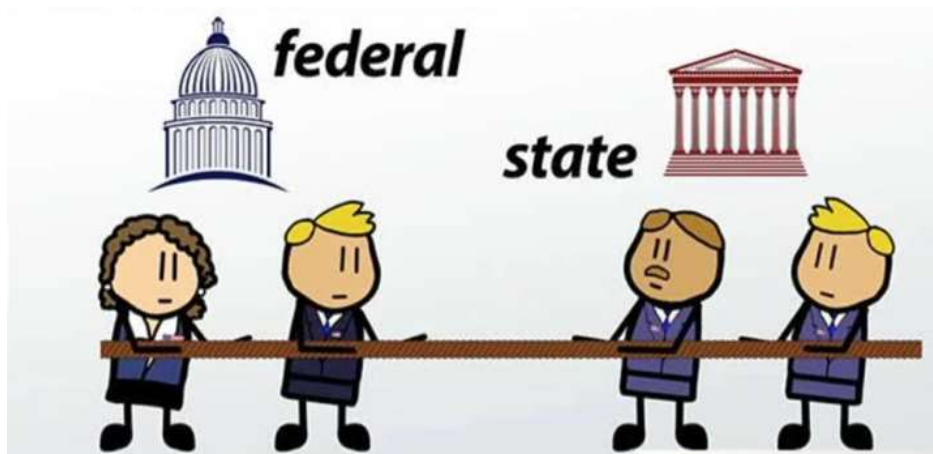
* Federalism provides a division of legal authority between state and national governments. (6) _____ occurs, but two legally distinct spheres of government exist.

* The states are (7) _____ to the national government in such areas as management of foreign affairs and regulation of interstate commerce.

* Federalism enables positive cooperation between state and national governments in programs pertaining to education, interstate highway construction, environmental protection and health, unemployment, and social security concerns.

* The U.S. Supreme Court serves as legal (8) _____ of the federal system in regard to conflicting (9) _____ of state and national governments.

* The two levels of government, state and federal, exercise direct authority simultaneously over people within their territory.



(10) _____ of states' rights and powers hold that the Constitution is a compact between the states and the federal government. Both states and the national government are supreme within their own spheres. Advocates of dual federalism argue that the national government cannot "invade" the power that is reserved for the states.

Proponents of the position that the people, not the states, created the federal government want a cooperative approach to state-nation relations. Cooperative federalism emphasizes the "general welfare" clause and the "necessary and proper" clause of the Constitution by which power of the national government may be expanded even if the actions of the national government touch or overlap with traditional state functions.

The changing nature of federalism

The (11) _____ of power between national and state governments has evolved in U.S. history. National government power generally has expanded over state power through Supreme Court decisions, constitutional amendments, executive orders, and federal statutes. Nineteenth century states' rights proponents exemplify

reactions to a stronger national government. In the twentieth century the growth of national government power within the federal system was initiated by events associated with two World Wars, the Great Depression, the Cold War, and Civil Rights Movements. From the Nixon to the Reagan–Bush administrations, however, "New Federalism" sought to return power to the states.

At the beginning of the twenty-first century, the issues of national security in respect to terrorist threats call into question the fractious relationship between peoples and governments throughout the world. The issue of creating unity and protecting security and individual rights in culturally diverse nations is related to federalism. Some analysts regard federalism as an antidote to over-centralization because it (12) _____ democratic participation and prevents the over-centralization of political power.

1/ Read the text carefully and fill in the blanks with the right word:

overlap – respond – claims – proponents – granted – presumed – fosters – crisis – balance – alliances – subordinate – arbiter

2/ Identify the following elements from the text and their main protagonists:

the drafting of the US Constitution, the Great Depression, the Civil Rights Movement

3/ Prepare short answers to the following questions:

- What is the difference between a system of confederation and a federal system?
- Give examples of *public policy issues* for which states are better able to respond to?
- What conception of federalism would you say that the presidents mentioned – Nixon, Reagan, Bush – advocate?
- Why has national government power generally expanded over state power? In what particular context?
- What role can federalism play in the 21st century?

4/ Associate these crisis to one president and reorder them in time.

- What impact did these events have on the notion of *national government* within a federal system?
- What did this imply?

- Watergate Scandal
- War in Irak
- Bay of Pigs and Cuban Missile Crisis
- Iran-Contra Affair
- New Deal
- Vietnam War

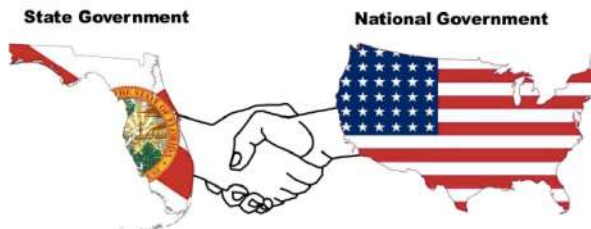
Presidents:



United States Map



WHAT IS FEDERALISM?



- ✓ National Constitution is "the supreme law of the land"
- ✓ Laws made in individual states cannot conflict with the national Constitution or national laws

Federalism

Powers Delegated to the National Government

- declare war
- create and maintain armed forces
- establish foreign policy
- regulate interstate and foreign trade
- make copyright and patent laws
- establish postal offices
- coin money

Powers Reserved to States

- establish local governments
- establish and maintain schools
- regulate trade within states
- conduct elections
- provide for public safety
- raise taxes
- provide for the public welfare
- criminal justice
- borrow money
- charter banks
- build roads

5/ Grammar – relative pronouns: which – Ø – that – where – whose – who

1. Federalism is a system of government in _____ the same territory is controlled by two levels of government.
2. Generally, an overarching national government is _____ the responsibility for broader governance of larger territorial areas lies, while the smaller subdivisions, states, and cities govern the issues of local concern.
3. Both the national government and the smaller political subdivisions have a legislative power _____ makes laws and both have a certain level of autonomy from each other.
4. In the United States, it the Constitution _____ has established a system of "dual sovereignty," under _____ the States have surrendered many of their powers to the Federal Government, but also retained some sovereignty.
5. We owe the organization of the US to the Framers of the Constitution _____ established the principle of federalism.
6. The *Supremacy Clause*, _____ main principles are to be found in Article VI of the Constitution, states that "This Constitution, and the laws of the United States _____ shall be made in pursuance thereof; and all treaties

made, or _____ shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding."

7. Article I, Section 8 of the Constitution describes the specific powers _____ belong to the federal government, referred to as *enumerated powers*.

8. The powers _____ the *Tenth Amendment* mentions are the powers reserved to the states, as long as those powers are not delegated to the federal government.

9. *Concurrent powers* refer to powers _____ are shared by both the federal government and state governments, including the power to tax, build roads, and create lower courts.

6/ Discussion: what advantages do you see in the organization of a federal state?

• **Further Reading:**

Jeffersonian Federalism and the Origins of State Rights

Thomas Jefferson's name is most commonly associated in American popular culture with what we now call "democracy," which Jefferson's friend and collaborator James Madison called "republicanism": government by elected officials. Abundant evidence supports that Jefferson placed a high priority on this principle.

It was not the only one. Even more important was freedom of conscience, the great American contribution to world freedom. Closely related to republicanism and freedom of conscience, in Jefferson's mind and practice, was a third: federalism.

This idea commonly goes by the name "states' rights" these days. Its opponents have conflated it with power in state governments, and some of those opponents have been so influential that many of federalism's friends are prone to see it that way too. As Jefferson and the like-minded understood it, however, it meant limitation on federal power. Insofar as the US government did not have power, they believed, that power remained in the states as distinct, preexisting political communities. Whether those communities gave particular powers to the state governments was up to them.

Their promise that the federal government would rest on this principle was a key component of the Federalists' success in persuading the states to ratify the Constitution in 1787–1790. In fact, it was the key component. Not just outliers, but leading Federalists in at least eight states made it the bottom line in their argument that the Constitution was not a threat to the revolutionary legacy. To join the new union under the new Constitution would not amount to surrender of the insistence on local self-government— "no taxation without representation," and since representation of the colonies in Parliament was impossible, taxation only by their provincial assemblies— that underlay the colonists' contention that Parliament was trying to deprive them of their political inheritance as Englishmen. New York's Alexander Hamilton and Virginian James Madison said so in *The Federalist*. Governor Edmund Randolph said so, repeatedly, in the Virginia Ratification Convention. A delegate from Jefferson's Albemarle County and close Madison collaborator, George Nicholas, echoed Randolph.⁴ William Cushing of Massachusetts said the same, as did South Carolina's Charles Cotesworth Pinckney. Pennsylvania's James Wilson outlined this argument in the most widely disseminated Federalist case for the Constitution, his famous State House Yard Speech.

Thomas Jefferson believed them. In fact, since he held that the Constitution's meaning was to be found in its friends' explanation of it during the ratification campaign, the fact that these and other prominent Federalists sold it this way— while no significant Federalist said they were wrong— closed the question for him. Like it or not, the Constitution gave the federal government only the enumerated powers.

This is not to say that Jeffersonian federalism was a be-all, end-all principle for Jefferson.

On the one hand, he sometimes insisted on the common identity of an American people. That is certainly the most plausible reading of the first sentence of the Declaration of Independence, for example. Predictably, he spoke as an American in his roles as secretary of state and Federalism president. On the other hand, he held that to arrive at the optimal political organization, Virginians must "divide and subdivide": their counties were not the smallest political unit he wanted, but instead he hoped to see them adopt the idea of "ward republics." There, even common citizens might conduct their everyday civic affairs in company with their immediate neighbors. There, an average man could be the "political animal" to which Aristotle referred.

Yet, it was the states that were the chief resource of Jeffersonian federalism. It was upon them that he relied for protection against overweening central authority, first British and then American. It was in Virginia that he endeavored to realize his chief revolutionary reforms. It was perforce in state-level politics that he would endeavor to sell his fellow citizens on the idea of ward republics.

from Kevin R. C. Gutzman's *James Madison and the Making of America* (2012)
www.thehistoryreader.com/us-history/jeffersonian-federalism/

Two models of executive leadership exist in representative democracies, prime ministers and presidents. The British prime minister for example is chosen not by the (1) _____, but by members of Parliament. In Britain's parliamentary system, the prime minister is a party leader, chosen by elected officials of the party, and selected on the basis of the ability to hold the party together inside Parliament. The American President, on the other hand, is chosen by (2) _____ in which party professionals are a minority; he is chosen in election years with an eye to appealing to a majority of the voters and is likely (or not in certain cases) to have had administrative experience in Washington. Presidents often lack a majority in one or both houses of (3) _____, and they select cabinet members to reward personal followers, recognize interest groups, or gain expertise in the cabinet.

The president's constitutionally **defined powers**, found mostly in Article II, are not impressive. The power of commander-in-chief, for example, was, at first, not considered to entail much authority. The president also possesses the power to "take care that the laws be faithfully executed." The wording seems to imply that the president is allowed to do no more than withhold the laws of Congress, but subsequent (4) _____ interpretations of this clause have (5) _____ the scope of presidential authority to act without a specific congressional mandate in domestic affairs.

Under the constitutional system of separated powers and **checks and balances**, the Congress is one of the strongest checks on the president. Building unity across the branches is therefore one of the greatest challenges confronting presidents, who often propose ambitious legislative agendas to the Congress. Party alliances are therefore extremely important.

The institutionalization of the Presidency

Since **the New Deal** era, the president has headed a vast bureaucracy responsible not only for (6) _____ government policy but also for providing policy initiatives.

The **cabinet** consists of the heads of the federal departments. Cabinet members are heads of vast organizations that they seek to defend, explain, and enlarge. Only a tiny proportion of employees in cabinet departments (typically under 1 percent) can be appointed by the president. While cabinet members once had strong independent political followings, they are now likely to be appointed for their administrative experience or policy connections. The president is fortunate if most cabinet members agree with him on major policy questions, and there is an inevitable rivalry between the White House staff and the department heads.

Given the president's (7) _____ of constitutional powers and his inability to depend on cooperation from Congress or even support from the executive branch, he must necessarily rely on persuasion if he is to accomplish much. His persuasive powers are aimed at his fellow politicians and leaders in Washington, his party advisers and office-holders outside Washington, and also the American citizen, each with a different view or set of interests. The purpose is to generate personal popularity, which will translate into congressional support; the more popular the president, the higher the proportion of his bills that Congress will pass. However, any popularity the president succeeds in gaining is temporary: every modern president except **Eisenhower** has lost popular support between his (8) _____ and the time he left office. In addition to the ability to appoint people to office and to persuade the public, the president has some additional (9) _____ with which to influence policy.

1. The veto. The president can exercise this constitutional power of the office by sending a *veto message* back to Congress or by doing nothing if Congress adjourns within ten days of sending the bill to the president: this is called a *pocket veto*. The veto is nevertheless a powerful weapon, because historically less than 4 percent of presidents' vetoes have been (10) _____.

2. Executive privilege. The president has traditionally claimed the right to keep secret communication within the executive branch, based on the principle of separation of powers (which would be compromised if the internal workings of one branch could be scrutinized by another branch) and on the president's need to obtain confidential and candid advice from activists (who could not be frank if their communications were made public). In the **Watergate** tapes case (*United States v. Nixon*) the Supreme Court (11) _____ that executive privilege did not allow the president to (12) _____ evidence from a criminal investigation.

1/ Read the text carefully and fill in the blanks with the right word.

withhold – Supreme Court – voters – prerogatives – lack – inauguration – held – conventions – expanded – implementing – Congress – overridden

2/ Prepare short answers to the following questions:

- Make a list of the president's *defined powers*. How important is that list?
- What is particular about the *formulation* of some of these powers?

- c. Why is Congress *one of the strongest checks on the president*?
- d. What other powers of the President are not necessarily mentioned here?
- e. How can a President influence or *check* Congress?

Constitutional Powers of the President

Article. II.

Section.1.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years.

Section.2.

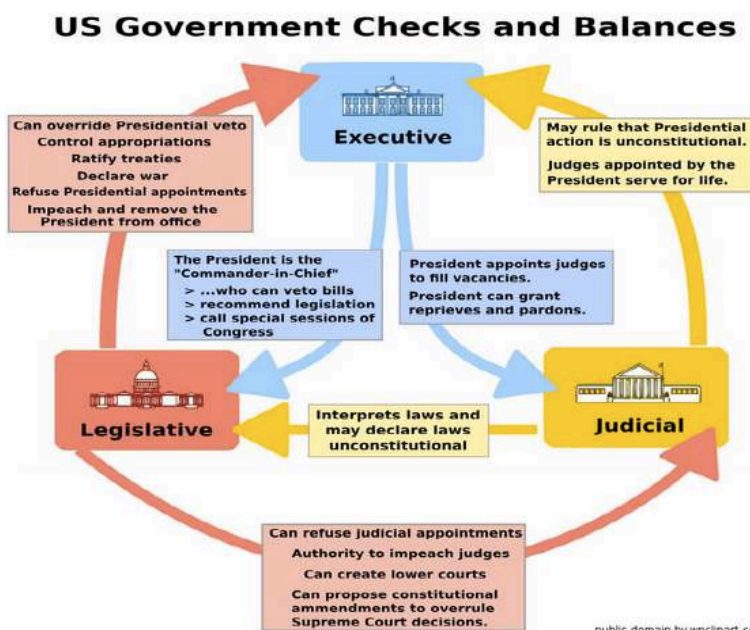
The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section.3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.



3/ Comment on the use of executive privilege by US Presidents:

1. For which type of situation would a president invoke his executive privilege?
2. Is it legal to withhold information from Congress? Can this be prevented?
3. Why would a president be asked to testify in front of Congress?
4. Which president has made ample use of his executive privilege? What does this mean about *his* presidency?
5. Do you think this may lead to an excessive concentration of power?
6. Considering how presidents have invoked it in the past, can it be justified in particular cases?
7. While not specifically enumerated in the Constitution and part of the *inherent* powers of the president, can courts deny executive privilege and force disclosure if they believe the need to make the information public outweighs confidentiality?

When Presidents Invoke Executive Privilege

Presidents can claim executive privilege to withhold documents or to prevent members of the executive branch from testifying in order to protect their communications. The reasoning goes that the president's advisers must be able to offer advice freely and without fear of censure.

But that doesn't always hold up in court — just ask Richard Nixon, whose attempts to withhold audio-taped recordings connected to the *Watergate* scandal were blocked by the Supreme Court. Or Bill Clinton, who tried to dodge testimony about Monica Lewinsky and was overruled by the courts.

Today, the White House pointed to recent history in announcing that [...] presidents have invoked executive privilege over 25 times since President Ronald Reagan was in office:

Reagan claimed executive privilege three times, according to a 2008 Congressional Research Service report in connection with investigations into Canadian oil leases, Superfund enforcement practices, and memos written by Justice William Rehnquist when he worked in the Justice Department, ahead of his nomination proceedings for the Supreme Court.

George H.W. Bush only invoked it once: In 1991, he allowed Dick Cheney, then the defense secretary, to not turn over documents subpoenaed during a congressional investigation into a Navy aircraft program.

Clinton was the first president to invoke executive privilege without issuing a written order; according to today's White House statement, he claimed the privilege 14 times, including to avoid having to testify about his involvement in the Whitewater scandal in 1995.

Clinton was overruled by a federal judge three years later, when he tried to avoid testifying or allowing his advisers to testify about his relationship with Monica Lewinsky. That made him the first president since Nixon to invoke the privilege and lose.

George W. Bush invoked executive privilege six times, including to avoid handing over documents to a congressional committee on the FBI's use of mob informants in Boston, and to deny access to Justice Department correspondence about Clinton's fundraising tactics.

In 2007, the Bush White House also declined to give Congress documents about the death of Pat Tillman, the football star-turned-Army Ranger, who was killed in Afghanistan. The military initially said Tillman was killed in a firefight with the enemy, but it was later discovered that he was shot in a friendly fire accident. In refusing to hand over the documents, Bush's counsel said the documents "implicate Executive Branch confidentiality interests."

Barely a month later, Bush used the privilege to allow Karl Rove, his senior adviser at the time, to avoid testifying before Congress during its investigation into the firing of nine federal prosecutors, allegedly for partisan reasons.

Barack Obama's most famous use of executive privilege came during the *Fast and Furious scandal*. The Bureau of Alcohol, Tobacco, and Firearms had run an operation to sell guns to Mexico, in the hope that they could track those weapons to major drug cartels and apprehend some of their members. The guns were not able to be tracked and one was eventually used in the killing of a border patrol agent. Representative Darrell Issa and Senator Chuck Grassley held hearings to determine what went wrong during the mission. Obama and Attorney General Eric Holder both said they did not know about it until a few weeks prior to the killing and did not authorize it. Congress and the Department of Justice ended up in a standoff over the sharing of 1,300 documents, leading Obama to assert executive privilege in order to keep them private. In retaliation, Congress voted to make Holder the first Cabinet member held in contempt of Congress. Much like Nixon and Clinton, Obama's claim of executive privilege was rejected by a federal court, and the documents were turned over.

Donald Trump has invoked his executive privilege to try to block congressional investigators from getting access to certain documents and witnesses they are seeking. He has cited executive privilege twice

so far as part of his effort to stonewall Congress on its multiple inquiries into his presidency, finances and businesses. The Republican president has called the Democratic-led investigations “presidential harassment.” In an unusual move, he is even suing to try to stop the release of some material lawmakers have sought.

Trump turned to executive privilege for a second time on Wednesday to keep under wraps documents on adding a citizenship question to the 2020 U.S. census, defying a Democratic-led House of Representatives committee’s subpoena. He also appealed after a federal judge rejected his request to block release of documents to the House committee investigating the Jan. 6 Capitol insurrection.

The Biden administration largely waived executive privilege over those documents, freeing the National Archives to provide them to the committee. But Trump sued to try to prevent them from being made public. The test of executive privilege by the former president is expected to reach the Supreme Court.

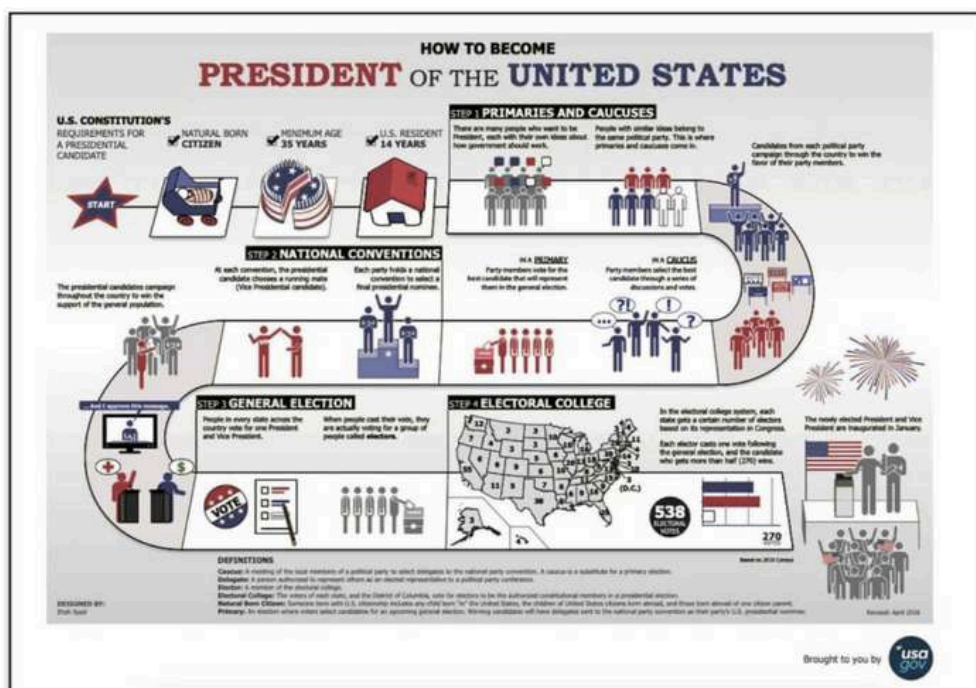
Clearly, in the last half-century, executive privilege has lost some of its luster. With popular distrust of Washington at record highs, using this power appears less like protecting the public interest and more like hiding from the public for your own interest. But while executive privilege may be on the ropes after several defeats in court over the years, history indicates that President Donald J. Trump and future Presidents will continue to call upon this power—and the courts will continue to judge its necessity.

<https://www.pbs.org/wgbh/frontline/article/when-presidents-invoke-executive-privilege/>
<https://constitutioncenter.org/blog/when-presidents-use-executive-privilege/>

4/ Grammar – use the right modal: shall, should, will, would, can, could, may, might

1. A president _____ invoke his executive to avoid disclosing information affecting National Security. Yet this _____ be denied by Courts if they consider that public information outweighs confidentiality
2. Article 2, section 2 of the US Constitution states that “the president _____ have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators.”
3. If Bill Clinton had not lied to Congress concerning the Monica Lewinsky case, he _____ not have worried by an impeachment procedure.
4. A president _____ prevent a situation where he _____ be humiliated in front of Congress by disclosing information.
5. _____ Joe Biden be reelected, he _____ have to take into account the polarization of the American electorate in his future reforms, which _____ prove an extremely task.
6. Before being subpoenaed, a president _____ prepare his hearing with his team of advisers.

5/ Discussion: do you think that the US president concentrates too much power?



Joe Biden's *Inauguration Speech*

January 20, 2021

Chief Justice Roberts, Vice-President Harris, Speaker Pelosi, Leader Schumer, Leader McConnell, Vice-President Pence. My distinguished guests, my fellow Americans.

This is America's day. This is democracy's day. A day of history and hope, of renewal and resolve. Through a crucible for the ages, America has been tested anew and America has risen to the challenge. Today we celebrate the triumph not of a candidate but of a cause, a cause of democracy. The people - the will of the people - has been heard, and the will of the people has been heeded.

We've learned again that democracy is precious, **democracy is fragile (1)** and, at this hour my friends, democracy has prevailed. So now on this hallowed ground where just a few days ago **violence sought to shake the Capitol's very foundations (2)**, we come together as one nation under God - indivisible - to carry out the peaceful transfer of power as we have for more than two centuries.

As we look ahead in our uniquely American way, restless, bold, optimistic, and set our sights on a nation we know we can be and must be, **I thank my predecessors of both parties for their presence here (3)**. I thank them from the bottom of my heart. And I know **the resilience of our Constitution (4)** and the strength, the strength of our nation, as does President Carter, who I spoke with last night who cannot be with us today, but who we salute for his lifetime of service.

I've just taken a sacred oath each of those patriots have taken. **The oath first sworn by George Washington (5)**. But the American story depends not on any one of us, not on some of us, but on all of us. On we the people who seek a more perfect union. This is a great nation, we are good people. And over the centuries through storm and strife in peace and in war we've come so far. But we still have far to go.

We'll press forward with speed and urgency for **we have much to do in this winter of peril (6)** and significant possibility. Much to do, much to heal, much to restore, much to build and much to gain. Few people in our nation's history have been more challenged or found a time more challenging or difficult than the time we're in now. A once in a century virus that silently stalks the country has taken as many lives in one year as in all of World War Two.

Millions of jobs have been lost. Hundreds of thousands of businesses closed. A cry for racial justice, some 400 years in the making, moves us. The dream of justice for all will be deferred no longer. A cry for survival comes from the planet itself, a cry that can't be any more desperate or any more clear now. The rise of political extremism, white supremacy, domestic terrorism, that we must confront and we will defeat.

To overcome these challenges, to restore the soul and secure the future of America, requires so much more than words. It requires the most elusive of all things in a democracy - unity. Unity. In another January on New Year's Day **in 1863 Abraham Lincoln signed the Emancipation Proclamation (7)**. When he put pen to paper the president said, and I quote, 'if my name ever goes down in history, it'll be for this act, and my whole soul is in it'.

My whole soul is in it today, on this January day. My whole soul is in this. Bringing America together, uniting our people, uniting our nation. And I ask every American to join me in this cause. Uniting to fight the foes we face - anger, resentment and hatred. Extremism, lawlessness, violence, disease, joblessness, and hopelessness.

With unity we can do great things, important things. We can right wrongs, we can put people to work in good jobs, we can teach our children in safe schools. We can overcome the deadly virus, we can rebuild work, we can rebuild the middle class and make work secure, we can secure racial justice and we can make America once again the leading force for good in the world.

My fellow Americans, we have to be different than this. We have to be better than this and I believe America is so much better than this. Just look around. Here we stand in the shadow of the Capitol dome. As mentioned earlier, completed in the shadow of **the Civil War (8)**. When the union itself was literally hanging in the balance. We endure, we prevail. Here we stand, looking out on **the great Mall, where Dr King spoke of his dream (9)**.

Here we stand, where **108 years ago at another inaugural, thousands of protesters tried to block brave women marching for the right to vote (10)**. And today we mark the swearing in of the first woman elected to national office, **Vice President Kamala Harris (11)**. Don't tell me things can't change. Here we stand where heroes who gave the last full measure of devotion rest in eternal peace.

And here we stand just days after a riotous mob thought they could use violence to silence the will of the people, to stop the work of our democracy, to drive us from this sacred ground. It did not happen, it will never happen, not today, not tomorrow, not ever. Not ever. To all those who supported our campaign, I'm humbled by the faith you placed in us. To all those who did not support us, let me say this. Hear us out as we move forward. Take a measure of me and my heart.

If you still disagree, so be it. That's democracy. That's America. The right to dissent peacefully. And the guardrail of our democracy is perhaps our nation's greatest strength. If you hear me clearly, disagreement must not lead to disunion. And I pledge this to you. I will be a President for all Americans, all Americans. And I promise you I will fight for those who did not support me as for those who did.

Many centuries ago, St Augustine - the saint of my church - wrote that a people was a multitude defined by the common objects of their love. Defined by the common objects of their love. What are the common objects we as Americans love, that define us as Americans? I think we know. Opportunity, security, liberty, dignity, respect, honour, and yes, the truth.

Recent weeks and months have taught us a painful lesson. **There is truth and there are lies. Lies told for power and for profit (12)**. And each of us has a duty and a responsibility as citizens as Americans and especially as leaders. Leaders who are pledged to honour our Constitution to protect our nation. To defend the truth and defeat the lies.

Look, I understand that many of my fellow Americans view the future with fear and trepidation. I understand they worry about their jobs. I understand like their dad they lay in bed at night staring at the ceiling thinking: 'Can I keep my healthcare? Can I pay my mortgage?' Thinking about their families, about what comes next. I promise you, I get it. But the answer's not to turn inward. To retreat into competing factions. Distrusting those who don't look like you, or worship the way you do, who don't get their news from the same source as you do.

We must end this uncivil war that pits red against blue, rural versus urban, conservative versus liberal. We can do this if we open our souls instead of hardening our hearts, if we show a little tolerance and humility, and if we're willing to stand in the other person's shoes, as my mom would say. Just for a moment, stand in their shoes.

Because here's the thing about life. There's no accounting for what fate will deal you. Some days you need a hand. There are other days when we're called to lend a hand. That's how it has to be, that's what we do for one another. And if we are that way our country will be stronger, more prosperous, more ready for the future. And we can still disagree.

My fellow Americans, in the work ahead of us we're going to need each other. We need all our strength to persevere through this dark winter. We're entering what may be the darkest and deadliest period of the virus. We must set aside politics and finally face this pandemic as one nation, one nation. And I promise this, as the Bible says, 'Weeping may endure for a night, joy cometh in the morning'. We will get through this together. Together.

Look folks, all my colleagues I serve with in the House and the Senate up here, we all understand the world is watching. Watching all of us today. So here's my message to those beyond our borders. America has been tested and we've come out stronger for it. We will repair our alliances, and engage with the world once again. Not to meet yesterday's challenges but today's and tomorrow's challenges. And we'll lead not merely by the example of our power but the power of our example.

Fellow Americans, moms, dads, sons, daughters, friends, neighbours and co-workers. We will honour them by becoming the people and the nation we can and should be. So I ask you let's say a silent prayer for those who lost their lives, those left behind and for our country. Amen.

Folks, it's a time of testing. We face an attack on our democracy, and on truth, a raging virus, a stinging inequity, systemic racism, a climate in crisis, America's role in the world. Any one of these would be enough to challenge us in profound ways. But the fact is we face them all at once, presenting this nation with one of the greatest responsibilities we've had. Now we're going to be tested. Are we going to step up?

It's time for boldness for there is so much to do. And this is certain, I promise you. We will be judged, you and I, by how we resolve these cascading crises of our era. We will rise to the occasion. Will we master this rare and difficult hour? Will we meet our obligations and pass along a new and better world to our children? I believe we must and I'm sure you do as well. I believe we will, and when we do, we'll write the next great chapter in the history of the United States of America. The American story.

A story that might sound like a song that means a lot to me, it's called American Anthem. And there's one verse that stands out at least for me and it goes like this: 'The work and prayers of centuries have brought us to this day, which shall be our legacy, what will our children say? Let me know in my heart when my days are through, America, America, I gave my best to you.'

Let us add our own work and prayers to the unfolding story of our great nation. If we do this, then when our days are through, our children and our children's children will say of us: 'They gave their best, they did their duty, they healed a broken land.'

My fellow Americans I close the day where I began, with a sacred oath. **Before God and all of you, I give you my word (13).** I will always level with you. I will defend the Constitution, I'll defend our democracy.

I'll defend America and I will give all - all of you - keep everything I do in your service. Thinking not of power but of possibilities. Not of personal interest but of public good.

And together we will write an American story of hope, not fear. Of unity not division, of light not darkness. A story of decency and dignity, love and healing, greatness and goodness. May this be the story that guides us. The story that inspires us. And the story that tells ages yet to come that we answered the call of history, we met the moment. Democracy and hope, truth and justice, did not die on our watch but thrive.

That America secured liberty at home and stood once again as a beacon to the world. That is what we owe our forbearers, one another, and generations to follow.

So with purpose and resolve, we turn to those tasks of our time. Sustained by faith, driven by conviction and devoted to one another and the country we love with all our hearts. May God bless America and God protect our troops.



➤ *General reading / watching:*

. **Watch Joe Biden's Inaugural Address on youtube**

Comment on the atmosphere. Why is this inauguration any different from the previous ones?

. **Read over Joe Biden's speech and comment on the 13 selected items in bold characters.**

➤ *Speech analysis:*

. **Speaker:** who is the speaker?

. **Context:** state the place and time of the speech. Why is it a historic moment? What is the importance of the place? Any other elements of context?

. **Tone:** what is the tone used by the speaker? (solemn, ironic, indignant, conciliatory ...)

. **Target audience:** immediate target audience / wider target audience. Who does he also directly address in his speech?

. **Aim:** what does he hope to achieve? Consider long-term and short-term aims.

➤ *Means:*

. **language:** analyze the speaker's use of language to influence his audience (stylistic devices, language, tenses, modals, repetitions, register, tone ...)

. **themes:** identify the different themes (time periods, topics, values, historical references ...)

. **historical references:** list the different references. What is the interest of using them? Do they appear relevant in his speech?

. **emotion / reason:** analyze if / how the speaker uses them to influence his audience? Would you say this works or not?

. **other comments:** any other comment on the speech?

➤ *Overall assessment:*

. What are in your opinion the most powerful elements of the speaker's message?

. Would you say that Joe Biden's speech is convincing?

. General opinion on the Inauguration speech.



1.



2.

BALANCE OF POWER U.S. HOUSE

Updated Dec 7, 2022, 4:42 PM

Democrats 213

218

221 Republicans



BALANCE OF POWER U.S. SENATE

Updated Dec 7, 2022, 4:32 AM

Democrats 51

50

49 Republicans



36 seats not up for election

* Seat flipped


Should an equal number of senators caucus with each party, Democrats will control the chamber due to Vice President Kamala Harris' tie-breaking vote. The GOP tally includes Alaska, which a Republican will win via ranked choice voting.

3.

The Composition of the US Congress:

- There are 100 senators and 435 representatives.
- There are 2 senators from each state.
- The number of representatives for each state depends on its population. It varies between 1 and 53 representatives, based on the system of apportionment.
- The senators are elected for a period of 6 years and the representatives for 2 years.

4.

 ***The United States Congress*** is part of the legislative branch and is made up of two houses – the House of Representatives and the Senate. This two-house system is known as a bicameral legislature. The primary duty of Congress is to write, debate, and pass (1) _____, which are then passed on to the president for (2) _____. Other congressional duties include (3) _____ pressing national issues and supervising the executive and judicial branches. Since the First Congress, which met from 1789 to 1791, all Congresses have been numbered in order. This is currently the 118th Congress. Congress meets once every year and usually lasts from January 3rd to July 31st, but in special cases, a session can last longer. For the most part, the House and Senate each meet in their respective chamber in the U.S. Capitol in Washington, D.C.; however, on rare occasions, they will convene for a joint session of Congress in the House chamber. For example, a joint session will be called to count electoral votes for presidential elections.

The Constitution grants Congress "all **legislative powers**" in the national government. Article I, Section 8, of the Constitution lists a wide range of congressional powers, including: (4) _____ money, maintaining a military, declaring war on other countries, regulating interstate and foreign commerce. Congress also controls federal coining and spending policies—one of the most important sources of power in the government. The Constitution also gives Congress the authority to "make all laws which shall be necessary and proper," an important source of power sometimes called the (5) _____ Clause.

One of the most important implied powers is Congress's authority to investigate and oversee the executive branch and its agencies, such as the Department of Defense and the Department of Justice. As part of this

responsibility, which is known as (6) _____, Congress summons senior officials to answer questions from members, orders audits of agencies, and holds hearings to air grievances of citizens.

Congress also holds (7) _____ on matters of general public concern. Sometimes members of Congress conduct these hearings to identify problems that create a need for new laws. In other cases Congress holds hearings to raise public awareness about an issue. There are, however, some congressional powers that are rarely used such as the ability to (8) _____ an official and the ability to amend the Constitution. In addition to the power described above, Congress shares powers with the president in matters such as, framing U.S. foreign policy and control over the military. For example, while the president negotiates treaties, they are only put into effect once the Senate approves them. Also, while Congress can declare war and approve funds for the military, the president is the commander-in-chief of the military.

When the Constitution was being (9) _____, a debate broke out between states with large populations and those with smaller populations. To be fair to each group, a compromise was reached. By dividing Congress into two houses, the House of Representatives would favor states with larger populations, while the Senate would favor those states with smaller populations.

There are a total of 435 members in the **House of Representatives**. Each member represents an area of a state, known as a (10) _____ district. The number of representatives is based on the number of districts in a state. Each state is guaranteed one seat. Every ten years, the U.S. Census Bureau counts the population of the states to determine the number of districts in each state. Representatives, elected for two-year terms, must be 25 years old, a citizen for at least seven years, and a resident of the state from which they are elected. Five additional members – from Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia – represent their constituencies in the House. While they may participate in the debates, they cannot vote.

The House has special jobs that only it can perform. It can start laws that make people pay taxes, decide if a government official should be put on (11) _____ before the Senate if s/he commits a crime against the country.

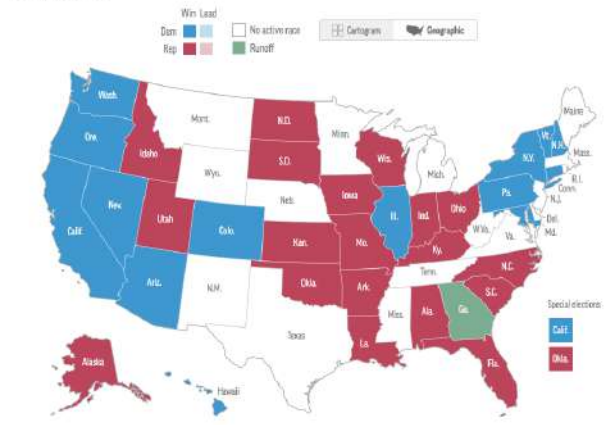
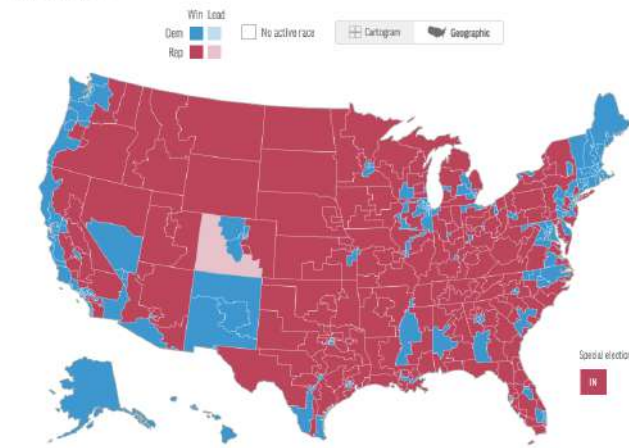
There are a total of 100 members in the **Senate**. The Constitution states that the vice president has formal control over the Senate and is known as the president of the Senate. In actuality, the vice president is only present for important ceremonies and to cast a tiebreaking vote. Senators, elected for six-year terms, must be 30 years old, a citizen for at least nine years, and a resident of the state from which they are elected. As in the House, the Senate also has special jobs that only it can perform. It can confirm or disapprove any treaties the President drafts, confirm or disapprove the Presidential (12) _____, such as the Cabinet, officers, Supreme Court justices, and ambassadors, hold a trial for a Government official who commits a crime against the country.

1/ Read the text carefully and fill in the blanks with the right word.

investigating – trial – impeach – approval – taxing – congressional – drafted – oversight – Elastic – hearings – bills – appointments

2/ Prepare short answers to the following questions:

- a. Why can it be said that the U.S. Capitol is the seat of a bicameral legislature?
- b. What is the role of Congress?
- c. Make a list of the prerogatives of Congress and the powers it shares with the president. In which section of the Constitution are they defined?
- d. How is *federal taxing and spending* described in the text? Why?
- e. Does the *U.S. Census Bureau* have an important role? Why?
- f. List the specificities of the Senate as opposed to the House of Representatives.
- g. Make a list of the different places mentioned in the text and recap what they are related to.



The Constitution also gives each house of Congress some special, exclusive powers. Such powers given to the House of Representatives include the following:

- **Revenue bills** must originate in the House of Representatives. Although this power is still honored today, it tends to have blurred over the years. Often budget bills are considered simultaneously in both houses. For example, current discussions of possible tax cuts are taking place not only in both houses, but in the executive branch as well.
- **Impeachment power**, the authority to charge the President and other "civil officers" with wrongdoing, is given to the House. A simple majority vote can impeach an elected official.

Special, exclusive powers given to the Senate include the following:

- Major **presidential appointments** must be confirmed by the Senate. The Senate offers "advice and consent" to the President by a majority vote on the appointments of federal judges, ambassadors, and Cabinet positions.
- **Treaties** with other nations entered into by the President must be approved by a two-thirds vote by the Senate. This provision is an illustration of checks and balances, and it has served as a very important restriction to foreign policy powers of the President.
- An **impeachment trial** occurs in the Senate. If the House votes to impeach an elected official, the accused party gets a hearing in the Senate. A two-thirds majority can convict the individual and remove him or her from office.

Important Constitutional Differences

House of Representatives

Initiates all revenue bills
Initiates impeachment procedures and passes articles of impeachment
Two-year terms
435 members (apportioned by population)

Senate

Must confirm many major presidential appointments
Tries impeachment officials
Six-year terms (One-third up for reelection every 2 years)
100 members (two from each state)
Approves treaties

Evolutionary powers

The "elastic," or implied powers, clause gives Congress the authority to pass laws it deems "necessary and proper" to carry out its enumerated functions. Many Congressional powers that have evolved over the years are based on this important clause. Here are a couple.

- **Oversight of the budget.** Congress reviews and restricts the annual budget prepared by the executive branch. When a law is passed setting up a government program, Congress must pass an authorization bill that states the maximum amount of money available. When the nation's budget is set, only Congress can set the appropriations — the actual amount available in a fiscal year — for each program that it has authorized.

- **Investigation.** Congress may investigate both issues that warrant study and wrongdoings by public officials. Through committee hearings, Congress has examined issues such as crime, consumer safety, health care, and foreign trade. Although Congress must abide by protected individual rights, their committees have examined many allegations against elected officials.

The American Congress has more power than any legislature among the world's modern democracies. The parliaments of Europe are often "arena" legislatures that provide a forum for debate on policies proposed by a powerful prime minister or president. Only the American democracy enables its legislature with the critical role of setting the lawmaking agenda.

<https://www.ushistory.org/gov/6a.asp>

1. Who drafted it and when?
2. What is meant by *the Elastic Clause*. What does it imply?
3. In terms of constitutional powers reserved for each of the two chambers, which seem to you of particular importance and why? Compare the two chambers.
4. What type of relationship does it establish between the two chambers? Between the Legislative and the Executive?
5. Which chamber seems to represent best the US citizens? Why is the number of members of each chamber not equal? Is this a problem?



How Americans view Congress

<https://www.pewresearch.org/politics/2023/09/19/how-americans-view-congress-the-president-state-and-local-political-leaders/>
 Pew Research Center September 19, 2023

While trust in the federal government hovers near a historic low, public views of Congress, the Supreme Court and the president also are quite negative.

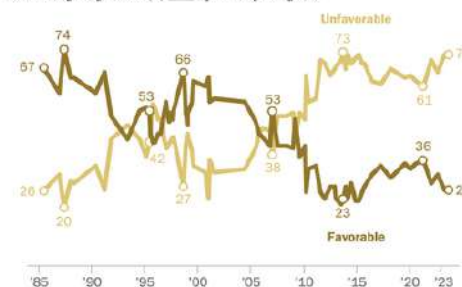
However, people's ratings of the job performance of *their own* congressional representative – in contrast with views of Congress as a whole – are more positive than negative. Their assessments of their state's governor also are positive, on balance. Yet both Democrats and Republicans are far more positive about both their governor and their member of Congress when that person shares their partisanship.

By more than two-to-one (56% to 26%), Americans say their local elected officials are doing a good job.

Congress

Most Americans continue to have a negative view of Congress

% who say they have a(n) ___ opinion of Congress



Note: No answer responses not shown.
 Source: Survey of U.S. adults conducted July 10-16, 2023.
 Trend sources: Pew Research Center's American Trends Panel (2019-2023), Pew Research Center phone surveys (2018 and earlier).
 "Americans' Dismal Views of the Nation's Politics"
 PEW RESEARCH CENTER

About seven-in-ten Americans (72%) say they have an unfavorable view of Congress, with 26% saying they have a favorable view.

While public views of Congress have been more negative than positive for over a decade, the share of Americans giving Congress an unfavorable rating is now among the highest in nearly four decades of polling.

Throughout much of the 1980s, '90s and early 2000s, Congress was viewed more favorably than unfavorably. Views were more evenly split in the late 2000s and began to shift in a negative direction over the next several years.

The House of Representatives and the Senate are both viewed somewhat more positively than “Congress” as a whole: about a third of Americans view each chamber positively, while 26% say the same of Congress.

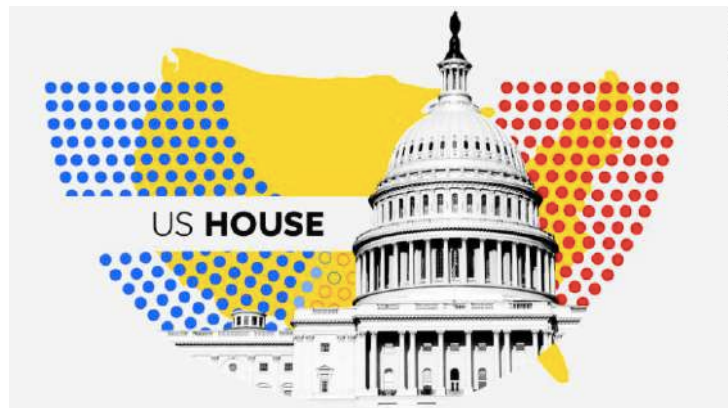
1. What interesting comment can you make on how Americans see their Congress?
2. Does this seem surprising to you?
3. What potential factors may explain this?
4. What does this reveal about politics in general?
5. Why do you think state governors (or local officials) are viewed more favorably?

3. Grammar – use the adequate tense

1. Since it first _____ (meet) on March 4, 1789, Congress _____ (inaugurate) 118 times.
2. Public views of Congress have been _____ (be) more negative than positive in the last ten years.
When the Framers _____ (draft), they _____ (make) sure that Congress would be in position to check the executive if necessary.
3. Both the House of Representatives and the Senate _____ (evolve) in terms of members since 1789 as the US _____ (integrate) other territories into the union and their role over time _____ (expand) too to the point that today the American Congress has more power than any other legislature among the world's modern democracies.
4. Many Congressional powers _____ (adapt) over the years, based on the implied powers provided by the elastic clause giving Congress the authority to pass laws it deems *necessary and proper*.
5. As the US population _____ not (increase) substantially in recent years, there _____ (not be) a need to revise the number of representatives in the Congress accordingly to match the figures of the Census Bureau.

4. Discussion: does the system of *apportionment* seem like a fair representation of US citizens?

Republicans scrape back control of US House



Republicans have won back control of the **House of Representatives**, scraping a victory from a **midterm election** that many had expected to be a red wave of wins but instead turned into more of a trickle. Nevertheless, the party finally won its crucial 218th seat in the lower chamber of **Congress**, wresting away control from the Democrats and setting the stage for a showdown with Joe Biden in the next two years of his presidency.

The result means the end of Democrat Nancy Pelosi's time as **House speaker**. She is likely to pass the gavel to the Republican leader Kevin McCarthy, who has announced his intention to take up the post.

Control of the House is crucial as it will allow the Republicans to launch an array of **congressional investigations** into issues ranging from Biden's botched withdrawal from Afghanistan to more obviously politicized probes of government actions during the Covid pandemic and Biden's son Hunter's business activities.

The Republican-run House is likely to be a raucous affair as its predicted slim majority means it will take only a few rebels to stymie any legislation – in effect handing great power to almost every Republican member of the House. With the Republican right full of fringe figures, including Georgia's Marjorie Taylor Greene, that could be a recipe for chaos and the promotion of extremist beliefs and measures.

Biden congratulated McCarthy on the victory and said he was “ready to work with House Republicans to deliver results for working families”.

“Last week's elections demonstrated the strength and resilience of American democracy,” the president added. “There was a strong rejection of **election deniers**, political violence, and intimidation.”

Biden and his party had gone into election day largely expecting to get a thumping from an electorate angry at high inflation that has wrought misery for millions of Americans struggling with bills and spiraling prices. Republicans had doubled down on that by running campaigns that stoked fears of violent crime and portrayed Democrats as far-left politicians out of touch with voters' concerns.

But the Democrats fought back, pointing out the extremist nature of many Republican politicians, especially a cadre of far-right figures backed by Donald Trump, and warning of the threat to US democracy they represented. They were also boosted by the backlash from the **loss of federal abortion rights**, taken away by a conservative-dominated **supreme court**.

The result was a shock: Democrats held up in swathes of the country and while Republicans won in some parts, such as Florida, in many other parts their candidates were defeated. High-profile Trump-backed candidates such as Mehmet Oz and Doug Mastriano in Pennsylvania lost their races.

Meanwhile, Republican performance in the Senate was worse. Democrats retained control of the upper chamber when their incumbent senator was projected as the winner in Nevada the Saturday after election night.

Democrats will enjoy a two-seat majority, 51-49, in the 100-seat senate, a small but significant improvement on the current 50-50 balance, which leaves Democrats in control because the **vice-president**, Kamala Harris, has the **tie-breaking vote**.

Alabama congressman and once-zealous Trump supporter, Mo Brooks, has a remarkable new stance on the political future of his former hero. “It would be a bad mistake for the Republicans to have Donald Trump as their nominee in 2024,” he said. The stark judgment from Brooks was indicative of the deepening and brutal blame game among Republicans which continued on Monday, nearly a week after the party failed to retake Congress in the midterm elections and a day before Trump’s expected announcement of a new presidential campaign.

<https://www.theguardian.com/us-news/2022/nov/16/us-midterms-2022-republicans-win-control-house-representatives-congress-midterm-election-results>

1. Make sure you understand what is meant behind the words in bold characters.

2. Answer the questions:

- a/ Why was a *red wave* expected in these midterm elections?
- b/ How important is the function of *House Speaker*?
- c/ Why is the control of the House so important in the US system? What about the Senate?
- d/ What current concerns determined the outcome of the elections?
- e/ How can the outcome of the midterms be interpreted for each party?
- f/ What may change now concerning former President Donald Trump’s candidacy?
- h/ Which challenges do you think await each party?

3. Democrats lost the House but kept control of the Senate. What are the consequences on Joe Biden’s future policies?

➤ **FURTHER READING: 118th Congress could be the House's most racially diverse ever**

Republican Latinas didn't dominate last week's House elections as many predicted. Nonetheless, the next session of Congress could once again become the most racially diverse in House history.

With several races not yet called, people of color so far make up one-third of the House's incoming freshman class, according to a LegiStorm review. Non-white representatives so far comprise only 16% of incoming Republican representatives. But among newly elected Democrats, non-white representatives make up a new majority at 55%.

For both parties, the incoming freshman class's women are more racially diverse than its men. Among freshman women, 62% of Democrats and 43% of Republicans are nonwhite. Non-white representatives are on track to comprise half of newly elected Democratic men and 10% of newly elected Republican men.

Each Congress since the 112th has broken the previous session's record for the most racially diverse member makeup. Non-white members currently make up 10% of Republican representatives and 45% of Democrats – 28% of the House's current membership.

Women will certainly break another record but still only represent a quarter of Congress. 149 women will serve in the US Senate and House of Representatives next year – another new record – but women still only make up just over a quarter of total representation.

Alaska carried women across that threshold on Wednesday night when the state determined through its ranked-choice voting system that Rep. Mary Peltola, a Democrat, will represent the state’s at-large House seat for a full term after winning the special election earlier this year, while Sen. Lisa Murkowski will win reelection. Women will break an overall record in the House, with 124 taking office in January. And not only will women of color break records in the 118th Congress, but within the House alone, there will also be a record number of both Latinas and Black women. There will be four more Latinas in the House for a total of 18 – the most ever – and one more Black woman, bringing their total from 26 to 27. More than half of the incoming class of 22 freshman women in the House will be women of color, showing the increasing diversity of that chamber.

Record numbers of Black and Latina women will serve in Congress: 27 women who identify as Black and 19 women who identify as Latina or Hispanic will serve in Congress next year. Overall, women of

color will also break a record for their representation next year – with 58 expected to serve in Congress. More than a third of all women in Congress will be women of color.

“We’ve seen a pretty steady increase in the racial and ethnic diversity of women as candidates, nominees, and then officeholders at the congressional level, but more specifically, in the US House,” said Kelly Dittmar, director of research at the Center for American Women.

“That diversity is still hugely lacking in the US Senate. ... We’re seeing stasis there in terms of the number of women of color overall. The number of Asian and Latino women specifically will stay the same, and the number of Black women will stay the same at zero.” Rep.-elect Sydney Kamlager of California is one of those new voices coming to the House. A state senator, she was elected to replace retiring Rep. Karen Bass, who will become the first female mayor of Los Angeles. Kamlager said while she is excited about the diversity of the freshman class, there is still a long way to go.

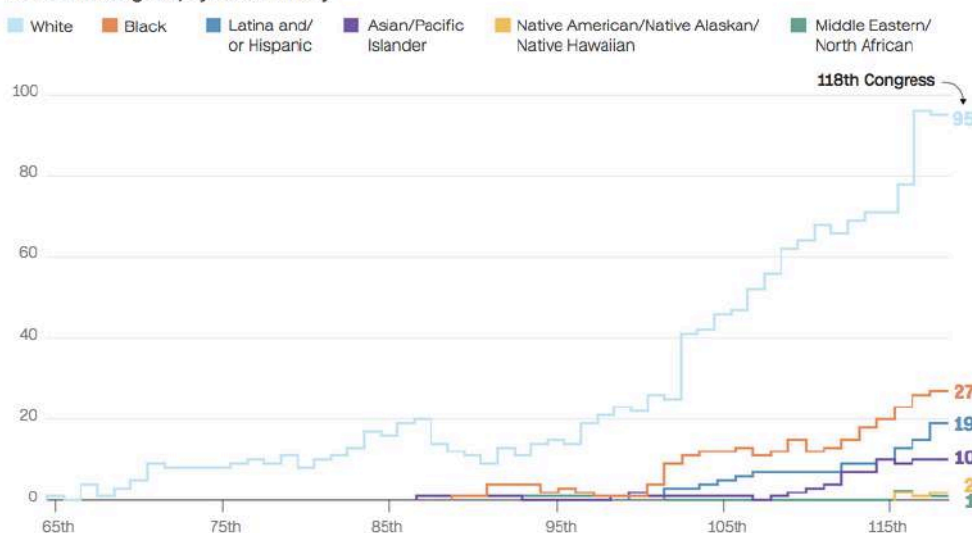
“I think folks have to stop giving lip service to Black women and brown women and put the money where the mouth is. The fact remains that Black and brown women face higher barriers of entry into this work than other women and men,” the Democrat said. “When we run, our contributions are less oftentimes than men. We are held to higher and double standards,” she added, noting that female candidates are still often asked why they are not “home taking care of your husband or your children.” Rep.-elect Yadira Caraveo, a Democrat, is the first Latina elected to Congress from Colorado. A state representative and the daughter of Mexican immigrant parents, she’ll also be just the second female doctor who’s a voting member of Congress. (The first, Democratic Rep. Kim Schrier, won reelection in Washington state.)

“Kind of sad that it took until 2022,” Caraveo said, reflecting on both milestones. Her experience in medicine and state politics, she said, prepared her for having to work harder to get “less credit” than her male counterparts. [...] “Even members of my staff, you know, as they came on board, really noted the different way in which I was treated or perceived as a woman of color compared to some of the other candidates that were able to more easily get meetings or support from different groups,” she added.

1. Prepare answers to the following questions about the text:

1. Why can the 118th Congress be described as a *Congress of records* by the media?
2. In what ways are the Senate and the House starting to look *more like America* than ever?
3. Look at the table below on the following page and comment on the expression “the rise of the female legislator”.
- d. List in the text all the different groups represented.

Women in Congress, by race/ethnicity



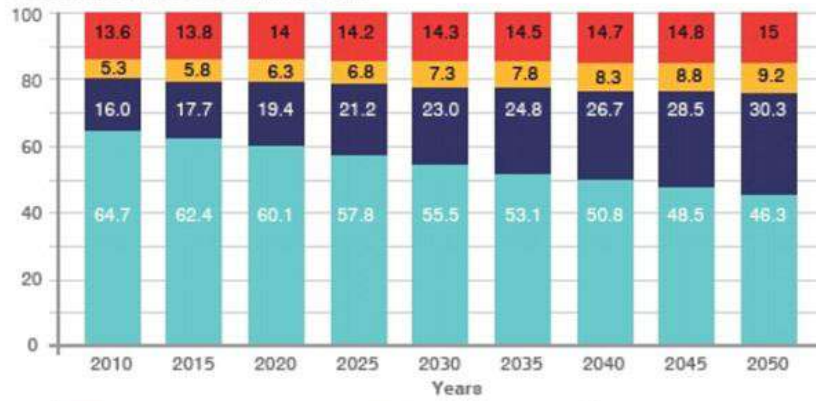
Notes: Women identifying with more than one race or ethnicity have been counted in each category with which they identify. CAWP added Alaska Native as a category of self-identification in 2019 and Native Hawaiian in 2021, limiting historical trends for these women.

Sources: Edison Research, CNN election projections, CNN analysis of data from the Center for American Women and Politics at Rutgers University

<https://edition.cnn.com/2022/11/23/politics/election-2022-record-women-in-congress/index.html>

US POPULATION PROJECTIONS TO 2050

Percentage by race and Hispanic origin



© census.gov

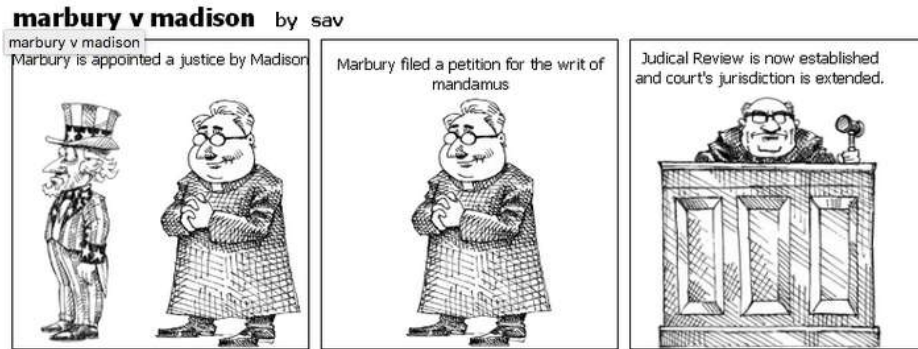
SOURCE: US Census Bureau

2. Grammar – comparative / superlative forms:

1. The 118th Congress has been hailed as _____ (representative) Congress in US history and as one of _____ (diverse).
2. Yet, there are still _____ women _____ male representatives in the House and even _____ female senators.
3. In the Senate, there will be _____ as many coloured women _____ in the previous one because the number of Asian and Latino women specifically will stay the same, and the number of Black women will stay the same at zero.
4. Some women voters said that this election represented _____ (good) opportunity they had to change the face of American legislators and make them look _____ like them.
5. Women of color broke a record with 58 being elected (or reelected): this house is therefore _____ (feminized and coloured) ever and the _____ (one) to host so many young members with _____ (young) member being aged 26.

3. Discussion: Do you agree with some media’s claiming that the 118th Congress was a fair representation of the US population?

"An act of the legislature repugnant to the Constitution is void — it is emphatically the province of the judicial department to say what the law is." – **John Marshall, *Marbury v. Madison* (1803)**.



The Constitution painstakingly defines the structure and functions of the legislative (Congressional) branch of the government. It clearly (although less thoroughly) addresses the responsibilities and powers of the president. But, it treats the judicial branch almost as an (1) _____. Article III specifically creates only one court (the Supreme Court), allows judges to serve for life and to receive compensation, broadly outlines original and appellate jurisdiction, and outlines the trial procedure and limitations of congressional power against those accused of treason. That's all. The (2) _____ of the Constitution were clearly more interested in their experiment with legislative government than in the creation of a judicial system. Had it not been for **John Marshall**, the third chief Justice of the Supreme Court, the judicial branch might well have developed into a weak, ineffective check on the legislature and the presidency. But Marshall changed everything by interpreting a power "implied" by **Article III**. Judicial (3) _____, or the power of the courts to overturn a law, was the vehicle he used to create the most powerful judicial branch in the history of the world.

The power of judicial review may be traced to the famous 1803 court case of *Marbury v. Madison*. The **election of 1800** gave that the presidency to an opposing political party for the first time. Fearing that the newly elected **Thomas Jefferson**, a Democratic Republican, would undo his policies, Federalist president **John Adams**, sought to "pack" the courts with Federalist judges. He worked feverishly on the judicial appointments until the very end of his presidency. When he left office, several of the orders were left on the secretary of state's desk, waiting to be delivered. The new secretary of state, **James Madison**, saw what Adams was up to, and refused to carry out the commissions. **William Marbury**, a Federalist whose commission was not delivered, (4) _____ Madison and demanded that the Supreme Court force Madison to act. Marbury's demand was based on the writ of mandamus, a power given to the Court by the Judiciary Act of 1789 to command actions by officials of the executive branch.

Chief Justice Marshall faced a huge dilemma. What if he commanded Madison to deliver the commissions and the secretary of state ignored his command? What could Marshall do to enforce the decision? The Court had no army, nor any other means to back up the command. If Marshall did nothing, the quarrel could spill over to Congress and tear the new country apart before it even got off the ground. Marshall's decision was to declare the **writ of mandamus** unconstitutional, (5) _____ that Congress had passed a law "repugnant to the Constitution." He declared that because Article III did not grant the judicial branch the power of the writ of mandamus, and so the Supreme Court was unable to order Madison to act. Of course, Jefferson and Madison were happy with the decision, and the crisis passed, with only a disgruntled prospective judge (Marbury) to protest.

No one seemed to understand the grand implications of what Marshall had done: he had created the power of judicial review. This established the precedent that only the federal courts could interpret the Constitution. This power has given federal judges the final word in settling virtually every major (6) _____ that has challenged the government in American history.

Today, the judicial branch not only provides strong checks and balances to the executive and legislative branches, it possesses a tremendous amount of policy-making power in its own right. This power rests more on the precedent (a principle that later justices followed) of judicial review set by Marshall in 1803 than on the provisions of the Constitution.

Judicial (7) _____ versus Judicial (8) _____ .

The lack of (9) _____ regarding the policy making power of courts is reflected in the debate over judicial activism versus judicial restraint. Judicial activists believe that the federal courts must (10) _____ injustices that are perpetuated or ignored by the other branches. For example, minority rights have often been ignored partly because majorities impose their will on legislators. Prayers in public schools support the beliefs of the majority

but ignore the rights of the minority. The Constitution is often loosely interpreted to meet the issues of the present. In the words of former Justice Charles Evans Hughes, "We are under a Constitution, but the Constitution is what the judges say it is."

Supporters of judicial restraint, by contrast, point out that (11) _____ judges are immune to public opinion, and if they abandon their role as careful and cautious interpreters of the Constitution, they become (12) _____ legislators. According to Justice Antonin Scalia, "The Constitution is not an empty bottle. It is like a statute, and the meaning doesn't change."

1/ Read the text carefully and fill in the blanks with the right word.

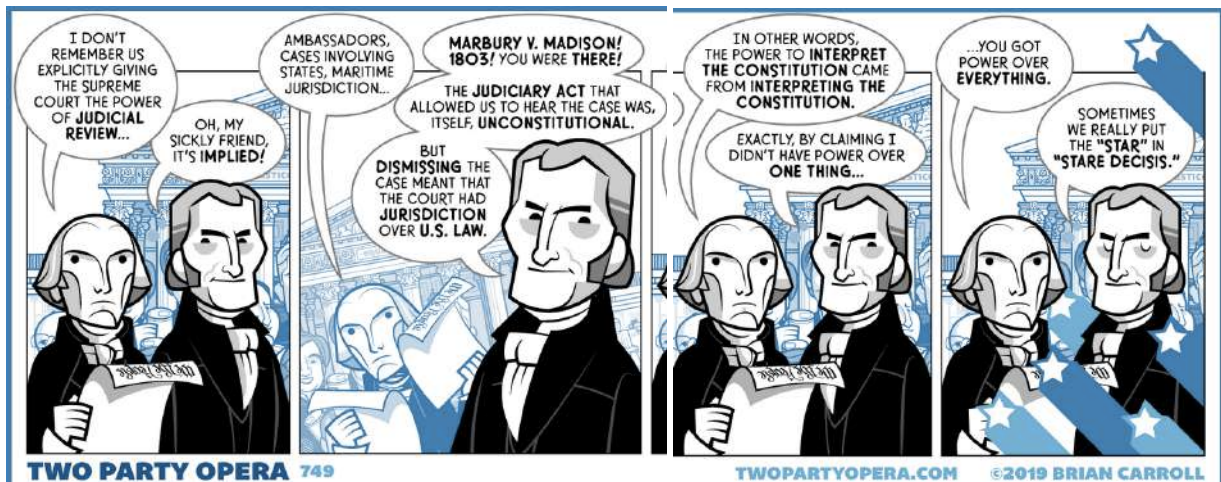
restraint – framers – appointed – sued – activism – correct – agreement – claiming – unelected – review – issue – afterthought

2/ Prepare short answers to the following questions:

- Explain what President John Adams tried to do after the elections of 1800?
- Why did Marshall rule that the writ of mandamus could not be invoked?
- Why is the concept of precedent such an important concept here?
- Why has *Marbury v. Madison* been so important for the judicial branch?
- What is the danger of judicial activism according to supporters of judicial restraint?
- Explain in your own words what is meant by *Article III*, *Marbury v. Madison* and *the writ of mandamus*
- Explain briefly the difference between *the Framers* and *the Federalists*.

3/ Based on what is in the text, finish the following sentences with your own words:

- The Framers of the Constitution apparently _____
- But John Marshall _____
- The case *Marbury v. Madison* started because _____
- The power of judicial review established _____
- Two views exist concerning the interpretation of _____



1.



2.

U.S Constitution - Article III.

Section 1.

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section 2.

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

Section 3.

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

section 1 : Federal Courts

section 2: Judicial power, jurisdiction and trial by jury

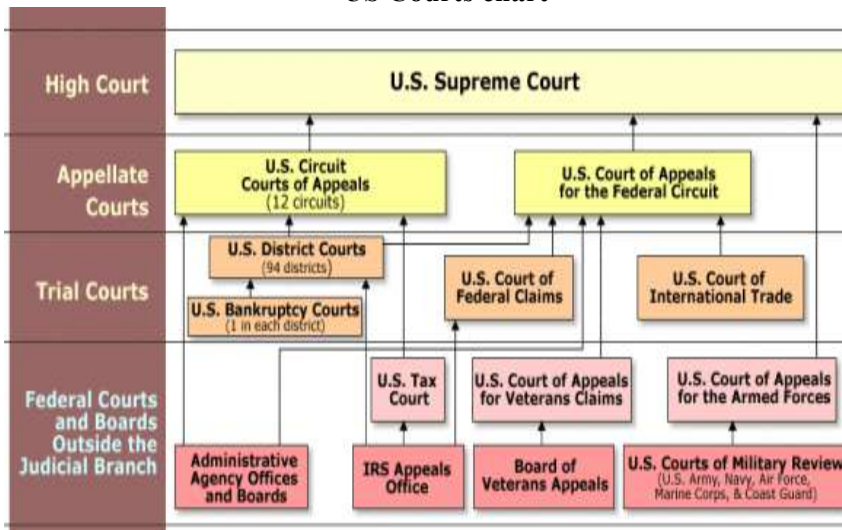
section 3 : Treason

4/ Grammar – put the verb in the passive form:

1. The principle of *Judicial Review* _____ (establish) by the 1803 decision *Marbury v. Madison* which ruled that in the future legislative and executive acts _____ (declare) unconstitutional.
2. James Madison _____ (order) by the Court to hand over Madison’s commission via writ of mandamus.
3. The Court’s opinion _____ (write) by Chief Justice John Marshall.
4. The boundary between the constitutionally separate executive and judicial branches of the federal government _____ (define) by this landmark decision.
5. Minority rights _____ often (ignore) partly by legislators because majorities imposed their will on them; hence the need for judicial activism.
6. The US Court system _____ (criticize) for its judicial restraint stand but in the last decades it has become increasingly active over societal concerns.
7. The US Constitution _____ (interpret) in a strict manner by the most conservative justices.

5/ Discussion: Judicial *activism* or judicial *restraint*? Which of these two conceptions would you say is more adapted when it comes to the role of the judge?

US Courts chart



The US Supreme Court

	<p>Ketanji Brown Jackson</p> <p>September 14, 1970 Washington, D. C. Nomination: 2022</p>		<p>Samuel Alito</p> <p>April 1, 1950 Trenton, New Jersey Nomination: 2005</p>
	<p>(Chief) John Roberts</p> <p>January 27, 1955 Buffalo, New York Nomination: 2005</p>		<p>Neil Gorsuch</p> <p>August 29, 1967 Denver, Colorado Nomination: 2017</p>
	<p>Sonia Sotomayor</p> <p>June 25, 1954 The Bronx, New York Nomination: 2009</p>		<p>Clarence Thomas</p> <p>June 23, 1948 Pin Point, Georgia Nomination: 1991</p>
	<p>Elena Kagan</p> <p>April 28, 1960 Manhattan, New York Nomination: 2010</p>		<p>Amy Coney Barrett</p> <p>January 28, 1972 New Orleans, Louisiana Nomination: 2020</p>
		<p>Brett Kavanaugh</p> <p>February 12, 1965 Washington, D. C. Nomination: 2018</p>	

1. Composition:

1. What do you know about the Supreme Court?
2. What remarks can you make on its composition?
3. Why is it important to identify who appointed each Justice?
4. Why are their decisions particularly important?
5. Who are the most recent appointees?
6. Name a few landmark decisions made by the Supreme Court.
7. Who is the last member to be appointed?
8. Why are their decisions often controversial? Which areas do they tend to cover? Give examples.

There are currently nine *justices* on the Supreme Court: *Chief Justice* John Roberts and eight *associate justices*. Among the current members of the Court, **Clarence Thomas** is the longest-serving justice, with a tenure of over 30 years (as of January, 2022); the most recent justice to join the court is **Kentanji Brown Jackson**, whose tenure began on July 1, 2022.

2. Supreme Court rulings:

• Complete the following information about Supreme Court decisions:

dates	decisions	topic
1803	<i>Marbury v. Madison</i>	x
1896	x	separate but equal doctrine
1954	x	school desegregation
1971	<i>NY Times Co. v. United States</i>	x
1973	<i>Roe v. Wade</i>	x
2022	x	x
1974	x	executive privilege
2000	x	Florida's 2000 presidential election
2008	<i>District of Columbia v. Heller</i>	x
2012	<i>National Federation of Independent Business v. Sebelius</i>	x
2015	x	same-sex marriage

• decisions:

United States v. Nixon / Brown v. Board of Education / Obergefell v. Hodges / Bush v. Gore / Plessy v. Ferguson / Dobbs v. Jackson Women's Health Organization

• topic:

Patient Protection and Affordable Care Act / abortion / judicial review / freedom of speech / gun rights / abortion

3. Grammar – fill the blanks using *their, there, they* or *they're*

- _____ filing a petition to get their case heard at the Supreme Court.
- The law requires that criminals be tried and punished for _____ crimes, but _____ is a recent Supreme Court ruling barring the execution of mentally retarded offenders.
- _____ arguing of the case was based on striking a balance between the rights of sex-offenders and the safety of everyone else.
- _____ are currently discussing several cases involving several breaches of federal criminal law.
- _____ bringing a class action lawsuit against the state of New York's Internet registry of sex-offenders.

4. Discussion: What's your opinion on the Justices' mode of designation? Is it any different from the way lower judges are selected?

Presidency and American History Quiz



1. Identify these American Presidents.

Which President(s) were missing the day of the Inauguration of the 46th President of the United States and why? From memory, name as many US Presidents as you can.

2. The _____ are the first ten amendments to the U.S. Constitution.

- a) Watergate Papers b) Bill of Rights c) Federalist Papers

3. The _____ War was fought in the U.S. between the northern and southern states.

- a) Civil b) Vietnam c) Korean

4. What was the bloodiest war in American history?

- a) the Revolutionary War b) the Civil War c) World War II d) Vietnam War

5. When the Constitution was up for ratification, who were the Federalists and Anti-Federalists?

a) The Federalists argued in favor of the stronger central government supported by the Constitution and the Anti-Federalists preferred the weaker central state of the Articles of Confederation.

b) The Federalists argued in favor of the weaker central government supported by the Constitution and the Anti-Federalists preferred the stronger central state of the Articles of Confederation.

c) Both the Federalists and Anti-Federalists supported ratification of the Constitution and differed on other issues.

6. The Fourth of July was _____.

- a) the day George Washington was born
b) the day when the Declaration of Independence was adopted
c) the day the Civil War began

7. Which of these colonies was home to the first permanent English settlement in the Americas?

- a) Massachusetts b) Virginia c) Pennsylvania d) Florida

8. Who was the first Republican president?

- a) Thomas Jefferson b) Andrew Jackson c) Abraham Lincoln

9. The Gettysburg Address was a famous speech given by _____.

- a) Richard Nixon b) George Washington c) Abraham Lincoln

10. _____ has been given the title "father to his country."

- a) Benjamin Franklin b) Abraham Lincoln c) George Washington

11. The _____ was the ship that carried the Pilgrims to America in 1620.

- a) Mayflower b) Pinta c) Santa Maria

12. The _____ War was fought between the U.S. and Mexico from 1846 to 1848.
a) Civil b) Mexican c) Spanish
13. How many colonies made up the original United States in 1776?
a) 13 b) 18 c) 26
14. Executive orders must be ratified by the Senate.
a) True b) False
15. Inherent powers are those listed in the Constitution.
a) True b) False
16. Which of the following is a constitutional duty of the vice president?
a) Breaking tie votes in the House of Representatives
b) Attending funerals of foreign leaders
c) Breaking tie votes in the Senate
d) Serving as a goodwill ambassador
17. Which of the following presidents was impeached during his term of office?
a) Andrew Jackson b) Richard Nixon c) Ulysses S. Grant d) Donald Trump
18. What happens when no presidential candidate wins a majority of electoral votes?
a) The House of Representatives chooses the next president.
b) The Senate chooses the next president.
c) The Supreme Court chooses the next president.
d) The candidate with the most popular votes wins.
19. What does the president lay out in the *State of the Union* address?
a) His defense against impeachment
b) His legislative agenda for the coming year
c) His strategy for reelection
d) His criticisms of the opposition party
20. What is *executive privilege*?
a) The privilege of getting the best seats in a restaurant
b) The privilege of submitting a budget proposal to Congress
c) The right of members of the executive branch to withhold information from Congress and the public
d) The right to veto bills passed by Congress

Now, it's your turn to create more questions and test the class.

The Constitution of the United States

Note: The following text is a transcription of the Constitution as it was inscribed by Jacob Shallus on parchment (the document on display in the Rotunda at the National Archives Museum.) *The spelling and punctuation reflect the original.*

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain 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 the most numerous Branch of the State Legislature.

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

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3.

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4.

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section. 5.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6.

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7.

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8.

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9.

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10.

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility. No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

Section. 1.

The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be increased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2.

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3.

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4.

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article III.

Section. 1.

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3.

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article. IV.

Section. 1.

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2.

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States. A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section. 3.

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4.

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independance of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names,

G°. Washington

Presidt and deputy from Virginia

Delaware

Geo: Read
Gunning Bedford jun
John Dickinson
Richard Bassett
Jaco: Broom

Maryland

James McHenry
Dan of St Thos. Jenifer
Danl. Carroll

Virginia

John Blair
James Madison Jr.

North Carolina

Wm. Blount
Richd. Dobbs Spaight
Hu Williamson

South Carolina

J. Rutledge
Charles Cotesworth
Pinckney
Charles Pinckney
Pierce Butler

Georgia

William Few
Abr Baldwin

New Hampshire

John Langdon
Nicholas Gilman

Massachusetts

Nathaniel Gorham
Rufus King

Connecticut

Wm. Saml. Johnson
Roger Sherman

New York

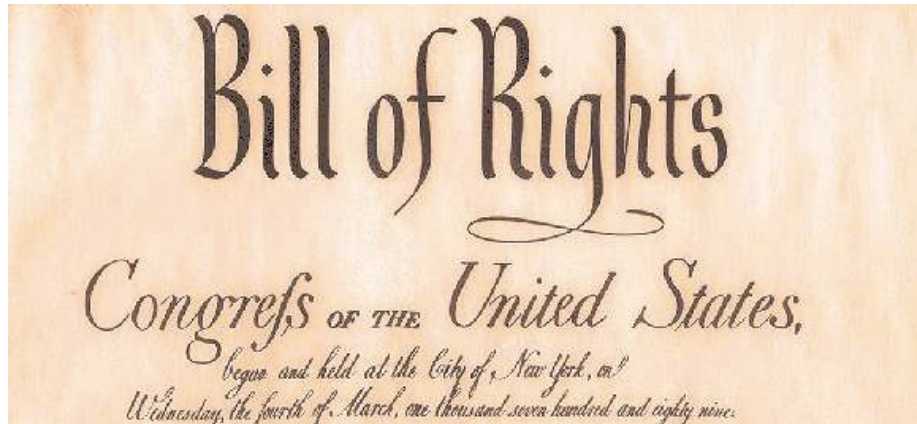
Alexander Hamilton

New Jersey

Wil: Livingston
David Brearley
Wm. Paterson
Jona: Dayton

Pennsylvania

B Franklin
Thomas Mifflin
Robt. Morris
Geo. Clymer
Thos. FitzSimons
Jared Ingersoll
James Wilson
Gouv Morris



The Conventions of a number of the States having, at the time of adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added, and as extending the ground of public confidence in the Government will best insure the beneficent ends of its institution;

Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both Houses concurring, that the following articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States; all or any of which articles, when ratified by three-fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution, namely:

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

Amendment III

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

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 on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; 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 and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, 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 defense.

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 reexamined in any court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

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

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.