

The Constitution

How is our government structured

Preamble

- ***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.

Constitution

Has been emulated by many countries

Created 3 branches of government:

Federal Government

Executive

Legislative

Judicial

Do Now

- 1. What are the 5 major ideas presented in the Preamble?**
- 2. What is meant by each of the ideas?**

Legislative Branch

- Article One of the Constitution

It is divided into 2 houses-House of Representatives and the Senate

House of Reps has 435 members and they serve for 2 years-representation is based on population

Senate has 100 members and it is 2 per state

Congress (both houses) have the responsibility of making laws

Legislative Branch

- Vesting Power All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives

This established both the responsibilities of Congress as well as the limits to Congress thus initiating the separation of powers

Legislative Branch

- Although not specifically mentioned in the Constitution it has been implied and re-enforced by the courts that Congress shall have the power to investigate

[SENATE INVESTIGATION OF AUTO BAIL OUT](#)

Do Now

- 1. Identify the two houses in the bicameral legislature
- 2. Both houses collectively are referred to as what?
- 3. provide two examples of the legislative branch utilizing it's implied power

House of Representatives

- Consists of 435 members-representation is based on a states population (with each state having at least one member

Representatives shall be 25 years of age and serve a two year term—must be a US citizen for 7 years—must be a resident of the state elected in

The shorter term and younger members have caused the House of Representatives to introduce more legislation

House of Representatives

- Has the sole power of impeachment

Will chose a Speaker of the House who will preside over the House of Representatives

Senate

- Consists of 100 members (2 from each state)

Each Senator will serve for 6 years with 1/3 of the seats to be up for election every 2 years

Senators must be 30 years of age and been a citizen of the US for nine years

Vice President shall act as the 101 member of the Senate but will only vote in instances of a tie

Senate

- As a result of the longer terms and older age the Senate has generally introduced less legislation

Responsible for the trial of impeachments

Impeachment requires a $2/3$ super majority to convict

2 Presidents have been impeached (Johnson and Clinton) both were acquitted by the Senate

Congresses Enumerated Powers

- Lay and collect taxes
- Borrow money
- Regulate interstate and international commerce
- Establish rules of naturalization and bankruptcies
- Coin money
- Punish counterfeiting
- Establish post offices
- Promote the progress of science and arts

Congresses Enumerated Powers

- Declare war
- Raise and support military
- To make all laws which shall be necessary and proper

DO NOW

1. WHAT ARE THE TWO HOUSES OF THE LEGISLATURE?
2. WHAT DIFFERENT RESPONSIBILITIES DOES EACH OF THE HOUSES OF CONGRESS HAVE?
3. WHICH HOUSE OF THE LEGISLATURE INTRODUCES MOST LEGISLATION?

Article 2/Executive Branch

- To be headed up by the President (elected every four years)

To be elected by electors (Electoral College)
more on this in the Executive Branch Chapter

Qualifications: must be 35 years of age, natural born citizen of the US, 14 consecutive years a resident of the US

Presidential Powers

- Command of military, appoint cabinet, issue pardons
- Make treaties with consent of Senate
- Issue a State of the Union address annually
- Call Congress into extraordinary session
- Receive foreign representatives
- Enforce laws

Article 3/Judicial Branch

- Created the Supreme Court and lower courts

Did not set the number of Justices but that is currently set at 9 members—1 Chief Justice and 8 Associate Justices

Judges “shall hold their Offices during good Behavior” which means they have the position for life (they can retire or be impeached)

DO NOW

1. THE PRESIDENT IS REQUIRED TO GIVE A SPEECH ANNUALLY, WHAT IS THIS SPEECH CALLED?
2. WHAT ARE THE REQUIREMENTS TO BECOME PRESIDENT?
3. WHICH BRANCH OF GOVERNMENT IS RESPONSIBLE FOR MAKING BUDGETS AND BORROWING MONEY?
4. WHO IS CURRENTLY IN CHARGE OF THE SUPREME COURT?

Supreme Court

- The decisions reached by the Supreme Court can not be changed by anyone (excepting another Supreme Court case i.e. Plessy v. Ferguson and Brown v. Board of Education)

Noteworthy Supreme Court Cases: (More on these in the Judicial Branch chapter) Marbury v. Madison—Tinker v. Des Moines—Brown v. Board of Education—Miranda v. Arizona—Roe v. Wade

Articles 4,5, 6, and 7

- Article 4 establishes state's rights...indicates that the federal government will be the highest law---but established that the majority of issues should be decided by the states

Article 5 deals with Amendments-originally included 10 Amendments (the Bill of Rights)

Article 6 establishes the right of the federal government to tax and take on debt

Article 7

- Set forth the requirements for ratification

Amendments

- Bill of Rights—first 10 Amendments, included in the original constitution-BILL OF RIGHTS

1st Amendment—freedom of speech, religion, the press, assembly, and the right to petition

2nd Amendment—right to bear arms

3rd Amendment—protection from quartering of troops

4th Amendment—protection from unreasonable search and seizure

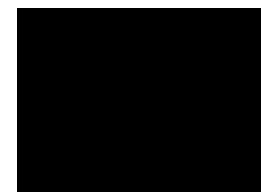
Bill of Rights

5th Amendment—due process, double jeopardy, self-incrimination, and eminent domain

6th Amendment—trial by jury, rights of the accused, speedy trial, public trial, right to counsel

7th Amendment—in civil suits, trial by jury

8th Amendment—no excessive bail or cruel and unusual punishment



Bill of Rights

9th Amendment—protection of rights not specifically stated in the Constitution

10th Amendment—states rights to have all powers not expressly given to the federal government or prohibited to the state governments

Other Noteworthy Amendments

13th abolishes slavery and involuntary servitude except as punishment for a crime

15th prohibits the denial of suffrage (right to vote) based on race, color, or previous condition of servitude

19th allows for women's suffrage

22nd limits the president to two terms

26th establishes 18 as the national voting age