

Principles of the US Constitution

Overview

Students will receive an introduction/overview of the US Constitution through reading, an optional Power Point presentation and class discussion. Focusing on the underlying principles of the US Constitution, students will create public service announcements on the Constitution, its relevance, and the principle assigned to their group. In presenting their PSAs to classmates, students will review and learn additional details regarding how the US Constitution defines the framework and organization of our national government.

Grade

8

North Carolina Essential Standards (to be implemented in the 2012-2013 school year)

- 8.H.1.1 - Construct charts, graphs, and historical narratives to explain particular events or issues.
- 8.H.1.2 - Summarize the literal meaning of historical documents in order to establish context.
- 8.C&G.1.1 - Summarize democratic ideals expressed in local, state, and national government (e.g. limited government, popular sovereignty, separation of powers, republicanism, federalism and individual rights).
- 8.C&G.1.2 - Evaluate the degree to which democratic ideals are evident in historical documents from North Carolina and the United States (e.g. the Mecklenburg Resolves, the Halifax Resolves, the Declaration of Independence, the Articles of Confederation, the Bill of Rights and the principles outlined in the US Constitution and North Carolina Constitutions of 1776, 1868 and 1971).

Essential Questions

- What is the primary purpose of the United States Constitution?
- What are the major principles in the US Constitution?
- Why is the amendment process for the Constitution important?
- How does the US Constitution organize and serve as a framework for the government?

Materials

- Clip from Andy Griffith Show-Barney Fife reciting the Preamble; available at <http://www.youtube.com/watch?v=oBuPQgV8yBM>
 - If your school blocks YouTube, download the clip from home prior to class
- An Introduction to the US Constitution, article attached; also available at http://cqpress.com/incontext/constitution/docs/intro_us_constitution.html (Source Link does not work)
 - As an alternative time saver, this article can be assigned for a homework reading prior to this lesson.
- Constituion 101 Power Point (optional introduction/overview of Constitution); available in the Database of K-12 Resources in PDF format
 - To view this PDF as a projectable presentation, save the file, click "View" in the top menu bar of the file, and select "Full Screen Mode"
 - To request an editable PPT version of this presentation, send a request to CarolinaK12@unc.edu
- Create a Public Service Announcement on a Principle of the US Constitution, assignment sheet attached
- Underlying Principals of the Constitution handouts, attached (cut into six sections)
 - Teachers may also want to allow studnets to do furhter research on their principle via textbooks, Internet, etc.
- Constitutional Principles – PSA Evaluation Sheet, attached

Duration

- 90+ minutes
- Time will vary based on length of student PSA presentations; time can be split between two class periods if desired

Procedure

“When You Learn Something, You Learn It”

1. Begin class by showing students the 3 minute clip of the Andy Griffith Show, where character Barney Fife attempts to recite the Preamble to the Constitution. (The clip can be found at <http://www.youtube.com/watch?v=oBuPQgV8yBM>. Since most schools block YouTube, teachers should download the clip prior to the lesson.) After viewing the clip, open class with a discussion:
 - How would you characterize Barney and why? Would you classify him as being educated in regards to the Constitution? Why or why not?
 - Did any of you have to learn the Preamble in elementary or middle school? Why do you think your teachers, or Barney’s teacher, had students do this?
 - The clip ended with Barney saying, “When you learn something, you learn it.” Had he “learned something?” Even if he had been able to recite the Preamble word for word, would that necessarily mean that he understood its importance, or that of the Constitution? Explain.
2. Discuss with students how the Constitution of the United States of America is important to each of us. But more important than memorizing various pieces for recitation, it is most important to understand how this document serves as a framework for our nation’s government and is relevant to each of our lives. Tell students that to ensure none of them become “Barneys,” today’s lesson will be focused on learning about the Constitution.

Introduction to the Constitution

3. Write the word constitution on the board or on chart paper and ask students to share their understanding of the word. Note student thoughts on the board or paper then further discuss:
 - “Constitutions, including that of the United States, are a special kind of law that set down basic rules for governments and the people who run them. A constitution grants powers—some of them explicitly spelled out and others implied or assumed—to public officials. A constitution also prohibits officials from conduct or actions that are considered harmful to citizens of a nation or a state. In addition, a constitution distributes powers between different parts of a government, often so that one part is not more powerful than any other. People who live in a nation or state with a constitution, whether they are citizens going about their daily business or individuals who choose to help run the government, live under what is called constitutional government.

A constitution, then, is a set of laws that people accept as fundamental and basic to the structure and operation of their government. The most successful constitutions are not long or overly detailed; rather, they set out the broad powers (and limitations on power) of public officials and leave the details to elected persons to complete. And because they are accepted as basic and long-lasting, the best constitutions are seldom changed and then only for the most convincing reasons.

It might seem, as a result, that writing the Constitution of the United States would have been a fairly easy job. In fact, it was anything but easy. It was done by fifty-five men (no women participated) who met in Philadelphia in May 1787 to solve some problems experienced by the new nation that had emerged after winning its independence from Great Britain. In fact, the Philadelphia gathering, known as the Constitutional Convention, started with the modest goal of just “fixing” the existing form of government.” (Source: http://cqpress.com/incontext/constitution/docs/evolving_constitution.html (source link not working))

4. Options for further providing an overview to the Constitution:
 - Use the Carolina K-12's "Constitution 101 Power Point," available in the Database of Civic Resources, as a quick review/overview of the Constitution.
 - Provide students with a copy of the attached article, "An Introduction to the US Constitution." Either in partners or individually, instruct students to read the article and answer the questions that follow. The article provides a good overview of the Constitution and the circumstances under which it was written. Once students have finished, discuss the article and the questions as a class. (As an alternative time saver, assign the article for a homework reading prior to this lesson and discuss the correct answers to the questions at this point in the lesson.)

Create a PSA on the Principles of the Constitution

5. Focus students on the fact that the Constitution is framed around major principles by which our government is to operate. Briefly introduce (or review) the following concepts to students:
 - Popular sovereignty
 - Separation of powers
 - Checks and balances
 - Federalism
 - Judicial review
 - Limited government
6. Tell students that they are going to be exploring these principles closely in a group activity. Divide students into six groups, assigning each group one of the above six concepts and provide them with the corresponding reading on that principle (attached.) Hand out the attached PSA instructions and tell students to imagine that they are no longer high school students; rather they are very talented executives in the TV and advertising industry. Explain that the State Department of Public Instruction has found that elementary and middle school students are scoring poorly on questions regarding the Constitution when taking their End of Course tests. They have partnered with WUNC-TV to create and air Public Service Announcements that will educate young citizens about the US Constitution, its principles, and its relevance to every citizen young and old. Six PSA's will be produced and aired – and each of their groups has been hired to produce one of the PSAs. Tell students it is their job to ensure our state's elementary and middle school students aren't ending up like Barney Fife!
7. Go over the attached assignment in detail, allow students to ask questions, and let them know how much time they will have to create and practice their PSAs. (At least 20 minutes is recommended. Teachers may also choose to have students present the following day so that they can bring costume and prop pieces from home.) Review group work expectations and allow students to get started.
8. Once students are ready to present, hand out the attached PSA Evaluation worksheet. Instruct students to fill out the sheet while viewing each performance. Review respectful audience member expectations and allow groups to volunteer to perform. After each infomercial, encourage students to clap loudly and offer feedback:
 - What did you like and/or learn from that PSA?
 - What key ideas and themes did this group point out? Explain what you learned about the Constitutional principle their PSA focused on.
 - Do you have any questions for this group?
9. Make sure that students gain an accurate understanding of each principle throughout the discussion and further their understanding of the importance of the Constitution throughout.
10. After all presentations, close with a culminating discussion:

- What do you think is most important about the US Constitution? How might our country be different without it?
- Imagine you have been tasked with teaching at least one person or group about the US Constitution. Who would you teach and why?
- How would you characterize the citizens that drafted the Constitution?
- How do you think citizen involvement in politics and government today compares to citizen involvement during the 1780s? Explain.
- How did the Constitution affect the formation of our nation?

Additional Activities

- As a review activity, divide students into six groups. Give each group a stack of note cards with the one of the following vocabulary words written on each: popular sovereignty; federalism; separation of powers; checks and balances; limited government; and judicial review.

As a group competition, tell groups that you will call out and project a statement that they will have 20 seconds to discuss. During the discussion, each group must figure out what principle of the Constitution is being illustrated by the statement. When time is called, one assigned group member must hold up the card that indicates the correct principle. Teachers will give each group holding the correct card up a point; at the end of the game, teachers may want to offer the group with the most points a prize.

Example statements:

- Neither a state nor the national government may prevent people from expressing their opinions.
- Most criminal laws are passed by the states.
- The president is elected every four years.
- The Senate confirms presidential appointments.
- The national government provides the rules for bankruptcy.
- The Supreme Court has no executive power to carry out its rulings.
- Freedom of religion is guaranteed by the First Amendment.
- The national government prints our money.
- The president signs or vetoes bills passed by Congress.
- You may leave the country to visit relatives in Asia

Teachers can also expand the concepts reviewed by making cards with alternate vocabulary (i.e. executive branch, judicial branch, etc.)

- Project that attached piece of art, which denotes the Preamble to the Constitution in license plate tags, one from each of the 50 states. Without telling students anything about the image, discuss:
 - What do you see here?
 - Why do you think the artist created this work? What message is he trying to convey?
 - Why do you think the artist chose this medium of license plates? What do you notice about the license plates? (Discuss that there are 50 plates, one from each of the states, and discuss why students think the artist made this choice.)

Have students create their own piece of art based on the Preamble, the entire Constitution, or a particular Constitutional principle or theme.

An Introduction to the U.S. Constitution

LEE EPSTEIN & THOMAS J. WALKER, *An Introduction to the U.S. Constitution*, in *CONSTITUTIONAL LAW FOR A CHANGING AMERICA: INSTITUTIONAL POWERS AND CONSTRAINTS (2001)*, available in CQ ELECTRONIC LIBRARY, [CQ Supreme Court Collection](#)

According to President Franklin Roosevelt, “Like the Bible, it ought to be read again and again.” Sen. Henry Clay said it “was made not merely for the generation that then existed, but for posterity—unlimited, undefined, endless, perpetual posterity.” Justice Hugo Black carried one with him virtually all the time. The object of all this admiration? The U.S. Constitution. To be sure, the Constitution has its flaws and its share of detractors, but most Americans take great pride in their charter. And why not? It is, after all, the world's oldest written constitution.

The Road to the U.S. Constitution

While the fledgling United States was fighting for its independence from England, it was being run (and the war conducted) by the **Continental Congress**. Although this body had no formal authority, it met in session from 1774 through the end of the war in 1781, establishing itself as a “**de facto**” government. But it may have been something more than that. About a year into the **Revolutionary War**, Congress took steps toward **nationhood**. On July 2, 1776, it passed a **resolution** declaring the “United Colonies free and independent states.” Two days later, on July 4, it formalized this proclamation in the **Declaration of Independence**, in which the nation's Founders used the term **United States of America** for the first time. But even before the adoption of the Declaration of Independence, the Continental Congress had selected a group of **delegates** to make recommendations for the formation of a **national government**. Composed of **representatives** of each of the thirteen colonies, this committee labored for several months to produce a proposal for a **national charter**, the **Articles of Confederation**. Congress passed the proposal and submitted it to the states for **ratification** in November 1777. Ratification was achieved in March 1781, when Maryland—a two-year holdout—gave its approval.

Despite being the nation's first written charter, the Articles of Confederation changed the way the government operated very little: the articles merely **institutionalized** practices that had developed prior to 1774. For example, rather than provide for a compact between the people and the government, the 1781 charter institutionalized “a league of friendship” among the states, one that rested on strong notions of state **sovereignty**. This is not to suggest that the charter failed to provide for a central government. The articles created a national governing apparatus, however simple and weak. There was a **one-house legislature** but no formal **federal executive** or **judiciary**. And although the legislature had some power, most notably in the area of foreign affairs, it derived its authority from the states that had created it, not the people.

The condition of the United States under the Articles of Confederation was not entirely satisfactory. Analysts have pointed out weaknesses of the Articles of Confederation, including the following:

- Because it allowed Congress only to **requisition** funds and not to tax, the federal government was virtually broke. Between 1781 and 1783 the national legislature requested \$10 million from the states and received only \$1.5 million. Given the **foreign debts** the United States had accumulated during the war, this problem was particularly troublesome.
- Because Congress lacked any concrete way to regulate foreign **commerce**, treaties between the United States and other countries were of limited value. Some European nations (for example, England and Spain) took advantage by imposing restrictions on trade that made it difficult for America to **export** goods.
- Because the government lacked coercive power over the states, mutual cooperation among them quickly dissipated. They engaged in trading practices that hurt one another economically. In short, the states acted more like thirteen separate countries than a **union** or even a **confederation**.
- Because the exercise of most national authority required the approval of nine states and the passage of **amendments** required **unanimity**, the articles made the work of Congress difficult. Indeed, given the

divisions among the states at the time, the approval of nine states for any action of substance was rare, and the required unanimity for amendment was never obtained.

Nevertheless, the government accomplished many notable objectives during the years the Articles of Confederation were in effect: it brought the Revolutionary War to a successful end and paved the way for the 1783 **Treaty of Paris**, which helped make the United States a presence on the international scene. Moreover, the charter served an important purpose. It prevented the states from going their separate ways until a better system could be put into place.

Still, the articles' shortcomings were becoming more and more apparent. By the mid-1780s, several **dissidents**, including **James Madison** of Virginia and **Alexander Hamilton** of New York, had held a series of meetings to arouse interest in revising the system of government. At one, held in Annapolis in September 1786, they urged the states to send delegations to another meeting scheduled for the following May in Philadelphia. Their plea could not have come at a more opportune time. Just the month before, in August 1786, a former Revolutionary War captain, **Daniel Shays**, had led disgruntled farmers in an armed **rebellion** in Massachusetts. They were protesting the poor state of the economy, particularly as it affected farmers.

Shays's Rebellion was suppressed by state forces, but it was seen as yet another sign that the Articles of Confederation needed amending. In February 1787 Congress issued a call for a convention to reevaluate the current national system. It was clear, however, that Congress did not want a new charter; in fact, it stated that the delegates were to meet “for the sole and express purpose of revising the Articles of Confederation.”

Despite these words, the fifty-five delegates who gathered in Philadelphia quickly realized that they would be doing more than “revising” the articles: they would be framing a new charter. We can attribute this change in purpose, at least in part, to the **Virginia delegation**. When the Virginians arrived in Philadelphia on May 14, the day the convention was supposed to start, only they and the Pennsylvania delegation were there. Although lacking a **quorum**, the Virginia contingent used the eleven-day delay to its advantage, crafting a series of proposals. The Virginians called for a wholly new government structure, composed of a strong **three-branch national government** empowered to lead the nation.

Known as the **Virginia Plan**, these proposals were formally introduced to the delegates May 29, just four days after the convention began. And, although it was the target of a **counterproposal** submitted by the New Jersey delegation, the Virginia Plan set the tone for the convention. It served as the basis for many of the ensuing debates and, as we shall see, for the Constitution itself.

The delegates had much to accomplish during the convention period. Arguments between large states and small states over the structure of the new government and its relationship to the states threatened to deadlock the meeting. Indeed, it is almost a miracle that the delegates were able to frame a new constitution, which they did in just four months. One can speculate that the Founders succeeded in part because they were able to close their meetings to the public, a feat almost inconceivable today. A contemporary convention of the states would be a media circus. Moreover, it is hard to imagine that delegates from fifty states could agree even to frame a new charter, much less do it in four months.

The difficulties facing such an enterprise bring up an important issue. A modern constitutional convention would be hard pressed to reach consensus because the delegates would bring with them diverse interests and aims. What about back in 1787? Who were the Framers and what were their motives? If, as had been recorded, they were such a fractious bunch, how could they have reached accord so rapidly?

These questions have been the subject of lively debates among scholars. Many agree with historian Melvin I. Urofsky, who wrote of the Constitutional Convention, “Few gatherings in the history of this or any other country could boast such a concentration of talent.” And, “despite [the Framers'] average age of forty-two

[they] had extensive experience in government and were fully conversant with political theories of the Enlightenment.”

The Framers were, to be sure, an impressive group. Thirty-three had served in the Revolutionary War, forty-two had attended the Continental Congress, and two had signed the Declaration of Independence; two would go on to serve as U.S. presidents, sixteen as governors, and two as chief justices of the United States.

Still, there are those who would take issue with Urofsky's statement. Because the Framers were a relatively **homogeneous** lot—all white men, many of whom had been educated at the country's best schools—some suggest that the document they produced was biased in various ways. For example, in 1987 Justice Thurgood Marshall said that the Constitution was “defective from the start,” that its first words—“We the People”—excluded “the majority of American citizens,” because it left out blacks and women. He further alleged that the Framers “could not have imagined, nor would they have accepted, that the document they were drafting would one day be construed by a **Supreme Court** to which had been appointed a woman and the descendent of an African slave.” Along the same lines is the point of view expressed by historian Charles Beard in his controversial work, *An Economic Interpretation of the Constitution of the United States*, which depicts the Framers as self-serving. Beard says the Constitution was an “economic document” devised to protect the “property interests” of those who wrote it. By today's standards it is impossible to deny that the original Constitution was a racist and sexist document or that the Framers wrote it in a way that benefited their class.

Given these charges, how has the Constitution survived for so long, particularly as the U.S. population has become increasingly **heterogeneous**? The answer lies in part with the Supreme Court, which generally has analyzed the document in light of its contemporary context. That is, some justices have viewed the Constitution as a **living document** and have sought to adapt it to the times. In addition, the Founders provided for an **amending process** to keep the document alive. That we can alter the Constitution to fit changing needs and expectations is obviously important. For example, the original document held a **slave** to be three-fifths of a person for the purposes of representation, and a slave had no rights of citizenship at all. In the aftermath of the Civil War, the country recognized the outrageousness of such a provision and added three amendments to alter the status of blacks and provide full **equality** under law.

This is not to suggest that controversies surrounding the Constitution no longer exist. To the contrary, charges abound that the document has retained an **elitist** or otherwise **biased** flavor. Some argue that the amending process is too cumbersome, that it is too slanted toward the will of the majority. Others point to the Supreme Court as the culprit, asserting that its interpretation of the document—particularly at certain points in history—has reinforced the biases of the Framers.

Source: <http://www.cqpress.com/gethome.asp> (source link not working)

Please answer on notebook paper:

1. Why do you think President Roosevelt said that the Constitution “...ought to be read again and again?”
2. Summarize the important steps taken by the Continental Congress from 1774-1781. Of these steps, which do you think was most important and why?
3. Summarize the problems with the nation’s first written charter, the Articles of Confederation. If you were a colonist living during the 1780s, which problem would have been of most concern to you and why?
4. In what way did Shays’s Rebellion highlight the problems with the Articles of Confederation?
5. Even with the problems with the Articles of Confederation, what accomplishments did the new government still make?
6. Explain how the Virginia delegation influenced the revision of the Article of Confederation so that it resulted in a new charter, the Constitution.

7. Based upon the opinions presented in the article, what do you think enabled the Framers to succeed in creating and agreeing upon a new Constitution?
8. The article poses the question, "How has the Constitution survived for so long, particularly as the US population has become increasingly heterogeneous." What answer does the reading provide? Do you agree or disagree and why?
9. Why is the amendment process for the Constitution important?

Create a Public Service Announcement on a Principle of the US Constitution

The State Department of Public Instruction has found that elementary and middle school students are scoring poorly on questions regarding the Constitution when taking their End of Course tests. They have partnered with WUNC-TV to create and air Public Service Announcements that will educate young citizens about the US Constitution, its principles, and its relevance to every citizen young and old. Six PSA's will be produced and aired – each of your groups has been hired to produce a PSA.

As a group, read and discuss the Constitutional principle assigned to your group then:

- As a group, discuss what you feel is most important about the Constitution. What are the key ideas and themes? Why are these ideas and themes important? Why should young people care and make sure they educate themselves about the Constitution?
- How can you explain the Constitutional principle assigned to your group in a clear and creative way? How can you ensure young people understand the principle and why it is important?
- Finally, brainstorm your PSA. Remember, it must educate youth about the Constitution and your assigned principle, convince them why they should care about the Constitution and your assigned principle, and grab their attention.
- Your final PSA...
 - Must be at least 2 minutes in length when aired on television
 - Should contain an overview of the Constitution (what it is and why it is important)
 - Must discuss the key principle of the Constitution assigned to your group in detail
 - Should convince young people to care about the Constitution and this principle (Why is it relevant to every citizen, young and old?)
 - Should be creative! (While the facts shared must be accurate and educational, make it interesting! Feel free to use props, costumes, music, etc.)
 - Will be performed in front of the class, with all group members taking active, committed roles in the presentation

Your assigned Constitutional principle is: _____

Underlying Principles of the Constitution

Popular Sovereignty-

Popular sovereignty is the belief that the power of the government is granted by the consent of its people, who are the source of all political power. It is closely associated with the social contract philosophers, among whom are Thomas Hobbes, John Locke, and Jean-Jacques Rousseau. Popular sovereignty expresses a concept well summed up by Benjamin Franklin when he wrote, "In free governments the rulers are the servants and the people their superiors and sovereigns."

The United States Constitution is based on the concept of popular sovereignty, with references to the concept of power lying with the people throughout its articles. For example, the first three words of the Constitution—"We, the people"—imply popular sovereignty. Article 1 creates the legislative branch and requires that representatives to Congress are elected by the people that are being represented. Article 5 of the Constitution provides for ways to amend the Constitution. Amendments are made through elected representatives of the people, another form of popular sovereignty. Article 7 of the Constitution requires that nine states (the people of those states via the ballot box and representatives) approve/ratify the new Constitution before it goes into effect. Thus, the concept of popular sovereignty is a fundamental principle in the US Constitution.

Separation of Powers-

One of the fundamental weaknesses of the Articles of Confederation was its failure to establish a strong federal government. It created a national legislature, but that body had few powers that were very limited. The new Constitution overcame this deficiency by creating a national government with three branches—the **legislature**, the **executive**, and the **judiciary**—and by providing each with significant power and authority within its sphere. This **separation of powers** remains a fundamental constitutional principle. Articles I through III of the Constitution of the United States place each of the following basic powers of government in a separate branch: Article I vests **legislative** power in Congress; Article II vests the **executive** power in the president, and Article III vests the **judicial** power in the Supreme Court and other federal courts.

An important aspect of the separation of powers is that the power of one branch should not be exercised by anyone who also holds a position in another branch. Under Article I, Section 6, no one elected to Congress may simultaneously serve as a member of the executive branch. In other words, a lawmaker may not also administer the laws. Another important feature of the separation of powers in the United States is judicial review. The courts, not Congress or the president, say what the law means when a case is before them. In appropriate cases, the courts may even strike down a law enacted by Congress, or order the executive branch to halt enforcement of a law or government policy, if they determine that the law or policy conflicts with the Constitution.

But the three branches are not completely sealed off from each other. For example, the president shares the lawmaking power with Congress because the president can veto any law, although Congress may then override the veto with a two-thirds vote in each house. The major exceptions to separation of powers are federal regulatory agencies, such as the Securities and Exchange Commission, which can write regulations, bring lawsuits, and decide certain kinds of cases. The president's power to issue executive orders in some areas is another major exception to the separation of powers because the orders do not need congressional consent, and they have the same effect as laws.

Thus, the Framers not only endowed each branch with distinct power, but also provided explicit checks on the exercise of those powers such that each branch can impose limits on the primary functions of the others. The Framers also made the institutions responsible to different sets of constituencies. They took these steps—creating an intricate system of **checks and balances**—because they feared the concentration of powers in a single branch.

Judicial Review-

Judicial review refers to the power of courts to review statutes and governmental actions to determine whether they conform to rules and principles laid down in the Constitution. Judicial review is based on the idea that a constitution—which dictates the nature, functions, and limits of a government—is the supreme law. Consequently, any actions by a government that violate the principles of its constitution are invalid.

In the United States the most important exercise of judicial review is by the **Supreme Court**. The Court has used its power to invalidate hundreds of federal, state, and local laws that it found to conflict with the Constitution of the United States. The Supreme Court also has used judicial review to order federal, state, and local officials to refrain from behaving unconstitutionally. However, the power of judicial review does not belong exclusively to the Supreme Court. In appropriate cases every court in the United States may strike down laws that violate the Constitution. State courts have the power to review state government actions for compatibility with both state constitutions and the federal Constitution.

The power of judicial review is essential to the political system of **checks and balances** established by the U.S. Constitution, adopted in 1789. The United States would have a vastly different political system if the courts did not possess the power of judicial review. Without judicial oversight of government actions, the legislative branch would be legally supreme, and the fundamental protections included in the Constitution, such as freedom of speech, would be ineffective. The inclusion of fundamental rights in the Constitution, combined with the power of judicial review, serves to protect the minority from laws created by a slim majority because a supermajority (two-thirds of each house of Congress plus ratification by three-fourths of the states) is required to modify the Constitution.

Limited Government-

Our Constitution sets forth the concept of a **limited government**, meaning that our government is not “all powerful” and should have minimal intervention in personal liberties and the economy. Thomas Jefferson spoke of the importance of limited government: “With all these blessings, what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow citizens—a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned.”

The U.S. Constitution limits the power of the federal government in several ways. It prohibits the government from directly interfering with certain key areas: conscience, expression and association. Other actions are forbidden to the federal government and are reserved to state or local governments. Specifically, the Ninth and Tenth Amendments to the US Constitution clarify the differences between the written (as well as unwritten) rights of the people versus the expressly delegated powers of the federal government. The Ninth Amendment codified that the rights of the people do not have to be expressly written in the Constitution (i.e., do not have to be enumerated) to still be retained by the people. In the reverse, though, the Tenth Amendment codified that any delegated powers of the federal government are only authorized if specifically noted by the U.S. Constitution.

- **Amendment IX**
The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.
- **Amendment X**
The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Checks and Balances-

Checks and Balances is the practice of dispersing political power and creating mutual accountability among political entities such as the courts, the president, the legislature, and the citizens. The diffusion of power and the mutual accountability are designed to prevent any single group or individual from dominating the political system. The US Constitution ensures checks and balances by having a separation of powers—that is, an allocation of different political and legal functions to separate and independent branches of the government (executive, legislative, & judicial).

A basic feature of the United States government, the mechanism of checks can be seen through five basic institutional features of the system.

The first check comes from the fact that different branches of the government have overlapping authority, so each branch can act as a limit on the other. For example, the president can veto an act of Congress. A two-thirds majority in Congress can then override the president's veto. The president appoints major federal officials, but only if the Senate by majority vote agrees. The president administers the affairs of the federal government, but Congress controls the federal budget. Congress enacts laws, but the United States courts interpret their meaning and may even strike down a particular law if it violates the Constitution. However, Congress may propose amendments to the Constitution to overturn a court's rulings; these amendments must then be ratified by the states. In addition, court decisions can be overruled by higher courts and, later, by judges who might choose to reconsider the issues. Furthermore, the president appoints the judges, subject to the Senate's approval. However, federal judges have lifetime appointments, so the next president and Congress cannot simply remove them from office. But if the judges (or certain other officials, including the president) commit crimes, Congress may impeach them and then remove them from office.

A second check comes from the division of power within the legislative branch. Each house of Congress provides a check against the other, because both must agree on the exact wording in a bill in order to pass it into law. This check forces legislators to consider issues and constituencies that do not affect them directly.

Third, Congress can regulate many local and state activities, especially when there are conflicts between one state and another. But Congress has limited powers and is made up of representatives elected from the states, so the states in turn have a check on national affairs.

The fourth check is on the power of lawmakers themselves. They are accountable to the people through elections; their power is not based on a birthright or social status, as it is in monarchical or aristocratic political systems. In the United States system, if lawmakers take actions that are unpopular, they can be removed from office in the next election. Moreover, lawmakers are elected in different ways. A member of the House of Representatives is elected from a single district within a state, while a member of the Senate is elected by all the voters in a state. The president is elected by all the nation's voters, and this national election requires a winning candidate to address diverse constituencies. The varied methods of electing political leaders bring assorted political perspectives and interests into the government, and these can be a check on each other.

The fifth check on the government emerges from the civil liberties (see Civil Rights and Civil Liberties) protected by the Constitution, including freedom of speech, freedom of the press, and the freedoms of association and assembly. These rights ensure that if the government takes improper or unpopular actions, newspapers and other media can bring the actions to public attention. Citizens can speak out against the government and try to effect change. This check on government power is informal but spread throughout the population.

Federalism-

The U.S. Constitution establishes a government based on federalism - the sharing of power between the national, and state (and local) governments. Our power-sharing form of government is the opposite of "centralized" governments, such as those in England and France, under which national government maintains total power.

While each of the 50 states has its own constitution, all provisions of state constitutions must comply with the U.S. Constitution. For example, a state constitution cannot deny accused criminals the right to a trial by jury, as assured by the U.S. Constitution's 6th Amendment.

Under the U.S. Constitution, both the national and state governments are granted certain exclusive powers and share other powers. By spreading the powers throughout the different states the Framers of the constitution built a stronger, more effective national government while preserving certain rights of the existing states.

Exclusive Powers of the National Government	Exclusive Powers of State Governments	Powers Shared by National and State Government
<p>Under the Constitution, powers reserved to the national government include:</p> <ul style="list-style-type: none"> • Print money (bills and coins) • Declare war • Establish an army and navy • Enter into treaties with foreign governments • Regulate commerce between states and international trade • Establish post offices and issue postage • Make laws necessary to enforce the Constitution 	<p>Powers reserved to state governments include:</p> <ul style="list-style-type: none"> • Establish local governments • Issue licenses (driver, hunting, marriage, etc.) • Regulate intrastate (within the state) commerce • Conduct elections • Ratify amendments to the U.S. Constitution • Provide for public health and safety • Exercise powers neither delegated to the national government or prohibited from the states by the U.S. • Constitution (For example, setting legal drinking and smoking ages.) 	<p>Shared, or "concurrent" powers include:</p> <ul style="list-style-type: none"> • Setting up courts • Creating and collecting taxes • Building highways • Borrowing money • Making and enforcing laws • Chartering banks and corporations • Spending money for the betterment of the general welfare • Taking (condemning) private property with just compensation

Name: _____

Constitutional Principles – PSA Evaluation Sheet

Constitutional Principle	Summary of Principle	What you liked about or learned from the PSA
Popular sovereignty		
Separation of powers		
Checks and balances		
Federalism		
Judicial review		
Limited government		

