

ECONOMICS OF THE CONSTITUTION

<u>Powers of Congress</u>	<u>Prohibitions of the States</u>	<u>Other Key Provisions</u>
<ul style="list-style-type: none"> ▪ Levy taxes ▪ Pay debts ▪ Borrow money ▪ Coin money and regulate its value ▪ Regulate interstate and foreign commerce ▪ Establish uniform laws of bankruptcy ▪ Punish piracy ▪ Punish counterfeiting ▪ Create standard weights and measures ▪ Establish post offices and post roads ▪ Protect copyrights and patents 	<ul style="list-style-type: none"> ▪ States cannot pass laws impairing the obligations of contract ▪ States cannot coin money or issue paper money ▪ States cannot require payment of debts in paper money ▪ States cannot tax imports or exports from abroad or from other states ▪ States cannot free runaway slaves from other states (now defunct) 	<ul style="list-style-type: none"> ▪ The new government assumes the national debt contracted under the Articles of Confederation ▪ The Constitution guarantees a republican form of government ▪ The states must respect civil court judgments and contracts made in other states (Full Faith and Credit)

SEPARATION OF POWERS / CHECKS AND BALANCES

<u>Article I – Legislative Branch</u>	<u>Article II – Executive Branch</u>	<u>Article III – Judicial Branch</u>
<ul style="list-style-type: none"> ▪ Power to pass all federal laws ▪ Power to establish federal courts and number of judges ▪ Power to override the President's veto with 2/3rds vote ▪ Power to declare war ▪ Power to tax and spend the money of the people <ul style="list-style-type: none"> ✓ President can veto federal bills ✓ Supreme Court can rule laws passed unconstitutional ✓ Both houses of Congress must vote to approve a law, checking each other 	<ul style="list-style-type: none"> ▪ Power to approve or veto federal bills sent from Congress ▪ Power to carry out federal laws ▪ Power to appoint judges and other high officials ▪ Power to make foreign treaties ▪ Power to grant pardons and reprieves to federal offenders ▪ Power to act as Commander and Chief of armed forces <ul style="list-style-type: none"> ✓ Congress can override President's veto with 2/3rds vote ✓ Senate can refuse to confirm appointments or ratify treaties ✓ Congress can impeach the President ✓ Supreme Court can rule executive acts unconstitutional 	<ul style="list-style-type: none"> ▪ Power to interpret the law and Constitution (Judicial Review) ▪ Power to declare laws and executive acts passed by Congress and the President unconstitutional <ul style="list-style-type: none"> ✓ Congress can propose amendments or new laws to overturn judicial decisions ✓ Congress can impeach and remove federal judges (including Supreme Court) ✓ President appoints judges and Senate must confirm

DISTRIBUTION OF POWERS BETWEEN NATIONAL AND STATE GOVERNMENTS

<u>SOME Powers GRANTED by the Constitution</u>		
<p><u>Powers to National Government</u></p> <ul style="list-style-type: none"> ▪ Coin money ▪ Conduct foreign relations ▪ Regulate commerce with foreign nations and among states ▪ Provide an army and a navy ▪ Declare war ▪ Establish courts inferior to the Supreme Court ▪ Establish post offices ▪ Make laws necessary and proper to carry out the foregoing powers 	<p style="text-align: center;"><u>Concurrent Powers...</u></p> <p><u>Powers to State & National Govts</u></p> <ul style="list-style-type: none"> ▪ Tax ▪ Borrow money ▪ Establish courts ▪ Make and enforce laws ▪ Charter banks and corporations ▪ Spend money for the general welfare ▪ Take private property for public purposes, with just compensation 	<p><u>Power to the State Governments</u></p> <ul style="list-style-type: none"> ▪ Establish local governments ▪ Regulate commerce within a state ▪ Conduct elections ▪ Ratify amendments to the federal constitution ▪ Take measures for public health, safety, and morals ▪ Exert powers the constitution does not delegate to the national government or prohibit the states from using (10th Amendment)
<u>SOME Powers DENIED by the Constitution</u>		
<p><u>Powers to National Government</u></p> <ul style="list-style-type: none"> ▪ Tax articles exported from one state to another ▪ Violate the Bill of Rights ▪ Change state boundaries 	<p><u>Powers to State & National Govts</u></p> <ul style="list-style-type: none"> ▪ Grant titles of nobility ▪ Permit slavery (Thirteenth Amendment) ▪ Deny citizens the right to vote because of race, color, or previous servitude (Fifteenth Amendment) ▪ Deny citizens the right to vote because of gender (Nineteenth Amendment) 	<p><u>Power to the State Governments</u></p> <ul style="list-style-type: none"> ▪ Tax imports or exports ▪ Coin money ▪ Enter into treaties ▪ Impair obligations or contracts ▪ Abridge the privileges or immunities of citizens or deny due process and equal protection of the law (Fourteenth Amendment)

Individual Rights Issues Addressed in the Constitution

- It prohibits suspension of the **writ of habeas corpus** (except during invasion or rebellion). Such a court order enables persons detained by authorities to secure an immediate inquiry into the causes of their detention. If no proper explanation is offered, a judge may order their release. (Article I, Section 9)
- It prohibits Congress or the states from passing **bills of attainder** (which punish people without a judicial trial). (Article I, Section 9)
- It prohibits Congress or the states from passing **ex post facto** laws (which punish people or increase the penalties for acts that were not illegal or not as punishable when the act was committed). (Article I, Section 9)
- It prohibits the imposition of religious qualifications for holding office in the national government. (Article VI)
- It narrowly defines and outlines strict rules of evidence for conviction of treason. To be convicted, a person must levy war against the United States or adhere to and aid its enemies during war. Conviction requires confession in open court or the testimony of *two* witnesses to the *same* overt act. The framers of Constitution would have been executed as traitors if the Revolution had failed, and they were therefore sensitive to treason laws. (Article III, Section 3)
- It upholds the right to trial by jury in criminal cases. (Article III, Section 2)