Constitution/ Government Unit LGs and Scales

Learning Goal 9: Students will be able to explain the principles on which the U.S. Constitution was founded.
- federalism (i.e., enumerated, reserved, and concurrent powers)
- popular sovereignty
- separation of powers
- individual rights
- checks and balances
- limited government
- flexibility (i.e., Elastic Clause, amendment process, living constitution)
- republicanism
- Supreme Law of the Land

Scale:

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<th>4</th>
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<td>In addition to a 3 student was able to explain <strong>and analyze</strong> the principles on which the U.S. Constitution was founded.</td>
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<td>Students was able to partially identify the principles on which the U.S. Constitution was founded.</td>
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Learning Goal 10: Students will be able to explain the powers of the three branches of the federal government.
- Legislative Branch: Congress (makes laws)
- Executive Branch: President (enforces laws)
- Judicial Branch: Supreme Court (interprets laws, Marbury v. Madison)
- Electoral Process (popular vote and electoral college)

Scale:

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the three branches of the federal government.

Learning Goal 11: Students will be able to explain rights protected by the Bill of Rights.
- Miranda v. Arizona - 5th Amendment
- Gideon v. Wainwright - 6th Amendment
- Adult vs. Juvenile justice

Scale:

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<td>Student was able to partially identify the rights protected by the Bill of Rights.</td>
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Learning Goal 12: Students will be able to explain and compare federal, state, and local government.
- county, city/town, tribal
- Direct Democracy (initiative, referendum, recall process)
- law making process

Scale:

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<td>4</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>In addition to a 3 student was able to <strong>analyze</strong> federal, state, and local government.</td>
<td>Student was able to explain and compare federal, state, and local government.</td>
<td>Student was able to identify and compare federal, state, and local government.</td>
<td>Student was able to partially identify and compare federal, state, and local government.</td>
</tr>
</tbody>
</table>
Practice 1: How to Read the Constitution

The Constitution is organized into 3 basic parts.

- Articles
  - Sections
  - Clauses

Example: Article I, Section 2, Clause 1, or I-2-1

**ARTICLE I: Legislative Branch**

Section 1. Legislative powers; in whom vested

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2, House of Representatives, how and by whom chosen Qualifications of a Representative. Representatives and direct taxes, how apportioned. Enumeration. Vacancies to be filled. Power of choosing officers, and of impeachment.

1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the elector in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

2. No person shall be a Representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

7 Articles of the Constitution

Article I- Legislative Branch (Congress)
Article II- Executive Branch (President)
Article III- Judicial Branch (Supreme Court)
Article IV- Relations among the states
Article V- How to amend (change) the Constitution
Article VI- Supremacy of National Law, Oath of Office, National Debt
Article VII- Ratification of the Constitution
**Practice 1: Constitution Scavenger Hunt**

**Directions**: Use the Constitution Handbook in your American History textbook (pages 266-297) for this scavenger hunt.

1. What is the *opening paragraph* of the Constitution called?

2. Which *Article* deals with the *Executive branch*?

3. Who is the *Chief Executive* of the United States?

4. How many years is a *term of office for the Chief Executive*?

5. Give the *article, section, and clause* where you would find the qualifications to be Chief Executive.

6. What are the *3 qualifications of the Chief Executive*?
   1) 
   2) 
   3) 

7. What does *section 4 of Article II* talk about?

8. Which part of government is established in *Article III*?

9. In Article III, which *section* and *clause* has the areas of *original jurisdiction* this court?

10. What is the definition of *treason* according to the U.S. Constitution? (*Article III*)

11. **How many Articles** are there in the Constitution?

12. Which *Article* talks about the *Legislative branch* of government?

13. What is the name of the group that *holds legislative power (make laws)*?

14. Name the *two houses of the Legislative branch (Congress)*.
   1) 
   2) 

15. Which *article, section and clause* of the Constitution gives the qualifications to be in the House of Representatives?
16. What are the qualifications to be in the House of Representatives?
1)  
2)  
3)  

17. Go to section 3, clause 4 of the article found in question 15 and tell who the President of the Senate is.

18. What are the qualifications to be a Senator?
1)  
2)  
3)  

19. What is the term of office for a member of the Senate?

20 What is a term of office for a member of the House of Representatives?

21. What does Article VI deal with in general?

22. In which article, section, and clause would you look to find out about the extradition of suspected criminals?

23. At the time the Constitution was written, how many of the 13 states needed to approve of the Constitution to get it ratified?

24. Which Article tells how to amend the Constitution?

25. What does the word amend mean?

26. How many times has the Constitution been amended?

27. Which amendment created a national income tax?

28. Which amendment outlines a citizen’s right not to be searched in an unreasonable way?

29. What is stated in the 1st Amendment?

30. What is stated in the last (27th) Amendment
What Is a Constitution?

A constitution is a plan of government. It describes the kind of government a nation is to have and how that government is to be organized. It also explains the powers of those in control and lists the rights of the citizens they govern. Most countries have constitutions.

The Constitution of the United States is a unique document that has survived for over two hundred years. It is the reason Americans enjoy so many freedoms. In the Preamble, or introduction to the Constitution, the Founding Fathers named the six goals of the document.

Listed below are the six goals the writers of the Constitution included in the Preamble. Describe what you think each one means. Use a dictionary to find the meanings of any words you don’t know.

1. To form a more perfect Union

2. To establish justice

3. To insure domestic tranquility

4. To provide for the common defense

5. To promote the general welfare

6. To secure the blessings of liberty
<table>
<thead>
<tr>
<th>Principle</th>
<th>What is it?</th>
<th>Why is it important?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Checks and Balances</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Flexibility</strong></td>
<td><em>(Living Constitution)</em></td>
<td></td>
</tr>
<tr>
<td><strong>Federalism</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Individual Rights</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Limited Government</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Popular Sovereignty</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Separation of Powers</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Republicanism</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Anatomy of the Constitution

How Do They Govern?
The U.S. Constitution is the document that creates our nation’s government. The contents of the Constitution create the three branches of our government and give directions for how the federal government works. (It does this with a little over 4,500 words covering only four sheets of paper!) Although the Constitution was written over 220 years ago, it still guides our officials in running our country today. It is also the oldest written constitution in the world that is still in use.

Introducing... The Preamble
Our Constitution is divided into nine parts. The first paragraph is called the Preamble. Its job is to introduce the Constitution, explain what the Constitution is meant to do, and describe the purpose of the new government.

Creating Congress: Article I
Article I is the first and longest part of the Constitution. It creates the legislative branch of our government. Legislative means law-making. This section is the longest because the people who wrote the Constitution believed that a legislative branch is very important in a government that represents the citizens. Members of the legislature, or law-making body, are responsible for turning citizens’ wants and needs into laws.

Represent Me!
The legislative branch makes our government a representative democracy. In a representative democracy, citizens elect people to represent their needs and concerns in government. Article I creates a legislature called Congress and divides it into two parts: the Senate and the House of Representatives. Article I describes how Congress should be organized, tells what qualifications legislators must have, and says how often Congress should hold elections and meet as a group. It also describes other details of operation that each house of Congress gets to decide for itself.

<table>
<thead>
<tr>
<th>The Senate</th>
<th>The House of Representatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualifications</td>
<td>You must be at least 30 years old, been a U.S. citizen for at least 9 years, and live in the state you represent.</td>
</tr>
<tr>
<td>Size</td>
<td>Number per state depends on population = 435 total (in 2011)</td>
</tr>
<tr>
<td>Represent...</td>
<td>the interests of the citizens who live in the district they represent within the state for 2 years per term.</td>
</tr>
<tr>
<td>Special Duties</td>
<td>The Senate acts as a court during impeachments.</td>
</tr>
<tr>
<td>Rule in Lawmaking</td>
<td>All bills that raise money must start in the House of Representatives.</td>
</tr>
<tr>
<td></td>
<td>A bill must be approved by BOTH houses of Congress before it can go to the President to become a law.</td>
</tr>
</tbody>
</table>
The Makeup of Congress

Sections 1, 2, and 3 of Article I of the Constitution address the organization of the legislature. They state that Congress shall be made up of a Senate and a House of Representatives. These sections also list the required qualifications for senators and representatives.

Read the first three sections of Article I, then fill in the information below.

1. A representative in the House must be at least _____ years old.

2. A candidate for the House of Representatives must have been a U.S. citizen for at least _____ years.

3. Representatives are elected for terms of _____ years.

4. A candidate for the Senate must be at least _____ years of age.

5. A senator must have been a citizen of the United States for _____ years.

6. Senators are elected for terms of _____ years.

7. According to Article I, Section 3, senators were chosen by ___________________.
   (The Seventeenth Amendment changed this. Senators are now chosen by the voters in their state.)

8. Why do you think the Founding Fathers placed age restrictions on representatives and senators? ____________________________________________________________

   ____________________________________________________________

   ____________________________________________________________

9. Do you agree with the ages the Founding Fathers chose? Why or why not?
   ____________________________________________________________

   ____________________________________________________________

   ____________________________________________________________

10. Why do you think it’s important for representatives and senators to have lived in the United States for a number of years? ____________________________________________________________

   ____________________________________________________________

   ____________________________________________________________
The Powers of Congress

Article I, Section 8 of the Constitution lists the powers given to Congress. These include the power to do the following:

- collect taxes
- establish post offices
- regulate trade
- make rules for citizenship
- coin money
- set standards for weights and measures
- grant copyrights and patents
- establish federal courts
- declare war
- raise and support an armed force

The powers mentioned above are expressed powers. Each is explained in the Constitution. Section 8 of Article I also states that Congress can “make all laws which shall be necessary and proper” to carry out its duties. This is the so-called “elastic clause” that has allowed the federal government to create many national services that the Founding Fathers could not foresee the need for when the Constitution was written. This clause is the basis of Congress’s implied powers. All powers not expressed in the Constitution are granted to the states and are called reserved powers.

Read Article I, Section 8 of the Constitution. On the line next to each of the following phrases, write whether the power falls under the category of expressed, implied, or reserved.

1. to declare war
2. to provide for education
3. to set standards for television
4. to regulate transportation
5. to issue marriage licenses
6. to determine citizenship rules
7. Name another expressed power.
8. Name another implied power.
9. Name another reserved power.
Special Powers of the Senate and the House

Congress is divided into the Senate and the House of Representatives. Each of these two divisions has powers that it alone enjoys. The Senate approves or disapproves treaties with foreign countries as well as all appointments the president makes to the executive and judicial branches of the federal government. It also sits as a jury in impeachment cases brought against federal officials by the House of Representatives. Finally, it chooses the vice president if no candidate receives a majority in the Electoral College.

The Constitution gives the House of Representatives three special powers. First, the House of Representatives initiates all tax bills that go through Congress. Second, only the House of Representatives can bring impeachment charges against federal officials. Third, the House of Representatives selects a president when no candidate receives a majority of the electoral votes.

Remember that the Senate approves appointments to the federal government. Must the Senate approve the following government appointments? Write Yes or No in each blank.

1. ________ a nominee to the U.S. Supreme Court
2. ________ a county judge
3. ________ a nominee for secretary of defense
4. ________ the president’s choice for attorney general
5. ________ the head of the Federal Reserve Board
6. ________ the head of a state’s highway patrol

Remember that the House of Representatives can try to impeach federal officials. Is the House empowered to bring impeachment charges against the following officials? Write Yes or No in each of the blanks.

7. ________ a federal judge
8. ________ the president
9. ________ a state senator
10. ________ the mayor of Washington, D.C.
11. ________ a state supreme court justice
12. ________ the chief justice of the U.S. Supreme Court
13. ________ a local congressman or congresswoman

14. Do you think the special powers of the Senate or those of the House of Representatives are more important? Explain your answer. ____________________________

_____________________________
LG 10- Article 1: Legislative Branch (Congress)

- Roles, Powers, and Qualifications to be elected to Congress
  - Senate (Upper House)

- 17th Amendment

- House of Representatives (Lower House)
LG 10-  

**Article 1: Legislative Branch (Congress)**

- Congressional Committee
The Powers of the President

The powers of the president can be grouped into categories. Diplomatic powers deal with the relations between countries. Military powers relate to the control of the U.S. armed forces. Legislative powers involve law-making. The judicial powers of the president allow him or her to act as a judge. Executive powers involve the carrying out of duties. Sections 2, 3, and 4 of Article II of the Constitution give the president the powers to do the following:

- serve as commander in chief of the armed forces
- make treaties
- appoint ambassadors to foreign countries
- call Congress together for special law-making sessions
- make appointments to the executive branch
- grant pardons and reprieves for federal crimes
- make appointments to the federal courts
- sign and veto bills
- carry out the laws of the United States

Fill in the information below to group the presidential powers listed above.

1. Two of the above powers fall under the category of diplomatic powers. They are
   a. __________________________________________
   b. __________________________________________

2. Name the president’s military power. __________________________________________

3. Two legislative powers of the president are
   a. __________________________________________
   b. __________________________________________

4. The president has two judicial powers. They are
   a. __________________________________________
   b. __________________________________________

5. List two executive powers of the president.
   a. __________________________________________
   b. __________________________________________

6. Most of the president's decisions require the approval of the Senate. Do you think the president's powers should be limited in this way? Why or why not? __________________________________________
   __________________________________________

Name ____________________________ Article II, Sections 2–4
The Presidency

Article II, Section 1 of the Constitution requires that the president of the United States be at least thirty-five years old. He or she must also be a natural-born citizen who has lived in the United States for at least fourteen years. The president's term in office is set at four years.

The president is actually chosen by the Electoral College. When citizens vote for a president and vice president, they are voting for the group of electors that has pledged to vote for their chosen candidate. Each state has a number of electors equal to its combined number of senators and representatives. A candidate who carries, or wins, a particular state receives all of that state's electoral votes. The candidate with the most electoral votes becomes president. Originally, the person who became vice president was the candidate with the second highest number of electoral votes. This was changed in 1804 by the Twelfth Amendment. Since that time, electors have voted separately for a president and a vice president.

On the lines provided, explain why each of the following people cannot be president of the United States.

1. Boris Strukov, a man who emigrated from the former Soviet Union to the United States in 1975

2. Christine Brown, a 30-year-old state representative from Raleigh, North Carolina

3. Jonathan Blakely, a natural-born U.S. citizen who has lived in France since he was five years old

4. What problems might arise from making the runner-up in the presidential election the vice president?
LG 10- Article II- Executive Branch- President

- Washington’s Presidency
  - 2 Terms/ 22\textsuperscript{nd} Amendment-

- State of the Union Address (speech) given to Congress each year.

- Cabinet-

- Presidential Succession/ 25\textsuperscript{th} Amendment
### 7.6 The Presidential Cabinet

The United States Cabinet is a group of presidential advisors, each of whom heads a government department. Appointed by the President and confirmed by the Senate, these men and women, known as "Secretaries," meet regularly and advise the president on special matters. Below are the current fifteen Cabinet positions, listed in order of their succession to the presidency. Choose the phrase at the right that best defines each position and write the corresponding number next to it.

<table>
<thead>
<tr>
<th>Position</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Secretary of State</td>
<td>Oversees U.S. armed forces</td>
</tr>
<tr>
<td>2. Secretary of the Treasury</td>
<td>Oversees federal moneys and economic policy</td>
</tr>
<tr>
<td>3. Secretary of Defense</td>
<td>Oversees work force issues</td>
</tr>
<tr>
<td>4. Attorney General</td>
<td>Oversees social programs</td>
</tr>
<tr>
<td>5. Secretary of the Interior</td>
<td>Oversees foreign affairs</td>
</tr>
<tr>
<td>6. Secretary of Agriculture</td>
<td>Oversees farming matters</td>
</tr>
<tr>
<td>7. Secretary of Commerce</td>
<td>Oversees public lands</td>
</tr>
<tr>
<td>8. Secretary of Labor</td>
<td>Oversees the Department of Justice and all legal matters</td>
</tr>
<tr>
<td>9. Secretary of Health/Human Services</td>
<td>Oversees trade relations and business issues</td>
</tr>
<tr>
<td>10. Secretary of Housing and Urban Development</td>
<td>Oversees energy resources</td>
</tr>
<tr>
<td>11. Secretary of Transportation</td>
<td>Oversees aviation, highways, railroads</td>
</tr>
<tr>
<td>12. Secretary of Energy</td>
<td>Oversees public housing</td>
</tr>
<tr>
<td>13. Secretary of Education</td>
<td>Oversees educational programs</td>
</tr>
<tr>
<td>14. Secretary of Veterans Affairs</td>
<td>Oversees environmental issues</td>
</tr>
<tr>
<td>15. Secretary of the Environment</td>
<td>Oversees veterans’ programs</td>
</tr>
</tbody>
</table>

Department of Homeland Security:
LG 10- Article II- Executive Branch- President

- Electing the President  Text p. 276
  - Electoral College:

  - 12th Amendment:

  - 23rd Amendment:

  - 2000 Election Bush v. Gore- Text 955-956
Creating the Courts: Article III

Here come the judges! Article III creates the judicial branch. The judicial branch interprets laws to decide what they mean and whether they have been followed in specific cases.

Article III creates the Supreme Court and authorizes Congress to create federal courts below the Supreme Court. These are courts that deal with United States laws, not state laws. Article III also gives directions about what kinds of cases the Supreme Court and federal courts can hear. Under Article III, federal judges are appointed, not elected. They stay on the bench until they retire, die, or are removed for bad behavior. Article III also guarantees trial by jury for criminal cases and explains the crime of treason.

- Marbury v. Madison

- Structure of the Judicial Branch
The Judicial Branch

The federal judicial branch consists of the Supreme Court and the lower courts established by Congress. Federal judges are appointed by the president with the Senate’s consent, and they hold office for life. They may be removed only through impeachment.

Article III, Section 1 of the Constitution deals with judicial power in the United States. The Supreme Court was the only court established by the Constitution. The Founding Fathers gave Congress the power to create lower courts as it saw fit. The first district courts were set up in 1789. Today there are about ninety-five district courts. There are also twelve U.S. courts of appeals and a number of lesser courts.

Write the letter of the correct answer in each of the following blanks.

1. ____ Federal judges hold office for
   a. 5 years                  b. 6 years
   c. life

2. ____ Federal judges are
   a. elected by the voters    b. appointed by the president
   c. chosen by the U.S. Senate

3. ____ Which of the following courts did the Constitution establish?
   a. the Supreme Court        b. the U.S. district courts
   c. the courts of appeals

4. ____ Federal judges may only be removed from office
   a. by the president         b. through the process of impeachment
   c. by a vote of Congress

5. Describe an advantage of having federal judges appointed rather than elected.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

6. Explain an argument in favor of electing federal judges.

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
The Jurisdiction of the Federal Courts

The federal courts obtain their authority from the Constitution and federal laws. Some federal courts have only original jurisdiction. A court that has original jurisdiction hears cases that have not yet been heard by other courts. Some courts have only appellate jurisdiction. They consider and rule on decisions made by lower courts. They do not try cases.

The United States Supreme Court has both original and appellate jurisdiction. It has original jurisdiction in two kinds of cases: those involving ambassadors and other foreign service officials, and those in which a state is a party. It has appellate jurisdiction with regard to cases coming from lower courts.

Most cases involving federal law start in the district courts. There are roughly ninety-five district courts in the U.S. and its possessions. District courts are the only federal courts that use juries. They hear most cases concerned with the violation of a federal law or with disputes between citizens of different states.

U.S. courts of appeals have no original jurisdiction. They only hear cases brought to them for review from the district courts.

Decide if the statements below are true or false. Write T or F in each blank.

1. ____ The Supreme Court has only appellate jurisdiction.

2. ____ If Butch Johnson is arrested for counterfeiting (a federal offense), his case would be tried in a local court.

3. ____ U.S. district courts are the only federal courts to use juries.

4. ____ U.S. courts of appeals have no original jurisdiction.

5. ____ Cases involving ambassadors are tried in U.S. district courts.

6. ____ Each state has at least one U.S. district court.

7. ____ A defendant who is not satisfied with the decision of a district court can ask a court of appeals to review his or her case.

8. ____ Appellate courts do not try cases.

9. ____ All cases involving federal laws are tried in the Supreme Court.

10. ____ All federal courts have appellate jurisdiction of some kind.
LG 10- Checks and Balances.

- Create a thinking map of your choice showing how the three branches of Federal Government Check and Balance each other’s power—American History Text p. 281
6.2 Check, Please!

In their desire to ensure that no one branch of the United States government could exceed the power and authority of another, the drafters of the Constitution established a complex system of "checks and balances." This arrangement calls for each of the three branches—legislative, executive, and judicial—to carry out its own responsibilities while at the same time holding a degree of influence over each other's power. For example, while a member of the Supreme Court can remain in office for life, it is the President who has the authority to nominate each Justice and Congress who must approve that nomination. Thus, "checks and balances" encourages cooperation within our government while providing for a fair distribution of power.

Using a check mark, identify which of the following legislative, executive, and judicial actions can be considered "checks" against the unlimited power of another government branch.

___  1. Congress can pass federal legislation
___  2. President can veto federal bills
___  3. Supreme Court can declare new laws unconstitutional
___  4. President can appoint federal judges
___  5. Senate can refuse to confirm presidential appointments
___  6. Congress can impeach federal judges
___  7. President can make foreign treaties
___  8. Congress can override a presidential veto
___  9. President can approve or veto federal bills
___ 10. Supreme Court interprets the law
___ 11. Congress can propose constitutional amendments to overturn judicial decisions
___ 12. Congress can declare executive acts unconstitutional
6.3 Checks and Balances

Answer these questions about our system of checks and balances. Refer to the diagram below.

1. What checks does the President have over Congress? ________________________________
   ________________________________
   ________________________________

2. How can Congress limit the President's power? ________________________________
   ________________________________
   ________________________________

3. How can the courts influence Congress and the President? ________________________________
   ________________________________
   ________________________________

LEGISLATIVE  → EXECUTIVE

- passes laws
- can override veto
- must approve treaties
- must approve appointments
- can impeach President and judges
- approves judges

JUDICIAL

- can rule that a law is unconstitutional
- can say Presidential action is unconstitutional

- can veto laws
- makes treaties
- appoints officials
- appoints judges
LG 10  How a bill becomes a law

- Create a flow map showing the process of how a bill becomes a law. Text Page 271
LG 11- Bill of Rights-

Create a brace map to summarize the information you read about the first ten amendments to the Constitution (Bill of Rights).
American History Text pages 286-288
LG 11- Supreme Court Case; Miranda v. AZ and Gideon v. Wainwright

- Miranda v. Arizona

- Gideon v. Wainwright
3 Branches of AZ state government

- Executive (Governor)
- Legislative (State Legislature)
- Judicial (State Supreme Court)
LG 12 **Local Government**

- County

- City/ Town

- Tribal
LG 12  How a Bill Becomes a Law in the State Government

Create a flow map showing the process of how a bill becomes a law in AZ.

Explain how each of these is an example of direct democracy?

- Initiative

- Referendum

- Recall
Additional Notes: