

Unit 3 - The Enduring Constitution

-Study Guide-

Explain the following:

1. Who is Jacob Shallus?
 2. What are each of the article?
 3. What is the preamble?
 4. What are the seven articles?
 5. What is a constitution?
 6. The duties of the three branches
 7. What is an amendment?
 8. Explain Amendments: 1, 8, 14, 19, 27
 9. Popular Sovereignty
 10. Limited Gov't
 11. Separation of powers
 12. Checks and balances
 13. How each department checks each other?
 14. John Marshall
 15. Judicial review
 16. The four ways to informally change the constitution
 17. The Supremacy clause
 18. Reserved powers
 19. Concurrent powers
 20. Delegated powers
 21. How states are added to the union - Enabling act
 22. Interstate Compact
 23. The Privileges and Immunities Clause
 24. McCulloch vs. Maryland
 25. Marbury vs. Madison
- **What is Checks and Balances and explain 3 examples. Make sure to identify the branches involved.**

Six Basic Principles

-A constitution is a _____ for a government and it _____ on the _____ of the people running the gov't.




-The Shape of it-

- The American constitution was created in _____ and it is _____
- It is the "_____ " of the land and over 7,000 words.
- _____ was paid \$30 to transcribe the official Constitution.
- **It begins** with the _____, which is a thesis statement setting forth the _____ of the new gov't.
- **Followed** by seven Articles{Sections}:
 - Article 1** - _____
 - Article 2** - _____
 - Article 3** - _____
 - Article 4** - Relations among the states
 - Article 5** - _____
 - Article 6** - Public debt, supremacy of national law, oath
 - Article 7** - _____
- **Finishing up** with the Changes to the Constitution. Known as _____ and there are _____ (first one 1789, last one 1992).

-Why it Works-

- It works because of six basic principles:
 1. _____ – The Government gets its power from the people and the people gave it power through the Constitution.
 2. _____ – The Gov't can only do what the people have given them power to do. The gov't must obey the Constitution {Known as the **Constitutionality issue**}.
 3. _____ – The independent three branches share equal power.

Separation of Powers The delegates to the Constitution feared that giving too much power to any one person or group would be too dangerous. They decided that the powers of government should be divided. This idea is called the separation of powers.

<p>Article I Legislative Branch (Congress)</p>  <p>Powers</p> <ul style="list-style-type: none"> • Makes laws. • Collects taxes and borrows money. • Prints and coins money. • Provides for and maintains the armed forces. 	<p>Article II Executive Branch (The president)</p>  <p>Powers</p> <ul style="list-style-type: none"> • Sees that the laws are carried out. • Heads the armed forces. • Makes appointments. • Makes treaties. • Signs or vetoes laws. 	<p>Article III Judicial Branch (The Supreme Court and other national courts)</p>  <p>Powers</p> <ul style="list-style-type: none"> • Explains the meaning of laws. • Decides whether laws passed by Congress are in keeping with those laid down in the Constitution.
---	--	---

4. _____ – ties the three branches together, by allowing each branch to restrain each other. This is done to make sure no branch can dominate and create a dictatorship.

Checks and Balances

Judicial Branch

Executive Branch

Legislative Branch

5. **Judicial Review** – The _____ if the gov't is acting in a Constitutional manner (Supreme Court gain the power by the Court's decision on Marbury v. Madison).
6. **Federalism** – Division of power among the _____ and regional{_____} gov'ts.

-Summary-

Changing the Constitution

-Amending the Constitution-

- **Amendment** – _____.
- Constitution has been changed 27 times and the first ____ amendments are called “_____”.
- America’s Constitution is more than 200 years old because it is flexible.
- _____ allows for the constitution to be Amended in a couple of methods:
 1. **Starts with our Congress:**
 - A) Proposed by a 2/3rd vote in _____ of _____.
 - B) Ratified in a 3/4th States _____ or States Legislatures{38 States}.(Has been used the most)
 2. **Starts with a Special National Convention:**
 - A) Proposed at a _____ called by Congress, at the request of 2/3rd States Legislatures{34}.
 - B) Ratified by 2/3rd vote by States Convention{34}, or by 3/4th _____{38}.

-Amendments:

- | | |
|------------------------------------|--|
| 1 st – | 16 th – |
| 2 nd – | 17 th – |
| 3 rd – | 18 th – |
| 4 th – | 19 th – |
| 5 th – Rights | 20 th – |
| 6 th – Right to | 21 st – |
| 7 th – Trial by | 22 nd – Presidential |
| 8 th – | 23 rd – <u>Presidential Vote for District
Of Columbia</u> |
| 9 th – Powers reserved | 24 th – |
| 10 th – Powers reserved | 25 th – Presidential |
| 11 th – | 26 th – Voting Age |
| 12 th – | 27 th – |
| 13 th – | |
| 14 th – | |
| 15 th – | |

-Informal Changes to the Constitution-

- _____ – those things not fleshed out in the constitution are detailed by laws congress passes **Example:** _____ – creates and details for federal courts, which was not done by the constitution. Presidential succession, beyond vice-president it was not written who takes over.
- _____ – Presidents creating customs needed so the executive branch functions properly. **Examples:** Picking _____, as commander and _____. Executive agreements with foreign nations.
- **Court Decisions** – _____ the constitution, so in many of their judgments they make changes to the constitution. **Example:** _____ established Judicial review
- _____ - Nominating a president was not written in the constitution and how we choose members for the Electoral College.

-Summary-

Federalism: Division of Power

- Federalism a system of gov't in which _____
- The _____ makes the Constitution the top power in the land and dictates how the power should be divided.
- In America the power is divided by the _____

-The divided powers are as the following:

- **Delegated Powers:** Powers given to the Central/National gov't
 - 1) To regulate foreign trade and commerce between states.
 - 2) To borrow and coin money.
 - 3) To conduct foreign relations with other countries.
 - 4) To establish post offices and roads.
 - 5) To raise and support armed forces.
 - 6) To declared war and make peace.
 - 7) To govern territories and admit new states.
 - 8) To pass naturalization laws and regulate immigration.
- **Concurrent Powers:** powers shared by both central and state gov'ts
 - 1) To collect taxes
 - 2) To borrow money
 - 3) To establish and maintain courts
 - 4) To make and enforce laws
 - 5) To provide for the health and welfare of the people
- **Reserved Powers:** Powers given to the states gov't.
 - 1) To regulate trade within the states
 - 2) To establish local gov't
 - 3) To conduct elections and voter qualifications
 - 4) To establish public schools
 - 5) To incorporate business firms
 - 6) To license professional workers
 - 7) To ratify amendments
 - 8) To keep all the reserved powers not given to the National/central gov't.



- _____ (1819) – Settles the constitutional issue of power. **Chief Justice John Marshall** decision allowed the national gov't to expand its power over the states. Congress needs _____ to carry out their _____
- This decision affirmed that the _____ United States gov't is “supreme” over _____ governments, just like the Constitution says.
- The National governments delegated powers can be:
 - a) **Expressed Powers** (Enumerated) - powers _____ in the constitution.
Example: Congress can _____
 - b) **Implied Powers** – although not mentioned they are _____: Article I section 8, clause 18, which states “_____” also known as the _____, expanded federal gov't's power.
Example: build _____
 - c) **Inherent Powers** – because it's _____ as a sovereign power in the world community.
Example: _____ and acquiring land.
- There are more than _____ government in the United States today. Each of these local units is located within one of the 50 States and _____
- When there is a _____ the States and National Gov't, it is up to the _____ who has the overriding power, according to the Constitution and its' Supremacy Clause (**McCulloch vs. Maryland Case**).

-Summary-

Article IV: Relationships between States and National Gov't

-Republican Form of Government -

- The _____ requires the National Gov't to "guarantee to every _____ in this Union a _____."

-Invasion and Internal Disorder-

- The National Government is also required to provide _____ and aid in protecting against "domestic Violence" in the States.

-Respect for Territorial Integrity-

- The National Government is constitutionally _____ of each of the States.

-Admitting New States-

- Only Congress has the _____ to the Union they pass the **enabling act**, writing of _____; then passes _____, an act creating the new State.

-Economics-

- _____ programs are grants of federal money or other resources to the States and/or their cities, counties, and other local units.
 - a) _____ are made for some specific, closely defined purpose, such as _____ programs or the construction of airports or water treatment plants. There are usually conditions, or "strings," attached to regulate the use of these funds.
 - b) _____ are portions of money allocated to States to use for broader purposes, such as _____, or welfare. Block grants often are granted with fewer strings attached.
 - c) _____ are provided to States, localities, and sometimes private agencies that apply for them. They are used for a variety of purposes ranging from _____ to job training and employment programs.

-Interstate Compacts-

- No State may enter into any _____, but may enter into interstate compacts—agreements among states. Example: from _____ to resource development and conservation.

-Extradition-

- Extradition is the legal process by which a _____ to that State.
- If a governor is unwilling to return a fugitive to a State, _____ and order that governor to do so.

-Privileges and Immunities-

- The Privileges and Immunities Clause provides that no State can draw _____ between its own residents and those persons traveling or new residents.
Example: can't pay _____.

-Summary-