

National vs. State Powers

National Powers	State Powers
<ul style="list-style-type: none"> - Declare war - Maintain armed forces - Regulate interstate and foreign trade - Admit new states - Establish Post Offices - Set standards of weight & measures - Coin money - Establish foreign policy 	<ul style="list-style-type: none"> - Establish and maintain schools - Establish local governments - Conduct elections - Create corporate laws - Regulate business with the state - Make marriage laws - Provide public safety

Some Powers Held by the three Branches of the Federal Government

Legislative	Executive	Judicial	ALL 3 Branches
Override a veto	Veto Power	Courts	Checks & Balances on each branch
Impeachment Power	Negotiate Treaties	Protects Constitution	
Declares War	Commander in Chief	Reviews Court Decisions	
Advise & Consent – Major appointments & Treaties	Administers the Laws		
Congress	President, VP, & Cabinet	Supreme Court	
Senate		Federal courts	
House of Representatives			
Makes laws Money bills originate in the House	Enforces laws	Interprets laws	

I. Problems of the Articles of Confederation

- A. "A league of friendship among the 13 United Colonies"
- B. All states were equal regardless of population...is that democratic?
- C. 9 votes required to pass a law/12 to change the Articles
- D. Taxation and military forces were handled by the states

II. A stronger form of union; The Constitution of the United States

- A. Made many nervous because it would have real power (9 to ratify), not unlike King George
- B. People insist on a statement of liberty...The Bill of Rights is added and only then can the Constitution be ratified ... March 4th 1789

Explanation of the amendments of the Bill of Rights:

Amendment	Original Language	Rights	Key Words
1	<i>Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.</i>	Freedom of Religion, Speech, Press, Assembly, & Petition	<u>Abridging</u> (shorten or condense) <u>Petition</u> (formal written request) <u>Redress</u> (set right, relief) <u>Grievances</u> (a real or imagined wrong or other cause for complaint or protest, especially unfair treatment.)

2	<i>A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.</i>	Have firearms in your home Militia	<u>Militia</u> (civilian soldiers) <u>Infringed</u> (to violate another person's rights)
3	<i>No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.</i>	No soldier can be put in your home during peace time! In time of war, Congress has to pass a special law in order to put soldiers into your home	<u>Quarter</u> (a place in which to live) <u>Prescribed</u> (lay down as a guide)
4	<i>The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.</i>	<u>There will be no unreasonable searches of you, your home, property, or papers</u> <u>An official wanting to search must get a warrant!</u> <u>To get a warrant, the person must have probable cause, and take an oath and give the exact place to search and the person or things to be seized</u>	<u>Effects (goods or possessions)</u> <u>Seizures (to take by force)</u> <u>Oath (solemn appeal to God)</u> <u>Affirmation (assert positively)</u>
5	<i>No person shall be held to answer for any capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.</i>	No trial for a capital crime or felony without an indictment by the grand jury – this does not apply to the army, navy, or militia You cannot be tried twice for the same crime You cannot be made to give information which can hurt you The government cannot deprive you of life, liberty, or property without “DUE Process of Law” And the government cannot take your property without paying what it is worth	<u>Capital</u> (death penalty) <u>Infamous</u> (felony) <u>Indictment</u> (official order to stand trial) <u>Grand jury</u> (jury which decides if there is good enough case to make a suspect stand trial) <u>Jeopardy</u> (in danger) <u>Due process</u> (following all of the legal procedures) <u>Compensation</u> (payments)
6	<i>In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district where in the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of</i>	Fair, speedy and public trial Impartial jury (petite jury) ..must be jury trial if the accused wants one The accused must be tried in the district where accused The accused must be told what the accusation is The accused must be faced by the accusers The accused must be able to get witnesses in his/her defense The accused must be able to have	<u>Impartial</u> (do not take sides) <u>Compulsory</u> (forced) <u>Counsel</u> (a lawyer)

	<i>Counsel for his defense.</i>	a lawyer if he/she cannot afford to pay of one	
7	<i>In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.</i>	Right to jury trial in “civil cases” No retrial unless there is a mistake in law Jury verdict takes only 9/12 to decide	<u>Common law</u> (civil suits – having to do with money) <u>Reexamined</u> (retried because of a mistake in due process)
8	<i>Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.</i>	No excessive bail No excessive fines No cruel and unusual punishment	<u>Excessive</u> (unreasonable) <u>Bail</u> (money put up to guarantee that an indicted person will appear in court) <u>Unusual</u> (strange or not usual)
9	<i>The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.</i>	You have more rights than those listed in the Bill of Rights	<u>Enumeration</u> (numbered...or things which are numerically listed) <u>Construed</u> (translated) <u>Disparage</u> (to lower)
10	<i>The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.</i>	Powers not given to the central government belong to the states and the people Federalism	<u>Delegated</u> (entrusted to another) <u>Respectively</u> (individually)

- Fourteenth Amendment:**
1. Guaranteed citizenship to all born in the US (former slaves).
 2. Extended Bill of Rights to all state laws.
 3. Guaranteed all citizens “equal protection of the law.” No discrimination

<p>Delegated Powers: Those powers specifically granted to the Federal Government by the Constitution.</p> <ul style="list-style-type: none"> • Regulate interstate and international trade • Coin money • Declare war • Maintain armed forces • Establish a postal system • Enforce copyrights 	<p>Reserved Powers: Those powers not delegated to the Federal Government or denied the states are reserved for the states.</p> <ul style="list-style-type: none"> • Regulate intrastate trade • Establish schools • Establish local governments • Pass statewide law (ex: safety belt laws) • Run elections
<p>Concurrent Powers: Powers that are shared by both the Federal and State Governments.</p> <ul style="list-style-type: none"> • Power to tax • Maintain courts • Borrow money 	