

Mr. Hagaman's US Constitution Notes

I. Congress (Legislative Branch)

A. House of Representatives

1. Requirements
 - a. Citizen for 7 years
 - b. 25 years of age
 - c. Live in state where elected
2. Number of Representatives for each state divided by population (435 Total)
3. Speaker of the House leads House of Representatives
4. House of Representatives Calls for Impeachment trials

B. Senate

1. Requirements
 - a. 30 years of age
 - b. Citizen for 9 years
 - c. Live in state where elected
2. Number of Senators is 2 per state (100 Total)
3. Vice President of US leads Senate
4. Senate judges Impeachment trials – where government officials are put on trial

C. Elections and Meetings

1. Elections are run by states
2. Congress must meet once per year

D. Congressmen are paid from US Treasury – bank which holds tax money

E. Bills

1. Bills for any topic except revenue can begin in either house (revenue or money bills must start in the House of Representatives)
2. Bills that are approved by one house must also be approved by the other
3. Bills that are approved by both houses must be approved by the President
4. If the President approves the bill, it becomes law
5. If the President vetoes (or votes down) a bill, it may still become law if 2/3 of both houses approve it.

F. Powers

1. Tax
2. Borrow and coin (print/create) money
3. Regulate trade
4. Determine citizenship
5. Establish post offices
6. Declare war
7. Manage copyrights, patents, and trademarks
8. Maintain armed forces
9. Make all laws “Necessary and Proper” which do not conflict with another governmental power

II. Executive Branch

A. President (Barack Obama)

1. 4-Year Term
2. Requirements
 - a. 35 years old
 - b. Citizen by birth
 - c. US Resident for the past 14 years
3. Presidential Order of Succession – If the President can no longer perform his duties, those who are next in line are as follows.
 - a. Vice President (Joe Biden)
 - b. Speaker of the House
 - c. President Pro Tempore of the Senate (highest elected official in the Senate)
 - d. Cabinet Members in the Order of Agencies' Creation
4. Powers & Responsibilities
 - a. Commander in Chief of Armed Forces of nation and of states
 - b. Make Treaties with consent of 2/3 Senate
 - c. Appoint ambassadors, judges of Supreme Court with consent of 2/3 Senate
 - d. Has power to bring Congress to session or dismiss them.
 - e. Can grant pardons (excuse past crimes) of any citizen except the case of impeachment
 - i Any member of the executive branch can be impeached for Treason, Bribery, or other high crimes and misdemeanors.
 - f. State of the Union address

B. The Cabinet – The President's team of advisers

1. Executive Departments (15 in all)
 - a. Department of State
 - i Led by Secretary of State John Kerry
 - ii Developed to advise the president in foreign affairs and to act as ambassador to the world.
 - b. Department of the Treasury
 - i Led by Secretary of the Treasury Jack Lew
 - ii Developed to monitor economic policy (both domestic (within our own country) and foreign (outside our country)).
 - c. Department of Defense
 - i Led by Secretary of Defense Chuck Hagel
 - ii Developed to help the president manage all of the nation's armed forces in order to secure the nation and prevent war.
 - d. Department of Justice
 - i Led by Attorney General Eric H. Holder, Jr.
 - ii Developed to enforce the laws of the United States, especially by prosecuting criminals.
2. While the cabinet was not specifically created by the constitution, it does refer to the President's advisers and their offices in Article II Section 2.

III. The Court System

A. Member Courts

1. Supreme Court – highest court in land. All issues with a Federal official or state as defendant begin and end here.
2. U.S. Federal Court of Appeals (13) – Besides the Supreme Court, this is the highest-level court hearing issues of national law
3. U.S. Federal District Courts (94) – Issues of national law start here
4. State Appeals Courts – Besides the Supreme Court, this is the highest-level court hearing issues of state law
5. Local Trial Courts – Issues of state law start here

B. Powers

1. Judicial Review – the Supreme Court determines if laws follow the Constitution
2. Interpret laws and statutes
3. Determine guilt or innocence of criminals by jury trial

C. Influences

1. The Supreme Court can only make judgments on cases brought before it
2. Relevant laws, especially the Constitution
3. Legal precedent (cases which were decided earlier)

D. Landmark Cases

1. *Marbury v. Madison (1803)* – established Judicial Review when the court decided that the law they were interpreting did not follow the Constitution
2. *Plessy v. Ferguson (1896)* – said “separate but equal” laws which separated black and white quarters were legal.
3. *Brown v. Board of Education (1954)* – said “separate but equal” laws were not legal; separate facilities can never truly be the same and can never be equal.
4. *Miranda v. Arizona (1966)* – said police officers must inform suspects of their 5th and 6th amendment rights before a confession is made.
5. *Texas v. Johnson (1989)* – Flag burning is protected by the 1st amendment.
6. *Roe v. Wade (1973)* – determined that an unborn fetus is not considered a person.

IV. The States

A. All states must honor the laws of other states

B. Citizens from different states will be treated the same way as citizens from other States

C. New states may be added, but that state must come from land that has never been part of a state

D. All states must have a republican form of government

V. Amendments – changes to the Constitution

A. Ways to propose an amendment

1. 2/3 of Congress agree OR
2. 2/3 of State legislatures call for a convention (meeting)

B. Ways to have a proposed amendment approved

1. 3/4 of State legislatures approve OR
2. 3/4 of State conventions (NOT voters) approve

C. Important Amendments

1. Amendment 1: Freedoms of Religion, Speech, Press, Assembly, and Petition
2. Amendment 2: Right to Bear Arms
3. Amendment 3: Freedom from Quartering of Troops
4. Amendment 4: Freedom from Search and Seizure
5. Amendment 5: Personal Protections
6. Amendment 6: Right to a Speedy Trial
7. Amendment 7: Right to a Jury Trial
8. Amendment 8: Freedom from Cruel and Unusual Punishment
9. Amendment 13-15: Abolition of Slavery and Former Slaves' Rights
10. Amendment 18/21: Prohibition / Repeal of Prohibition
11. Amendment 19: Women's Suffrage
12. Amendment 22: Presidents Limited to 2 Terms

VI. The United States

- A. The United States will maintain all contracts or debts made while under the Articles of Confederation
- B. The Constitution is the Supreme Law of the Land
- C. All officers of the federal and state governments must swear an oath of allegiance to the United States and Constitution before taking office.

VII. Ratification

- A. 9 of the 13 original states must accept the Constitution before it would go into effect.