

Principles of the Constitution



“If men were angels, no government would be necessary.”

- James Madison



Knowing what you know about the Causes of the American Revolution and the principle of Separation of Powers, agree or disagree with this statement.

“I agree/disagree with the statement because...”

Limited Government



- ❧ How does the government prevent abuse of power?
- ❧ The government prevents abuse of power by prohibiting individuals from bypassing the laws in order to serve their own interests.

Republicanism



- ⌘ How are people's/citizen's voices represented in government?
- ⌘ The people's voices are represented in government through the election of representatives to create and enforce laws

Checks and Balances



- ❧ How is power distributed and balanced between branches?
- ❧ The powers of government are distributed and balanced through three branches, one for each power of government: legislative, executive, and judicial. These branches each share powers, thus checking the others.

Federalism



- ❧ How is power shared between the federal and state governments?
- ❧ Power is shared through a division of power. The federal, state, and local levels of government share some powers, but also have powers that belong just to them.

Separation of Powers



- ❧ Which branch of government has which power?
- ❧ The powers of government are separated into three branches: Legislative, Executive, and Judicial. The Legislative Branch makes the laws (legislates). The Executive Branch enforces the laws. The Judicial Branch reviews the laws.

Popular Sovereignty



- ❧ Where does the government get its power?
- ❧ The government gets its power from the people.
“We the people” from the Constitution establishes this principle.

Individual Rights



- ❧ How are individual rights protected?
- ❧ Individual Rights are those rights that the people are guaranteed; our inalienable rights. They are protected through the Bill of Rights

Limited Government

- ❧ This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.
- ❧ The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution;
 - ❧ The Supremacy Clause, Article VI

Limited Government



The State governments may be regarded as ... essential parts of the federal government... Without the intervention of the State legislatures, the President of the United States cannot be elected at all... The Senate will be elected absolutely and exclusively by the State legislatures. Even the House of Representatives, though drawn immediately from the people, will be chosen very much under the influence of that class of men, whose influence over the people obtains for themselves an election into the State legislatures. Thus, each of the principal branches of the federal government will owe its existence more or less to the favor of the State governments, and must consequently feel a dependence,

Federalist No. 45

Limited Government



<http://www.american.com/archive/2012/april/can-government-be-limited/FeaturedImage>

Limited Government



- ☞ Texas has adopted the Texas Essential Knowledge and Skills (TEKS) as its curriculum standards, while 45 states have adopted the Common Core curriculum

Republicanism



☞ The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote.

☞ 17th Amendment

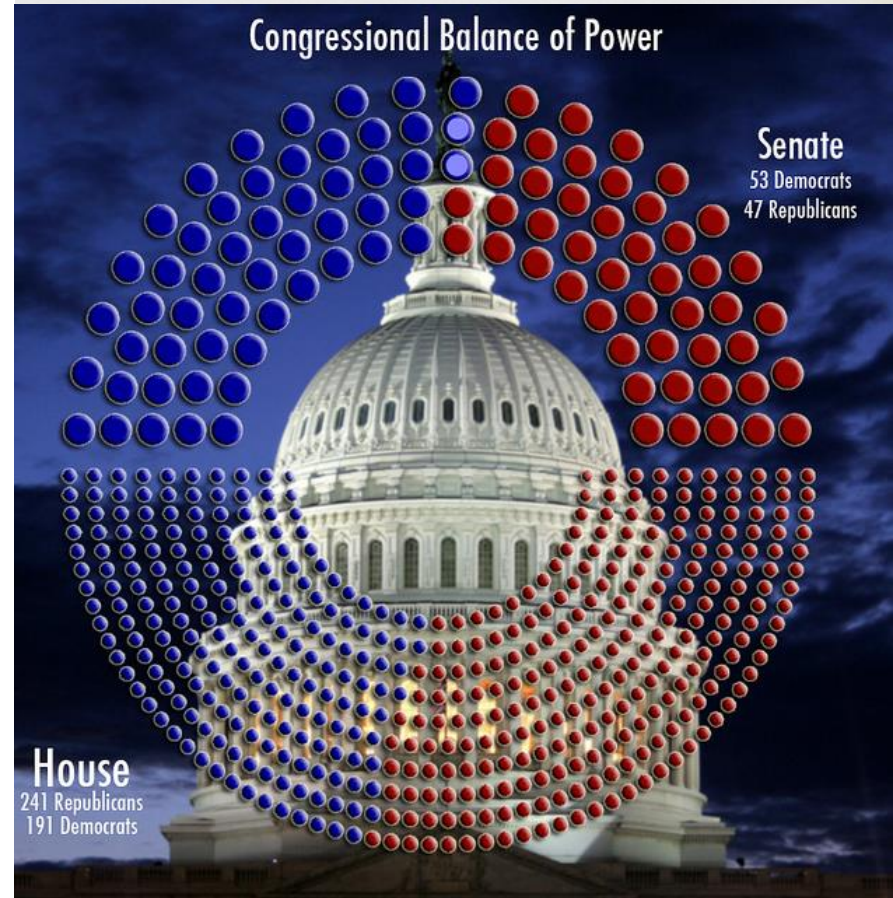
Republicanism



It is ESSENTIAL to such a government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic. It is SUFFICIENT for such a government that the persons administering it be appointed, either directly or indirectly, by the people;

✎ Federalist, No. 39

Republicanism



http://farm9.staticflickr.com/8334/8133825697_444360489f_z.jpg

Republicanism



- ✧ Every two years all members of the House of Representatives and one-third of the Senate are up for election
- ✧ Every four years, the President of the United States is up for election, as is the Governor of Texas.

Checks and Balances



☞ He [the President] shall have power, by and with the consent of the Senate, to make treaties, provided two thirds of the Senators present concur [agree with]...

☞ Article II, Section 2, Clause 2

Checks and Balances



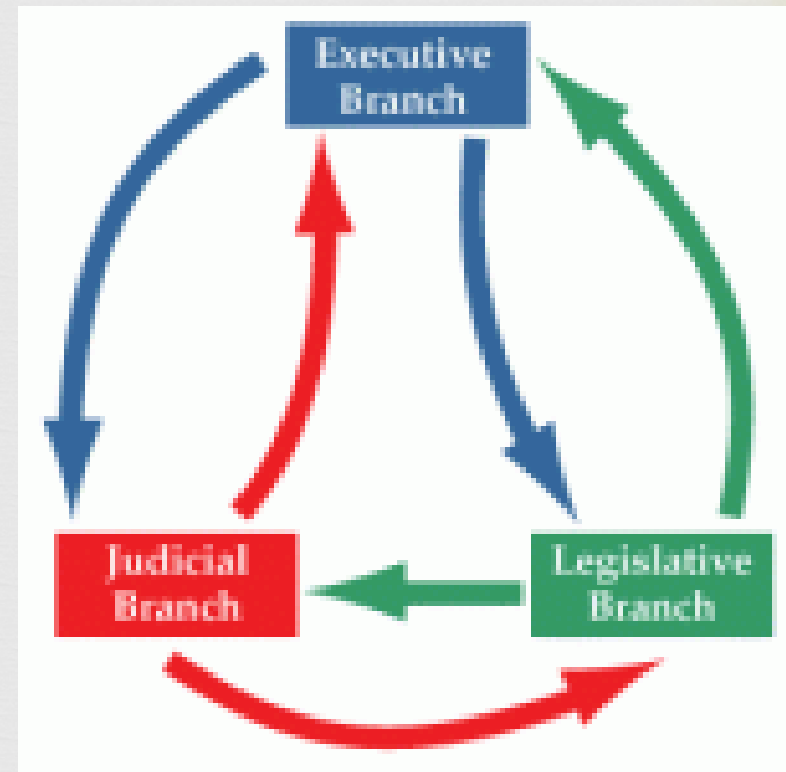
But the great security against a gradual concentration of the several powers in the same department consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others... Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place... In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

 Federalist No. 51

Checks and Balances



http://www.regentsprep.org/regents/ushisgov/themes/government/check_header.gif



<http://www.babyboomergold.com/wp-content/uploads/2012/12/Checks-and-balances-150x150.gif>

Checks and Balances



CHECKS AND BALANCES AT WORK: CONGRESS AND THE PRESIDENT CORRECT THE SUPREME COURT

January 29, 2009

✧ Judith E. Schaeffer

✧ There are circumstances in which Congress and the President can act to overturn a Supreme Court ruling. They are expected to do just that today when President Obama signs into law the Lilly Ledbetter Fair Pay Act of 2009. This new law effectively overturns the Supreme Court's infamous 2007 ruling against Ms. Ledbetter in *Ledbetter v. Goodyear Tire & Rubber Co.*, a ruling that made it much harder for workers who have been victims of unlawful pay discrimination to obtain compensation for that discrimination.

Federalism



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.

Amendment 10, US Constitution

Federalism



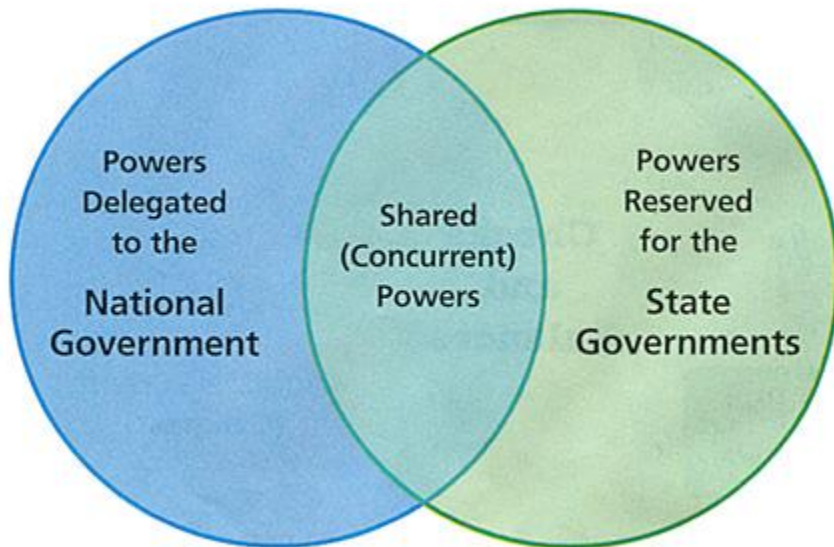
The federal and State governments are in fact but different agents and trustees of the people, constituted with different powers, and designed for different purposes.

-Federalist No. 46

Federalism



Federalism



The overlapping spheres of power bind the American people together.

<http://www.mrvanduyne.com/principles/Federalism.jpg>

American Federalism

Marble Cake Or Layer Cake?



Marble Cake Federalism is based on a pragmatic mixing of authority and programs among the national, state, and local governments.



Layer Cake Federalism is based on a clear delineation of authority and programs among the levels of government

http://mrortlieb.weebly.com/uploads/8/9/7/6/8976286/2729509_orig.jpg

Federalism



❧ The State of Texas charges a tax of twenty cents (\$.20) per gallon on the purchase of a gallon of gasoline.

❧ Sec. 162.102

❧ The United States government imposes an excise tax of 18.4 cents per gallon on the sale of gasoline at the pump.

❧ Federal Tax Code

Separation of Powers



☞ 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.

☞ Article I, Section 1

☞ The executive Power shall be vested in a President of the United States of America

☞ Article II, Section 1, Clause 1

☞ The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

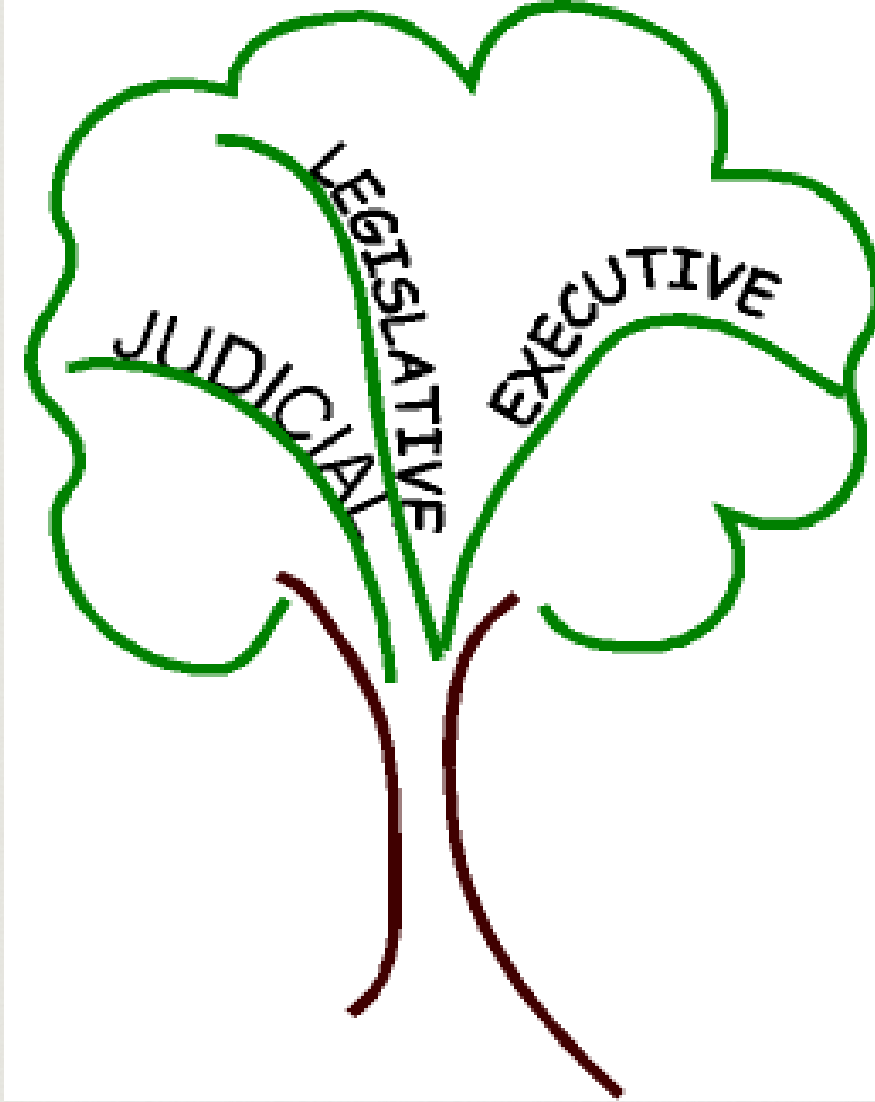
☞ Article III, Section 1, Clause 1

Separation of Powers

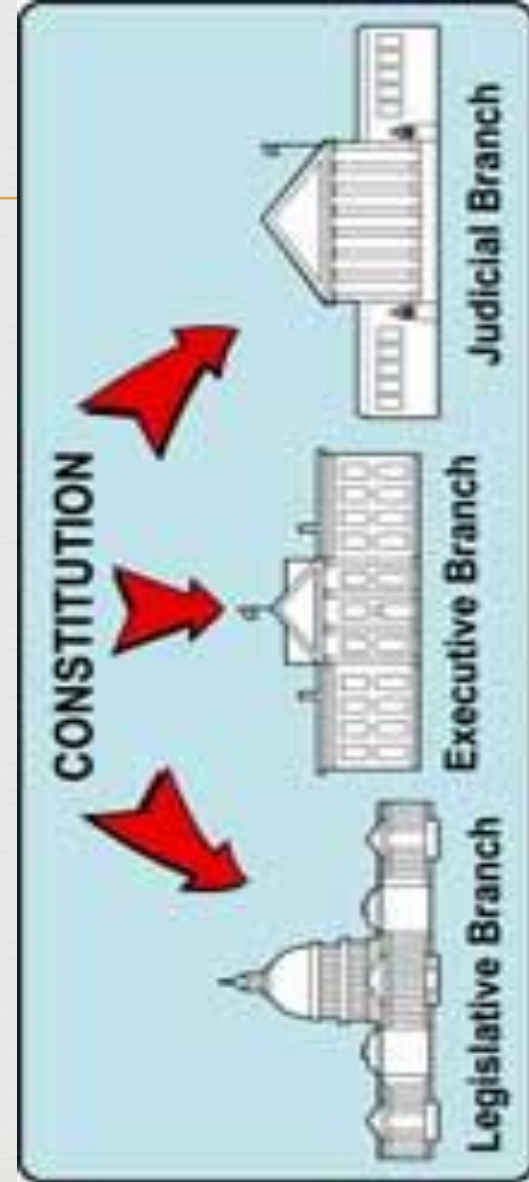


In order to lay a due foundation for that separate and distinct exercise of the different powers of government, which to a certain extent is admitted on all hands to be essential to the preservation of liberty, it is evident that each department should have a will of its own; and consequently should be so constituted that the members of each should have as little agency as possible in the appointment of the members of the others.

Separation of Powers



<http://home.sjfc.edu/cals/units/dominick/tree.gif>



<http://www.mrvanduyne.com/stations/principles/sopcab.htm>

Separation of Powers



- ❧ Congress refused to vote on extending the debt limit, causing a 16-day shut down of the federal government
- ❧ The Supreme Court upheld the Defense of Marriage Act, passed by Congress and signed into law by the President

Popular Sovereignty



☞ “We the People...”

☞ Preamble to the US Constitution

Popular Sovereignty



In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.

 Federalist No. 51

Popular Sovereignty



Popular Sovereignty



- ❧ Citizens across the country go to the polls Tuesday, November 5, 2013, to cast their ballots in local and state elections.
- ❧ Obama won the 2012 presidential election with 51% of the popular vote.
- ❧ Mayor Julian Castro won the San Antonio mayoral election in May of 2013

Individual Rights



Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

✧ First Amendment to the US Constitution

Individual Rights



...Trial by jury is in no case abolished by the proposed Constitution, and it is equally true, that in those controversies between individuals in which the great body of the people are likely to be interested, that institution will remain precisely in the same situation in which it is placed by the State constitutions, and will be in no degree altered or influenced by the adoption of the plan under consideration.

 Federalist No. 83

http://thomas.loc.gov/home/histdox/fed_83.html

Individual Rights



http://www.txstate.edu/philosophy/courses-programs/undergraduate/religious-studies/contentParagraph/0/content_files/file/varrell.gif



http://www.kingsacademy.com/mhodes/03_The-World-since-1900/03_Armistice/pictures/KEE-134_suffragettes-protest_1918.jpg

Individual Rights



- ❧ Marriage, education fights may crowd 2014 session
 - ❧ Tom Lobianco, Associated Press: November 18, 2013
- ❧ Elizabeth Ramirez, Kristie Mayhugh, and Cassandra Rivera were released Monday night on their own recognizance. That was after a judge decided to recommend that an appeals court vacate their 1998 convictions as tainted by faulty witness testimony.
 - ❧ <http://www.mysanantonio.com/news/texas/article/4-released-San-Antonio-women-to-pursue-exoneration-4992618.php>