

UNIT 3: WE THE PEOPLE

Balance



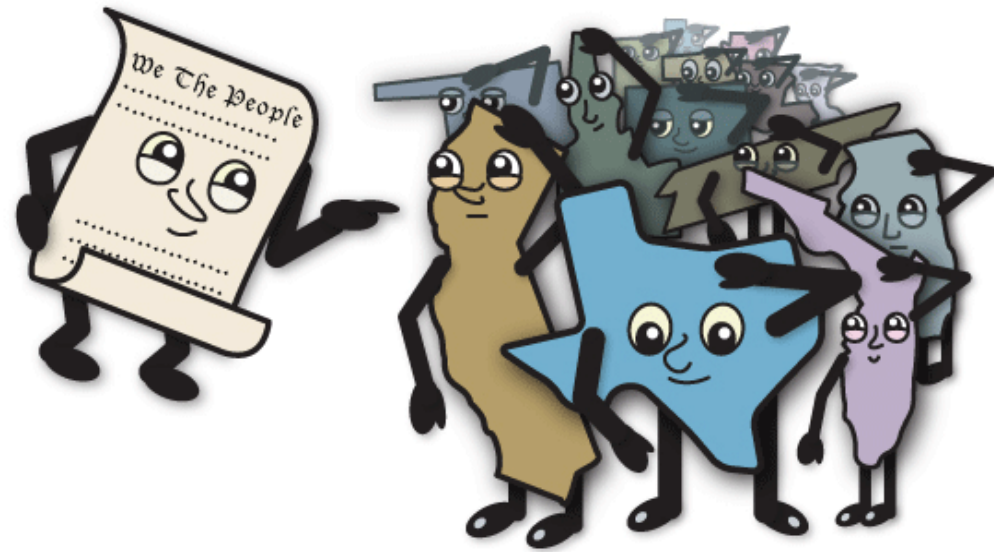
POPULAR SOVEREIGNTY

- People Rule

How do we see it in action?



FEDERALISM



Expressed Powers:
Aka Enumerated
or Delegated

Powers specific to
the Federal
Government

Concurrent
Powers

Powers shared by
Federal and State
Governments

Reserved Powers
10th Amendment

Powers specific to
State governments



BALANCE

- Separation of Powers
- Powers are distributed between three branches
- Idea came from Montesquieu



- Checks and balances
- Each branch of government is checked, or stopped, by the other two branches



JUDICIAL REVIEW

- The courts have the power to look over laws and decide whether they are Constitutional (fair) or Unconstitutional (unfair)
- If laws are found to be Unconstitutional they can no longer be enforced



LIMITED GOVERNMENT

- Through Separation of Powers and Checks and Balances we see how government has been limited
- What are some other ways?



3 PARTS OF THE CONSTITUTION

- 1. Preamble – The introduction, lists the goals
- 2. Articles – The structure and powers of the government. There are 7 of them
- 3. Amendments – Additions, or fixes to the constitution



DECLARATION OF RIGHTS

- Outlines the citizens' rights in the state
- They mirror the Bill of Rights, but there are more of them
- Includes a section for victims rights
- They are embedded (placed) within the NC Constitution



AMENDMENT PROCESS (AT STATE LEVEL)

- Proposal by 2/3 of General Assembly (name of NC legislature) or a convention called by the people
- It is ratified by Referendum (a vote by the people)



CONCEPTS SEEN IN THE BILL OF RIGHTS

- Freedom of expression: 1st amendment, includes speech, what you wear, how you do your hair, burning the flag in protest, kneeling at football games...
- Property Rights: 5th amendment, We have the right to own property, but the Federal Government can take it for the public good. They *do* have to pay “fair market price”
- Rights of the accused: Amendments 4, 5, 6, 8 limit what the government can do to us. 4=search and seizure (warrants); 5=due process, right to remain silent, no double jeopardy; 6=criminal trials and lawyers; 8=no cruel/unusual punishments or excessive bail



Federalism

Powers Delegated to the National Government

- declare war
- create and maintain armed forces
- establish foreign policy
- regulate interstate and foreign trade
 - make copyright and patent laws
 - establish postal offices
- coin money

Powers Reserved to States

- establish local governments
- establish and maintain schools
- regulate trade within states
- conduct elections
- provide for public safety
- raise taxes
- provide for the public welfare
- criminal justice
- borrow money
- charter banks
- build roads



Separation of Power and Checks and Balances

