

Chapter 3: The Constitution



Section 3: Constitutional Change by Other Means

Basic Legislation

- Congress has been a major agent of constitutional change in **two** ways.
 - First, it has passed laws to spell out several of the Constitution's brief provisions. *Flesh to the bones!*
 - Expanded the executive branch beyond the initial President and Vice President (Cabinet).
 - The Judiciary Act (1789) provided details for how Congress would establish lower courts.
 - Second, it has added to the Constitution by way it has used many of its powers.
 - By exercising commerce powers through the passage of thousands of law, Congress has define its initially vague constitutional mandate.

Executive Action

- Many Presidents have contributed to the growth of the Constitution through executive action.
 - While only Congress can declare war, as commander-in-chief of the military the President have made war without declaration (several hundred times now).
 - Presidents make use of executive agreements with foreign heads of state rather than by treaty which must be approved by Congress.



Party Practices

- Political parties have also been a source of Constitutional change, despite no mention of political parties in the document.
- George Washington and other Framers actively warned against the creation and growth of political parties, nevertheless.
- Nothing in the Constitution provides for the nomination of candidates for the presidency.
 - Political parties now hold primaries/caucuses to determine candidates.
 - Electoral College has been turned into a “rubber stamp” for each state’s popular election.

Custom

- Like the UK, but to a far lesser extent, the United States has unwritten customs that are as strong as the Constitution.
 - The Cabinet, 15 heads of executive departments, make up an advisory body to the President.
 - Prior to the adoption of 25th Amendment there was written support for the Vice-President to succeed the President in case of death or other circumstance, but it was the custom.
 - Senatorial Courtesy, the practice whereby the President will not nominate appointees that are not acceptable to his parties Senators.
 - Until FDR, no President attempted to run for a third term, when that custom was broken the 22nd Amendment resulted.

Chapter 4: Federalism



Section 1: Federalism: The Division of Power

Jigsaw Reading Activity

- Divide into groups of 4-5
 - (otherwise I have to assign them ☹)
- Breakdown Chapter 4: Section 1 into 4-5 parts.
 - Each member will read their section and take notes.
 - After notes and reading are complete, each member of the group will explain their section to the rest of the group.
- Use what you have learned to complete the Chapter 4: Section 1 Worksheet and turn it in by the end of class.
- If you are done early work on your Objectives sheets. Remember there is a test **Friday!**