



# **THE STRUCTURE OF THE CONSTITUTION**

**CHAPTER 3, SECTION 3**

# THE PREAMBLE

- Gives 6 reasons why the Constitution was written
- 1 – To unite the states
- 2 – Create a system of fair laws
- 3 – To maintain peace and order
- 4 – To protect the borders
- 5 – To help people live happy and healthy lives
- 6 – To guarantee liberty and basic rights

# CONSTITUTION: BASIC FACTS

- The Constitution is the supreme law of the United States → all local and state laws in conflict with the Constitution are void
- The Framers wrote the Articles of the Constitution in order of importance → Article I outlines the legislative branch which the Framers thought would be the most powerful branch of our gov't

# ARTICLES OF THE CONSTITUTION

- Article 1 – Established a bicameral (two-house) Congress with the power to tax, regulate trade, coin money, and make war → Congress **makes** laws
- Article 2 – Created the executive branch, headed by the president to enforce laws, head the military & deal with foreign leaders → the president **enforces** laws



# ARTICLES OF THE CONSTITUTION

- Article 3 – Established the Supreme Court (and lower courts as Congress decides they are needed) → Supreme Court **interprets** laws
  - The Supreme Court hears cases involving the Constitution, federal laws, treaties, and disputes between states



# ARTICLES OF THE CONSTITUTION

- Article 4 → Outlines state powers; states must respect the laws of other states; explains the process for creating new states
- Article 5 → Outlines the process for amending (changing) the Constitution
- Article 6 → Outlines the Supremacy Clause → the Constitution is the supreme law of the land
- Article 7 → Ratification process → the Constitution would go into effect when 9 states ratified it (1788)



# Divided Powers

- The Constitution clearly outlines powers that are held by the national government, those that are given to the states, and powers that the two levels share
- This arrangement is called federalism → the division of government powers between a central government and subdivisional governments (states, cities, counties, etc.)

## Expressed (Delegated/Enumerated) Powers

- Expressed Powers → powers given by the Constitution to the federal gov't only
  - Print money
  - Regulate interstate and international trade
  - Make treaties and conduct foreign policy
  - Declare war
  - Provide an army and a navy
  - Establish post offices



# Reserved Powers

- Reserved Powers → powers given by the Constitution to the state gov'ts only
  - Issue licenses
  - Regulate intrastate (w/in the state) businesses
  - Conduct elections
  - Establish local gov'ts
  - Ratify constitutional amendments
  - Take measures for public health & safety
  - Use powers not given to the federal gov't and not prohibited by the Constitution

# Concurrent (Shared) Powers

- Concurrent Powers → powers given by the Constitution to both the federal and state gov'ts
  - Collect taxes
  - Borrow and spend money
  - Build roads
  - Make and enforce laws

# Denied Powers

- Denied Powers → actions the gov't may not use
  - Suspend *writ of habeas corpus* → telling an arrested person what they are charged with
  - Bills of attainder → punishment w/out a trial
  - *Ex post facto* → law making an act a crime after the act is committed
  - Titles of nobility

# Implied Powers of Congress

- Established in the Necessary & Proper Clause → Elastic Clause
- The notion that Congress' Expressed Powers can be stretched in order to carry out its duties

# Expressed, Implied, or Denied?

- Read the following story.
- Using a three column page, list the
  - Expressed Powers – those powers *specifically* given to Lily in the story
  - Implied Powers – those powers you can *assume* Lily has
  - Denied Powers – those powers Lily is forbidden to use.

Lily's parents are going out for the night and have left her at home to babysit her younger brother, Jack. Lily's parents left her \$15 to order a pizza. Lily is supposed to check over Jack's spelling homework when he finishes. Lily's parents rented a movie for them to watch, but Jack is not supposed to be up after 9:30. Lily's parents also want the trash taken out, the clothes in the laundry basket folded, and the dog fed. She cannot let Jack take out the trash because he cannot reach the lid. Lily can talk to her boyfriend on the phone but he cannot come inside the house.

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# What are some implied powers?

- Look at the expressed powers listed. What are some things that are implied...
  - Lily can order a pizza, but her parents don't say from where or what kind. It is implied they can choose a pizza place and the toppings.
  - Lily is supposed to check Jack's spelling homework, and it is implied she will correct any mistakes.
  - Lily and Jack have a movie to watch, but it is implied that they can choose when to watch it.
  - Lily's parents want the chores completed, but it is implied that Lily can get Jack to help her...except for taking out the trash.
  - Lily can talk on the phone to her boyfriend, so it is implied that she is allowed to use the phone to call other people.



# Lazy Elephants Jump Slowly And Sit Regularly

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- **L** = legislative
- **E** = executive
- **J** = judicial
- **S** = states
- **A** = amendment process
- **S** = supremacy of constitution
- **R** = ratification