

History Of American Justice



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MARCH, 2011 BY
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1492-1774



- Colonists-Wanted their own land and wanted religious freedom.
- Work ethic, individual rights, and strong sense of right and wrong



1774-1791



- 1774-First Continental Congress-13 colonies represented. Demanded that Britain cease its interference in matters of taxation and internal policy.
- 1775-Second Continental Congress. Fighting had started. Didn't break with Britain until 1776.

1774-1791



- 1776- Declaration of Independence - Thomas Jefferson-Break from Britain and set for the grievances.
- “ When in the course of human events it becomes necessary for one people to dissolve the political bonds among the powers of the earth”
- “ We holds these truths to be self -evident that all men are created equal ...life liberty and the pursuit of happiness”

1774-1791



- Reasons given: depriving a jury trial...deprived of the right to establish Judiciary power
- The war: 7 years. Britain had better troops but the were thousands of miles away in facilities they could not cope and a war they did not care about.

1774-1791



- With the aid of the French Navy the Colonists lead by George Washington won at the Battle of Georgetown-1781.
- 1781-Articles of Confederation (drafted in the Second Continental Congress) were ratified .
- Provided for an association of representatives. No executive or judiciary

1774-1791



- Constitutional Convention 1787-Convened to establish a unified national government and to correct the weaknesses of the Articles of Confederation.
- Wanted a strong national government without destroying the individual colonial states.

1774-1791



- Patterned after the Virginia Plan authored by James Madison. Alexander Hamilton, John Jay, and Benjamin Franklin. Franklin was the negotiator; the mediator .
- Washington was clearly going to be the first President .

Constitution 1789



- “We the people of the United States of America in order to form a more perfect union establish justice, insure domestic tranquility, provide for the common defense, promote general welfare, and secure the blessings of liberty to ourselves and our posterity do ordain and establish the Constitution of the United States.” (Preamble)

The Constitution



- Separation of Powers - Executive, Legislative and Judicial.
- Checks and Balances-
 - a. Congress makes laws-President vetoes.
 - b. Congress advise and consent-appointments and treaties.

The Constitution



- Congress shall make laws: interstate commerce; patents; trademarks; waterways; war powers; etc
- Other powers left to the individual states
- House of Representatives -based upon population.
- Senate-two per state.
- Add the two and get the Electoral College.

The Constitution



- Legislature (Congress) Two houses Senate and House of Representatives.
- Makes laws, approves budget, Senate confirms treaties (2/3) and appointments.
- Establishes inferior courts and their jurisdiction.

The Constitution



- Executive - President can veto bills; propose the budget; select cabinet members; select judges; propose legislation; spend the money; propose treaties; Commander and Chief of the military. Grants pardons and commutations. Runs the government on the budget passed by Congress.

The Constitution

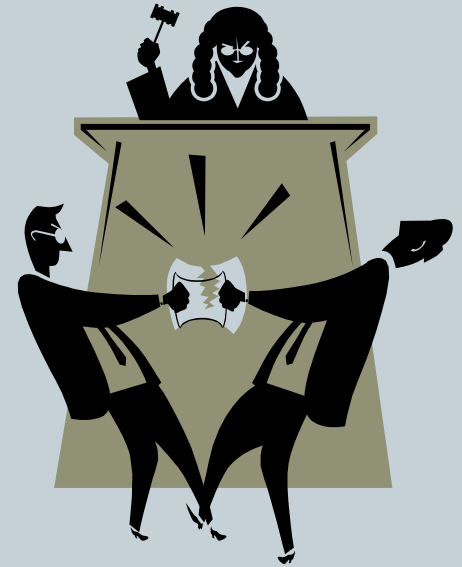


- **Judiciary.** There shall be a Supreme Court and such inferior courts as Congress shall provide. The District Courts and Courts of Appeal; Bankruptcy Courts; Military Courts; Tax Court etc.
- **Jurisdiction:** Cases under the Constitution; Federal Laws and Treaties; Admiralty; cases between states; cases between citizens (including corporations) of different states.

Other Original Articles



- Article 3 - Trial of all crimes by jury
- Article 4- Full faith and credit of laws of the states; Extradition from one state to another.



Amendments



- $\frac{2}{3}$ of both houses (Senate and House)
or, $\frac{2}{3}$ legislatures of the States to convene a
Convention then ratified by $\frac{3}{4}$ legislatures of the
States.



Bill of Rights



- Freedoms of Speech, religion, assembly, petition, government, bear arms, from unlawful searches and seizures, grand jury indictment, double jeopardy, self incrimination, due process, compensation for appropriation of property, speedy and public trial, jury trial, no excessive bail, confront witnesses, compulsory process, an attorney in criminal cases, no slavery, due process, citizenship if born in US, from discrimination based upon race and color, and all persons over 18 can vote.