



The Constitution



Structure and Principles

Structure

- 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 defense
 - promote the general Welfare
 - secure the Blessings of Liberty to ourselves and our Posterity
 - do ordain and establish this Constitution of the United States of America

Structure

- The Articles
 - Article I
 - Legislative Branch
 - Article II
 - Executive Branch
 - Article III
 - Judicial Branch
 - Jurisdiction
 - Supreme Court
 - Definition of Treason
 - Article IV
 - Relationship of states to one another and to the national government
 - Article V
 - Amending the Constitution
 - Article VI
 - Supremacy Clause
 - Article VII
 - Ratification

Structure

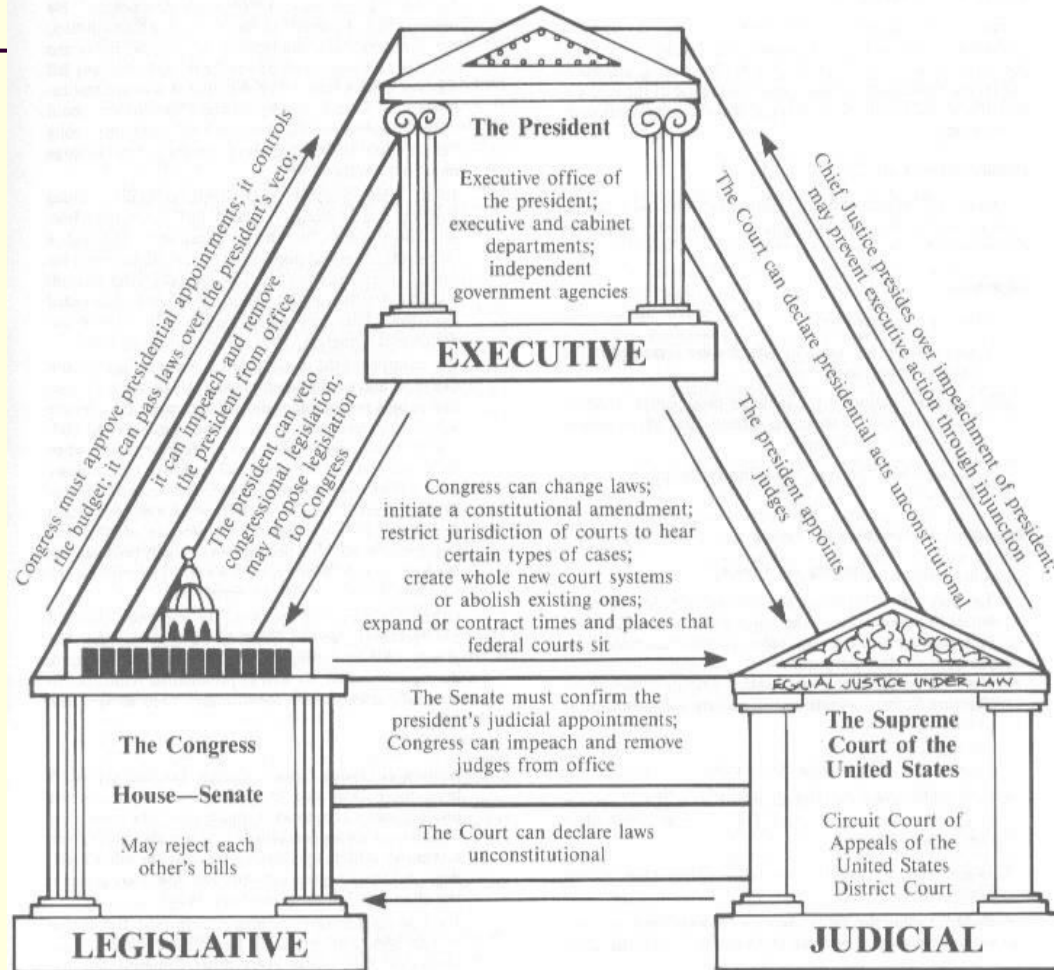
- The Amendments
 - Bill of Rights
 - First Ten
 - Civil War Amendments
 - 13th, 14th, and 15th
 - Voting Rights and Elections
 - 12th, 15th, 17th, 19th, 23rd, 24th, and 26th
 - Structure and Power of Government
 - 11th, 16th, 20th, 22nd, 25th, and 27th
 - Prohibition
 - 18th and 21st

Major Principles

- Popular Sovereignty
- Federalism
- Separation of Powers
- Checks and Balances
- Judicial Review
- Limited Government

DIAGRAM 1

Separation of Powers and Checks and Balances



Marbury v. Madison





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The Constitution



Three Branches of Government

The Legislative Branch

Article I

- Structure and Rules
 - Sections 1-7
 - 17th Amendment
- Enumerated or Expressed Powers
 - Section 8
- “Necessary and Proper” or Elastic Clause
 - Section 8
 - *McCulloch v. Maryland*
- Restrictions
 - Section 9



The Executive Branch

Article II

- Section 1
 - Executive power vested in president
 - Term
 - Electoral College
 - 12th Amendment
 - Qualifications
 - Succession
 - 25th Amendment
 - Compensation
 - Oath of Office
- Sections 2-3
 - Powers
- Section 4
 - Impeachment



The Judicial Branch

Article III

- Section 1
 - Creation of Judicial System
 - One Supreme Court
 - Inferior courts created by Congress
 - Judges
- Section 2
 - Powers and Jurisdiction
 - Judicial Review
 - *Marbury v. Madison*
- Section 3
 - Treason



Shared Power and Conflict

- The President as Legislator
 - Agenda Setter
 - Budget
 - State of the Union Address
- The President v. Congress
 - Expansion of Presidential Power
 - Congressional Monitoring of Executive
 - Execution of Laws
 - Wrongdoings
 - Political Parties
- Congress v. Courts
 - Congressional Power over Lower Court Creation and Supreme Court Jurisdiction
 - Reluctant to use it
 - Judicial Review
- The Supreme Court v. The President
 - Rulings Require Compliance of President
 - Jackson
 - FDR
 - Nixon



The Constitution



Changes

Formal Method of Change

- The Amendment Process
 - Involvement of National and State Governments
 - Two Thirds of Congress Propose
 - Three Fourths of States Ratify

Informal Methods of Change

- Judicial Review
 - Interpretation
 - Judicial Restraint v. Activism
 - Stare Decisis
- Changing Times
 - Technology
 - Radio and TV
 - Computers and the Internet
 - War
 - Nuclear Weapons
 - Super Power Status
 - Great Depression and New Deal
 - Changed Attitudes about the Economy



The Constitution



The Amendments

The Bill of Rights

- First Ten
- Individual Liberties Protected
 - Result of a promise to Anti-Federalists
- Originally only restricted the power of the National Government
 - “Congress shall make no law...”
- Fourteenth Amendment applied the restrictions to the States
 - Selective Incorporation



The First Amendment

- *“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”*



The First Amendment

- Religion Clauses
 - Establishment
 - Free Exercise
- Freedom of Speech
- Freedom of the Press
- Right to Peaceably Assemble
- Right to Petition the Government for a Redress of Grievances

The Second Amendment

- *“A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”*



The Third Amendment

- *“No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.”*

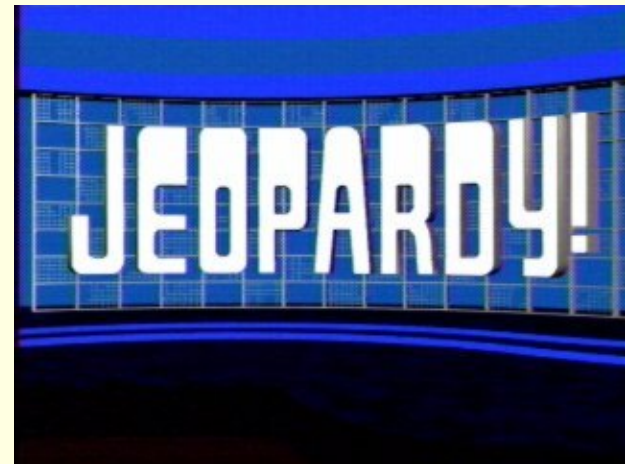


The Fourth Amendment

- *“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”*

The Fifth Amendment

- *“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”*



The Fifth Amendment

- Grand Jury Protection
- Protection Against Double Jeopardy
- Right Against Self Incrimination
- Right to Due Process
- Eminent Domain

The Sixth Amendment

- *“In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.”*



The Sixth Amendment

- Right to a Speedy Trial
- Right to a Public Trial
- Right to a Jury Trial
- Right to be Informed of Criminal Charges
- Right to be Confronted by Adverse Witnesses
- Right to Compel Testimony of Favorable Witnesses
- Right to Assistance of Counsel

The Seventh Amendment

- *“In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of a trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”*

The Eighth Amendment

- *“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.”*



The Ninth Amendment

- *“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”*

The Tenth Amendment

- *“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”*

The Civil War Amendments

- Thirteenth Amendment
 - Abolished Slavery
- Fourteenth Amendment
 - Citizenship Defined
 - Privileges and Immunities
 - Due Process Clause
 - Equal Protection Clause
 - Repeal of Three-Fifths Compromise
- Fifteenth Amendment
 - Prohibited Racial Discrimination in Voting