

# Learning Targets

- **Identify** and explain the fundamental principles contained in the Constitution of the United States
- **Explain** the purpose and meaning of the preamble to the U.S. Constitution
- **Describe** the structure of the Constitution
- **Identify** the purpose of the Bill of Rights
- **Explain** the ratification process






# Principles of the Constitution



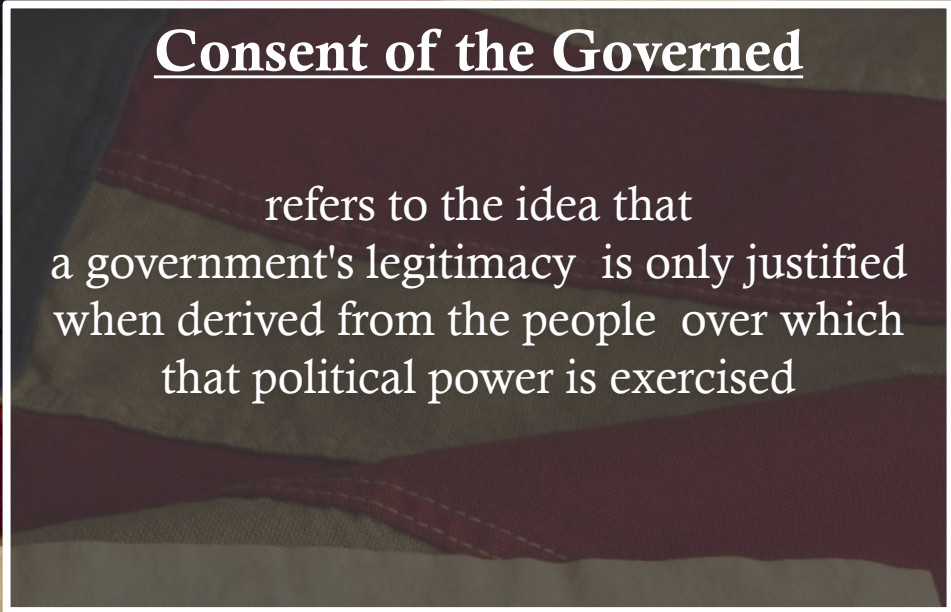
## A Principle

is a law or rule that has to be, or usually is to be followed.



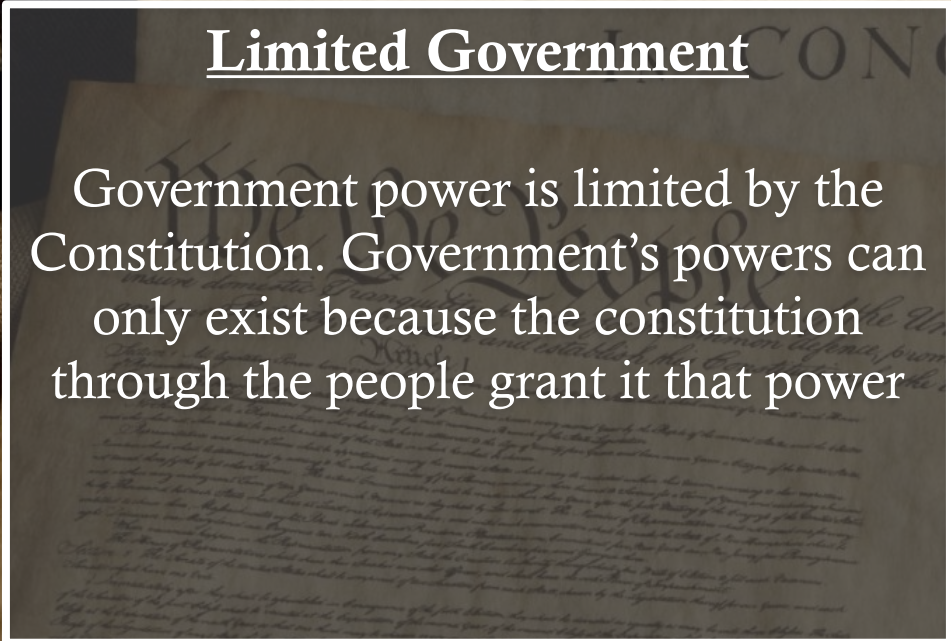
## Consent of the Governed

refers to the idea that a government's legitimacy is only justified when derived from the people over which that political power is exercised



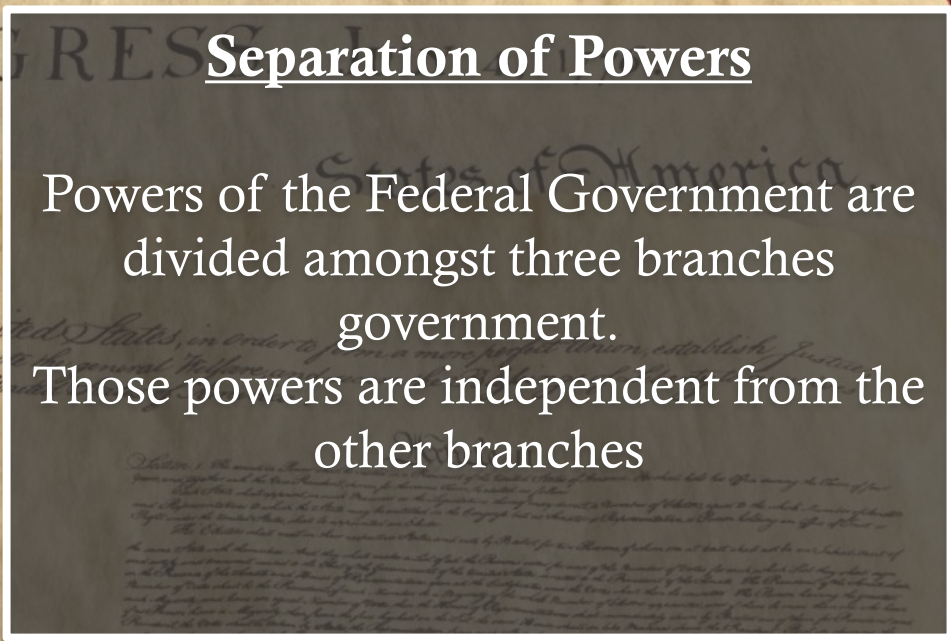
## Limited Government

Government power is limited by the Constitution. Government's powers can only exist because the constitution through the people grant it that power



## Separation of Powers

Powers of the Federal Government are divided amongst three branches government. Those powers are independent from the other branches





# Principles of the Constitution



## Checks and Balances

limits imposed on all branches of a government by vesting in each branch the right to amend or void those acts of another branch.

## Rule of Law

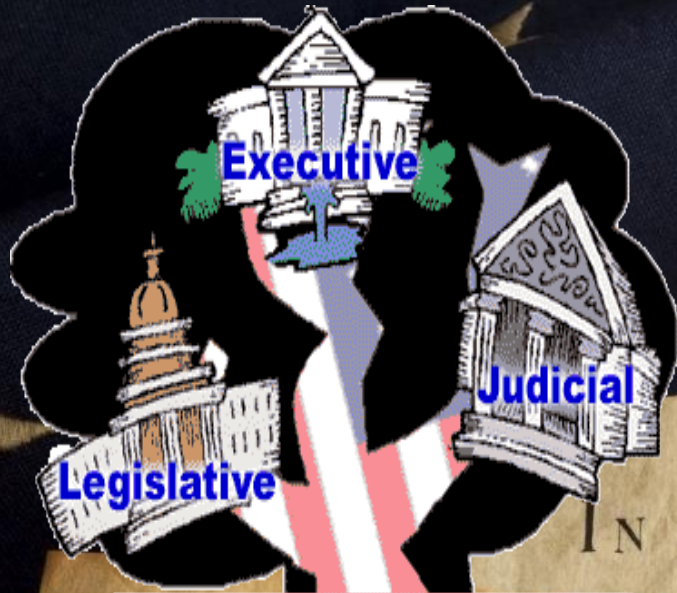
the principle that all people and institutions are subject to and accountable to law that is fairly applied and enforced;

## Federalism

is a system of government in which the same territory is controlled by two levels of government.



# Separation of Powers



## 3 BRANCHES OF GOVERNMENT

Click on a branch for an explanation

### Article 1: Legislative Branch

- Article I establishes the legislative branch of the national government by setting forth the two houses of Congress to make laws.
- The legislative branch is first because it is the only branch that was directly elected by the people (House of Reps)

### Article 2: Executive Branch

- Article 2 establishes the executive branch to carry out the laws passed by Congress.

### Article 3: Judicial Branch

- Article 3 creates the United States Supreme Court and empowers Congress to establish lower Federal Courts to interpret the laws.



# Political Reasoning



- Many Americans thought that an imbalance of power among different branches of government led to tyranny
- According to **Montesquieu**, tyranny results when one branch of government simultaneously holds the powers of another branch
- The debate between Federalists and Anti Federalist revolved around how much power each branch should have.
- Madison acknowledged in **Federalist 48** that the three branches intertwined but asserted that the blending did not violate the principle of separation of powers.

CONGRESS, JULY 4, 1776.

The United States, in order to form a more perfect Union, establish Justice, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby declare in Congress assembled, that these United States, from this time forward, shall be one united People.



# Check and Balances



- The framers of the Constitution established a system of checks and balances to prevent any branch government from getting too powerful
- Checks and balances allow for a system based regulation that allows one branch to limit another, such as the power of Congress to alter the composition and jurisdiction of the federal courts
- For example, the president may veto legislation passed by Congress; the Senate must confirm major executive appointments; and the courts may declare acts of Congress unconstitutional.

IN CONGRESS, JULY 4, 1776.

States of America.

We the People

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.

Article I

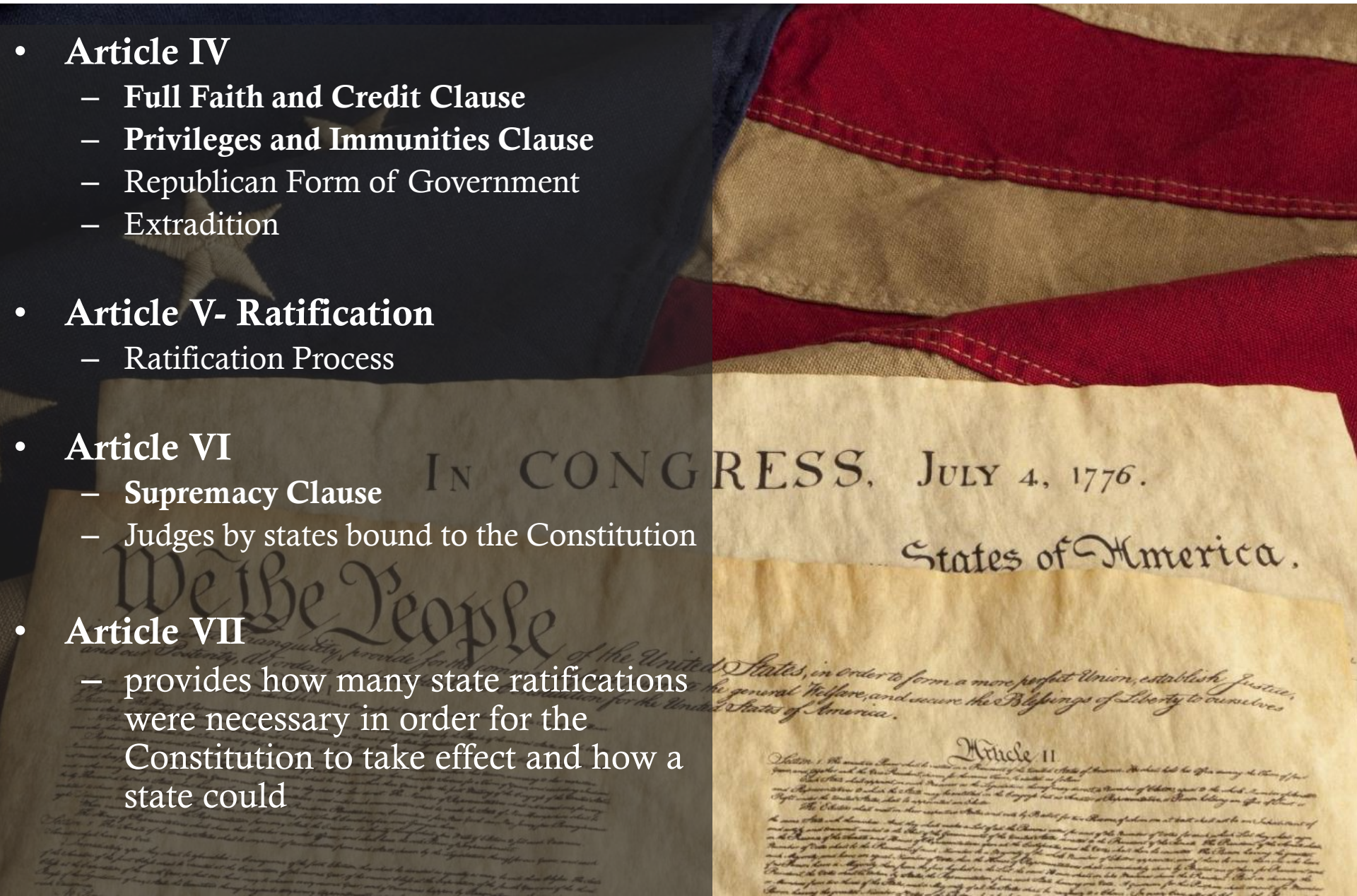
Article II



# Articles IV -VII



- **Article IV**
  - Full Faith and Credit Clause
  - Privileges and Immunities Clause
  - Republican Form of Government
  - Extradition
- **Article V- Ratification**
  - Ratification Process
- **Article VI**
  - Supremacy Clause
  - Judges by states bound to the Constitution
- **Article VII**
  - provides how many state ratifications were necessary in order for the Constitution to take effect and how a state could



IN CONGRESS, JULY 4, 1776.

States of America.

We the People

the general Welfare, and secure the Blessings of Liberty to ourselves

### Article 11

Article 11. The number of Senators to be chosen in each State shall be equal to the number of Representatives to be chosen in each State...



# The Bill of Rights



- Is the collective name for the first ten **amendments (changes)** to the Constitution. They are limitations the government has the protections people have
- These limitations serve to protect the natural rights of liberty and property.
- They guarantee a number of personal freedoms, limit the government's power in judicial and other proceedings, and reserve some powers to the states and the public



# Formal Constitutional Change

## Amending the Constitution

### PROPOSAL

A Constitutional Amendment can be proposed in one of two ways:

1

By 2/3 of the members of both the House & Senate

2

At a Convention called by 2/3 of the States

### RATIFICATION

After an Amendment is proposed, it must be ratified. This to can be done in one of two ways:

1

By 3/4 of the State Legislatures

2

By 3/4 of ratifying conventions in the States

merica.

### Article 1

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### Article 11

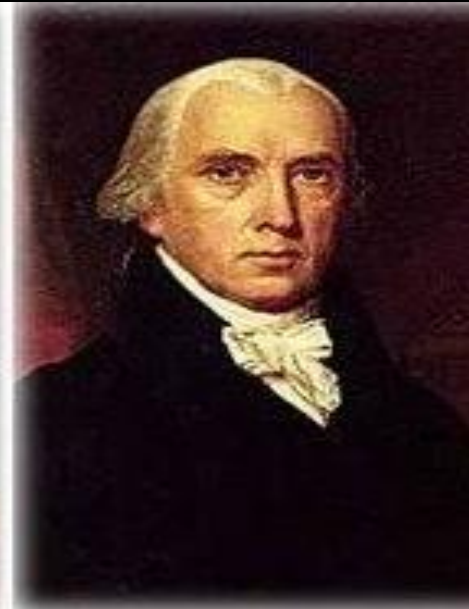
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# Judicial Review

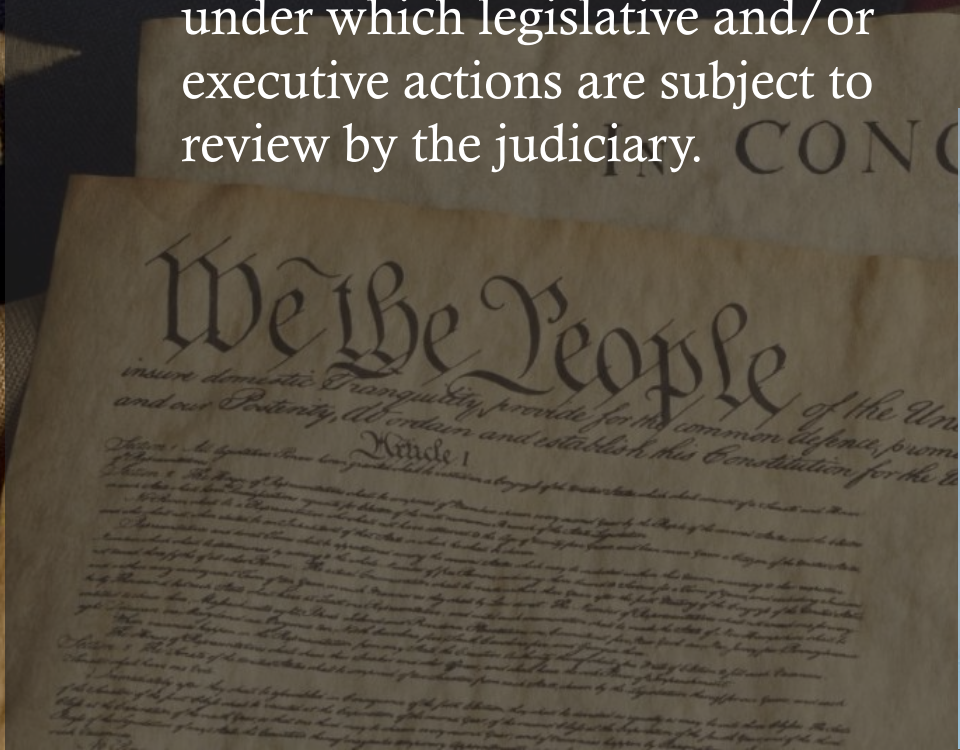


- The **Informal Process** of Constitutional Change
- Judicial Interpretation
- *Marbury v. Madison* (1803):
  - **Judicial Review:** is the doctrine under which legislative and/or executive actions are subject to review by the judiciary.



IT IS EMPHATICALLY THE PROVINCE AND DUTY OF THE JUDICIAL DEPARTMENT TO SAY WHAT THE LAW IS.

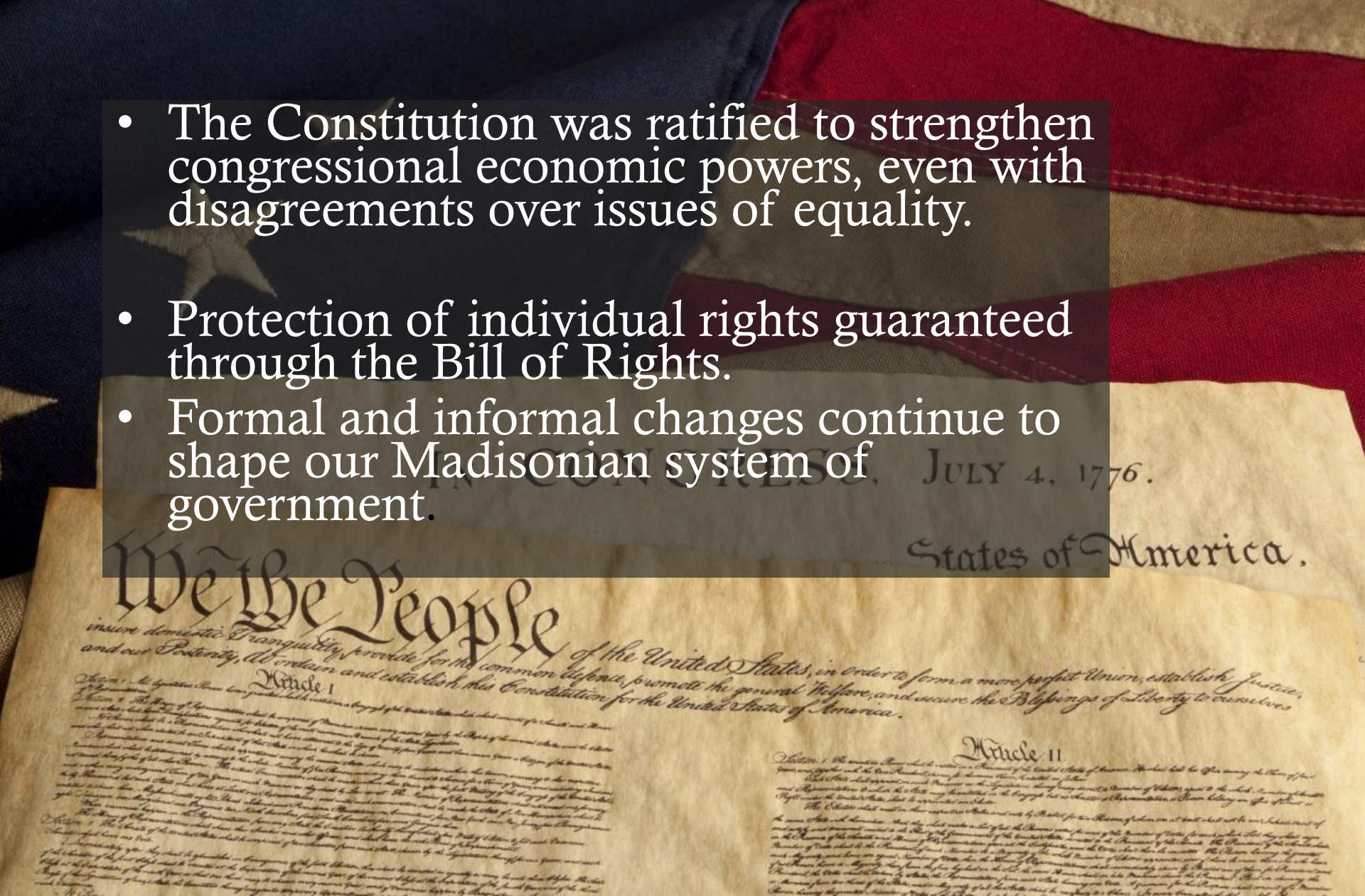
MARBURY v. MADISON  
1803





# Summary

- The Constitution was ratified to strengthen congressional economic powers, even with disagreements over issues of equality.
- Protection of individual rights guaranteed through the Bill of Rights.
- Formal and informal changes continue to shape our Madisonian system of government.



IN CONGRESS, JULY 4, 1776.  
 States of America.  
 We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, 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 1

## Article 11