

Foundations of American Government

Unit 1

Chapter 3

“The Constitution”

Six Major Principles

- **Popular Sovereignty** – people are the only source for all governmental power, and government can only govern with the consent of the people.

Six Major Principles

- **Federalism** – government power is divided between a national/central government and state/local government.

Six Major Principles

- **Separation of Powers** – the basic powers of government are divided into 3 independent branches of government.
- Legislative, Executive, Judicial
- The idea was that no single branch would become too powerful. (Articles 1,2,3)

Six Major Principles

- **Checks and Balances** –each branch of government holds some control over the other two branches.
- EX – Congress does all legislative work but bills require Presidential signature to become law.

Six Major Principles

- **Judicial Review** – the power of a court to declare laws and actions of the Congress or President unconstitutional.
- The Supreme Court has final authority on the Constitution (the only way a decision can be changed is if the court overturns the decision or an amendment passes).

Six Major Principles

- **Limited Government**
- Government can only do things that people have given it power to do.
- Constitution lists the powers that government has and is denied.
- Government must obey the laws, politicians are never above the law.

Three Branches of Government

- **Legislative (Article I)**
- **Congress** (Senate & House of Representatives)
- **Founders wanted this to be the most important branch but with expressed powers (directly stated in the Constitution)**
 - **Enumerated Powers** (Numbered 1-18 in Article I, Section 8)
 - Powers include national defense, economics, naturalizing citizens, establishing a post office, securing patents & copyrights, establishing courts, etc .
 - **Elastic Clause**
 - “stretch” powers to meet situations the Founders did not anticipate

Three Branches of Government

- **Executive (Article II)**
- **President and Executive Departments**
- **Vague Power - exact meaning of presidential power is open to interpretation.**
 - ***“The executive Power shall be vested in a President of the USA”.***
- **Specific Powers**
 - Commander in Chief
 - Appoints heads of executive departments
 - May pardon people convicted of a crime
 - Makes treaties with the advice & consent of the Senate
 - Appoints ambassadors, federal court judges, and other top officials with Senate consent
 - Ensures that the laws Congress passes are “faithfully executed”

Three Branches of Government

- **Judicial (Article III)**
- **Supreme Court and all lower courts**
- **2 systems (dual court system)**
 - Federal Courts—jurisdiction over the U.S. Constitution & federal law.
 - State Courts—jurisdiction over state Constitutions & laws.
- Supreme court has the power of judicial review – determines constitutionality of laws and government action.
- Supreme Court decisions cannot be overturned except by a constitutional amendment or new ruling by the court.

Amending the Constitution

- **Article V** – describes the process for changing (amending) the Constitution.
- **Proposal (2) Methods**
 - proposed by Congress with a 2/3 vote in both the House and the Senate (most common method).
 - Proposed at a national convention that is requested by 2/3 of the states (34).
- **Ratification (2) Methods**
 - ratified by $\frac{3}{4}$ of the state legislatures (38) (most common method).
 - Ratified by conventions held in $\frac{3}{4}$ of the states (38).