Understanding the Constitution

The Big Idea

The U.S. Constitution balances the powers of the federal government among the legislative, executive, and judicial branches.

Main Ideas

- The framers of the Constitution devised the federal system.
- The legislative branch makes the nation's laws.
- The executive branch enforces the nation’s laws.
- The judicial branch determines whether or not laws are constitutional.
Main Idea 1: The framers of the Constitution devised the federal system.

- The **federal system** divides powers between states and federal government.
- Powers assigned to national government, called delegated powers, include coining money and regulating trade.
- Powers kept by states, called reserved powers, include creating local governments and holding elections.
- Concurrent powers, including taxing and enforcing laws, are shared by federal and state governments.
- The “elastic clause” allows Congress to stretch its delegated powers to deal with unexpected issues.
**Separation of Powers**

This separation balances the branches of government and keeps any one of them from growing too powerful.

**Legislative Branch**
- Writes the laws
- Confirms presidential appointments
- Approves treaties
- Declares War
- Grants Money

**Executive Branch**
- Proposes and administers laws
- Commands armed forces
- Appoints officials
- Conducts foreign policy
- Makes treaties

**Judicial Branch**
- Judicial Branch
- Interprets Constitution and other laws
- Reviews lower-court decisions
Main Idea 2: The legislative branch makes the nation’s laws.

- Article I of the Constitution divides legislative branch, or Congress, into House of Representatives and Senate.
- House of Representatives has 435 members; number for each state determined by population; each member represents a particular district within her or his state.
- Senate has two members for each state; both represent state as a whole.
- Leader of House of Representatives—Speaker of the House—elected by House members from the majority party.
- U.S. vice president also serves as president of the Senate.
Legislative Requirements

- House of Representatives
  - Members must be 25 years old
  - Live in the state where elected
  - Have been a U.S. citizen for seven years

- Senate
  - Members must be 30 years old
  - Live in the state represented
  - Have been a U.S. citizen for nine years
Main Idea 3: The executive branch enforces the nation’s laws.

- Article II of the Constitution lists powers of executive branch, which enforces laws passed by Congress.
- Head of the executive branch is the president.
- President and vice president elected every four years.
- Vice president becomes president if the president dies, resigns, or is removed from office.
- House of Representatives can **impeach**, or vote to charge president with serious crimes; Senate tries impeachment cases; Congress can remove president from office if found guilty.
Some Presidential Powers

**Veto**
- President can **veto**, or cancel, laws that Congress has passed.
- Congress can override veto with a two-thirds majority vote

**Executive Orders**
- President can issue **executive orders**, commands that have the power of law.
- These orders carry out laws affecting the Constitution, treaties, and statutes.

**Pardons**
- President may grant **pardons**, or freedom from punishment.
- Granted to persons convicted of federal crimes or facing criminal charges
Other Executive Duties

• The president commands the armed forces; while only Congress can declare war, the president can call on U.S. troops in emergencies.
• The executive branch conducts foreign relations and creates treaties.
• Executive departments do most of the work of the executive branch; the president appoints department heads, called secretaries, who make up the cabinet.
Main Idea 4: The judicial branch determines whether or not laws are constitutional.

- Judicial branch—system of federal courts headed by U.S. Supreme Court.
- Article III of the Constitution outlines courts’ duties.
- Federal courts can strike down a state or federal law if the court finds law unconstitutional.
- Federal court judges are appointed by the president for life.
- The lower federal courts are divided into 94 districts.
- The Courts of Appeals review cases from the lower courts.
The Supreme Court

- Hears appeals of decisions by the Court of Appeals.
- Cases usually involve important constitutional or public-interest issues.
- Has nine justices, led by a chief justice.
- Recent justices include Thurgood Marshall, first African American justice, appointed in 1967; Sandra Day O’Connor, first female justice, appointed in 1981.
The Bill of Rights

The Big Idea

The Bill of Rights was added to the Constitution to define clearly the rights and freedoms of citizens.

Main Ideas

- The First Amendment guarantees basic freedoms to individuals.
- Other amendments focus on protecting citizens from certain abuses.
- The rights of the accused are an important part of the Bill of Rights.
- The rights of states and citizens are protected by the Bill of Rights.
Main Idea 1: The First Amendment guarantees basic freedoms to individuals.

- **James Madison** promised that a bill of rights would be added to the Constitution.
- States ratified ten amendments, called the Bill of Rights.
- Protection of individual liberties is important in a democracy because of **majority rule**—the idea that the greatest number of people in society can make policies for everyone.
- The First Amendment protects freedom of religion, freedom of speech, freedom of the press, freedom of assembly, and the right to petition.
Basic Rights

Freedom of Religion
- The government cannot support or interfere with the practice of religion, support one religion over another, or establish an official religion.

Freedom of Speech and of the Press
- Americans have the right to express their own ideas and to hear the ideas of others.

Freedom of Assembly
- Americans have freedom of assembly, or of holding meetings.

Right to Petition
- Americans have the right to petition, or make a request of the government; this right allows Americans to show dissatisfaction with laws or to suggest new laws.
Main Idea 2: Other amendments focus on protecting citizens from certain abuses.

- **Second Amendment** deals with state militias and the right to bear arms.
- **Third Amendment** prevents the military from forcing citizens to house soldiers.
- **Fourth Amendment** protects Americans from unreasonable search and seizure.
- Authorities must get a **search warrant** to search or seize property, except in emergency situations.
Main Idea 3: The rights of the accused are an important part of the Bill of Rights.

- The Fifth, Sixth, Seventh, and Eighth Amendments provide guidelines for protecting the rights of the accused.
The Fifth Amendment

- Guarantees the government cannot punish anyone without **due process** of law—meaning the law must be fairly applied.
- A grand jury decides if there is enough evidence to **indict** a person; a court cannot try a person for a serious crime without an indictment.
- This amendment protects people from having to testify at their own trial.
- Anyone found not guilty cannot face **double jeopardy**—be tried again for the same crime.
- No one can have property taken without **due process** of law, except in cases of eminent domain.
- **Eminent domain** is the power to take personal property to benefit the public.
### Rights Guaranteed by the Sixth, Seventh, and Eighth Amendments

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<td><strong>Sixth</strong></td>
<td>• Right to a speedy, public trial by jury</td>
<td>• Right of trial by jury in civil cases—cases where harm has occurred but not necessarily the breaking of the law</td>
<td>• Allows for bail, a set amount of money that defendants promise to pay the court if they fail to appear at the proper time</td>
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<td>• Right to know charges and hear witnesses</td>
<td>• Right to impel witnesses to appear</td>
<td>• Bans “cruel and unusual punishments”</td>
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Main Idea 4: The rights of states and citizens are protected by the Bill of Rights.

- Ninth and Tenth Amendments give general protection for other rights not addressed by the first eight.
- Ninth Amendment says that the rights listed in the Constitution are not the only rights citizens have.
- Tenth Amendment states that any powers not delegated to the federal government nor prohibited by the Constitution belong to the states and the people.
  - Helps keep the balance of power between states and federal government
Rights and Responsibilities of Citizenship

The Big Idea
American citizenship involves great privileges and serious responsibilities.

Main Ideas
- Citizenship in the United States is determined in several ways.
- Citizens are expected to fulfill a number of important duties.
- Active citizen involvement in government and the community is encouraged.
Main Idea 4: Citizenship in the United States is determined in several ways

- Anyone born in the United States or U.S. territory is a citizen, as is anyone whose parent is a citizen.
- Foreign-born people whose parents are not citizens can become naturalized citizens.
- Legal immigrants may not vote or hold public office; the U.S. government can deport immigrants who break the law.
- Legal immigrants may request naturalization after living in the United States for five years.
- Naturalized citizens cannot become president or vice president and can lose their citizenship.
**Becoming a Citizen**

To become a citizen, one must:

— Be over 18 and support themselves financially or have someone assume financial responsibility for them.
— Be law-abiding and support the U.S. Constitution.
— Demonstrate understanding of written and spoken English.
— Show basic knowledge of U.S. history and government.
— Go before a naturalization court and take an oath of allegiance to the United States.
Main Idea 2: Citizens are expected to fulfill a number of important duties.

- For a representative democracy to work, Americans need to fulfill their civic duties.
- Duties include
  - Participating in elections
  - Obeying laws
  - Paying taxes
  - Defending the nation
- Men over 18 may be required to serve in the military in the event of a draft.
  - Serving on juries
Main Idea 3: Active citizen involvement in government and the community is encouraged.

• Taking part in the elections process by voting may be a citizen’s most vital duty.
• Citizens should be informed about issues and candidates before voting.
• Americans may choose to campaign for candidates or issues.
• Many people help campaigns by giving money to political action committees (PACs).
Americans can influence government and help the community.

- Work with **interest groups**, groups of people who share a common interest that motivates them to take political action.
- Write letters to government leaders.
- Attend city council meetings.
- Volunteer for community service groups.
  - Neighborhood watch groups can help the police.
  - American Red Cross helps people in times of natural disasters and other emergencies.
  - Girl and Boy Scouts can help the environment and their community.