

Englische Rechtsterminologie – Skript 2

Vorlesung von Dr. Jens Bormann, LL.M. (Harvard)

von *Marcus Seyfarth*, Universität Freiburg

1. Constitutional History of the USA

1.1. Declaration of Independence (July 4th, 1776)

- second continental congress adopted the famous "Declaration"

1.2. The Articles of Confederation of 1781

- George Washington: "a rope of sand"
- very explicit in guarding the independence of the states
- no federal chief executive or judicial system
- any amendment had to be unanimous
- strongly influenced by the then existing constitutions of individual state and the principles underlying the Declaration of Independence
- particularly concerned with limiting the powers of the federal government over the states and guaranteeing the freedom of each individual citizen

1.3. United States Constitution (September 17th, 1787)

- 55 delegates met to amend the Articles of Confederation
- in its final draft, though it turned out to be a substantially rewritten document

- It was signed on September 17th, 1787
- March 4, 1789, was set as the day the new Constitution would take effect

1.4. Bill of Rights (December 15th, 1791)

- became the first 10 amendments, out of 12 proposed

2. Governmental Structure for the 1789 Constitution

Article I

all law-making power in the House of Representatives and the Senate

Article II

executive power in the hand of the President (CEO, C-i-C, treaty-making, appoints federal officials)

Article III

- judicial power in the hand of the courts
- US SCt final court of appeals from the lower state and federal courts
- judicial review

Article IV - VII

- relation among the states and the rights of citizens of the states
- process of amending the constitution
- federal over state law

3. Amendments

- 27 have been added since 1789
- 1st Amendment guarantees freedom of religion, speech, the press, the rights of peaceful assembly and petition
- 14th abolished slavery, 16th federal income tax, 19th right to vote for women

4. Distrust of Government

- government is instituted to secure citizens rights, and therefore needed
- it had to be watched and whenever it becomes destructive it's to be abolished or altered

Vokabelliste

• outcome	Ergebnis
• to adopt	Gesetz verabschieden
• unanimous	einstimmig
• amending	ändern
• to negotiate	aushandeln
• to amend	verbessern
• amendments	Verfassungsänderungen
• capable	imstande
• "state rights" advocat	Verfechter eines starken Staates
• postpone	zurück stellen
• to adjudicate	zuerkennen
• appointment	Ernennung
• miscellaneous	verschiedene
• to accuse	vorwerfen
• impartial	unvoreingenommen
• to derive from	ableiten von
• densely	dicht
• to deem	erachten