

# CHAPTER 2

# CITIZENSHIP & THE

# CONSTITUTION

## Section 1

“Understanding the Constitution”

# Objectives:

## Students will be able to:

- 1) Explain how the framers of the Constitution tried to balance state and federal powers.
- 2) List the three branches of the federal government and describe the requirements for membership in each branch.
- 3) Analyze how power is divided between the three branches of government.

# The Federal System

- **REPRESENTATIVE DEMOCRACY:** a government led by officials who are chosen (elected) by the people
- **FEDERALISM:** power is divided between the states and the national (federal) government

# Delegated Powers (cont.)

- DELEGATED POWERS: the powers granted to the federal government
- Powers delegated to the national government:
  - 1. Declare war
  - 2. Maintain armed forces
  - 3. Regulate interstate and foreign trade
  - 4. Admit new states

# Delegated Powers: (cont.)

- 5. Establish post offices
- 6. Set standard weights & measures
- 7. Coin money
- 8. Establish foreign policy
- 9. Make all laws necessary and proper for carrying out delegated powers (“elastic clause”) - Article I, Section 8

# Reserved Powers

- **RESERVED POWERS:** powers kept by the state governments (or by the citizens)
- Powers reserved to the states:
  - 1. Establish & maintain schools
  - 2. Establish local governments
  - 3. Regulate business within the state
  - 4. Make marriage laws

# Reserved Powers: (cont.)

- 5. Provide for public safety
- 6. Assume other powers not delegated to the national government or not prohibited to the states

# Concurrent Powers

- **CONCURRENT POWERS:** powers that the federal and state governments share (also called “shared powers”)
- **Concurrent Powers:**
  - 1. Maintain law & order
  - 2. Levy taxes
  - 3. Borrow money
  - 4. Charter banks

# Concurrent Powers: (cont.)

- 5. Establish courts
- 6. Provide for public welfare

# Separation of Powers

- Dividing the national government into 3 separate branches, each with its own responsibilities.
- Designed to keep any one person, small group, or single branch from becoming too powerful

# The Legislative Branch

- Referred to as Congress
- Makes the nation's laws
- “Human connection between the citizen & the government”
- Article I of Constitution describes the organization, powers, & responsibilities of Congress

# The Legislative Branch (cont.)

- Congress is divided into 2 houses:
  - House of Representatives
    - 435 members
    - States' number of reps. Is based on population
  - Senate
    - 100 members
    - Each state has 2 senators

# House of Representatives

- **APPORTIONMENT:** the use of population to determine how many legislative representatives an area will have (determined every 10 years after the census)

# House of Representatives (cont.)

- 1) Must be 25 yrs of age
- 2) U.S. citizen for 7 or more yrs
- 3) Resident of state in which they are elected
- 4) Serve 2 year terms
- 5) Represent a district within a state

# House of Representatives (cont.)

- Majority Party - has more members
- Minority Party - has less members
- No limits to number of terms served
- Speaker of the House - leader of the House of Representatives
  - Usually from the majority party

# Senate

- 1) Must be 30 yrs of age
- 2) U.S. citizen for 9 or more yrs
- 3) Resident of state in which they are elected
- 4) Serve 6 year terms
- 5) Represent their entire state
- 6) No limits to terms served
- 7) Senior Senator - senator who served longer

# Senate (cont.)

- Vice President serves as the president of the Senate
  - Does not join in Senate debates
  - Can cast a vote to break ties
- In his absence, president “pro tempore” leads the Senate

# Congress

- Regular sessions begin first week of January each year
- Most of the work of Congress is carried out in specialized committees
- Bills about taxes begin in House Ways and Means Committee

# The Executive Branch

- Article II specifies powers of Executive Branch
- Led by the President of the U.S.
- Enforces the laws that Congress passes

# President

- 1) Must be 35 yrs of age
- 2) Native-born U.S. citizen
- 3) U.S. resident for at least 14 years
- 4) Serve 4 year terms
- 5) Two-term limits
- 6) (Same requirements for Vice President)

# President (cont.)

- Until Barack Obama (2008) all presidents were white males
- 1984 - first female (Geraldine Ferraro) ran as vice president
- 2000 - Joe Lieberman was 1st Jewish candidate for vice president
- Franklin D. Roosevelt won 4 elections (only president to serve more the 2 terms)

# President (cont.)

- 22nd Amendment - limits presidents to two terms
- Vice President becomes the president if the president dies, resigns, or is removed from office

# Impeach

- IMPEACH: vote to bring charges of “treason, bribery, or other high crimes and misdemeanors” against president
- House of Representatives can impeach
- Senate tries all impeachment cases
- If found guilty, president can be removed from office

# Impeach (cont.)

- 1868 - Andrew Johnson was impeached
- 1998 - Bill Clinton was impeached
  - In both cases Senate was found not guilty
- 1974 - Richard Nixon resigned to avoid impeachment

# 12th Amendment

- Directed the electors to cast separate ballots for president and vice president (1804) - after a tie in 1800 between Jefferson and Burr

# President

- 1) Carries out laws of Congress
  - Runs agencies and departments
- 2) Initiate legislation - ask members of Congress to pass or reject bills
- 3) Can veto laws (cancel bills passed)
  - Congressional override takes 2/3 majority
- 4) Can grant “Pardon” (freedom from punishment)

# President (cont.)

- 5) EXECUTIVE ORDER: a command that has the power of law (to carry out laws)
- 6) Commander in Chief of armed forces
- 7) Conducts foreign relations
- 8) Arranges treaties
- 9) Runs the day to day business of government (dept., commissions, agencies)
- CABINET: advisors, dept secretaries of pres.

# President (cont.)

- 10) Chooses the department heads
- 11) Informal head of his political party
- 12) Head of state - Symbol of the nation

# Judicial Branch

- Article III of Constitution outlines duties
- Made up of Federal Courts and Supreme Courts
- Can declare state and federal laws unconstitutional
- President makes all appointments to federal courts

# Judicial Branch

## (cont.)

- Terms - for life (will not be influenced by the political parties)
  - 94 U.S. District Courts
  - 13 Courts of Appeals (review lower-court decisions)
  - Supreme Court

# Supreme Court

- Thousands of cases are appealed to the Supreme Court each year
- Only review about 100 cases per year
- Some cases go directly to the Supreme Court
  - Cases involving international diplomats
  - Cases involving disputes between states

# Supreme Court (cont.)

- 9 Justices sit on the Supreme Court
- Chief Justice leads the Supreme Court
- No specific requirements set by Constitution
  - Yet every justice has been an attorney

# Supreme Court (cont.)

- 1967 - Thurgood Marshall - 1st African American justice
- 1991 - Clarence Thomas - 2nd African American justice
- 1981 - Sandra Day O'Connor - 1st female justice
- Ruth Bader Ginsburg - 2nd female justice