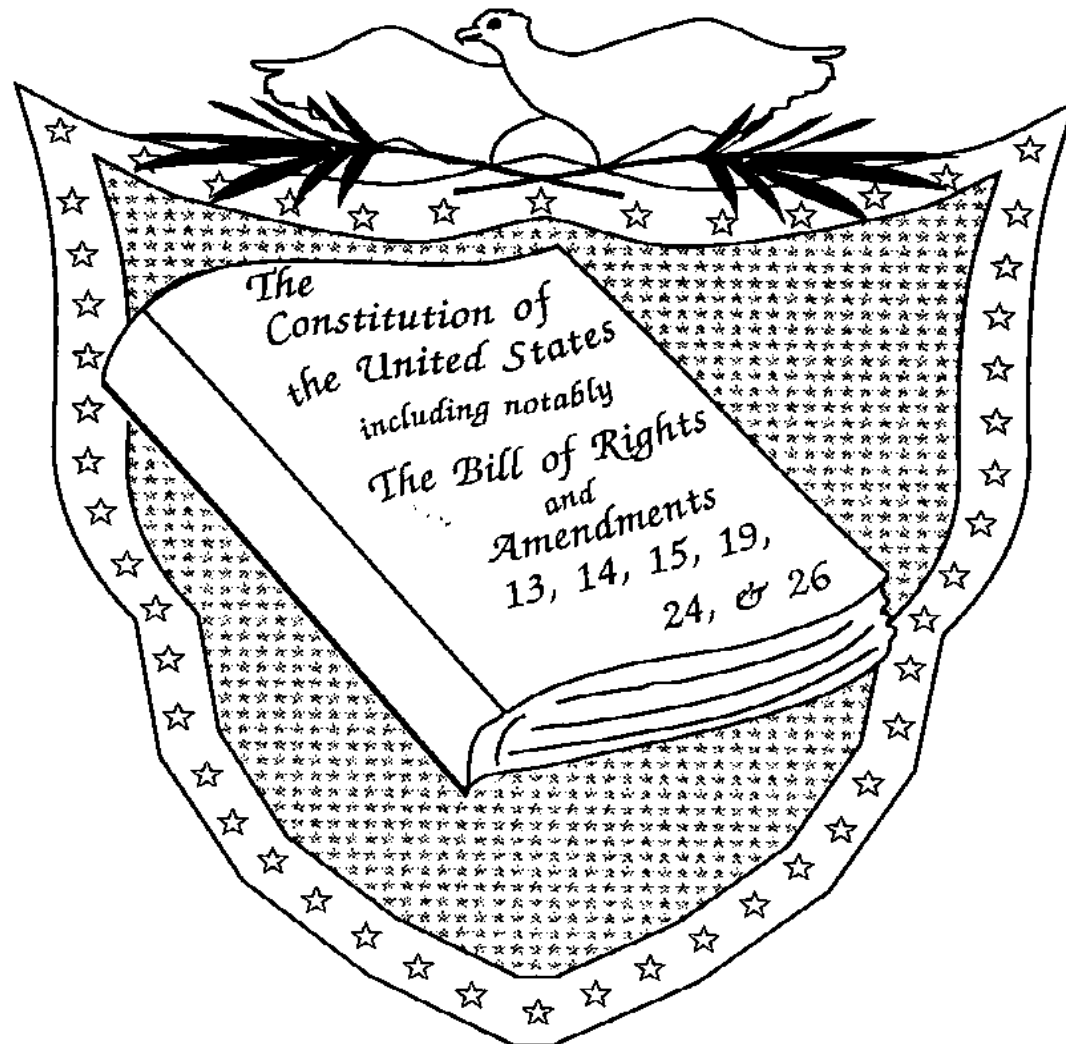


Business Law Chapter 1



The Shield of the Constitution

THE LEGAL SHIELD OF OUR FREEDOM



I. What Makes our Nation Great?

A. Melting pot of people--variety of knowledge, talent, and skills.

B. Cultures-unique combinations--races, religions, customs--resulted in competitions, and progress.

C..Natural resources

D.Free public education--

Paramount reason--US Constitution--and Bill of Rights--Shield of Liberty

II. How Did the Constitution come into being?

A. The Declaration of Independence on July 4, 1776 by delegates from the 13 original colonies met in Philadelphia.

The document charged the King of Great Britain with trying to establish absolute tyranny and said it is the right of the people to alter or establish government. The War of Independence had already begun in April of 1775.

1781 The Articles of Confederation came into existence--loosely united the group of colonies.

II. How Did the Constitution come into being?

Many still felt the need for a stronger central government with uniform laws on immigration, money standards, postal service, taxes on imports, and an adequate army and navy.

The US Constitution was finally drafted by a special convention in 1787. Nine of the colonies ratified it by June of 1788 and Congress declared it binding on those 9 colonies on March 4, 1789. More than a year later Rhode Island became the last to ratify it.

Characteristics of the US Constitution

Original seven articles created a workable format for a federal government--"of the people, by the people, and for the people"

Additional Amendments--13th, 14th, 15th were designed to protect rights.

Characteristics of the US Constitution

Division of Checks and Balances

Three branches of government: Judicial, Legislative, and Executive.

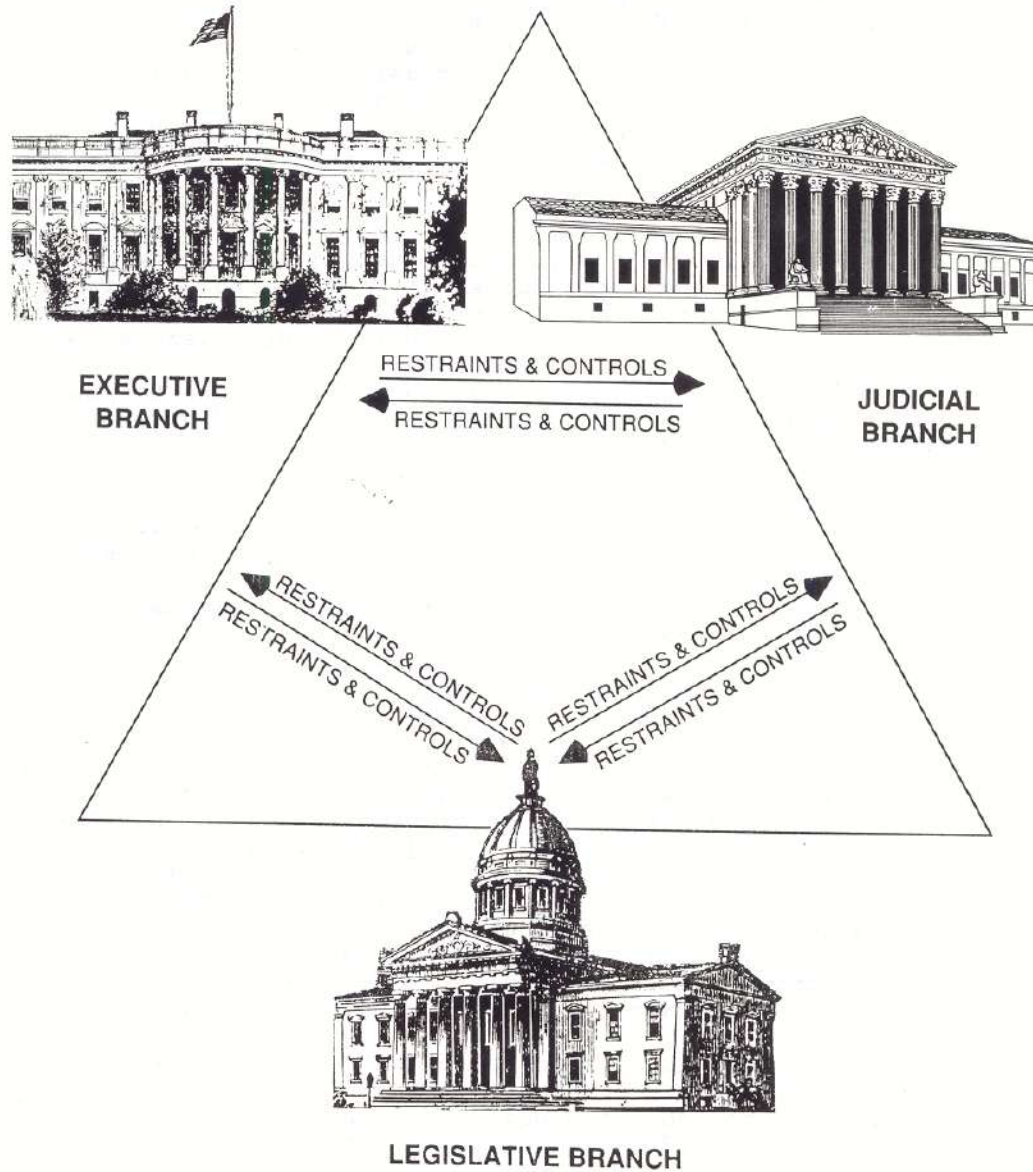
Legislative-Senate and House of Reps.

Population vs. less Population

Amendments--allow for change or alteration.

Pure Democracy vs. Republic(We are this)

THE THREE BRANCHES
OF OUR GOVERNMENT
in a unique
SYSTEM OF CHECKS AND BALANCES



Did the Constitution give total governing power to the Fed.

Govt.?

A. Sovereignty of States

10th Amendment--"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." This is a protection for the people

Article VI-US Constitution Supreme Law of the Land—

State Constitution Supreme law of State-- contract law, tort law, real property law, probate law, & domestic relations law.

Did the Constitution give total governing power to the Fed.

Govt.?

B. Powers of the Federal Govt.

Protect the states against invasion

Raise and support armies, a navy, air force for defense.

Regulate interstate commerce and foreign

Establish Post Offices, coin money, and tax imports and exports.

Both Fed. & State may tax on sales and income.

How Did the Bill of Rights Enhance the Original Constitution?

Shield against possible abusive conduct by govt.

Bill of Rights.

Bill of Rights

Amendment I. Congress shall make no law respecting or prohibiting the free exercise thereof: or abridging the freedom of speech, or of the press, or of 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 scrutiny of a free State, the right of the people to keep and bear arms, shall not be infringed.

Bill of Rights

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 search 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

Bill of Rights

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 offence 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.

Bill of Rights



Amendment VI. In all criminal prosecutions, the accused shall enjoy the right to 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 defence.

Bill of Rights

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

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

Bill of Rights

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.

Due Process of Law-



Requires fundamental fairness in compliance with reasonable and just laws.

Legal rights-benefits to which a person is justly entitled by law.

Legal duties-obligations or conduct toward other persons that is enforceable by law.

No right is absolute--may be moral or may not.

What problems required more amendments to the constitution?

Additional Admendments

Slavery-13th-Neither slavery nor involuntary servitude shall exist within the US.

14th -No state shall deprive any person of life, liberty,or property without due process, nor deny any person equal protection of the laws-
-big step forward because it barred the state govt's

Right to Vote-15th-You shall not be denied the right to vote due to color, race, previous servitude.

19th Shall not be denied because of sex.

Additional Amendments

24th Shall not be denied because of refusal to paypoll tax or other tax.

26th gave all 18 or older right to vote because of Vietnam War.

Protection of rights extend to limit power of states