

North Carolina's Constitution

A Living Document



Power Point Accompaniment for the Consortium's lesson "*Exploring the Relevance of North Carolina's State Constitution*", available in the Database of Civic Resources at:

www.civics.org/resources/docs/ExploringRelevanceofNCStateConst10.pdf

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What is the purpose of the North Carolina Constitution?

- The purpose is twofold:
 1. to protect the rights of the individual from encroachment by the State
 2. to provide a framework of government for the State and its subdivisions. It is not the function of a Constitution to deal with temporary conditions, but to lay down general principles of government which must be observed amid changing conditions.

History of the Constitution

- There have been three Constitutions in NC history
 1. 1776
 2. 1868
 3. 1971
- There have been numerous alterations to the Constitution
 - 1776
 - 1835
 - 1861-62
 - 1865-66
 - 1868
 - 1875
 - 1900
 - 1971



Constitution of 1776

- Major sections and impact
 - Declaration of Rights: secured citizens individual rights
 - Separation of powers: Governor, General Assembly, and Courts
 - General Assembly held most of the power
 - Governor was chosen by legislature for 1 year terms
 - State executives and judicial officers chosen by legislature
 - Voting rights belonged to:
 - Male property owners over 21
 - Free African-Americans who meet the above qualifications
 - Only voted for legislature
- Why do you think the framers were afraid of giving the governor too much power?

Convention of 1835

- Major changes and impact:
 - Governor became popularly elected, to a two year term
 - Increased strength of office
 - Abolished all African American voting rights
 - Fixed number of representatives in the House (120) and Senate (50)
- Why do you think all African American voting rights were abolished?
- Why do you think the governor was given more power?

Convention of 1861 - 1862

- Major impact and changes:
 - Removed North Carolina from the Union and made them part of the Confederacy
- What major event in US history did this change precede?

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Constitution of 1868

- Drafted by NC Republicans and Carpet-baggers and was highly unpopular with conservative elements of the state
- Major impact and changes:
 - 1776 Declaration of Rights becomes Article I
 - The people now elected all major state officers (judges, county officials, etc)
 - African Americans were given voting rights
 - Abolished property requirements for voting
 - Governor was now given 4 year terms
 - Free public schools were established
 - A detailed system of taxation was established
 - Simple and uniform court system was created

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Constitution of 1868

- How did this constitution make North Carolina more democratic?
- How does this Constitution affect your life today?



Convention of 1875

- Major impact and changes:
 - Fixed Legislators' salaries
 - Established racial segregation in public schools
 - Separate but equal
 - Abandoned 1868 court system
 - NC Supreme Court reduced to 3 judges
 - General Assembly could create new courts lower than the Supreme Court as they saw fit
 - Legislature could revise or abolish local governments
- Why do you think racial segregation was added in 1875?

1900 Amendments

- Suffrage Amendments were added:
 - Poll taxes
 - Literacy Tests
 - Grandfather clause
- What group of North Carolinians was being disenfranchised by the changes to voting rights?

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1971 Constitution

- In 1967 a study was done on the NC Constitution. They found that:
 - Due to the many amendments and provisions, the constitution became antiquated, obsolete and ambiguous.
 - It had become difficult to read and interpret.
- They drafted a new constitution that:
 - logically organized topics and omitted obviously unconstitutional sections.
 - Updated the language and syntax

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Constitution of 1971

- Since the Constitution of 1971, there have been over twenty amendments. The majority of these amendments extends the rights of citizens and extends the government the ability to issue bond. The following are significant amendments made since the 1971 constitution:
 - Prohibiting all capitation and poll tax.
 - Creating a state income tax to be computed on the same basis as the federal income tax
 - Allowing the Governor and Lieutenant Governor to serve two consecutive terms (previously, office holders were limited to one term).
 - Requiring the state run a balanced budget.
 - Requiring judges to be lawyers.
 - Adding Victims Rights to the Declaration of Rights.
 - Giving the Governor the veto power

The background of the slide is a stylized American flag with red and white stripes and a blue field with white stars. The word "Source" is written in a large, black, sans-serif font in the upper right quadrant.

Source

- Our Constitutions: A Historical Perspective
 - <http://statelibrary.ncdcr.gov/nc/stgovt/preconst.htm>
- Wikipedia
 - http://en.wikipedia.org/wiki/North_Carolina_Constitution