

# 3.1

## **An Overview of the Constitution**



## **As a Young Political Scientist, I will be able to...**

- **Understand the basic outline of the Constitution.**
- **Understand the basic principles of the Constitution: popular sovereignty, limited government, and separation of powers.**
- **Understand the basic principles of the Constitution: checks and balances, judicial review, and federalism.**

# **What is the Constitution?**

**Taking effect in 1789, it is our nation's fundamental law. "The Supreme Law of the Land."**

**It sets out the basic principles upon which government operates today.**

**It defines the ways the Federal Government is organized, how leaders are selected, & procedures for those leaders**

**It also sets out the basic rule of American Politics to help who wins & decides in the political arena**

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# Amendments & Parts

**As of right now, we have 27 amendments to the constitution, changes to the constitution.**

**The Constitution deals with matters of basic principles. It is designed to be broad!**

**The introduction is known as the **Preamble** & lays out the goals into 7 sections**

**The first 3 articles deal with the branches of the National Government.**



# Article I

**This sets up a **bicameral** legislature- 2 house legislature made up of the House & the Senate. They create laws!**

**We got this idea from Britain's Parliament & to settle a conflict between the Virginia & New Jersey Plan.**

**Important! Both Houses check on each other & so the legislature does not dominate the National Government.**

**People argue to this day that equal representation is undemocratic (The Senate) as different states have different populations**

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# Article II

**This is known as the Executive Article & details the powers of the President.**

**Powers such as command of the armed forces, make treaties, approve acts of Congress....**

**Call special sessions to Congress, send & receive diplomatic representatives, & “Take Care that the Laws be Faithfully Executed.”**

**To this day we struggle with the phrase “Executive Power” & the extent of the President’s power.**

# Article III

**This is the creation of the Judicial Branch of the United States. Both the Lower Courts & the Supreme Court.**

**We have 2 types of lower court systems. The National Judiciary & State Courts**

**Congress creates Inferior Courts- Lower federal courts under the Supreme Court.**

**We have 2 types of Federal Courts. *Constitutional Courts* (regular courts) decide appeals, district courts, & trade**

***Special Courts*- Article I courts that deal with the Armed Forces, Veterans, Federal Claims, & Taxes.**



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# Basic Principles

**Popular Sovereignty-** All Political power resides in the people. “We the People...”

**Limited Government-** The Government may do **ONLY** those things that the people have given it the power to do.

**Constitutionalism-** The Government **MUST** follow the law according to the constitutional principles

**Rule of Law-** The Government & it’s officers are subject to-not above- the law



# Separation of Powers

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**Our government is separated into 3 distinct & independent branches of government.**

**Checks & Balances-** Each of the branches can be judged & can oversee the other branches

**Veto-** The Presidential power to reject any act of Congress. Congress can override this by a 2/3rds vote in each house

**Impeachment-** Congress rejects presidential appointee & seeks removal. \*\*\*This does not mean they leave

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# Other Principles

**Unified Government-** This is when a party controls all aspects of Government.

**Judicial Review-** The Power of a court to determine the constitutionality of a government action.

**Unconstitutional-** To declare illegal, null & void, a law set forth by government action

***Mayberry Vs Madison-*** This is the case that allowed the Supreme Court the power of Judicial Review.

# Federalism

The background of the slide is a close-up, slightly blurred image of the American flag, showing the stars and stripes in warm, painterly tones.

**The division of power among a central government & several regional governments**

**This is what the colonists fought for in our Independence! The right for states to decide local affairs**

**Federalism is important because people were convinced: 1) The government powers poses a threat to individual liberty**

**2) Power of Government must be restrained.**

**3) Federalism divides power & curbs its abuse.**