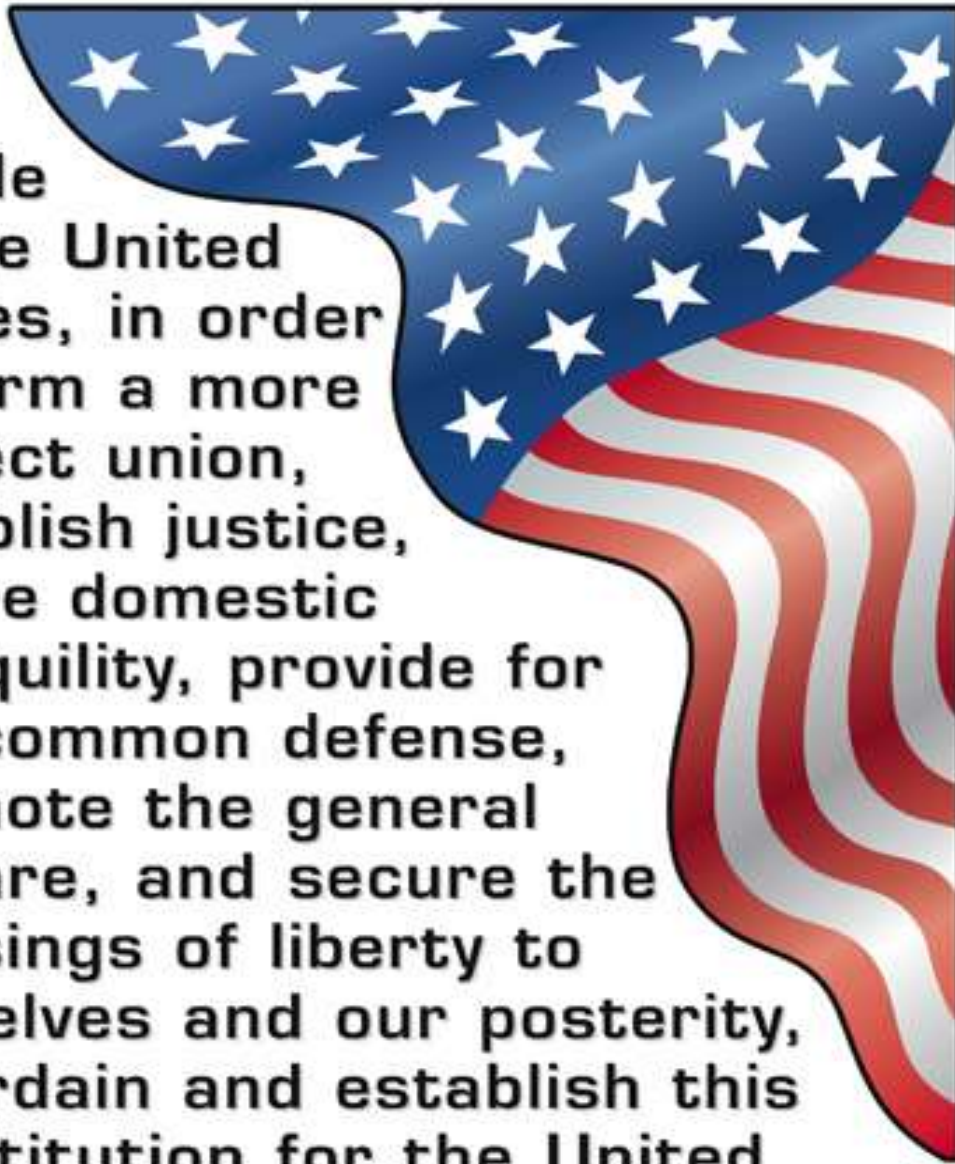


CONSTITUTION OF THE UNITED STATES

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, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

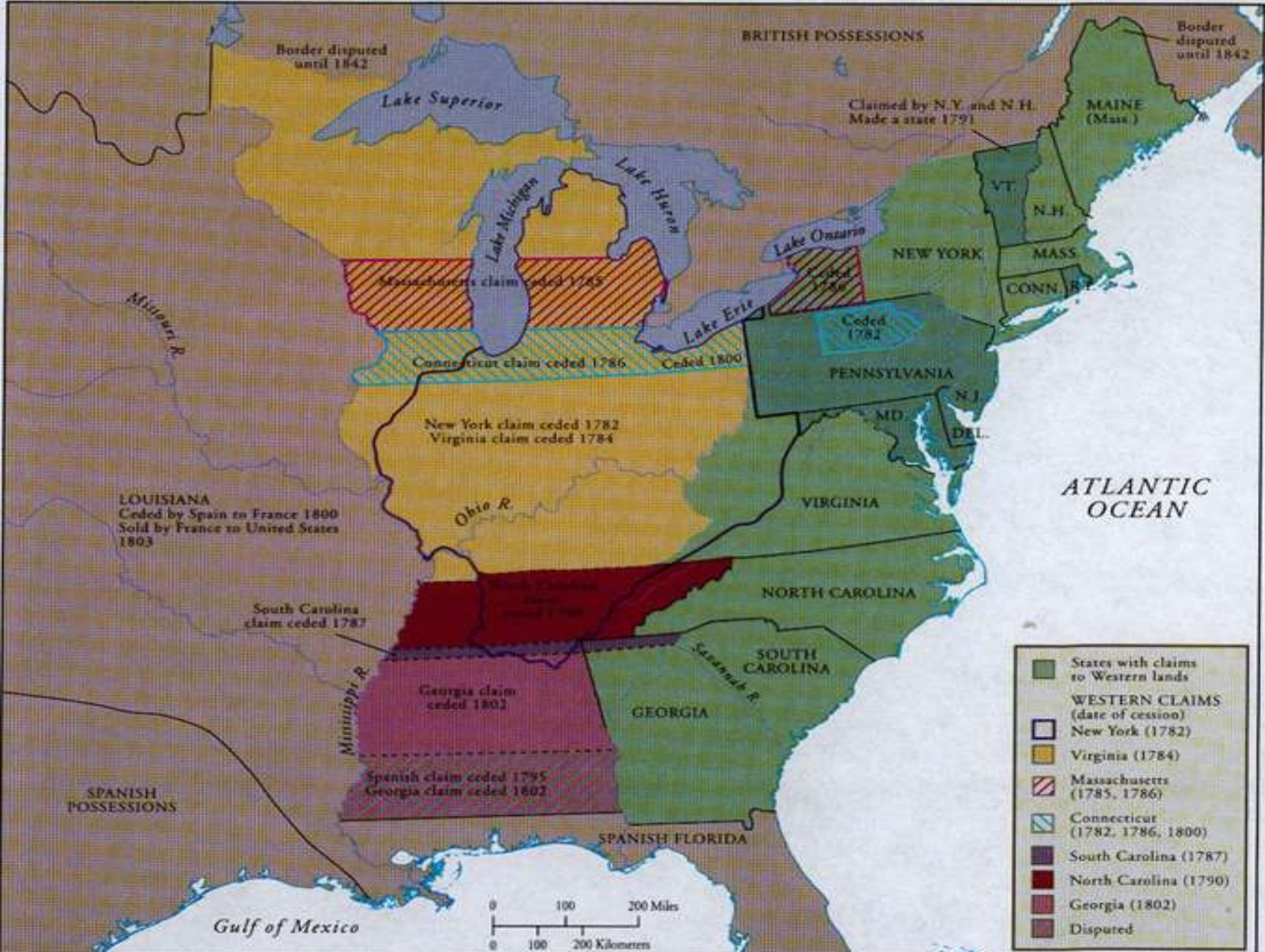


What are the 6 goals of the Constitution?

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Weaknesses of the Articles of Confederation

- Divide your paper into FOURS
- In each section, write a letter (A-H)
- When you rotate, you will...
 - SUMMARIZE the weakness described on the card AND
 - Answer the questions at the BOTTOM of the card (1-2 per card)
 - Answer in COMPLETE SENTENCES





We the People

Constitution

&

Bill of Rights

I. OBJECTIVES #1 – Creating the Constitution

A. Events leading to the Constitution

1. Fear of Strong National (federal) Government

- a. King had too much power
- b. States/Colonies didn't want to be told what to do



2. **First Continental Congress (1774)**

- a. The colonists sent a Declaration of Rights to King George III.
- b. The delegates urged each of the colonies to refuse all trade with England until British tax and trade regulations were repealed, or recalled.

3. **Second Continental Congress (1775)**

- a. In 1775, each of the 13 colonies sent representatives to this gathering in Philadelphia.
- b. The Second Continental Congress served as the first government of the United States from 1776 to 1781.

OBJ #1- Creating the Constitution

4. Articles of Confederation

- a. VERY WEAK POWERS
- b. NO LEADER (Ex. President or King)
- c. Congress only Federal Branch of Government
- d. STATES HAVE ALL THE POWER

-Have their own: Money / Militias / Laws

5. Convention called to 'Fix' Articles

- a. 12 States send delegates (Georgia was busy)
- b. GOAL: Fix the Articles
- c. Result: Throw Away the Articles
- d. Problems: How much Federal Power?

Big States v. Small States

Pennsylvania

Virginia

& Massachusetts

*Had almost 50% of ALL
the U.S. Population*

Power
v.
Power
Rights

WEAK



OBJ #1- Creating the Constitution

B. Father of the Constitution . . James Madison

1. Came Prepared: Studied governments of the world
2. Creates Virginia Plan: 3 Branches of Government
3. Friends with Thomas Jefferson



Madison-
Virginia



Rutledge-
S. Carolina



Wilson-
Pennsylvania



Mason-
Virginia

Madison is 'Father of Constitution' but he had a TON of help from others!!!!



OBJ #1- Creating the Constitution

C. Compromises Save the Constitution

1. GREAT COMPROMISE

- a. Big States and small states fight for power
- b. New Jersey Plan (Small State)

- Kept much of Articles of Conf.
- 1 house Legislature
- Every State Equal in Congress

c. Virginia Plan (BIG STATE!) (Madison)

- 3 Branches of Government (L, E, J)
- Bicameral Legislature (2 Houses)
- Leg. Decided by Population



I have an idea!!

OBJ #1- Creating the Constitution

d. The Great Compromise

- 3 Branches of Government
- Bicameral Legislature (2 Houses)
 - *Senate- 2per state
 - *House of Rep.- By Population
 - *Made Big & Small States Happy
- Executive (A leader) & Judicial (Courts)



= 2 Per state
(All States Equal)



2. 3/5 COMPROMISE (Slavery)

- South wants to counts slaves as population
-Helps raise their House of Rep. #'s
- Deal: Every 3 out of 5 slaves will be counted as part of the population

= By **population**

NV has 4

CA has 53

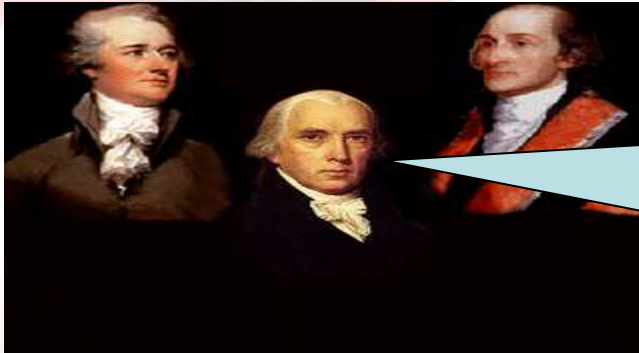
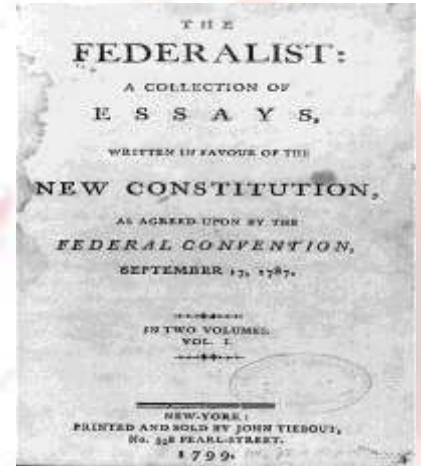


OBJ #1- Creating the Constitution

D. Federalist & Anti-Federalist

1. Federalist Support Constitution

- a. Led by Madison, Washington and Hamilton
- b. Wrote Federalist Papers . . . essays supporting the Constitution (We need stronger Government)



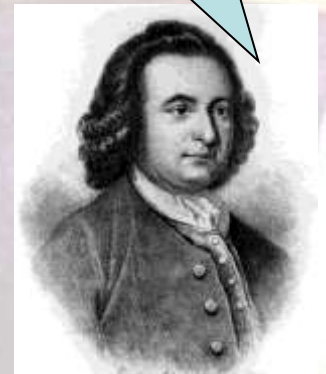
Hamilton, Madison, Rutledge

We need the
CONSTITUTION
We must have a
STRONGER
Government!!!!

NO!!!!
Strong Gov't
takes AWAY
RIGHTS!!

2. Anti-Federalist DO NOT Like Constitution

- a. Led by George Mason
- b. Believed the Constitution did not protect people's rights
 - Wanted a list of Rights added



G. Mason

OBJ #1- Creating the Constitution

E. Approving (Ratify) the Constitution!

1. Needed 9 of 13 States to Approve (All 13 impossible)
2. 1787 Delaware 1st state to approve Constitution
 - *1788 NH approves (9th State)
 - *1791 Constitution begins
 - *1791 Bill of Rights becomes part of Constitution



The Constitution is Ratified

- Nine States ratified the Constitution by June 21, 1788, but the new government needed the ratification of the large States of New York and Virginia.
- Great debates were held in both States, with Virginia ratifying the Constitution June 25, 1788.
- New York's ratification was hard fought. Supporters of the Constitution published a series of essays known as *The Federalist*.

Ratification of the Constitution

State	Date	Vote
Delaware	December 7, 1787	30-0
Pennsylvania	December 12, 1787	46-23
New Jersey	December 18, 1787	38-0
Georgia	January 2, 1788	26-0
Connecticut	January 9, 1788	128-40
Massachusetts	February 6, 1788	187-168
Maryland	April 28, 1788	63-11
South Carolina	May 23, 1788	149-73
New Hampshire	June 21, 1788	57-47
Virginia	June 25, 1788	89-79
New York	July 26, 1788	30-27
North Carolina	November 21, 1789*	194-77
Rhode Island	May 29, 1790	34-32

* Second vote; ratification was originally defeated on August 4, 1788, by a vote of 184-84.

Example #1



Example #2



Which two flags represent the Articles of Confederation? Which two represent the new Constitution?

II. OBJECTIVES #2 – The Government

Differentiate the roles and duties of the three (3) branches of government three in the U.S. Constitution. Name each, its main job, and it's top position.

A. What the branches of Our Government Represent

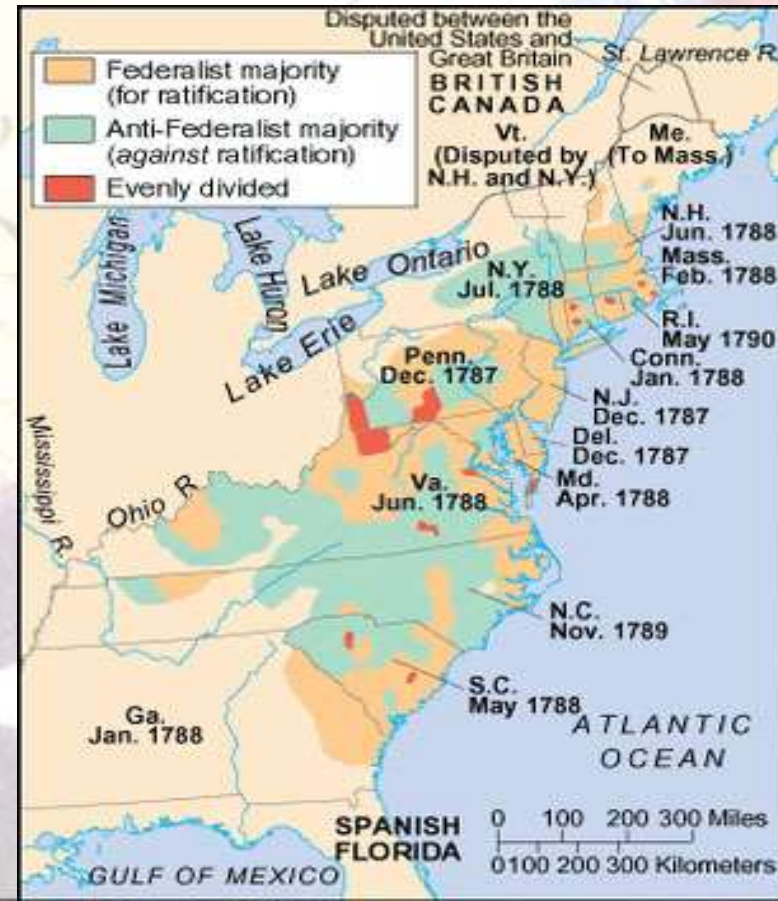
1. Form of Government

a. **Republic-** People chose the people to lead them
(Not real Democracy!)

2. Federal Power

a. Must be more important
than State

(1 Nation NOT 13 Countries)



How Much Democracy??
How Much Federal Power???

FEDERAL

PEOPLE

STATE

NATIONAL



CONFEDERATION

LOCAL

CANTON



UNITARY

QUEEN

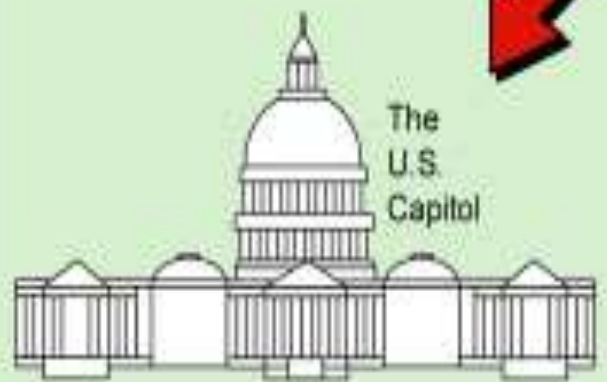
PRESIDENT

KING



How do each of these types of government differ in their distribution of power?

CONSTITUTION



LEGISLATIVE

EXECUTIVE

JUDICIAL

CONGRESS

PRESIDENT → VICE PRESIDENT



HOUSE OF REPRESENTATIVES SENATE

SUPREME COURT

OBJ #2- The Government

B. Article ILegislative Branch

1. Congress (House of Representatives & Senate)

a. *GREAT COMPROMISE!!!!*

*House of Representative (Population)

*Senate (2 per state -No matter how big or small)

2. Powers of Congress (Article I Section 8)

a. Make and Pass Laws (Bills)

-Both House and Senate must pass and agree on the same law before sending it to the president for approval

b. Declare War

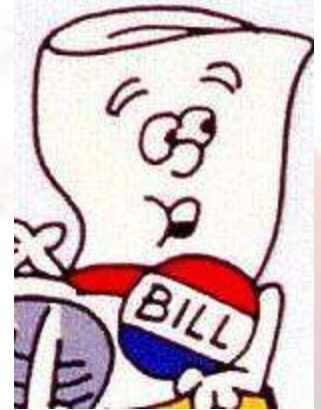
c. Provide Money to Executive to run government

d. Approve Presidential Appointments (Senate)

-Cabinet Members/Judges/Military Officers

e. Impose Taxes

f. Approve Treaties with other Countries (Senate)



CONGRESS

How laws are made

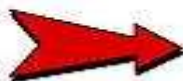
Bill



51/100



218/435



Sign



Veto

Pocket Veto



Judicial Review



2/3 vote override



New Bill

OBJ #2- The Government

3. Terms in Office

a. House of Representatives

*2yrs. / 25 or older / Citizen for 7yrs.

b. Senate

*6yrs. / 30 or older / Citizen for 9yrs.



Rep. Ami
Bera (D)



Sen. Dianne
Feinstein (D)
Next election in 2018



Sen. Kamala
Harris (D)
Means election in 2022



CONGRESS

OBJ #2- The Government

C. Article IIExecutive Branch

1. Job is to enforce the laws and put someone in the role of a leader (President).
2. Powers . . . “Man of Many Hats”
 - a. Head of State (Represents U.S. to the World)
 - Secretary of State is Cabinet member
 - Allowed to make treaties with other countries
 - b. Commander in Chief (Head of the Military)
 - Secretary of Defense is Cabinet Member
 - Commands military
 - c. Chief Law Enforcer (Enforces Laws)
 - Attorney General is Cabinet member





OBJ #2- The Government

d. **Cabinet Members:** People hired to run each area while the president does the other jobs

-15 today . . . Washington had 4

-1st 4: Treasury, State, War, Attorney General

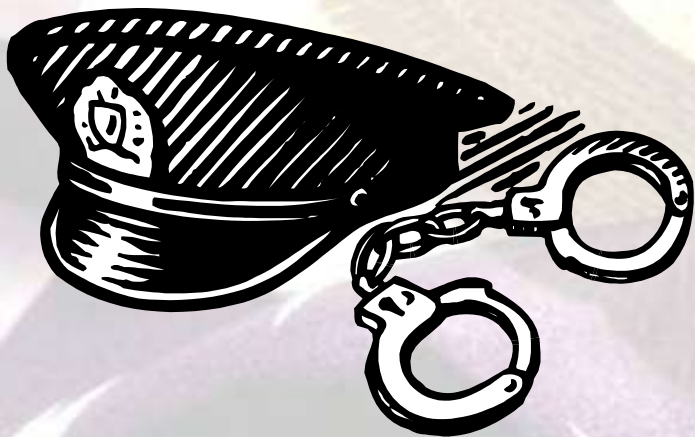
-Newest: Homeland Security

3. Term in Office

a. Elected every 4 yrs. (Can only serve 8)

**Electoral College

b. Must be born in US / Must be 35 yrs. old



CMS

The Medicare,
Medicaid, and
SCHIP Agency



FDA



US Army Corps
of Engineers®

EEOC
U.S. Equal Employment Opportunity Commission



UNITED STATES
DEPARTMENT OF
THE TREASURY



USDA



The President

Office of Management and Budget

Office of Policy Development

Office of the Vice President

White House Office

Council of Economic Advisers

Office of Science and Technology Policy

Council of Environmental Quality

National Security Council

Office of Administration

Department of Agriculture

Department of Defense

Department of Energy

Department of Homeland Security

Department of the Interior

Department of Labor

Department of Transportation

Department of Veterans Affairs

Department of Commerce

Department of Education

Department of Health & Human Services

Department of Housing & Urban Development

Department of Justice

Department of State

Department of the Treasury

Objective #2: The Government

The Electoral College

11 Number of Electors



OBJ #2- The Government



D. Article III Judicial Branch

1. Reviews laws and disputes. (Supreme Court)

a. Supreme Court

*Highest Court in the U.S. (What they say goes)

b. Lower Courts *Created By Congress

*Listen to cases before the Supreme Court
(ex. Military/Appeal/District/Maritime/Civil)

2. Judicial Review

a. Courts can decide if laws passed and enforced by Congress & President are Constitutional

3. Terms in Office

a. President picks judges and the Senate approves

b. Life for all judges (Until you die or go crazy)

c. 9 Supreme Court Judges

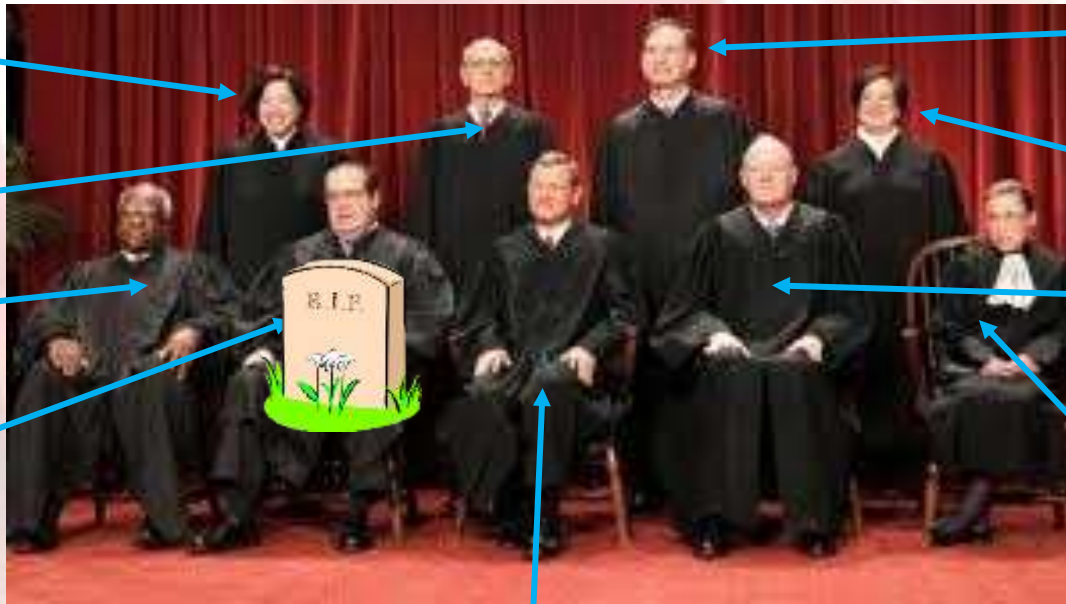


Sonia Sotomayor

Stephen G. Breyer

Clarence Thomas

Antonin Scalia



Samuel A. Alito

Elena Kagan

Anthony Kennedy

Ruth Bader Ginsburg

Chief Justice John G. Roberts



4. Court Decisions - The nation's courts, most importantly the United States Supreme Court, interpret and apply the Constitution in many cases they hear.

(a) that governmental power poses a threat to individual liberty,

(b) that therefore the exercise of governmental power must be restrained, and

(c) that to divide governmental power, as federalism does, is to curb it and so prevent its abuse.

Federal Judicial System

Supreme Court

Reviews cases appealed from lower federal courts and highest state courts

Courts of Appeals

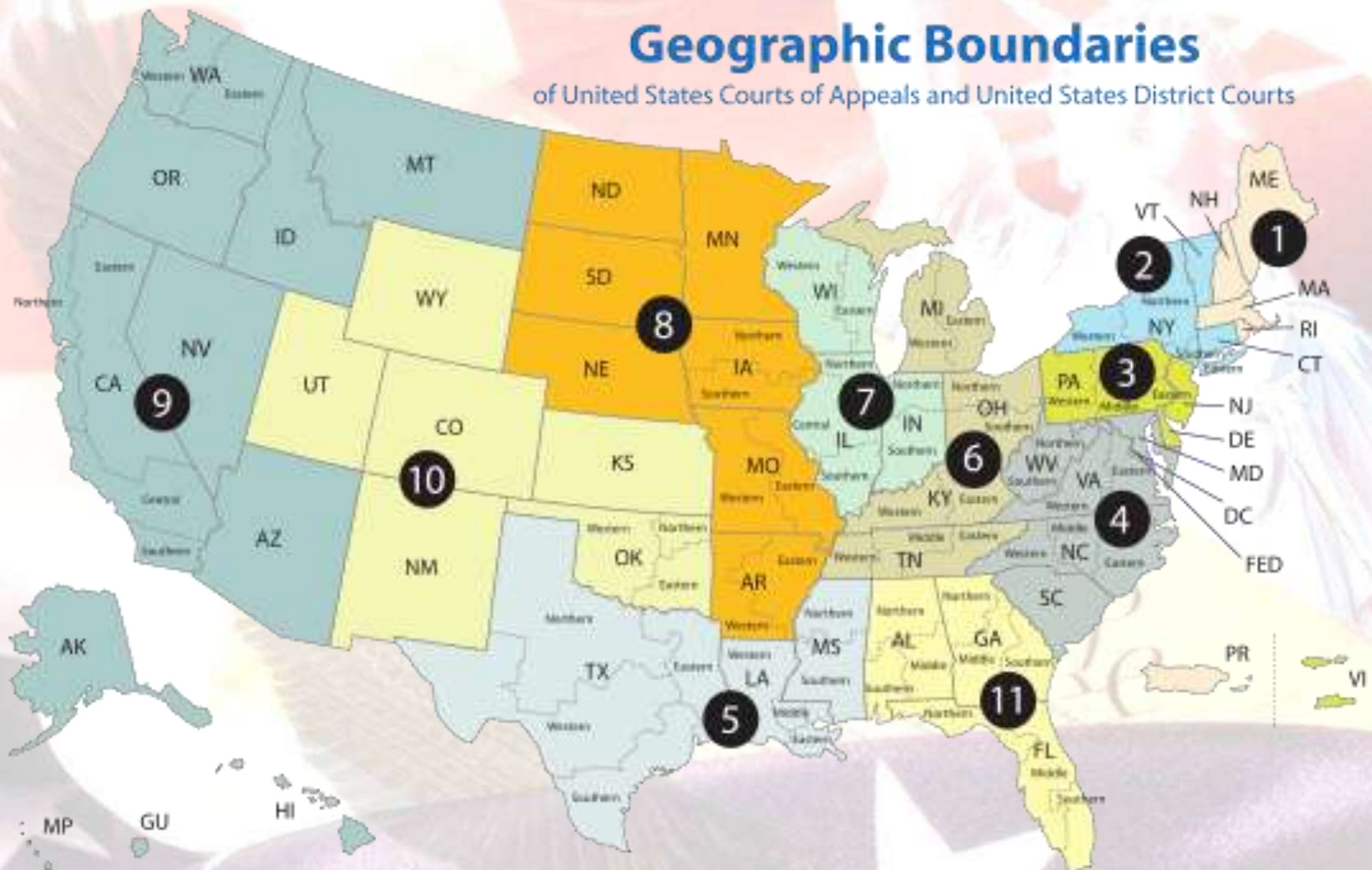
Review appeals from district courts

District Courts

Hold trials

Geographic Boundaries

of United States Courts of Appeals and United States District Courts



Separation of Powers

U.S. Constitution

Legislative Branch (Congress)

- Writes the laws
- Confirms presidential appointments
- Approves treaties
- Grants money
- Declares war

Executive Branch (President)

- Proposes laws
- Administers the laws
- Commands armed forces
- Appoints ambassadors and other officials
- Conducts foreign policy
- Makes treaties

Judicial Branch (Supreme Court)

- Interprets the Constitution and other laws
- Reviews lower-court decisions

III. OBJECTIVES #3 – Checks & Balances

Explain the system of Checks and Balances* found in the U.S. Constitution. Give one example for each branch of government in its use of Checks and Balances against the other two. Identify reasons for Checks and Balances.

A. Checks & Balances

1. Each branch has power to keep the other from getting too powerful

a. President

- Picks Judges/Makes Treaties/Hires People
- Veto**- Can cancel a law passed by Congress



b. Congress (Senate)

- OK's President's picks (Can say NO!!)
- Can Override Veto

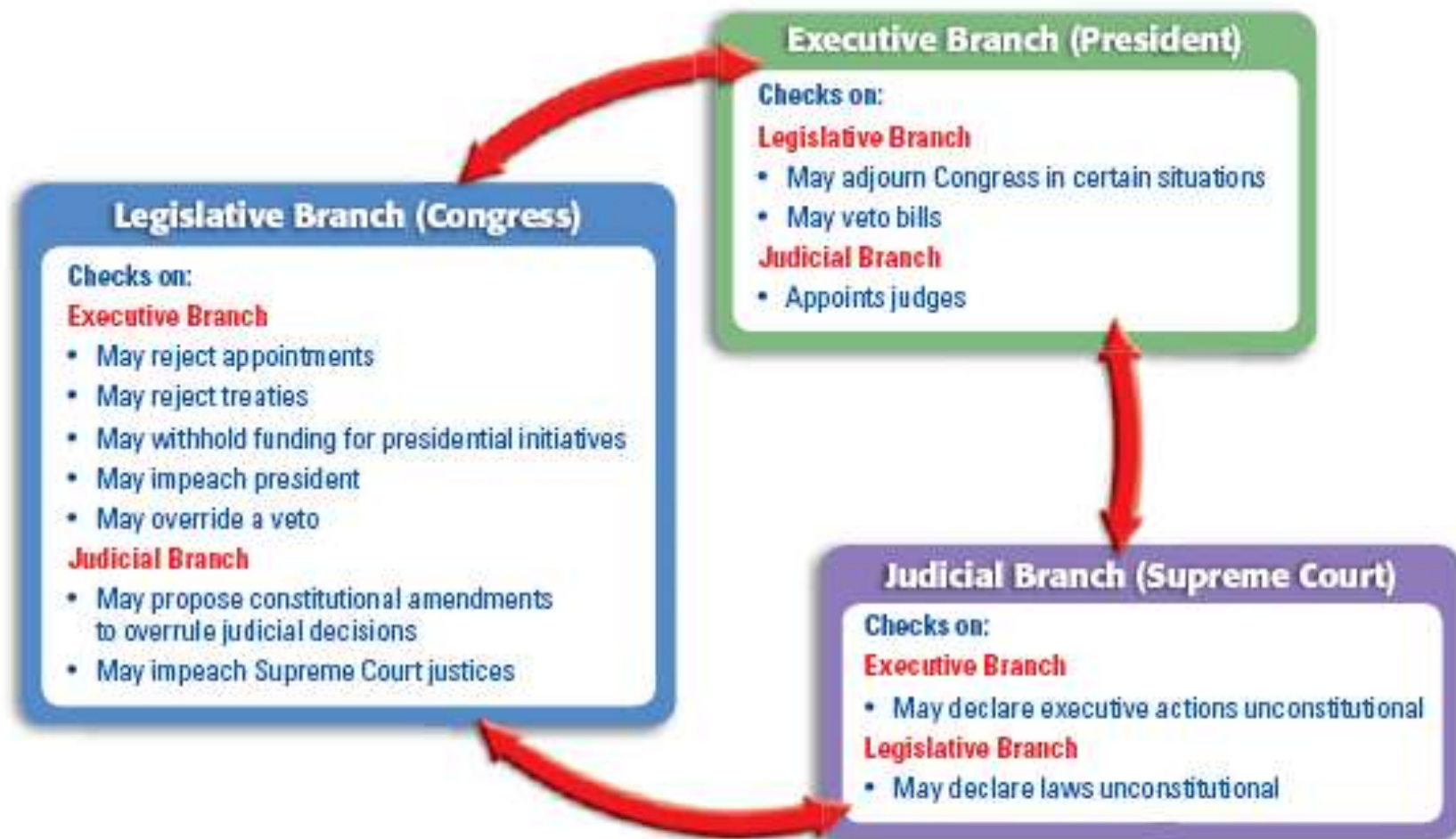


c. Judicial

- Judicial Review . . . declare laws unconstitutional or find people accused by government 'not guilty'



Checks and Balances



Legislative	Executive	Judicial
Congress	President, Vice President, Cabinet	Supreme and Federal Courts
Makes Laws	Enforces Laws	Interprets Laws
<p><u>House of Representatives (435 members):</u></p> <p>1. ←</p> <p>2.</p> <p>3.</p> <p>4.</p> <p><u>Senate (100 members):</u></p> <p>5. ←</p> <p>6.</p> <p>7.</p> <p>8.</p> <p>9.</p> <p><u>Both Together:</u></p> <p>10.</p> <p>11.</p> <p>12.</p> <p>13.</p>	<p>14. ↖</p> <p>15.</p> <p>16.</p> <p>17.</p> <p>18.</p> <p>19.</p> <p>20.</p>	<p>21. ↖</p> <p>22.</p> <p>23.</p> <p>24.</p> <p>25.</p> <p>Issue #1: Length of terms</p> <p>4 years</p> <p>6 years</p> <p>LIFE</p> <p>2 years</p>

Separation of Powers/Checks and Balances

Legislative	Executive	Judicial
Congress	President, Vice President, Cabinet	Supreme and Federal Courts
Makes Laws	Enforces Laws	Interprets Laws
<p><u>House of Representatives (435 members):</u></p> <ol style="list-style-type: none"> 1. 2. 3. 4. <p><u>Senate (100 members):</u></p> <ol style="list-style-type: none"> 5. 6. 7. 8. 9. <p><u>Both Together:</u></p> <ol style="list-style-type: none"> 10. 11. 12. 13. 	<ol style="list-style-type: none"> 14. 15. 16. 17. 18. 19. 20. 	<ol style="list-style-type: none"> 21. 22. 23. 24. 25. <p>Issue #2: Requirements</p> <ul style="list-style-type: none"> 30 years old, citizen 9 years 25 years old, citizen 7 years 35 years old, NATURAL citizen

Separation of Powers/Checks and Balances

Legislative	Executive	Judicial
Congress	President, Vice President, Cabinet	Supreme and Federal Courts
Makes Laws	Enforces Laws	Interprets Laws
<p><u>House of Representatives (435 members):</u></p> <ol style="list-style-type: none"> 1. 2. 3. 4. <p><u>Senate (100 members):</u></p> <ol style="list-style-type: none"> 5. 6. 7. 8. 9. <p><u>Both Together:</u></p> <ol style="list-style-type: none"> 10. 11. 12. 13. 	<ol style="list-style-type: none"> 14. 15. 16. 17. 18. 19. 20. <p>Issue #3: LAWS</p> <p>Proposes Laws</p> <p>Can rule Laws Unconstitutional</p> <p>Approves or Vetoes Laws</p> <p>Can OVERRIDE a veto with 2/3</p>	<ol style="list-style-type: none"> 21. 22. 23. 24. 25.

Separation of Powers/Checks and Balances

Legislative	Executive	Judicial
Congress	President, Vice President, Cabinet	Supreme and Federal Courts
Makes Laws	Enforces Laws	Interprets Laws
<u>House of Representatives (435 members):</u> 1. 2. 3. 4. ← <u>Senate (100 members):</u> 5. 6. 7. 8. 9. ← <u>Both Together:</u> 10. 11. 12. 13.	14. 15. 16. 17. 18. 19. 20. Issue #4: Impeachment Presides over an Impeachment trial Can impeach the President Can try the President after impeachment	21. 22. 23. 24. 25.

Separation of Powers/Checks and Balances

Legislative	Executive	Judicial
Congress	President, Vice President, Cabinet	Supreme and Federal Courts
Makes Laws	Enforces Laws	Interprets Laws
<u>House of Representatives (435 members):</u> 1. 2. 3. 4. <u>Senate (100 members):</u> 5. 6. 7. 8. 9. <u>Both Together:</u> 10. 11. 12. 13.	14. 15. 16. 17. 18. 19. 20. Issue # 5: Treaties Can MAKE Treaties with other countries Ratifies (approves) Treaties made with other countries	21. 22. 23. 24. 25.

Separation of Powers/Checks and Balances

Legislative	Executive	Judicial
Congress	President, Vice President, Cabinet	Supreme and Federal Courts
Makes Laws	Enforces Laws	Interprets Laws
<u>House of Representatives (435 members):</u> 1. 2. 3. 4. <u>Senate (100 members):</u> 5. 6. 7. 8. 9. <u>Both Together:</u> 10. 11. ← 12. 13.	14. 15. 16. 17. 18. 19. 20. Issue #7: Military Is Commander-in-Chief of armed forces Can Declare War	21. 22. 23. 24. 25.

Separation of Powers/Checks and Balances

Legislative	Executive	Judicial
Congress	President, Vice President, Cabinet	Supreme and Federal Courts
Makes Laws	Enforces Laws	Interprets Laws
<u>House of Representatives (435 members):</u> 1. 2. 3. 4. <u>Senate (100 members):</u> 5. 6. 7. 8. 9. <u>Both Together:</u> 10. 11. 12. 13.	14. 15. 16. 17. 18. 19. 20.	21. 22. 23. 24. 25.

Separation of Powers/Checks and Balances

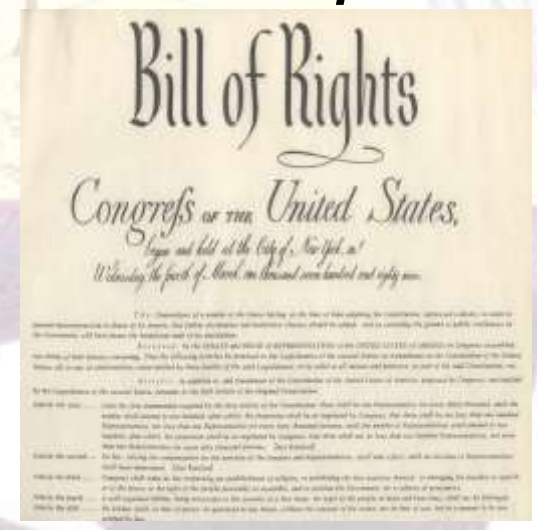
IV. OBJECTIVES #4 – Bill of Rights

Summarize types of rights protected in the Bill of Rights and the importance of being able to add Amendments to the Constitution. How many amendments made up the Bill of Rights? Name two ways amendments can be added. How many amendments have been added to the Constitution today?

A. *Amendments = Changes to the Constitution (Article 5)

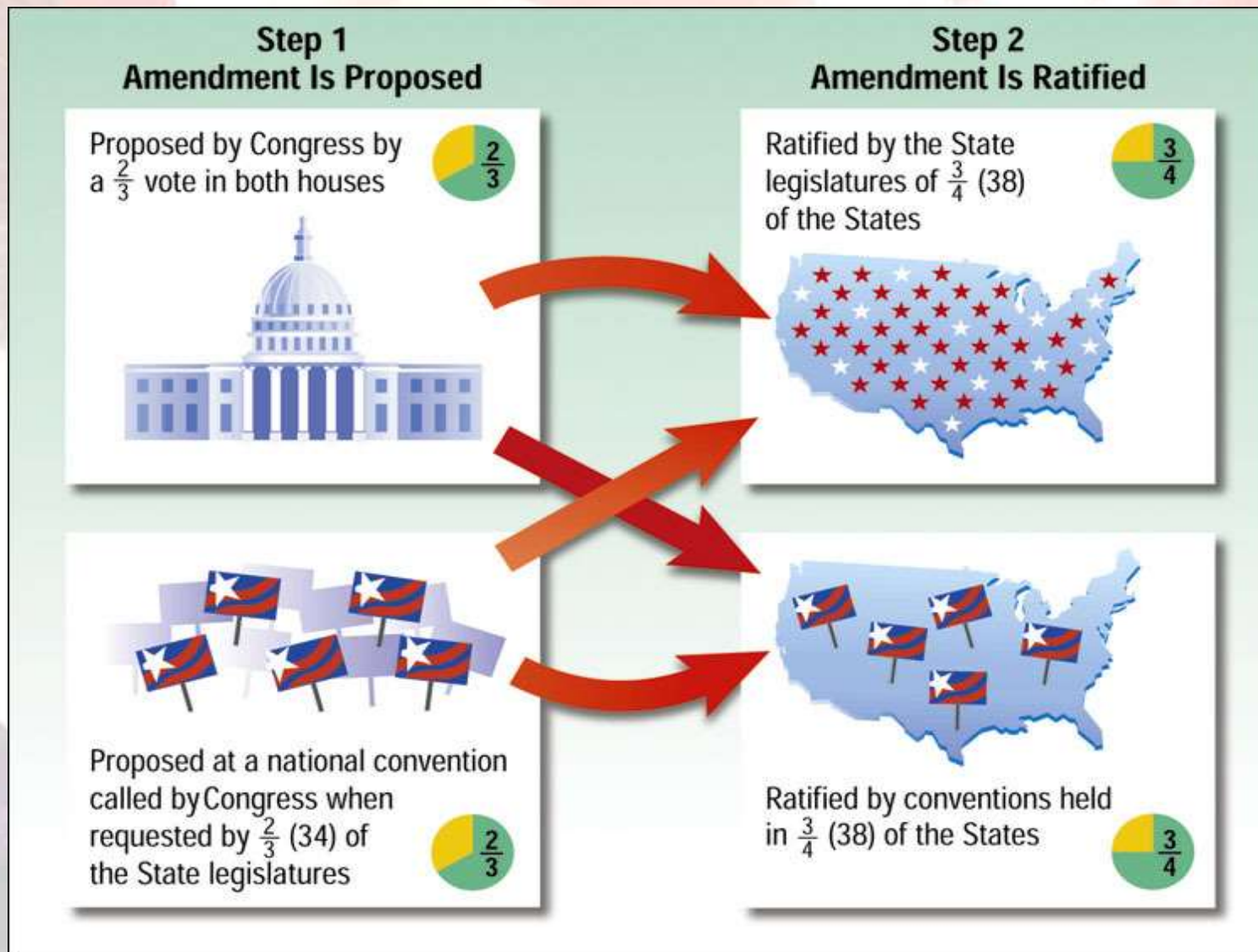
1. *Allows country to change without throwing the entire constitution away*
2. *Two ways to create Amendments*
 - #1- *2/3 of House & Senate approve or*
 - #2- *2/3 of State Convention*
 - Then 3/4 of State Legislatures must approve to become part of Constitution*
3. *27 Amendments today (last one in 1992)*

CHANGE



1st 10 Changes!!!

The four different ways by which amendments may be added to the Constitution are shown here:



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 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

B. Other ways the Constitution Changes

1. **Informal amendment** is the process by which over time many changes have been made in the Constitution which have not involved any changes in its written word.

2. Executive Action

a. Presidential actions have produced a number of important informal amendments, such as the use of the military under the power of commander in chief.

b. An **executive agreement** is a pact made by the President directly with the head of a foreign state.

3. Court Decisions

a. The nation's courts, most importantly the United States Supreme Court, interpret and apply the Constitution in many cases they hear.

OBJ #4- Bill of Rights

B. Bill of Rights (First 10 Amendments)

1. Guarantees the basic rights that the government cannot take away.

a. Protects the MINORITY

(people who disagree or have been out voted)

1. Freedom- Press/Speech/Religion/Assembly
2. Right to bear Arms (Militia?)
3. No Troops in Homes
4. Search & Seizure (Rules)
5. Rights of Accused (People who are arrested)
6. Right to Speedy Trial & Jury
7. Jury Trial in Civil Cases
8. Bail & punishment (No Cruel & Unusual)
9. Powers given to the People
10. Powers given to the States



Jefferson
Vs.
Madison



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R.100



"I learned in school today that you can't take
the Fifth Amendment on a spelling test."

Objective #4: Bill of Rights

The Bill of Rights: Liberty vs. Order

Liberty vs. Order



Adapted from *Insights on Law & Society*, 3.1 (Fall 2002): 6.
Reprinted by Permission of the American Bar Association

Who does each character symbolize?

Why is the man struggling?

Why do we need both?

Other Important Amendments

#12. President & Vice President Elected Together -1804

#13. Outlaws Slavery -1865

#17. Senators Elected by Citizens (Not State Legislators) -1913

#18. Outlaws Alcohol-1919 #21. Makes Alcohol Legal -1933

**To end an Amendment you have to pass another one

#22. Limits President to 2 Terms (8yrs.) -1951

#26. 18 year olds can vote -1971

#27. Congress can't get a pay raise until they get re-elected -1992



Which goes
1st on the
Flag Pole?

What is your answer to this question if you met someone while on vacation in another country-

"Where are you from?"

Which of these is more important to you?

-Being an American

-Being a Californian

V. OBJECTIVES #5 – Federalism

Compare the powers of the Federal government to those given to the State governments in the constitution. Explain the relationship this creates between the federal and state governments? How does this differ from the Articles of Confederation? Explain what flag should fly on top .. U.S. or Nevada?

A. Federalism

- 1. Sharing of power between state & Federal Gov't**
- 2. Constitution gave more power to Federal Gov't**
 - a. Articles of Conf. gave more power to States**

B. Article II . . Powers Denied to the States

- 1. Section 8 . . . Powers given to Congress (Federal)**
 - Things the States can NOT do**
- 2. Section 10 . . . Powers DENIED the States**

C. Article VI – Supremacy Clause

- 1. Federal Law OVER RULES State Law (if Conflict)**
- 2. State judges must be bound' by the supremacy of Federal Law'**

D. Amend. #10- Bill of Rights: Powers given to STATES