

# Magruder's American Government

## CHAPTER 3 *The Constitution*

# The Constitution

**SECTION 1**      The Six Basic Principles

**SECTION 2**      Formal Amendment

**SECTION 3**      Informal Amendment

# The Six Basic Principles

- What are the important elements of the Constitution?
- What are the six basic principles of the Constitution?



# An Outline of the Constitution

- The Constitution sets out the basic principles upon which government in the United States was built.
- The Constitution is a fairly brief document.
- The Constitution is organized into eight sections: the Preamble and seven articles. The original document is followed by 27 amendments.



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# Articles of the Constitution

Section	Subject
Preamble	States the purpose of the Constitution
Article I	Legislative branch
Article II	Executive branch
Article III	Judicial branch
Article IV	Relations among the States and with the National Government
Article V	Amending the Constitution
Article VI	National debts, supremacy of national law, and oaths of office
Article VII	Ratifying the Constitution



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# Three of the Basic Principles

- The principle of **popular sovereignty** asserts that the people are the source of any and all government power, and government can exist only with the consent of the governed.
- The principle of **limited government** states that government is restricted in what it may do, and each individual has rights that government cannot take away.
- **Separation of powers** is the principle in which the executive, legislative, and judicial branches of government are three independent and coequal branches of government.





# More of the Basic Principles

- **Checks and balances** is the system that allows the legislative, executive, and judicial branches to check, or restrain, the actions of one another.
- The principle of **judicial review** consists of the power of a court to determine the constitutionality of a governmental action.
- **Federalism** is a system of government in which the powers of government are divided between a central government and several local governments.



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# Section 1 Review

1. Article II of the Constitution establishes the powers of the
  - (a) executive branch.
  - (b) legislative branch.
  - (c) States.
  - (d) judicial branch.
  
2. The principle of popular sovereignty asserts that the
  - (a) government should be divided into three branches.
  - (b) monarch is the supreme ruler.
  - (c) means of production should be owned by the proletariat.
  - (d) people are the source of any and all government power.

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# Formal Amendment

- What are the different ways to formally amend, or change the wording of, the Constitution?
- How many times has the Constitution been amended?
- What is the Bill of Rights?



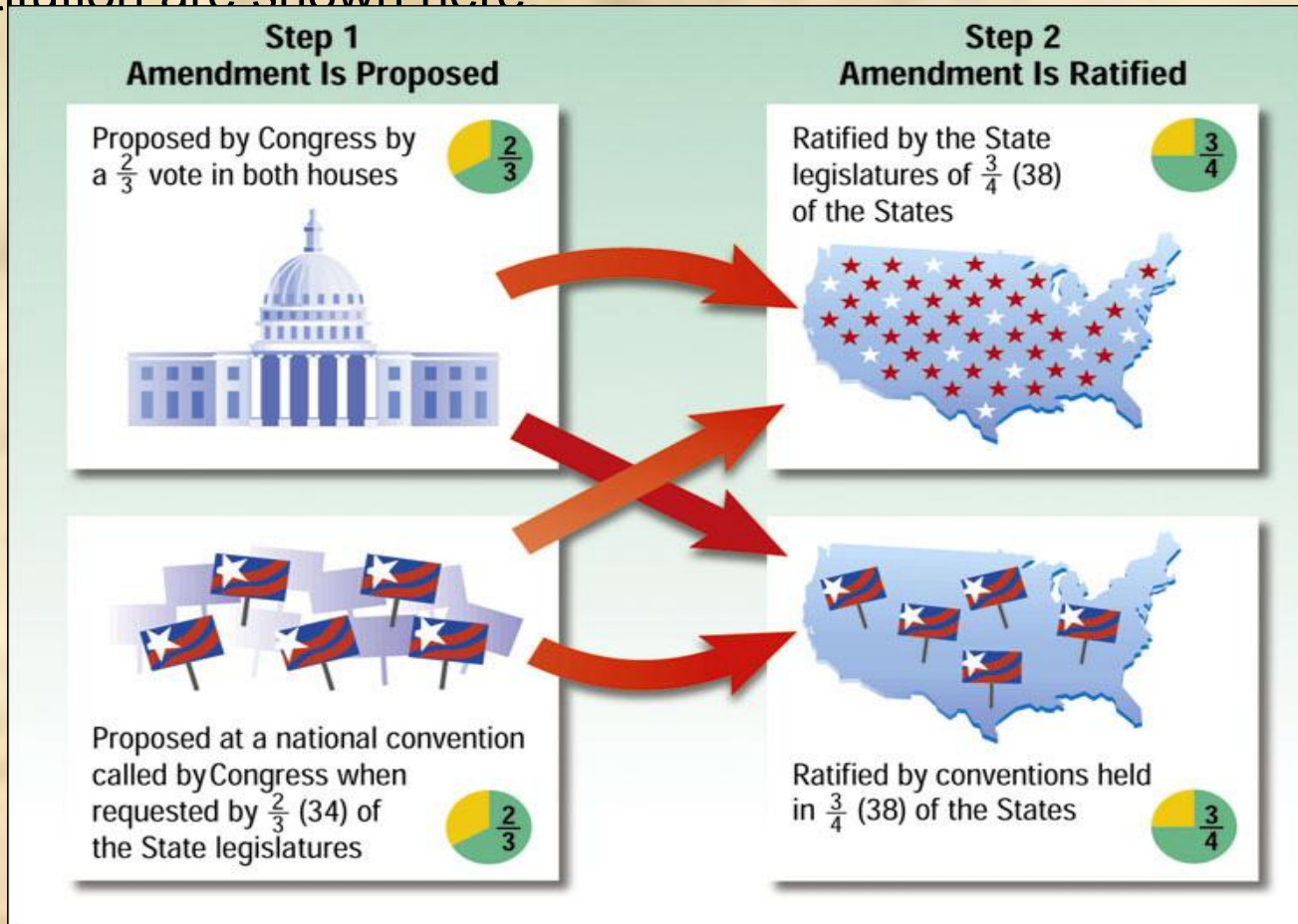
# Amending the Constitution

- The Constitution provides for its own **amendment**—that is, for changes in its written words.
- Article V sets out two methods for the proposal and two methods for the ratification of constitutional amendments, creating four possible methods of **formal amendment**.



# Formal Amendment Process

- The four different ways by which amendments may be added to the Constitution are shown here:



# Amendments to the Constitution

Collectively, the first ten amendments are known as the **Bill of Rights**. They set out many of our basic freedoms.

Amendment	Subject	Year	Time Required for Ratification
1st–10th	Bill of Rights	1791	2 years, 2 months, 20 days
11th	Immunity of States from certain lawsuits	1795	11 months, 3 days
12th	Changes in electoral college procedures	1804	6 months, 6 days
13th	Abolition of slavery	1865	10 months, 6 days
14th	Citizenship, due process, equal protection	1868	2 years, 26 days
15th	No denial of vote because of race, color, or previous enslavement	1870	11 months, 8 days
16th	Power of Congress to tax incomes	1913	3 years, 6 months, 22 days
17th	Popular election of U.S. Senators	1913	10 months, 26 days
18th	Prohibition of alcohol	1919	1 year, 29 days
19th	Woman suffrage	1920	1 year, 2 months, 14 days
20th	Change of dates for start of presidential and Congressional terms	1933	10 months, 21 days
21st	Repeal of Prohibition (18th Amendment)	1933	9 months, 15 days
22nd	Limit on presidential terms	1951	3 years, 11 months, 6 days
23rd	District of Columbia vote in presidential elections	1961	9 months, 13 days
24th	Ban of tax payment as voter qualification	1964	1 year, 4 months, 27 days
25th	Presidential succession, vice presidential vacancy, and presidential disability	1967	1 year, 7 months, 4 days
26th	Voting age of 18	1971	3 months, 8 days
27th	Congressional pay	1992	202 years, 7 months, 12 days



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# Section 2 Review

## 1. A formal amendment

- (a) changes the Constitution by passing laws.
- (b) changes the written language of the Constitution itself.
- (c) allows States to secede from the United States.
- (d) none of the above.

## 2. Many of the basic rights of citizens are constitutionally guaranteed in

- (a) English common law.
- (b) the Declaration of Independence.
- (c) the Magna Carta.
- (d) the Bill of Rights.

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# Informal Amendment

- How has basic legislation changed the Constitution over time?
- What powers do the executive branch and the courts have to amend the Constitution?
- What role do party politics and custom have in shaping the Federal Government?





# Informal Amendment Processes

**Informal amendment** is the process by which over time many changes have been made in the Constitution which have not involved any changes in its written word.

The informal amendment process can take place by:

- (1) the passage of basic legislation by Congress;
- (2) actions taken by the President;
- (3) key decisions of the Supreme Court;
- (4) the activities of political parties; and
- (5) custom.



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# Executive Action and Court Decisions

## Executive Action

- Presidential actions have produced a number of important informal amendments, such as the use of the military under the power of commander in chief.
- An **executive agreement** is a pact made by the President directly with the head of a foreign state.

## Court Decisions

- The nation's courts, most importantly the United States Supreme Court, interpret and apply the Constitution in many cases they hear.



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# Section 3 Review

## 1. An informal amendment can be established by

- (a) actions taken by the President.
- (b) custom.
- (c) key decisions of the Supreme Court.
- (d) all of the above.

## 2. An executive agreement is

- (a) a promise from the President to the legislature.
- (b) a pact made by the President directly with the head of a foreign state.
- (c) a decision made by the President and his cabinet members.
- (d) the contract the President signs when he accepts the office.

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