



*"Protecting the civil rights  
of all Americans."*  
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## ***America's Owner's Manual***

### **Study Guide**

The *America's Owner's Manual* was created primarily for non-lawyers who want a clear understanding of the Constitution, written in plain English.

- ***Introduction:*** Why do we have a Constitution (our Owner's Manual)? It exists to restrain the government and delegate specific powers to various parts. "Popular sovereignty" means keeping the control of government and the Constitution in the hands of the people. An example from California and one from Congress, show what happens when judges make legislative decisions, rewriting laws that should be in the hands of legislators, who can be elected, and defeated, by the people.
- ***Article I, the Congress:*** The House is proportional to population and faces election every two years, and the Senate represents all states equally and faces elections every six years. Congress, as the chosen voice of the people and the states, is placed in the history of popular government from the Mayflower Compact through the Gettysburg Address. The first government of the US, the Articles of Confederation, failed. But the US is now the longest surviving government under a written constitution, in world history.
- ***Article I, the Congress in Practice:*** There are differences between theory and the way things function in the real world. This discusses how well, or poorly, Congress has obeyed the Constitution. In the beginning, the state governments collectively were more powerful than the federal government. The Constitution gave the means by which states could restrain any over-reaching by the federal government. But there has been a general decline of this restraint in Supreme Court decisions, and elsewhere.
- ***Article II, the Presidency:*** The first presidency under the Articles of Confederation was fatally weak. The Constitution gave the President specific and stronger powers. The most difficult challenge was how to elect the President with indirect, but not direct, popular input. The purpose was to prevent the election to the presidency of a person with "talents for low intrigue, and the little arts of popularity."
- ***Article II, the Presidency in Practice:*** The Presidency has grown beyond the powers intended in the Constitution. Because the President appoints all officials in the Executive Department, when the government grows, the power of the President grows. Recent Presidents have made broader use of Executive Orders, and commit acts of war under the War Powers Act, never tested in the court.

- **Article III, the Courts:** Most of the Framers assumed the federal courts would be the weakest branch of government. Thomas Jefferson, who had great foresight, recognized that the federal courts could become "the most dangerous branch." As created, the Supreme Court had a small original jurisdiction. The rest of its powers and the very existence of the lower courts are as defined by law.
- **Article III, the Courts in Practice:** Over the last 75 years, what the federal courts have done, as opposed to how they were defined to act, shows a major change. Three examples are used. In two of them, the Supreme Court rejected laws from Congress which it simply did not like. The third is one in which the Court rejected a law from Congress which violated the Constitution.
- **Other Articles Including Amendments:** The amendment article may be the most important in the long run. Our first government -- and most republics in history -- have fallen because their constitutions were either too mutable or too rigid. See particularly words of James Madison and Benjamin Franklin on this point.
- **The Bill of Rights:** There are eleven items in the Bill of Rights (yes, the final one written by Madison was ratified in 1992). All are important. The First Amendment is essential to the continuation of American government and society. The neglect of the Tenth Amendment is equally important in a negative direction.
- **The Remaining Amendments:** This discusses the remaining 16 Amendments. Among the most important are those expanding the right to vote to former slaves, and later, to women. The main point about all of these is that they are legitimate. They were proposed by two-thirds of Congress, ratified by three-fourths of the states. The amendments all demonstrate the truth of what Thomas Jefferson wrote in 1798, "In questions of powers, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."

For additional information, or to order copies of ***America's Owner's Manual***, please visit [www.AmericasOwnersManual.com](http://www.AmericasOwnersManual.com)

The ***America's Owner's Manual*** is especially useful for private schools and home-schooling. Bulk prices are available. The author, John Armor, is also available to speak.

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