

AMERICAN GOVERNMENT/CIVICS

Key Constitutional Concepts

Part One: Creating a Constitution

1. Why is the Constitution an experiment?
2. How long did Ben Franklin think the Constitution would last?
3. What were the Articles of Confederation called?
4. How did the states see themselves under the Articles?
5. What were two of the problems under the Articles?
6. What was the breaking point for the Articles of Confederation?
7. Who was the “man with a plan” at the Convention?
8. Why was George Washington so important?
9. Why was the Constitutional Convention “illegal?”
10. Why was the Constitutional Convention in secret?
11. Who did the founding fathers not trust with too much power?
12. What type of representation did the large states want? What type did the smaller states want?
13. What type of legislature did the Compromise call for?
14. What controversial issue did the 3/5 compromise deal with?
15. Why did the Founders create article five?
16. Why did the Founders not include a Bill of Rights in the original constitution?
17. What document allows us to live every day by our founding principles? When was it signed?

SSCG3: Demonstrate the knowledge of the framing and structure of the United States Constitution.

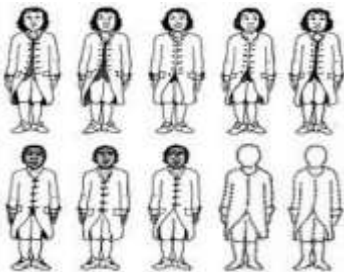
- a. Analyze debates during the drafting of the Constitution, including the Three-Fifths Compromise, the Great Compromise, and the Commerce Clause.

*The creation of the United States Constitution was a secretive process highlighted by compromises. Representatives from twelve of the thirteen states (Rhode Island was the only state that did not send representatives) met in Philadelphia on May 25, 1787, in the Philadelphia Independence Hall for what was to be known as the **Philadelphia Convention**. Over the hot summer, the delegates met in secret, guarded by soldiers, with windows closed to discourage eavesdroppers. There were 55 delegates in attendance. This group of delegates became known as the **Framers** of the United States Constitution. **George Washington** was unanimously selected as the president of the convention. The framer’s final meeting of the Philadelphia Convention was September 17, 1787.



<http://www.loc.gov/pictures/item/98501334/>

*The summer months of deliberation led to several compromises. The **Great Compromise** is also known as the Connecticut Compromise. There was much debate and conflict over representation in Congress; the larger states wanted representation based on population, while the smaller states wanted equal representation, regardless of population. The delegates of Connecticut developed a plan that would create two houses in Congress: the Senate and the House of Representatives. In the Senate, states would be represented equally. In the House, the representation for each state would be based on population.



*The **Three-Fifths Compromise** resulted from a debate over representation in the House of Representatives. The southern states wanted slaves to be counted in the population, therefore giving those states more representatives in the House. The northern states took the opposing view and did not want slaves counted. The Framers agreed to the Three-Fifths Compromise, which provided that all “free persons” should be counted as well as “three fifths of all other persons”. In addition, this same formula would be used to determine the amount of direct taxes to be levied by Congress.

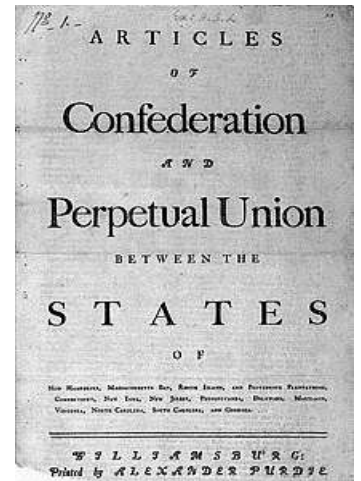
*The **Commerce Clause** established that the power to regulate foreign and interstate (between states) commerce would be a Congressional power. It is in Article I, Section 8, and Clause 3 of the Constitution. The **Commerce Compromise** set the foundation for the Commerce Clause. The southern states were fearful that Congress would be controlled by northern commercial interests, and that those interests would act against the interest of the agricultural southern states. Southern tobacco was the major American export at the time. The southerners feared that high export duties would be levied on the tobacco, and they were afraid that Congress would try to interfere with the slave trade. Under the **Commerce Compromise**, Congress was forbidden the power to tax the export of goods from any state, and Congress would not be able to interfere with the slave trade for a period of at least twenty years.

Articles of the U.S. Constitution						
1	2	3	4	5	6	7

SSCG3: Demonstrate the knowledge of the framing and structure of the United States Constitution.

SSCG3b: Analyze how the Constitution addresses the weaknesses of the Articles of Confederation.

*The **Articles of Confederation** were approved on November 15, 1777. There were various weaknesses in the Articles of Confederation; however, they did establish a more permanent government structure for the United States after declaring independence. The Articles were drafted by the Second Continental Congress. Under the Articles, each state maintained individual sovereignty and came together for issues related to common defense and protection of civil liberties. Although it was a good starting point, there were many weaknesses.



<http://www.loc.gov/rr/program/bib/ourdocs/articles.html>

The Articles of Confederation set up a simple government structure. Congress was the only body created and the members of Congress were chosen annually by the States; it was a **unicameral** government. Each state had one vote, regardless of population. The Articles did not create an executive branch or a judicial branch. Each year Congress chose a presiding officer, or chairman, from among the members. Congress did not have the power to tax and had to rely on asking the states to borrow funds. In addition, Congress did not have the power to regulate trade between the States, and could not make the States obey the Articles of Confederation. Any changes, or amendments, to the Articles required the approval of all thirteen states, and that proved to be an impossible task.

*The United States Constitution addressed the weaknesses of the Articles of Confederation. The Congress was established as bicameral (two houses) with the Senate and the House of Representatives. Three branches of government were created: legislative, executive, and judicial. Instead of a presiding officer, the executive branch established a President. Congress was given the power to tax and regulate commerce. The Constitution established those rights specifically given to the national government and outlined rights given to the States. Finally, a formal process to amend the Constitution was incorporated into the document.

Weakness of the Articles	How the Constitution addressed it

SSCG3: Demonstrate knowledge of the framing and structure of the United States Constitution.

c. Explain the fundamental principles of the United States Constitution, including limited government, the rule of law, federalism, separation of powers, checks and balances, and popular sovereignty.

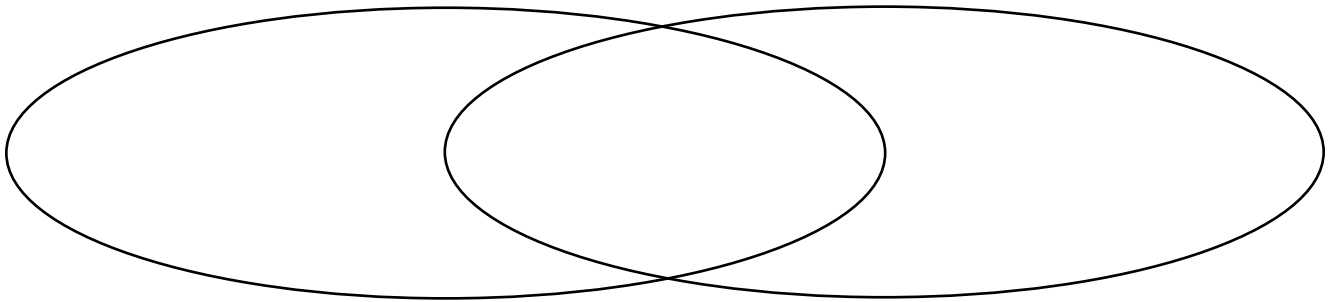
*The principle of **limited government** states that no government is all-powerful and can only do those things that the people have given it power to do. The people are the sole source of the government’s power and authority. The government is not above the law.

***Popular sovereignty** means that the people are sovereign and have all of the political power. The government only governs with the consent of the people.

American Government – Unit 2

***Rule of law** holds that a government and its officers are subject to the law and not above the law.

***Federalism** is a method of distributing power where power is divided among the national, or central, government, and regional governments, such as states and cities. The national government has certain powers that states do not have, such as national defense, the power to coin money, and the power to regulate trade. Other powers belong solely to the states, while other powers are shared.



***Separation of powers** is a concept in which each of the three branches of government have separate powers and responsibilities. The powers assigned to each branch are outlined in the Constitution in Article I (legislative), Article II (executive), and Article III (judicial). The branches are considered separate but equal and have a complex system of **checks and balances**. Each branch has certain ‘checks’ on other branches that ensure the powers are not abused.



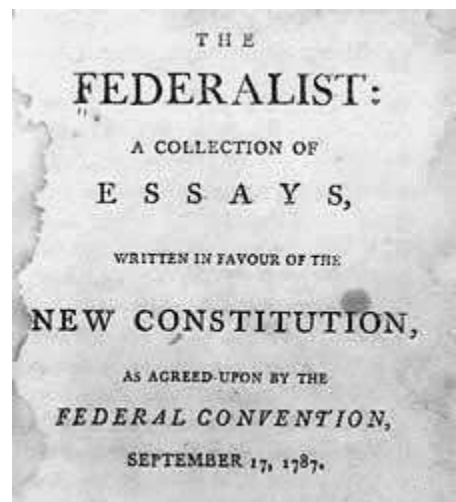
<http://www.socialstudieshelp.com>

SSCG3: Demonstrate knowledge of the framing and structure of the United States Constitution.

d. Explain the key ideas in the debate over ratification made by the Federalists and the Anti-Federalists.

*Two groups emerged in the debate around the Constitution – the Federalists and the Anti-Federalists. The **Federalists** favored ratification of the Constitution, and the **Anti-Federalists** opposed the ratification. The leaders of the Federalists were: Alexander Hamilton, James Madison, and John Jay. They focused on the weaknesses of the Articles of Confederation and supported ratification of the Constitution. They wrote and published a compilation of 85 essays and articles entitled *The Federalist Papers* under the pseudonym Publius. The Federalists wanted a strong national government; they feared that too much power to the states would lead to a fractured nation with each state operating like a separate nation.

The Anti-Federalists were led by: Thomas Jefferson, Samuel Adams, John Hancock, Richard Henry Lee, and Patrick Henry. Their objections were many: too much power given to the central government and not enough powers to the states, no provisions to protect civil liberties, and the power to print money given to the national government and not the states



<http://www.loc.gov/rr/program/bib/ourdocs/federalist.html>

What did the Anti-Federalists demand before agreeing to ratify the Constitution? _____

What are the six purposes of government outlined in the **Preamble** to the Constitution?

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

SSCG4: Demonstrate knowledge of the organization and powers of the national government.

a. Describe the structure, powers, and limitations of the legislative, executive, and judicial branches, as described in the Constitution.

*The **legislative branch** was established by Article I of the United States Constitution and includes the House of Representatives and the Senate, which are collectively known as the United States Congress. The House of Representatives membership is based on state population and has a total of 435 representatives, while the Senate is comprised of 100 total members – two from each of the 50 states. The Constitution grants Congress the sole power to declare war, enact legislation, and approve or reject many Presidential appointments. Part of Congress’ legislative authority includes the establishment of the annual budget for the United States’ government. Congress levies taxes and tariffs and has the power to borrow money on behalf of the U.S. government. All members of the legislative branch are selected by the people.

*The power of the **executive branch** is vested in the President of the United States according to Article II of the Constitution. The President is the country’s Commander-in-Chief of the armed forces. The responsibilities of the executive branch include: implementing and enforcing the laws passed by Congress, appointing the heads of federal agencies, nominating the members of the Cabinet, which serves as the President’s key advisement team. The Vice President is a member of the executive branch. Both the President and Vice-President are selected by the people.

*The **judicial branch** was created by Article III of the Constitution. Members of the judiciary branch are appointed by the President and confirmed by the Senate. The Congress has the authority to determine the structure of the judiciary, including the number of Supreme Court justices. While Congress determines the jurisdiction of federal courts, Congress has no authority over the decisions made by the Supreme Court. The federal judiciary has the sole authority to interpret the law and the constitutionality of laws and apply them to individual cases. In addition to creating the judiciary branch, Article III of the Constitution provides every person the right to a fair trial by a jury of one’s peers.

THE THREE BRANCHES		

SSCG4: Demonstrate knowledge of the organization and power of the national government.

b. Analyze the relationship between the three branches in a system of checks and balances and separation of powers.

*Under **checks and balances**, certain branches are empowered to prevent actions by other branches and induced to share power. They are fundamentally important to the structure and operation of United States government. The Framers viewed checks and balances as essential to protect the liberties granted in the Constitution. In addition, checks and balances prevent any one branch from becoming too powerful.

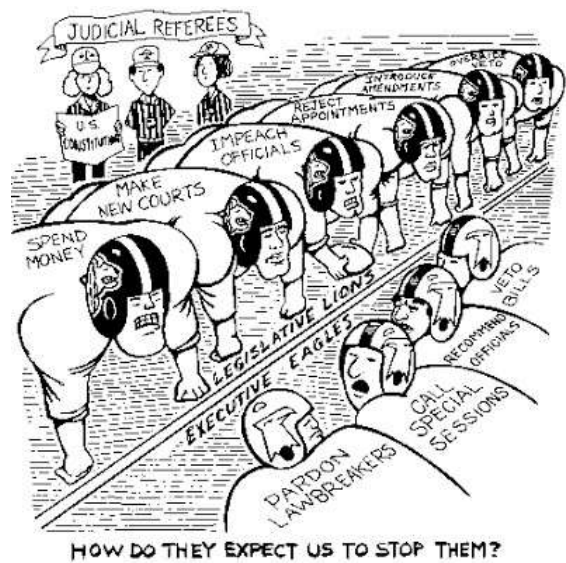
*The checks and balances of the legislative branch over the executive branch include: impeachment, override Presidential vetoes, approval of Presidential appointments and treaties, collect taxes and allocate federal funds, declare war, and select the President and Vice-President in a case where no candidate receives the majority of electoral votes.

*The checks and balances of the legislative branch over the judicial branch are: approve the appointment of federal judges, impeachment, initiate constitutional amendments, set the jurisdiction of federal courts, and change the size of the Supreme Court.

*The checks and balances of the executive branch over the legislative branch include: veto power, the Vice President is the President of the Senate, Commander-in-Chief of the armed forces, and calling one or both house of Congress into an emergency session.

*The checks and balances of the executive branch over the judicial branch are: appointment of federal judges and pardon power.

*The checks and balances of the judicial branch over both the legislative and executive branches is judicial review.



www.politicalcartoons.com

EXECUTIVE

LEGISLATIVE

JUDICIAL

SSCG5: Demonstrate the knowledge of the federal system of government described in the United States Constitution.

- a. Explain and analyze the relationship of state governments to the national government.

***Federalism** is a system of government in which a written constitution divides the powers of the government on a territorial basis between a national, or central, government, and several regional governments, typically referred to as States. Each level of government has its own set of powers. The Constitution sets out a **division of powers**; certain powers are assigned to the National government and other powers are assigned to the States. Each of the levels of government has its own areas of authority.

A major strength of federalism is that it allows for a more timely response to local matters and decisions by giving certain powers to the States. The National government's powers are focused on issues of national concern like defense and foreign relations. The following Venn diagram illustrates powers delegated to the national and state governments and powers shared between the national and state governments:

SSCG5: Demonstrate knowledge of the federal system of government described in the United States Constitution.

- b. Define and provide examples of enumerated, implied, concurrent, reserved, and denied powers.

***Enumerated powers** are also called expressed powers. The enumerated powers are delegated to the national government and are spelled out, or expressed, in the Constitution. Most of the enumerated powers can be found in Article I, Section 8. There are 27 powers given to Congress, including: the power to collect taxes, to coin money, to regulate commerce, to maintain a national defense, to declare war, fix the standards of weight and measurement, and grant patents and copyrights. The enumerated powers given to the President are: operating in the role of Commander-in-Chief, issuing pardons, and entering into treaties with foreign nations.

***Implied powers** are not expressly stated in the Constitution, but are reasonably suggested, or implied. Article I, Section 8, Clause 18 is referred to as the 'necessary and proper clause'. The **necessary and proper clause** grants Congress the power to make any laws necessary to carry out the enumerated powers. The necessary and proper clause is also referred to as the **elastic clause**. Examples of Congress' implied powers include: the building of the interstate highway system, the building of dams, and the prohibition of discrimination.

***Concurrent powers** are those powers that both the National and State governments possess and exercise. Concurrent powers are not given exclusively to the National government and at the same time are not denied to the States. Examples include: the power to levy and collect taxes and to define crimes and punishments.

***Reserved powers** are those powers not granted to the National government, but at the same time, not denied to the States. The scope of reserved powers is huge! Most of what government does is done by the States and their local governments. Examples of reserved powers include: making laws regarding the minimum age to marry, the minimum age to purchase tobacco products, the minimum drinking age, laws regarding the ban of prostitution and gambling, requirements for businesses to obtain a license to operate, establish public schools, and the right to define criminal offenses and set punishments for violations.

***Denied powers** are set forth in the Constitution. These are powers that are expressly denied to the National government and include the reserved powers that are not denied to the States. Examples include: create public schools, enact uniform marriage and divorce laws, conduct illegal searches and seizures, deny people the right to a trial by jury, and prohibit freedom of religion and free speech.

Federalism Chart

Federalism is a system of government in which a written constitution divides the powers of a government. The United States Constitution divides powers between the federal or national government and the state/local governments.

Place the powers (fully written) under the appropriate column in the chart depending on how powers are divided.

Delegated Powers (federal) <ul style="list-style-type: none"> The power given to the federal government by the constitution. 	Reserved Powers (state) <ul style="list-style-type: none"> The powers set aside by the constitution for the states or for the people. 	Concurrent Powers (shared) <ul style="list-style-type: none"> A power that is shared by the federal government and the states.

1. Collect taxes
2. Build the Interstate Hwy system
3. Regulate immigration
4. License doctors
5. Make treaties
6. Maintain armed forces
7. Declare war
8. Deport aliens
9. Prohibit racial discrimination
10. Set up the public schools
11. Punish crimes
12. Make war
13. Coin money
14. Grant divorces
15. Regulate interstate commerce
16. Conduct foreign relations
17. Govern territories and admit new states
18. To conduct elections

19. To determine voter qualifications
20. To establish post offices
21. Make marriage laws
22. Borrow money
23. Establish courts
24. Charter Banks
25. Enforce laws
26. Issue passports
27. Provide welfare services
28. Oversee Social Security
29. Run the Internal Revenue Service
30. Allows or prohibits gambling
31. To build roads
32. To make laws
33. Disaster relief
34. Patents and copyrights
35. Issues drivers' license

SSCG5: Demonstrate knowledge of the organization and power of the national government.

- d. Analyze the Supremacy Clause found in Article VI and the role of the U.S. Constitution as the “supreme law of the land”.

The Framers of the Constitution expected that conflicts would be inevitable between national laws and State laws. They wrote what is known as the **Supremacy Clause** into the Constitution. The clause is found in Article VI, Section 2: “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any state to the Contrary notwithstanding”.

The Supremacy Clause means that the Constitution stands above all other laws, including laws of States. The Supreme Court has the responsibility of applying the Supremacy Clause.

SSCG5: Demonstrate knowledge of the organization and power of the national government.

- e. Describe the roles of Congress and the states in the formal process of amending the Constitution.

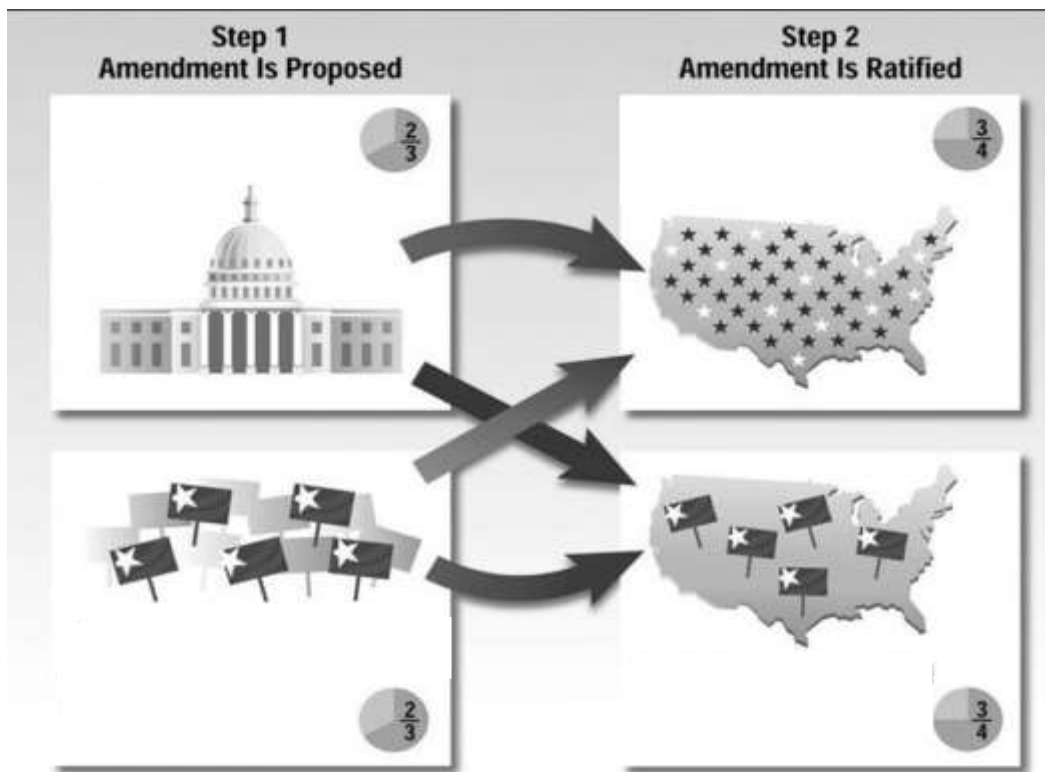
An **amendment** to the Constitution means a change to the Constitution. The Framers expected that changes would need to be made over time, and they set out a very detailed plan for how amendments to the Constitution could be proposed and ratified. Article V sets out two methods for the proposal and two methods for the ratification of constitutional amendments.

*First Method – an amendment may be proposed by a two-thirds vote in each house of Congress and must be ratified by three-fourths of the State legislatures.

*Second Method – an amendment may be proposed, and then ratified by conventions called for the purpose of the amendment, in three-fourths of the States.

*Third Method – an amendment may be proposed by a national convention, called by Congress, at the request of two-thirds of the State legislatures. It must then be ratified by three-fourths of the State legislatures.

*Fourth Method – an amendment may be proposed by a national convention and ratified by conventions in three-fourths of the States.



THE “MAN WITH A PLAN”

Who do we consider as the Father of the Constitution? _____



SSCG6: Analyze the meaning and importance of each of the rights guaranteed under the Bill of Rights and how each is secured.

The **Bill of Rights** includes the first ten amendments to the United States Constitution. The Bill of Rights was written by James Madison. There are currently 27 amendments. A major argument between the Federalists and Anti-Federalists focused on the Anti-Federalists' viewpoint that the Constitution did not provide for protection of American citizen's basic rights. Thomas Jefferson led the fight to ratify the Bill of Rights as a condition for Anti-Federalist support of ratification of the Constitution. The first ten amendment's guarantee: the freedoms of belief and expression, of freedom and security of the person, and of fair and equal treatment before the law.

The Bill of Rights	
1st	2nd
3rd	4th
5th	6th
7th	8th
9th	10th

Practice Test

Unit Two Cheat Sheet