

Presentation Pro

Magruder's American Government

CHAPTER 3 *The US Constitution*

The Constitution

SECTION 1 The Six Basic Principles

SECTION 2 Formal Amendment

SECTION 3 Informal Amendment

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EQ # 4- What are the Six Basic Principles found in the US Constitution?

- What are the important elements of the Constitution?
- What are the six basic principles of the Constitution?



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What is a Constitution?

- A **constitution**- is a list of rules and powers of a government;
- It is like an operating manual- tells who can do what and how
- The US Constitution sets out the basic principles upon which government in the United States was built.
- The US Constitution is a fairly brief document.



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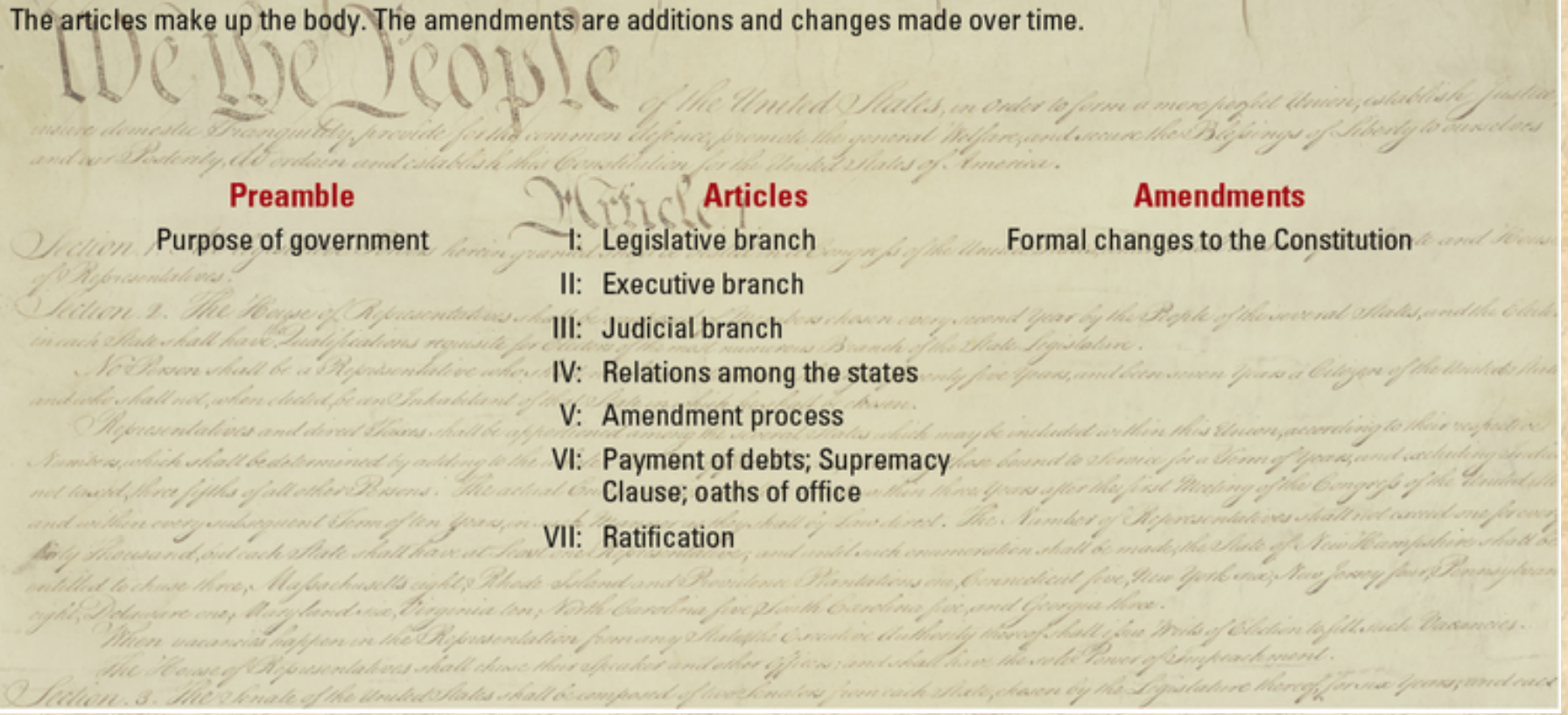
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How is the US Constitution Organized?

The Structure of the Constitution

The Constitution has a three-part structure. The Preamble is the introduction to the document. The articles make up the body. The amendments are additions and changes made over time.



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How is the US Constitution Organized?

- There are THREE parts to the US Constitution

1. The **Preamble** (introduction)

2. The **Articles** (seven sections that describe how each part of government works)

3. The **Amendments** (written changes to our Constitution over time)

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Activity- Look at our Constitution

- **Skim** your copy of the US Constitution (10 minutes). As you read...
- **DISCUSS FIVE observations** (these should be important aspects of the US Constitution you noticed) with your table partner after your review.
- Write these in your INB on the LEFT side of today's EQ Notes

When was the US Constitution written?

- The U.S. didn't always operate under the current Constitution which was written in 1787, over 10 years after the Revolutionary War.
- Following the War, the U.S. was a Confederacy and the governing document was known as the **Articles of Confederation**.
- It created a very WEAK central government. Most power went to the states, which operated like individual countries.

Friday

- Articles of Confederation
- Constitution Scavenger Hunt
- Six basic principles

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Why did the Articles of Confederation Fail?

- The Articles of Confederation failed because the national / central government was **TOO WEAK** to solve problems the US faced after the war.

Weakness	<i>Articles of Confederation</i> —Result of Identified Weakness
taxation	money requests not always honored by states; no predictable national income
trade & commerce	US hurt by foreign competition; states competing with each other
no national military	states could ignore request for militia/troops; hard to coordinate national defense
one vote per state	populous states underrepresented; lack of equal access for citizens
unanimous vote to change	problems with <i>Articles</i> not easy to fix
no national courts	no way to enforce limited central power; no way to resolve disputes between states
no executive branch	enforcing and implementing acts passed by Congress was impossible

The US Constitution

- Established a national government with many significant powers since the weak government under the Articles of Confederation failed.
- For example, the power to tax, to regulate trade, to maintain armed forces

How is the Constitution Organized? – The Preamble

- **The Preamble** – Is the Introduction of our Constitution
 - **Purpose**- To define the broad purposes of the republican government and to set out specific goals for the nation
 - **Example**- The words “to form a more perfect Union” establishes a goal of cooperation among the states and between the states and the national government

How is the Constitution organized? – The Articles (7)

The ARTICLES are the heart of the Constitution.

Purpose- of the SEVEN Articles

Articles 1-3- To establish and define the powers of the three main branches (Leg, Exec, Judicial).

- **Article 4-** To define relations among the states and the supremacy of national laws
- **Article 5-** To describe the amendment process- how the Constitution can be changed.

Articles of the Constitution

Section	Subject
Preamble	States the purpose of the Constitution
Article I	Legislative branch
Article II	Executive branch
Article III	Judicial branch
Article IV	Relations among the States and with the National Government
Article V	Amending the Constitution
Article VI	National debts, supremacy of national law, and oaths of office
Article VII	Ratifying the Constitution



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How is the Constitution Organized?

Amendments

- **The Amendments (27)**- Last section
 - There are 27 Amendments (official changes) to the original Constitution.
 - **What is the purpose of an amendment?**- To make formal changes to the Constitution and to ensure the protection of individual civil liberties
 - **Example**- 1st Amendment- protects freedoms of speech, religion, press, assembly, and petition

Activity- Constitution Scavenger Hunt

- 1. Go to Article 1, Section 3. How long is a Senator's term?
2. Which branch is written about in Article 3? List ONE power granted in this Article.
3. Go to Article 1, Section 8. List THREE powers of Congress. Which is MOST important from this list? Why?
4. What is ONE power denied Congress?
5. List ONE power of the President given in Article 2, Section 2.
6. What is Article 5 about?
7. Which Article is longest? Why?
- **BONUS**: *List ONE proposed amendment that was NOT ratified and tell why. **In Article 4, can new states be added? How?

Monday

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What are the Key Principles found in the US Constitution?

- The US Constitution is based on SIX broad principles without many details.
- Popular Sovereignty
- Limited Government
- Separation of Powers
- Checks & Balances
- Judicial Review
- Federalism

1. What is Popular Sovereignty?

- Means that the people are the source of any and all government power, and government can exist only with the consent of the governed.
 - Describes DEMOCRACY
 - This principle comes from Locke's idea of the Consent of the Governed.
 - The principle of popular sovereignty is expressed in the opening phrase of the Preamble:

“We the people.”

Popular Sovereignty Examples

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States.

—Article I, Section 2, Clause 1

- Under this provision, the more representative body of Congress, the House, is made up of members elected by the people.

The United States shall guarantee to every State in this Union a Republican Form of Government. —Article IV, Section 4

- By guaranteeing republican government in the states, the Constitution extends the principle of popular sovereignty to the states.

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2. What is Limited Government?

- The principle of **limited government** states that-
- Government is restricted in what it may do (by laws and the Constitution)
 - *Each individual has rights government cannot take away.
- “Rule of Law”- government & officials are subject & never above the law
- The framers’ main goal in crafting the Constitution was to create a system of limited government.
 - Absolute power often leads to the abuse of rights
 - Lack of governmental power can result in chaos / instability.



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Limited Government - Examples

*Amendments guarantee freedoms—speech, the right to petition government—that governments can NOT take away.

*The articles of the Constitution list powers of Congress and the President and tell how the Courts should be organized.

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3. What is Separation of Powers?

- **Separation of powers** is the principle in which the powers of our government are divided into executive, legislative, and judicial branches.
- Each branch of government is independent and coequal.
- No ONE branch will become too powerful.
- James Madison stated in Federalist Paper 47,
“The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many... may justly be pronounced the very definition of tyranny.”

Powers of the Three Branches of Government

The Constitution establishes a government of three branches, with separate powers for each branch. By dividing power, the framers hoped to ensure that no single branch would become too powerful.



Legislative

- Makes the laws
- Appropriates funds for laws and programs
- Approves treaties and executive appointments
- Establishes federal courts



Executive

- Enforces the laws
- Acts as commander in chief of military
- Negotiates treaties
- Appoints federal judges and other top officials



Judicial

- Interprets the laws
- Reviews lower-court decisions
- Judges whether laws and executive actions are constitutional
- Rules on cases between states

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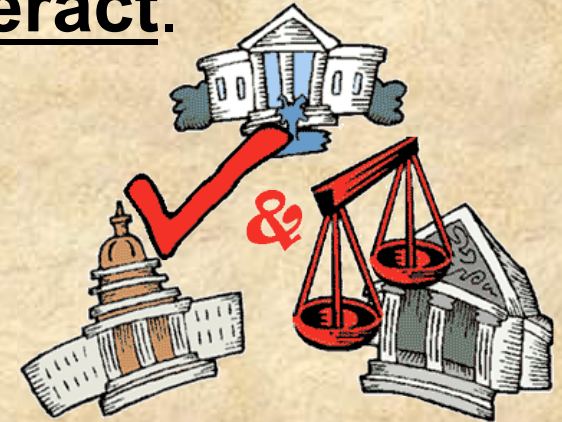
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4. What is Checks and Balances?

- **Checks and balances** is the system that allows the legislative, executive, and judicial branches to limit, or restrain, the actions of one another. **Describes how the branches interact.**
- Ex- president's **veto power**



Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to the House in which it shall have originated.

—Article I, Section 7, Clause 2

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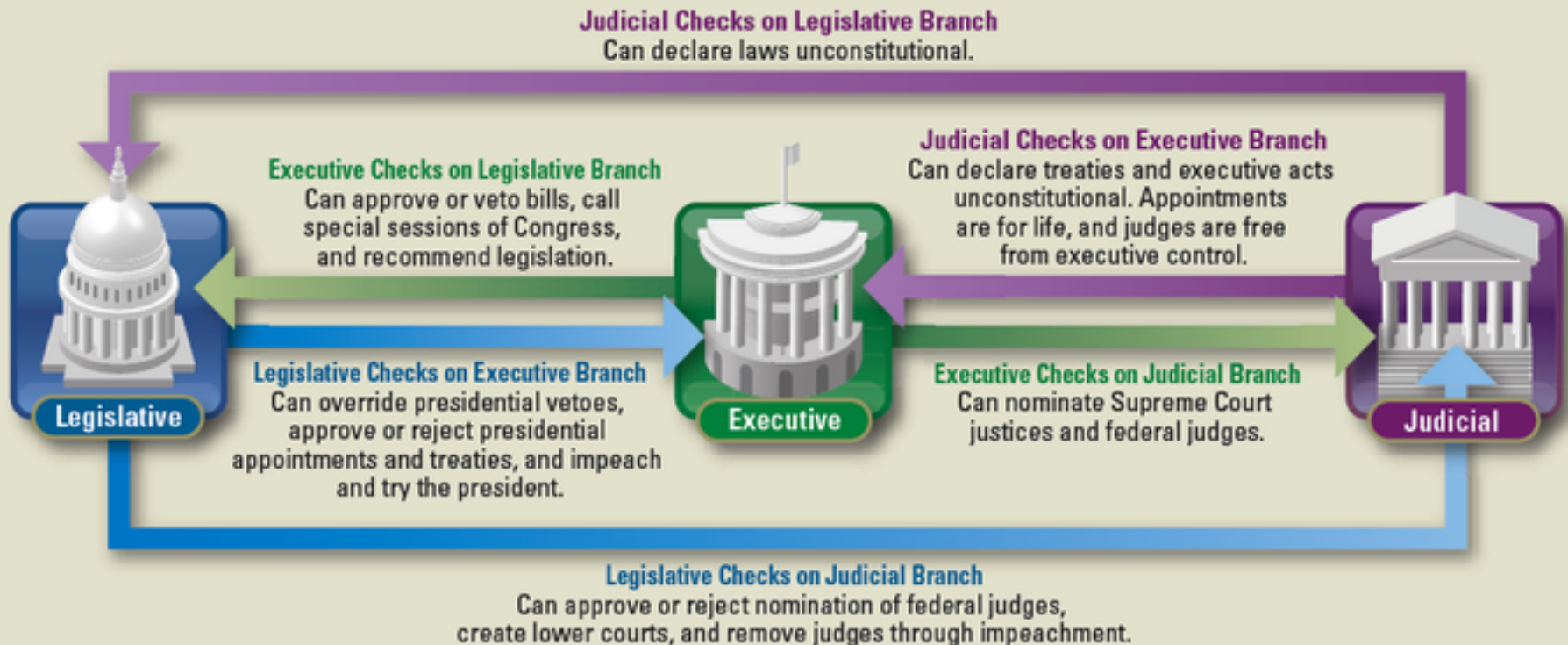
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Checks and Balances

The system of checks and balances is a guiding principle of the Constitution and a key component of limited government. This system works to prevent any one branch from wielding too much power.



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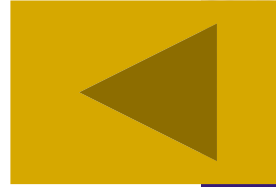
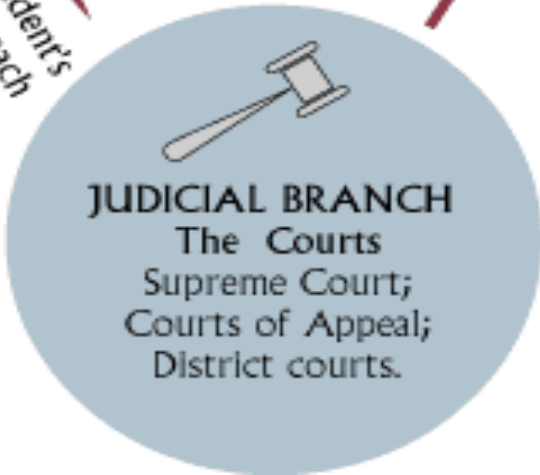
Congress approves presidential nominations and controls the budget. It can pass laws over the president's veto and can impeach the president and remove him or her from office.



The president can veto congressional legislation.

The Court can declare laws unconstitutional.
The Senate confirms the president's nominations. Congress can impeach judges and remove them from office.

The president nominates judges.
The Court can declare presidential acts unconstitutional.



5. What is Judicial Review?

- The principle of **judicial review** is the power of the courts to determine the constitutionality of a governmental action.
- An independent judiciary, was considered essential by the framers to support the rule of law and preserve limited government.
- Was first used by the Supreme Court in the case *Marbury v. Madison*, 1803



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Judicial Review

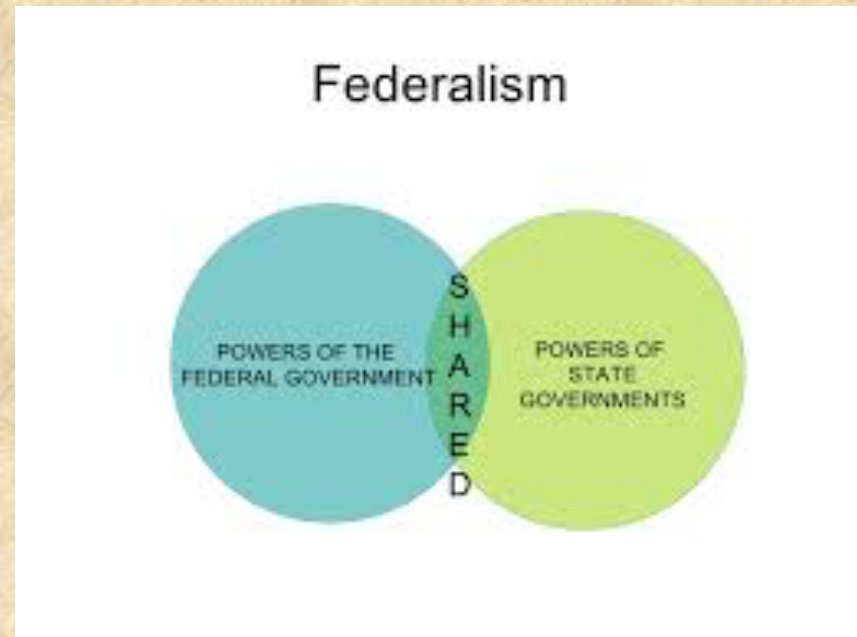
The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation, which shall not be diminished during their Continuance in Office.

—Article III, Section 1

- “during good Behaviour,” means “for life,” unless there is just cause to remove them.
- **EXAMPLES-** Abortion is legal in all states; As of 2015, same sex marriage is legal in all states.
- Federal judges are somewhat free from political pressure and influence. How? What are the benefits of this?

6. What is Federalism?

- **Federalism** is a system of government in which the powers of government are divided between a central government & several local governments.



What are the powers in the US Federal system?

1. **Delegated powers** are those powers granted to the national government directly by the Constitution.

- Regulating immigration, making treaties, and declaring war.

What are the powers in the US Federal system?

2. Reserved powers are those powers kept by the states.

*They are unstated and include anything not given to the Nat'l gov't.

*They come from the **10th Amendment.**

- Marriage and divorce laws
- Driver's licenses & public schools.
- The important day-to-day powers that affect citizens most directly.

What are the powers in the US Federal system?

3. **Concurrent powers** are those that are shared by the federal and state governments.

- All states and the federal government **BOTH tax citizens and enforce laws.**

Federalism

Powers Delegated to the National Government

- declare war
- create and maintain armed forces
- establish foreign policy
- regulate interstate and foreign trade
 - make copyright and patent laws
 - establish postal offices
 - coin money

Powers Reserved to States

- establish local governments
 - establish and maintain schools
 - regulate trade within states
 - conduct elections
 - provide for public safety
- raise taxes
 - provide for the public welfare
 - criminal justice
 - borrow money
 - charter banks
 - build roads

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Section 1 Review

1. Article II of the Constitution establishes the powers of the
 - (a) executive branch.
 - (b) legislative branch.
 - (c) States.
 - (d) judicial branch.

2. The principle of popular sovereignty asserts that the
 - (a) government should be divided into three branches.
 - (b) monarch is the supreme ruler.
 - (c) means of production should be owned by the proletariat.
 - (d) people are the source of any and all government power.

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Warm-Up: The US Constitution (Left INB)

- 1 What was the US' FIRST form of government? Why did it fail? (be specific).
- 2 Did the US Constitution make the national government MORE or LESS powerful than it was? Explain.
- 3 What are the THREE parts of the US Constitution?
- 4 Which article tells about the Executive branch powers? Which Judicial? Which Legislative?
- 5 What does the Fourth Article describe?

Activity- Six Principles of the US Constitution

- Complete your Graphic Organizer after reading the handout and reviewing your notes
- **DEFINITION-** Use your own words to describe this principle. Be thorough in your description
- **EXAMPLES-** Provide specific examples of the concept in action in US Government today
- **PICTURE-** draw a graphic / picture that illustrates the concept so that when others see the picture, they can gain an understanding of the concept.

EQ #5- How is the Constitution Changed?

- What is a formal and informal amendment?

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Formal Amendment

- What are the different ways to formally amend, or change the wording of, the Constitution?
- How many times has the Constitution been amended?
- What is the Bill of Rights?



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Amending the Constitution...

Constitutions should consist only of general provisions: The reason is, that they cannot calculate for the possible changes of things

~Alexander Hamilton

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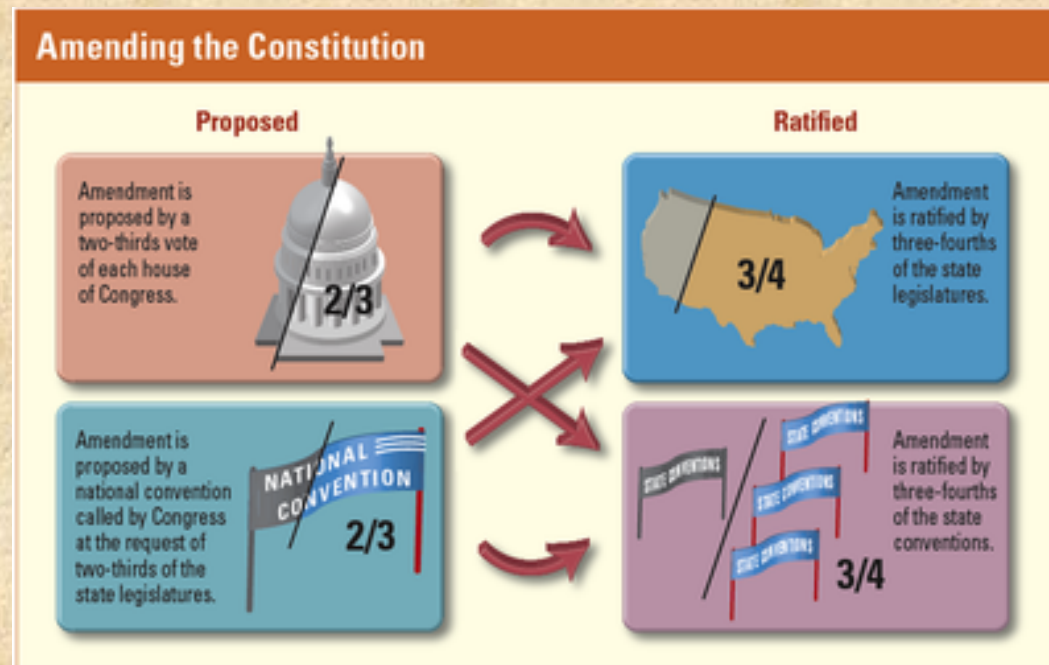
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Amending the Constitution

- Article V of the Constitution tells how to make a formal **amendment**—a change to the written words of the US Constitution.



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Article 5- Formal Amendments

- **Formal Amendments-** Are WRITTEN changes to the Constitution.
- There have been 27 Amendments (formal written changes) to the US Constitution since 1787
- The process of formal amendment requires a SUPER majority in the NATIONAL and STATE governments to pass.
- Therefore, relatively FEW amendments have passed.

What is the Bill of Rights?

- The first 10 Amendments to the Constitution
- They were added as a condition of the Constitution's formal acceptance (ratification).
- The BOR lists the MOST important protections citizens have from our government.
- They include **Freedom of Speech, religion, press, many more)**

Read the article about the Bill of Rights

Video Clips

- **Bill of Rights –**
- **Why were they added?-**
<https://www.youtube.com/watch?v=aMCDikASE4o>
- **What are they?**
<https://www.youtube.com/watch?v=yYEfLm5dLMQ>

Bill of Rights Article Debrief

Use the handout to write up key information about the Bill of Rights

- Read the article
- Answer the Q's
- Map the Amendments; use pocket Constitution (p.45)

(Note to Helen: Handout found in Google Docs)

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Bill of Rights...practice

1. A student's backpack is searched because the teacher thought she looked suspicious in class.
YES / NO / AMENDMENT
2. A man disrupts a speech by a Senator because he opposes the healthcare law the Senator supported.
YES / NO / AMENDMENT
3. A student's reputation is damaged when a classmate sends a compromising picture of her on Insta-gram without her permission. YES / NO / AMENDMENT
4. A woman is accused of shoplifting and is kept in jail until her trial is held three months later.
YES / NO / AMENDMENT

What are the Methods of Formal Amendment?

- There are TWO steps to Formal Amendment

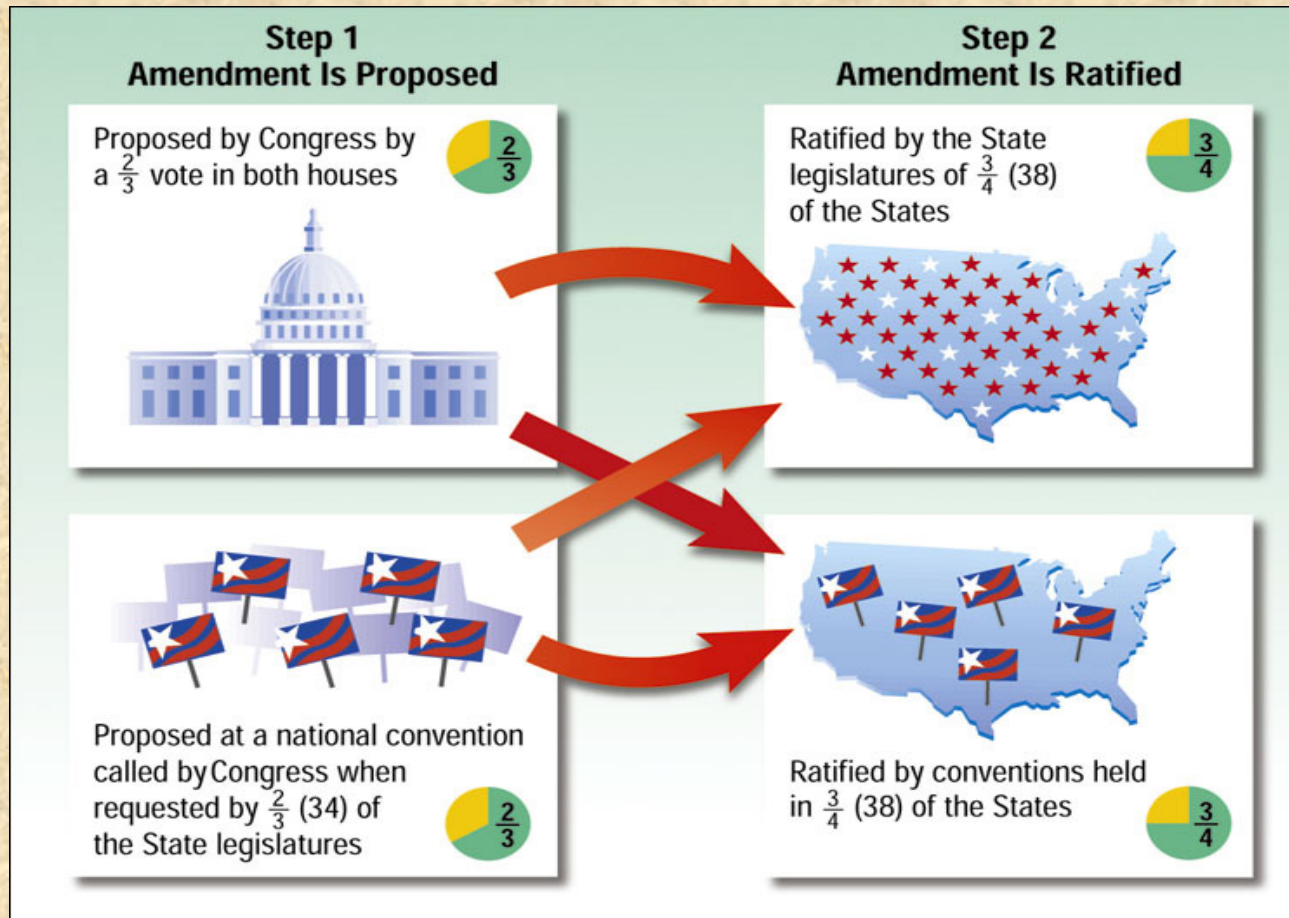
1. PROPOSAL- By 2/3 of House and Senate in Congress

2. RATIFICATION- By the $\frac{3}{4}$ (38) of the states

- There are FOUR possible methods but only TWO have ever been used.

Formal Amendment Process

- The four different ways by which amendments may be added to the Constitution are shown here:



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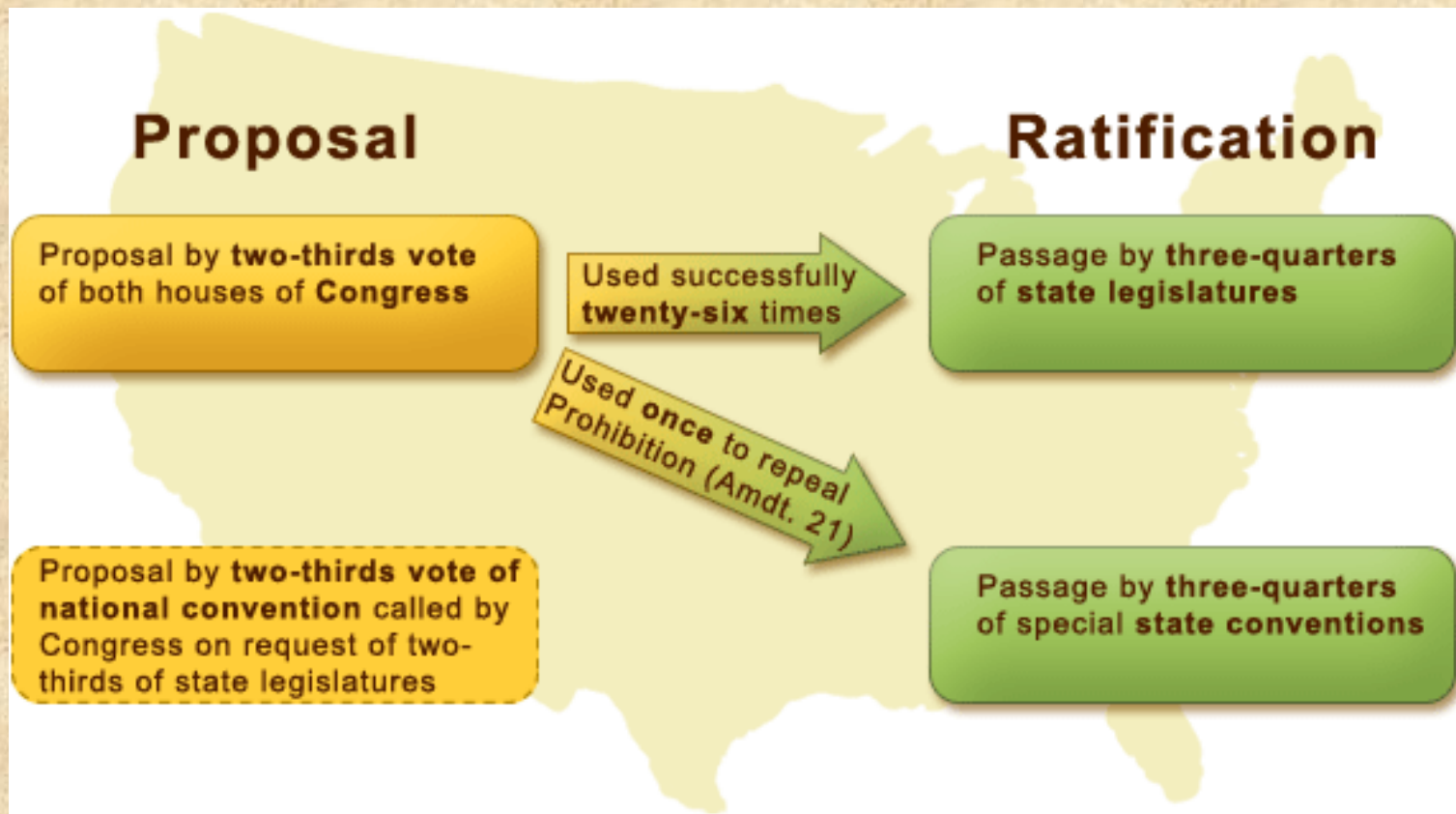
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Amending the Constitution

- 26 of the 27 Amendments have used the top method shown below
- The exception was the 21st A. to repeal the 18th A (Prohibition)



Formal Amendments- Changes to the Constitution

- More than 11,000 amendments have been introduced.
 - **Only 33 have made it to the states for ratification (proposed)**
 - **Of those, only 27 have been ratified (accepted)**
- Power to amend the Constitution lies exclusively with Congress & the states;
- This demonstrates the principle of federalism

Amendments to the Constitution

Collectively, the first ten amendments are known as the **Bill of Rights**. They set out many of our basic freedoms.

Amendment	Subject	Year	Time Required for Ratification
1st–10th	Bill of Rights	1791	2 years, 2 months, 20 days
11th	Immunity of States from certain lawsuits	1795	11 months, 3 days
12th	Changes in electoral college procedures	1804	6 months, 6 days
13th	Abolition of slavery	1865	10 months, 6 days
14th	Citizenship, due process, equal protection	1868	2 years, 26 days
15th	No denial of vote because of race, color, or previous enslavement	1870	11 months, 8 days
16th	Power of Congress to tax incomes	1913	3 years, 6 months, 22 days
17th	Popular election of U.S. Senators	1913	10 months, 26 days
18th	Prohibition of alcohol	1919	1 year, 29 days
19th	Woman suffrage	1920	1 year, 2 months, 14 days
20th	Change of dates for start of presidential and Congressional terms	1933	10 months, 21 days
21st	Repeal of Prohibition (18th Amendment)	1933	9 months, 15 days
22nd	Limit on presidential terms	1951	3 years, 11 months, 6 days
23rd	District of Columbia vote in presidential elections	1961	9 months, 13 days
24th	Ban of tax payment as voter qualification	1964	1 year, 4 months, 27 days
25th	Presidential succession, vice presidential vacancy, and presidential disability	1967	1 year, 7 months, 4 days
26th	Voting age of 18	1971	3 months, 8 days
27th	Congressional pay	1992	202 years, 7 months, 12 days



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Amendments to the Constitution After the Bill of Rights, 1798–1992

Amendments Defining the Powers of Government

Eleventh Amendment (1795)
Limited federal court jurisdiction over lawsuits involving states

Fourteenth Amendment (1868)
Defined citizenship and prohibited states from denying due process, equal protection, and other basic rights to citizens

Sixteenth Amendment (1913)
Gave Congress the power to levy and collect taxes on incomes

Twenty-seventh Amendment (1992)
Limited the power of Congress to raise members' pay

Amendments Affecting the Election or Tenure of Officeholders

Twelfth Amendment (1804)
Required separate electoral college ballots for president and vice president

Seventeenth Amendment (1913)
Called for the direct election of senators by voters

Twentieth Amendment (1933)
Changed the date when the president, vice president, and members of Congress take office

Twenty-second Amendment (1951)
Limited the president to two full terms or no more than 10 years in office

Twenty-fifth Amendment (1967)
Provided for succession in case of the president's death or disability

Amendments Reflecting Changing Social Values

Thirteenth Amendment (1865)
Banned slavery and involuntary servitude

Eighteenth Amendment (1919)
Empowered the federal government to prohibit the sale of alcohol

Twenty-first Amendment (1933)
Repealed the highly unpopular 18th Amendment (prohibition)

Amendments Expanding Voting Rights

Fifteenth Amendment (1870)
Extended voting rights to male citizens of all races

Nineteenth Amendment (1920)
Extended the right to vote to women

Twenty-third Amendment (1961)
Granted voting rights in presidential elections to the residents of the District of Columbia

Twenty-fourth Amendment (1964)
Banned poll taxes, or fees imposed on voters

Twenty-sixth Amendment (1971)
Lowered the voting age from 21 to 18

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Breaking Amendments Down

- Bill of Rights- 1st Ten Amendments
- 2 Early Amendments Strengthen Fed Gov't- 11th & 12th
- 3 Civil War Amendments- 13th, 14th, & 15th
- 4 Progressive Era Amendments (Political & Social Reform)- 16th, 17th, 18th, and 19th
- 4 21st Century Amendments about Governance- 20th, 22nd, 25th, & 27th
- 3 Civil Rights Amendments- 23rd, 24th, & 26th

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Formal Amendments Activity- p. 45 in Pocket Constitution

- Read / Scan the amendments on the pages of this section
1. In your INB on the LEFT side, record FIVE observations about these passed amendments. What patterns do you notice?
- Now check out the list of proposed amendments (pp. 57-58).
2. What is the length of time a proposed amendment has to be ratified by the states?
 3. Are there any amendments on the list that you think should have passed? Explain.
 4. Are there any amendments you would add? Explain.

Warm-Up- Discuss with partner

1. What is a formal amendment?
2. In what ways is the FORMAL Amendment process difficult? Explain TWO.

Section 2 Review

1. A formal amendment

- (a) changes the Constitution by passing laws.
- (b) changes the written language of the Constitution itself.
- (c) allows States to secede from the United States.
- (d) none of the above.

2. Many of the basic rights of citizens are constitutionally guaranteed in

- (a) English common law.
- (b) the Declaration of Independence.
- (c) the Magna Carta.
- (d) the Bill of Rights.

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Informal Amendment

- How has **basic legislation** changed the Constitution over time?
- What powers do the **executive branch** and the **courts** have to change the meaning of the Constitution?
- What role do **party politics** and **custom** have in shaping the Federal Government?



Are there other ways to change the Constitution?

- The US Constitution's meaning has changed in important ways throughout history
- Many of these changes have occurred WITHOUT a formal amendment
- Why do you think there is a need for informal changes to the US Constitution?
- What are the risks/benefits of these?

Informal Amendment Processes

Informal amendments are changes to the meaning of the Constitution without changing the written words.

*They are usually practices of government (especially the President) and court rulings

The informal amendment process can take place by:

- (1) the passage of basic legislation by Congress;
- (2) Executive actions taken by the President;
- (3) key decisions of the Supreme Court;
- (4) the activities of political parties; and



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Informal Amendments

1 . Basic Legislation - Passing Laws

Congress has added laws to define what the constitution means. This is an informal amendment.

Examples:

- Laws to limit Pollution
- Created federal courts
- Created many departments and agencies of Executive Branch (ex: IRS, NASA, Department of Defense, Department of Agriculture)

Informal Amendments

2. Executive Action (President)

- During times of crisis and in response to national problems, presidents act to help the nation. This often involves expanding the powers of the P.
- P Trump uses an executive order to change immigration rules for those in majority Muslim countries trying to come to the U.S.
- As commander-in-chief, President Bush engaged in war with Iraq in response to the attacks on the US by terrorists.

Informal Amendments

3. **Court Decisions** - The courts interpret the Constitution and say what it means when they rule on controversial issues.

- *Roe v. Wade, 1971*
 - Court affirms a woman's right to an abortion as an extension of her right to privacy (none of this is directly in the Constitution)
- They determine the changing definition of "equality"

Informal Amendments

4. Party Practices

- No mention of political parties in the constitution, so anything we do because of them today is an informal change to the Constitution

Examples: presidential appointments made on the basis of party affiliation; changed the nature of elector's vote in the Electoral College; nomination of candidates (for president through a national convention)

Informal Amendments

5. Custom/Tradition

- Many government practices aren't listed in the Constitution but have been done out of custom or tradition.
- Examples-
- The President appoints a Cabinet of advisors- 15 leaders of the Executive Departments advise the president. NOT in the Constitution!
- Vice President taking over for President when there is a vacancy

-In 1967, the 25th amendment made this informal amendment formal a formal amendment

Section 3 Review

1. An informal amendment can be established by

- (a) actions taken by the President.
- (b) custom.
- (c) key decisions of the Supreme Court.
- (d) all of the above.

2. An executive agreement is

- (a) a promise from the President to the legislature.
- (b) a pact made by the President directly with the head of a foreign state.
- (c) a decision made by the President and his cabinet members.
- (d) the contract the President signs when he accepts the office.

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Venn Diagram – Formal and Informal A.

- Compare and contrast the TWO ways that *changes* to the US Constitution occur through FORMAL and INFORMAL amendment.
- Use the handout!