



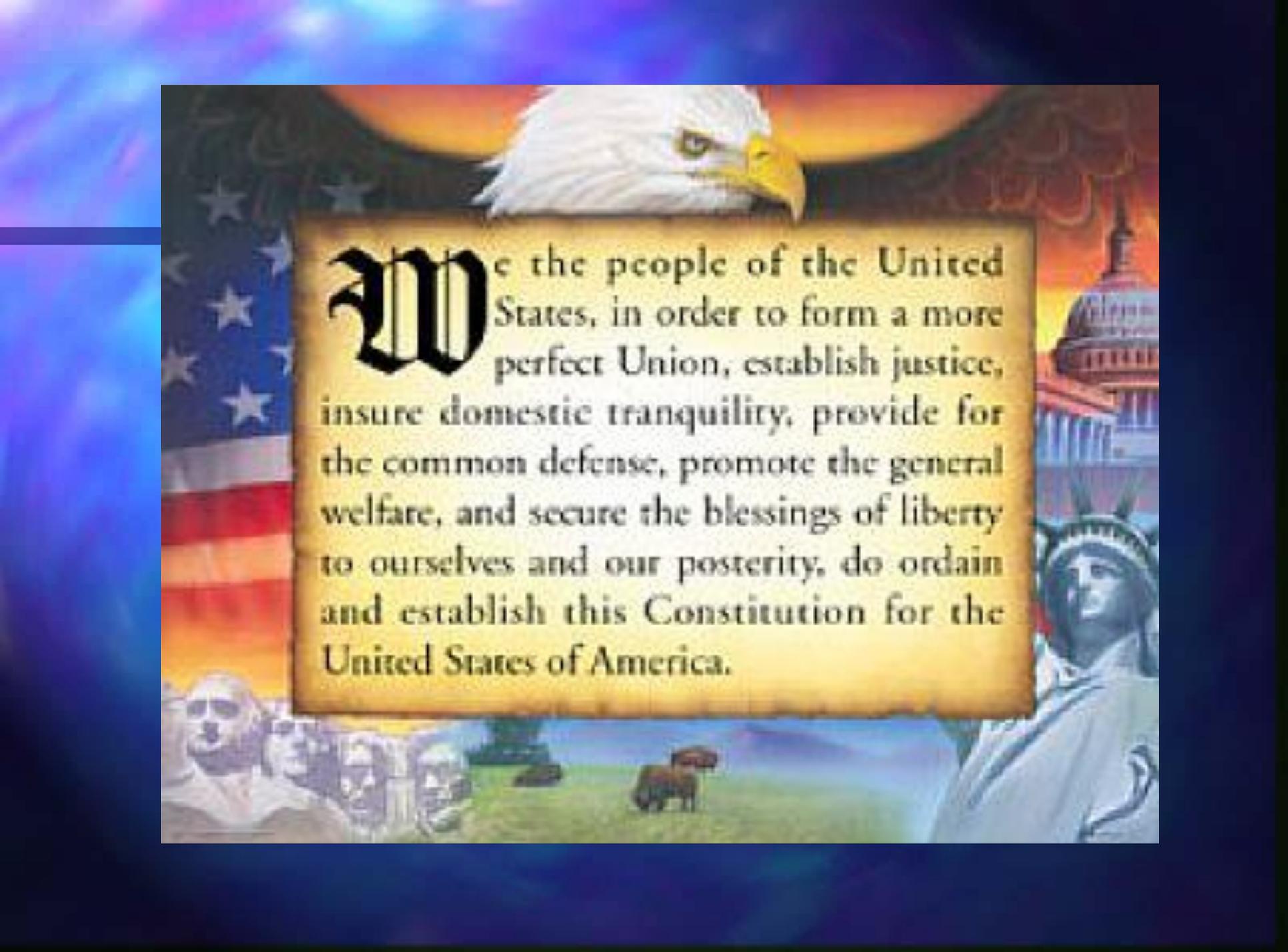
# The Constitution

Going over the assignment

# 1. Restate the Preamble in your own words:

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- These are the purposes of govt:
  - Form a more perfect union
  - Establish justice
  - Insure domestic tranquility
  - Provide for the common defense
  - Promote the general welfare
  - Secure the blessings of liberty



**W**e the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

## 2. What does Article I deal with?

- The Legislative branch



3. Describe when elections are for members of the House of Reps. And the requirements:

- Every 2 years (even years)
- At least 25 years old (or young!), American citizen for 7 years, resident of the State elected



## 4. Does the House have any special powers? Describe...

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- Power to impeach (to bring formal charges against ONLY)
- All bills that raise \$ must originate in the House



5. How often are senators up for reelection? What are the requirements?

- Every 6 years (they are a continuous body...1/3 up for election every 2 years)
- Known as the “upper house”
- At least 30 years old, citizen for at least 9 years, must live in the State elected

Hi, I'm Carl



## 6. Does the Senate have any special powers? Describe...

- Conduct impeachment trials (if convicted, must step down)
- Power to amend revenue bills from the house



# 7. What is in Article 1 section 6 and 7?

- Compensation, immunities, and disabilities of members of Congress (6)
- Revenue bills, president's veto (7)



# 8. List the powers given to Congress is section 8



- Borrow \$
- Foreign and interstate trade
- Determine citizenship, bankruptcy
- Uniform gauges of time, distance
- Federal crime to falsify coins
- Mail service
- Copyrights and patents
- Create lower courts
- Punish crimes outside USA
- Declare war
- Provide \$ for armed forces
- Establish national guard
- Creation of Washington DC
- Necessary and Proper Clause???

## 8. Continued...

- So much power was given to the Congress because the founders did not want power to be held by few (they feared another monarchy)



## 8. The necessary and proper clause

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- Also known as the Elastic Clause
- Gives Congress implied powers
- Power to tax led to the power to create banks, etc.
- Greatly increases power of Congress
- Up to Supreme Court scrutiny

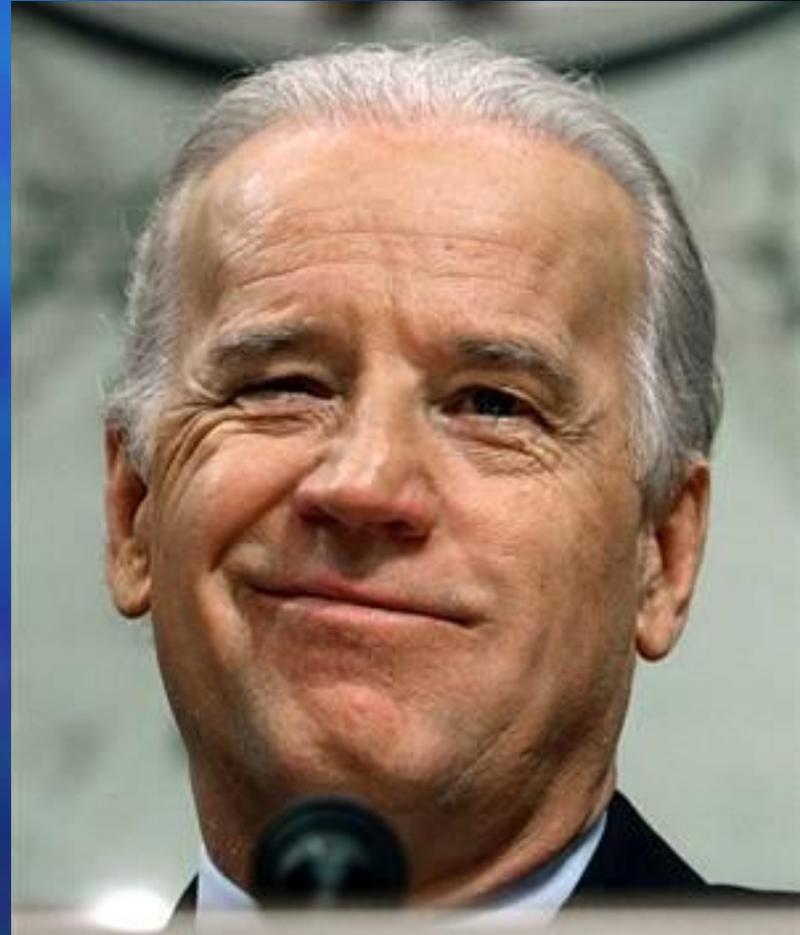
# 9. What powers are denied to Congress?

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- Stay out of slavery business (now N/A)
- Courts can retain detainees without Congress stepping in
- Congress must give the accused a trial
- No head tax
- No state export tax

# 10. What role does the VP play in the senate?

- President of the senate



# 11. What is Article II about?

- The Executive Branch
- President, etc.



# 12. What are the president's powers and duties?

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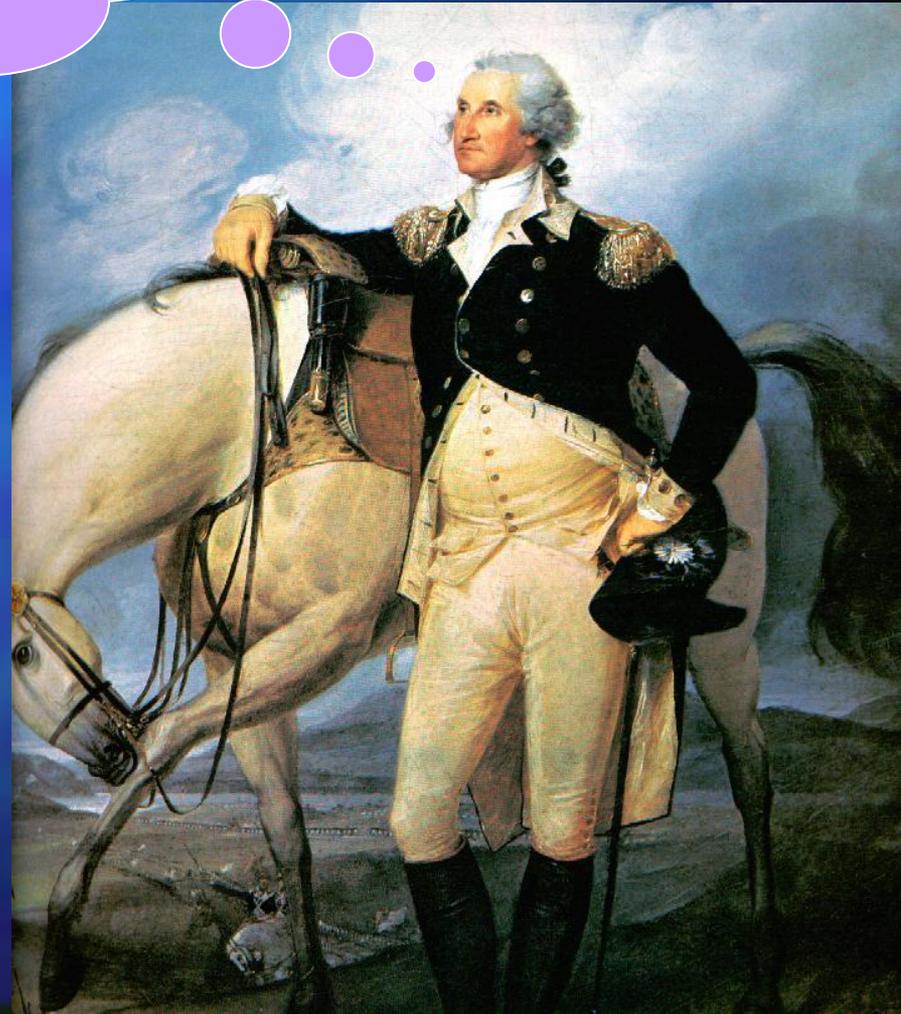
- They are limited due to checks and balances at times!
  - Congress can override presidential veto, impeach/convict if necessary
  - Supreme Court can declare acts unconstitutional

# JOEL CARTER...who is that, you may ask...

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- J-udicial power
- O-rdinance power
- E-xecutive power
- L-egislative power
- C-ommander-in-Chief
- A-ppointment power
- R-emoval power
- T-reaties
- E-xecutive Agreements
- R-ecognition

Man, I'm feeling Joel  
Carter-ish today!



# 13. What is impeachment?

- The process of bringing formal charges against



## 14. Compare length of Article I vs. Article II...what does this mean?

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- The section on the Legislative branch is a lot longer
- Legislative branch was intended to have more power than the single executive
- Founders were worried about another king...



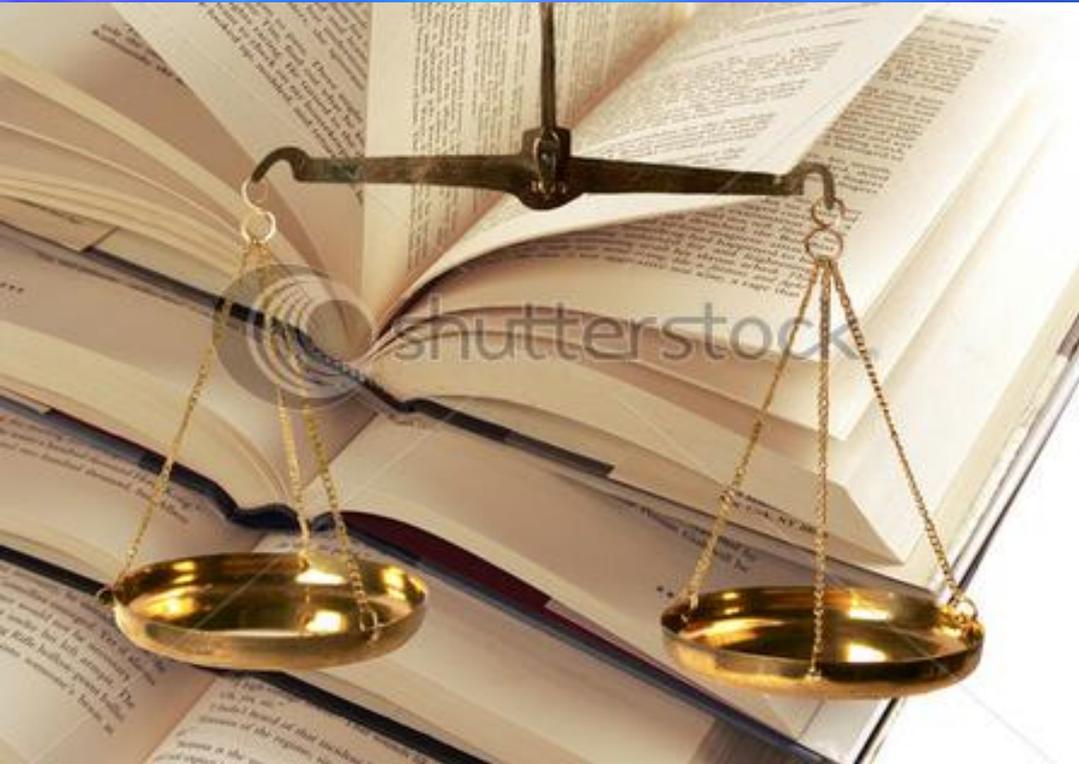
Many people worried that I had become an “imperial president”...(one who took more powers than I was supposed to). Only time will tell. But it doesn’t matter now, b/c I’m outta here!!



It's my turn now...let's see what happens.

# 15. What is Article III about?

- The Judicial Branch



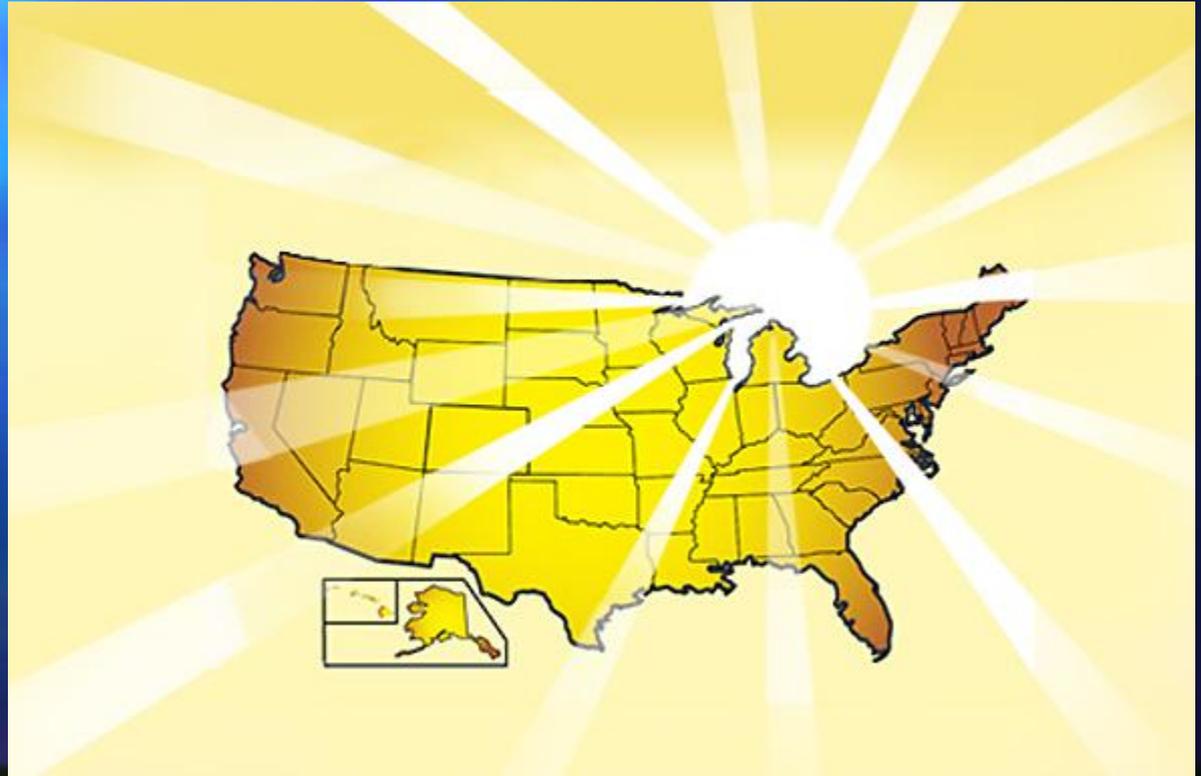
# 16. What do the federal courts have jurisdiction over?

- Laws of the US
- Matters dealing with the Constitution
- Treaties
- Dealing with ambassadors
- Maritime (sea) law
- Anything involving the US govt./citizens of states



# 17. What is article IV about?

- The STATES!!!



# 18. Explain what “full faith and credit” means

- Each state has to recognize the rulings of other states (part of federalism)
- How does this apply to gay marriage?



# 19. What is Article V about?

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- V-How to amend the Constitution:
  - 2/3 vote in each house at the request of 2/3 state legislatures
  - Ratified  $\frac{3}{4}$  of state legislatures

# 19. Continued

- VI- Debts, supreme law of the land  
"Supremacy Clause"



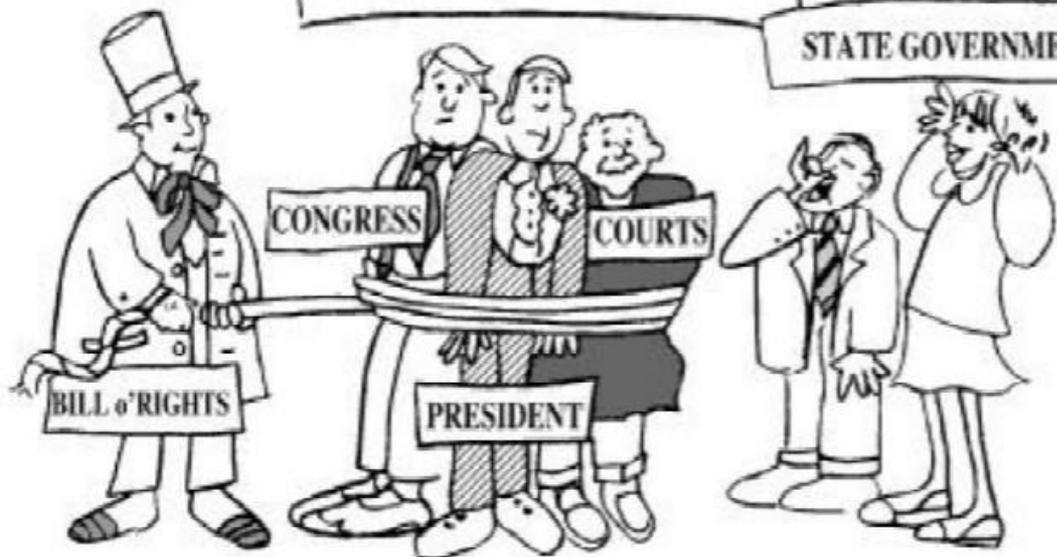
## 20. When were the Bill of Rights added to the Constitution?

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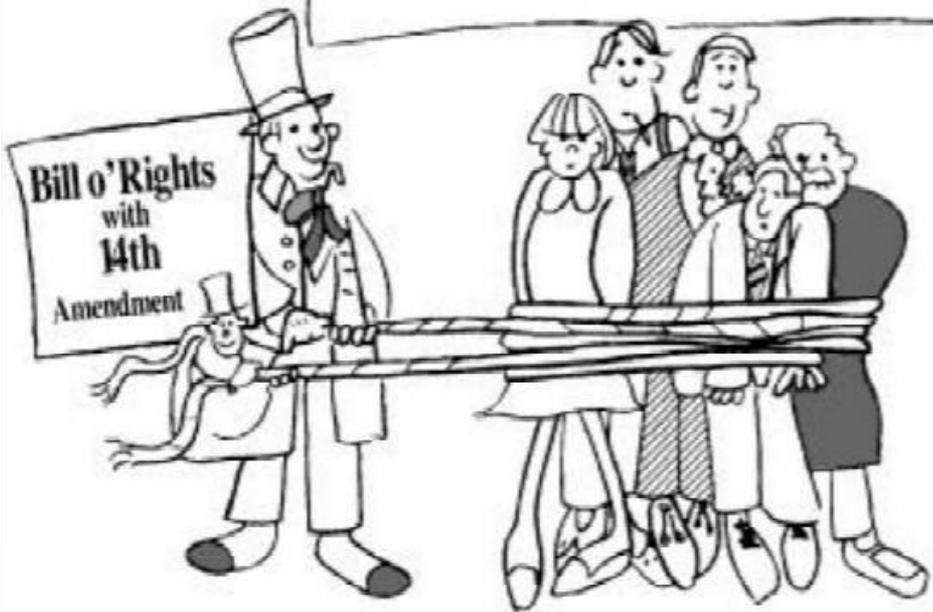
- 1789, ratified in 1791
- ONLY applied to the Federal government at first
- Not until the 14<sup>th</sup> amendment did they apply to the states☹

# FEDERAL GOVERNMENT

# STATE GOVERNMENT



# FEDERAL AND STATE GOVERNMENTS



21. Do group activity

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## *22. Marbury v. Madison, 1803*

- 1800: Thomas Jefferson won the presidency
- Adams appointed a lot of judges (as Federalists) before he left (he did not win reelection)
- Marshall (Adams' SoS) delivered commissions, all but 17
- Madison (new SoS) refused to deliver the 17
- Marbury (one of the "new" judges that didn't get his commission) sued
- Marshall (now the Supreme Justice) ruled that the SC did not have authority to force these appointments: it was unconstitutional

# Remember about *Marbury v. Madison*:

## *Madison*:

It established  
Judicial Review-  
the power of the  
SC to declare  
acts of other  
branches  
unconstitutional

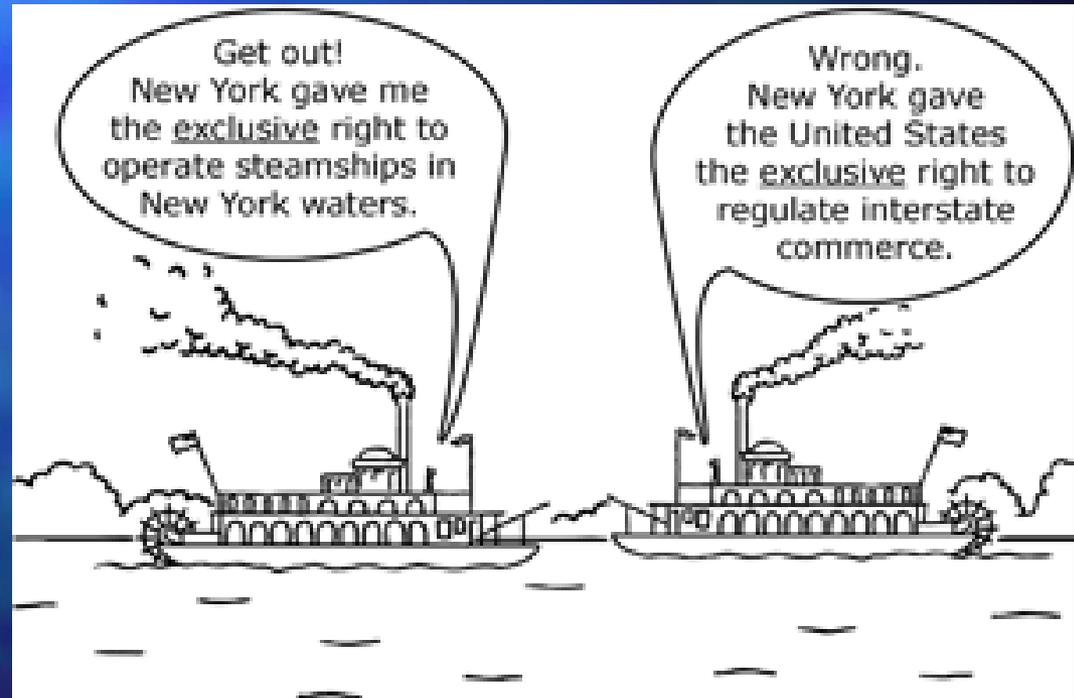


# *Gibbons v. Ogden, 1824*

- The case started from an attempt by the State of New York to grant a monopoly of steamboat operation between New York and neighboring New Jersey
- They licensed the New Jersey operator Aaron Ogden to operate the ferry between New York City and in New Jersey.
- Thomas Gibbons was operating a competing ferry service which had been licensed by Congress in regulating the coasting trade.
- Ogden obtained an injunction from a New York court against Gibbons to keep him out of New York waters, maintaining that navigation was not a distinct form of commerce, and was thus a legitimate area of **state** regulation. Gibbons then sued for entry into the state, and the case was appealed to the United States Supreme Court.

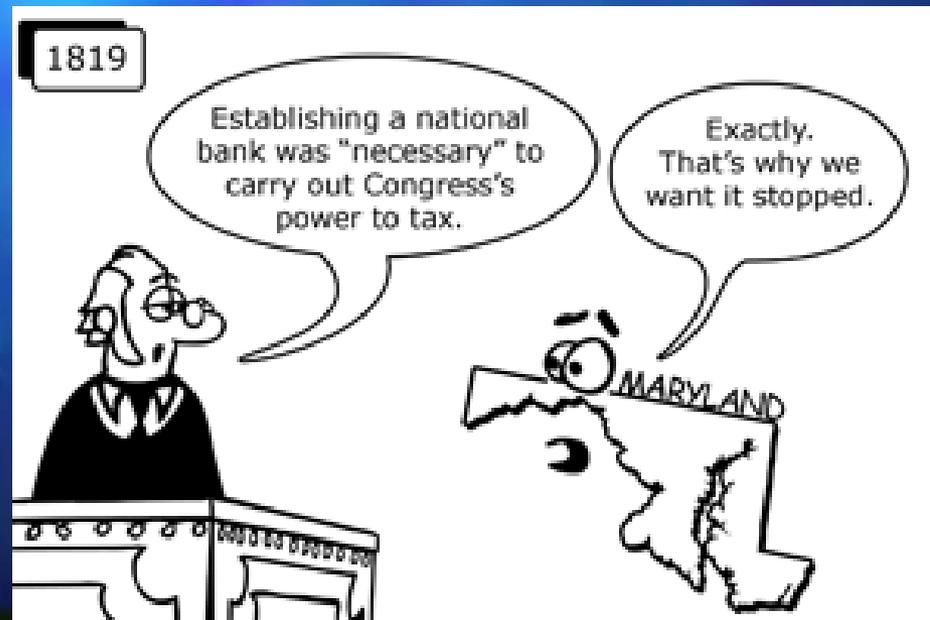
# Remember about *Gibbons v. Ogden*:

- The ruling determined that "a **Congressional** power to regulate navigation is as expressly granted as if that term had been added to the word 'commerce'."
- The importance of the "commerce" clause: in a federal country like ours, supreme power lies with the national government



# *McCulloch v. Maryland, 1819*

- The state of Maryland had attempted to stop operation of a branch of the Second Bank of the United States by imposing a tax on all notes of banks not chartered in Maryland.
- Though the law applied to all banks, the U.S. Bank was the only out-of-state bank then existing in Maryland, and the law is generally recognized as specifically targeting the U.S. Bank.



# Remember about *McCulloch v. Maryland*:

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Although the term "bank" is not included in the Constitution, there are express powers in the Taxing and Spending Clause.

Although not explicitly stated, Congress has the implied power to create the bank in order to implement the express powers.

The Necessary-and-proper clause permits Congress to seek an objective that is within the enumerated powers as long as it is rationally related to the objective and not forbidden by the Constitution

In other words: Necessary and proper clause (AKA the elastic clause) can be interpreted to give a lot of power to the national government