



# PRINCIPLES AND STRUCTURE OF THE CONSTITUTION

# REASONS FOR WRITING THE CONSTITUTION

- To assure domestic tranquility
- To secure the blessings of liberty
- To provide for the common defense
- To form a more perfect union



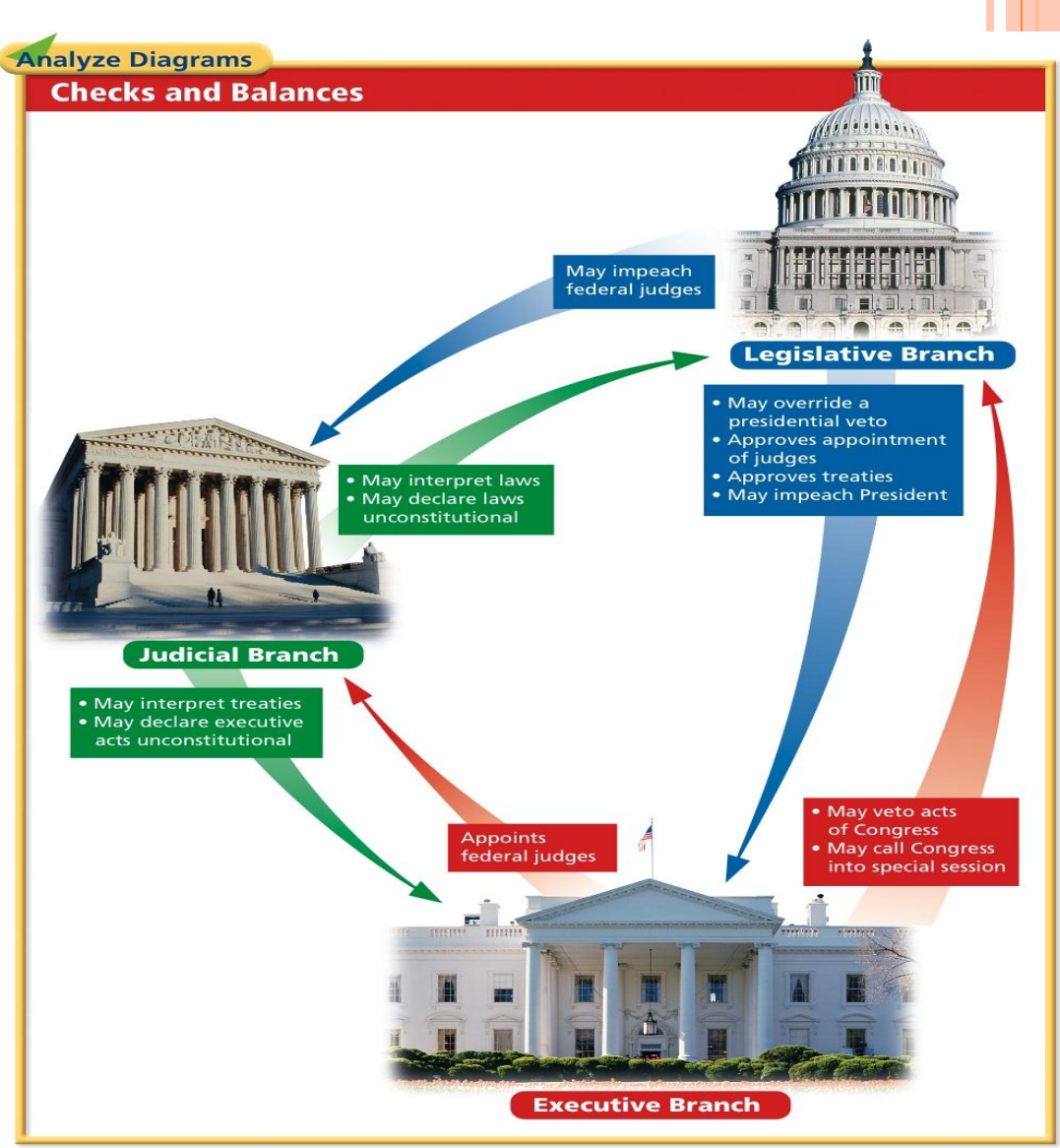
○ Ideas within Constitution = drawn from Enlightenment

- John Locke = checks and balances, natural rights, social contract
- Rousseau = social contract
- Montesquieu = separation of powers

○ Checks and balances: powers of one branch of government check or balance those of other branches

○ Social Contract: government power granted by the people

○ Separation of Powers: power is divided among executive, judicial, and legislative branches



# FEDERALISM

- Dividing power between national and state governments
  - Delegated Powers: powers given to national government
  - Reserved Powers: powers kept by the states
  - Concurrent Powers: powers that both state and national governments share



# FEDERALISM

## Federal Powers

- Declare war
- Conduct foreign affairs/make treaties
- Establish a federal court system
- Raise and support armies
- Coin money
- Regulate interstate commerce
- Regulate international trade

## Concurrent Powers

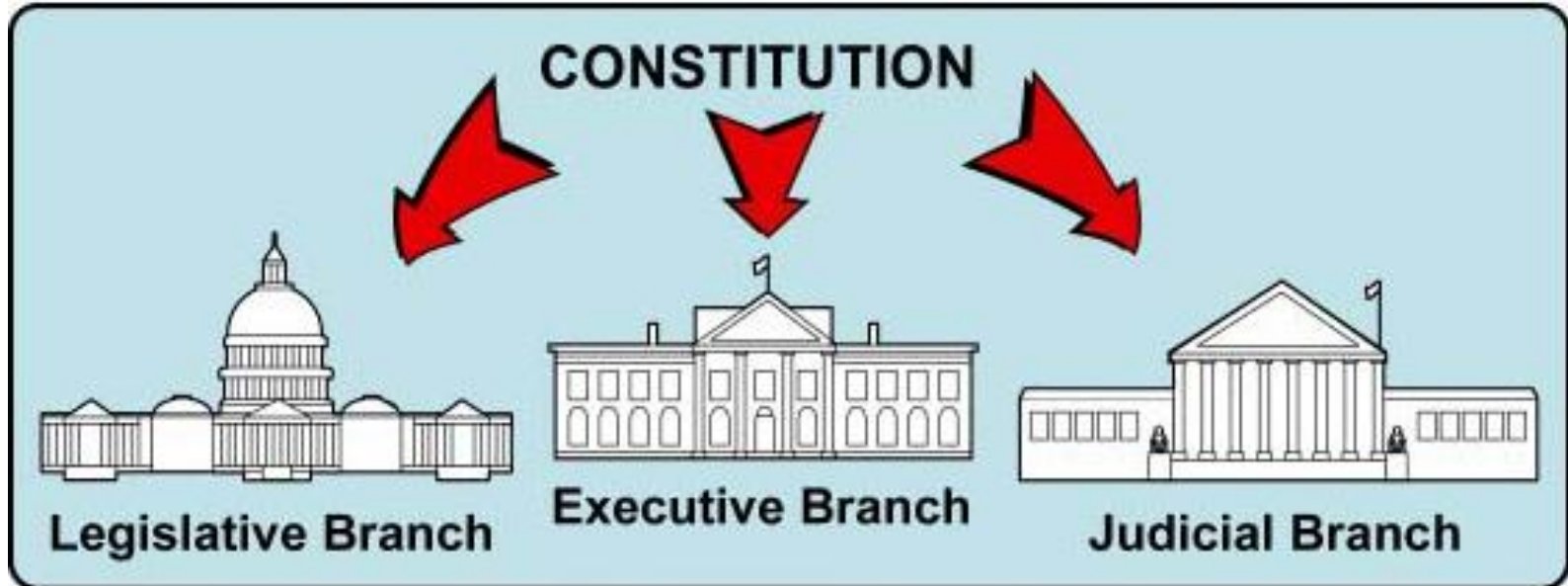
- Levy taxes
- Borrow money
- Charter banks
- Define crime
- Punish crime

## State Powers

- Create public schools
- Provide public education
- Create local government
- Establishing voting qualifications
- Create traffic laws
- Issue licenses for marriage, practicing law and medicine

# LIMITING GOVERNMENT

- **Separation of powers** is the principle in which the executive, legislative, and judicial branches of government are three independent & coequal branches of government
  - Separating powers is a means of limiting government



# LEGISLATIVE BRANCH

- Makes Laws
- Bicameral
  - Senate: 2 members from each state
  - House of Representatives: membership based on population
- Congress has power to declare war



# EXECUTIVE BRANCH



- Enforce laws
- President, VP, Executive Departments
  - Heads of Departments = Cabinet
- President: elected officially by Electoral College > indirectly by people
- Electoral College
  - Electoral votes for each state = # of Senators + # of Representatives
    - Compromise between public election and appointment of a leader
    - No candidate with majority of vote = House of Reps elects from top 3 candidates





# JUDICIAL BRANCH

- Interpret Laws
- Supreme Court + lower courts set up by Congress



# “A LIVING DOCUMENT”

- Changes to Constitution can be made if necessary
- Amendments
  - 2/3 vote of Congress or by new Constitutional Convention
  - Required ratification by state conventions in  $\frac{3}{4}$  of states
    - 9 of 13 states needed
    - 38 states needed today

