

Unit 2 Review: The Constitution, Bill of Rights & Our System of Checks & Balances

Only 6 review sessions left!!!

- Warm Up:
 - Name four amendments and the rights they protect.
 - What are CHECKS AND BALANCES?
 - GIVE EXAMPLES OF:
 - The powers of Congress
 - Powers of the Executive Branch
 - Powers of the Judicial Branch
- **REVIEW PACKETS DUE THURSDAY!**
- Today's Plan:
 - Bill of Rights Review
 - Quiz / Kahoot: Constitution & Bill of Rights
 - Independent / Small group packet work
 - Quiz / Kahoot: Checks & Balances
- Review Groups (sit as assigned please):
 1. Christian, Brandon, Tyrik
 2. Daniel, Reggie, Mariah
 3. Juan, Nashanda, Tim
 4. Aaron, J. Scarborough, Tahj
 5. Best, J. Smith, Jeaven
 6. Jess, Keem, Guillermo
 7. Adella, Shamod, Mali
 8. Devin, Salenceo, Tahjir
 9. Skyler H., Isaiah
 10. Kelsha, Simone

Regarding Review Packets & Grades

1. Thursday at 11:16am – you will earn a zero if I haven't seen your packet.
 - COULD RAISE A (depends on each student's situation though):
 - 54 to a 68
 - 68 to a 73
 - 80 to an 83
 - could drop a:
 - 96% to a 73%
 - 81% to a 64%
- **Late work deadline was before the break.**
 - **If you have a zero on an essay or major project, turn it in and I'll provide 3/5 credit.**

STUDY RESOURCES:

- The packets I gave with info filled in
- **My website**
www.mrggcivics.weebly.com
 - **Notes and materials for each unit**
 - “Exam prep” tab has materials (packets) and jeopardy review games

Upcoming Schedule

- Friday – 2nd Period B Day Exams
 - 2nd period 7:30-9:30am
 - 4th period: 9:36-10:36
 - 3rd period & lunch
 - 1st period: 1:00-2:30
- **Mon June 1: 1st Period Exam 7:30-11:30am**
 - Lunch with 2nd period
 - **3rd period review: 1:36-2:30**
- Tues 6/2– 3rd period B Day exam
 - **7:30-9:30 – 3rd period review (for us)**
 - 9:36-10:36 – 1st period
 - LUNCH with 4th period
 - 2nd period: 1:00-2:30
- **Wed 6/3: 2nd period Exams: 7:30-11:30am**
 - Lunch with 3rd period
 - 4th period review: 1:36-2:30
- Thurs 6/4: 4th period B day exam
 - **7:30-9:30 – 4th period review**
 - 9:36-10:36 – 2nd period
 - LUNCH with 1st period
 - **3rd period: 1:00-2:30 (our FINAL REVIEW SESSION!)**
- **Fri 6/5: CIVICS & ECONOMICS FINAL EXAM**
 - 7:30-11:30am
- Mon 6/8 – 1st period B day Exams
- **Tue 6/9 – 4th period Final Exam**
- **Make Ups:**
 - Miss Friday, make it up Monday
 - Miss Monday, make it up Tuesday,
 - Etc.
- **NO RETAKES**
- **No exemptions**
- **EXAM GUIDELINES**
 - **No electronics – either don't bring them or be ready to place them in zip locks with your phones OFF.**
 - **You will be permitted to take an exam without proving to me that your phone is off and stowed.**
- **C&E Exam Format**
 - 120 minute testing period
 - 41 multiple choice
 - 2 Constructed Response (written) questions
- **Exam Content:**
 - **About 50% Economics & 50% civics**
 - **All testing is ONLINE, including written section**

Responsibilities of local, state and Federal government



Village (Local) GOVERNMENT

The mayor is the elected leader



builds public schools



Raises \$ to build a local park



license for cat or dog



Fire and police protection



Provides buses and garbage pickup



STATE GOVERNMENT

The Governor is elected leader



Protects the state land, and animals



Collects taxes to build highways across state



In charge of drivers licenses and license plates



FEDERAL GOVERNMENT

The President is the elected leader



In charge of the Army, Navy and Marines



Prints money



Makes laws for the whole country



Meets with leaders of World countries



The post office

Structure of the Constitution

- Preamble
- Article I – Legislative Branch
- Article II – Executive Branch
- Article III – Judicial Branch
- Article IV – States powers
- Article V – amendment process
- Article VI – Federal Supremacy
- Article VII – Ratification process

Preamble to the Constitution

- 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 U.S. Constitution

- Delegates Powers to Federal Government
 - Delegate – means GIVE
 - “delegated powers” are things that the constitution clearly says that the federal government has jurisdiction over
 - If a power is not granted by the constitution, the Federal government DOES NOT HAVE THAT POWER
- Reserves Powers to State Government
 - 10th Amendment:
 - *“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”*
 - *By reserving powers to the states, the Constitution LIMITS federal power*

The Fight For RATIFICATION

- Constitution had to be “ratified” – formally accepted – by $\frac{3}{4}$ of the states.
 - This means each state HAD TO VOTE ON WHETHER OR NOT TO GIVE UP SOME OF ITS POWERS TO THE NATIONAL GOVERNMENT
 - PROBLEM: many people, called anti-federalists had major disagreements with the constitution

Elastic Clause; also called “necessary & proper clause”



- Congress has the power to make new laws as it needs to
 - If congress needs to make a law, it can make it, even if the Constitution doesn't mention that power explicitly
- “to make all laws which shall be necessary and proper” for executing the powers delegated by the constitution

Article 6: SUPREMACY CLAUSE

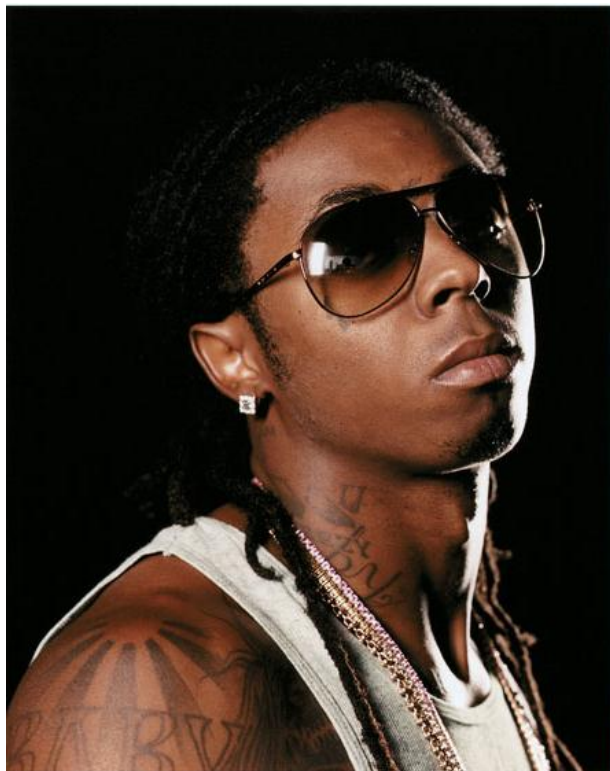
- means that the Constitution is the supreme law of the land (no higher law)
 - In a conflict between State & Federal law, **Federal law wins**:
 - IMPORTANT FOR Civil Rights:
 - After the Civil Rights Act, southern states could not legally enforce segregation, even if they still wanted to

Interstate Commerce Clause

- Interstate – between the states
- Commerce –trade / business
- Congress (the Federal gov't), not the states, has the power to make laws governing businesses that operate in more than one state

1st Amendment

- Freedom of Speech
 - Cannot punish you for speaking



Protected vs. UNPROTECTED SPEECH

Protected Speech

- **Political speech**
 - Expressing your beliefs verbally or in writing
 - (even if they are hateful)
- **Cultural expression**
 - May look and dress the way you want (except for indecent exposure)
- **Religious expression**
 - Prisoners may wear yalmuka's or turbans;
 - State employees may wear personal religious symbols that don't advocate religion for others

Unprotected Speech

- **Slender**
 - Saying untrue things about someone in order to make them look bad
 - They can sue you
- **Libel**
 - Writing / publishing false statements to make someone look bad
 - They can sue you
- **Obscenity / pornography**
 - May be regulated
- **inciting a riot**
 - Eg: shouting "fire" in a crowded theater
 - Using hate speech at racially charged event
- **False advertising**
 - Companies can be sued for misleading the public

1st Amendment

- Freedom of Religion
 - establishment clause -- Government can't establish, create, or advocate any particular religion
 - **SEPARATION OF CHURCH AND STATE**
 - No government (including school) sponsored prayer
 - No public (tax) money used for religious purposes
 - free exercise clause – you have the right to practice any religion of your choice



Freedom of the Press

- No government censorship
 - Censorship – preventing publication of certain ideas
 - Happens a lot in authoritarian countries
 - Has happened here too: certain books are banned from public schools, for example
- No prior restraint
 - Government can't stop a paper from publishing something just b/c it disagrees with it
 - One job of the press is to expose what the government does and create public dialogue about it
 - We need to know what the government is up to

1st Amendment

- Freedom of Assembly
 - Have the right to gather in groups



- LIMITATIONS / RESTRICTIONS
 - Permits - Governments can require groups to get a permit to hold large protests
 - Can be expensive
 - Can restrict locations
 - Can require groups to pay for police presence to direct traffic & ensure safety
 - Time, place, and manner restrictions
 - Examples:
 - you can't march & chant in a residential neighborhood in the middle of the night
 - Cannot block entrances to government buildings or private property

Watergate

- President Nixon had his staff break into the offices of the Democratic Party to steal records & tap the phones at the Watergate Hotel.
 - They got caught.
 - He tried to cover it up.



U.S. v. Nixon

- U.S. Government sued Nixon to force him to release records about Watergate
 - Nixon argued that the records were top secret and confidential, and refused to release them due to Executive Privilege
 - Supreme Court says: no dice
 - Executive privileges applies to national security issues
 - It does not make the President above the law

NY Times v. U.S. (1971)



- Nixon administration
 - charges Ellsberg with Treason for releasing national security documents
 - Orders NY Times to stop publishing the report
- Supreme Court rules in favor of NY Times
 - **1st Amendment**: we have a free press to help stop the government from keeping secrets and lying to its people

2nd Amendment

“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.”



3rd Amendment

- No Quartering
 - Government can't force you to house or feed soldiers



Annotate the 7th Amendment (3 mins)

“in suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved...”

- Right to file lawsuits
- Right to a trial by jury in civil cases



Annotate The 8th Amendment: (90 seconds)

“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

- Amount of fines and bail must be reasonable and must fit the crime
- Punishments must be humane; no torture!



Annotate the 9th Amendment (1 min)

“The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”

- When in doubt, assume that people have more rather than fewer individual rights.
- **Rights not named in the constitution ARE NOT DENIED to the people!**





10th Amendment

gated to the United States
or prohibited by it to the
states, are reserved to the states respectively, or
to the people.”

- **States can do what they want UNLESS:**
 - The U.S. constitution specifically gives a power to the Federal government; or
 - The U.S. constitution specifically says a state DO NOT have that power

**Remember the
Tenth Amendment!**
STATES HAVE RIGHTS TOO !

Constitution requires Due Process

- The government must use proper legal procedures before taking away a persons freedom or property
 - Must have evidence of a crime before getting a warrant
 - Evidence has to be gathered LEGALLY
 - Must ensure that constitutional rights are provided to those accused of crimes
 - 4th, 5th, 6th, 8th amendments
 - Everyone has a right to use the legal system
 - 7th amendment

Warrants & Probable Cause

- When police are ready to make an arrest, they get a judge to sign a warrant.
 - Police must have a warrant to arrest a person
- UNLESS they have PROBABLE CAUSE
 - Clear visual evidence that you did the crime
 - Example: the cop saw johnny breaking into a car
 - The cop saw Ricky trying to hide a laptop under his coat and walk out of the store

Due Process: **Miranda Rights**

- **Miranda v. Arizona**
 - Supreme Court case
 - **Police have to inform people they arrest of their rights to:**
 - **Remain silent**
 - Because 5th amendment protects against “self-incrimination”
 - **Have an attorney even if you can’t afford one**
 - 6th amendment

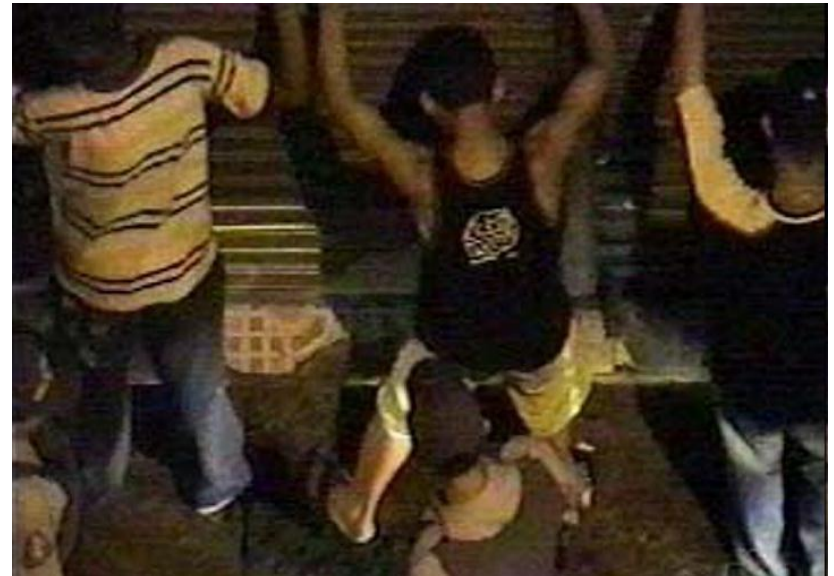
Habeas Corpus

- Can't be arrested without a reason
 - Protected by 6th amendment



4th Amendment

- Protection from unreasonable searches and seizures
 - Can't search you or take anything from you without a warrant or probable cause



But the CAN search without a warrant if...

1. You agree to the search
2. You are already being arrested legally and they find something as they arrest you
3. Probable cause – things that give officers a good reason to believe the person is involved in a crime
 - Plain view – if officers see something while going about their business they can follow up on it
 - Stop and frisk – officer must have “reasonable suspicion” of a criminal act
 - Hot pursuit / emergencies – if officer is chasing a person or sees a person running from scene of a crime

When can they search you at school?

- New Jersey v. TLO

- You have fewer 4th amendment protections at school then elsewhere because:

- Schools are public property
- Student safety is the primary concern

- Principals may search if they have **REASONABLE SUSPICION, but...**

- Search has to be limited to the specific thing they are looking for
- Cannot search without a reason unless ALL students are being screened

Due Process: Exclusionary Rule

- Government cannot use evidence if the evidence was obtained illegally
 - Mapp v. Ohio
 - illegal searches make evidence “inadmissible”
 - That means it cannot be used in court

5th Amendment

- Can't force you to testify against yourself
 - Miranda v. Arizona
- **No Double Jeopardy**-Can't try you twice for the same offense
- Must receive **due process**—everyone gets the same treatment



6th Amendment

- Right to a **speedy trial**
- Right to be told about what you are being charged with (**HABEAS CORPUS**)
- Right to confront witnesses
- Right to present your own witnesses
- Trial by impartial jury
- Right to a lawyer
 - **Gideon v. Wainwright**



14th Amendment (1868)

- **Equal Protection clause** – all people must be treated equally under the law
 - You cannot discriminate based on race, sex, religious affiliation, etc.
 - Extended protections of bill of rights to “all people”
 - **Courts have not always interpreted this the same way:**
 - **Jim Crow Laws were legal for 85 years**

14th Amendment Cases

- Plessy v. Fergusson (1896)
 - Supreme court rules that segregation is acceptable
 - Created precedent of “separate but equal”
 - Made Jim Crow system legal
- Brown v. Board of Education (1954)
 - Supreme Court overturned Plessy v. Fergusson
 - Rules that separate cannot be equal
 - Required the racial integration of public schools

Can the Constitution be changed?

- YES! – we can amend the constitution if we...
- Two different methods:
- FIRST METHOD:
 1. $\frac{2}{3}$ of both houses of Congress propose the amendment
 2. $\frac{3}{4}$ of STATES (38 states) must RATIFY the amendment
 - Can be via state legislature OR a state convention/ popular vote
- SECOND METHOD:
 1. $\frac{2}{3}$ of state legislatures (34 states) call for new Constitutional Convention, which may propose amendments
 2. $\frac{3}{4}$ of state legislatures or state conventions must ratify proposed amendments

Beyond the Bill of Rights:

Other Amendments - BEST OF THE REST!

- 13th Amendment – Abolished Slavery
- 14th Amendment – Equal Protection clause
 - Key cases: Plessy v. Ferguson (1896); Brown v. Board (1954)
- 15th Amendment-- Former slaves have a right to vote (but only if they are men)

Beyond the Bill of Rights:

Other Amendments - BEST OF THE REST!

- 18th Amendment – Prohibition (banned alcohol)
- 19th Amendment – women's suffrage (right to vote)
- 21st – Repealed 18th (made alcohol legal again)
- 22nd – Presidential term limits:
 - May only be elected to two terms; may only serve a maximum of 10 years
- 26th – reduced voting age to 18 (used to be 21)

Be a Constitutional Lawyer!

- Log into your account on www.icivics.org
 - Find the assignment called: “Do I have a right?”
 - Play the game
- **YOUR GOAL:**
 - You are a lawyer setting up a law firm
 - Clients come in thinking their rights were violated
 - Figure out if they were, and if so, which amendment was violated. Match them up with lawyers that work for you that can help them

Political Districts

- every person in the country has people who are elected to REPRESENT them in Congress and their State Legislature.
- **Everyone who lives in the SAME DISTRICT has the SAME REPRESENTATIVE**
 - Representatives must live in their own district

**NC has 13 seats
in Congress, & 13
Congressional
districts**



Why do Districts Matter?

1. Population equality

- Every district should have about the same number of people in it
- One person, one vote

2. District should be contiguous

- using natural boundaries as divisions
 - Example: use rivers or mountain ranges to separate districts

3. Maintain communities of interest

- A city or county should be part of the same district,
 - EXAMPLE: don't put people from Durham and Charlotte in the same District
 - Avoid having one person represent both urban and rural areas

ALL DELEGATES AGREED ON:

- **Separation of Powers**
 - Created 3 branches of government
 - Legislative, Executive, Judicial
- **System of Checks & Balances**
 - Gave different powers to each branch
 - For many things, two or more branches had to SHARE the same power and work together

Control of Congress

Senate

- 100 seats: current breakdown
 - 54 Republicans-Majority Party
 - 44 Republicans-Minority Party
 - 2 independence (caucus with democrats)

House of Representatives

- 435 seats: current breakdown
 - 246 Republicans (Majority)
 - House Speaker: John Boehner
 - 188 Democrats (Minority)
 - 1 seat vacant
- **Each seat elected every 2 years**
 - **Incumbent: person already in office running for re-election**

The Census

- Constitution requires a census every 10 years
 - Census – counting up every person in the country based on where they live
- **WHY THE CENSUS MATTERS:**
 - Representation in the House is based on population
 - The Census tells us how many members of Congress each state should get

Redistricting

- Census: we count up our population every 10 years
 - Why: because representation is based on population
- Then, **state legislatures** must redraw their district lines to reflect changes in population



North Carolina General Assembly

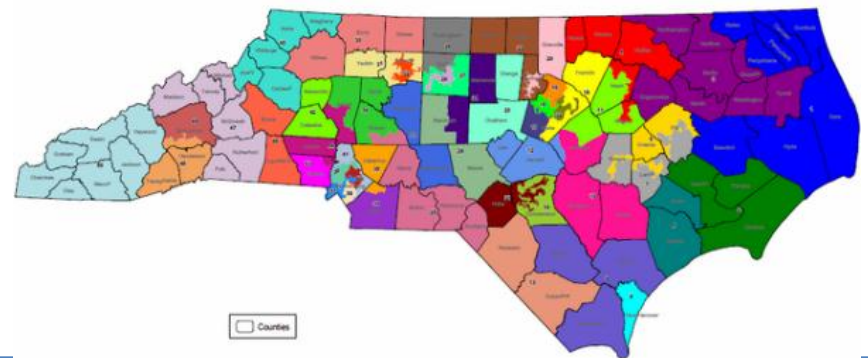
State House

- 120 NC State House Districts
 - All seats up for election in 2014
 - Currently:
 - 77 Republicans; 43 Democrats



State Senate

- 50 NC State Senate Districts
 - All seats up for election in 2014
 - Currently:
 - 33 Republicans; 17 Democrats



Gerrymandering

- What: drawing political districts to favor one political party
- Why: so that party wins that seat in Congress without having to work hard
- When: district lines redrawn every 10 years
 - After the Census



Separation of Powers

- Government divided into three branches
- the constitution says what each branch can do
 - Legislative-makes laws
 - Executive-enforces laws
 - Judicial-interprets laws



Checks and Balances

- Each branch of the government has powers that can limit (check) the powers of the others



Article 1-Legislative Branch (Makes Laws)

bi-cameral (2 parts)

House of Representatives

- # of districts per state depends on population
- One representative per district
- 2 year terms

Senate

- Each state gets 2 seats
- Represent the entire state
- 6 year terms



Bicameral Legislature

- Senate
 - 100 senators (2 per state)
 - Confirms / rejects judges & cabinet members
 - Ratifies treaties
 - Holds trials for impeachment
- House
 - 435 members
 - NC has 13 reps
 - David Price & GK Butterworth represent Durham
 - Responsible for budget bills
 - Can impeach the president

Powers of Congress

- Make Laws (more later)
- Set Tax policy (more later)
- Set the Federal Budget (more later)
- Ratify treaties (more later)
- Confirm judges (more later)
- Declare War
- Print & Coin Money
- Impeachment – removal of an official from office
 - President / Vice-President
 - Judges

Impeachment!

- Presidents can be removed for “high crimes and misdemeanors.”
- Nixon Resigned to avoid impeachment.
 - Impeachment – removal of an official from office
 - Requires majority vote of the House of Representatives to Impeach and trigger a trial
 - Also requires a 2/3 vote by the Senate to convict the President

Majority & Minority Party

Majority party -- whatever party has more members

- **CURRENTLY:**
 - **Senate:**
 - 54 Republicans
 - 44 Democrats
 - 2 Independents (caucus with Democrats)
 - **House:**
 - 246 Republicans
 - 188 Democrats
 - 1 seat vacant
- **Majority party controls what bills get voted on**

Minority party – whatever party has fewer members

- **Minority party has much less power**

Speaker of the House

- Selected by majority party
 - Picks committee chairmen
 - Decides what bills will be debated & voted on
 - 3rd in line of presidential succession
 - Takes over if President & Vice-President die/are incapacitated

Partisanship

- Partisanship - doing what's best for your POLITICAL PARTY, even if it is not what's best for the country
- Bipartisanship – when members of opposing parties compromise and work together

Standing Committees (examples)

- Foreign Affairs
 - Treaty ratification
 - Military / diplomatic foreign aid
- Budget
 - Develops budget proposals
 - Tax policy, spending priorities
- Education & Workforce
 - Student loan policy
 - Job creation
 - School policy
- Energy & Commerce
 - Gas & solar policy
 - International trade
- Homeland Security
 - Border security
 - Immigration policy
- Judiciary
 - Criminal justice
 - Confirmation of judges

HOW OUR LAWS ARE MADE

"Congress shall have Power...To make all laws which shall be necessary and proper"
 U.S. Constitution Article 1 Section 8

H. R. 301 [110]
 House Of Representatives # in which bill was received Congressional Session

CBO or Congressional Budget office is a non-partisan office charged with checking and creating budget estimates.

A bill originating in the Senate must go through HCR approval before going to the President.

Lobbyist
 A Lobbyist is an activist paid by an interest group to promote their position in the legislature. He/She can also work to change public opinion through advertising and other media outlets.

- Representative
- A State Legislature
- The People
- Executive Branch

Bill

Introducing Legislation
 Like a bill, but less common
 Joint Resolution
 Con Current Resolution
 Not Legislation
 Simple Resolution
 Regards House Operations

HOR has 435 members and 20 standing committees.

LEGEND

- Extra Information
- Chance for Failure
- Lobbying Opportunity
- Path of Bill



Law

The President has ten days to sign a bill into law or veto it OR the bill automatically becomes a law. Congress can override with a 2/3 majority.

A Pocket Veto occurs when the President fails to sign a bill into law AND Congress adjourns BEFORE ten days expire.

A Reconciliation bill is part of the budget process and allows Congress to make changes in law to conform with budget levels set in the budget resolution. It has become an alternative way to pass contentious legislation in the Senate because it only requires a simple majority to pass.

Filibuster: A Senator or group of Senators deliver speeches and "hold" the floor indefinitely, hoping the prolonged debate will prevent passage of a bill. A filibuster can only be ended if a motion to end it is carried by 60 votes (a super majority).

SEN has 100 members and 16 standing committees.

A simple majority is required to pass a bill.

Vote on each amendment individually.

Bill read section by section only germane amendments proposed and must include a list of "earmarks".

Quorum of one hundred required to open debate. Chair determines length of debate.

Report
 Includes purpose and justification for bill; explains how it changes existing law; offers a cost estimate for implementation.

Final Reading & Vote
 Vote on final amendments and proposed bill as a whole.

Mark Up
 Edit and revise to reflect hearings.

Public Hearings
 Collect information and testimony from opponents and supporters.

Meetings

Reconciliation
 CBO must confirm the bill adheres to spending and revenue constraints in most recent budget.

Introducing Legislation
 Senator

Bill

Meetings*

Public Hearings*

Mark Up*

Final Reading & Vote*

Report*

Put on Calendar

Bill Called Up

Senate Action

Third Reading

Senate Vote

Amended Back to HOR

Un amended

2 Day Wait

Enrollment

Final Approval or Disapproval

Publication

Law

THE SENATE

HOUSE OF REPRESENTATIVES

Conference

Request a conference

HOR can approve as amended

could fail to pass.

could be "tabled".

could fail to reach a compromise.

could fail to pass.

could fail to pass.

could fail to pass.

could fail to pass.

could fail to pass.

could fail to pass.

could fail to pass.

could fail to pass.

could fail to pass.

could fail to pass.

could fail to pass.

could fail to pass.

could fail to pass.

The Legislative Process:

Making The Laws

1. A bill is proposed in house or senate
 - Senators and Representatives can propose bills
2. Committee's consider & vote on bills
 - Amendments can be offered to change the bill
3. Bill voted on by full house OR full senate
 - Amendments can be offered to change the bill
4. Passed bill goes to other chamber for consideration
 - Must go through same process in both House & Senate
5. Conference Committee makes House & Senate versions match up
6. Full House & Senate vote again on final bill
7. President Signs or veto's
 - 2/3 vote by both House & Senate can override veto

It's hard to pass laws because:

1. **Partisanship** makes it rare that Republicans and Democrats agree on something
2. Each bill must pass a series of **standing committees** in each chamber
3. **Conference committee** – Senate and House must pass exact same version of a bill
4. **Special Interest groups & lobbyists**
5. Executive veto power

Earmarks (Pork Barrel Politics)

- **Appropriations** that Senators / Representatives add into bills **for special projects in their districts**
 - Creates jobs or brings money to organizations in their districts
 - Makes them look good at home



Special Interest Groups

- Organizations that focus on getting the government to support the interests of a particular group of people or a particular issue

– EXAMPLES

- Restaurant Association
- Chamber of Commerce
- League of Women Voters
- NAACP
- Unions

Lobbyists

- Paid by interest groups to convince politicians to vote a certain way
 - Have good relationship with politicians and their staff
 - Sometimes are very powerful
 - Usually paid a lot of money
 - Often make donations to candidates

Comparing Federal & State Government

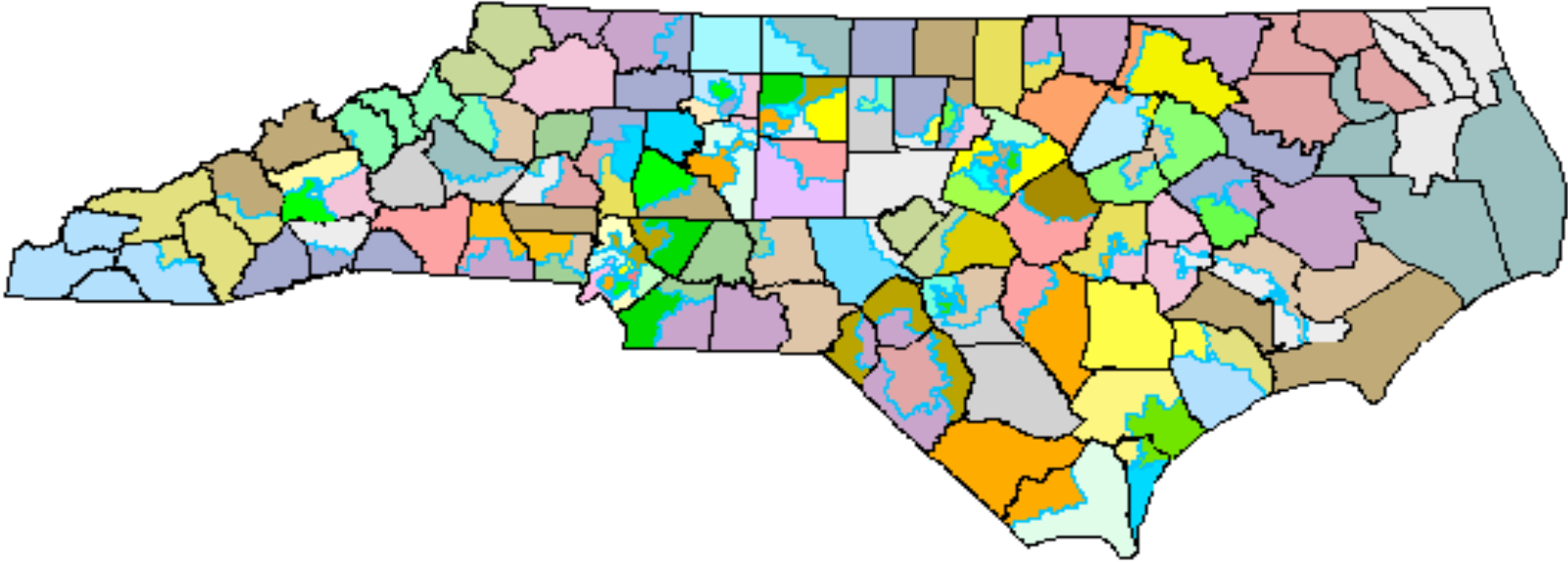
National

- Purpose: To set up the U.S. government
- Preamble: “we the people”
 - Does not mention god
- Has a **Bill of Rights**
- Separation of powers, checks and balances, popular sovereignty

State

- Purpose: To set up the government of North Carolina
- Preamble: “we the people,”
 - mentions god
- Has **Declaration of Rights**
- Separation of powers, checks and balances, popular sovereignty

Legislative **Districts**



- The state is divided up into House Districts & Senate Districts.
- **Everyone has ONE senator and ONE representative to represent THEIR DISTRICT**

General Assembly

- Make laws
- Pass budget
- Checks up on government operations
- Elects members to UNC and Community College Boards



NC Legislature (General Assembly)

House of Representatives

- 120 members
 - 21 years old
 - Live in district 1 year

Senate

- 50 members
 - 25 years old
 - Live in NC 2 years
 - Live in district 1 year



Governor

- Responsible for all state agencies
- Proposes and approves laws
- Administers budget
- Grants pardons/commutes sentences



Council of State

- Elected statewide to 4 year terms
 - NC Attorney General
 - Commissioner of Agriculture & Consumer Services
 - Insurance Commissioner – regulates insurance companies
 - Commissioner of Labor – oversees workplace safety issues, & fair employment laws

Council of State

- **Secretary of State** –
 - oversees business licenses & registrations
- **Superintendent of Public Instruction**
 - Manages regulation of public school system
- **State Auditor** – reviews state budgets and makes sure the numbers are right.
 - Checks for fraud
- **State Treasurer** – manages the money of the state

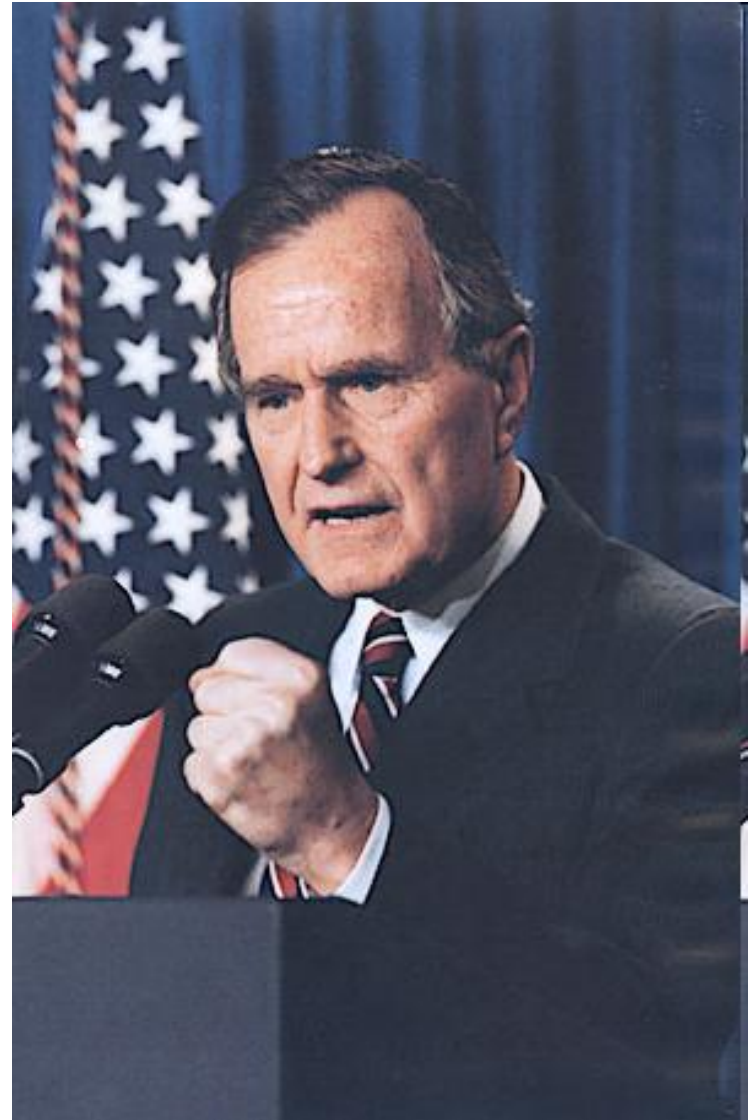
The President



- **Runs the executive branch**

7 Jobs of the President

- Chief Executive
- Diplomat
- Commander in Chief
- Legislative Leader
- Head of State
- Economic Leader
- Party Leader



Article II – Executive Powers

- **Sign/Veto bills**
 - Serves as a check on the power of congress
 - **BUT: Congress can override a veto with a 2/3 vote**
 - Veto overrides are a check congress has over the power of the Executive
- **Run/administer the Federal Government**
 - Issues **Executive Orders**: have force of law but do not go through congress
 - Oversee operation of cabinet departments & government agencies

Article II – Executive Powers

- **Commander in Chief**
 - Makes military decisions to protect the country & advance American interests
- **Make treaties with advice & consent of Senate**
 - Sets foreign policy
 - Negotiates with other world leaders

Article II – Executive Powers

- **May grant pardons & amnesties**
 - Pardon – forgives a person for a crime & cancels any convictions of or investigations into that person
 - Amnesty – same as pardon but extends to a large group of people (not just one)
 - **Pardons are a check on the power of the Judicial branch**
- **May appoint/nominate (with advise & consent of Senate):**
 - Judges – Federal judges serve until death or retirement
 - Ambassadors – serve as American representative in every nation in the world
 - Executive branch officials – to help President run the gov't

Executive Orders



- 1948 – **President Truman** signs Executive Order 9981
 - Order **integrated the U.S. military**
 - Never would have passed congress in 1948; Executive Order was the only way to do it

State of the Union Speech

- Every January the President speaks to Congress & the nation about his goals & how things are going



Domestic & Foreign Policy

- **Domestic policy** – deals with social and economic issues within the U.S.
 - The Federal Budget
 - The Economy
 - Social Programs
 - Taxes
 - Infrastructure
- **Foreign policy** – how the government deals with **other countries** around the world
 - Foreign aid
 - Trade relationships
 - Human rights
 - War & national defense

Goals of American Foreign Policy

1. National security

- Keep America & Americans safe

2. Support economic growth in the U.S. and around the world

- Most of our foreign policy boils down to economics & national security

3. Encourage other nations to protect basic human rights

4. Support American values, such as democracy and freedom

Foreign Aid

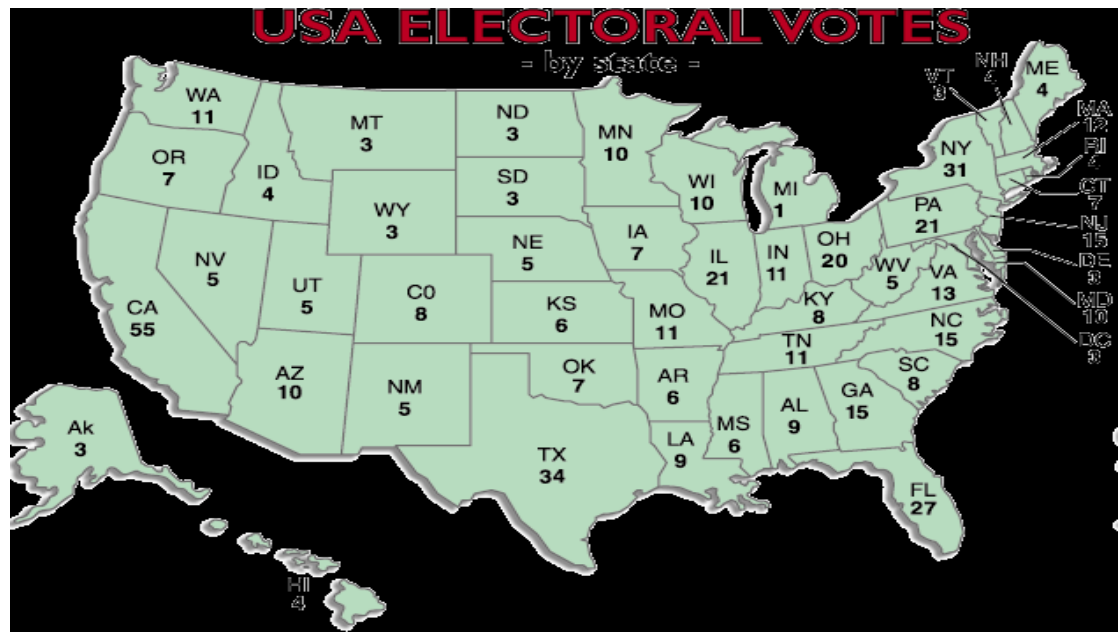
- **Providing money to other nations for:**
 - **Humanitarian reasons** (food aid, public health funding, providing \$\$ for medicines, etc.)
 - **Military aid** – providing weapons to countries we want to strengthen militarily
 - **Economic development** – providing money for projects that will ultimately benefit american companies and trade relationships
 - Building roads, bridges, clean water projects, etc.

Treaties

- Formal agreements between countries that create international laws alliances
 - Negotiated/Signed by the President
 - Ratified by 2/3 of the Senate
- EXAMPLES:
 - NATO – North Atlantic Treaty Organization
 - If one country is attacked, all the others will defend it
 - NAFTA – North American Free Trade Agreement
 - Elimination of trade barriers between U.S., Canada, Mexico
 - United Nations – sort of like a global congress
 - nearly every country is a member
 - Kyoto Protocol – International environmental agreement; Senate has not ratified it

Electoral College

- Candidates need 270 electoral votes to become president
- Every state gets some electoral votes
 - Same as the total number of reps & senators from that state
 - NC has 15
 - CA 55



Qualifications for President

- 35 years old
- Born citizen
- Live in the U.S. for 14 years



The Cabinet



- **Cabinet – President picks 15 people to run the major departments of the Federal Government**
 - **Assists and advises the President**

Key Cabinet Departments



- **State Department**

- Implements U.S. foreign policy
- Current Secretary: John Kerry



- **Defense Department**

- Oversees **the military**
- Based in the Pentagon
- Current Secretary:

- Ashton Carter



Key Cabinet Departments



- **Department of Justice**

- investigates & prosecutes federal crimes
- Led by the Attorney General
 - Currently: Loretta Lynch
 - (went to HS in DURHAM, NC!)
- President appoints “U.S. Attorneys” – the top federal prosecutors in every state / court district in the nation

Fergusson Report issued 3/4/15:

- <http://goo.gl/nmBBkc>



- **Homeland Security**

- **Border security**
 - **Immigration** – enforces laws about how people may enter the U.S. from other countries
 - **Customs** – enforces laws about what products can be brought into the U.S. from other countries
- **Airport security** within the U.S.
- **Emergency preparedness & relief**
 - Federal Emergency Management Agency (FEMA)

Line of Presidential Succession

- The order of who takes over if something happens to the President:
 1. Vice President
 2. Speaker of the House
 3. President Pro Tem of the Senate (senior member of majority party)
 4. Secretary of State
 5. All other cabinet secretaries (in order of when the position was created)

Executive Agencies

- Independent agencies not under a specific Cabinet department
 - Leader for each is appointed by President & confirmed by Senate
- **Environmental Protection Agency (EPA)**
 - Sets & enforces environmental regulations
 - **Clean Air Act, Clean Water Act**, pollution standards, etc.
- **Food & Drug Administration (FDA)**
 - Tests medicines & medical procedures for safety before allowing them to be used
 - Inspects food manufacturers & ensures food sold in stores / at restaurants is safe for consumption

Executive Agencies

- Federal Bureau of Investigation (FBI)
 - Investigates federal crimes WITHIN the U.S.
 - Domestic terrorism
 - Kidnapping
 - Identity theft & bank robberies
 - Federal drug trafficking
- Internal Revenue Service (IRS)
 - Collects Federal income taxes

Article 3-Judicial Branch



The Supreme Court

- 1 Chief Justice; 8 associate justices
- Lifetime terms
 - appointed by President; confirmed by Senate
 - Legal training **NOT** required



The Impartial Judiciary??

- Judges are supposed to be non-partisan
 - Job is to interpret the law, not make it
- BUT: presidents pick justices who share their views on the constitution
 - Republicans tend to favor strict construction
 - Democrats tend to favor the living document approach
 - <http://www.youtube.com/watch?v=itgB9XnKjQU>

How Presidents shape the Court

- presidents nominate Judges & Justices who share their views on the constitution
 - Republicans / conservatives favor strict construction
 - Democrats / liberals favor loose interpretation

Marbury v. Madison

- JUDICIAL REVIEW

- Right of the Supreme Court to decide whether laws are constitutional
- “It is emphatically the province of the Judicial branch to say what the law is.”
 - Majority Opinion written by Chief Justice John Marshall
- MARBURY V. MADISON = JUDICIAL REVIEW
- MARBURY V. MADISON = JUDICIAL REVIEW
- MARBURY V. MADISON = JUDICIAL REVIEW
- MARBURY V. MADISON = JUDICIAL REVIEW



Powers of Supreme Court

- **Judicial Review – power of the court to decide if laws are constitutional or unconstitutional**
 - “unconstitutional” means it violates the constitution
 - Courts can “strike down” Federal or State laws that are unconstitutional – meaning that those laws are illegitimate and no longer valid
 - Why can Federal courts strike down state laws?
 - Federal Supremacy Clause!



Marbury v. Madison

- Supreme court case that established the power of JUDICIAL REVIEW
 - Supreme court can “STRIKE DOWN” or throw out any law that it thinks violates the constitution
 - MARBURY V. MADISON = JUDICIAL REVIEW
 - MARBURY V. MADISON = JUDICIAL REVIEW
 - MARBURY V. MADISON = JUDICIAL REVIEW
 - MARBURY V. MADISON = JUDICIAL REVIEW

Precedents

- once a court issues an opinion, it is called a precedent
 - Once a precedent is set, it is like a final decision and is RARELY changed
- Supreme Court opinions create precedents that **MUST be followed & respected by:**
 - all other courts
 - the Executive branch
 - Congress
 - State & Local government

Supreme Court Opinions

Majority Opinions

- At least 5 justices
- Legally binding
- Sets court precedent

Concurring Opinions

- Agrees with majority opinion but for different reasons

Minority / Dissenting Opinions

- 1-4 justices
- Explains basis for disagreement with Majority opinion
- Sometimes leads to cases being re-considered later:
 - Plessy v. Ferguson was overturned by Brown v. Board

Interpreting the Constitution

- **Strict Construction**
 - The constitution means exactly what it says
 - We must limit government power
 - Laws that go beyond what the constitution says are unconstitutional
- **Examples of Strict construction**
 - **No right to privacy**
 - Constitution does not mention privacy
 - **No affirmative action**
 - Would be discrimination against white people
- **Loose Interpretation**
 - Constitution is designed to be flexible
 - Founders could not predict everything
 - **Constitution is a living document: its meaning can change with the times**
- **Examples of loose interpretation:**
 - There IS a right to privacy
 - Right is IMPLIED by 4th & 9th amendments
 - Affirmative Action IS constitutional
 - needed to correct historical injustices

Plessy v. Fergusson (1896)

- Court Ruling:
 - The Louisiana law is upheld.
 - Court rules that separation of the races is acceptable, as long as each race receives equal treatment.
 - Blacks and whites both had their own train cars, so the court said this was OK.
 - ESTABLISHED THE PRECEDENT OF SEPARATE BUT EQUAL

Brown v. Board of Education (1954)

- Overturned Plessy v. Ferguson
- Ruled that separate is not equal
- Ended school segregation in the U.S.

Tinker v. Des Moines (1969)

- Court rules that students have a right to free expression in school SO LONG AS that speech does not disrupt school activities

Original v. Appellate Jurisdiction

- District Courts

- ORIGINAL Jurisdiction

- First Federal court to hear a case (it might have already been to a state level court)

- Trier of facts – all evidence is considered in district courts

- Appeals Courts

- Appellate jurisdiction

- Only reviews cases already decided at district level

- Constitutional issues:

- Were the rights of the accused violated by police or the district court?
- Was the trial fair at the district level?
- Did the District court properly apply legal precedent?

State v. Federal Jurisdiction

State

- Most crimes
- Most civil cases

Federal

- Constitutional issues
- Federal law
- Disputes between states
- Dispute between citizens from different states
- Dispute about Federal treaties
- If the Federal government sues you

United States District Courts

- Trials in federal district court are usually heard by a judge.
- Jury trials can also happen in district court
- **Federal Court Jurisdiction:**
 - Bank robbery
 - Counterfeiting
 - Mail fraud
 - Kidnapping
 - Civil rights abuses

The United States Supreme Court

- Reverse the decision of the lower court, requiring no further court action.
- Reverse the decision of the lower court and remand the case to the court of original jurisdiction, for either retrial or resentencing.

True or False...

1. The Supreme Court is a trial court. F
2. There is only one judge in a trial court. T
3. The Supreme Court can strike down an unconstitutional law. T
4. When you first begin a trial, you will be in an appellate court. F
5. A jury decides the case in a bench trial. F
6. The Supreme Court must take every case that gets appealed to it. F
7. If you break a state law, your case will probably be in a state court system. T
8. The Supreme Court's power to decide if something is constitutional is called judicial review. T
9. It would be easy to prove a case without evidence. F
10. If the Court of Appeals remands a case, that means the court says the verdict was right. F
11. The federal court system was created by Congress. T
12. State court systems were created by the Constitution of the United States. F
13. When you ask a higher court to review your case, you are making an appeal. T
14. When the Court of Appeals affirms a case, it sends the case back to the trial court. F
15. The Supreme Court gets the last word about what the Constitution really says. T

Courts of Appeals

- 3 outcomes in the Court of Appeals
 1. Uphold the District Court ruling
 - District court was correct; no action taken.
 2. Reverse the District Court ruling
 - District court was wrong
 - Appeals court changes the decision
 3. Remand to the District Court
 - Sends it back to lower court for a do-over

The United States Supreme Court

- Hears very few cases
 - at least 4 justices must vote to hear the case.
 - If Supreme Court does not agree to hear a case, the lower court ruling stands

Question	A	B
When someone is accused of a crime, the type of case is		Criminal
If you appeal a case, you are going to	Appellate court	
The court that gets to decide what is constitutional	Supreme Court	
If the appellate court thinks a decision was wrong, it will		Reverse the decision
If a group of people gives the verdict after a trial, that trial was a	Jury trial	
A word that means —relating to the rights of citizens		Civil
The Supreme Court has		Nine justices
If an appellate court sends a case back to the trial court, it has		Remanded the case
If you go to the Court of Appeals, you will see	Three judges	
The decision in a case is called the		Verdict
If you break a law of the United States, your case will probably be in		State court
At trial, lawyers try to prove their case using		Evidence
State courts were created by		State constitutions