Chapter 3 Section 1- The Six Basic Principles
Chapter Overview

- Structure of the Constitution
- Basic Principles of the Constitution
- Formal Amendment Process
- Constitutional Change by Other Means
- Assignments
<table>
<thead>
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<th>What I know</th>
<th>What I want to know</th>
<th>What I learned</th>
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Organization of the Constitution - Using the textbook create an outline of the topics of the Articles of the Constitution 65,760-779

- **Preamble** - introduction to the Constitution; statement of purpose
- **Article I** - sets up the Legislative Branch of our Government
- **Article II** -
- **Article III** -
- **Article IV** -
- **Article V** -
- **Article VI** -
- **Article VII** -
- **Amendments** - 27 changes to the written word of the Constitution
Organization of the Constitution

- Preamble - purpose of the constitution
- Article I - legislative branch
- Article II - executive branch
- Article III - judicial branch
- Article IV - federalism
- Article V - amendment process
- Article VI - supremacy clause
- Article VII - ratification procedure
- Amendments - 27 changes made to the Constitution
  - 1-10 = Bill of Rights
6 Principles of the Constitution- Cornell Notes- Chapter 3 Section 1

- Popular Sovereignty-
- Limited Government-
- Separation of Powers-
- Checks and Balances-
- Judicial Review-
- Federalism-
  - Definition, 3 facts, 1 example

Summary Question- Based on the information you have gathered evaluate the following statement- “In part, the Constitution is a statement of limited government.”- 1 paragraph.
6 Principles of the Constitution

- **Popular Sovereignty**-
  - all political power resides with the people
  - the people give the gov’t power through the Constitution

- **Limited Government**-
  - a gov’t may do only that which the people have given it the power to do
  - constitutionalism- government must obey the law
  - rule of law- gov’t is never above the law
Separation of Powers-
- in a presidential system of gov’t power is split between three distinct and independent branches
  - Legislative- Article I section 1- “All legislative Powers herin granted shall be vested in a Congress of the United States...”
  - Executive- Article II Section1- “The executive power shall be vested in a President of the United States of America.”
  - Judicial- Article III Section 1- “The judicial Power of the United States shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time seem ordain and establish.”

“The accumulation of all powers, legislative, executive, judicial, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elected, may justly be pronounced the very definition of tyranny...”
-James Madison- He is talking about separation of powers!!!
6 Principles of the Constitution

- Checks and Balances-
  - The 3 branches have power over each other to help prevent 1 branch from becoming too powerful
    - President can veto acts of congress
    - Congress can impeach the President
    - Congress can override a president's veto
    - Supreme Court can declare acts of Congress unconstitutional
Judicial Review-
- The power of the court to determine the constitutionality of a governmental action
  - Not spelled out directly but implied
    - The Federalist No. 51 & 78
    - Marbury v. Madison 1803 - officially established the principal of judicial review
Federalism -

- the division of power between the central gov’t (Washington, D.C.) and the 50 state governments

Americans live under both national and state governments.

**NATIONAL POWERS**
- Maintain military
- Declare war
- Establish postal system
- Set standards for weights and measures
- Protect copyrights and patents

**SHARED POWERS**
- Collect taxes
- Establish courts
- Regulate interstate commerce
- Regulate banks
- Borrow money
- Provide for the general welfare
- Punish criminals

**STATE POWERS**
- Establish local governments
- Set up schools
- Regulate state commerce
- Make regulations for marriage
- Establish and regulate corporations
Agenda 10/3/13

- Daily Goal: Understand the process by which the Constitution can be formally amended.
  - Journal Entry
  - Notes/Discussion
  - Test on Friday!
Journal Entry

- Pick a point of view-
  - Neighborhood Bar owner
  - Local Police officer
  - Family member of an alcoholic

- What is your reaction to the passage of the 18th Amendment? (ban on alcohol)
USA—Our country has changed drastically over the last 200+ years

Then

Population: >4 million
States: 13
Land: 820,000 mi² (70% unsettled)
Diversity: 68% British
  19% African American
  7% German
  6% Other (NA, Dutch, Swedish, Hispanic)
World Status: insignificant

Now

Population: 303,824,640
States: 50
Land: 3,536,278 sq miles
Diversity: American citizens represent almost every nationality in the world
World Status: superpower
USA—Our country has changed drastically over the last 200+ years

- Despite these great changes we still have the same Constitution
  - How?
    - A relatively short document
      - framework for us to build upon
      - Basic principles to follow but allows for freedom to make it what we need
    - Built in method for change
      - Article 5 – The Amendment Process
Formal Amendment- a change to the written word of the Constitution

- 27 changes have been made to the Constitution
- Bill of Rights (1791)
  - First 10 Amendments
  - List of rights that every American has
  - Addressed the concerns of the Anti-Federalists
- 17 more added
  - Last change- 1992
Amendment Process

- **Proposal**
  - Always at the federal level
  - By Congress or
  - National Convention

- **Ratification**
  - Always at the state level
  - By state legislatures or
  - State Convention
The Constitution sets up the process for proposing and ratifying an amendment - 4 ways

First method

- **MOST COMMON**
  - 26 of 27 Amendments created in this way

- **Proposal**
  - Amendment is proposed in both houses of Congress
  - If 2/3 of both Houses vote in favor the Amendment moves on for ratification

- **Ratification**
  - sent to the states
  - If 3/4 of State Legislatures (37) vote yes it is approved.
The Constitution sets up the process for proposing and ratifying an amendment- 4 ways

- **Second Method**
  - Only other method used
  - Proposal
    - Same as 1st method
  - Ratification by
    - State Conventions vote on the amendment (3/4 for passage)

- Why the difference?
  - A convention
    - is made up of citizens that come together just to deal with the amendment
  - No other political pressure or agenda
  - Want to make sure the American People support the change
Amendments

- 13\textsuperscript{th} - freed slaves
- 14\textsuperscript{th} - citizenship to former slaves
- 15\textsuperscript{th} – Voting rights for former slaves
- 18\textsuperscript{th} - Prohibition of Alcohol
- 21\textsuperscript{st} - Repeal of Prohibition
- 22\textsuperscript{nd} - No third term for presidents
Case Study
Prohibition- “The Noble Experiment”

- Temperance movement had a long history in the US
- Alcohol was viewed as a vice that caused many of society’s problems
  - Unemployment
  - Domestic abuse
  - Crime
- Many states passed laws banning alcohol
- 1917- a constitutional amendment was proposed in Congress
- 1918- 18th amendment ratified by the States
- The sale, manufacture, and transportation of alcohol for consumption were banned
Case Study
Prohibition- “The Noble Experiment”

- Problems
  - Hard to enforce
  - Many ignored the law
  - Crime
  - Lost revenue

- The only way to get rid of an amendment is by passing another

- 1933- Congress proposed the 21st Amendment to repeal the 18th

- Sent to State Convention and ratified in 1933
Formal Amendment - the other methods

- **Third Method**
  - Proposed by a national convention called by Congress at the request of 2/3 of State legislatures

- **Fourth Method**
  - Proposed by a national convention
  - Ratified by conventions in 3/4 of the states

**The Amendment process is federalism in action**
  - The Federal and State Governments must work together to enact change

- More than 10,000 joint resolutions of Congress to amend the constitution
  - 33 to the States
  - 27 have been ratified
    - What does this say about the Framer’s intentions for the amendment process?
Open Note Review Quiz:

1. How many amendments have been made to the Constitution?

2. What name is given to the 13th, 14th, 15th Amendments?

3. What 2 steps make up the Amendment process?

4. Which is the most common method for amending the Constitution?

5. How is the amendment process an example of federalism?
Most changes take place in ways that don’t require a Constitutional Amendment:

- Basic Legislation
- Executive Action
- Court Decision
- Party Practice
- Custom and Usage
Basic Legislation

- Congress making laws.
  - Example:
    - **Article 3**- creates the Supreme Court and other inferior courts Congress wants.
    - **Judiciary Act of 1789**- Congress began to create the Federal Court System.
      - 208 Federal Courts today!
Executive Action

- Presidents using their power to affect change in the Constitution.
  - Only Congress can declare war.
    - War of 1812, Mexican War, Spanish-American War, WWI, WWII
  - President is Commander-in-Chief of the Military.
    - Presidents have used the military without declaring war.
Court Decisions

- The Courts use their power of Judicial Review to change the Constitution
Party Practice

- Action of the Political Parties
  - Not mentioned in the Constitution
  - G. Washington warned against them

- The parties have set up the system by which we nominate our presidential candidates.
Unwritten customs that have effected our government.

- Presidents Cabinet - advisors chosen by the Pres.
- No Third Term
The Bill of Rights

• 1st Ten Amendments to the Constitution
  ○ Outlines the basic rights of American Citizens
  ○ Created to address the concerns of the Anti-Federalists

What are our freedoms according to the Bill of Rights?