

### 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.



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### 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.



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### 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



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### 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.



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### 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



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### 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.



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### 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



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### 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.



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## Chapter 6

### **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.



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### 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.



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### 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.



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### 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.



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### 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.



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### 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.



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### **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.



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### 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.



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### Rights Guaranteed by the Sixth, Seventh, and Eighth Amendments

#### Sixth

- Right to a speedy, public trial by jury
- Right to know charges and hear witnesses
- Right to impel witnesses to appear
- Right to an attorney

#### Seventh

- Right of trial by jury in civil cases—cases where harm has occurred but not necessarily the breaking of the law

#### Eighth

- Allows for bail, a set amount of money that defendants promise to pay the court if they fail to appear at the proper time
- Bans “cruel and unusual punishments”



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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



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### 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.



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### 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.



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## Chapter 6

### 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.



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## Chapter 6

### 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



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### 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).



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### 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.



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