

## Principles of the Constitution



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## Republicanism

- A republic is a nation governed by elected representatives.
- It is the opposite of a monarchy, with rule by king



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## Popular Sovereignty

- A government in which the people hold supreme power is ruled by popular sovereignty.
- Government derives its power from the consent of the governed.
- The first words of the U.S. Constitution reflect this principle, "We the People..."



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## Popular Sovereignty

- It is the people of the US who established the Constitution through their representatives.
- It is the people who hold the real power.
- Every election, government officials are held accountable for their actions.




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## Federalism

- Power sharing between national and state governments is known as federalism.
- It is the division of power.
- The National government deals with matters that affect the whole country.
  - Defense
  - Foreign trade
- State governments handle local affairs.
  - Education
  - Safety
  - Driver's licenses.




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## Limited Government

- Under the Constitution, the federal and state governments cannot do anything they please.
- The federal government only has those powers that are specifically listed in the Constitution.
  - The power to raise an army
  - The power to regulate interstate trade
  - The power to enact laws necessary to carry out those powers

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## Separation of Powers

- The authors of the Constitution feared leaving too much power in the hands of any one branch of government.
- They divided the powers of the national government into three branches.
  - Legislative power – Congress
  - Judicial Power – Supreme Court
  - Executive Power - President

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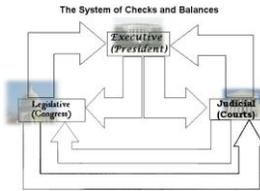
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## Checks and Balances

- This idea provides each branch of government a way to “check” or limit the other branches.




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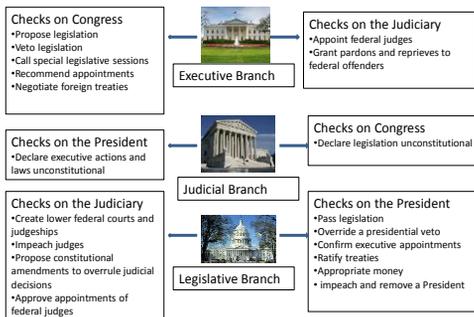
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## How Checks & Balances Work




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## Rights of the Accused

- Fourth Amendment
  - Protection from unreasonable searches and seizures.
  - Police need a search warrant to enter your home without your permission
- Fifth Amendment
  - Federal criminal proceedings require a grand jury indictment
  - No person can be subject to double jeopardy
  - You cannot be forced to testify against yourself

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## Rights of the Accused

- Sixth Amendment
  - Guarantees a fair and impartial trial to all persons accused of a crime
  - You must be told the charges against you
  - You have the right to a trial by jury
  - You have the right to have an attorney
- Eighth Amendment
  - Courts cannot require unusually high bail
  - You cannot be punished in a cruel or unusual way

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## Other Amendments

- 2<sup>nd</sup> Amendment – the right to bear (carry) arms (weapons)
- 3<sup>rd</sup> Amendment – prohibits quartering of soldiers in people’s homes.
- 7<sup>th</sup> Amendment – guarantees the right to a jury trial in noncriminal matters
- 9<sup>th</sup> Amendment – if a right is not specifically mentioned, it still belongs to the people
- 10<sup>th</sup> Amendment – states that powers not given to the federal government belong to the states.

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## Fourteenth Amendment

- This was passed after the Civil War.
- It applied all of the rights in the Bill of Rights to cover actions by state governments as well as federal governments.
- States must follow the same procedures, such as due process and equal protection under the law.

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## Where these ideas came from

- Magna Carta
  - Taxing Power
    - The king could not introduce new taxes without the permission of a council of nobles.
    - The US Congress, who represents the people, introduces new taxes.
  - Guarantee of Trial
    - The king could not execute, imprison, or take away the property of a free man except after trial by jury.
    - The Bill of Rights includes the right to trial by jury.

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## Where these ideas came from

- English Bill of Rights
  - Suspending Laws
    - The English king or queen could not suspend any laws without consent of Parliament
    - The US Congress passes all federal laws in the US
  - Taxing Power – Congress must approve all taxes
  - Right to Petition – ask to correct grievances
  - Standing Army –
    - The king could not have a standing army w/o Parliament's ok
    - US Congress has the power to support an army

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## Where these ideas came from

- English Bill of Rights (continued)...
  - Freedom of Speech
    - Members of Parliament had complete freedom of speech
    - First Amendment gives all people freedom of speech
  - Excessive Bail – the Eighth amendment comes directly from the English Bill of Rights
  - Right to Own Arms
    - Protestant subjects in England were permitted to own weapons for their defense.
    - The Second Amendment guarantees US citizens this right.

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## Where these ideas came from

- Declaration of Independence
  - The grievances listed in this document are directly addressed in the Constitution.
- Federalist Papers
  - Consists of 85 essays published between 1787 and 1788
  - They argued in support of the Constitution and explained:
    - The Republican form of government
    - The need for a strong government
    - The protection against tyranny
    - The protection of minority interests

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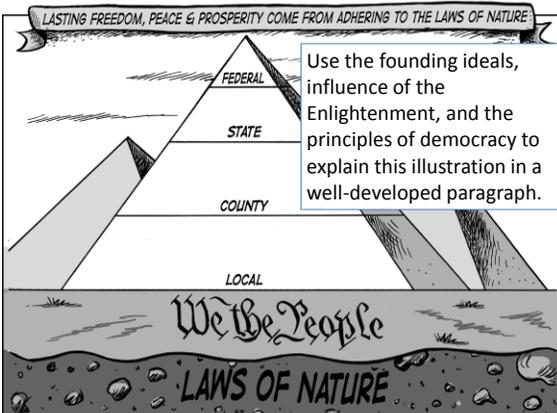
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