

# The Constitution

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## Standard 12.1.3

Explain how the U.S. Constitution reflects a balance between the classical republican concern with promotion of the public good and the classical liberal concern with protecting individual rights; and discuss how the basic premises of liberal constitutionalism and democracy are joined in the Declaration of Independence as "self-evident truths."

# The Six Basic Principles

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- What are the important elements of the Constitution?
  - What are the six basic principles of the Constitution?
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# An Outline of the Constitution

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- The Constitution sets out the basic principles upon which government in the United States was built.
  - The Constitution is a fairly brief document.
  - The Constitution is organized into eight sections: the Preamble and seven articles. The original document is followed by 27 amendments.
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# Articles of the Constitution

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<b>Section</b>	<b>Subject</b>
<b>Preamble</b>	States the purpose of the Constitution
<b>Article I</b>	Legislative branch
<b>Article II</b>	Executive branch
<b>Article III</b>	Judicial branch
<b>Article IV</b>	Relations among the States and with the National Government
<b>Article V</b>	Amending the Constitution
<b>Article VI</b>	National debts, supremacy of national law, and oaths of office
<b>Article VII</b>	Ratifying the Constitution

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# Three of the Basic Principles

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- The principle of **popular sovereignty** asserts that the people are the source of any and all government power, and government can exist only with the consent of the governed.
  - The principle of **limited government** states that government is restricted in what it may do, and each individual has rights that government cannot take away.
  - **Separation of powers** is the principle in which the executive, legislative, and judicial branches of government are three independent and coequal branches of government.
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# More of the Basic Principles

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- **Checks and balances** is the system that allows the legislative, executive, and judicial branches to check, or restrain, the actions of one another.
  - The principle of **judicial review** consists of the power of a court to determine the constitutionality of a governmental action.
  - **Federalism** is a system of government in which the powers of government are divided between a central government and several local governments.
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# Section 1 Review

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**1. Article II of the Constitution establishes the powers of the**

- (a) executive branch.
- (b) legislative branch.
- (c) States.
- (d) judicial branch.

**2. The principle of popular sovereignty asserts that the**

- (a) government should be divided into three branches.
  - (b) monarch is the supreme ruler.
  - (c) means of production should be owned by the proletariat.
  - (d) people are the source of any and all government power.
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# Formal Amendment

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- ❑ What are the different ways to formally amend, or change the wording of, the Constitution?
  - ❑ How many times has the Constitution been amended?
  - ❑ What is the Bill of Rights?
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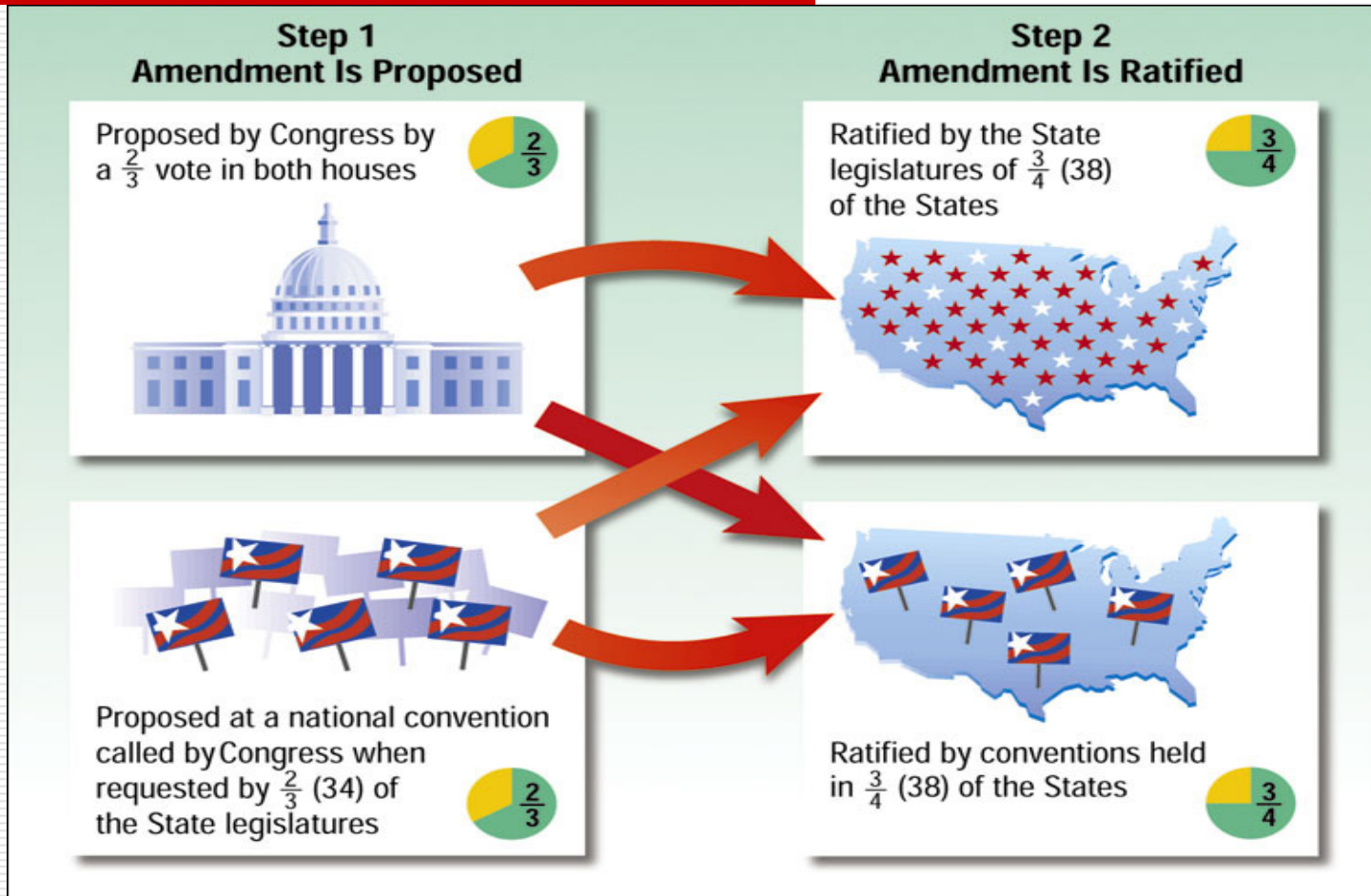
# Amending the Constitution

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- ❑ The Constitution provides for its own **amendment**—that is, for changes in its written words.
  - ❑ Article V sets out two methods for the proposal and two methods for the ratification of constitutional amendments, creating four possible methods of **formal amendment**.
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# Formal Amendment Process

- The four different ways by which amendments may be added to the Constitution are shown here:



# Amendments to the Constitution

Collectively, the first ten amendments are known as the **Bill of Rights**. They set out many of our basic freedoms.

Amendment	Subject	Year	Time Required for Ratification
1st–10th	Bill of Rights	1791	2 years, 2 months, 20 days
11th	Immunity of States from certain lawsuits	1795	11 months, 3 days
12th	Changes in electoral college procedures	1804	6 months, 6 days
13th	Abolition of slavery	1865	10 months, 6 days
14th	Citizenship, due process, equal protection	1868	2 years, 26 days
15th	No denial of vote because of race, color, or previous enslavement	1870	11 months, 8 days
16th	Power of Congress to tax incomes	1913	3 years, 6 months, 22 days
17th	Popular election of U.S. Senators	1913	10 months, 26 days
18th	Prohibition of alcohol	1919	1 year, 29 days
19th	Woman suffrage	1920	1 year, 2 months, 14 days
20th	Change of dates for start of presidential and Congressional terms	1933	10 months, 21 days
21st	Repeal of Prohibition (18th Amendment)	1933	9 months, 15 days
22nd	Limit on presidential terms	1951	3 years, 11 months, 6 days
23rd	District of Columbia vote in presidential elections	1961	9 months, 13 days
24th	Ban of tax payment as voter qualification	1964	1 year, 4 months, 27 days
25th	Presidential succession, vice presidential vacancy, and presidential disability	1967	1 year, 7 months, 4 days
26th	Voting age of 18	1971	3 months, 8 days
27th	Congressional pay	1992	202 years, 7 months, 12 days

# Informal Amendment

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- ❑ How has basic legislation changed the Constitution over time?
  - ❑ What powers do the executive branch and the courts have to amend the Constitution?
  - ❑ What role do party politics and custom have in shaping the Federal Government?
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# Informal Amendment Processes

**Informal amendment** is the process by which over time many changes have been made in the Constitution which have not involved any changes in its written word.

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The informal amendment process can take place by:

- (1) the passage of basic legislation by Congress;
  - (2) actions taken by the President;
  - (3) key decisions of the Supreme Court;
  - (4) the activities of political parties; and
  - (5) custom.
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# Executive Action and Court Decisions

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## Executive Action

- Presidential actions have produced a number of important informal amendments, such as the use of the military under the power of commander in chief.
- An **executive agreement** is a pact made by the President directly with the head of a foreign state.

## Court Decisions

- The nation's courts, most importantly the United States Supreme Court, interpret and apply the Constitution in many cases they hear.
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