

Constitution

U.S Constitution

- Preamble
- 7 Articles
 - Article I Legislative (bicameral)
 Section 8 Necessary & Proper Clause (Elastic Clause)
 - Article II Executive
 - Article III Judicial
 - Article IV Interstate Relations
 Section 1 Full Faith and Credit Clause
 - Article V Amending the Constitution
 - Article VI Debts, Supremacy, Oaths
 - Article VII Ratifying the Constitution
- 27 Amendments
 Bill of Rights (#1-10)

Constitution: 6 Principles

- Popular Sovereignty
- Limited Government
- Separation of Powers
- Checks and Balances
- Judicial Review
- Federalism

Popular Sovereignty

- All political power belongs to the people; “power to the people”
- Government can only govern with the consent of the people
- In the preamble, its opening words, the Constitution declares: “We the people....”

Limited government

- Government is not all-powerful
- People have certain rights the government cannot take away
- Constitutionalism- government must be conducted according to constitution principles; rule of law
- Social Contract Theory

Separation of powers

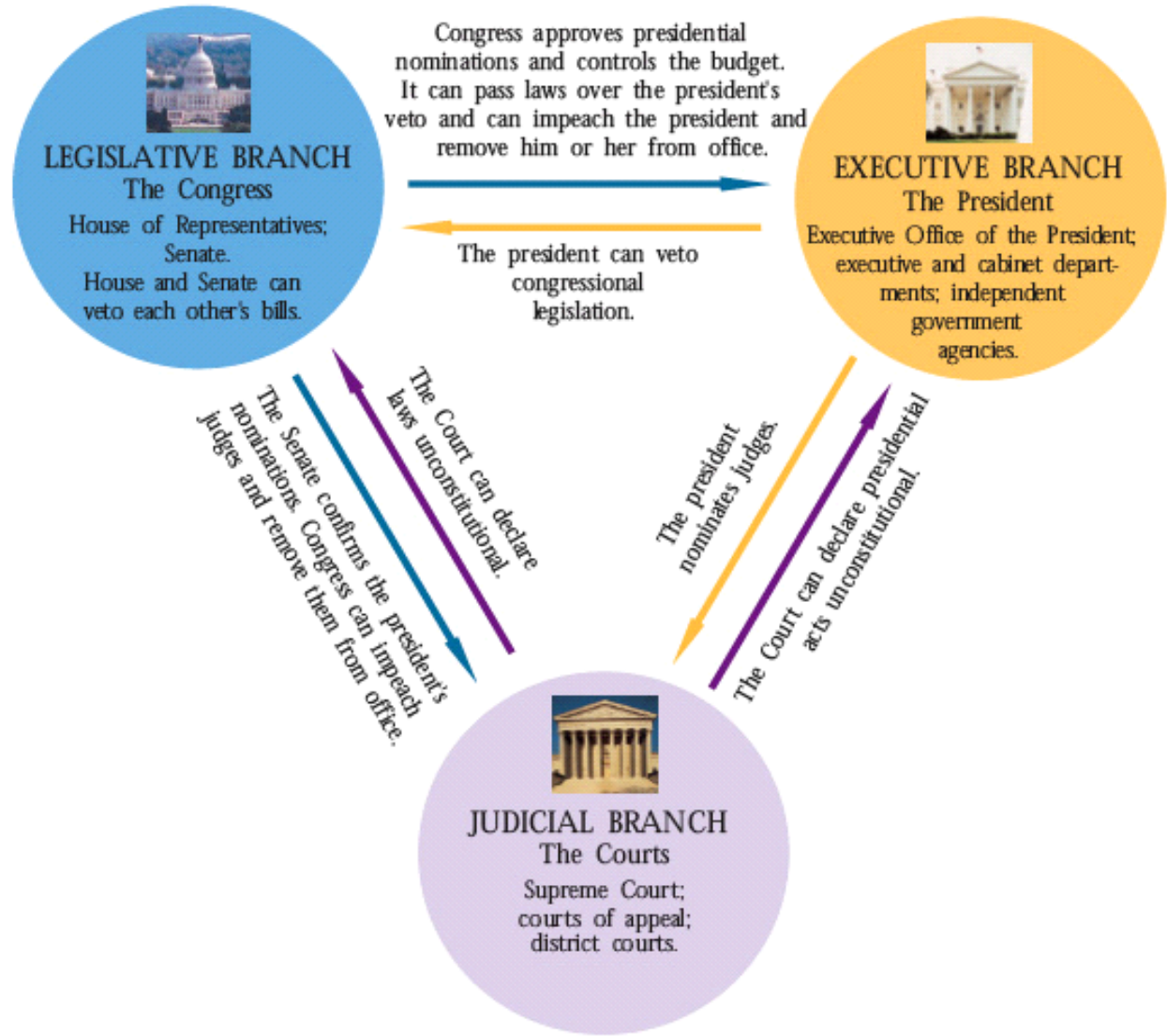
- each branch has separate but co-equal power
- Distributes the powers of the national government
- Each branch has their own job
 - Legislative- makes the law
 - Executive- enforces the law
 - Judicial- interprets the law

Checks and Balances

- Each branch is subject to a number of constitutional checks, or restraints, by the other branches
- ability of branches to monitor actions of the other branches
- P. 68

Figure 2.3 Separation of Powers and Checks and Balances in the Constitution

The doctrine of separation of powers allows the three institutions of government to check and balance one another. Judicial review—the power of courts to hold executive and congressional policies unconstitutional—was not explicit in the Constitution but was asserted by the Supreme Court in *Marbury v. Madison*.



Judicial Review

- The power given to the courts to decide whether what government does is in accordance with what the Constitution provides
- Unconstitutional- declare illegal, null and void
- *Marbury vs. Madison*
- The U.S Supreme Court has the final say

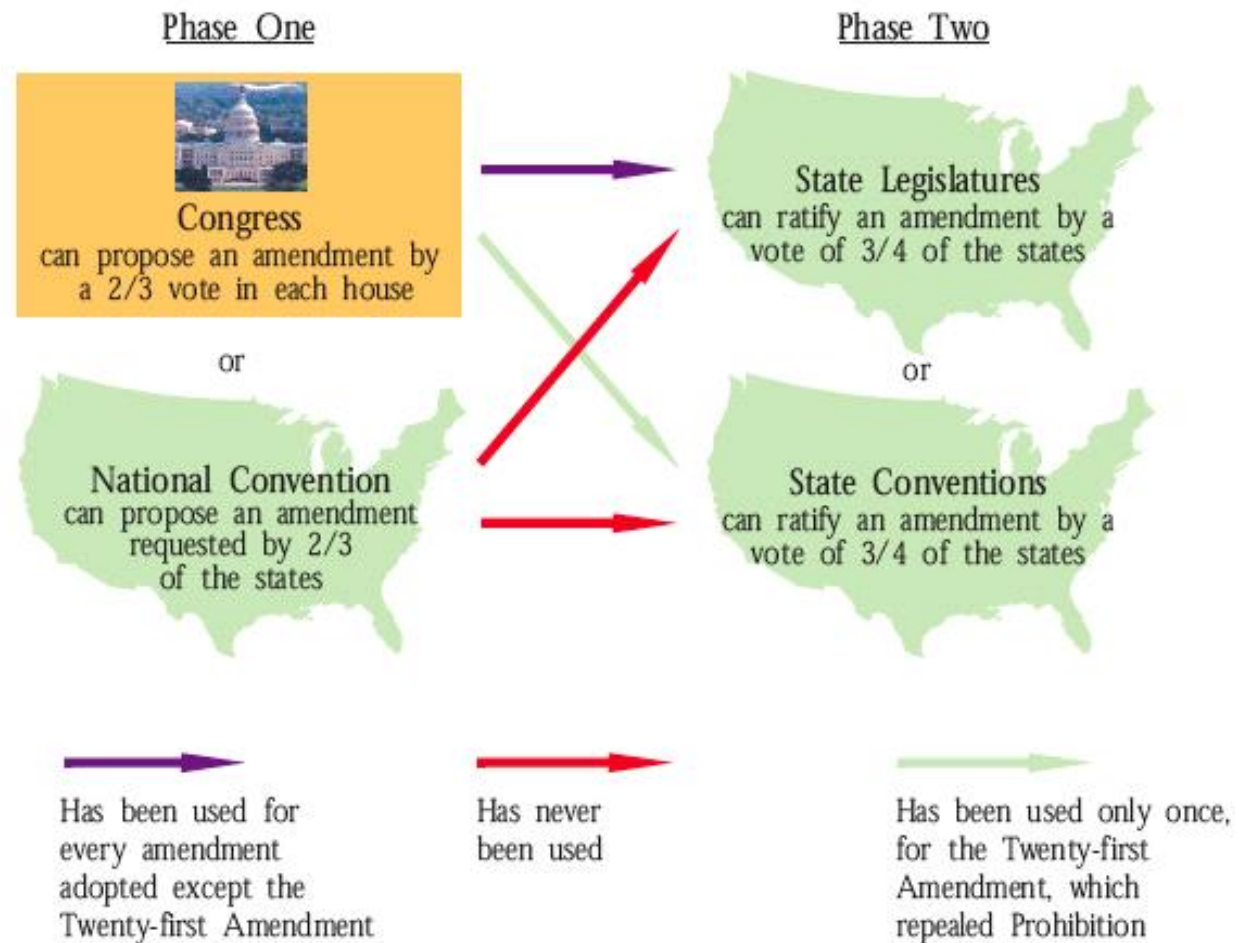
Federalism

- The division of power among the federal, state, and local governments
- 10th amendment reserves power not granted to the national government to the states

Amending the Constitution

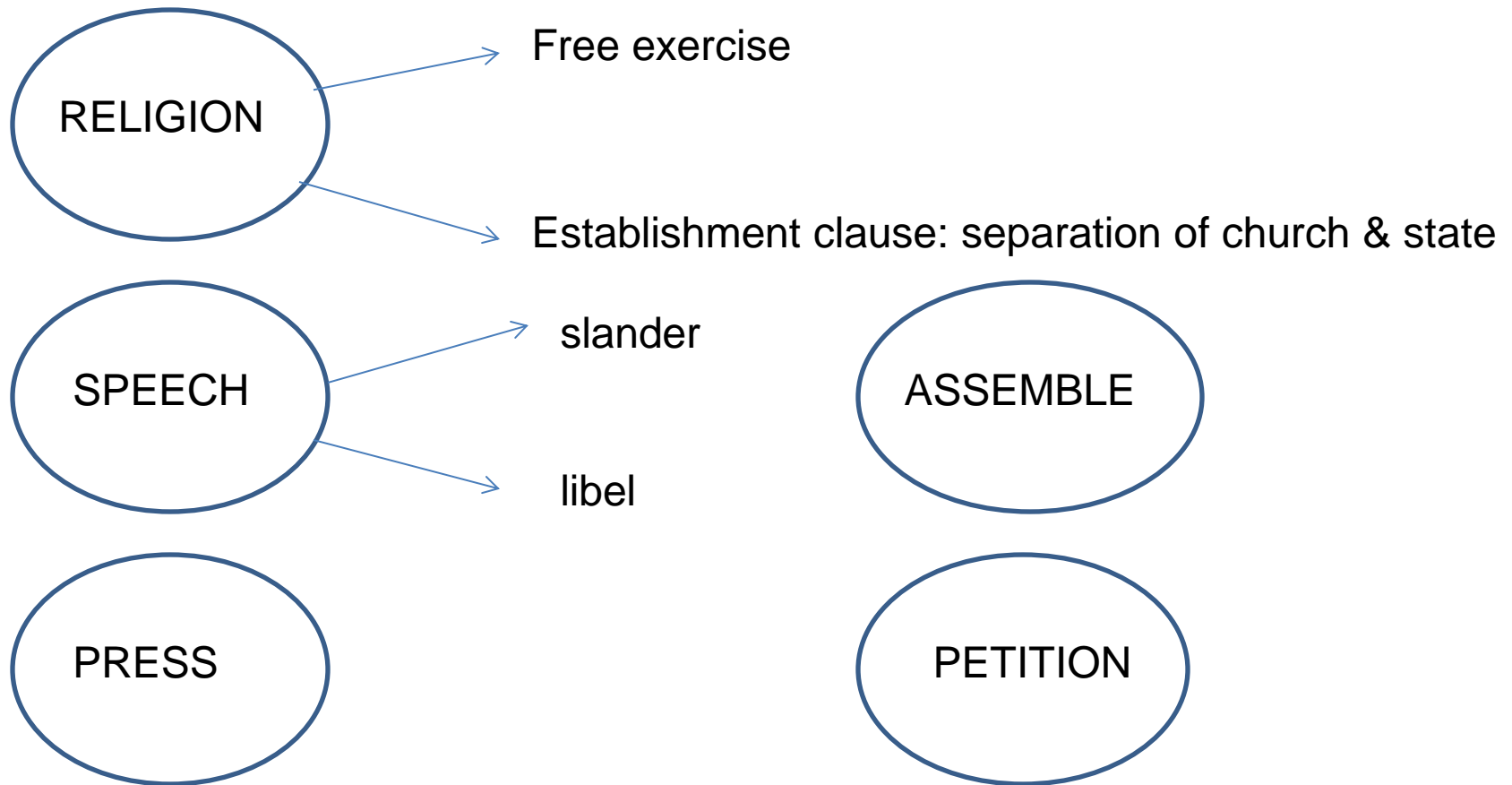
Figure 2.4 How the Constitution Can Be Amended

The Constitution sets up two alternative routes for proposing amendments and two for ratifying them. Only one of the four combinations has been used in every case but one.



Bill of Rights- 1st 10 amendments

- 1st Amendment



Bill of Rights cont.

- 2nd Amendment- Right to keep and bear arms
- 3rd Amendment- Quartering troops
- 4th Amendment-protects against illegal search & seizure

police search- probable cause to get a warrant

school search- reasonable suspicion

Bill of Rights cont.

- 5th Amendment

- protects against double jeopardy- cannot be tried twice for the same crime

- protects against self incrimination “plead the 5th”

- establishes the right to due process

Bill of Rights cont.

- 6th amendment
 - right to a fair and speedy trial
 - right to a trial by jury in a criminal case
 - right to counsel (lawyer) if the defendant cannot afford one
- 7th amendment- right to a trial by jury in a civil case

Bill of Rights cont.

- 8th amendment- protects against cruel and unusual punishment
- 9th amendment- “umbrella type amendment” that retains rights to the people

For example: the right to privacy decided in the case *Roe v. Wade*; a right not stated in the Constitution but the Court has interpreted as people having an expectation of this right under the 9th amendment

- 10th amendment- “umbrella type amendment” that reserves power to the states

Additional Amendments

- 11th
- 12th amendment- If no presidential candidate receives a majority of the Electoral College vote, the House of Representatives selects the President

- 13th amendment- outlawed slavery
- 14th amendment- all persons are guaranteed equal protection under the law

- ➔ 15th amendment- the right to vote cannot be denied because of race

C
I
V
I
L

W
A
R

Additional Amendments

- 16TH
- 17th
- 18th amendment- prohibition
- ➔ 19th amendment- women's suffrage
- 20th
- 21st amendment- repealed the 18th
- 22nd amendment- no president can be elected to more than 2 terms

Additional Amendments

- 23rd
- ➔ 24th amendment- people cannot be made to pay a poll tax to vote
- 25th amendment- the VP takes over if the President cannot serve; presidential succession
- ➔ 26th amendment- established 18 as the minimum age to vote
- 27th amendment- Congress can vote their own pay raise