# THE CONSTITUTION

# **PLEJSASR**

| ( <u>P</u> lease | e, <u>L</u> et's | <u>E</u> at | <u>J</u> ello | <u>S</u> oon | <u>A</u> fter | <u>S</u> ummer | <u>R</u> eturns) |
|------------------|------------------|-------------|---------------|--------------|---------------|----------------|------------------|
| R                | е                | X           | u             | t            | m             | u              | a                |
| е                | g                | е           | d             | a            | е             | р              | t                |
| a                | I                | C           | i             | t            | n             | r              | i                |
| m                | S                | u           | C             | е            | d             | е              | f                |
| b                | I                | t           | i             | S            | m             | m              | i                |
| 1                | a                | i           | a             |              | е             | a              | C                |
| е                | t                | V           | I             |              | n             | С              | а                |
|                  | I                | е           |               |              | t             | у              | t                |
|                  | V                |             |               |              |               |                | i                |
|                  | е                |             |               |              |               |                | 0                |
|                  |                  |             |               |              |               |                | n                |
|                  |                  |             |               |              |               |                |                  |
|                  | ı                | II          | III           | IV           | V             | VI             | VII              |

## The 6 Basic Principles of the Constitution

### The Constitution

of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defence, pumote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain
and establish this CONSTITUTION for the United States of America.

SECTION 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SECTION 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty-five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians and taxed, three fifths of all other Persons.] The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies bappen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

SECTION 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Class at the Expiration of the fourth Year, and of the the Class at the Expiration of the sixth Year, so that one-third may be chosen every second Year, and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which be shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to

# 1. Popular Sovereignty

- □ Jean Jacques Rousseau
- □ Popular = people
- □ Sovereign = power





# Preamble Activity

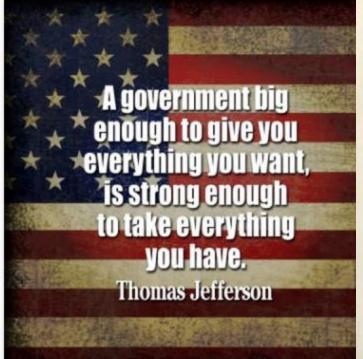
- Glue down the Preamble (page 1)
- Also glue down Article V: Amendments (page 11)
- And Article VII: Ratification (page 11)

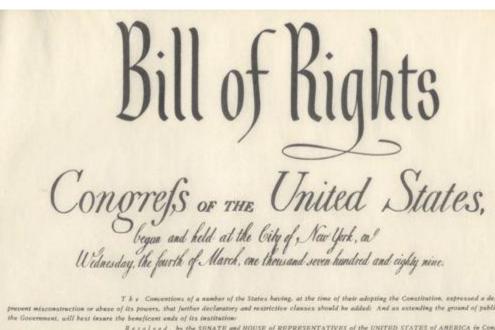
## 2. Limited Government

"That government is best which governs

HENRY DAVID THOREAU

- Constitutionalism
- Rule of Law
- Bill of Riahts





T h a Compensions of a number of the States having, at the time of their adopting the Constitution, expressed a desire, in on prevent misconstruction or abuse of its powers, that further declaratory and restrictive classes should be added: And as extending the ground of public confiden

Resolved, by the SENATE and HOUSE of REPRESENTATIVES of the UNITED STATES of AMERICA in Compress asset two thirds of both Houses concurring. That the following Articles he proposed to the Legislatures of the second States, as Amendments in the Constitution of the States; all, or any of ubicharticles, when ratified by three fourths of the said Legislatures, to be valid to all intents and perposes, as part of the said Constituti

Arricles in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and

by the Lagislatures of the several States, pursuant to the fifth Article of the Original Constitution.

Article the first ..... After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, a number shall amount to one hundred, after which, the proportion shall be so regulated by Congress, that there shall be not less than one Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to hundred, after which, the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, m than one Representative for every fifty thousand persons. [Not Ratified]

Article the second .... No law, varying the compensation for the services of the Sensiors and Representatives, shall take effect, until an election of Represent

Article the shird ...... Congress shall make no law respecting me establishment of religion, or prohibiting the free exercise thereoff or abridging the freedom o or of the press; or the right of the people peaceably to assemble, and to patition the Government for a redress of grievances.

Article the fourth ..... A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and hear Arms, shall not be infrin Article the fifth ...... No Soldier shall, is time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be

# 3. Separation of Powers

| Legislative   | Executive                                       | Judicial                      |  |
|---|---|-------------------------------|--|
| <ul><li>Makes laws</li><li>Taxes to provide</li></ul> | •Enforces laws and treaties                     | •Explains and interprets laws |  |
| services  | •Conducts foreign policy                        | •Settles disputes             |  |
| •Regulates  |   | The Supreme Court             |  |
| money and trade                                       | <ul><li>Commander in<br/>chief of the</li></ul> |                               |  |
| The U.S. Capitol                                      | military  |                               |  |
|   | The White House                                 |                               |  |

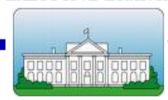
# James Madison, Federalist Papers

"If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

4.

SYSTEM OF
CHECKS AND BALANCES
IN THE
U. S. FEDERAL GOVERNMENT

EXECUTIVE BRANCH



Grant reprieves and pardons

Appoint judges to fill vacancies in the court

Approve presidential appointments
Authority to bring impeachment hearings
Power to override presidential vetoes
Control appropriations
Ratify treaties
Declare war

Interpret laws and Presidential actions

Judges appointed by the President

Serve for life

Authority to call special sessions of Congress

President is Commander-in-Chief

Power to veto bills



Arrows indicate the direction of a check one branch exerts over the other.

Power to institute new courts

Authority to impeach

Approve Judicial appointments

made by President



LEGISLATIVE BRANCH

Interpret laws

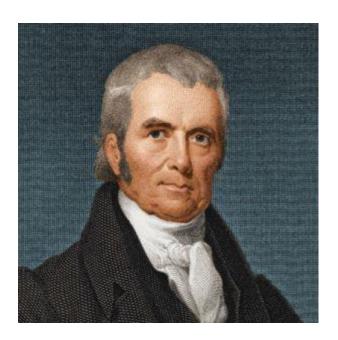
Determine constitutionality

Serve for life



## 5. Judicial Review

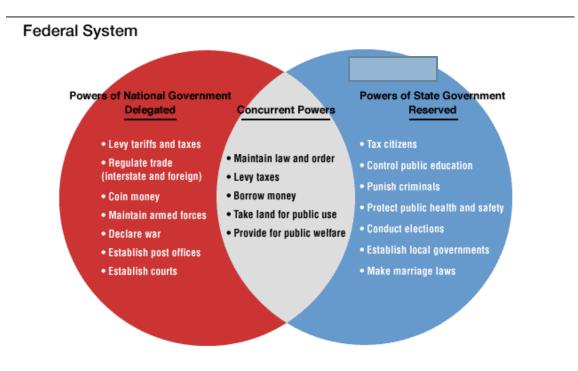
courts have power to make sure the government is following the constitution \*\*\*where does this come from???



## 6. Federalism

- Sharing of power between States and Federal Government
- □ 10<sup>th</sup> Amendment





# Now that we've got it... HOW DO WE CHANGE IT??

## Two Methods of Amending the Const.

- Formal = actual written changes; described in Article V
  - \*\* the Pres has no formal role in this process
  - 4 ways
- Informal: Laws, executive orders, court cases, tradition, political parties

### Methods of Proposal

#### Methods of Ratification



By two-thirds vote in both houses of Congress

Usual method used

Method still unused

38 states

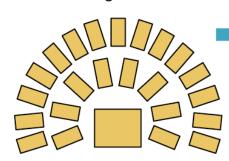
39 states

By legislatures
in three-fourths

of the states

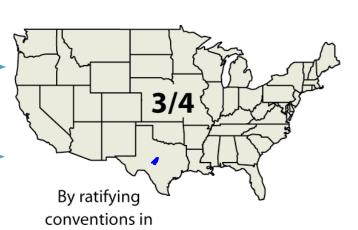
three-fourths of the states

By national constitutional convention called by Congress at the request of two-thirds of the state legislatures



Used only once, for Twenty-First Amendment

Method still unused



## Categorizing the Amendments 11-27

- Extends liberties
- Denies liberties
- Governmental process

Takes Away Extends **Process** 

# The Amending Power and How it Has Been Used

Leaving aside the first ten amendments (the Bill of Rights), the power of constitutional amendment has served a number of purposes:

#### To Increase or Decrease the Power of the National Government

The Eleventh took some jurisdiction away from the national courts.

The Thirteenth abolished slavery and authorized Congress to legislate against it.

The Sixteenth enabled Congress to levy an income tax.

The Eighteenth authorized Congress to prohibit the manufacture, sale, or transportation of liquor.

The Twenty-First repealed the Eighteenth and gave states the authority to regulate liquor sales.

The Twenty-Seventh limited the power of Congress to set members' salaries.

#### To Expand the Electorate and Its Power

The Fifteenth extended suffrage to all male African Americans over the age of 21.

The Seventeenth took the right to elect United States senators away from state legislatures and gave it to the voters in each state.

The Nineteenth extended suffrage to women over the age of 21.

The Twenty-Third gave voters of the District of Columbia the right to vote for president and vice president.

The Twenty-Fourth outlawed the poll tax, thereby prohibiting states from taxing the right to vote.

The Twenty-Sixth extended suffrage to otherwise qualified persons 18 years of age or older.

#### To Reduce the Electorate's Power

The Twenty-Second took away from the electorate the right to elect a person to the office of president for more than two full terms.

#### To Limit State Government Power

The Thirteenth abolished slavery.

The Fourteenth granted national citizenship and prohibited states from abridging privileges of national citizenship; from denying persons life, liberty, and property without due process; and from denying persons equal protection of the laws. This amendment has come to be interpreted as imposing restraints on state powers in every area of public life.

#### To Make Structural Changes in Government

The Twelfth corrected deficiencies in the operation of the electoral college that the development of a two-party national system had revealed.

The Twentieth altered the calendar for congressional sessions and shortened the time between the election of presidents and their assumption of office.

The Twenty-Fifth provided procedures for filling vacancies in the vice presidency and for determining whether presidents are unable to perform their duties.