US Institutions

The United States of America is a federation of various and diverse states that were founded on two major documents: The Declaration of Independence and the Constitution. Ratified by the Congressional representatives of the Thirteen Colonies on 4 July 1776, the Declaration of Independence stated the determination to contest British domination and fight for self-government. Such a claim initiated the American Revolution Wars (1775–1783). Following their political independence, the Thirteen Colonies went on to form the United States of America and establish a constitution. The Founding Fathers drafted the Constitution in the spirit of organizing the legal framework in which the three branches of power (executive, legislative, and judiciary) can coexist and interact.

Constitutional convention

The Constitution was written during the summer of 1787 in Philadelphia, Pennsylvania, by 55 delegates to a Constitutional Convention that was called ostensibly to amend the Articles of Confederation (1781–89), the country's first written constitution. The Constitution was the product of political compromise after long and often rancorous debates over issues such as states' rights, representation, and slavery. Delegates from small and large states disagreed over whether the number of representatives in the new federal legislature should be the same for each state—as was the case under the Articles of Confederation—or different depending on a state's population. In addition, some delegates from Northern states sought to abolish slavery or, failing that, to make representation dependent on the size of a state's free population. At the same time, some Southern delegates threatened to abandon the convention if their demands to keep slavery and the slave trade legal and to count slaves for representation purposes were not met. Eventually the framers resolved their disputes by adopting a proposal put forward by the Connecticut delegation. The Great Compromise, as it came to be known, created a bicameral legislature with a Senate, in which all states would be equally represented, and a House of Representatives, in which representation would be apportioned on the basis of a state's free population plus three-fifths of its slave population. (The inclusion of the slave population was known separately as the three-fifths compromise.) A further compromise on slavery prohibited Congress from banning the importation of slaves until 1808 (Article I, Section 9). After all the disagreements were bridged, the new Constitution was submitted for ratification to the 13 states on September 28, 1787. In 1787–88, in an effort to persuade New York to ratify the Constitution, Alexander Hamilton, John Jay, and James Madison published a series of essays on the Constitution and republican government in New York newspapers. Their work, written under the pseudonym "Publius" and collected and published in book form as The Federalist (1788), became a classic exposition and defense of the Constitution. In June 1788, after the Constitution had been ratified by nine states (as required by Article VII), Congress set March 4, 1789, as the date for the new government to commence proceedings (the first elections under the Constitution were held late in 1788). Because ratification in many states was contingent on the promised addition of a Bill of Rights, Congress proposed 12 amendments in September 1789; 10 were ratified by the states, and their adoption was certified on December 15, 1791. (One of the original 12 proposed amendments, which prohibited midterm changes in compensation for members of Congress, was ratified in 1992

as the Twenty-seventh Amendment. The last one, concerning the ratio of citizens per member of the House of Representatives, has never been adopted.) Because of the fear to give too much power to the federal government, the Founding Fathers made sure to include in the official text of the Constitution checks and balances through Congress and protect civil liberties through the Bill of Rights.

Civil Liberties and The Bill of Rights

The federal government is obliged by many constitutional provisions to respect the individual citizen's basic rights. Some civil liberties were specified in the original document, notably in the provisions guaranteeing the writ of habeas corpus and trial by jury in criminal cases (Article III, Section 2) and forbidding bills of attainder and ex post facto laws (Article I, Section 9). But the most significant limitations to government's power over the individual were added in 1791 in the Bill of Rights. The Constitution's First Amendment guarantees the rights of conscience, such as freedom of religion, speech, and the press, and the right of peaceful assembly and petition. Other guarantees in the Bill of Rights require fair procedures for persons accused of a crime—such as protection against unreasonable search and seizure, compulsory self-incrimination, double jeopardy, and excessive bail—and guarantees of a speedy and public trial by a local, impartial jury before an impartial judge and representation by counsel. Rights of private property are also guaranteed. Although the Bill of Rights is a broad expression of individual civil liberties, the ambiguous wording of many of its provisions—such as the Second Amendment's right "to keep and bear arms" and the Eighth Amendment's prohibition of "cruel and unusual punishments"—has been a source of constitutional controversy and intense political debate. Further, the rights guaranteed are not absolute, and there has been considerable disagreement about the extent to which they limit governmental authority. The Bill of Rights originally protected citizens only from the national government. For example, although the Constitution prohibited the establishment of an official religion at the national level, the official state-supported religion of Massachusetts was Congregationalism until 1833. Thus, individual citizens had to look to state constitutions for protection of their rights against state governments.

Checks and balances

The bicameral system supposes that the legislative branch is comprised of two chambers: The House of Representatives and the Senate. At Constitutional Convention, despite a heated debate, in the end, the framers reached an agreement: House seats would be apportioned among the states based on population and representatives would be directly elected by the people; the Senate would be composed of two senators per state—regardless of size or population—indirectly elected by the state legislature. As James Madison wrote in Federalist No. 39, "The House of Representatives will derive its powers from the people of America....The Senate, on the other hand, will derive its powers from the States, as political and co-equal societies; and these will be represented on the principle of equality in the Senate." The principle of two senators from each state was further guaranteed by Article V of the Constitution: "no State, without its Consent, shall be deprived of equal Suffrage in the Senate."

Decisions made at the Constitutional Convention about the Senate still shape its organization and operation today, and make it unique among national legislative institutions. William E. Gladstone, four-time British Prime Minister during the 19th century, said the United States Senate, is a "remarkable body, the most remarkable of all the inventions of modern politics." Plainly, the framers did not want the Senate to be another House of Representatives, and the institutional uniqueness of the upper house flows directly from the decisions they made at the Constitutional Convention.

Several of those constitutional decisions led to important and enduring features of the Senate and its legislative process. These features include constituency, size, term of office, and special prerogatives.

Constituency

The one state - two senator formula means that all senators represent constituencies that are more heterogeneous than the districts represented by most House members. As a result, senators must accommodate a larger range of interests and pressures in their representational roles.

Size

The one state - two senator formula also meant that from the outset the Senate's membership was relatively small compared to the House (435 members). When it first convened in March 1789, there were 22 senators (North Carolina and Rhode Island soon entered the Union to increase the number to 26). As new states entered the Union, the Senate's size expanded to the 100 that it is today.

Term of Office, Qualifications, and Selection

A key goal of the framers was to create a Senate differently constituted from the House so it would be less subject to popular passions and impulses. "The use of the Senate," wrote James Madison in Notes of Debates in the Federal Convention of 1787, "is to consist in its proceedings with more coolness, with more system and with more wisdom, than the popular branch." An oft-quoted story about the "coolness" of the Senate involves George Washington and Thomas Jefferson, who was in France during the Constitutional Convention. Upon his return, Jefferson visited Washington and asked why the Convention delegates had created a Senate. "Why did you pour that tea into your saucer?" asked Washington. "To cool it," said Jefferson. "Even so," responded Washington, "we pour legislation into the senatorial saucer to cool it."

To foster values such as deliberation, reflection, continuity, and stability in the Senate, the framers made several important decisions. First, they set the senatorial term of office at six years even though the duration of a Congress is two years. The Senate, in brief, was to be a "continuing body" with one-third of its membership up for election at any one time. As Article I, section 3, states: "Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes." Second, to be a

senator, individuals had to meet different qualifications compared to service in the House of Representatives. To hold office, senators have to be at least 30 years of age and nine years a citizen; House members are to be 25 years and seven years a citizen. Senators, in brief, were to be more seasoned and experienced than representatives. Finally, the indirect election of senators by state legislatures would serve to check precipitous decisions which might emanate from the directly elected House and buttress the states' role as a counterweight to the national government.

Direct election of senators came with the Seventeenth Amendment, ratified in 1913. A byproduct of the Progressive movement, it was designed to end corruption in state legislatures (involving the purchase of Senate seats), blunt the power of party machine bosses and corporations, prevent deadlocks in the election of senators, and make senators directly answerable to the people for their actions and decisions.

Special Prerogatives

Although the House and Senate share all lawmaking authority, including overriding presidential vetoes, the framers assigned special prerogatives to the Senate. Under the Constitution's "advice and consent" provisions (Article II, section 2), only the Senate considers the ratification of treaties (which requires a two-thirds vote) and presidential appointments for such positions as federal judgeships, ambassadorships, or Cabinet offices (all of which require a majority vote for approval). The framers entrusted "advice and consent" duties exclusively to the Senate in part because they expected these matters to be handled in a thoughtful and responsible manner. The qualities they embedded in a continuing body—stability, experience, and a longer perspective—were valuable in handling issues involving national security and international relations. The Senate's role in the appointments process, wrote Alexander Hamilton in Federalist No. 76, would serve as "an excellent check upon the spirit of favoritism in the President, and would tend greatly to preventing the appointment of unfit characters from State prejudice, from family connection, from personal attachment, or from a view to popularity."

The Constitution (Article I, section 3) also grants the Senate the "sole Power to try all Impeachments." The House possesses the constitutional authority to decide by majority vote whether to impeach (or indict) executive or judicial officials while the Senate, by a two-thirds vote, determines whether to convict and remove from office any impeached official. "Where else," wrote Alexander Hamilton in Federalist No. 65, "than in the Senate could have been found a tribunal sufficiently dignified, or sufficiently independent? What other body would be likely to feel confidence enough in its own situation, to preserve unawed and uninfluenced the necessary impartiality between an individual accused, and the representatives of the people, his accusers?" (Italics in original)

Understandably, the Senate's constitutional origins continue to shape its organization and operations. Three features in particular are noteworthy, because they contribute to making the Senate the unique institution that it is. They are extended debate, the lack of formal party leaders until the early 1900s, and the use of unanimous consent to conduct most of its business.

The supreme court

Facts:
The US Supreme Court was created in accordance with Article III, section 1 of the Constitution of the United States and by the authority of the Judiciary Act of September 24, 1789. February 2, 1790 - The first court assembles in New York City. Nine justices comprise the US Supreme Court, one chief justice and eight associate justices.
The number of associate justices may be fixed by Congress and under the authority of the act of June 25, 1948 (28 U.S.C. 1). The president of the United States nominates candidates for the Supreme Court. They must be approved by the US Senate. The approval process for the chief justice is the same as it is for the associate justices. Once approved, all justices serve for life. Congress can remove a justice through impeachment for corrupt behavior or other abuses of office, but this has never happened. Chief justices are sworn in by the outgoing chief justices. Associate justices are sworn in by the current chief justice or one of the other associate justices. Each justice oversees at least one of the 12 Federal Judicial Circuit Courts.

Here follows an official photograph of today's Supreme Court as it appeared on CNN website on September 25, 2019.

https://edition.cnn.com/2013/06/10/us/u-s-supreme-court-fast-facts/index.html

The justices of the US Supreme Court sit for an official photograph on June 1, 2017. In the front row, from left, are Ruth Bader Ginsburg, Anthony Kennedy, Chief Justice John Roberts, Clarence Thomas and Stephen Breyer. In the back row, from left, are Elena Kagan, Samuel Alito, Sonia Sotomayor and Neil Gorsuch.