

Daily Lecture Notes

Lesson

3-1

Did you know?

British prime minister William E. Gladstone once declared that the United States Constitution was “the most wonderful work ever struck off at a given time by the brain of man.” Gladstone used these words to describe the Constitution a century after the former British colonies had won the Revolution and become a new, independent nation.

Outline

I. Structure (pages 63–65)

- A. The Preamble sets forth the goals of the government.
- B. The seven articles are the main divisions in the body of the Constitution, each article covering a general topic.
- C. The amendments, which provide for changes in the original document, are the third part of the Constitution.

Discussion Question

Why did the Founders not spell out every aspect of how the government would function? (They knew that they could not predict the course of future events or issues.)

II. Major Principles (pages 65–67)

- A. Popular sovereignty, or rule by the people, is the cornerstone of the Constitution.
- B. Federalism, in which power is divided between national and state governments, is the government’s basic structure.
- C. The Constitution provides for separation of powers among the legislative, executive, and judicial branches.
- D. Checks and balances, the process by which each branch of government exercises some powers over the others, guarantees that no branch of government will become too powerful.
- E. Judicial review, or the power of the courts to overturn laws and actions of national, state, and local governments, ensures that laws made by Congress and the states do not violate individual rights.

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II. Major Principles (pages 65–67, continued)

- F. Limited government, by which the Constitution limits government actions by specifying its powers and listing powers it does not have, retains for the people the right to govern themselves.

Discussion Question

Both federalism and the separation of powers divide the powers of government. Compare these two methods of dividing power. (Federalism: state and national levels; separation of powers: three branches of government.)

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Did you know?

Today's powerful Supreme Court seemed weak when the federal government was established. The Court heard no cases at all during its first three years. The first chief justice, John Jay, served only until 1795, and spent much of that time away from the Court, negotiating a treaty to settle a dispute with Britain.

Outline

I. The Legislative Branch (pages 68-70)

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- A. The powers granted Congress are expressed in Article I, Section 8.
- B. Congress handles a far greater number of bills today than Congress did early in our nation's history.

Discussion Question

How did the elastic clause of the Constitution support a "loose" interpretation of the Constitution? (The elastic clause gives Congress broad implied powers.)

II. The Executive Branch (pages 70-71)

Pg 71 10 specific powers

- A. The Founders recognized the need for a strong executive and granted the president broad but vaguely described powers.
- B. Article II, Sections 2 and 3 describe the specific powers of the president.
- C. The presidency has changed greatly over the years, with modern presidents handling so many duties that their schedules are timed minute by minute.

Discussion Question

Why did the Founders establish a strong executive branch in the government? (Lack of a strong executive had been a problem under the Articles of Confederation.)

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III. The Judicial Branch (pages 72–73)

- A. The United States has two levels of courts, federal and state, each with its own jurisdiction; the subject of the case and the parties involved determine the jurisdiction of federal courts.
- B. The modern federal court system dates from 1891, but the Supreme Court exercised important power beginning in 1803 by using judicial review.

Discussion Question

How did the power of judicial review enable the judicial branch to gain an equal status with the other two branches of government? (Judicial review gave the Supreme Court power to decide whether acts of Congress were constitutional.)

IV. Shared Power and Conflict (pages 73–75)

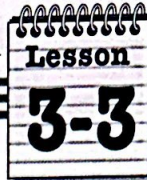
- A. The executive and legislative branches must cooperate to produce effective policies, but some conflicts are inevitable.
- B. The expansion of presidential power has caused conflicts between the executive and legislative branches.
- C. Congress has the power to limit judicial authority but has been reluctant to use it.
- D. The Supreme Court must depend on the president and the executive branch to carry out its decisions.

Discussion Question

In what ways are cooperation and conflict among the branches of government valuable to the U.S. system of government? (Cooperation is necessary in order to pass, carry out, and interpret laws. Conflict prevents the development of unsound policy.)

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Did you know?

William Henry Harrison was president of the United States for only one month. He died of pneumonia in March 1841, just weeks after his inauguration. He had ridden on horseback up Pennsylvania Avenue in bitterly cold weather to take his oath as president. Harrison was also the first president to die in office; his vice president, John Tyler, was the first to succeed to the presidency.

Outline

I. The Amendment Process (pages 76–78)

- A.** Article V describes how Congress and the states can change the Constitution.
- B.** Two methods for amending the Constitution are provided for, but only one has been used: Congress proposing amendments and the states ratifying them.
- C.** When Congress proposes an amendment, the states may ratify it by a three-fourths vote of their legislatures or of special ratifying conventions.
- D.** Congress decides how much time the states will have to ratify a proposed amendment.

Discussion Question

Why is the convention method of proposing amendments to the Constitution considered controversial? (A convention is not limited to writing one specific amendment.)

II. Informal Changes (pages 78–79)

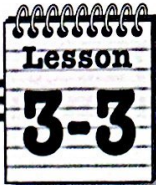
- A.** Congress has passed laws that have changed or clarified many provisions of the Constitution.
- B.** Congress has shaped the Constitution by using the powers granted the legislative branch.

Discussion Question

How did the laws and practices of Congress help to make the Constitution a “living document”? (See specific examples on text pages 78–81.)



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III. Informal Presidential Changes (page 80)

- A.** Vice President John Tyler established the precedent of presidential succession.
- B.** In dealing with other nations, presidents use executive agreements that do not require the approval of Congress.
- C.** Modern presidents have greatly strengthened the powers of their office by proposing their own legislative agendas to Congress.

Discussion Question

Describe the president's changing role in developing legislation during modern times. (Modern presidents have been aggressive in requesting legislation from Congress.)

IV. Court Decisions (pages 80–81)

- A.** The Supreme Court uses judicial review to interpret the Constitution.
- B.** The Supreme Court's rulings can change to reflect the changing condition of the times.

Discussion Question

Compare the philosophies of judicial restraint and judicial activism in decision making by the Supreme Court. (See definitions of judicial restraint and judicial activism on text pages 80–81.)

V. Changes Through Custom and Usage (page 81)

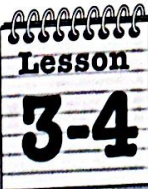
- A.** Political parties are an example of customs that have informally changed the Constitution.
- B.** Although political parties are not mentioned in the Constitution, they soon began to organize government and conduct elections; today they play a vital role in government.

Discussion Question

Identify the role played by political parties in changing the Constitution.
(Parties affect the election process and help to organize government.)

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Did you know?

The proposed Equal Rights Amendment (ERA) was approved by Congress in 1972 but never ratified. It provided that "equality of rights under the law shall not be denied or abridged by the United States or any state on account of sex." A similar amendment had first been proposed by the National Woman's party in the 1920s. The ERA died in 1982 when it fell short of the needed approval by three-fourths of the state legislatures.

Outline

I. The Bill of Rights (pages 83–87)

- A.** These ten amendments originally applied only to the federal government, but through a series of Supreme Court decisions now apply to state governments also.
- B.** The First Amendment protects individuals' right to worship, to speak freely, to assemble, and to petition and criticize government.
- C.** The Second Amendment ensures citizens' right to own firearms.
- D.** The Third Amendment prohibits the government from forcing people to provide shelter for soldiers in their homes.
- E.** The Fourth Amendment protects individuals from unlawful searches and arrests without court warrants.
- F.** The Fifth Amendment protects people charged with a crime: a grand jury must indict them before trial; no one found innocent can be retried for the same crime; people cannot be forced to testify against themselves; and no one can be deprived of life, liberty, or property without due process of law.
- G.** The Sixth Amendment guarantees accused persons the right to know the charges against them, a defense attorney, a speedy jury trial, and the right to question all witnesses and compel them to testify.
- H.** The Seventh Amendment provides individuals the right to a trial by jury to settle property disputes, though a judge may try the case if both parties agree.



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I. The Bill of Rights (pages 83–87, *continued*)

- I. The Eighth Amendment prohibits excessive bail and fines and bars cruel and unusual punishment for crimes.
- J. The Ninth Amendment states that all powers not spelled out in the Constitution are retained by the people.
- K. The Tenth Amendment says that all powers not given to the national government or denied to the states belong to the states or the people.

Discussion Question

How does the due process clause in the Fifth and Fourteenth Amendments protect individuals? (These amendments prevent government from depriving people of life, liberty, or property without due process of law.)

II. Other Amendments (pages 87–90)

- A. The Eleventh Amendment prohibits a state from being sued in federal court by citizens of another state.
- B. The Twelfth Amendment provides that the Electoral College shall cast separate ballots for president and vice president.
- C. The Thirteenth, Fourteenth, and Fifteenth Amendments outlawed slavery, prohibited depriving anyone of life, liberty, or property without “due process of law,” and prohibited denying the right to vote based on race.
- D. The later amendments, Sixteen through Twenty-seven, deal with a wide range of topics reflecting changes in modern times.

Discussion Question

“The Bill of Rights protected citizens’ rights, but some of the later amendments extended citizens’ rights.” Do you agree or disagree with this statement? Explain your reasons. (Answers will vary. Students may cite the Fourteenth, Fifteenth, and Twenty-sixth Amendments.)

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