

Comparing Governments

ARTICLES OF CONFEDERATION

Organization

- ★ Strong independent states with weak central government
- ★ One-house legislature with equal representation for each state

Congress

- ★ Declare war
- ★ Make treaties
- ★ Coin and borrow money
- ★ Make laws although not empowered to enforce them
- ★ No power to tax
- ★ No power to regulate trade

No executive branch

No judicial branch

CONSTITUTION

Powers

- ★ Strong central government with certain powers reserved to states
- ★ Two-house legislature: House of Representatives with representation based on state population; Senate, with equal representation for all states

Congress

- ★ Declare war
- ★ Make treaties
- ★ Coin and borrow money
- ★ Make nation's laws
- ★ Tax
- ★ Regulate trade

President

- ★ Commander in chief of armed forces
- ★ Carries out the nation's laws

Supreme Court and lower federal court

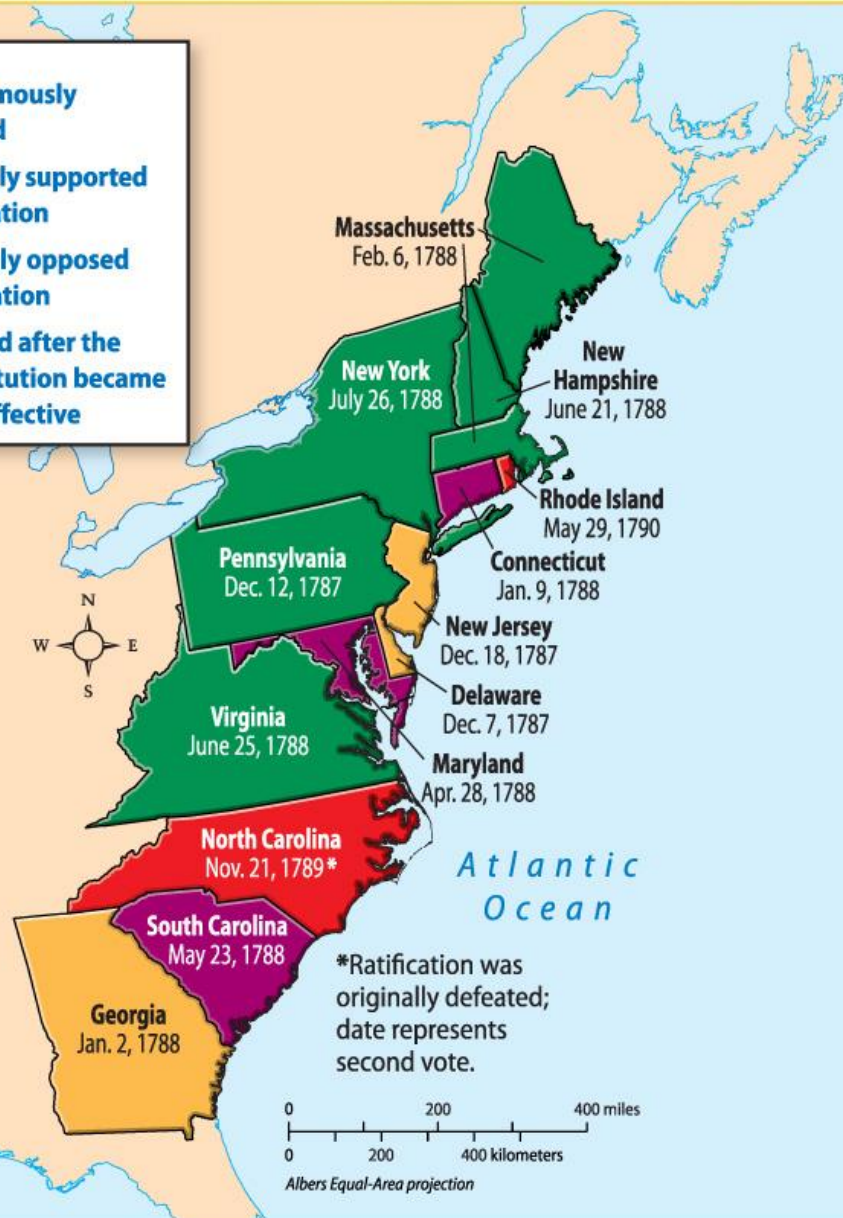
- ★ Interpret the law

Approving the Constitution

- Copies of the Constitution were sent out to all 13 states; approval of 9 was required for ratification.
- Federalists – supporters of the Constitution and the government it created.
- Federalist Papers – written in defense of the Constitution; argued that it contained safeguards to prevent national government from becoming too powerful.

Ratification of the Constitution

- Unanimously ratified
- Strongly supported ratification
- Strongly opposed ratification
- Ratified after the Constitution became fully effective



Approving the Constitution

- Anti-Federalists – opponents of the Constitution; felt the Constitution took too much power from the states and gave it to the national gov't.
- They also objected to the absence of a bill of rights.
- Federalists agreed to add a bill of rights → Anti-Federalists agreed to approve the Constitution and it was ratified in June 1788.

Constitutional Structure and Principles

Preamble to the U.S. Constitution

We the People of the United States, in Order to form a more perfect Union, establish Justice, 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.

Parts of the Constitution

- Preamble – explains the purpose and goals of the Constitution
- Articles – provides the basic framework for our government
 1. Article I – Legislative Branch
 2. Article II – Executive Branch
 3. Article III – Judicial Branch
 4. Article IV – equality of states; admission of new states
 5. Article V – Amendment Process

Parts of the Constitution

6. Article VI – Supremacy Clause (Constitution is supreme law of land); federal laws override state laws
7. Article VII – Ratification
 - 27 Amendments have been added to the Constitution
 - Bill of Rights (1791) – first 10 amendments

The Amendment Process

<p>Proposal</p> <p>Vote of 2/3 of members of both houses of Congress</p>	<p>Proposal</p> <p>By national convention called at the request of 2/3 of state legislatures.</p>
<p>Ratification</p> <p>Approved by $\frac{3}{4}$ of state legislatures</p>	<p>Ratification</p> <p>Approved by $\frac{3}{4}$ of ratifying conventions held in states</p>

Interpreting the Constitution

- The Constitution is flexible; it can adapt to address new challenges (living document)
- Elastic Clause – gives Congress the power to make any laws needed to carry out its duties (implied powers)
 - Strict Interpretation – Congress only has the powers specifically mentioned in the Constitution
 - Loose Interpretation – Congress can make any laws the Constitution does not specifically forbid
- The Supreme Court has final authority for interpreting the Constitution

Principles Underlying the Constitution

- Popular Sovereignty – idea that power lies with the people
- The Declaration of Independence says the government’s power is based on the “consent of the governed”.
- Citizens exercise this power by voting.
- The Constitution includes provisions for the election of members of Congress as well as the president and vice president

Principles Underlying the Constitution

- Rule of Law – the law applies to everyone, including those who run the government.
- The Constitution limits the government’s power by specifying what it can and cannot do.
- Separation of Powers – power is divided among three branches of government
- Checks and Balances – each branch is able to check (limit) the power of the other branches.

A System of Checks and Balances



Federal and State Powers

National Government

- ★ Coin money
- ★ Maintain army and navy
- ★ Declare war
- ★ Regulate trade between states and with foreign nations
- ★ Carry out all expressed powers

National and State Governments

- ★ Establish courts
- ★ Enforce laws
- ★ Collect taxes
- ★ Borrow money
- ★ Provide for general welfare

State Governments

- ★ Regulate trade within a state
- ★ Protect public welfare and safety
- ★ Conduct elections
- ★ Establish local governments

Principles Underlying the Constitution

- Federalism – power is divided between the national government and the states
- Enumerated/Expressed Powers – powers specifically granted to the national government (raise an army, print money, make treaties)
- Reserved Powers – powers not given to the national government are left to the states (establish local gov'ts, schools, elections)
- Concurrent Powers – powers shared by the national and state governments (levy taxes, enforce laws, establish courts)

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5 Main Principles Underlying the Constitution

1. **Popular Sovereignty** – idea that power lies with the people
2. **Rule of Law** – the law applies to everyone, including those who run the government.
3. **Separation of Powers** – power is divided among three branches of government (The Constitution limits the government's power by specifying what it can and cannot do).
4. **Checks and Balances** – each branch is able to check (limit) the power of the other branches.
5. **Federalism** – power is divided between the national government and the states

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5 Main Principles

Underlying the Constitution

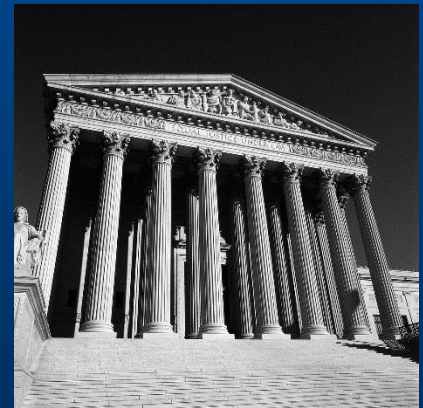
Rule of Law

- Everyone is subject to the law....even the president.
 - i.e. President Richard Nixon resigned when he was implicated in “Watergate” – a break-in into the democratic national headquarters.
 - i.e. President Clinton was impeached when he committed perjury (lying under oath) in a civil sexual harassment case brought against him (Paula Jones vs. William Jefferson Clinton) – “Monica-gate”. He was not found by the Senate.
- *Impeachment is by a simple majority vote in the House, then trial is in the Senate need 2/3 vote to convict.

5 Main Principles Underlying the Constitution

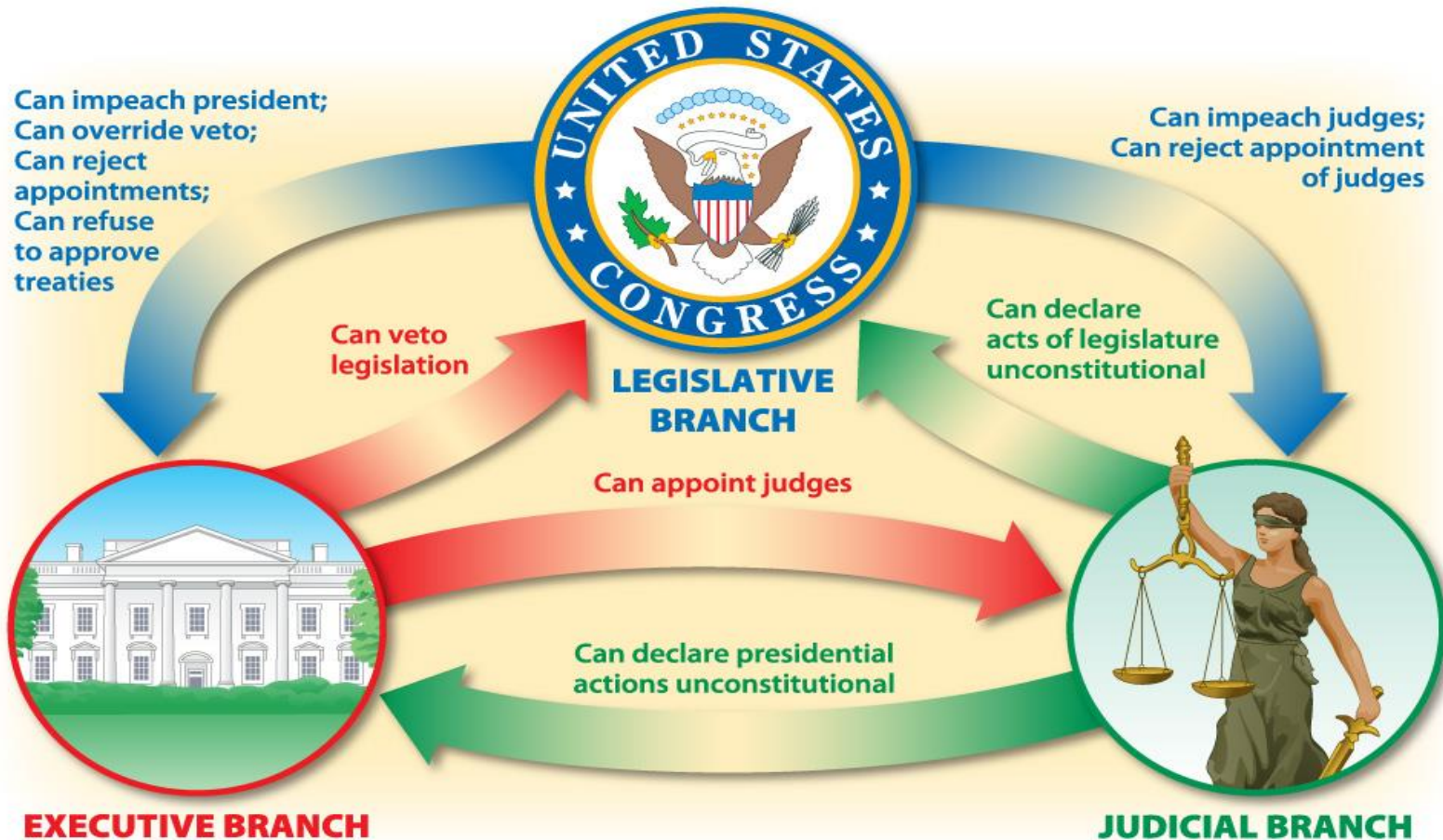
Separation of Powers

- Legislative Branch: Makes the Law
- Executive Branch: Enforces the Law
- Judicial Branch: Interprets the Law



5 Main Principles Underlying the Constitution

A System of Checks and Balances



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- ★ Conduct elections
- ★ Establish local governments

Interpreting the Constitution

- The Constitution is flexible; it can adapt to address new challenges (living document)
- **The Supreme Court** has final authority for interpreting the Constitution.
- **Interpretation:** Constitution is written in general terms regarding many matters, leaving it open to judicial interpretation.
- **Precedent:** a ruling that is used as the basis for a judicial decision in a later, similar case.
- **Supremacy Clause:** The Constitution is the “Supreme Law of the Land.”

Interpreting the Constitution

- **Necessary and Proper Clause: “Elastic Clause”**
 - gives Congress the power to make any laws needed to carry out its duties (implied powers)
 - Strict Interpretation – Congress only has the powers specifically mentioned in the Constitution
 - Loose Interpretation – Congress can make any laws the Constitution does not specifically forbid

Essential Question:

- How did the framers of the US Constitution protect themselves (and future Americans) against a government with too much power?



Seven Basic Principles of the Constitution



Federalism

Republicanism

Individual rights

Checks and balances

Popular sovereignty

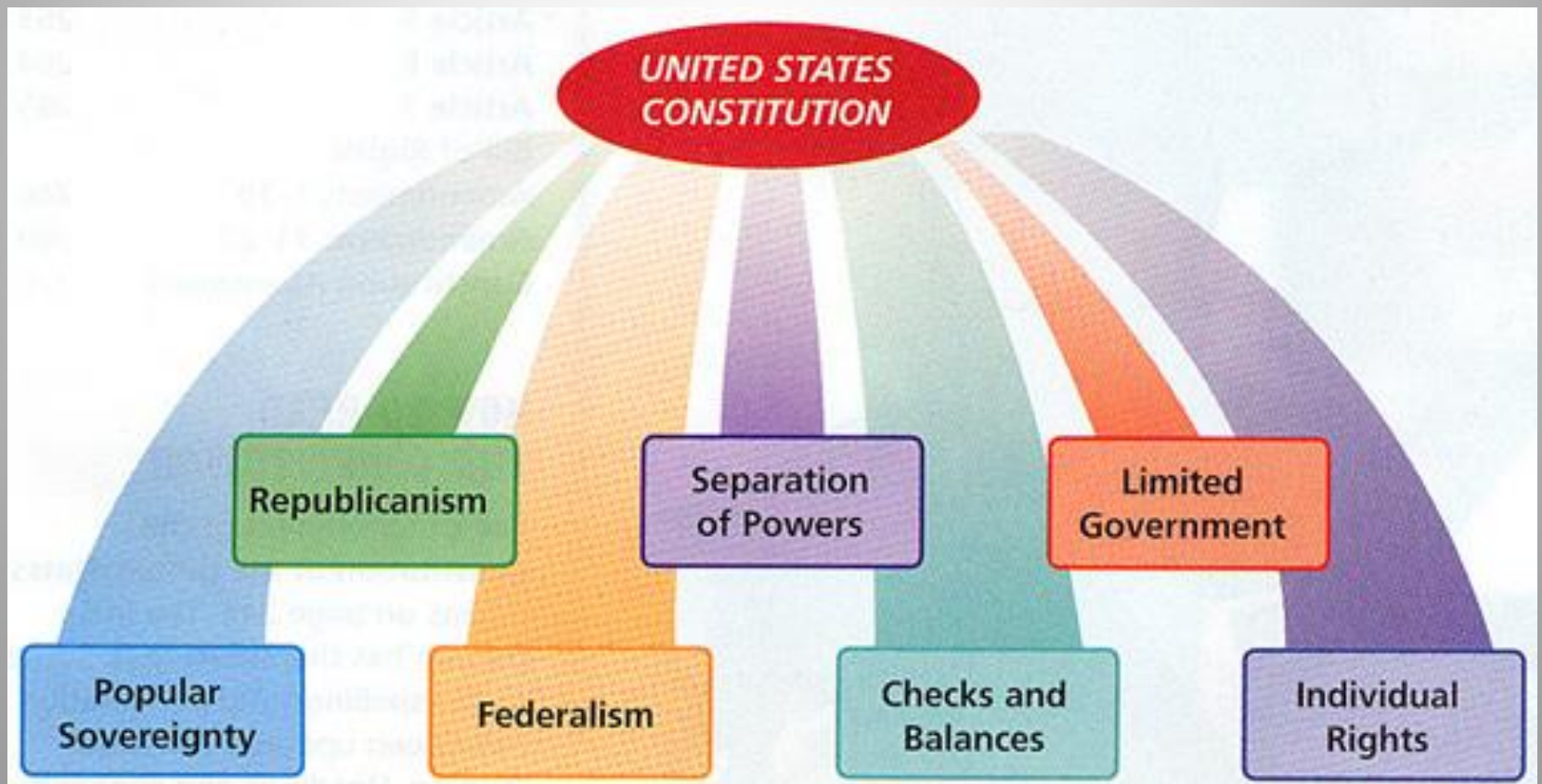
Separation of powers

Limited powers of government

Seven Principles of the Constitution

1. Popular sovereignty
2. Republicanism
2. Federalism
4. Separation of Powers
5. Checks and Balances
6. Limited Government
7. Individual Rights

Principles of the Constitution



The Seven Principles



“Keep the government in check”

“All geared to protect”

1. popular sovereignty

power ultimately lies with the
citizens



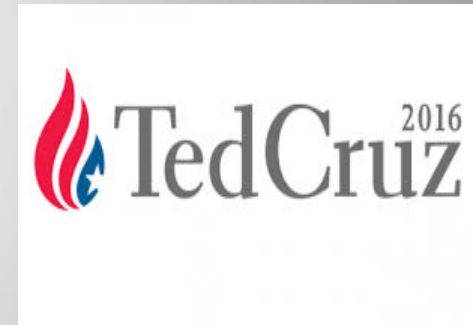
Popular Sovereignty

- Government is created by and subject to the will of the **people** who are the source of all political **power**
- “We the people ...”



2. republicanism

a democracy in which citizens
vote for representatives to
govern for them



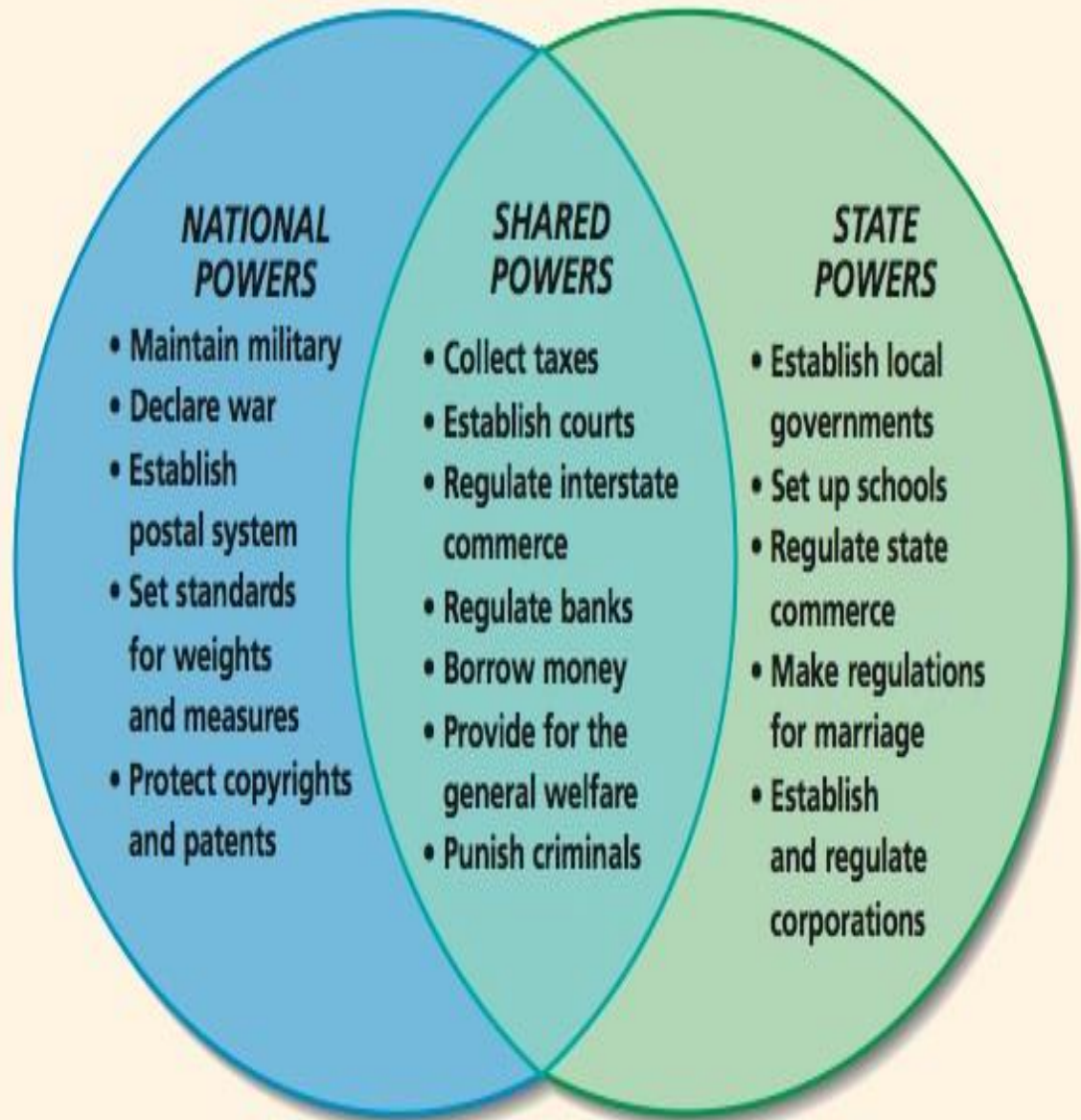
Republicanism

- Government is run by the people through their **elected** representatives
- Our government is a *republic*
- We elect government officials to govern us, not to rule us!

3. federalism

power is divided between federal (national) and state governments

Americans live under both national and state governments.



Federalism

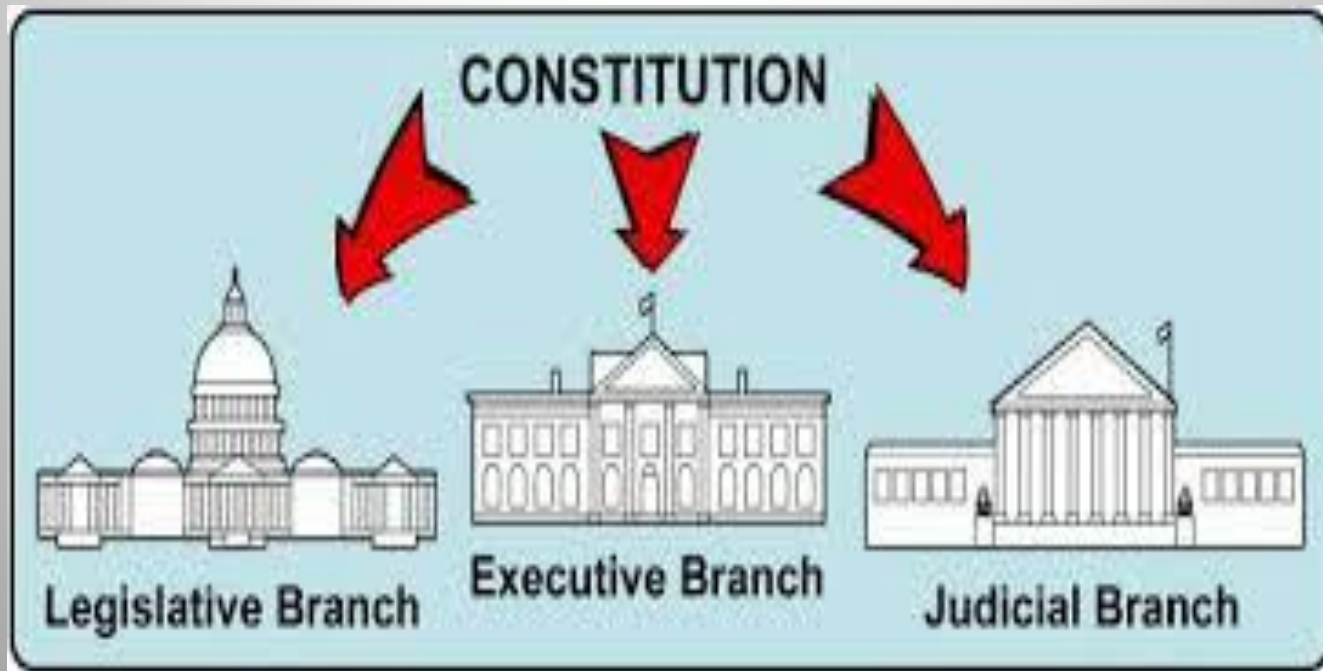
- Power is **shared** between the national or central government and state governments
- The Constitution created a **federal** government

The Federal System

- **Delegated** *powers* – delegated to the national government
(declare war)
- **Reserved** *powers* – reserved for the states (marriage laws)
- **Concurrent** *powers* (or shared powers) both the federal and state governments hold them at the same time (tax)

4. separation of powers

a division of power between three branches of government



Separation of Powers

- To keep power under control within the government, the Constitution created a *separation of powers* among the three **branches**
- The legislative, **executive**, and judicial branches would have their own areas of authority

CONSTITUTION



LEGISLATIVE

EXECUTIVE

JUDICIAL

↓
CONGRESS



PRESIDENT



VICE PRESIDENT



SUPREME COURT



HOUSE OF REPRESENTATIVES



SENATE

legislative branch

makes the law



congress



senate

executive branch

enforces the law



Governor



*President's
cabinet*



President

judicial branch

interprets the law



*state
supreme
court*



*U.S. supreme
court*



*local
courts*

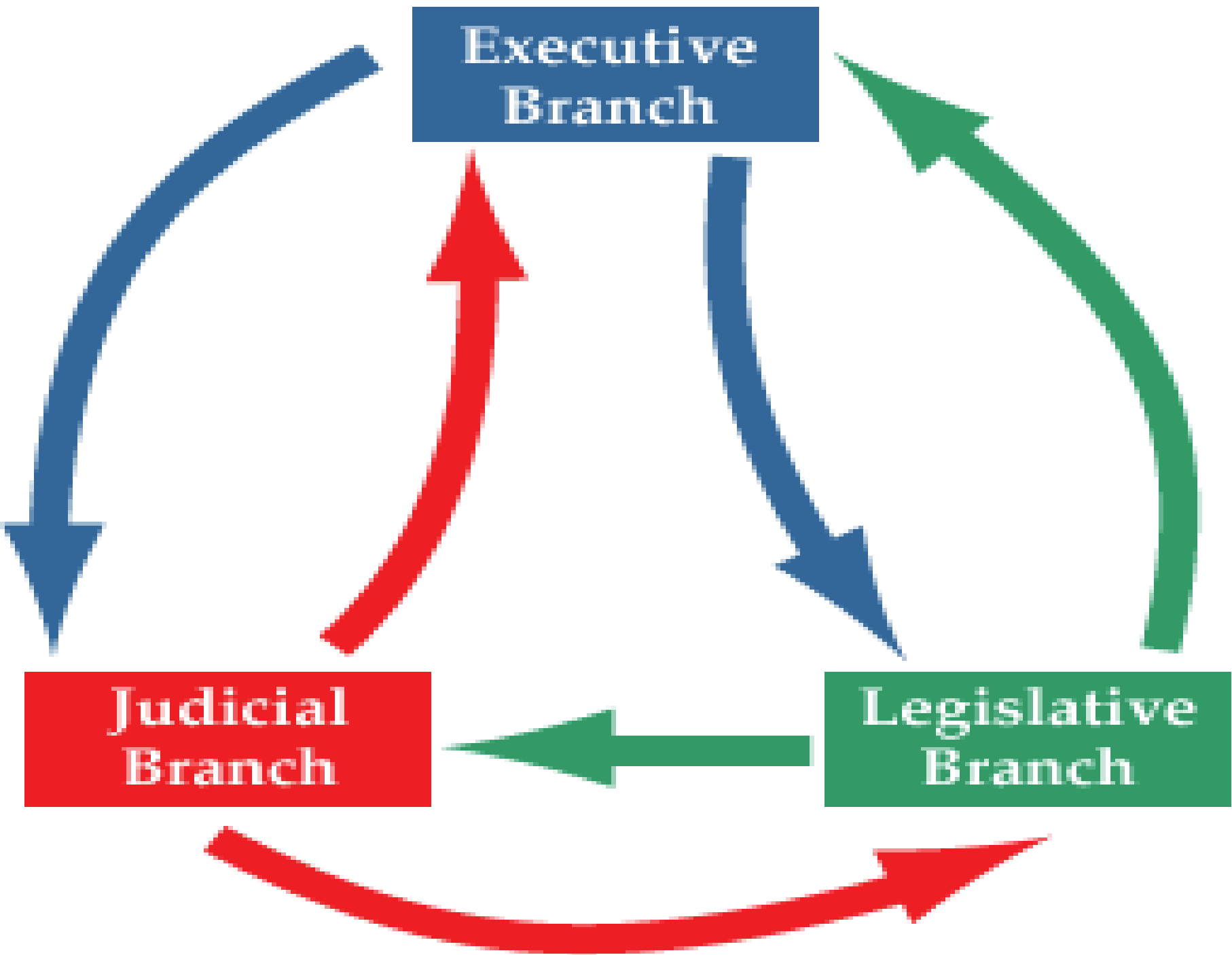
5. checks and balances

each branch of
government
has power over
the other
branches

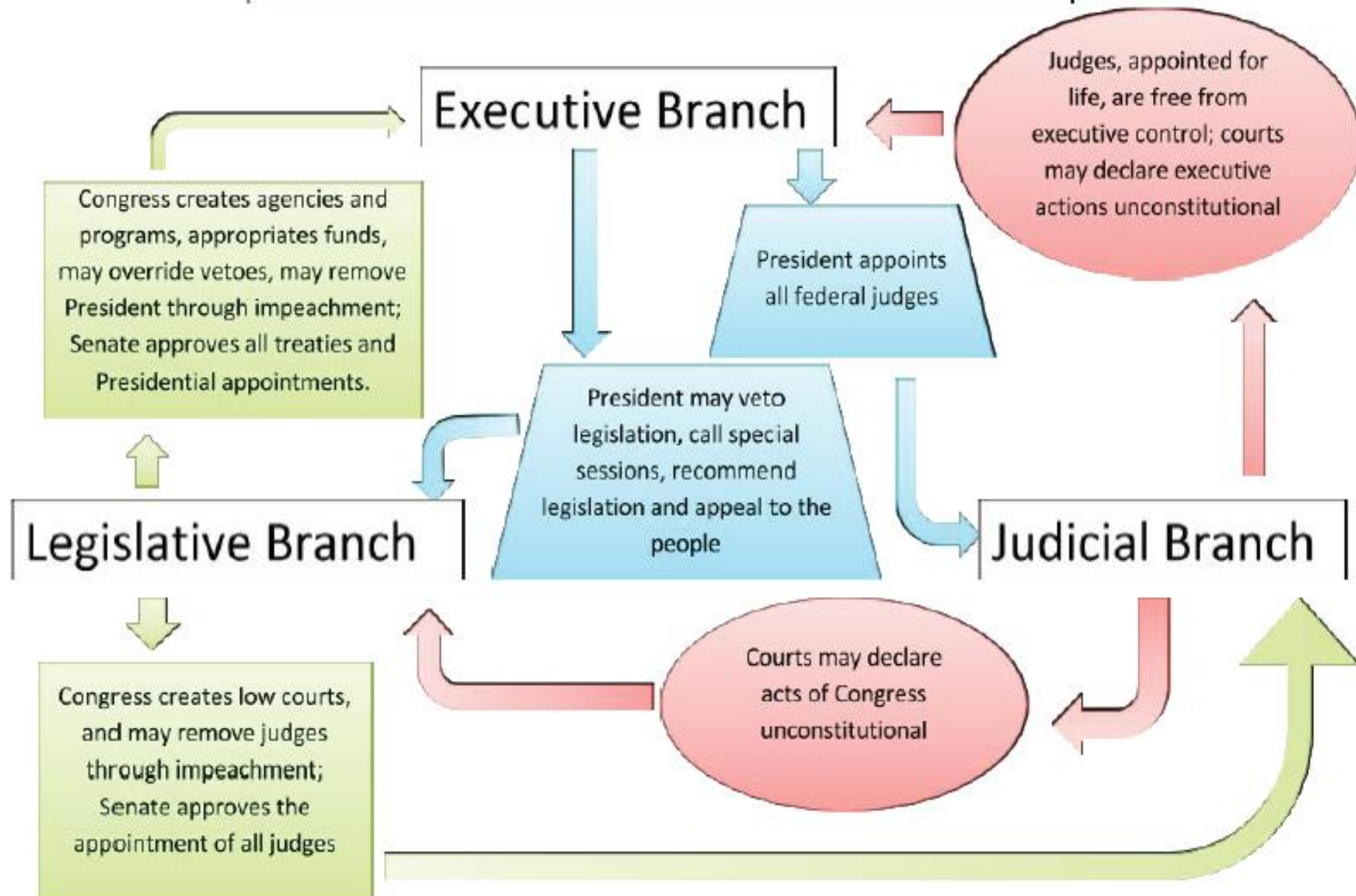


Checks and Balances

- Allows each branch to “check”, or **limit**, the power of the other two branches
- Created to keep any one branch from becoming too **powerful**



Checks and Balances Flow Chart



6. limited government

a government with limits on its

powers












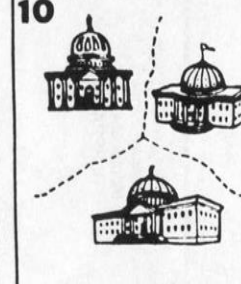
Limited Government

- The Constitution limits government to powers only provided to it by the **people**
- If rights or powers are not listed in the Constitution, it remains with the people and the states

7. individual rights

personal freedoms defined by the

THE BILL OF RIGHTS
The First Ten Amendments to the U.S. Constitution

<p>1</p>  <p>FREEDOM OF SPEECH, RELIGION, PRESS, ASSEMBLY, AND PETITION</p>	<p>2</p>  <p>RIGHT TO BEAR ARMS</p>	<p>3</p>  <p>QUARTERING OF SOLDIERS</p>	<p>4</p>  <p>ARRESTS AND SEARCHES</p>	<p>5</p>  <p>RIGHTS OF PERSONS ACCUSED OF CRIMES</p>
<p>6</p>  <p>RIGHTS OF PERSONS ON TRIAL FOR CRIMES</p>	<p>7</p>  <p>JURY TRIALS IN CIVIL CASES</p>	<p>8</p>  <p>LIMITATIONS ON BAIL AND PUNISHMENTS</p>	<p>9</p>  <p>RIGHTS KEPT BY THE PEOPLE</p>	<p>10</p>  <p>POWERS KEPT BY THE STATES OR THE PEOPLE</p>

Transparency Master (#5) for Feb. 1, 1971 Young **Childen**

Questions and more information on page 1 of Teacher's Edition.

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Individual Rights

- Individuals have certain basic rights that are not created by government, but which government should **protect**
- These are the right to life, **liberty**, economic freedom, and the “pursuit of happiness”
- The **Bill of Rights** defines and guarantees the fundamental rights and liberties of all Americans

Seven Principles of the Constitution

1. Popular sovereignty
2. Republicanism
2. Federalism
4. Separation of Powers
5. Checks and Balances
6. Limited Government
7. Individual Rights

Congress of THE United States

Assembled and held at the City of New York, on
Wednesday the fourth of March, one thousand seven hundred and eighty nine.

The promise of a Bill of Rights
helped get the Constitution adopted.

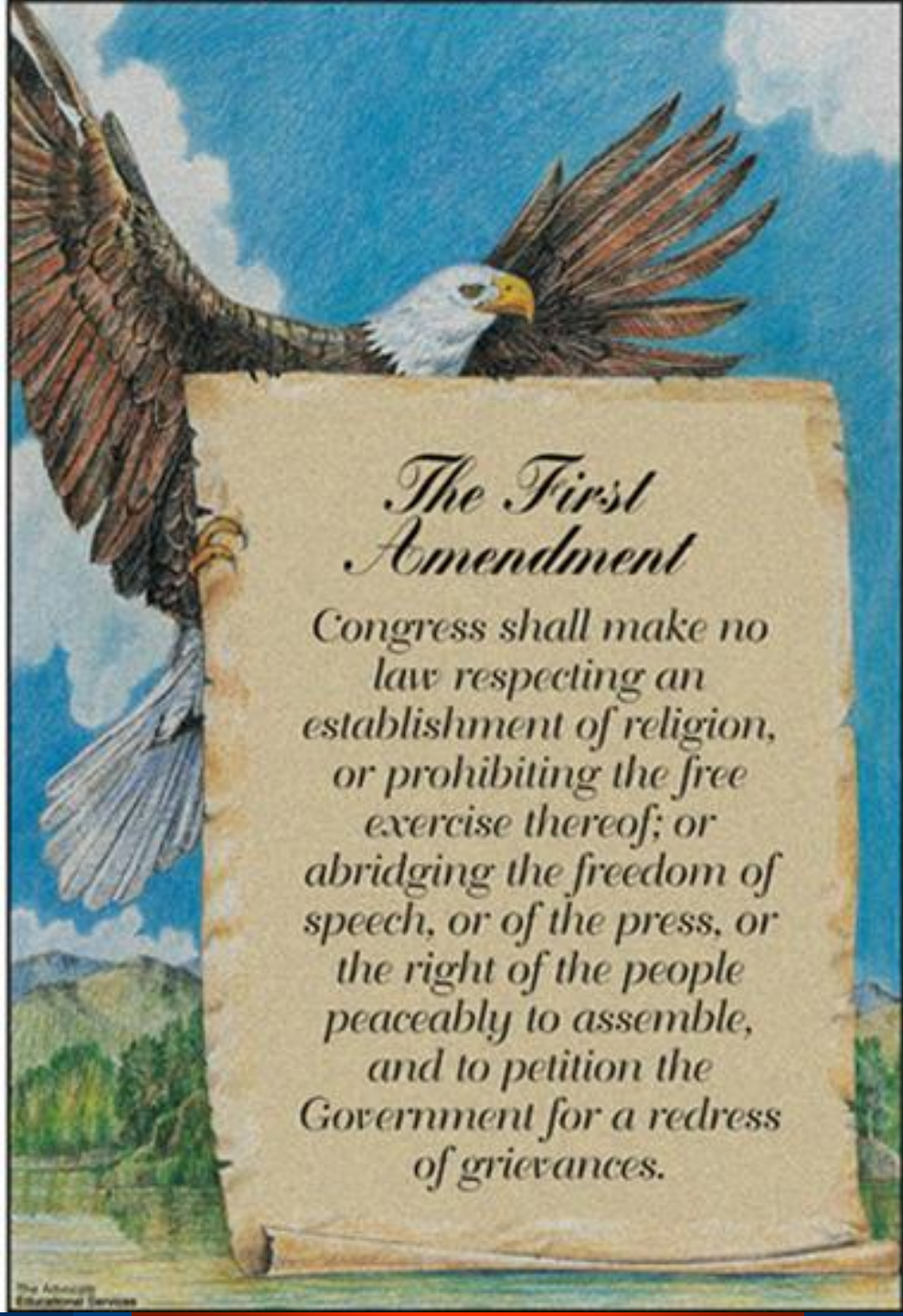
Many of these rights were derived
from the natural rights proposed
by the eighteenth century philosophers.

The first ten amendments to the Constitution
make up the Bill of Rights.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the Senate, this fifth day of September, 1789.

John Adams, Vice President of the United States and President of the Senate.

Amendment I – Protects freedom of religion, speech, press, assembly, and petition.



*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.

R
A
P
P
S

Amendment II - “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.”



Amendment III - No housing of soldiers without the consent of the homeowner.



Amendment IV - No unreasonable searches and seizures without a warrant granted by probable cause.





**Amendment V –
*Protects the rights
of the accused...***

Right to a grand jury;
no double jeopardy;
no self-incrimination;
right to due process.
Eminent Domain

Amendment VI - Right to a speedy and public jury trial; right to confront witnesses; right to counsel (lawyer). Must be told your charges (accusation)



Amendment VII - For lawsuits of more than \$20, right to a jury.

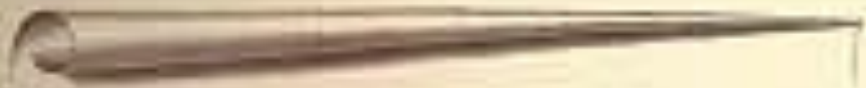


Eighth Amendment

**Excessive bail shall
not be required, nor
excessive fines imposed,
nor cruel and unusual
punishments inflicted.**

Amendment IX

The Constitution does not cover all of the rights held by the people of the United States.

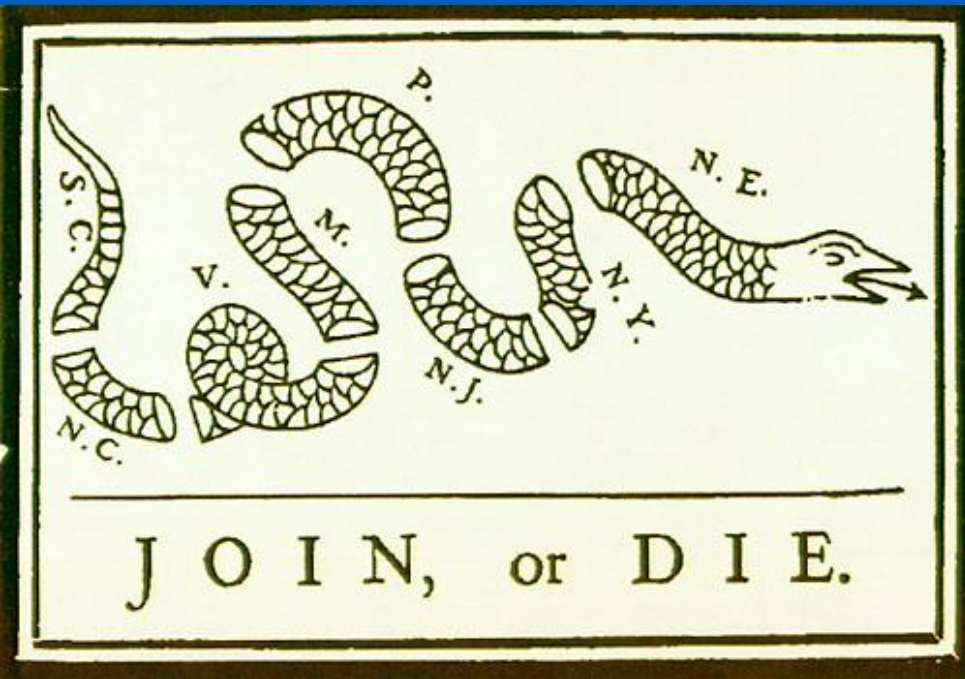


RETAINED
BY THE
PEOPLE

S
THE "SILENT" NINTH AMENDMENT
AND THE CONSTITUTIONAL RIGHTS
AMERICANS DON'T KNOW THEY HAVE

S ●
Daniel A. Farber

Amendment X - Rights not granted by the federal government are rights reserved for the states.



Benjamin Franklin's political cartoon



Flag of the 1775 Continental Navy