<table>
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<tr>
<th>GLE #</th>
<th>GLE Text and Benchmarks</th>
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<tr>
<td>6.</td>
<td>Explain the distribution of powers, responsibilities, and the limits of the U.S. federal government (C-1A-H3)</td>
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<td>7.</td>
<td>Categorize governmental powers as delegated, reserved, concurrent, or implied (C-1A-H3)</td>
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<td>8.</td>
<td>Identify powers denied to federal or state governments by the U.S. Constitution (C-1A-H3)</td>
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<td>9.</td>
<td>Analyze or assess issues related to the distribution of powers at the federal level (e.g., tensions among the three branches of government; roles and responsibilities of the three branches) (C-1A-H3)</td>
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<td>10.</td>
<td>Explain the structure and functions of the three branches of the federal government, including regulatory and independent agencies and the court system (C-1A-H4)</td>
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<td>11.</td>
<td>Cite the roles, duties, qualifications, and terms of office for key elected and appointed officials (C-1A-H4)</td>
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<td>12.</td>
<td>Explain the structure and functions of state, parish, and local governments (C-1A-H4)</td>
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<td>13.</td>
<td>Discuss the advantages or disadvantages of various types of local government (C-1A-H4)</td>
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<td>14.</td>
<td>Examine constitutional provisions concerning the relationship between federal and state governments (C-1A-H4)</td>
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<tr>
<td>15.</td>
<td>Explain the processes and strategies of how a bill becomes a law at the federal and state level (C-1A-H5)</td>
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<td>16.</td>
<td>Evaluate a specific law or court ruling on given criteria (C-1A-H5)</td>
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<tr>
<td>17.</td>
<td>Examine the meaning, implications, or applications of the U.S. Constitution (e.g., the Bill of Rights, the Fourteenth Amendment) (C-1A-H5)</td>
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**Foundations of the American Political System**

| 25.   | Analyze the significance of the Magna Carta, English common law, and the English Bill of Rights in creating limited government in the United States (C-1B-H1) |
| 26.   | Explain how European philosophers (e.g., Rousseau, Locke, Montesquieu, Voltaire) helped shape American democratic ideas (C-1B-H1) |
| 27.   | Analyze central ideas in an American historical document and explain the document’s significance in shaping the U.S. Constitution (C-1B-H1) |
| 28.   | Explain the meaning and importance of principles of U.S. constitutional democracy in American society (C-1B-H1) |
| 29.   | Assess the importance of the U.S. Constitution as the Supreme Law of the Land, and ways in which U.S. Constitutional government has helped shape American society (C-1B-H1) |
| 31.   | Explain issues involved in various compromises or plans leading to the creation of the U.S. Constitution (C-1B-H2) |
Origins of American Government Unit 2-A
The Colonial Period

An English Political Heritage
During the 1600s people came to North America from many regions. Most colonists, however, came from England. They established and governed the original thirteen colonies. They brought with them several ideas that had been developing in England for centuries. At the heart of the English system were two principles of government: limited government and representative government.

Limited Government
The idea first appeared in the Magna Carta that King John was forced to sign in 1215. It established the principle of limited government in which the power of the ruler was not absolute.

Petition of Right
In 1628, Parliament forced Charles I to sign this petition severely limiting the king’s power.

English Bill of Rights
In 1689, after the Glorious Revolution, Parliament also passed this Bill of rights which set clear limits on what a ruler could and could not do.

Representative Government
People elect delegates to make laws and conduct government.

The Ideas of John Locke
Social Contract between the government and the people. People may overthrow an unfair government.

Government in the Colonies
- Each colony had three things in common: a governor, a type of legislature, and a court system.
- The colonies established practices that became a key part of the nation’s system of government:
  - A written constitution that guaranteed basic liberties and limited power of government
  - A legislature of elected representatives
  - The separation of powers between the governor (the chief executive) and the legislature

Today the United States government embodies each of these practices.

Written Constitutions
- The Mayflower Compact that the Pilgrims signed in 1620 stands as the first example of many colonial plans for self government. This was America’s first direct democracy.
• In 1629, new Puritan immigrants settled in nearby Massachusetts Bay. By 1636 the colony realized the need for more comprehensive laws. It adopted the Great Fundamentals, the first basic system of laws in the colonies.

• In 1639 Puritans who left Massachusetts Bay Colony to colonize Connecticut drew up America’s first formal Constitution, or charter, -- the Fundamental Orders of Connecticut. This document laid out a plan for government that gave people the right to elect the governor, judges, and representatives to make laws.

**Activity 12: Using Primary Sources on Government**

**Colonial Legislatures**

• The Virginia House of Burgesses was the first legislature in America (representative democracy) established in 1619, only 12 years after the settlement of Jamestown.

• Representative government was common in the colonies long before independence was declared from Great Britain in 1776.

**Separation of Powers**

• Colonial charters divided the power of government. The governor, the king’s agent in the colonies, had executive power. Colonial legislatures had the power to pass laws, and colonial courts heard cases.

• This principle of separation of powers was later incorporated into the United States Constitution.

**Uniting for Independence**

**The Colonies on Their Own**

Because the colonies were subjects of the British crown, they were to be at the disposal of the British as a source of economic benefit. In practice, the colonies had governed themselves for about 150 years since the settlement of Jamestown in 1607; they did basically what they wanted to and governed themselves through representatives. The colonies remained loyal to the crown and were guaranteed protection from the nearby French in Canada. The British & colonists were okay with this arrangement until the mid-1700s.

**Britain Tightens Control**

Two events drastically changed the easy relationship between the colonies and Britain. First, the French and Indian War, fought between 1754 and 1763, threatened Britain’s hold on the continent. Second, George III, who became king in 1760, had different ideas about how the colonies should be governed. The British defeated the French in a struggle over lands that would become Ohio and Pennsylvania. The defeat of the French meant the American colonists no longer needed the British to protect them from the French. The war, however left the British government with a large war debt that the colonies were expected to help repay.
**Taxing the Colonies**

To help pay for the war, King George levied taxes on tea, sugar, glass, paper, and other products. The Stamp Act of 1765 imposed the first direct tax on colonists. It required them to pay a tax on legal documents, pamphlets, newspapers, and even dice and playing cards. Parliament also passed laws to control colonial trade that benefited Britain and not the colonies. Britain’s revenue from the colonies increased, but the colonists grew resentful. Colonies boycotted British goods to protest the Stamp Act. It was repealed, but other laws were passes to replace it. Several events occurred in the colonies to protest the taxes. Among them was the Boston Tea Party and an extended boycott. Britain passed the Coercive Acts (the Intolerable Acts in the colonies) to punish the colonists.

**Colonial Unity**

Responding to the French attacks on the frontier, in 1754 Benjamin Franklin had proposed an innovative plan for uniting the colonies—the Albany Plan of Union. The colonies rejected the plan because they felt it gave too much control to an assembly made up of representatives from all thirteen colonies.

**The First Continental Congress**

The Intolerable Acts prompted Virginia and Massachusetts to call a general meeting of the colonies. Delegates from all the colonies except Georgia met in Philadelphia on September 5, 1774, for the First Continental Congress. At the meeting, the delegates imposed an embargo on Britain—an agreement prohibiting trade, and agreed not to use British goods. They also proposed a meeting the following year if relations with the British did not improve. King George declared the colonists in a state of rebellion and sent troops to the colonies to put the rebellion down. The first blow fell on April 19, 1775 at Lexington and Concord in Massachusetts. The clash later called the “shot heard around the world” would be the first battle of the Revolutionary War.

**The Second Continental Congress**

This Congress assumed the powers of a national government. The delegates voted to organize a navy and an army and to issue money. George Washington was made commander of the newly organizing Continental Army.

**The Declaration of Independence**

The delegates comprised a committee to write a written declaration of independence. The committee asked Thomas Jefferson of Virginia to write the draft. On July 4, 1776 Congress approved the final draft of the Declaration of Independence; the actual title was *The unanimous Declaration of the thirteen united States of America.*
Key Parts of the Declaration

In writing the Declaration, Jefferson drew on the ideas of many philosophers like Locke to set out reasons for the colonies to declare their freedom. The purpose of the Declaration was to justify the Revolution and put forth the founding principles of the new nation.

The Declaration has three parts. It begins with a statement of purpose and basic human rights. The middle section of the Declaration lists specific complaints against George III. Each item describes a violation of the colonists’ political, civil, and economic liberties. These paragraphs were designed to justify the break with Britain. The conclusion states the colonists’ determination to separate from Great Britain.

The Articles of Confederation

When the declaration was proposed, there was also supposed to be a “plan for confederation.” In 1777, a committee appointed by Congress presented a plan called the Articles of Confederation. It basically continued the structure and operation of the government under the Second Continental Congress. The states wanted a “firm league of friendship” among the 13 independent states rather than a strong national government. By 1781, all 13 states had ratified, or approved, the Articles of Confederation.

Government Under the Articles

Under the Articles, a plan for a central government was simple. It included a unicameral, or single-house, chamber, Congress. It did not include an executive branch or president. There was no federal court system. Congress settled disputes among states.

Each state had one vote in Congress, no matter its size or population. Congress had only those powers expressed in the Articles—foreign affairs and defense. All other powers remained with the independent states.

Weaknesses of the Articles

Although the Articles of Confederation gave Congress power, they created a weak national government. Because each state had no intention of giving up its sovereignty to a central government, the Articles had weaknesses.

Achievements

Despite its weaknesses, the Confederation accomplished important tasks. The greatest achievement was the establishment of a fair policy for the development of the lands west of the Appalachians. Another important
accomplishment was a peace treaty with Great Britain. Under the terms of the treaty, signed in 1783, Britain recognized American independence.

**Need for Stronger Government**

*Shays’ Rebellion*

Armed groups of farmers forced several courts to close in order to prevent farm foreclosures and the loss of their farms. Daniel Shays, a former captain in the Revolutionary Army, led a band that raided the Massachusetts arsenal. The Massachusetts militia put down the rebellion, but the armed unrest frightened American leaders.

**The Annapolis Convention**

After a successful meeting called by George Washington (1785) to discuss problems among Maryland and Virginia, Virginian representatives called all states to another meeting in 1786 at Annapolis, Maryland—to discuss commerce. Only five sent delegates. There was a need for all the states to get together, so another meeting was planned in Philadelphia for 1787. The purpose of the meeting would be to regulate trade among the states and to propose changes that would make the central government more effective. The meeting would end up being “for the sole purpose of revising the Articles of Confederation.”

**Activity 10: Historical Origins of American Government**

**The Constitutional Convention**

**The Convention Begins**

The Constitutional Convention began its work on May 25, 1787. All states except Rhode Island sent delegates.

There were some very well respected men at the meeting. Among them were Benjamin Franklin, George Washington, and Gouverneur Morris who would write the final draft. From Virginia came James Madison, a brilliant advocate of a strong central government. His careful notes are a major source of information about the Convention’s work. Madison is often called the **Father of the Constitution.**

**Organization**

- George Washington was chosen to preside over the meetings.
- Each state would have one vote on all questions.
- A simple majority of those states present would make decisions.
- No meetings would be held unless delegates from at least seven of the 13 states were present.
- The matters of the meetings would be kept private.

**Key Agreements**

- The delegates decided not to revise the Articles but instead write a new Constitution.
• All delegates favored the idea of limited and representative government.
• The powers of the national government should be divided among legislative, judicial, and executive branches.
• States should not coin money.
• The national government should be strengthened.

The debates and compromises of the Convention were not over these agreements, but how to put these ideas into practice.

**Decisions and Compromises**

*The Virginia Plan*
- A strong national legislature with two chambers, the lower one to be chosen by the people and the upper one to be chosen by the lower. The legislature could bar any state laws found to be unconstitutional.
- A strong national executive to be chosen by the national legislature
- A national judiciary to be appointed by the legislature.

*The New Jersey Plan*
- A unicameral legislature, with one vote per state no matter the size
- Congress would have the power to impose taxes and regulate trade
- A weak executive consisting of more than one person elected by Congress
- A national judiciary with limited power chosen by the executive

*The Connecticut Plan*

  Bicameral legislature: (1) a House of Representatives, with state representation based on population. All revenue laws—concerning spending and taxes—would begin in this house; and (2) a Senate, with two members from each state. State legislatures would elect Senators.

*The Three-Fifths Compromise*

  Southern states wanted slaves counted the same as free people so they could have more representatives in congress. They did not want slaves counted at all for levying taxes. The Northern states took the opposite position because they did not have many slaves. Three-fifths of the enslaved people were counted for both tax purposes and for representation.

*Compromise on Commerce and the Slave Trade*

  The Northern states wanted the government to have complete control over trade with other nations. The southern states depended heavily on agricultural exports. They also felt the North could interfere with the slave trade. Congress agreed not to ban the slave trade until 1808. Congress was given power over interstate and foreign trade. Congress could not impose export taxes (to protect the South).
Other Compromises

The debate over how to elect the president included the election of the president directly by the people, by Congress, and by state legislatures. The present Electoral College System, in which each state selects electors to choose the president, was finally agreed to as a compromise.

Ratifying the Constitution

For the new Constitution to become law, 9 of the 13 states had to ratify it. On May 29, 1790, Rhode Island finally voted for approval. The Constitution actually went into effect on June 21, 1788, when New Hampshire became the ninth state to ratify it.

The Federalists and Anti-Federalists (handout)

Launching a New State

With ratification by Virginia and New York, the new government began, with New York City as the nation’s temporary capital. George Washington was elected president and John Adams vice president. Voters elected 22 senators and 59 representatives, and on March 4, 1789, Congress met for the first time in Federal Hall in New York. On April 30, Washington took the oath of office to become the first president of the United States.

To fulfill the promises made during the fight for ratification, James Madison introduced a set of amendments during the first session of Congress. Congress approved twelve amendments and the states ratified 10 of them in 1971. These first 10 amendments became known as the bill of rights.

End of Unit 2-A.

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THE CONSTITUTION: UNIT 2-B

Key Philosophers and the American Constitution
Rousseau, Locke, Montesquieu, Voltaire.
[Activity 11: here are resources ]

Structure
The Preamble
The introduction states why the Constitution was written. The Founders indicated that they wanted a government that would provide stability and order, protect citizens’ liberties, and serve the people:

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

-- The Preamble
Seven Articles

Article I establishes the legislative branch. Section 1 Article 1 creates the United States Congress. Sections 2 and 3 set forth details about the two houses of Congress. Other sections of Article I spell out the procedures for making laws, lists the types of laws Congress may pass, and specify the powers that Congress does not have.

Article II creates an executive branch to carry out laws passed by Congress. The sections detail the powers and duties of the presidency, describe qualifications for the office and the procedures for electing the president, and provide for a vice president.

Article III establishes a Supreme Court to head the judicial branch. The section also gives Congress the power to create lower courts.

Article IV explains the relationship of the states to one another and to the national government.

Article V spells out the ways that the Constitution can be amended, or changed.

Article VI contains the supremacy clause, establishing that the Constitution, laws passed by Congress, and treaties of the United States “shall be the supreme Law of the Land.”

Finally, Article VII addresses ratification and states that the Constitution would take effect after it was ratified by nine states.

Activity 1: Government in Action

The Amendments
The Constitution has 27 changes since the nation’s beginnings.

Major Principles

Popular Sovereignty
Rule by the people. United States government is based on consent of the governed.

Federalism
Power is divided between national and state governments. Federalism gives the United States a flexible system of government under which the national government has the power to act for the country as a whole, and states have power over many local matters.

Separation of Powers
The Constitution limits the central government by dividing power among the legislative, executive, and judicial branches. Under separation of powers, each branch has its responsibilities.

Checks and Balances
Each branch of government exercises some control over the others. See handout

Activity 2: Applying Concepts of Checks and Balances
Judicial Review
The power of the courts to declare laws and actions of local, state, and national governments invalid of they violate the Constitution. All federal courts have this power, but the Supreme Court is the final authority on the meaning and interpretation of the constitution. This principle was established in the case of *Marbury v. Madison* in 1803.

Limited Government
The Constitution limits the actions of government by specifically listing powers it does not have. The bill of rights set specific limits in the areas of freedom of expression, personal security, and fair trials.

Three Branches of Government

The Legislative Branch
Article I of the Constitution creates the Legislative branch of the Constitution. It also lists the qualifications for people wishing to be elected as members of Congress.

Enumerated Powers
(They are called enumerated because they are numbered 1-18.) See [handout](#).

The final enumerated power is the so-called elastic clause. This clause gives Congress the right to make all laws “necessary and proper” to carry out the powers expressed in the other clauses of Article I. Congress may “stretch” its powers to meet situations the Founders could have never anticipated.

The primary job of the legislative branch is to make laws. Here are notes on How a Bill Becomes A Law.

Project Vote Smart - GOVERNMENT 101: How a Bill Becomes Law
Here is a handout on how a bill becomes a law in [Louisiana](#).

Activity 6 and 7: How a Bill Becomes A Law Chart; Examining the Legislative Process

The Executive Branch

Vague Constitutional Powers
Article II begins by stating: The executive Power shall be vested in a President of the United States of America.” Some scholars compare this statement to a “wild card” in a deck of presidential powers. It may provide for several different things. For example, under executive power, the president can fire officials in the executive branch, make agreements with foreign nations, or take emergency actions to save the nation, even though none of these powers is specifically mentioned in the Constitution.
Specific Powers
Sections 2 and 3 of Article II do define some presidential powers.

The president fulfills his duties with the aid of the federal bureaucracy, which includes a number of executive agencies and departments.

The Judicial Branch
The judiciary of the United States has two different systems of courts. One system consists of the federal courts, whose power derive from the Constitution and federal laws. The other includes the courts of each of the 50 states, whose powers derive from state constitutions and laws.

Every court has the authority to hear only certain kinds of cases. This authority is known as the jurisdiction of the court. Two factors determine the jurisdiction of federal courts—the subject matter of the case and the parties involved in it. Federal courts try cases that involve United States laws, treaties with foreign nations, or interpretations of the Constitution. Cases involving admiralty and maritime law also come under federal court jurisdiction. Federal courts also try cases involving bankruptcy.

Activity 8: Analysis of a Supreme Court Ruling

Click here for a useful resource on the three branches of government which includes qualifications, current leaders, and principle duties.

Activity 3: Analyzing the Three Branches of Government

The Amendments
The Bill of Rights
The Bill of Rights limits the power of the government. Its purpose is to protect the rights of individual liberty, such as freedom of speech, and the rights of persons accused of crimes, such as the right to trial by jury.

The First Amendment
The First Amendment protects the right of Americans to worship as they please, or to have no religion if they prefer. In addition, the First Amendment protects freedom of speech and freedom of the press. The government cannot prevent individuals from freely expressing their opinions. Free speech extends to the circulation of ideas in newspapers, books, magazines, radio, television, and, to some extent, movies; this is recognized by the government as freedom of the press.

Freedom Within Limits
The freedoms of speech and the press are not unlimited. For example, laws prohibit slander and libel. Slander is false speech intended to damage a person’s reputation. Libel is similar to slander, except that it applies to written or
published statements. **Treason**, which is endangering the nation’s security by giving away military secrets or calling for the violent overthrow of the government also are not protected.

Another freedom the First Amendment protects is the right to assemble in groups and hold demonstrations. The courts require such groups to acquire a permit for such practices and to be peaceful in their assemblies.

Finally, the first amendment protects the right to criticize government officials and their actions. The rights to sign petitions in support of an idea, to present those petitions to government officials, and to send letters to those officials are all protected.

**Protecting Against Abuses of Power**

*The Second Amendment*

This amendment ensures citizens and the nation the right to security. It is popular referred to as the right to bear arms. Originally, the amendment was intended to prevent the national government from repeating the actions that the British had taken. Before the Revolution, the British tried to take weapons away from colonial militia. States are free to regulate the use and sale of firearms.

*The Third Amendment*

This amendment prohibits the government from forcing people to quarter—to provide shelter for—soldiers in their homes, another British practice before the Revolution.

*The Fourth Amendment*

This amendment, sometimes known as the Privacy amendment, protects Americans against unreasonable searches and seizures. When such searches are considered to be “reasonable”, enforcement officials may obtain a search warrant from the courts. Warrants are only issued if the judge is convinced that the search will yield evidence necessary to convict a person of a crime.

**Protecting the Accused**

*The Fifth Amendment*

This amendment protects the rights of people accused of a crime. The amendment states that no one can be put on trial without first being indicted, or formally accused, by a grand jury. The Fifth Amendment also protects people from double jeopardy. This means that people who are accused of a crime and judged not guilty may not be put on trial for the same crime. In addition, the Fifth Amendment protects an accused person’s right to remain silent. This amendment also states that no one may be denied life, liberty, or property without due process of law. Due process means following a set of procedures established by law and guaranteed by the Constitution. Finally, the Fifth Amendment also protects a person’s property rights. It limits the government’s power of eminent domain. Eminent Domain is the right of government to take private property—usually land—for public use.
The Sixth Amendment
This amendment guarantees additional rights of people accused of crimes. It requires that they be told the exact nature of the charges against them. It also requires that the accused be allowed a trial by jury. If the accused person asks for a jury trial, it must be speedy, public, and have an impartial jury. If possible, the trial should be held in the same area where the crime took place.

Accused individuals must have the right to hear and question all witnesses against them. They must also be permitted to call witnesses in their own defense. Finally, they are entitled to have a lawyer. If they cannot afford one, they can get a court-appointed lawyer.

The Seventh Amendment
This amendment guarantees the right to a jury trial in civil cases if the amount of money involved is more than $20.

The Eighth Amendment
The Eighth Amendment forbids excessive bail and cruel and unusual punishments.

Protecting Other Rights
The Ninth Amendment
The Ninth Amendment makes it clear that the rights spelled out in the Constitution are not the only rights of the American people.

The Tenth Amendment
Under the Tenth Amendment, any powers the Constitution does not specifically give to the national government are reserved for the people. In this way, the Tenth Amendment prevents Congress and the President from becoming too strong. The government of the United States can only have powers the people give it.

Activity 9: Evaluating the Role of Law in a Democracy and the Bill of Rights
Click here for a handout on the Bill of Rights.

Other Amendments
The 27 amendments fall into three groups. The first group, which includes the Bill of Rights, was added between 1791 and 1804 to put finishing touches on the original Constitution. The Eleventh and Twelfth Amendment also fall into this group.

Article III, Section I, of the Constitution gave the federal courts jurisdiction in cases arising between states, between citizens of different states or between a state and citizens of another state. In 1795 the Eleventh Amendment was added to the Constitution to prohibit a state from being sued in federal court by citizens of another state or another nation.
The Twelfth Amendment, added in 1804, corrects a problem that had arisen in the method of electing the president and vice president. This amendment provides for the Electoral College to use separate ballots in voting for president and vice president.

Civil War Amendments
The second group of amendments—Thirteen, Fourteen, and Fifteen—are often called the Civil War Amendments because they grew out of that great conflict.

The Thirteenth Amendment (1865) outlaws slavery, and the Fourteenth Amendment (1868) originally was intended to protect the rights of freed slaves and their descendents. It also states that all citizens have the right to equal protection of the law in all states. The Fifteenth Amendment (1870) prohibits the government from denying a person’s right to vote on the basis of race.

The Later Amendments
The third group of amendments have all been added in the twentieth century. They deal with a range of topics that reflect the changes in modern American society.

The Sixteenth Amendment (1913) gives Congress the power to levy income taxes.

The Seventeenth Amendment (1913) states that people, instead of legislatures, elect United States senators.

The Eighteenth Amendment (1919) prohibits the manufacture, sale, or transportation of alcoholic beverages.

The following year (1920) the Nineteenth Amendment guaranteed women the right to vote. By then women had already won the right to vote in many state elections, but the amendment put their right to vote in all state and national elections on a constitutional basis.

The Twentieth Amendment (1933) sets new dates for Congress to begin its term and for the inauguration of the president and vice president. Originally, elected officials who were due to end their term stayed in office until March. These officials had little influence and accomplished little, and they were called lame ducks because they were so inactive. This amendment solved this problem by ending the terms of senators and representatives on January 3, and the term of president on January 20 in the year following their November elections.

The Twenty-first Amendment (1933) repeals the unsuccessful Eighteenth Amendment.

The Twenty-second Amendment (1951) limits the president to a maximum of two elected terms.

The Twenty-third Amendment (1961) allows the citizens living in Washington, D.C. to vote for president and vice president. It has three presidential electors, the same number to which it would be entitled if it were a state.
The Twenty-fourth Amendment (1964) prohibits poll taxes in federal elections.

The Twenty-fifth Amendment (1967) establishes a process for the vice president to take over the leadership of the nation when a president is disabled. This amendment created the Presidential Succession Act.

The Twenty-sixth Amendment (1971) lowers the voting age in both federal and state elections to 18.

The Twenty-seventh Amendment (1992) makes congressional pay raises effective during the term following their passage. Originally proposed by James Madison in 1789, this amendment lingered in obscurity for more than 200 years until it was discovered by a university student.

End of Unit 2-B.

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National and State Powers: Unit 2-C.

The Division of Powers

The Constitution divided government authority by giving the national government certain specific powers, reserving all other powers to the states or to the people. In addition, the national and state governments share some powers. Finally, the Constitution specifically denied some powers to each level of government.

National Powers

The Constitution grants three types of power to the national government: expressed, implied, and inherent powers. Collectively, these powers are known as delegated powers, powers the Constitution grants or delegates to the national government.

Expressed Powers

These are those powers directly expressed or stated in the Constitution by the Founders. Most of these powers are found in the first three articles of the Constitution. This constitutional authority includes the power to levy and collect taxes, to coin money, to make war, to raise an army and navy, and to regulate commerce among the states. Expressed powers are also called enumerated powers.

Implied Powers

Those powers that the national government requires to carry out the powers that are expressly defined in the Constitution are called implied powers. While not specifically listed, implied powers spring from and depend upon the expressed powers. For example, the power to draft people into the armed forces is implied by the power given to the government to raise an army and navy.
The basis for the implied powers is the necessary and proper clause (Article I, Section 8). Often called the elastic clause because it allows the powers of Congress the stretch.

Inherent Powers

Those powers that the national government may exercise simply because it is a government are its inherent powers. For example, the national government must control immigration and establish diplomatic relations with other countries, even though these powers are not spelled out in the Constitution.

The States and the Nation

The Constitution reserves certain powers for the states. These powers belong strictly to the states and are called reserved powers. These powers are not specifically listed, but are made possible by the Tenth Amendment. States may exercise powers not delegated to the national government, reserved to the people, or denied to them by the Constitution. As a result, states regulate public school systems, establish local governments, and require licenses for those who practice certain professions.

The Supremacy Clause

What happens when states exceed their reserved powers and pass laws that conflict with national laws? Which law is supreme? Article IV, Section 2, of the Constitution makes the acts and treaties of the United States supreme. For this reason it is called the supremacy clause. No state law or state constitution may conflict with any form of national law. States create local governments such as those of cities and parishes. As such, local governments get their powers from the states. Hence, local governments are also bound by the Constitution’s supremacy clause—if a state is denied a certain power, so, too, are the local governments within the state.

Concurrent Powers

Concurrent powers are those powers the both the national government and the states have. Each level of government exercises these powers independently. Examples of these powers are the power to tax, to maintain courts and define crimes, and to appropriate private property for public use. Concurrently with the national government, the states may exercise any power not reserved by the Constitution for the national government. Of course, state actions must not conflict with any national laws.

Denied Powers

The Constitution specifically denies some powers to all levels of government. Article I, Section 9, enumerates those things the national government cannot do. For example, the national government cannot tax exports, and it cannot interfere with the ability of states to carry out their responsibilities.

The next section of Article I presents a long list of powers denied to the states. No state can make treaties or alliances with foreign governments. Nor
can states coin money, make any laws impairing the obligations of contracts, or grant titles of nobility.

Consistent with the belief in the sovereignty of the people, the Constitution applies important limitations to both the national and state governments. These restrictions, designed to protect individual liberties such as free speech and the rights of the accused are set forth in Article I, Section 9, in the Bill of Rights, and in several other amendments.

Here is a list of powers of the nation and states.