

# Chapter 3

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Constitution

# The Constitution

## EXPLORING THE ESSENTIAL QUESTIONS

- *How does the U.S. Constitution structure government and divide power between the national and state governments?*
- *Why and how has the U.S. Constitution been amended and interpreted throughout our history?*
- *How do state constitutions and local charters structure government and protect individual rights?*

**What Will You Learn?** In this chapter, you will learn about the U.S. Constitution as a framework for our government, how it sets out the government's powers and limitations, how the Constitution has changed over the years, and the process involved in changing it.

**Why Does This Matter?** The Constitution created a government flexible enough to change over time while still protecting your basic rights as an American. Understanding your rights—and how and why the Constitution works—is one way you can help ensure that future generations have the same rights and freedoms that you enjoy.

**How Will You Know That You Learned It?** You will be able to identify the structure and principles of the Constitution, describe the three branches of government and the amendment process, and understand the relationship among national, state, and local governments.



Take the Entry Test on page  
1 of packet

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Start your separate sheet of paper Label  
**Preamble** and answer the questions

1. What are the people doing in the Preamble?

Establishing a government

2. What are the people's goals?

The people's goals are to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty.

## Preamble to the U.S. Constitution

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote 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.

# Chapter 3.1 Structure of the U.S. Constitution

## Why was it structured the way it was?

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The Framers of the Constitution, or Founders, were shaped by two opposite experiences

- 1. King George III who ruled as a tyrant in their eyes-with too much power
- 2. the Articles of Confederation-first attempt at our independent government -that was too weak



The main purpose of the Preamble is an **introduction to the constitution explaining in writing, the purposes of the document**

## The Structure of the U.S. Constitution



### The US Constitution

Summary of the Constitution

- Article I** - Establishes the Legislative branch
- Article II** - Establishes the Executive branch
- Article III** - Establishes the Judicial branch
- Article IV** - Establishes the balance between the states and the Federal government
- Article V** - Describes how to amend (change) the Constitution
- Article VI** - Establishes the Constitution as supreme law of the land
- Article VII** - Lists requirements to ratify the Constitution (how to have it accepted by the states)

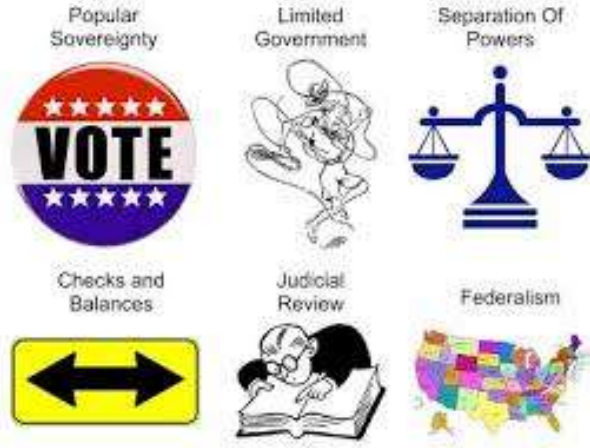
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# Amendments

Amendments are changes to the constitution and there are 27 amendments to our constitution



1 <sup>st</sup> Amendment	Freedom of religion, speech, assembly, press, and petition
2 <sup>nd</sup> Amendment	Right to bear arms
3 <sup>rd</sup> Amendment	Restrict the quartering of troops
4 <sup>th</sup> Amendment	Unreasonable searches and seizures
5 <sup>th</sup> Amendment	Life, liberty, property
6 <sup>th</sup> Amendment	Speedy and public trial
7 <sup>th</sup> Amendment	Jury trial
8 <sup>th</sup> Amendment	No cruel or unusual punishment
9 <sup>th</sup> Amendment	All rights not spelled out are "retained by the people" – your basic of natural rights
10 <sup>th</sup> Amendment	Powers not given to the nation or states, belong to the people
11 <sup>th</sup> Amendment	Federal courts can't force states to be sued without the states consent
12 <sup>th</sup> Amendment	Election of vice president and president separately in electoral college
13 <sup>th</sup> Amendment	Abolished slavery
14 <sup>th</sup> Amendment	Citizenship to all persons born or naturalized in the US. Also prevented states from taking people's rights away
15 <sup>th</sup> Amendment	Everyone has a right to vote (esp. African American)
16 <sup>th</sup> Amendment	Income tax
17 <sup>th</sup> Amendment	The people instead of state elects senators
18 <sup>th</sup> Amendment	Prohibition
19 <sup>th</sup> Amendment	Gave women the right to vote
20 <sup>th</sup> Amendment	Set election and inauguration times closer to one another.
21 <sup>st</sup> Amendment	Appealed prohibition
22 <sup>nd</sup> Amendment	2 term limit on presidents (FDR)
23 <sup>rd</sup> Amendment	Gave district of Columbia the right to vote (3 electors)
24 <sup>th</sup> Amendment	Prohibits poll votes
25 <sup>th</sup> Amendment	Presidential succession
26 <sup>th</sup> Amendment	Lowered voting age to 18
27 <sup>th</sup> Amendment	Congress could only increase its pay for the next term



## 6 Principles of the Constitution

1. Popular Sovereignty-rule by the people- People Power
2. Limited Government-specifies the power of the government and what the government can't do
3. Federalism-levels of government national and local (state, county, city, school board)

4. Separation of Powers-division of power equally between the 3 branches-no one branch has all the power

5. Checks & Balances-Each branch exercises some control over the other two branches

6. Individual Rights-Protects the rights of the people from government overreach

The Constitution reflects the Framers strongly held beliefs about the purpose of government and the rights of the governed



- Government should be limited with shared powers with the states.
- National government is divided into 3 branches to protect individual rights and balance the rights in the pursuit of the public good



# The Constitution limits power, how?

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It specifies powers of the government and also what the government is prohibited from doing



# What is the relationship of all levels of government in a federal system?

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National Government

State and Local Governments

Acts on issues affecting the country

Acts on local matters



# The power of the government is divided among 3 branches

- Legislative law making
- Executive enforces
- Judicial interprets the laws

## LEGISLATIVE



- ★ Makes laws
- ★ Approves presidential appointments
- ★ Two senators from each state
- ★ The number of congressmen is based on population

## EXECUTIVE



- ★ Signs laws
- ★ Vetoes laws
- ★ Pardons people
- ★ Appoints federal judges
- ★ Elected every four years

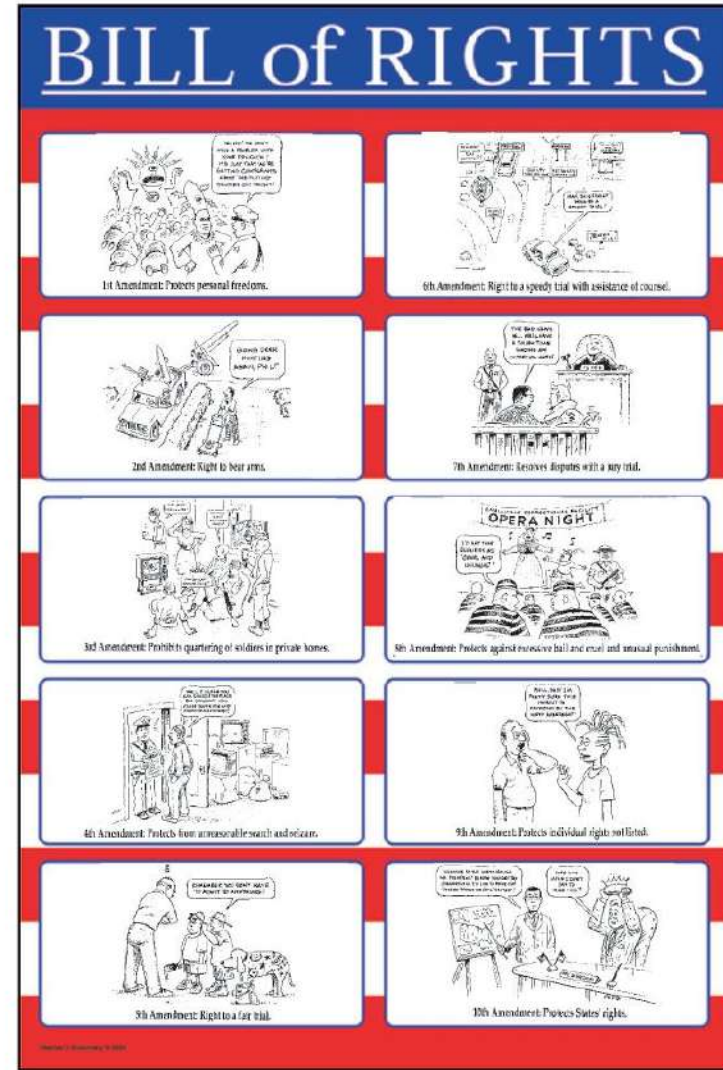
## JUDICIAL



- ★ Decides if laws are constitutional
- ★ Are appointed by the president
- ★ There are 9 justices
- ★ Can overturn rulings by other judges

# The purpose of the first 10 amendments to the Constitution-The Bill Of Rights

The first 10 amendments called the Bill of Rights protect citizens from government overreach and individual right overreach





# Summary & Reflection



**Power is divided between national and state governments, how?**

- In a federal system power is divided among levels of government
- States and local gov't act on local issues ie. Parking in the Ronald Reagan Sports Park, or NOT!

- The Framers used the concept to structure a government where all levels pass their own laws and have their own agencies and officials to implements the laws
- Courts then interpret these laws

# On a separate sheet label **Constitutional principles**- match to scenarios on the right

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## **Federalism**

1. Certain powers are given to the national government, and certain powers are withheld from the national government.

## **Individual rights**

2. The U.S. Department of Agriculture inspects meat processing plants that sell across state lines, while local public health departments inspect restaurants.

## **Checks and balances**

## **Limited government**

3. The president may veto laws; Congress may override vetoes; and the judiciary may rule on the constitutionality of laws.

## **Separation of power among three branches of government**

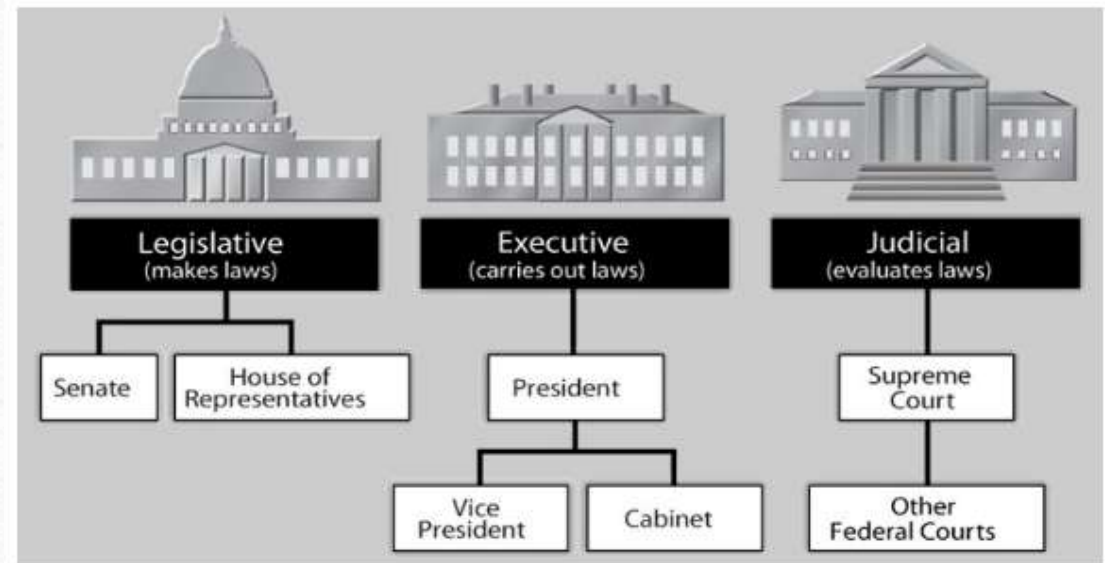
4. The executive, legislative, and judicial branches each have different responsibilities.

5. Citizens may speak freely, worship, and petition the government.

# Chapter 3 Lesson 2

## The 3 Branches of Government

- Take your Chapter 3 Lesson 2 Pre-test-  
Questions 4-12 in packet
- On a separate sheet of paper label **3 branches** and answer the following.
  1. Which branch passes new laws?
  2. Federal judges are a part of which branch?
  3. Who is responsible for implementing and enforcing laws?
  4. What group works for and advises the president?

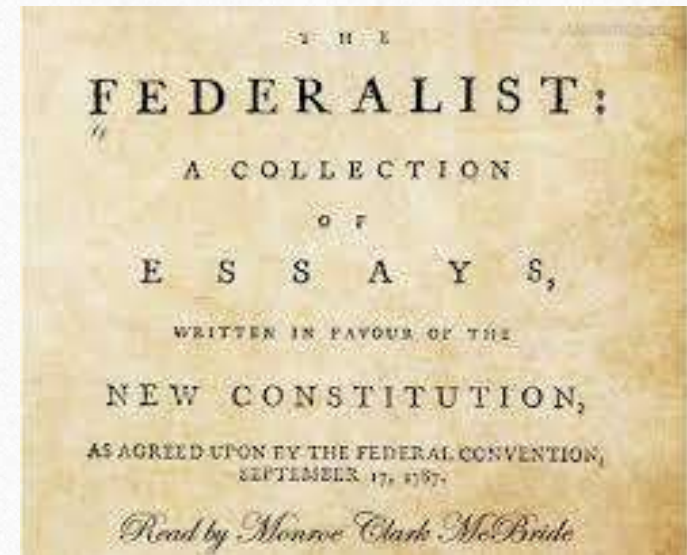


# The National Government

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The most persuasive arguments  
for the Constitution in the  
Federalist Papers

**The Constitution balanced power between the states and the national government by creating 3 branches of government, dividing power and functions, making it impossible for one person to have absolute power**

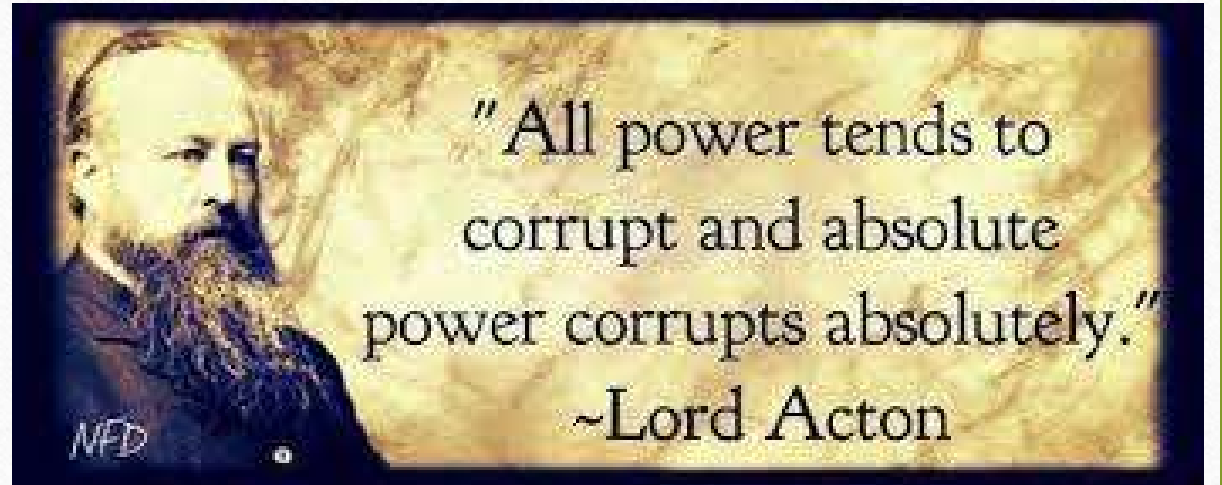




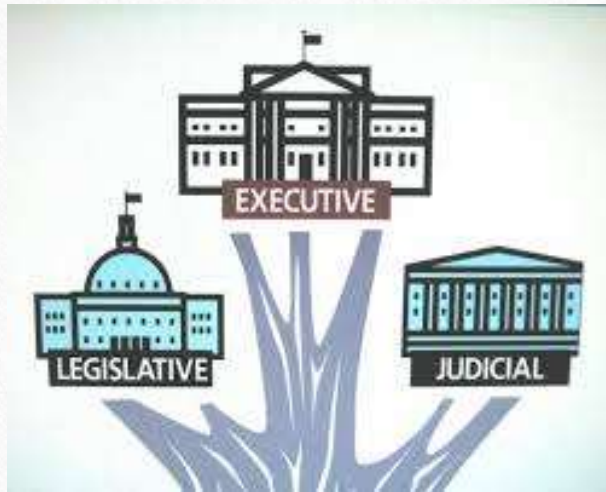
The Founders used separate branches to create  
a limited government

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- The Founders assigned different powers to each branch and gave ways for the branches to check power of the others



On your separate sheet of paper label & draw the chart filling in blanks-check with partners and pods



**Powers of the Branches of Government**

Legislative Branch	Judicial Branch	Executive Branch

- |   |                                     |
|---|-------------------------------------|
| veto laws                               | levy taxes                          |
| determine laws unconstitutional         | declare war                         |
| rule executive actions unconstitutional | carry out laws                      |
| make treaties                           | preside over impeachment proceeding |
| regulate commerce                       |                                     |

[click here after finishing chart](#)

The responsibility of the legislative branch is to pass laws

## Legislative branch

**Article 1 of the Constitution**

Article 1 of the Constitution helps to set up the Legislative branch, gives powers of Congress and give powers to the states and citizens

**Congressional Requirements**  
Senate- 30 years old-9 years a citizen-Resident of state representing.  
House of Representatives-25 years old-7 years a citizen-Resident of state representing.

**Congressional Powers**  
Maintain Navy-Keep a standing military for protection.  
Set Weights and Measurements-Country has basis for money.  
Declare War- Decide whether to go to war or not.  
Mail Service- Allow public to communicate through mail.  
Collect Taxes- Allow government to collect money to function properly.

**Major Concepts**  
Impeachment- Process of charging a government official with a crime.  
Gerrymandering-The process of dividing political districts to give one party an advantage.  
Pocket Veto- Congress can adjourn a law before the president signs it.  
Filibuster- A long speech to delay a congressional vote.

The Founders prevented abuse of power by outlining in Article I the powers of Congress –Congress's power is limited to what was written into the Constitution.

# Congressional Enumerated Powers

Fill in #17 a-r on Constitution Search

- a. Collect taxes, duties, imposts to provide for common defense & general welfare
- b. Borrow money on US credit
- c. Regulate commerce with foreign nations. States, and tribes
- d. Determine citizenship rules for naturalization and bankruptcies
- e. Coin money and set uniform time, distance, weight, volume, and area

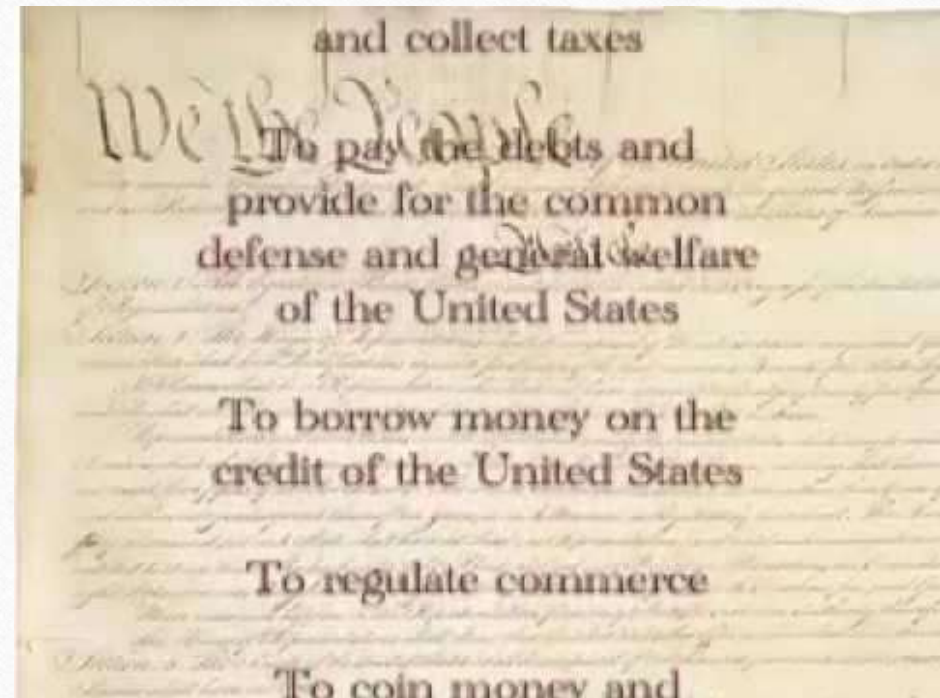


In packet Chapter 3 Guided Reading Lesson 2 IIB. Write “See Constitution Search Article I section 8”

# Congressional Enumerated Powers-cont.

## Fill in #17 a-r on Constitution Search

- f. Punish counterfeiting of coin or paper money, bonds, or stamps
- g. Establish post offices and post roads where mail is delivered
- h. Approve and provide copyrights and patents
- i. To create the lower courts (federal) beneath the Supreme Court



# Congressional Enumerated Powers-cont.

## Fill in #17 a-r on Constitution Search

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- j. To punish piracy or crimes committed outside of our territory
- k. To declare war
- l. To raise and support a national armed forces-Appropriation of 2 years
- m. To provide and maintain a navy



# Congressional Enumerated Powers-cont.

## Fill in #17 a-r on Constitution Search

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- n. Uniform code of military justice-  
Land & Naval Services
- o. To provide states with National  
Guard (state militia)
- p. Governors command the national  
guard but president can use when  
necessary



# Congressional Enumerated Powers-cont.

## Fill in #17 a-r on Constitution Search

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- q. Land grants to establish the District of Columbia (D.C.) for the nation's capital
- r. Elastic Clause: To make laws that are necessary and proper-Implied powers of the Federal Government- This gives Congress Latitude

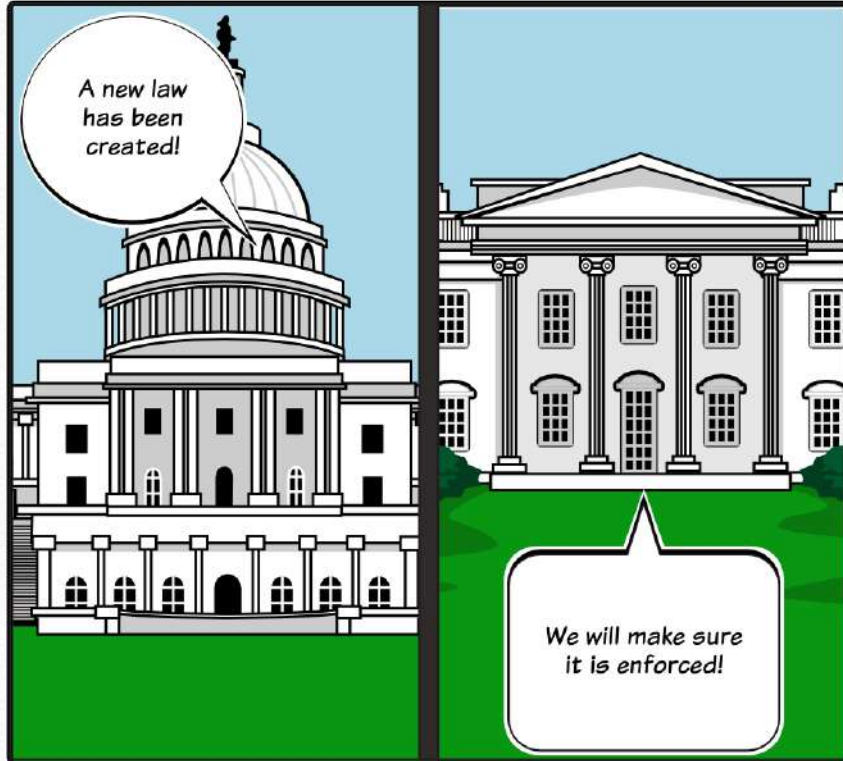
### The Elastic Clause

A statement in the U.S. Constitution (Article I, Section 8) granting Congress the power to pass **all laws it considers necessary.**





## What is the purpose of the Executive Branch?



The main responsibility of the Executive Branch is to enforce the laws created by the U.S. government. These responsibilities are divided into numerous agencies and cabinet departments.

## Executive Branch

The function of the executive departments, federal agencies, boards, commissions, government corporations and advisory boards are to assist the president in carrying out his/her responsibilities

# Specific powers given to the president under the Constitution

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The power to grant pardons, make treaties & agreements with foreign nations, appoint ambassadors and Supreme Court justices, fire certain officials, take emergency action for the nation, and serve as Commander & Chief of armed forces

# Judicial Branch

Federal Court system along with the Supreme Court and inferior courts were established by the Constitution

Judicial Review is the power of the courts to interpret the Constitution and overturn laws that violate it



# American Government: Then & Now

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The president, Congress, and the Supreme Court are much busier today because the tasks of each have increased because the nation has grown so drastically and the responsibilities of jobs have increased



# Relations Among the Branches

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The sharing of power among the 3 branches leads to cooperation and conflict. Congress & president frequently work together to propose, enact, and carry out laws but the power of each branch to check each other creates conflict.



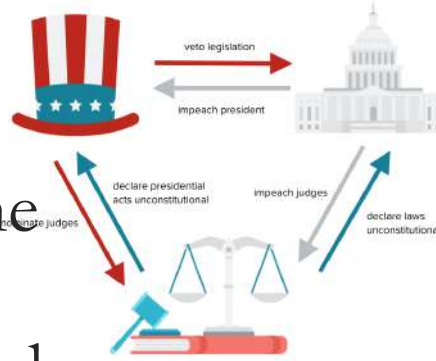
Another federal appeals court has declared Trump's 3rd travel ban unconstitutional - Business Insider

# Summary & Reflection

## Chapter 3 Lesson 2

The Constitution structures the government with checks and balances to keep any one branch from becoming too powerful

-Each branch can check the power of the other 2 branches eg. President can veto a bill passed by Congress then Congress can override that with 2/3 vote



-Courts can interpret the meaning of laws declaring them unconstitutional but Congress can then pass a new law or an amendment

-Courts can rule against actions taken by executive branch but the executive branch has to enforce

-Congress can impeach the president and federal judges