

The Constitution

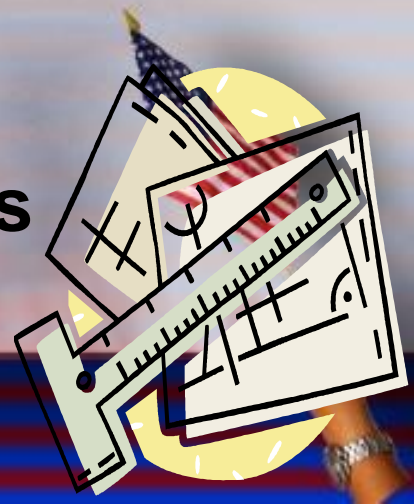
Chapter 3





Living Document

- Creation of a government “for the ages”
 - **WRITTEN PLAN OF GOVERNMENT**
 - Basic principles
 - Limited Government
 - Popular Sovereignty
 - Separation of Powers
 - Checks and Balances
 - Federalism
 - Provision for an amendment process
 - Interpretation





Limited Government

- Powers given through the Constitution
- Can't take away certain rights
- Rule by Law
 - No one above the law

Limited Government





Popular Sovereignty



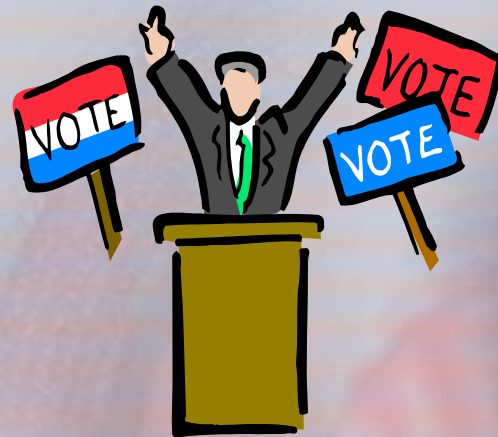
- **Power to govern belongs to the people**
- **Preamble clearly states**
 - **We the People**
 - form a better government,
 - provide systems to insure basic fairness to citizens,
 - public peace of all communities,
 - protect our nation and property,
 - help our communities achieve and prosper
 - and to endure for us and our children



Barney Fife and The Preamble

Popular Sovereignty

- **Republican** form of government
 - House of Representatives
- **Change & Expand**
 - 15th amendment
 - 17th amendment
 - 19th amendment
 - 24th amendment
 - 26th amendment





Separation of Powers

- **Power Corrupts**
 - Enable the Government to control the governed and then control itself
 - Energetic government
- **Division of government**
 - Article I - Legislative
 - Article II - Executive
 - Article III - Judicial





Achieving Separation of Powers

- **Authority** Comes from the **constitution** not the other branches
 - **Selection of Officials**
 - **Constituents - VOTERS**
 - President - Nation
 - Senate - State
 - House of Representatives - District
 - Justices of Court - Constitution
 - **Length of Term**
 - President – 4 years
 - Senate – 6 years
 - House – 2 years
- 



Checks and Balances

- **Each exercises some control over the other two branches**
- **Division of power**
 - **Legislative**
 - **Executive**
 - **Judicial**
 - **Judicial Review**
 - **Ability to declare law/act unconstitutional**
 - **1803 Marbury v. Madison**






Checks -n- Balances

	Legislative	Executive	Judicial
Legislative Check	<i>PASSES LAWS</i>	Override Veto Approve treaties/appts	Approve Appts
Executive Check	Veto bill Appoint officials	<i>ENFORCES LAWS</i>	Appoint Judges
Judicial Check	Constitutional	Constitutional	<i>JUDGES LAWS</i>





Federalism

- Strong central government without endangering the identities and functions of the states
 - **Delegated**
 - **Written** in the Constitution
 - Powers for the **Federal** government
 - **Reserved**
 - **Not written** in the Constitution
 - Powers for the **States**
 - Article VI, Clause 2
 - **Supremacy Clause**
 - **State law can not contradict a national law**
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Article I

- **Legislative**
 - Enact laws and establish policies
- How do you become a member?
 - 30, citizen for 9 years, resident of state
 - 25, citizen for 7 years, resident of district
- What can Congress do?
 - **Delegated Powers** – written for Federal Gov
- What can't Congress do?
 - **Habeas Corpus** – must see a judge
 - **Bill of Attainder** – can't punish w/out trial
 - **Ex Post Facto Law** – after the fact



Article II

- **Executive – enforce laws**
- **Electoral College**
 - Indirect election of the President
 - **538 electors/must win majority (270)**
- **Qualifications**
 - **35, natural born citizen, 14 year resident**
- **Powers:**
 - **Chief of Armed Forces**
 - **Pardons**
 - **Treaties/Appointments**
 - **Veto**






Article III



- **Judicial – interprets laws**
 - Final Authority
 - **Defines Treason**
 - **Judges (district, circuit, supreme)**
 - **Appointed by president**
 - **Confirmed by Senate**
 - **Term is Life**
 - **Jurisdiction**
 - Original
 - Appellate
 - **Jury trials for all cases except impeachment**
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Article IV, VI, VII

- **Article IV**
 - Entitlement of all citizens
 - **Full Faith and Credit Clause**: documents
 - **Extradition**: return criminal to state
 - **Republican Guarantee**: everyone gets to vote
 - **Article VI**
 - Supremacy Clause
 - Oath of Office/ **No Religious test given**
 - **Article VII**
 - Ratification
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Amending the Constitution

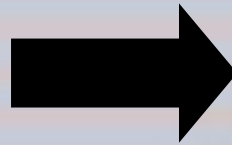
- **Article V – way of peaceful change**
 - Proposed on national level
 - Ratified by the states
 - **What do these changes do?**
 - Protect your rights (1-10)
 - Reverse Supreme Court Decisions (14, 16)
 - Change Selection of Government Officials (12, 17, 20, 22, 25)
 - Extend Right to Vote (15, 19, 24, 26)
 - Reflect Changing Social Values (13, 18, 21, 27)
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Amending the Constitution

Proposal

1. **2/3 Each Chamber of Congress**



2. **Constitutional Convention**



Ratification

1. $\frac{3}{4}$ State Legislatures
2. $\frac{3}{4}$ State Special Ratifying Conventions

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2. $\frac{3}{4}$ State Ratifying Conventions



HOW TO



Bill of Rights

- **1st**
 - Freedom of Expression
 - **2nd**
 - Right to Bear Arms
 - **3rd**
 - No troops in home
 - **4th**
 - Warrant/Search & Seizure
 - **5th**
 - Can't be tried 2x/Testify against yourself
 - **6th**
 - Trial by Jury
 - **7th**
 - Civil Lawsuits
 - **8th**
 - Forbids cruel and unusual punishment/bail
 - **9th**
 - People have rights not specifically written
 - **10th**
 - States rights
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Interpretation of the Constitution

- Legislation
- **Executive Agreement**
 - Agreement between 2 executives
 - Not approved by Senate
- Judicial Interpretation
- Political Parties
 - 2 Party System
- **Senatorial Courtesy**
 - Not confirming a nomination if Senators disagree

