Principles, Powers and Clauses of the Constitution

Principles

of the Constitution

Types of Powers
1. Powers given only to the federal government \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

2. Powers reserved only for state governments

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

3. Powers shared between the state and federal governments

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

4. Powers of Congress that are specifically listed in the Constitution

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

5. Powers that Congress has that are NOT specifically listed in the Constitution

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_



Clauses

1. This allows Congress to stretch its powers to do what they feel is what the country needs at the time

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Another name for this is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Each state must respect another state by following their laws

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. This establishes the Constitution as the “supreme law of the land”

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Constitutional Compromises Notes

**🡪Should we make changes, or should we start over with a new government?**

* People might think we’re going too far, but there are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ problems with the *Articles of Confederation* to simply make changes.
	+ Also we just had a major\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, **Shays’ Rebellion**, where farmers/former Rev. war soldiers threatened to take over the \_\_\_\_\_\_\_\_\_\_\_ because they weren’t being \_\_\_\_\_\_\_\_\_\_\_\_\_. George Washington had to stop the rebellion.
* **We need to start over with a \_\_\_\_\_\_\_\_ government (and this time we will have a \_\_\_\_\_\_\_\_\_ national gov’t with an \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ branch and a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ branch).**

**🡪THE \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_!!!**

* **US Constitution**: Written at the Philadelphia Constitutional Convention in \_\_\_\_\_\_\_\_\_\_\_\_.
	+ 13 states ratified (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_) the Constitution by \_\_\_\_\_\_\_\_\_\_.
* Solutions to the problems of the *Articles*:
	+ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_national government
	+ \_\_\_\_\_\_ branches (Executive, Legislative, Judiciary)
	+ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ states rights and the rights of the federal gov’t.
	+ **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**: collect taxes, regulate domestic and foreign commerce, raise an army.

**🡪State Representation**

* It took a long time to get \_\_\_\_\_\_\_\_\_ state to agree on these solutions. Many \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_had to be made.
* Remember, we need all the states to agree if it will ever work and the nation will stay \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* Finally, each state wants to get the \_\_\_\_\_\_\_\_\_ possible deal for itself.

🡪DEBATE #1: Deciding representation in **Legislature/Congress**:

* **Virginia Plan**: # of representatives would depend on the state’s population (proportional representation).
	+ The \_\_\_\_\_\_\_\_\_\_ the state, the \_\_\_\_\_\_\_\_\_ people you have representing you in Congress.

VS.

* **New Jersey Plan**: Each state has the same (\_\_\_\_\_\_\_\_\_) # of representatives
	+ It doesn’t matter whether you have a \_\_\_\_\_\_\_\_\_ or \_\_\_\_\_\_\_\_\_\_\_population, every state has the \_\_\_\_\_\_\_\_\_\_\_ # of representatives in Congress.

🡪The Compromise!

**Connecticut Compromise AKA the Great Compromise**: \_\_\_ branches of the legislature (\_\_\_\_\_\_\_\_\_\_\_\_).

🡪 **US Congress** with a House and a Senate

1. **Senate**: every state has \_\_\_ representatives

2. **House of Representatives**: proportional representation based on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

🡪 DEBATE #2: Slavery Issues

ANSWER: Which states had the most slaves, the northern states or the southern states? Why?

* **Should we end slavery or not?**
	+ **North: YES,** we should end slavery
	+ **South: NO,** we should NOT end slavery
* **Should slaves count towards representation in the legislature?**
	+ More \_\_\_\_\_\_\_\_\_\_\_\_ in your state means more \_\_\_\_\_\_\_\_\_\_\_ in the legislature!

🡪The Compromise Resolving the Slavery Issue:

1. **The Slave Trade Compromise:** The Framers do not end slavery, but they do **end the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ by 1808.**
2. **The 3/5 Compromise**: Slaves will count as \_\_\_\_\_\_\_\_\_\_ of a regular citizen. 5 slaves = 3 people for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in legislature.

🡪DEBATE # 3: Should we have a strong national government or strong state government?

* **FEDERALISTS**: wanted a **\_\_\_\_\_\_\_\_\_\_\_\_\_\_national gov’t** with power over the states (Federalism)
	+ Alexander Hamilton, George Washington, Ben Franklin
	+ Supported \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and industry
	+ Creditors (wealthy)
	+ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ interpretation of Constitution🡪read it to\_\_\_\_\_\_\_\_\_\_\_\_\_\_ federal power
	+ \_\_\_\_\_\_\_\_ Bill of Rights

VS.

* **ANTI-FEDERALISTS**: wanted a \_\_\_\_\_\_ nat’l gov’t where the states had large independent powers.
	+ Thomas Jefferson
	+ Supported \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
	+ Some were \_\_\_\_\_\_\_\_\_\_\_\_\_\_ (poor farmers)
	+ Strict interpretation of Constitution🡪read it literally to \_\_\_\_\_\_\_\_\_\_\_\_ federal power
	+ Supported the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**🡪Do we need a special document to protect individual rights/liberties?**

* **Federalists**: \_\_\_\_\_\_\_\_ We don’t have to worry the federal gov’t will respect the people.
* **Anti-Federalists**: \_\_\_\_\_\_\_\_\_ We need a **Bill of Rights** to protect our individual \_\_\_\_\_\_\_\_\_\_\_\_\_. The Federal gov’t might take away our rights like our freedom of \_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_.
	+ *We will \_\_\_\_\_\_\_\_ ratify the Constitution unless it has a Bill of Rights!!!*

🡪**We need a Constitution for our new country, so what should we do??**

* If we DON’T ratify then our country will NOT have a government.
* Remember, the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will not accept unless there is a Bill of Rights, and without them we will not have enough \_\_\_\_\_\_\_\_\_\_\_ to set up a new government!

**🡪The final compromise!**

* **The Bill of Rights (Amendments 1-10)** was the compromise between the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
	+ Without the addition of the Bill of Rights there would have been \_\_\_ new \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for America.
	+ The Bill of Rights\_\_\_\_\_\_\_\_\_\_\_ individuals and the states from the power of the federal gov’t.

|  |  |  |  |
| --- | --- | --- | --- |
| What the Amendment says… | What I think it means… | What it actually means… | Questions |
| **First Amendment**: 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. |  |  | How do you remember the 5 freedoms in the first amendment? |
| **Second Amendment**: A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed |  |  | I disagree/agree with this amendment because… |
| **Third Amendment**: No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law. |  |  | This amendment was a reaction to the… |
| **Fourth Amendment**: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized |  |  | Do you agree or disagree with the fourth amendment? Justify your answer. |
| **Fifth Amendment**: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation |  |  | What does due process mean? |
| What the Amendment says… | What I think it means… | What it actually means… | Questions |
| **Sixth Amendment**: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence |  |  | What do you think society would be like if people were not guaranteed the right to a free lawyer? |
| **Seventh Amendment**: In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law |  |  | How would you improve this amendment? |
| **Eighth Amendment**: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted |  |  | Should the death penalty be considered cruel and unusual punishment? Why or why not? |
| **Ninth Amendment**: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people |  |  |  |
| **Tenth Amendment:** 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 |  |  |  |