United States Constitutional Law: Theory, Practice, and Interpretation

Class 2: Governmental Structure

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• Individual rights
• Enforcing the Constitution
• Interpreting the Constitution
• The Constitution in action
Governmental Structure

• Popular sovereignty, democratic republic, and limited government

• Federalism and the states
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  • States’ rights

• The federal government
  • Branches and separation of powers
  • Checks and balances
Popular Sovereignty and the 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 defence, 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.
Federalism
The Supremacy Clause
(Art. V, Cl. 2)

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.
The Tenth 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.
Separation of Powers of Federal Government into Three Branches
Checks and Balances
Each of the three branches of government has ways to check, or limit, the powers of the other branches.

Legislative: Makes laws
- Can veto acts of Congress
- Can call special sessions of Congress
- Can suggest laws and send messages to Congress
- Can declare acts of Congress unconstitutional through the power of judicial review

Executive: Carries out laws
- Can impeach and remove the president
- Can override veto
- Controls spending of money
- The Senate approves or rejects certain presidential nominations.
- The Senate must ratify all formal U.S. treaties.
- Can declare executive acts unconstitutional
- Judges are appointed for life and are free from executive control.

Judicial: Interprets laws
- Appoints federal judges
- Can grant reprieves and pardons for federal crimes
- Can impeach and remove federal judges
- Establishes lower federal courts