

Basic Principles of the Constitution

I. Popular Sovereignty

- Power rests with the people. People have the ultimate authority in deciding how the government is run.

Example of Popular Sovereignty:

- Equality in voting
- People vote on candidates and issues at the local, state and national levels.
- 15th Amendment – Gave African Americans the right to vote.
- 19th Amendment - Gave Women the right to vote.
- 26th Amendment – Gave 18 year olds the right to vote.

II. Limited Government

- Government does not hold all the power and it does only those things that people allow it to do.

Examples of Limited Government:

- Government officials must follow the laws and the Constitution.
- The President and Supreme Court Justices can be impeached.
- Government officials can be voted out of office.

III. Separation of Power

- Grants each branch specific powers in the government.

Purpose of Separation of Power

- It was meant to keep one branch from being too powerful.

The three branches of Government:

- i. Article 1 Legislative Branch – Creates the laws
2. Article 2 Executive Branch - Carryout the laws
3. Article 3 Judicial Branch – Interprets the laws

IV. Federalism

- Sharing of power by the National and State governments.

What are some powers given to the National Government?

- Declare War
- Coin Money
- Regulate Interstate Commerce – Trade between states
- Establish Foreign Policy – Relations with other countries

What are powers that are given to the state?

- Establish and Maintain Schools
- Conduct Elections
- Provide for Public Safety
- Assume other powers not given to the National Government

What are powers shared by both the state and National Government?

- Both can collect taxes
- Make and enforce laws
- Borrow money
- Establish courts

V. **National Supremacy**

- The Constitution is the Supreme Law of the land.

How does National Supremacy Clause work? Federal laws override state laws.

VI. **The Elastic Clause or Necessary and Proper Clause**

- Gives Congress the authority to pass laws it deems "necessary and proper" to carry out its duties.

How is the Elastic Clause used?

- Laws are created concerning issues that may not be written in the Constitution.
- For example, there is nothing in the constitution about regulating the internet but Congress has the authority to regulate internet activity.

VII. **Checks and Balances**

- Ability of each of the three branches to check or control the other branches.

1. Checks on the Legislative Branch

- Judicial Branch – Declare laws unconstitutional
- Executive Branch – Veto Laws

2. Checks on the Executive Branch

- Legislative Branch - Override a presidential veto and Impeach the President
- Judicial Branch – Declare acts unconstitutional

3. Checks on the Judicial Branch

- Executive Branch – Appoints Judges
- Legislative Branch – Impeach Judges and Approves Judges

Basic Principles of the Constitution
Writing

Use complete sentences:

1. Define popular sovereignty, give and explain three examples of popular sovereignty.

2. What does it mean to limit government and what are two limits on our government?

3. Explain separation of powers, what is its purpose and what does each branch of our government do?

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AMENDMENTS TO THE
CONSTITUTION
OF THE
UNITED STATES OF AMERICA

AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. (Ratified December, 1791.)

AMENDMENT II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed. (Ratified December, 1791.)

AMENDMENT III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law. (Ratified December, 1791.)

AMENDMENT IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. (Ratified December, 1791.)

AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation. (Ratified December, 1791.)

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and

cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence. (Ratified December, 1791.)

AMENDMENT VII

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law. (Ratified December, 1791.)

AMENDMENT VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. (Ratified December, 1791.)

AMENDMENT IX

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people. (Ratified December, 1791.)

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. (Ratified December, 1791.)

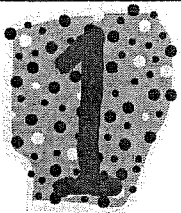

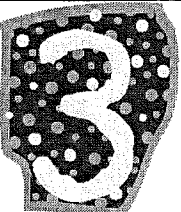
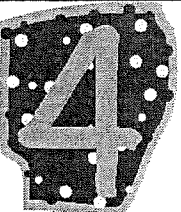
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The Bill of Rights

A bill of rights is a written statement that defines the rights of citizens and limitations for the government. The Bill of rights was included in most of the state constitutions in the early republic as they are today. The original Constitution did not contain a bill of rights – a fact the Anti-Federalists used as an argument against ratification of the proposed constitution. Fearing passage of a national constitution without a written bill of rights, several states sent suggestions for amendments to be added when they ratified the Constitution. James Madison took their ideas and developed twelve amendments, ten of which were passed by the states. These first ten amendments were called the Bill of Rights and added to the Constitution in 1791.

Looking at the Bill of Rights list the rights found under each amendment.

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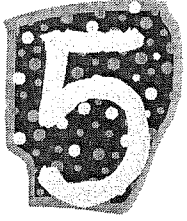
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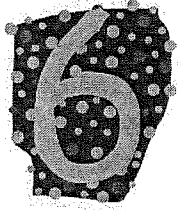
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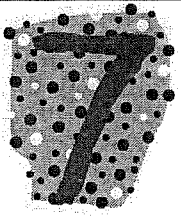
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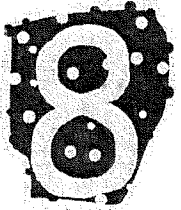
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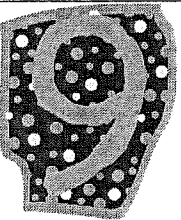
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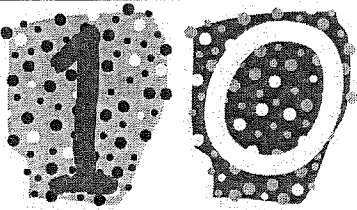
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The Amendments – Write down the **number of the Amendment** where each right is found on your answer sheet. (1 pt each)

1. No Cruel or unusual Punishment
2. Life, Liberty and Property cannot be taken away without due process of law
3. Right to Petition
4. Right to keep and bear arms
5. An accused must be faced by witnesses against him
6. A person cannot be put in jeopardy twice for the same offense
7. Freedom of Religion
8. The accused is entitled to counsel for his defense
9. All powers not given to the U.S. government and not denied to the states belong to the people
10. No quartering of troops without owners consent
11. A person cannot be arrested without a proper warrant
12. A person does not need to testify against himself

Define:

- 2 1. Abridge: _____
- 88 2. Compulsory: _____
- 225 3. Impartial: _____
- 249 4. Jurisdiction: _____
- 323 5. Original: _____
- 379 6. Ratify: _____
- 451 7. Statement: _____
- 9 8. Affirm: _____
- 95 9. Controversy: _____
- 233 10. Infamous: _____
- 266 11. Limitation: _____
- 333 12. Passage: _____
- 384 13. Redress: _____
- 531 14. Warrant: _____
- 24 15. Ascertain: _____
- 163 16. Favor: _____
- 237 17. Infringe: _____
- 289 18. Militia: _____
- 359 19. Prescribe: _____
- 392 20. Respect: _____