

# S. Governm



# **U. S. Constitution**

**Established the institutions of the national government**

**Defined the lines between the powers of national and state governments**

**Provided a written law and gave the Supreme Court the power to interpret the law**

**Guaranteed basic rights**

# **Popular Sovereignty**

**Rule by the people**

**Majority rules, but the rights of the minority must be recognized**

# Federalism: The Division of Powers

## Delegated Powers

### National

- Declare war
- Negotiate treaties
- Issue Money
- Regulate trade
- Maintain military

## Reserved Powers

### States

- Regulate education
- Police & fire protection
- Regulate sale of property within the state

## Concurrent Powers

### Both

- Levy taxes
- Define crime & punishment
- Voting qualifications
- Borrow money

# Separation of Powers



**Legislative  
Power**



**Make laws**



**Executive  
Power**



**Carry out laws**



**Judicial  
Power**



**Interpret laws**

# Checks and Balances

Legislative  
Branch



Legislative Branch

*Override veto, reject treaties and  
presidential appointments, impeach  
and remove*

*Propose amendment to overturn  
decision, establish lower court,  
impeach and remove, reject  
presidential appointment*



Executive  
Branch



Judicial  
Branch

# Checks and Balances

Legislative  
Branch



Executive Branch

*Veto laws, recommend  
laws, make treaties &  
foreign policy*

Grant pardons and paroles, appoint federal judges



Executive  
Branch



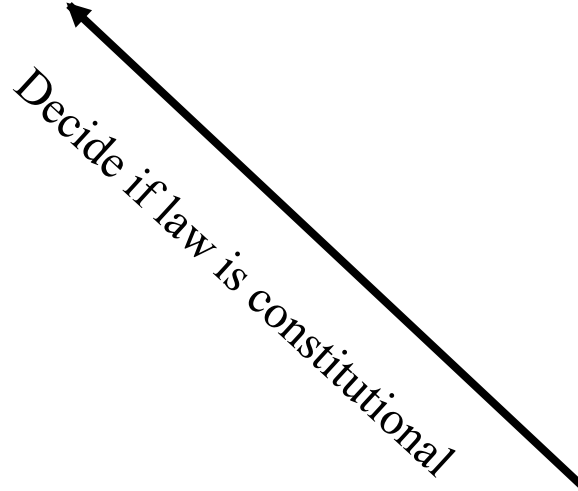
Judicial  
Branch

# Checks and Balances

Legislative  
Branch



Judicial Branch



Executive  
Branch



Decide if President's actions are constitutional, interpret treaties



Judicial  
Branch



# Limited Government

Powers Denied to the Federal Government	Powers Denied to Both Federal and State Government	Powers Denied to the State Governments
<ul style="list-style-type: none"><li>•To spend money w/o Congressional approval</li><li>•To give preference to one state over another</li></ul>	<ul style="list-style-type: none"><li>•To tax exports</li><li>•To deny person “due process of law”</li><li>•To grant titles of nobility</li></ul>	<ul style="list-style-type: none"><li>•To coin money</li><li>•To make treaties</li><li>•To tax Imports</li><li>•To tax the federal government</li></ul>

## Chief Executive

Carries out laws, runs bureaucracy, and submits a yearly budget to Congress

## Chief of State

Ceremonial duties, represents the United States

## Commander in Chief

Commands all U.S. armed forces

# Many hats of the President

## Foreign Policy Chief

Receive ambassadors and heads of state

Makes foreign policy

Makes treaties

Picks U.S. ambassadors

## Chief Legislator

Recommends bills, vetoes or signs bills

## Political Party Chief

Head of his political party; has influence over party members

# CONGRESS: THE LEGISLATIVE BRANCH

	HOUSE OF REPRESENTATIVES	SENATE
Total # of members	435	100
# for each state	Based upon population	Two from each state
Length of terms	2 years	6 years
Special Powers	Introduce spending bills, selects President if electoral college doesn't	Conducts impeachment trials, approve Presidential appointments, ratifies treaties

# How A Bill Becomes A Law

Bill is introduced; spending bills must start in the House of Representative



Bill is sent to a committee; can be changed, approved or killed



Bill sent to floor where Congress debates it. Can be killed, or approved. It then goes to a committee in the other house



After passing committee of other house, debated on that floor -- killed or approved

# How A Bill Becomes A Law

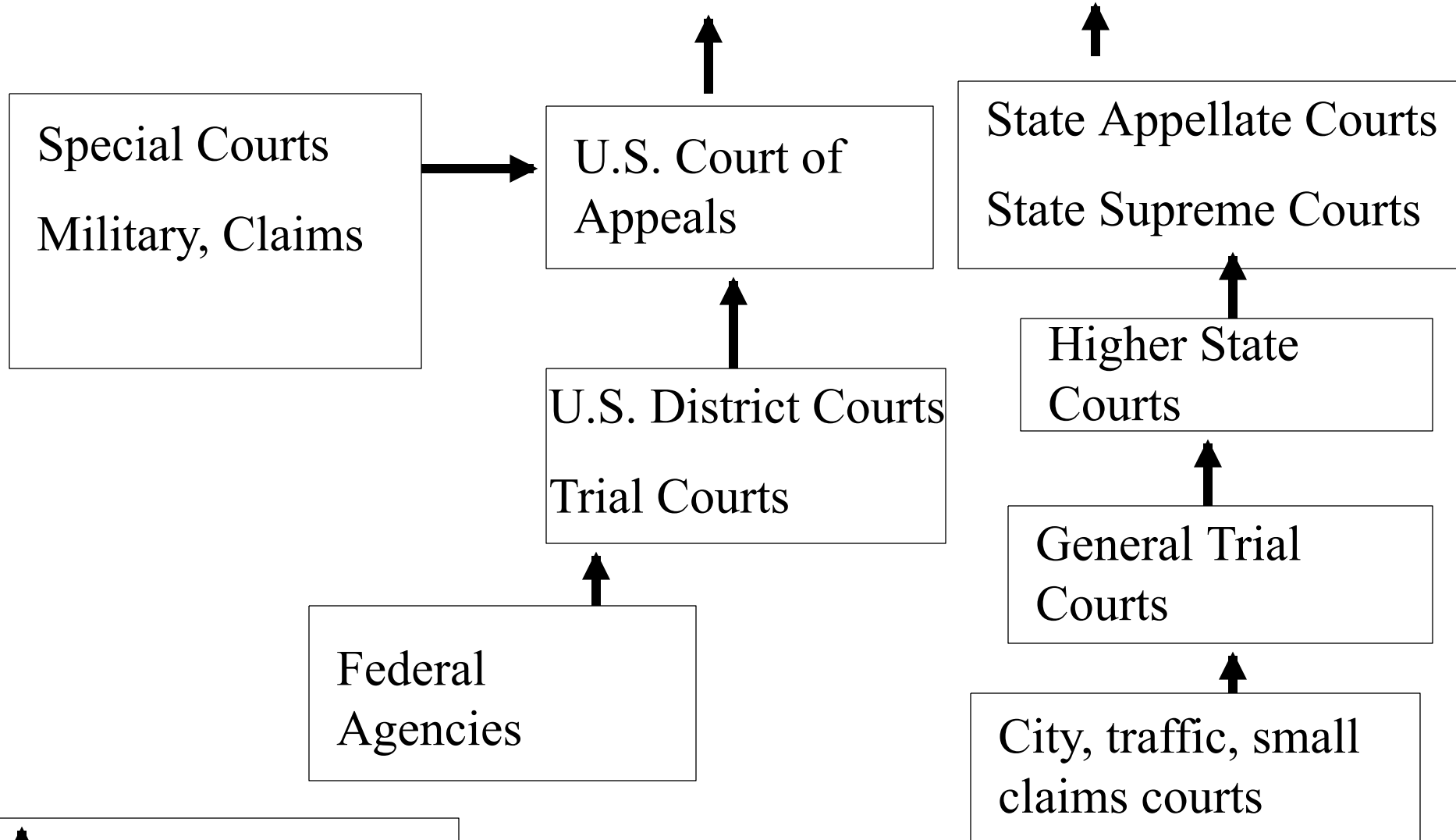
```
graph TD; A[If both houses pass a different version of bill, a conference committee must get rid of difference then the bill must be approved by both houses. It then goes to the President.] --> B[President can sign the bill, making it a law, veto the bill, pocket veto (less than 10 days left in the session) or refuse to sign and it still becomes law (more than 10 days still left in the session)]; A --> C[Congress can override a veto with 2/3 vote and the bill will still become a law];
```

President can sign the bill, making it a law, veto the bill, pocket veto (less than 10 days left in the session) or refuse to sign and it still becomes law (more than 10 days still left in the session)

If both houses pass a different version of bill, a conference committee must get rid of difference then the bill must be approved by both houses. It then goes to the President.

Congress can override a veto with 2/3 vote and the bill will still become a law

# U.S. SUPREME COURT



↑  
ROUTE OF APPEALS

# Judicial Review

The power of the courts to determine whether a law passed by Congress or an action taken by the President is constitutional.

Courts also decide whether a law applies to a certain case

# Amendments

1

Freedom of speech and  
press

Freedom of religion

Right to criticize the  
government

Right to petition the  
government

Right to peaceably  
assemble

4

Protects from  
unreasonable search  
and seizure

A search warrant  
must be obtained  
(some exceptions)

Right to privacy



# Amendments

5

No person can lose his/her life, liberty or property w/o due process of law

An indictment by a grand jury is required for federal criminal proceedings

No person can be tried for the same crime twice (double jeopardy)

6

Guarantees a fair trial for those accused of a crime

Right to know what charges have been made against you

Right to face your accusers

Right to a trial by jury

Right to legal representation

Right to legal representation even if you can't afford it

# Amendments

8

Courts cannot  
require unreasonable  
bail

No cruel and  
unusual punishment

14

States must follow  
the same due process  
rules when  
searching, arresting  
or trying a person for  
a crime

States must provide  
equal protection to  
all citizens

# Summary of Key Decisions of the Supreme Court

Marbury v. Madison (1803) Established the Court's power to declare laws unconstitutional

McCulloch v. Maryland (1819) Reaffirmed the supremacy of federal law over state laws

Schenck v. U.S. (1919) Limited a person's right to free speech if it presents a "clear and present danger"

Mapp v. Ohio (1961) Evidence taken by state police in an unreasonable search cannot be used at trial

Gideon v. Wainwright (1963) A state must provide a free lawyer if the defendant cannot afford one

Miranda v. Arizona (1966) Person in custody must be informed of their constitutional rights

Roe v. Wade (1973) Women have the right to an abortion in the first three months of pregnancy

Plessy v. Ferguson (1896) States can segregate blacks from whites if the facilities are equal

Brown v. Board of Ed. (1954) Overturned Plessy; segregated public schools are "inherently unequal"