**U.S. Constitution Study Guide**

**Division of the Constitution**

**Preamble—“We the People”**

The Preamble states the broad purposes of the Constitution is intended to serve. – promote the general welfare, common defense, more perfect union, establish justice, ensure domestic tranquility, secure the blessing of liberty.

**Article I** of the Constitution basically deals with the organization and powers of Congress/Legislative branch.

**Article II** of the Constitution basically deals with the organization and powers of President/Executive branch.

**Article III** of the Constitution basically deals with the organization and powers of Supreme Court/Judicial branch.

**Article IV** of the Constitution basically deals with the relations among states.

**Article V** This section provides for the methods in which the constitution can be amended.

**Article VI Supremacy of National Laws**

**Basic Principles of the U.S. Government/Constitution**

**I. Popular Sovereignty**

The people have the ultimate authority. They exercise their popular sovereignty by voting in elections. Example: People select candidates for office in primary elections. In the general election voters decide which candidate is the winner. People can also pressure government leaders by writing letters.

**II. Separation of Powers**

The national government is divided into 3 branches. Each of these branches has separate national government powers.

**Executive**: appoint federal officials; make treaties; ensure all laws are carried out; commander in chief of the military; recommend laws.

**Legislative**: Passes all federal laws; establishes all lower federal courts;

**Judicial**: the power to try federal cases.

**III. Checks and Balances**

This concept involves the branches of the national government being able to limit the power of another branch. The power of one branch can be challenged by another branch.

Examples:

1. **Executive/President**
   - Veto

2. **Legislative/Congress**
   - Approve treaties
   - Impeachment
   - Confirm/Approve appointments
   - Declare War
Override a presidential veto

3. Judicial/Supreme Court
   Review Constitutionality of laws and presidential actions
   Approve appointment of judges

IV. Federalism
A system of government in which the power is split between a national government and various local governments. This means that the real power of government is shared between the national and state governments. The national government has exclusive authority over defense of the nation, while the various states generally have authority over education. The process of constitutional amendments is an example of federalism as both the national and state governments have specific powers over the process. Sometime the powers are shared (Concurrent). Both the national and state governments have the power to tax.

V. Limited Government (Guaranteed Rights)
The people have rights guaranteed them by the Constitution. Specifically, the Bill of Rights protects a person’s rights to speech, press, religion, assembly and petition. Also, accused persons are guaranteed due process before their life, liberty or property can be taken.

VI. Judicial Review
The process of the courts hearing an appeal in a court case. The court may declare the law involved in the case to be unconstitutional (Judicial review).

Powers of the National Government

Expressed Powers - Those powers directly within the Constitution
   a. Article I Section 8-Enumerates the powers the powers of Congress
   b. Supremacy Clause – Article VI This clause declares that the Constitution is the supreme law of the land. If there is a conflict between a federal law and state law the national law is Supreme. (McCulloch v. Maryland)

Implied Powers – Powers that are reasonably suggested by the Constitution.
   a. Elastic Clause/ Necessary and Proper Clause (Article I Sec 8 clause 18)
      Congress can make any laws that are necessary and proper to enforce their enumerated powers.
   c. Commerce Clause (Article I sec8 clause 3) – Congress may regulate interstate and interstate (all)commerce. (Gibbons v. Ogden)

Inherent Powers – Powers belonging to the National Government because it is a sovereign nation.

Powers Reserved to the States
a. 10th Amendment discusses the Reserved Powers of the states.
b. Powers denied to the states are found in Article I Section 10.

**Powers Denied to the National Government (Limited Government)** – Article I Section 9 of the Constitution limits the power of Congress. This along with the Bill of Rights protects a person’s rights which in fact limit the power of the Federal Government.

**Amendments**

**First Amendment: (Free Expression)**
- Religion (Of and From)
- Speech
- Press
- Assembly
- Petition

**Second Amendment:**
- Right to bear arms

**Fourth:**
- Protection against *unreasonable searches and seizures of property*

**Fifth Amendment:**
- Guarantee of Due Process (Federal Government)
- Protection against self incrimination
- Protection against double-jeopardy
  - protection applies to same court system

**Sixth Amendment:**
- right to counsel
- fair-speedy-public trial
- trial by jury (criminal)

**Eighth Amendment:**
- Protection from *cruel and unusual punishment*
- No excessive fines or bails

**Tenth Amendment:**
- Reserved powers to the state

**Fourteenth (Extends the Bill of Rights to the States):**
- Due Process of Law (State)
- Equal protection of the laws (States)
Arizona Direct Democracy
Study Guide

There are four types of direct democracy that you will need to know

1. **Legislative Referendum**
   A proposal by the state legislature, which is then placed on the ballot, for the people to decide if it will become a law or constitutional amendment. The proposal must be passed by the legislature before it is sent to the people. This may be done as an alternative to sending the proposed law to the governor and/or allowing the public to be heard on a particularly sensitive issue. (Law or Constitutional Amendment written by the legislature and put on the ballot by the legislature)

2. **Popular Referendum**
   A process by which the people (registered voters) may require a law already approved by the Arizona Legislature to be placed on the ballot for voter approval. The process is initiated by registered voters with the use of petitions. The process must take place within 90 days after final adjournment of the legislative session during which the proposal was approved by the Legislature. (Law written by state legislature put on the ballot by the people)

3. **Initiative**
   A process that permits citizens, who are registered voters, to propose laws or constitutional amendments for the State of Arizona. This process is initiated by registered voters with the use of petitions and is accomplished without any action of the state legislature. (Law or Constitutional Amendment written by the people and put on the ballot by the people)

4. **Recall**
   A process by which people (registered voters) may vote to remove elected officials from office before their terms are finished. This process is initiated by registered voters with the use of petitions. In Arizona, the number of signatures of registered voters must equal at least 25% of the total vote for that office in the last election. Recall forces a special election for that office.

Steps

1. Is someone facing a special election or being removed from office?
   If yes answer recall if no go to question #2

2. Who wrote the law/constitutional amendment?
   If people answer initiative if legislature go to question #3

3. Who put the law/constitutional amendment on the ballot?
   If people answer popular referendum if legislature answer legislative referendum
ARIZONA GOVERNMENT INSTITUTIONS
Study Guide

2010 District Test

I. Arizona Plural Executives

a. **GOVERNOR** – powers:
   - Administers state laws/Executive orders
   - Recommends legislation/ budget - sign legislation - veto
   - Call special session of the legislature
   - Appoints non-elected state officials
   - Commander of the state National Guard in case of an Emergency
   - Enforces state criminal and highway laws
   - Commander of the Department of Public Safety (state police)

b. **SECRETARY OF STATE** –
   - Keep official records and Arizona Revised Statutes (laws)
   - Provide and validate petitions for elective office, Initiative, referendum and recall
   - **Becomes acting Governor in the absence of the elected Governor**
   - Keep Political action committees reports and political financial reports
   - Prints state documents

c. **ATTORNEY GENERAL** –
   - State chief prosecutor
   - Prosecute criminal and civil cases for the state
   - Issue legal opinions regarding the legal meaning of laws when requested by another government agency
   - Represents the state in front of the US Supreme Court

d. **SUPERINTENDENT OF PUBLIC INSTRUCTION** – Department of Education
   - Enforce state adopted curriculum from kindergarten – 12th grade
   - Certify teacher and administrators

II. **ARIZONA LEGISLATURE**
    Arizona has 30 legislative districts. Each District elects one Senator and two Representatives. Therefore, the Senate has 30 members and the Arizona House have 60 members. Currently each district represents 170,000 Citizens.
The powers of the legislature

- Enact state laws (make laws)
- Impeach state executive and judicial officials
- Appropriate state funds/ Enact or adopt state budget
- Determine the salaries of state executive and judicial officials
- Redistricting/Gerrymandering

III. ARIZONA COURTS

➤ Arizona Supreme Court
  o Five Justices
  o Appellate & Original Jurisdiction
  o Appointed
  o Retention vote every six years
  o Review the constitutionality of state laws and executive actions (Judicial Review)
  o Settle disputes between counties as well as disputes between cities
  o Listens to appeals from lower state courts
  o Makes decision on validity of Attorney General’s legal opinions