

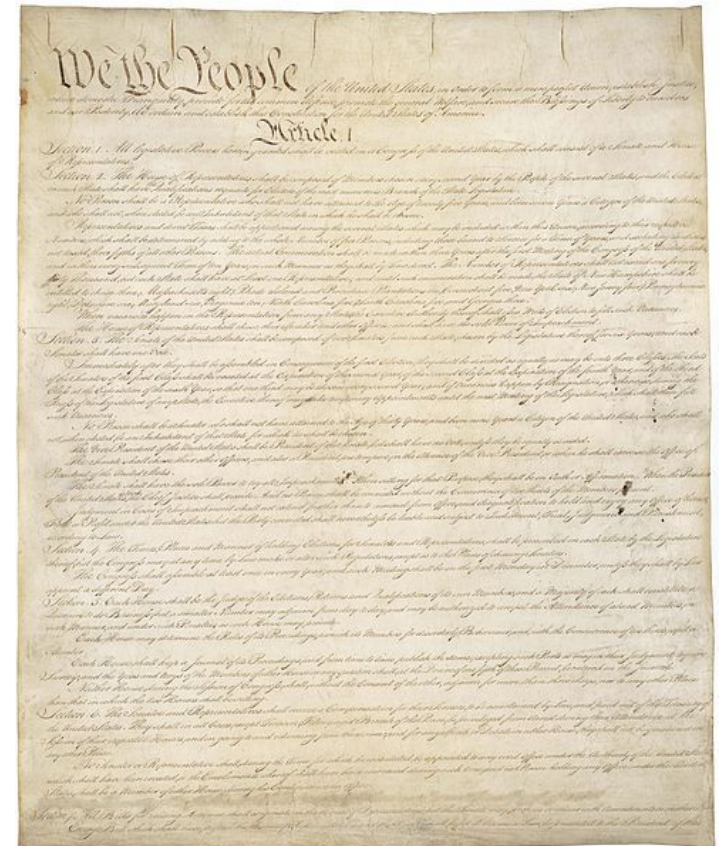
# The United States Constitution

1787

# The United States Constitution

## Why create a new Constitution?

- Failed Articles of Confederation
  - TOO WEAK!!
- To create a blueprint for the US government
- **To create a stronger federal government**
- **To protect individual and states' rights**





# Historical Influences on the U.S. Constitution

# Historical influences

- Ancient Greece
  - Athens → Democracy
    - **Democracy** → a political system in which the supreme power lies in a body of citizens who can elect people to represent them



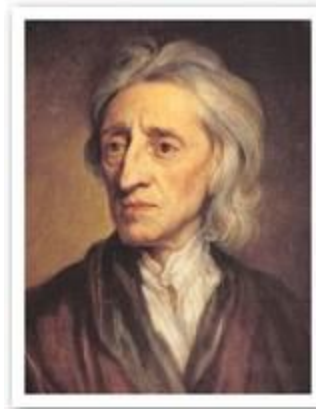
# Historical influences

- **Ancient Rome**
  - Roman Republic & Senate
  - **Republic** → A state in which supreme power is held by the people and their elected representatives



# Historical influences

- The Enlightenment
- New Ideas about Government
  - Reason over faith
  - John Locke --Government should protect human (natural) rights
- Baron de Montesquieu
  - Three Branches of Government--Why?
  - Legislative→
  - Executive→
  - Judicial→





# Constitutional Principles

# Constitutional Principles

- The authors of the Constitution wanted a government stronger than the Articles of Confederation
- But not too powerful it would lead to a king or dictator
- They included many limits on the power of the government





# Constitutional Principles

- Popular Sovereignty
- "In free governments, the rulers are the servants and the people their superiors and sovereigns." —Ben Franklin



- **The power to rule comes from the consent of the governed (the**

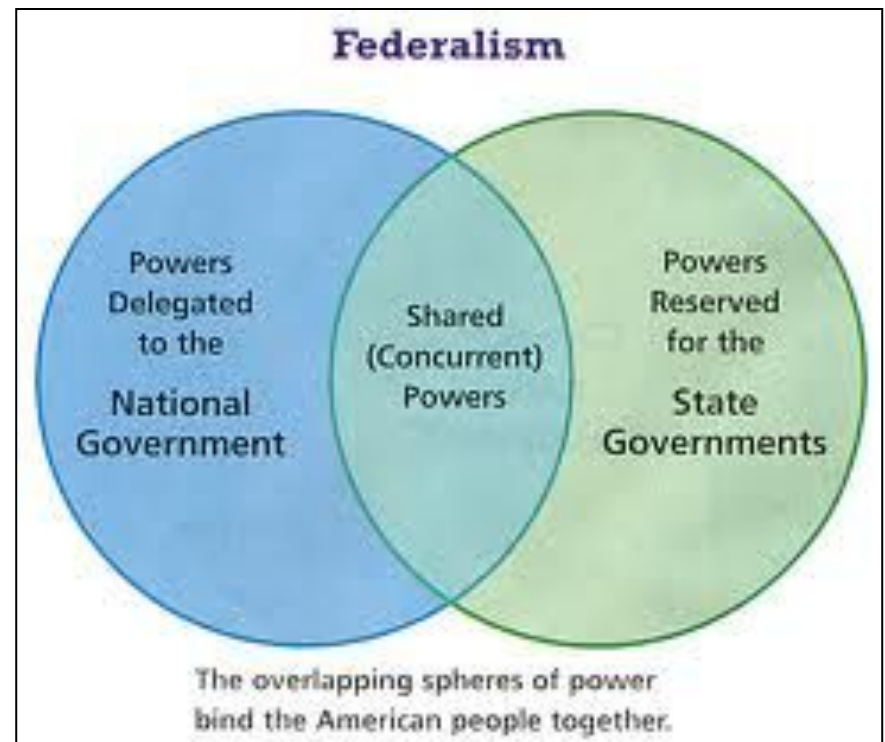
# Constitutional Principles

- Limited Government
- Limited government means restricting government's power
  - Government can only do certain things
  - Everything else is left to the states or the people



# Constitutional Principles

- Federalism
- Division and sharing of power between the Federal and State governments.
- The Federal government is supreme to the states (its laws must be followed by the states)
- This means the US has a stronger central government than the



# Federalism

- **Delegated Powers** → Powers given to the Federal government
- **Reserved Powers** → Powers given (reserved) to the States
- **Concurrent Powers** → Powers shared by the Federal government and the states

# Federalism

## Powers Delegated to the National Government

- declare war
- create and maintain armed forces
- establish foreign policy
- regulate interstate and foreign trade
  - make copyright and patent laws
  - establish postal offices
  - coin money

## Powers Reserved to States

- establish local governments
  - establish and maintain schools
  - regulate trade within states
  - conduct elections
  - provide for public safety
- raise taxes
  - provide for the public welfare
  - criminal justice
  - borrow money
  - charter banks
  - build roads



# Constitutional Principles

- Separation of Powers

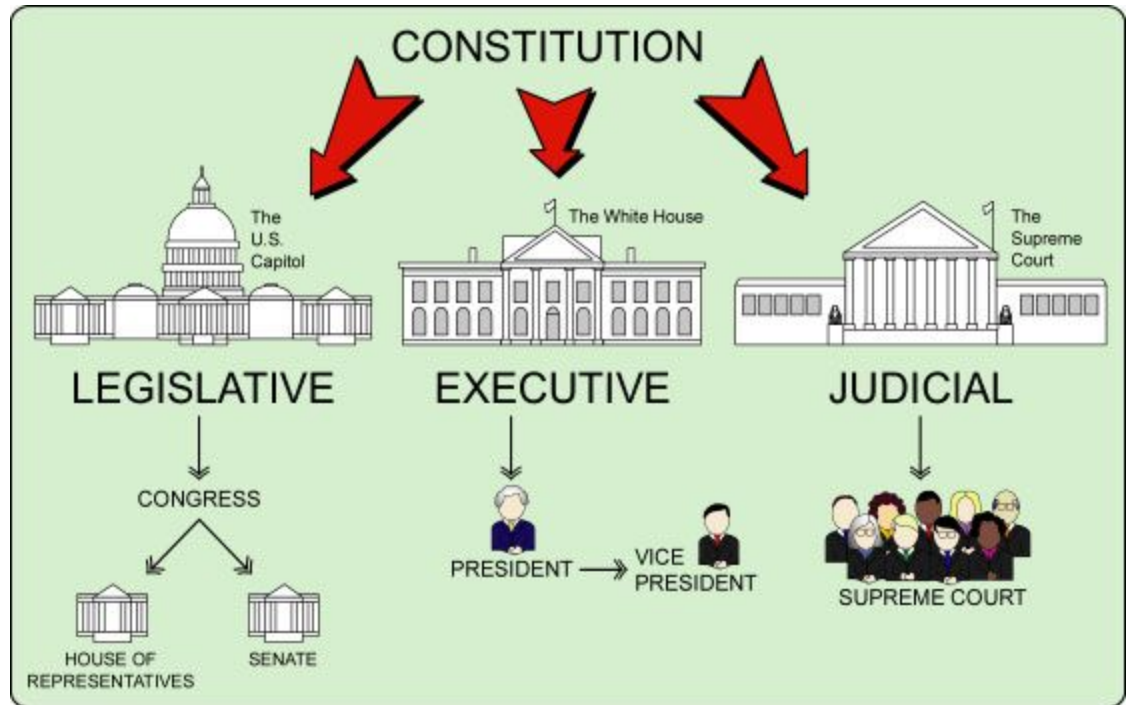
- In the Federal government, there are....

- Three branches of government

- Legislative →  
Makes laws

- Executive →  
Enforces laws

- Judicial →  
Interprets laws



# Do Now

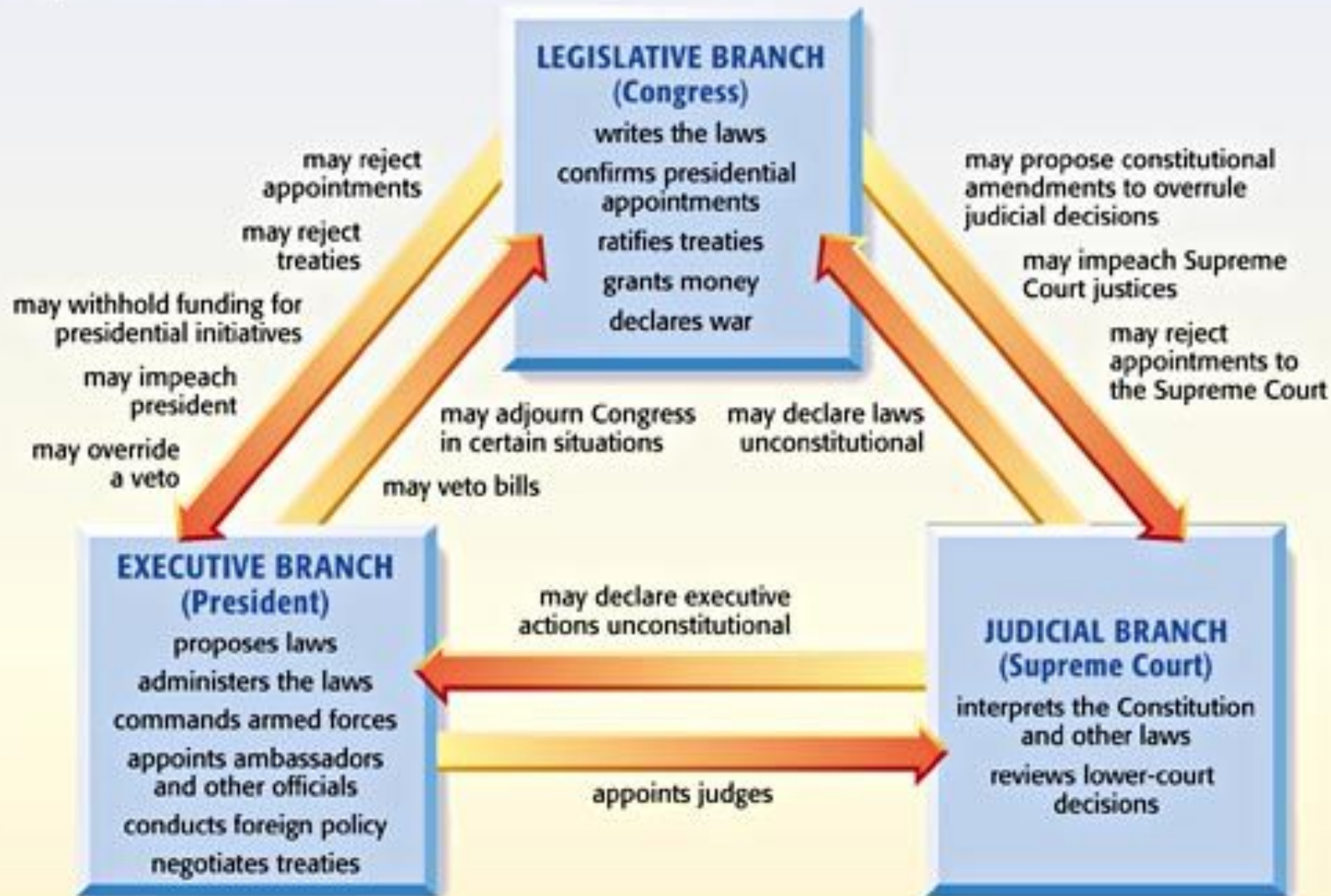
- 1. Why did the authors of the Constitution want to put limits on the power of the federal government? Explain how the Constitution limits the power of the government using at least 2 specific examples as evidence.

# Constitutional Principles

- Checks and Balances
- "The constitution is better which is made up of more numerous elements."  
–Aristotle
- **Each branch of government can limit the others to ensure that no part of the government becomes too powerful**
- **Influenced by Montesquieu**



# Separation of Power and Checks and Balances





# The Constitutional Convention, Philadelphia, 1787



# Constitutional Convention

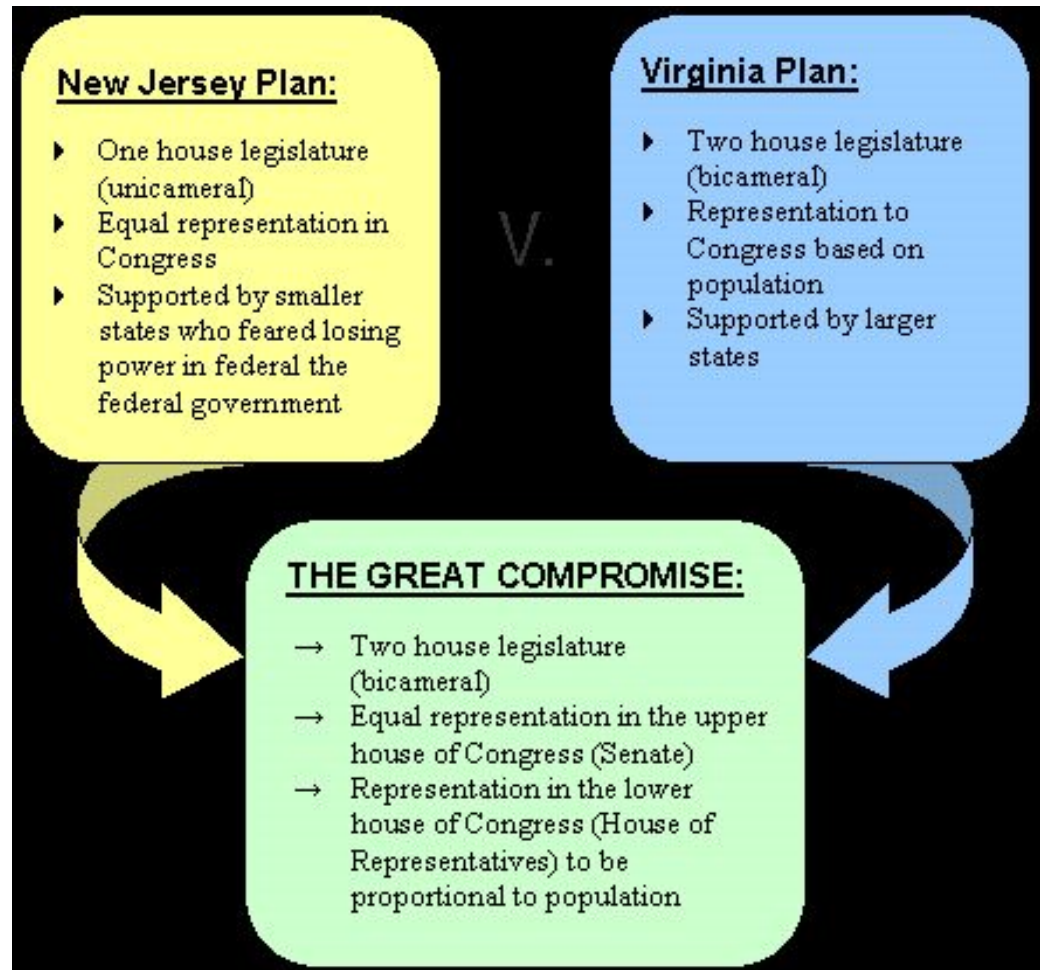
Delegates (representatives) met to discuss rewriting the Articles of Confederation

- ❑ Decided to write a new Constitution instead
- ❑ But, different states have different opinions on many issues
- ❑ They need to compromise on major issues



# Constitutional Convention

- **The Great Compromise**
- **The issue: How will the states be represented in Congress?**
- Bicameral Legislature (2 house)
- House of Representatives
- Senate



# Constitutional Convention

- **Commerce**  
**Compromise**
- The Federal government can regulate interstate and foreign trade
- The states can regulate intrastate trade



# Constitutional Convention



A map of the Southern Colonies, including Virginia, Maryland, North Carolina, South Carolina, and Georgia. The map is color-coded: Virginia is brown, Maryland is green, North Carolina is light green, South Carolina is purple, and Georgia is orange.

WE NEED SLAVES FOR OUR CROPS AND SHOULDN'T HAVE TO PAY A TAX FOR THEM



A map of the Northern Colonies, including New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia. The map is color-coded: New York is blue, New Jersey is light blue, Pennsylvania is dark blue, Delaware is light blue, Maryland is brown, Virginia is green, North Carolina is light green, South Carolina is purple, and Georgia is orange.

SLAVES SHOULDN'T BE COUNTED AS PART OF A POPULATION BECAUSE WE DON'T USE THEM



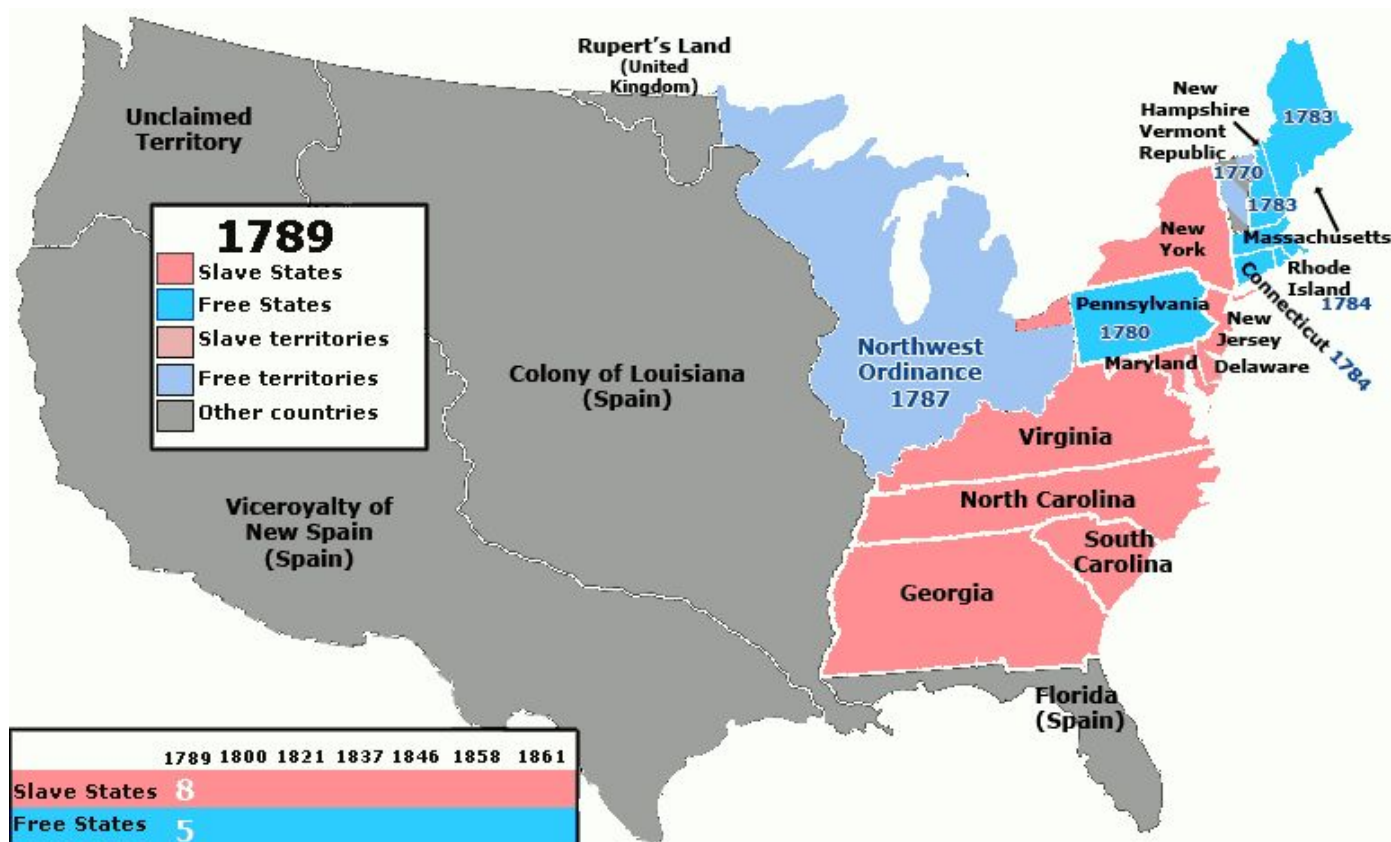
The official seal of the U.S. House of Representatives, featuring an eagle with a shield, holding an olive branch and arrows, with a constellation of stars above its head. The seal is circular with the text "U.S. HOUSE OF REPRESENTATIVES" around the perimeter.

TO MAKE EVERYONE HAPPY SLAVES WILL BE COUNTED AS THREE-FIFTHS OF A PERSON



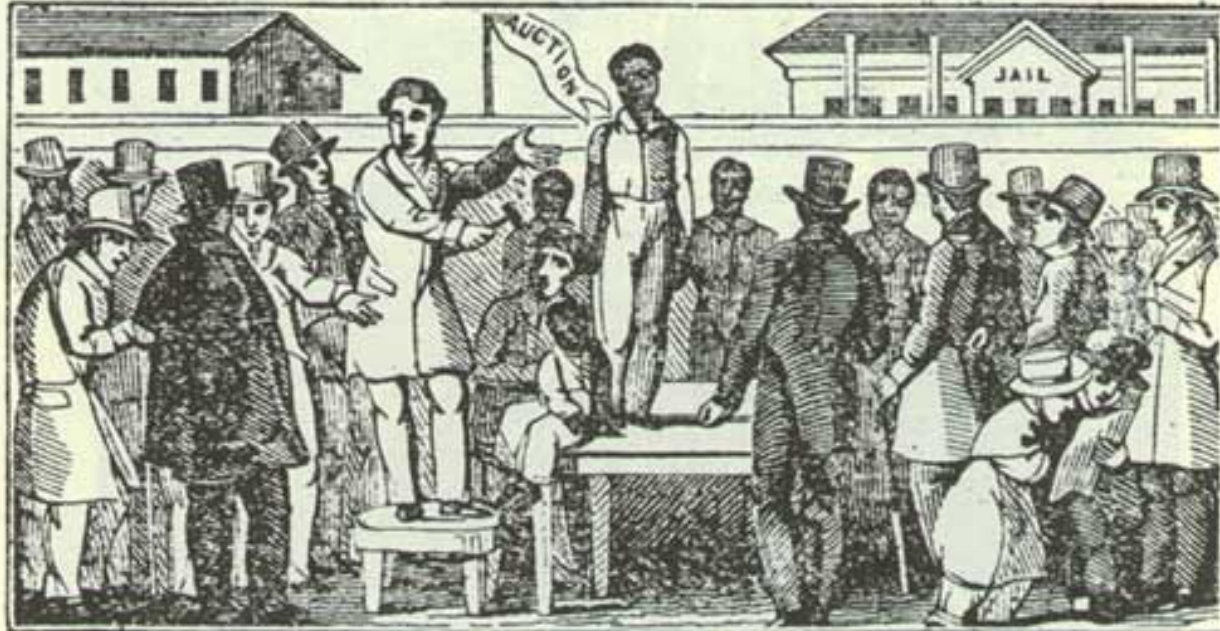
# •Three-Fifths Compromise

- Slaves will count as 3/5 a person for representation and for taxation
- Benefits the South as they gain more members in the House of Representatives and the Electoral College



# Constitutional Convention

- The Slave Trade
- The Slave Trade would be banned 20 years after the Constitution goes into effect (1808)



*The custom in Washington, Capital of U. S*



# The “Elastic clause”

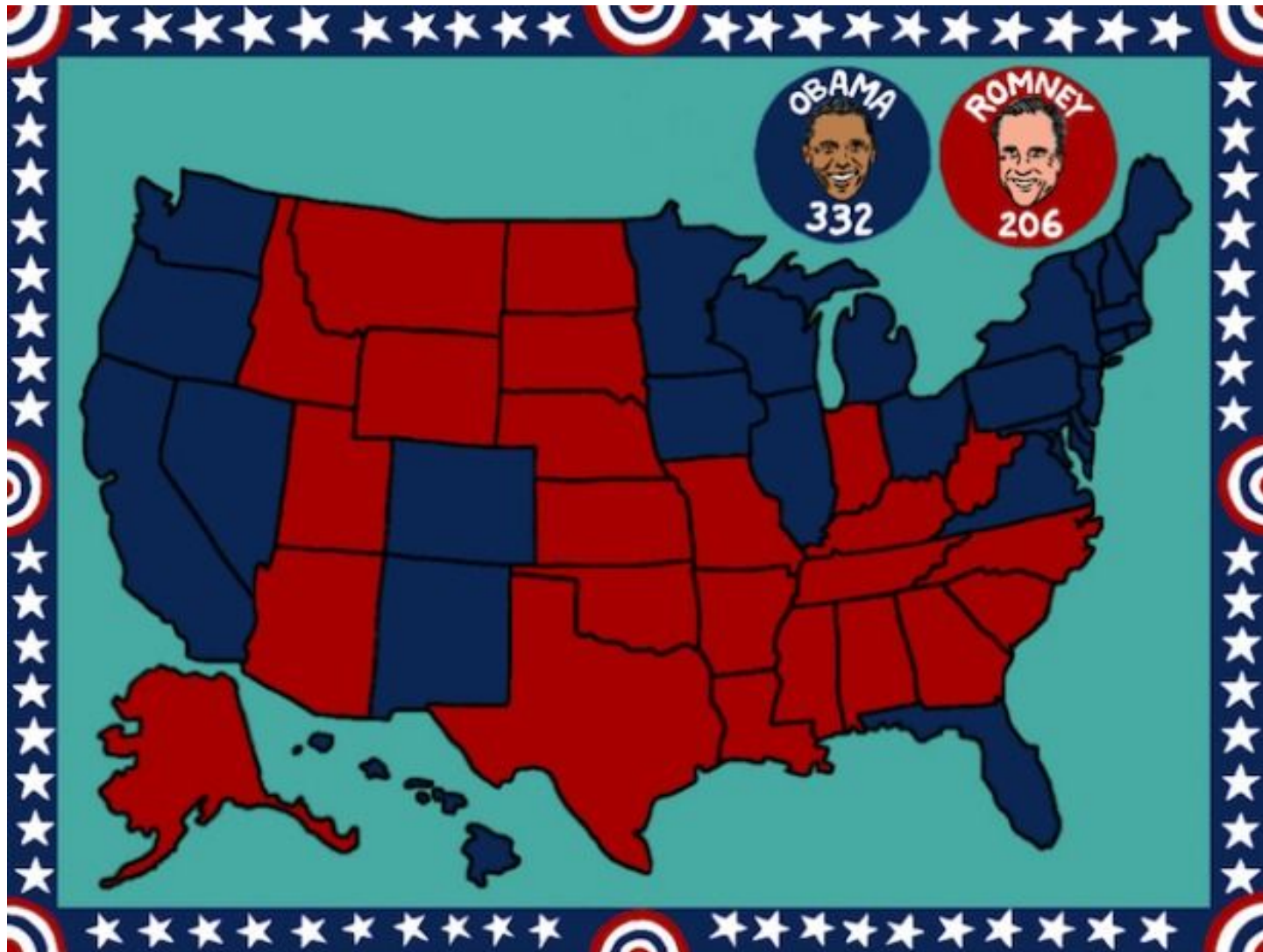
- “To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.” Excerpt from Article I, Section 8 of the US Constitution
- **Compare the Expressed powers of Congress to the Elastic Clause.**
- **Why do you think some people might be against the use of the Elastic Clause?**

# Constitutional Convention

- Electing the President
- The main issue: How should the people elect the President?
  - By the states, or by popular vote?
- The Solution: The Electoral College
- Each state's electoral vote is determined by their population
- Need a majority of electoral votes to be elected (270)
- Criticism of the Electoral College → Winner of the



2012 presidential election electoral results  
Obama—332 Romney-206 (needed 270 to win)





# The Preamble and Article I

# Preamble to the Constitution

- **The Preamble** → Introduction of the Constitution
- **Purpose** → to explain the purpose and principles of the



- **“We the People of the United States, in Order 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 to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”**



# Article I - The Legislative Branch

- Article I creates the two houses of Congress
  - House of



- Article I also describes the powers of Congress:
  - Expressed Powers
  - Implied Powers
  - Elastic Clause
  - Impeachment

# House of Representatives

- Elected every 2 years by the people!
- Representation determined by population
- All revenue (\$\$ money \$\$, ex. taxes) bills must originate in the House of Representatives
- Qualifications to be in the House:
  - 25 years old
  - U.S. citizen for 7 years
- A census is taken every 10 years to determine the population—a state may gain or lose members in the House as a result



# Senate

- Elected every 6 years by state legislatures (until 1913→16<sup>th</sup> amendment made Senate elected by the people)
- 2 Senators per state (100 total today)
- The Senate has to approve of many presidential actions
  - Treaties
  - Cabinet Officials
  - Supreme Court Nominees
- To Qualify for the Senate:
  - 30 years old
  - U.S. citizen for 9 years





# Powers of Congress

- Expressed Powers → specific powers given to Congress
  - Collect taxes
  - Regulate Interstate and Foreign Trade
  - Establish army/navy
  - Coin money
  - Declare War/make Peace

Congressional Powers Expressed in Article 1, Section 8			
PEACETIME POWERS		WAR POWERS	
Clause	Provision	Clause	Provision
1	To establish and collect taxes, duties, and excises	11	To declare war; to make laws regarding captures on land and water
2	To borrow money	12	To raise and support armies
3	To regulate foreign and interstate commerce	13	To provide and maintain a navy
4	To create naturalization laws; to create bankruptcy laws	14	To make laws governing land and naval forces
5	To coin money and regulate its value; to regulate weights and measures	15	To provide for summoning the militia to execute federal laws, suppress uprisings, and repel invasions
6	To punish counterfeiters of federal money and securities	16	To provide for organizing, arming, and disciplining the militia and governing it when in the service of the Union
7	To establish post offices		
8	To grant patents and copyrights		
9	To create courts inferior to the Supreme Court		
10	To define and punish crimes at sea and violations of international law		
17	To exercise exclusive jurisdiction over the District of Columbia and other federal properties		
18	To make all laws necessary and proper to the execution of any of the other expressed powers		

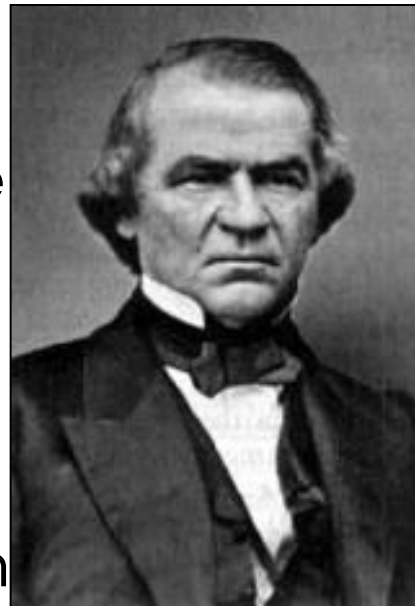
# Powers of Congress

- **Implied Powers** → power of Congress to pass any law that helps them carry out the expressed powers
- Also known as
  - Necessary and Proper Clause
  - Elastic Clause
  - **Example**: Creating a national bank in 1791; Louisiana Purchase in 1803



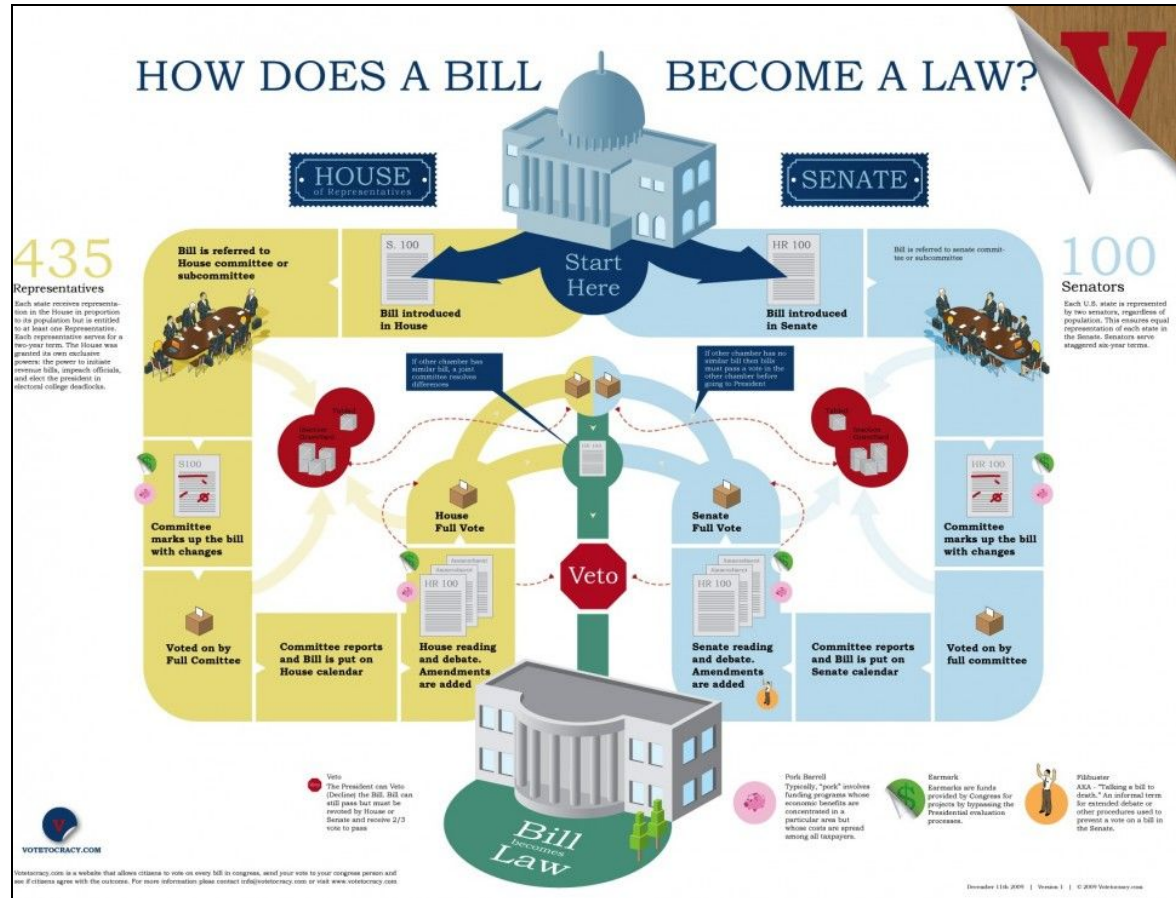
# Powers of Congress

- Impeachment
- The process of removing certain elected officials (President, Judges) from office
- The House of Representatives needs a majority vote to impeach
- The Senate holds a trial (2/3 need to convict & remove from office)
- Trial presided over by Chief Justice of the Supreme Court
- How is this an example of checks and balances?



# How Congress makes Laws

- All bills (except revenue) can start in either house of Congress
- The same bill must be passed through both houses
- President must sign a bill (or can veto) for it to become law, OR
- If the President vetoes a bill, Congress can override the veto with a 2/3 vote





# Article II The Executive Branch



# Article II – The Executive Branch

□ The President is the head of the executive branch

□ Elected by the Electoral College

□ Some roles of the President:

□ Chief Executive

□ Commander in Chief

□ Head of State



# The Executive Branch



- President
- Vice President
- Cabinet



# Article II

- To Qualify to be President:
  - 35 years old
  - Natural-born citizen of the United States
  - Reside in the US for at least 14 years
- The President serves a 4 yr term
- Since 1951, the President can only serve 2 terms (22<sup>nd</sup> amendment)



# Article III

- Article III creates the Judicial Branch
- The Supreme Court is the highest court in the U.S.
- The Supreme Court's main job: **Judicial Review**
- Judicial Review established in 1803 with the case *Marbury v. Madison*
- **Qualifications for the Supreme Court:**
  - No age limit or citizenship



# Open Book Quiz – 9/30

- 1. How did Greece and Rome influence the U.S. Constitution?
- 2. What idea of Montesquieu's influenced the Constitution?
- 3. What does Popular Sovereignty mean?
- 4. Why did the authors of the Constitution want limited government? Explain what limited government means.
- 5. Explain Federalism.
- 6. What are the delegated powers?
- 7. What are the reserved powers?
- 8. What are the concurrent powers?
- 9. Give an example of the delegated powers.
- 10. Give an example of concurrent powers.



# Three Branches by the Constitution

Ratifies treaties

Can propose Constitution amendments

Governs U.S. territories

Hears cases involving 2 states, foreign nations, federal law, etc.

Tries all constitutional cases in court

Receive ambassadors + foreign officials

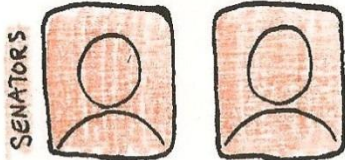
Recommend legislation to congress, report on the state of the union

Appoints ambassadors, judges, officials, etc

Approves or confirms the President's appoint.

## LEGISLATIVE BRANCH CONGRESS

### SENATE



SENATORS

Elected by their State for 6 years.

### HOUSE OF REPRESENTATIVES



CONGRESSMAN

Elected by their district for 2 years.

make bankruptcy laws

coin and regulate money

Create standard weights + measures

punish counterfeiters

establish post office + roads

write patent and copyright law

establish lower federal courts

write maritime law

makes the tie breaking vote in the senate

Tries impeached officials

Proposes bills for raising revenue

After a bill is passed it is approved or vetoed here

Lays + collects taxes

can borrow money

Regulate commerce with foreign nations

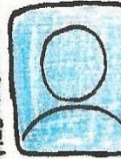
make immigration (naturalization) laws

## EXECUTIVE BRANCH



PRESIDENT

Elected by the electoral college for 4 years.



VICE PRESIDENT

Declare war

Raise and support Armies

Establish a Navy

make Treaties

Can grant pardons

Commander in chief of the Armed Forces

If the electoral college votes come out in a tie, they choose

Counts the electoral college votes and declares the President

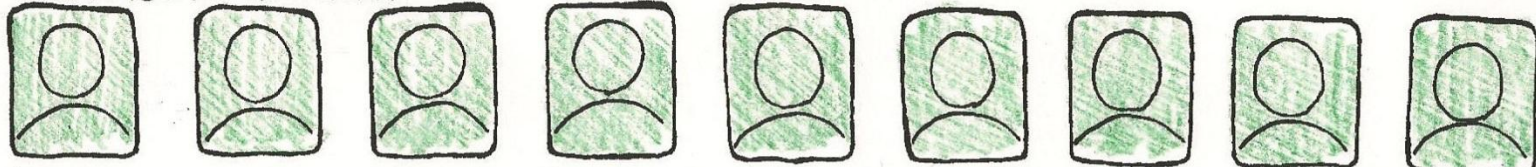
organize, arm, and call up the militia

Directly govern the national capital city

make laws to execute the powers given the Federal.

## JUDICIAL BRANCH

SUPREME COURT



Appointed by the president, confirmed by the senate for life.