

Government in America: People, Politics and Policy



Chapter 2

The Constitution

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Learning Objectives (1 of 2)

- 2.1 Describe the ideas behind the American Revolution and their role in shaping the Constitution.
- 2.2 Analyze how the weaknesses of the Articles of Confederation led to its failure.
- 2.3 Describe the delegates to the Constitutional Convention and the core ideas they shared.
- 2.4 Categorize the issues at the Constitutional Convention and outline the resolutions reached on each type of issue.

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Learning Objectives (2 of 2)

- 2.5 Analyze how the components of the Madisonian system addressed the dilemma of reconciling majority rule with the protection of minority interests.
- 2.6 Compare and contrast the Federalists and Anti-Federalists in terms of their backgrounds and their positions regarding government.
- 2.7 Explain how the Constitution can be formally amended and how it changes informally.
- 2.8 Assess whether the Constitution establishes a majoritarian democracy and how it limits the scope of government.

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Learning Objective 2.1

Describe the ideas behind the American Revolution and their role in shaping the Constitution.

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The Origins of the Constitution

LO 2.1

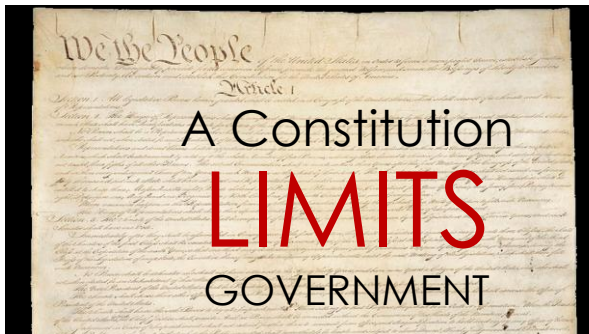
- **The English Heritage: The Power of Ideas**
 - **Natural Rights** – Rights inherent in humans being, not dependent on government.
 - **Consent of the Governed** – The government derives its authority by sanction of the people.
 - **Limited Government** – Put certain restrictions on government to protect natural rights.

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To Learning Objectives

A Constitutional History of England





	Absolutism	Constitutionalism
Government Power	Absolute	LIMITED
Laws		
Taxation		
Representative Bodies		
Sovereignty		



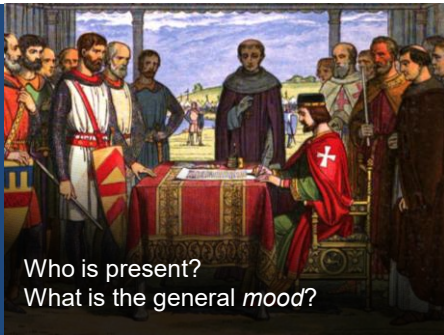
	Absolutism	Constitutionalism
Government Power	Absolute	LIMITED
Laws	Arbitrary	Common
Taxation		
Representative Bodies		
Sovereignty		

Magna Carta (1215) "Great Charter"

*The Holy Grail
of English Constitutionalism*



King John Signs the Magna Carta



Who is present?
What is the general mood?

A CONTRACT



Photo by One lucky guy

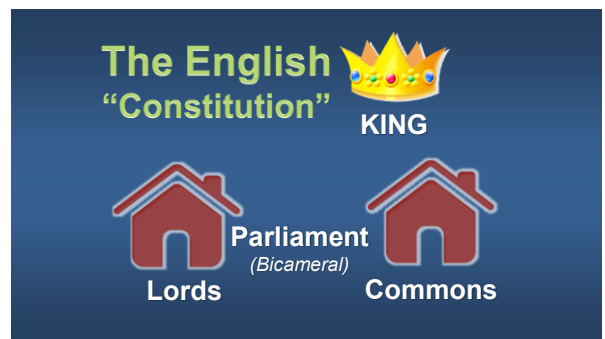


Between the people
and their ruler

Taxation by CONSENT







	Absolutism	Constitutionalism
Government Power	Absolute	LIMITED
Laws	Arbitrary	Common
Taxation	By Decree	By Consent
Representative Bodies		
Sovereignty		



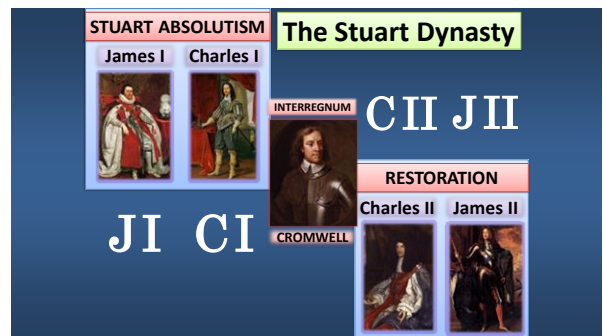
	Absolutism	Constitutionalism
Government Power	Absolute	LIMITED
Laws	Arbitrary	Common
Taxation	By Decree	By Consent
Representative Bodies	NO	YES
Sovereignty		

	Absolutism	Constitutionalism
Government Power	Absolute	LIMITED
Laws	Arbitrary	Common
Taxation	By Decree	By Consent
Representative Bodies	NO	YES
Sovereignty	Monarch	People

The English Reformation

Henry VIII	Edward VI	Mary I	Elizabeth I
1509-1547	1547-1553	1553-1558	1558-1603
Catholic	Protestant	Catholic	Protestant
			

Henry VIII's Children



James I

STUART ABSOLUTISM

- Divine Right
- Religious Uniformity
- **STATE RELIGION**
 - Everyone must attend Church of England services
- **King James Bible**
 - Authorized Version
- **Jamestown Colony**



Calvinism

The *Radical* Reformation

- As opposed to the moderate reforms of Luther and Henry VIII

"Reformed" Theology

- SOVEREIGNTY of God
- The "Elect"
- Predestination



John Calvin

English Calvinists

Puritans and Separatists




CoE "Too Catholic"

Same Doctrines
Different Approaches

<http://youtu.be/GM-bQsbrGs47t2m45a>



English Protestants

ANGLICANS	CALVINISTS	
Church of England	Puritans	Separatists
SATISFIED	PURIFY	SEPARATE
		

Charles I

- MORE ABSOLUTISM
- Short Parliament
- Long Parliament



English Civil War

1642–1651



CAVALIERS
Supporters of
Charles I



ROUNDHEADS
Supporters of
Long Parliament

English Civil War

1649

- Charles I beheaded
- END of Stuart Absolutism



INTERREGNUM 1649–1660

"Between Kings"

Oliver Cromwell
"Lord Protector"

Military Dictatorship
Strict *Puritanical* Rule



Cromwell

Charles II

"The Merry Monarch"

Test Acts

Increased Toleration
[Too Late?]

No *Legitimate* Issue



James II

Charles II's Brother

- Catholic
- Unpopular with
 - Parliament
 - Protestants



The Glorious Revolution

(1688)

Run off by Parliament

Throne VACANT

No Bloodshed



WANTED

*A monarch who will sit down,
shut up, and let Parliament
take care of governing.*

The English Bill of Rights



William and Mary signed the English Bill of Rights, which recognized Parliament as the sovereign governing authority in England.



William III
(of Orange)

Mary II
(Stuart)

The English Bill of Rights



What grievances did Parliament have against James II?

What rights did the English declare for themselves?

What groups were given special privileges in this document?

What comparisons can you make between this document and the U.S. Bill of Rights?

Where does **sovereignty** reside?

Grievances



- PAPIST
- Taxation without consent
- Standing army in a time of peace
- Allowed papists to be armed and disarmed Protestants (a.k.a., "Good Citizens")
- Partial, corrupt, and unqualified jurors
- Excessive fines and bails
- Free elections

Declaration of Rights



- PARLIAMENTARY SUPREMACY
- Free elections of Parliament
- Protestants get to have "arms for their defense... suitable to their conditions as allowed by law"
- Petition the government
- Qualified jurors (freeholders)
- Frequent Parliaments

Source of US Bill of Rights

- Cruel and unusual punishments
- Excessive bails
- Right to bear arms
- Quartering troops
- Freedom of Speech
- "Jury of... peers"

REVIEW

	MONARCH(S)	KEY EVENTS / ACHIEVEMENTS
Absolutism	JAMES I (1603-1625)	King James Bible (Authorized Version) Jamestown Colony Divine Right of Kings Enforced Religious Uniformity
	CHARLES I (1625-1649)	Short Parliament / Long Parliament English Civil War BEHEADED
	INTERREGNUM (Cromwell's Dictatorship)	
Restoration	CHARLES II	The "Merry Monarch" Test Acts (No Catholics in Office)
	JAMES II	Catholic Violated Test Acts

The Origins of the Constitution

- ☐ The Road to Revolution
- ☐ Declaring Independence
- ☐ The English Heritage: The Power of Ideas
- ☐ The American Creed
- ☐ Winning Independence
- ☐ The "Conservative" Revolution

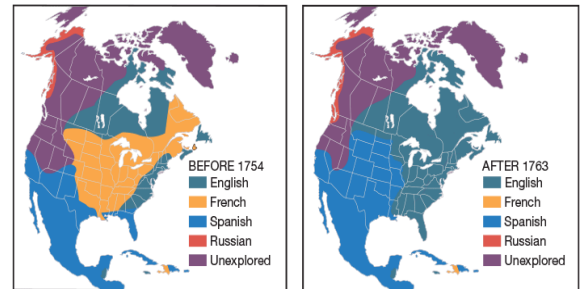
The Road to Revolution



- ☐ Life was good in the colonies
 - (Slaves excepted, of course)
 - Self-governing
- ☐ Irritants
 - New taxes to finance French and Indian War
 - Enforcement of trade regulations
 - No representation in Parliament
- ☐ Protests and boycotts
 - First Continental Congress – Sept. 1774

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Figure 2.1 European Claims in North American



AMERICAN REVOLUTION
1607 TO 1789
Revolution in Thought
1607 to 1763

- Early settlers disliked England
- America's isolation and distance
- Weakened England's authority
- Produced rugged and independent people
- Allowed Colonies to govern themselves
(made their own laws and taxes)
- Produced a new civilization and culture
"American"

AMERICAN REVOLUTION
1607 to 1789
Revolution in Action
1763 to 1789

- Taxation without Representation
- Colonial blood shed by British
- Battle of Lexington and Concord
- Declaration of Independence
- War and Separation from Great Britain
- Writing of the US Constitution
- The New Nation

1ST CONTINENTAL CONGRESS

• Colonies send their representatives to Philadelphia to form a Congress in response to the Intolerable Acts in 1774

• Main goal was to try and negotiate with King George and Parliament

• Moderates argue with Radicals whether or not to go to war.

• Representatives send a document "Declaration of Rights and Grievances" in 1774 to King George and Parliament

• In the meantime, Congress ordered militias to prepare for war.

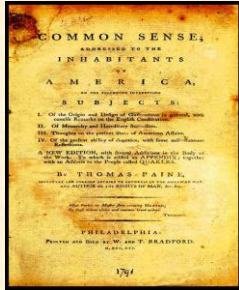
Declaring Independence (1 of 2)


- ☐ Reconciliation or revolution?
- ☐ Thomas Paine's *Common Sense*
 - Fanned revolutionary sentiments

IV. Thomas Paine Preaches Common Sense (cont.)

- 1776 **Common Sense** by Thomas Paine:
 - One of most influential pamphlets ever published
 - Began with treatise on nature of government
 - Argued only lawful states were those that derive “their just powers from the consent of the governed”
 - As for king, he was nothing but “the Royal Brute of Great Britain”
 - 120,000 copies were sold in one week

COMMON SENSE





- Written by Thomas Paine in Jan. 1776.....
- Came to America in 1774 from England and got caught up in the Revolutionary Spirit
- Wrote a 50 page pamphlet that would convince many Americans that **King George** was a **tyrant** and declaring **independence** from Great Britain was our only choice.

COMMON SENSE



In the following pages I offer nothing more than simple facts, plain arguments, and **common sense**.....The sun never shined on a cause of greater worth. “Tis not the concern of a day, a year, or an age; posterity (future generations) are involved in the contest.....

Much has been said for the advantages of **reconciliation** with England. I have heard it asserted by some, that as America hath flourished under her former connection with Great Britain, that the same connection is necessary towards her future happiness....Nothing can be more wrong. We may as well assert, that because a child has thrived upon milk, that it is never to have meat.

COMMON SENSE



But Britain is the parent country, say some. Then the more shame upon her conduct. Even brutes do not devour their young, nor savages make war upon their families.....

I challenge the warmest advocate for reconciliation to show a single advantage that this continent can reap by being connected with Great Britain. Should an island rule a continent?

Our corn will fetch its price in any market in Europe....

But the injuries and disadvantages we sustain by that connection are without number....

COMMON SENSE



Any dependence on Great Britain tends directly involve this continent in European wars and quarrels, and sets us at odds with nations who would otherwise seek our friendship..... Everything that is right or natural pleads for separation...“**TIS TIME TO PART**”...

The king has shown himself an enemy to liberty and discovered a thirst for **arbitrary** power. Is he, or is he not, a proper man to say to the colonies. “You shall make no laws but what I please”? The whole power of the crown will be exerted to keep this continent as low and humble as possible.....

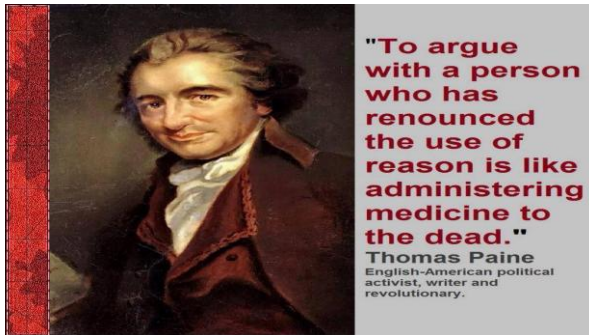
**Reconciliation and ruin are nearly related....
TIS TIME TO PART**

COMMON SENSE



- Paine not only called for independence, but for a new kind of political society: a **democratic republic**.
- Power should be derived from popular consent.

- Colonists’ experience in self-government prepared them for creation of **republic**.
- Also, absence of hereditary aristocracy and equality among land-owning farmers contributed to idea of **republic**.
- Believed civic virtue vital to **republican** form; if no king, then individuals must sacrifice for public good.
- Some wanted “natural (talent) aristocracy” instead to keep power from “lower orders.”

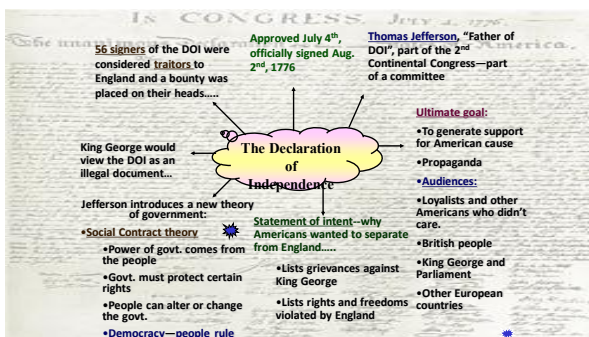


2nd CONTINENTAL CONGRESS

- Came together again after the battles of Lexington and Concord, May 10, 1775.
- Organized first American army called the Continental Army and appointed George Washington as our Commanding General.
- Willing to stay part of the empire but King must "redress our grievances"
- Congress prepares for war.....

Declaring Independence (2 of 2)

- ☐ Declaration of Independence
 - Thomas Jefferson
 - Justified revolution
 - Revolutionaries needed foreign assistance



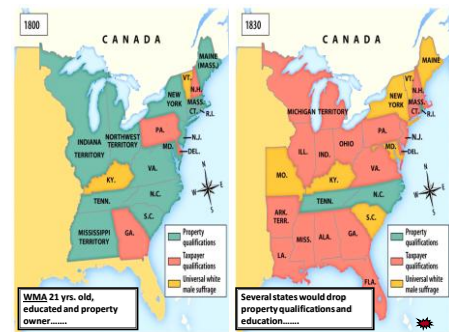
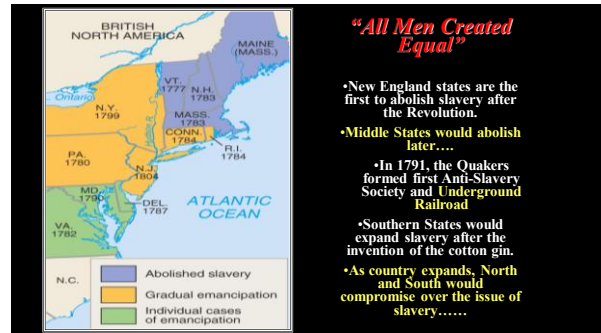
DECLARATION OF INDEPENDENCE

- Explain to the world why separation from England was necessary
- New theory of government (democracy—people rule)
- 27 grievances listed against King George
- Declaration of War
- We became the United States of America


DOWNFALL OF KING GEORGE




King George's statue is torn down by Patriots in New York City after the Declaration of Independence is signed by the 2nd Continental Congress



WOMEN'S RIGHTS



- Abigail Adams—1790's to early 1800's
- **Republican motherhood**
 - Concept that a woman's role was to stay at home and raise the next generation of **PATRIOTS**.
 - This was a role to be proud of because a woman's responsibility was to teach and raise their children in **REPUBLICANISM**.
- **Support the abolition of slavery**
- **Republican motherhood**
- **Despite their contributions, women's rights did not progress and would remain 2nd class citizens**



REPRESENTATIVE DEMOCRACY



- Also referred to as a **republic**
- **Concept: Republicanism**
- Government authority comes from the **people** who **elect officials** that represent their interests
- Promoted the **end of slavery**, **encouraged education** and sacrifice for the public good

REPRESENTATIVE DEMOCRACY

- 13 colonies had a tradition of governing themselves.....
- Elected their own representative law making bodies.
- Passed laws to keep peace within their communities.
- Colonies had a tradition of representative democracy.
- That's why they fought the Revolution.



Delegates in Philadelphia



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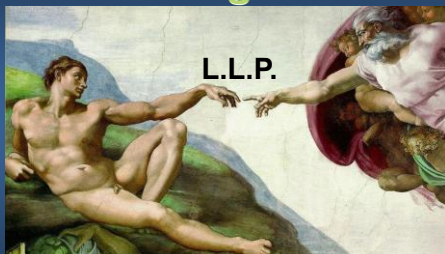
The English Heritage: The Power of Ideas

- ☐ John Locke
 - Natural rights
 - Life, liberty, property
 - Purpose of government is to protect
- ☐ Consent of the governed
- ☐ Limited government

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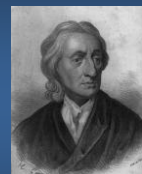
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Natural Rights



John Locke

- **Natural Rights**
 - (God-given)
 - Life
 - Liberty
 - Property
- “**Consent** of the governed”
- **Religious Tolerance**



~~ABSOLUTISM~~

SOCIAL CONTRACT THEORY



- John Locke was an English philosopher during the late 1680s.
- He wrote several books on how people should be governed.
- His ideas influenced Thomas Jefferson.

▪ The power of government comes from the people.... We give the government certain powers to force people to do things for the common good of the community..... If the government does not reflect the will of the people, than the people can change it.....

SOCIAL CONTRACT THEORY

John Locke

Declaration of Independence

Authority of Government

A government's power comes from the consent of the people.

The people have the right to abolish an oppressive government and establish a new one.

Natural Rights

All people are born free and equal with natural rights to life, liberty and property

All men are endowed with certain unalienable rights among which are life, liberty and the pursuit of happiness.

Purpose of Government

To preserve himself, his liberty and property

To secure these rights

Limited Government

Government of laws not man

History of the present King of England is repeated injuries

Equality

Men being by nature all free, equal and independent

All men are created equal

Table 2.1 Locke and the Declaration of Independence: Some Parallels (1 of 2)

Locke	Declaration of Independence
Natural Rights	
"The state of nature has a law to govern it"	"Laws of Nature and Nature's God"
"life, liberty, and property"	"life, liberty, and the pursuit of happiness"
Purpose of Government	
"to preserve himself, his liberty, and property"	"to secure these rights"
Equality	
"men being by nature all free, equal, and independent"	"all men are created equal"
Consent of the Governed	
"for when any number of men have, by the consent of every individual, made a community, with a power to act as one body, which is only by the will and determination of the majority."	"Governments are instituted among men, deriving their just powers from the consent of the governed."

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Table 2.1 Locke and the Declaration of Independence: Some Parallels (2 of 2)

Locke	Declaration of Independence
Limited Government	
"Absolute arbitrary power, or governing without settled laws, can neither of them consist with the ends of society and government."	"The history of the present King of Great Britain is a history of repeated injuries and usurpations."
"As usurpation is the exercise of power which another has a right to, so tyranny is the exercise of power beyond right, which nobody can have a right to."	
Right to Revolt	
"The people shall be the judge.... Oppression raises ferment and makes men struggle to cast off an uneasy and tyrannical yoke."	"Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes... But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government."

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American Creed, Winning Independence, and the "Conservative Revolution"

- ☐ Individualism
- ☐ Rule by the people
- ☐ New ideas incubated in a unique environment
- ☐ Winning independence not easy
- ☐ A conservative revolution?

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REPRESENTATIVE DEMOCRACY

- 13 colonies had a tradition of governing themselves.....
- Elected their own representative law making bodies.
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State Constitutions & State Governments

- **Common aspects**
 - *Each state listed the basic rights and freedoms that belonged to all citizens*
 - “unalienable rights”
 - i.e. jury trial and freedom of religion
 - *Separation of powers*
 - Legislative powers to an elected two-house legislature
 - Executive powers to an elected governor
 - Judicial powers to a system of courts
 - *All white males with property could vote*
 - Based on the assumption that property-owners had a larger stake in government than did the poor and property-less
 - Elected officials higher qualifications than the voters

State Constitutions	
Popular Sovereignty	<ol style="list-style-type: none"> 1. Popular sovereignty was the basis for every new State constitution. 2. Government can exist and function only with the consent of the governed. 3. People hold power and are sovereign.
Limited Government	<ol style="list-style-type: none"> 1. Limited government was a major feature of each State constitution. 2. Powers delegated to government were granted reluctantly and hedged with many restrictions.
Civil Rights and Liberties	<ol style="list-style-type: none"> 1. In every State it was made clear that the sovereign people held certain rights that the government must respect at all times. 2. Seven of the new constitutions contained a bill of rights, setting out the “unalienable rights”
Separation of Powers and Checks and Balances	<ol style="list-style-type: none"> 1. State governments were purposely divided among three branches: <u>executive, legislative, and judicial</u>. 2. Each branch was given powers with a system of checks and balances.

Learning Objective 2.2

Analyze how the weaknesses of the Articles of Confederation led to its failure.

The Government That Failed: 1776–1787

- ☐ The Articles of Confederation
- ☐ Changes in the States
- ☐ Economic Turmoil
- ☐ The Aborted Annapolis Meeting

The Articles of Confederation

- ☐ State-dominated government
 - League of friendship amongst states
 - Unicameral legislature
 - No judiciary
 - No executive
 - No power to tax
 - No power to regulate commerce
- ☐ Feared strong central government





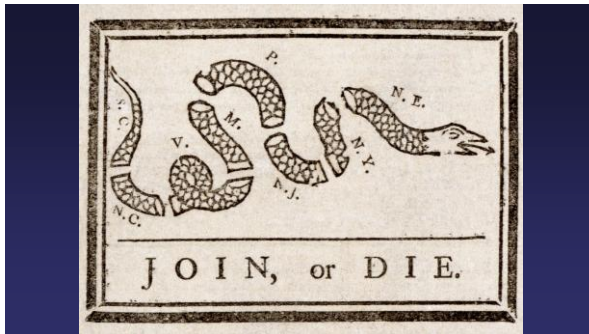
ARTICLES OF CONFEDERATION

- Our first **constitution** (*law of the land*) and attempt to create a **democratic government** based on the ideas of **DOI**.
- Written by **2nd Continental Congress** during War and took effect in March 1781... Becomes the **Confederation Congress**
- Founding Fathers were determined not to have a king.....



THE ARTICLES of Confederation

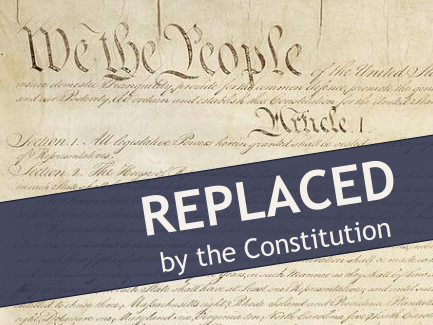
America's First Constitution



The Articles of Confederation

First plan of government

WEAK

REPLACED
by the Constitution

Treaty of Paris (1783)

"His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be **free sovereign and independent states...**"

Source: ourdocuments.gov



From Article II

Each state retains its **sovereignty, freedom, and independence**, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

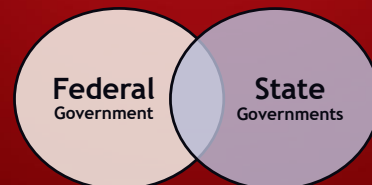
<http://www.constitution.org/cons/usa-conf.htm>

SOVEREIGNTY

Where Ultimate Power Resides

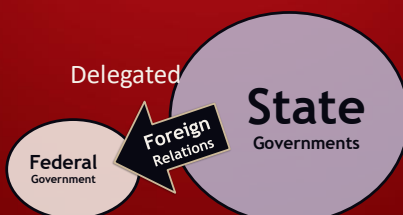
Federalism

Two Levels of Government:



Federalism

According to the Articles



State Constitutions & State Governments

• Common aspects

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- "unalienable rights"
- i.e. jury trial and freedom of religion

– *Separation of powers*

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CONFEDERATION

A Military Alliance

ARTICLES OF CONFEDERATION
Confederation Government

- ✓ govt. of loosely organized states
- ✓ Each state independent and conducted their own affairs
- ✓ Created a weak national govt. which had little powers to solve US problems
- ✓ States held more power than US govt.
 - ✓ Would unite in times of crisis.
- ✓ "Treaty of Cooperation between the states"

From Article III

The said States hereby severally enter into a **firm league of friendship** with each other, for their **common defense**, the **security of their liberties**, and their **mutual and general welfare**, binding themselves to assist each other, against... attacks made upon them...

<http://www.constitution.org/cons/usa-conf.htm>

A firm league of friendship

The Articles of Confederation

The Articles of Confederation established "a firm league of friendship" among the States.

<p>Confederation Congress</p> <ul style="list-style-type: none"> • Congress was given the power to declare war. • Deal with national finance issues. • Settle disputes among the States. • Request funds (<u>taxes from states</u>) to pay off debt 	<p>Obligations</p> <ul style="list-style-type: none"> • The States promised to obey Congress. • Respect the laws of the other States. • Most other powers were retained by each State.
--	--

EQUAL
Representation

9 / 13
To Legislate

13 / 13
To Amend

NOPE



There was no presidency
or federal court system
under the Articles.

	Articles	Constitution
Federalism	A Firm League of Friendship	
Sovereignty	States	
Representation of States	EQUAL	
Taxation	States ONLY	
Powers of Congress	Foreign Relations Army and Navy Declare War Ambassadors Treaties	
Legislation	2/3	
Amendments	UNANIMOUS	

ARTICLES OF CONFEDERATION

Government Structure

- Congress—1 branch
- Confederation Congress
- No executive branch or president...
- No judicial system.....
- One vote per state regardless of size


Powers of Congress

- Make war and peace
- make treaties
- build navy and army
- settle disputes among states
- set up monetary system

State Responsibilities

- Obey Articles and acts of Congress
- provide funds and troops when "requested" by Congress
- States regulated own trade and taxed each other
- States had their own currency

Major Problem: Created a weak national govt that could not tax, regulate trade or enforce its laws because the states held more power than the National Government.




Weaknesses of the Articles of Confederation

- ◆ One vote for each State, regardless of size.
- ◆ Congress powerless to lay and collect taxes or duties.
- ◆ Congress powerless to regulate foreign and interstate commerce.
- ◆ No executive to enforce acts of Congress.
- ◆ No national court system.
- ◆ Amendment only with consent of all States.
- ◆ A 9/13 majority required to pass laws.
- ◆ Articles only a "firm league of friendship."

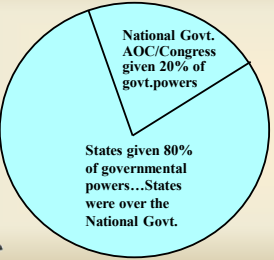
Major Problem
Could not tax, regulate trade or enforce its laws because the states held more power than the National Government.

↓

Why?
Feared a government like King George



US GOVERNMENT IN 1781



Fearing a strong central govt. like King George the AOC created a weak National Government that was not given the power to tax, regulate trade or enforce their laws.

↓

EFFECTS
Could not deal effectively with US problems.



ALL MEN CREATED EQUAL

- The **Confederation Congress** created a **National Government** based on **representative democracy**.

Powers Granted to Government under the Articles of Confederation


- Declare war and make peace
- Make treaties with foreign countries
- Establish an army and navy
- Appoint high-ranking military officials
- Requisition, print, and borrow money
- Establish weights and measures
- Hear disputes among the states related to trade or boundaries

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Powers Denied to Government

- No power to raise funds for an army or navy
- No power to tax, impose tariffs, or collect duties
- No executive branch to enforce laws
- No power to control trade among the states
- No power to force states to honor obligations
- No power to regulate the value of currency

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ARTICLES OF CONFEDERATION

- A unicameral (1 house) Congress
- 13 out of 13 states to amend or change Constitution.
- Representatives were frequently absent.
- Could not tax, raise armies or regulate trade.
- No executive to sign or enforce the law.
- No judicial branch to settle disputes between the states.
- Could not enforce its laws.

Major Problem
Could not tax, regulate trade or enforce its laws because the states held more power than the National Government.

↓

Why?
Feared a government like King George



Table 2.2 Key Provisions of the Articles of Confederation

Feature of National Government	Provision
Central Government	Weak
Executive	None
Legislature	One chamber with one vote per state
Courts	None
Regulation of commerce	None
Taxation	No power of direct taxation
Amendment	Required unanimous consent
National defense	Could raise and maintain an army and navy
Power over States	None

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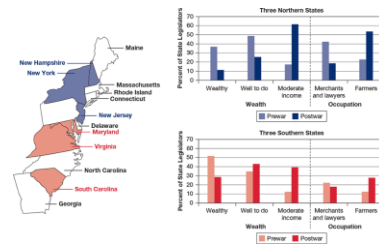
Changes in the States

- ☐ Increases in liberty, democracy
 - If you were a white male
- ☐ New middle class
 - Artisans
 - Farmers
 - Elite power threatened
- ☐ Legislatures held governmental power
 - Controlled governors

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Figure 2.2 Power Shift: Economic Status of State Legislators Before and After the Revolutionary War



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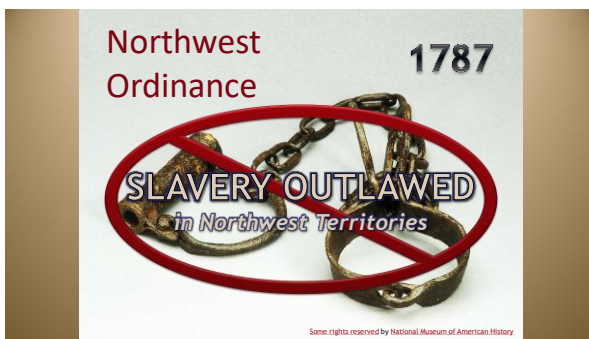
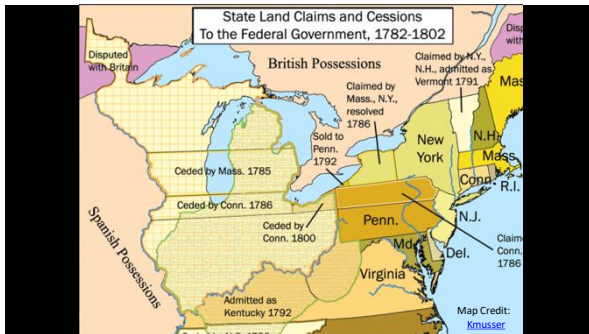
Economic Turmoil

- ☐ Postwar economic depression
- ☐ Shays' Rebellion (1786)
 - Farmers attack courthouses to prevent foreclosures
 - Neither national nor state government could respond
 - Elites privately put down rebellion

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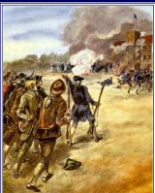
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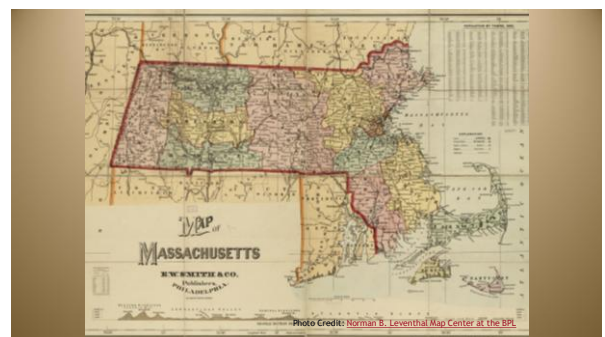




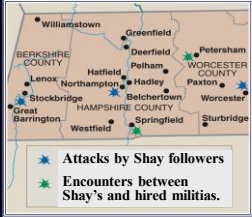
SHAYS' REBELLION, 1787

Daniel Shays
1785 to 1787, unfair taxes, debt and foreclosure
Farmer's rebellion to overthrow Mass. Govt.



SHAY'S REBELLION, 1787



Outcomes


- Rebellion put down by a private militia
- US Govt. too weak to put down rebellion
- Americans feared govt. too weak = anarchy

Call for a Constitutional Convention to change AOC and create a stronger national government.



Debtors vs. Creditors

 <p>Western Mass. Farmers</p>	 <p>Boston Merchants</p>
---	--



Debtors Want

- Debt Relief
- Paper Money
- Foreclosures



Creditors Want

- Their Money
- Payable in Hard Currency

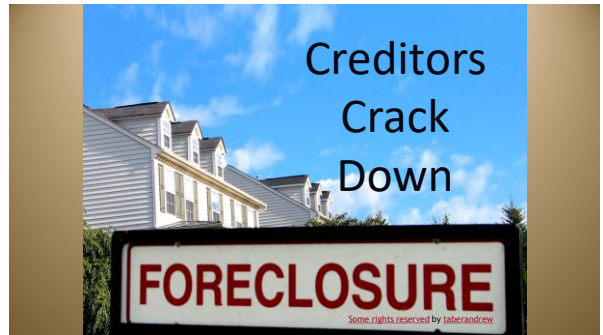


Legislature dominated by Creditors

Photo Credit:
Corey Templeton



Creditors Crack Down



Rebellion

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SHAY'S REBELLION

- ✓ In early 1787 a group of small farmers protested against the Massachusetts govt.
- ✓ Why? They were in debt, their homes being repossessed and unfair taxation.
- ✓ They were led by Daniel Shays, a former army captain in the Revolutionary War.
- ✓ The purpose of the rebellion was to prevent foreclosures by keeping the courts from sitting until the next election.
- ✓ Shay's Rebellion was put down by private army paid for by wealthy merchants from Boston.
- ✓ The AOC was unable to put down the rebellion with a national guard or army.

ANARCHY

total chaos, mob rule,
survival of the fittest, no
respect for law and order
or attempting to
overthrow the authority of
govt. = unstable govt. =
no govt.

"MOBOCRACY"





The Aborted Annapolis Meeting

- Annapolis meeting leads to Constitutional Convention

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Why A New Constitution

- ✓ The AOC was unable to act decisively in a time of crisis (***could not protect life, liberty and property***).
- ✓ Provided all the evidence needed to finally convene and revise the constitution.
- ✓ Why was ***Shay's Rebellion*** such a concern to our founding fathers?

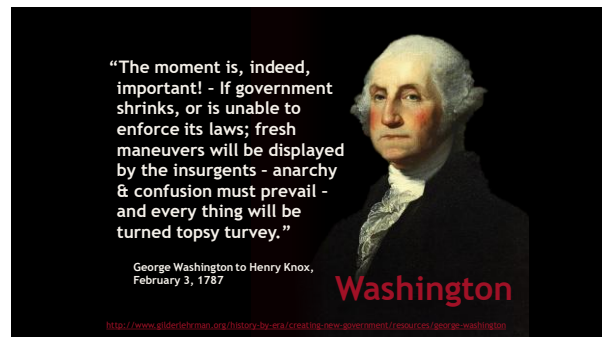
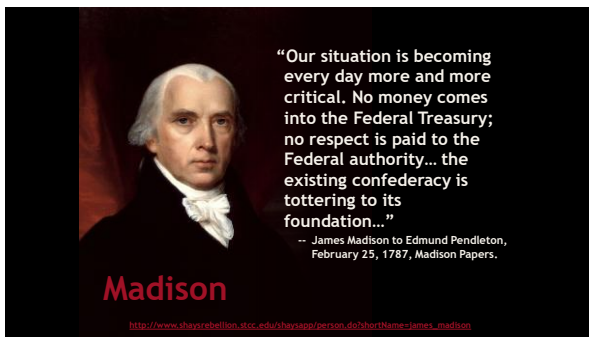


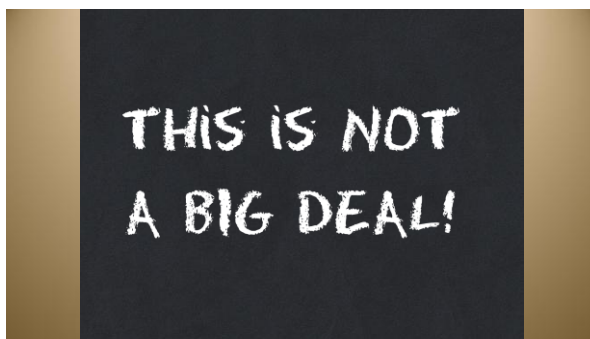
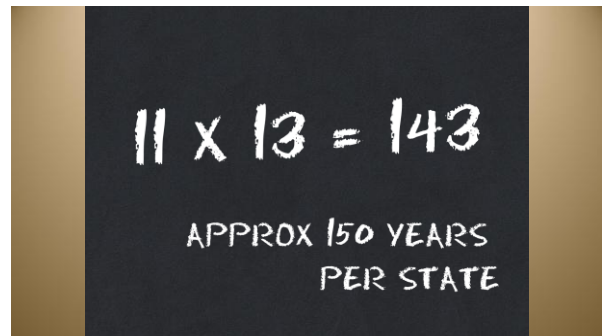
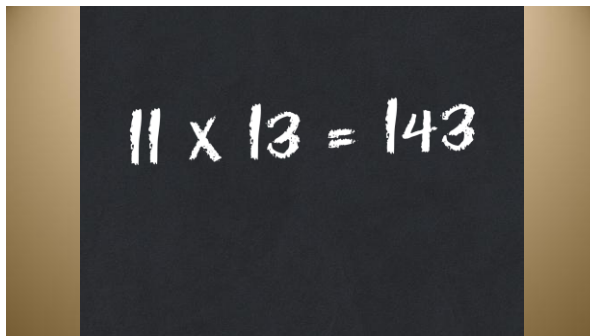
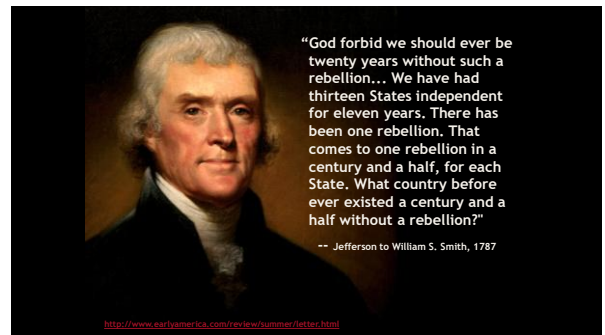
The Elites Response to Shay's Rebellion:

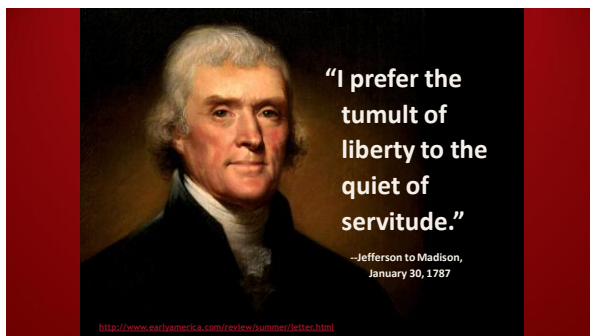
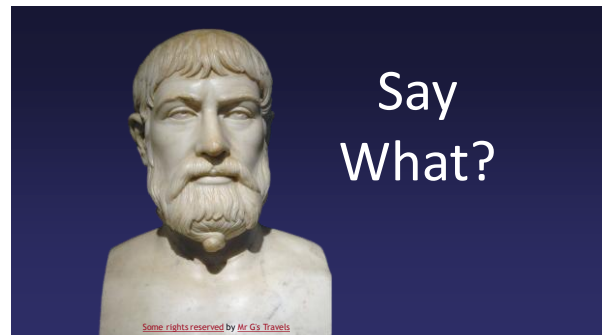
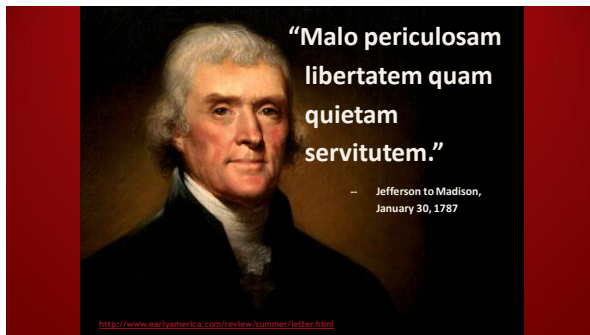
"Respectable"
Americans were shocked by the violence. Feared **"mobocracy"**.

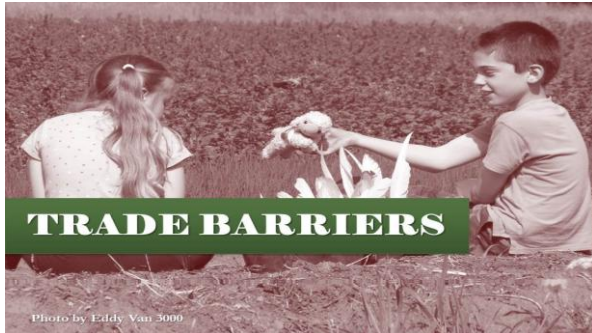



Let us have { a Constitution } by which our lives, liberties and properties will be secured....











***The Elites Response to
Shay's Rebellion***

The Annapolis Convention (1786)

- ❑ George Washington hosted a conference at his home in Mt. Vernon, VA (1785)
- ❑ Representatives agreed that the problems were serious enough to hold further discussions at a later meeting at Annapolis, MD, at which all the states might be represented
- ❑ Only 5 states sent delegates
- ❑ Alexander Hamilton and James Madison persuaded the others to call for a **Constitutional Convention**, to be held in Philadelphia for the purpose of revising the Articles of Confederation



Learning Objective 2.3

Describe the delegates to the Constitutional Convention and the core ideas they shared.



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Making a Constitution

- ☐ Gentlemen in Philadelphia
- ☐ Philosophy into Action



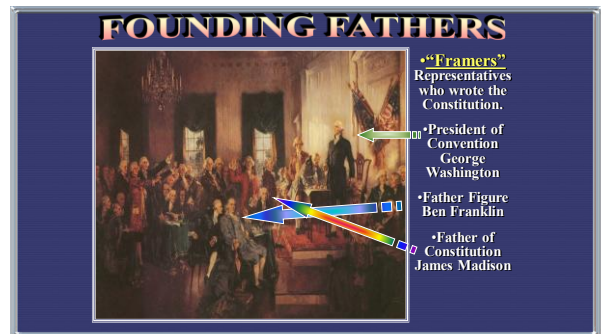
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Gentlemen in Philadelphia and Philosophy in Action

- ☐ Who attended Constitutional Convention?
 - 55 delegates from 12 states
 - Wealthy planters, lawyers, merchants
- ☐ High principles versus self-interest
 - Human nature
 - Political conflict
 - Purpose of government
 - Nature of government



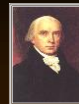
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Framers of the Constitution

- ☐ Republicans opposed any centralization of power.
- ☐ Federalists favored a stronger government. However, there was no agreement among the Federalists concerning the structure and division of power for this new government.

Father of the U.S. Constitution



"The writing of the Constitution formed a task more difficult than can be well conceived by those who were not concerned in the execution of it. Adding to the difficulty the natural diversity of human opinions on all new and complicated subjects, it is impossible to consider the degree of concord which ultimately prevailed as less than a miracle."

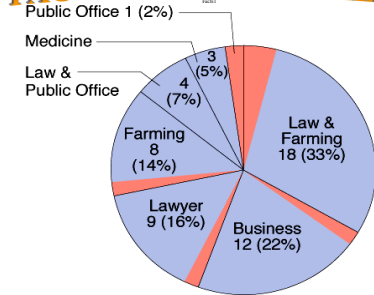
•Father of the Constitution and the Bill of Rights

•Believed in a strong central government

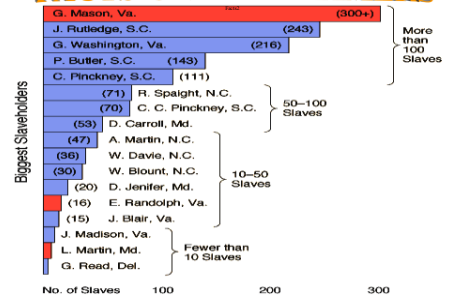
•Wrote part of The Federalist

•Would become our 4th president

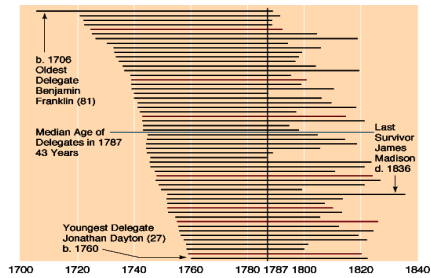
FACTS ON THE FRAMERS



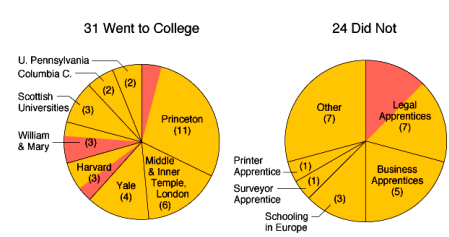
FACTS ON THE FRAMERS



FACTS ON THE FRAMERS



FACTS ON THE FRAMERS

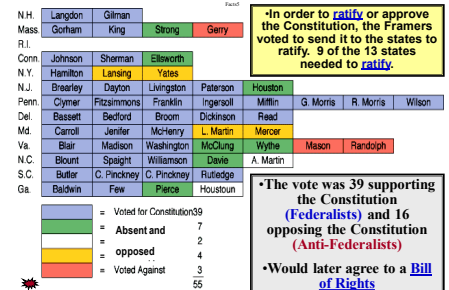


"Snapshot of a 'Framer'"



- White Male Adults
- Landowners
- Some education
- Some were slave owners
- Lawyers
- Merchants

FACTS ON THE FRAMERS



Factions Among Delegates

The beliefs of the delegates ranged from the near-monarchism of Hamilton to definite decentralized republicanism. Some of these last people left when they saw the federalist tenor of the proceedings.



Who wasn't invited to the Convention

Class Discussion

Who was not in the room?

How might that have changed things?

What influence did the Declaration of Independence and Articles have on the discussion?

Learning Objective 2.4

Categorize the issues at the Constitutional Convention and outline the resolutions reached on each type of issue.

Critical Issues at the Convention

- ☐ The Equality Issues
- ☐ The Economic Issues
- ☐ The Individual Rights Issues

CONSTITUTIONAL CONVENTION



•The **Constitutional Convention** was a large meeting held in **Philadelphia**, Pennsylvania at **Independence Hall** from May of 1787 to Sept. to 1787 where **55** delegates representing their states.

•They came to revise, change or throw out the AOC and write a new Constitution.



The Philadelphia Convention

1787

STATED PURPOSE:
Amend the Articles





CONSTITUTIONAL CONVENTION


GOAL

of the **Constitutional Convention** was how to create a government that did not resemble **King George** but create a govt. that was powerful enough

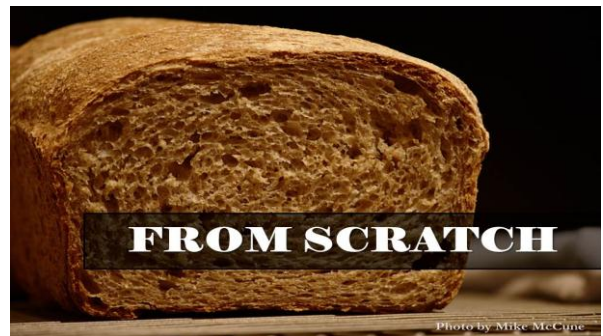
- to tax
- regulate trade
- protect private property
- enforce its laws

without taking away the **rights** that were fought for in the American Revolution?

CONSTITUTIONAL CONVENTION



- Many Representatives (delegates) believed the AOC was too weak to solve the problems of the US and "**mobocracy**".
- The decision was scrap the AOC and start over.



Years	Attempts at Union	Participants
1643–1684	New England Confederation	4 colonies
1686–1689	Dominion of New England	7 colonies
1754	Albany Congress	7 colonies
1765	Stamp Act Congress	9 colonies
1772–1776	Committees of Correspondence	13 colonies
1774	First Continental Congress (adopts The Association)	12 colonies
1775–1781	Second Continental Congress	13 colonies
1781–1789	Articles of Confederation	13 states
1789–1790	Federal Constitution	13 states

The Equality Issues

- ☐ Representation of the states
 - New Jersey Plan
 - Virginia Plan
 - Connecticut Compromise
- ☐ Slavery
- ☐ Equality in voting

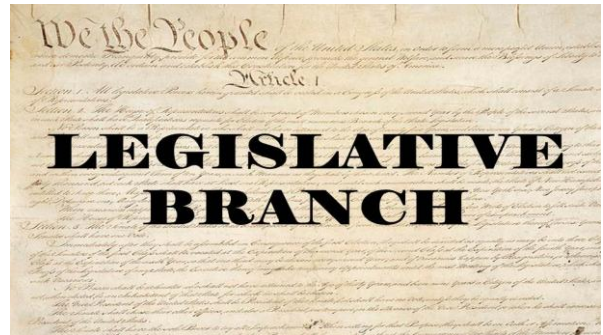
CONSTITUTIONAL CONVENTION



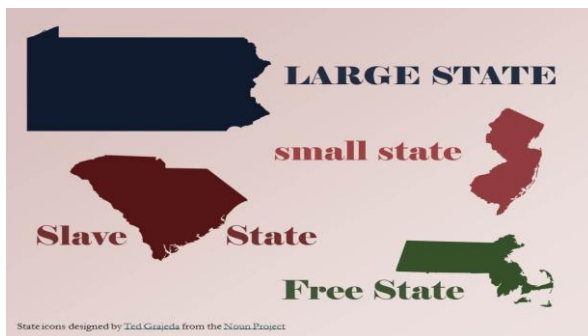
- First major argument between the delegates was over how many **representatives** each state would have in Congress.
- What type of **Congress** should we have?

• **Large states** (Massachusetts and Virginia) believed the more population, the more representatives in Congress.

• **Small states** (New Jersey and Connecticut) believed each state should have equal representation.



LEGISLATIVE BRANCH



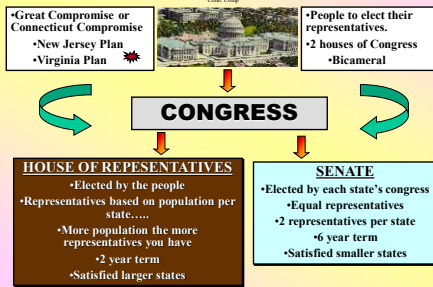
Statistics From the 1790 Census					
	State Population	Percentage of Total	Regional Population		Number of Slaves
New Hampshire	141,885	4%			158
Massachusetts	378,787	10%			0
Connecticut	237,946	7%			2,759
Rhode Island	68,825	2%			152
NEW ENGLAND		23%	827,443		
New Jersey	184,139	5%			11,423
New York	340,120	9%			21,324
Pennsylvania	434,373	12%			3,737
MIDDLE STATES			958,632		
NORTH OF MASON/DIXON		49%	1,786,075	Slaves (North)	39,853
Delaware	59,096	2%			8,887
Maryland	319,728	9%			103,036
Virginia	747,610	20%			293,427
North Carolina	393,751	11%			100,572
South Carolina	249,073	7%			107,094
Georgia	82,548	2%			29,264
SOUTHERN STATES		51%	1,851,806	Slaves (South)	642,280
TOTAL POPULATION			3,637,881	SLAVE POPULATION	681,833

Sources: <http://www.infoplease.com/6e/a000896.html>
<http://maecoyes.alpharesearch.com/maecoyes/censusdata/slave-population-of-us-states-and-territories>

VIRGINIA PLAN	new jersey plan
 JAMES MADISON	William paterson 
BICAMERAL Legislature	unicameral legislature
Based on POPULATION	one vote per state
View Census Data	

VIRGINIA PLAN VS. NEW JERSEY PLAN	
Issues of representative government would be argued at Constitutional Convention	
<ul style="list-style-type: none"> • Virginia Plan proposed by the larger states <ul style="list-style-type: none"> – Establish a national government with 3 branches. – Establish a bicameral Congress. <ul style="list-style-type: none"> • People elect 1 house • That house elects 2nd house – Representation in both houses based on state population 	<ul style="list-style-type: none"> • New Jersey plan proposed by small states <ul style="list-style-type: none"> – Establish a unicameral Congress <ul style="list-style-type: none"> • Each state to have 1 vote • Equal representation – States equally represented similar to the Articles of Confederation

GREAT COMPROMISE CREATES CONGRESS



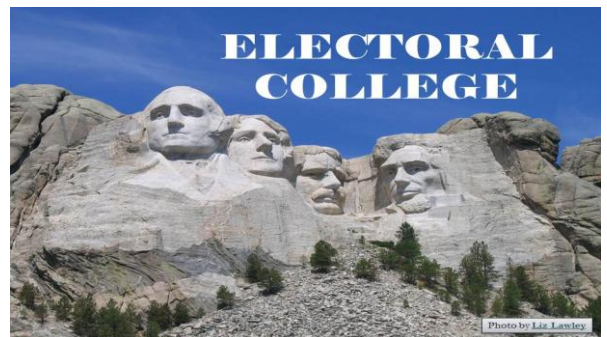
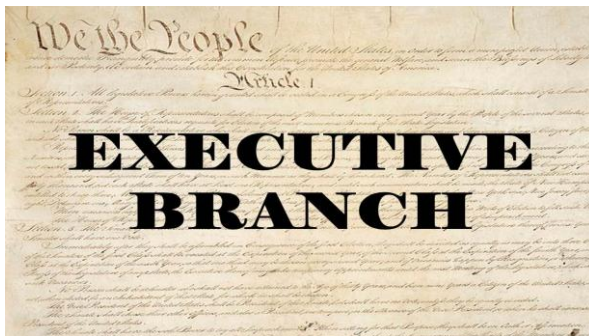
CONSTITUTIONAL CONVENTION

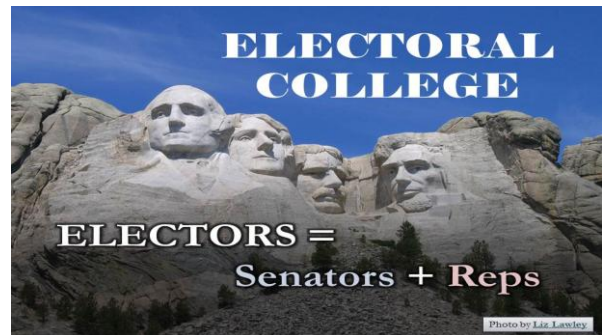
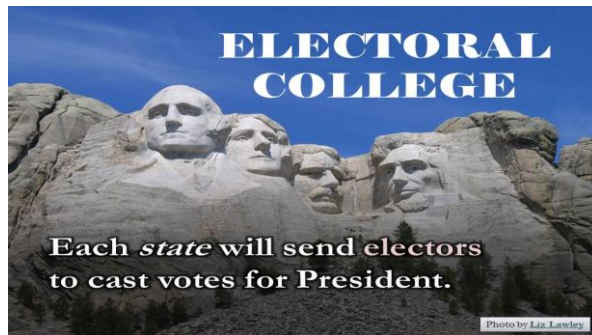


- 2nd major argument between the delegates was how to create an executive (president) which didn't resemble King George III
- How would he/she be chosen?

Created an Electoral College

- Placed a "**check and balance**" on the people's vote but tried to keep "**representative democracy**" in principle.





ELECTORAL COLLEGE

Historical Background

- Why was the Electoral College created by the Framers?
 - Created as an alternative to either popular election or Congress electing the President.
 - Each state chose **electors**—based on the number of representatives each state has in Congress.
- Electoral vote was state to state—each elector voted for two candidates.... One vote per candidate.
 - Electors vote with the **"will"** of the people from the state they represented..... **but not required**.
 - Candidate with the most votes became President; runner-up became Vice President.
- In case of a tie, the House of Representatives elected the President.

electoral college

FREE RESPONSE ESSAY

To what extent was the United States Constitution a total departure from the Articles of Confederation.



XI. HAMMERING OUT A BUNDLE OF COMPROMISES (SLIDE 6 OF 6)

- A state's share of electors based on total of its senators and representatives in Congress (see Art. II, Sec. I, para. 2)
- Slavery and Constitution (see Table 8.2):
 - Three-fifths compromise:** slave as three-fifths of a person for representation (see Art. I, Sec. II, para. 3)
 - Slave trade could continue until end of 1807 (see Art. I, Sec. IX, para 1).

CONSTITUTIONAL CONVENTION



- 3rd major argument between the delegates was how to **limit the power of government**.
- But, give it enough power to be effective.

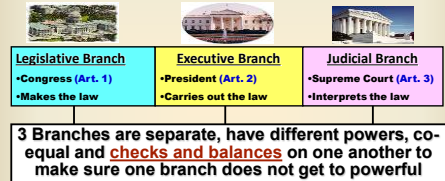
Created a system of government

- Separated the powers of government into 3 branches that are co-equal but independent from one another.
- To make sure one branch didn't become too powerful they created a system of checks and balances.

Working Toward the Final Agreement

- The Madisonian Model
 - **Separation of Powers.** The legislative, executive, and judicial powers to be independent of each other
 - **Checks and Balances.** Government had considerably more power than under the Articles of Confederation. However, these men were distrustful of those who would hold this power and of the people who would select the governmental officials.

3 BRANCHES OF GOVERNMENT SEPARATION OF POWERS



3 BRANCHES OF GOVERNMENT SEPARATION OF POWERS

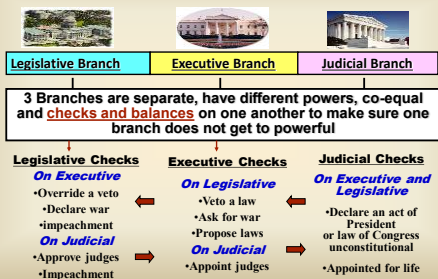
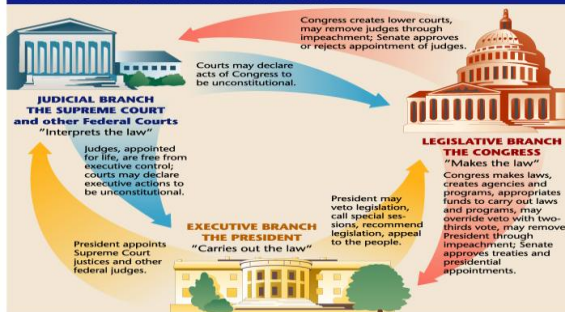


FIGURE 2-2 | CHECKS AND BALANCES

The major checks and balances among the three branches are illustrated here. The U.S. Constitution does not mention some of these checks, such as judicial review—the power of the courts to declare federal or state acts unconstitutional—and the president's ability to refuse to enforce judicial decisions or congressional legislation. Checks and balances can be thought of as a confrontation of powers or responsibilities. Each branch checks the action of another; two branches in conflict have powers that can result in balances or stalemates, requiring one branch to give in or both to reach a compromise.



The American System of Checks and Balances



QUESTION:

Should *slaves* be counted for purposes of representation in the lower house of Congress?



Consider the interests of your assigned state when answering.

[View Census Data](#)

CONSTITUTIONAL CONVENTION



•4th major argument between the delegates was over slavery.
 •Southern states wanted their slaves to be counted as part of their population because it would give them more representation in Congress.

- Northern states wanted to abolish slavery..
- Southern States would of left the Constitutional Convention if there was an attempt to abolish slavery.
- North and South worked out 2 compromises.

3/5'S COMPROMISE



•Southern states wanted their slaves to be counted as part of the total population of their state.

Why?

- This would give them more representatives in Congress.
- Thus giving them more voting power in Congress and protecting their self-interest of slavery.

3/5's COMPROMISE



- Northern states objected to the South's proposal and would only agree to compromise.
- 3 of every 5 slaves would be counted as part of a state's total population.
- It was supported by both North and South

The "Three-Fifths" Compromise

FOR THE SOUTH

For representation in Congress, slaves counted as 3/5 of a person.

FOR THE NORTH

3/5

The "Three-Fifths" Compromise

FOR THE SOUTH

3/5

FOR THE NORTH

After 20 years, Congress has the power to regulate (or outlaw) the international slave trade.

3/5'S COMPROMISE



Georgia's Population


White = 300,000

Slaves = 100,000 3/5's of 100,000

3/5's of 100,000 = 60,000

300,000 + 60,000 =

**Total Population = 360,000
which would be counted
towards representation in
Congress.**



3/5'S COMPROMISE

- Northern states agreed to the 3/5's Compromise only if the South abolished the Slave Trade by 1807.....
- Agreement was made....North was hoping slavery would eventually fade away and die out .
- This was their step towards abolishing slavery.

FUGITIVE SLAVE LAW

- Law created at the Constitutional Convention in 1787.
- Escaped slaves captured had to be returned to their plantation owner.
- Not enforced in North and led to the creation of the Underground Railroad.
- Southerners would become bitter and ultimately left the US.

Table 8.2 Slavery and the Constitution

Section	Issue	Effect/Implication
Article 1, Section 2	Apportionment of direct taxes and representation in the House and Electoral College	Prescribed that federal representation be made proportionate to state populations of free people, plus 3/5 of the number of "other Persons" (slaves and Indians) in each state. It boosted the South's influence in Congress and the Electoral College.
Article 1, Section 9	Slave importation	Prohibited Congress, for a period of twenty years, from banning the "importation of such persons as any of the states now existing shall think proper to admit" (African and West Indian slaves).
Article 4, Section 1	States must respect laws of other states	Implied that states that did not legally sanction slavery must nonetheless respect the laws of states that did.
Article 4, Section 2	Runaway slaves and indentured servants	Stipulated that "no person held to service or labor in one state ... escaping into another" (runaway slaves) could thereby achieve freedom. The basis for the Fugitive Slave Act of 1793.
Article 4, Section 4	Federal defense and protection of states	Guaranteed federal intervention on behalf of states dealing with "domestic violence" (such as slave uprisings).

Table 2.3 How the Constitution Resolved Three Issues of Equality

Problem	Solution
Representation of the States Should states be represented equally (the New Jersey Plan) or in proportion to their population (the Virginia Plan)?	Both, according to the Connecticut Compromise. States have equal representation in the Senate but representation in the House is proportionate to population.
Slavery Should slavery be abolished?	No. Congress was permitted to stop the importing of slaves after 1808. States were required to return runaway slaves from other states.
How should slaves be counted in determining representation in the House of Representatives?	Three-fifths of slaves in a state should be counted.
Equality in Voting Should the right to vote be based on universal manhood suffrage, or should it be restricted?	Let the states decide qualifications for voting.

The Economic Issues

- ☐ State of the postwar economy
 - Interstate tariffs
 - Worthless paper money
 - Congress could not raise revenue
- ☐ Congress given economic power
 - Limited economic interference of states
- ☐ New government must repay debts of \$54 million

CONSTITUTIONAL CONVENTION



- Fifth major argument between the delegates was how to solve the problem over the states having more power than the national government.

Framers created a Federal Government

- Divided the powers of government on a geographic basis.
- They created 3 levels of government.
 - National, state and local

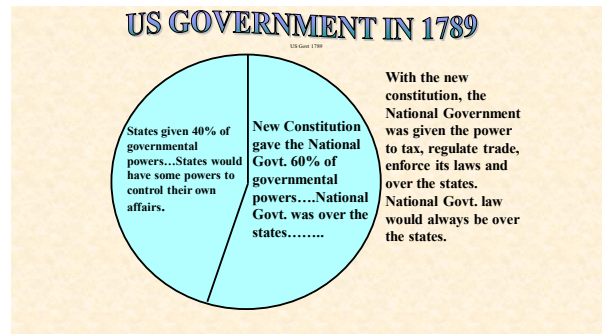
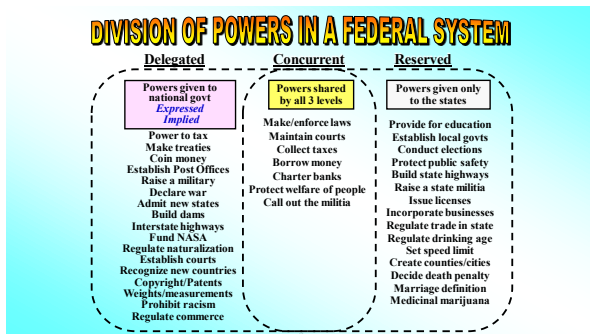
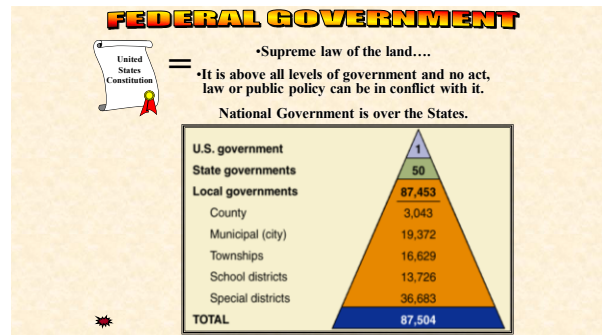
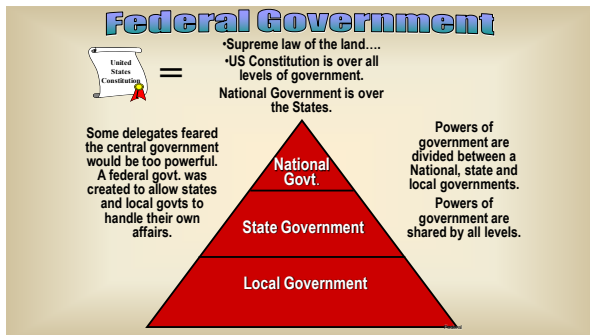


Table 2.4 Economic Issues in the Constitution (1 of 3)

Powers of Congress
1. Levy taxes
2. Pay debts
3. Borrow money
4. Coin money and regulate its value
5. Regulate interstate and foreign commerce
6. Establish uniform laws of bankruptcy
7. Punish piracy
8. Punish counterfeiting
9. Create standard weights and measures
10. Establish post offices and roads
11. Protect copyrights and patents

Table 2.4 Economic Issues in the Constitution (2 of 3)

Prohibitions and Obligations of the States
States could not ...
1. Coin money or issue paper money
2. Tax imports or exports from abroad or from other states
3. Pass laws impairing the obligations of contracts
4. Require payment of debts in paper money
States were to ...
1. Respect civil court judgments and contracts made in other states
2. Return runaway slaves from other states

Table 2.4 Economic Issues in the Constitution (3 of 3)

Other Key Provisions
1. The new government assumed the debt contracted under the Articles of Confederation
2. A republican form of government was guaranteed

	Articles	Constitution
Federalism	A Firm League of Friendship	A More Perfect UNION
Sovereignty	States	Shared
Representation of States	EQUAL	Proportional (House) Equal (Senate)
Taxation	States ONLY	State & Federal
Powers of Congress	Foreign Relations Army and Navy Declare War Ambassadors Treaties	In Addition: Taxation Interstate Commerce Currency Crush Rebellions
Legislation	2/3	Senate + House + President
Amendments	UNANIMOUS	2/3 Congress + 3/4 States

US Government in 1781 and 1789

How the Weaknesses of the Articles of Confederation Were Corrected by the Constitution

Articles of Confederation	US Constitution
<ul style="list-style-type: none"> States have most of the power and national govt. has little. No executive to carry out the laws of Congress No national courts—only state courts 9/13 states have to approve a law before it goes into effect Congress has no power to tax Congress can not regulate trade among the states. Each state coined its own money. No national currency. Unicameral Congress Articles only a “firm league of friendship” 	<ul style="list-style-type: none"> States have some power, but most power is given to the national govt. <ul style="list-style-type: none"> Federal Government Electoral College 3 branches of govt. <ul style="list-style-type: none"> Executive—enforces law Legislative—makes law Judicial—interprets law Checks and balances Congress given the power to tax, regulate trade and enforce laws. Only national govt. has the power to coin money Bicameral (2 house) Congress Equal Representation by States and a State's population Constitution established a strong National Govt. over the States and to form a more “perfect union”

Weaknesses of the Articles of Confederation

- ◆ One vote for each State, regardless of size.
- ◆ Congress powerless to lay and collect taxes or duties.
- ◆ Congress powerless to regulate foreign and interstate commerce.
- ◆ No executive to enforce acts of Congress.
- ◆ No national court system.
- ◆ Amendment only with consent of all States.
- ◆ A 9/13 majority required to pass laws.
- ◆ Articles only a “firm league of friendship.”

✱ **Corrections:** The New Constitution corrected the weaknesses of the AOC by giving the national government more power than the states with the ability to tax, regulate trade and enforce its laws..

New Constitution Ratified in 1789

- 2 houses of Congress
- Power to tax
- Regulate trade
- President
- Supreme court
- 3/4's of states needed
- Congress makes law
- A more perfect Union

The Individual Rights Issues

- ☐ Preserving individual rights a priority
- ☐ Personal freedoms in the Constitution
 - Suspension of habeas corpus prohibited
 - Bills of attainder prohibited
 - *Ex post facto* laws prohibited
 - Religious qualifications for office prohibited
 - Strict rules for what constitutes treason
 - Right to trial by jury

Learning Object 2.5

Analyze how the components of the Madisonian system addressed the dilemma of reconciling majority rule with the protection of minority interests.

The Madisonian System

- ☐ Thwarting the Tyranny of the Majority
- ☐ The Constitutional Republic
- ☐ The End of the Beginning

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James Madison



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Thwarting the Tyranny of the Majority

- ☐ Limiting majority control
 - James Madison's system
- ☐ Separating powers
- ☐ Creating checks and balances
- ☐ Establishing a federal system

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RISE OF POLITICAL PARTIES

Federalists

- A strong national govt over the states was needed to protect "life, liberty, property and the pursuit of happiness"
- Constitution was a "sound" document which "limited" the power of the national govt.
- Gave it power to settle problems within the country.
- Representative democracy is what the constitution was built on and stated in the Preamble, We the People.
- Appealed to more the wealthy, business owners and educated.

• George Washington
• Ben Franklin,
• John Adams,
• James Madison
• Alexander Hamilton



• **The Federalist Papers** were a series of 85 essays written by Alexander Hamilton, James Madison and John Jay which supported the Constitution and convinced Americans that a stronger national government was needed.

• **Supported the Constitution and a strong central government**



RISE OF POLITICAL PARTIES

Anti-Federalists

- The national govt was too powerful and it would take away your right to "life, liberty, property and the pursuit of happiness"
- The constitution was a threat to the "rights" we fought for in the Revolution
- States should have more authority than the national govt.
- Feared representative democracy was threatened because our rights were not protected.
- Appealed to the common man, farmers and less educated

• Patrick Henry
• Thomas Jefferson
• Sam Adams



Ratification

- **The Federalist Papers**
 - An attempt to persuade the public to support the new form of government.
 - *Federalist #10* and *Federalist #51* provide an excellent view of James Madison's political theory concerning human nature.

RATIFICATION

Map of the United States showing the ratification of the Constitution by state. The map is color-coded: red for states that ratified, yellow for those that rejected, and blue for those that rejected and then ratified. A legend in the bottom left explains these colors. A scale bar and a compass rose are also present. To the right of the map is a list of states and their ratification dates.

Legend:

- States that ratified
- States that rejected
- States that rejected and then ratified
- States that rejected and then ratified
- States that rejected and then ratified

Scale: 0 50 100 miles


Compass rose: N, S, E, W

States and Ratification Dates:

- Delaware: Sept. 17, 1787
- Pennsylvania: Sept. 28, 1787
- New Jersey: Nov. 18, 1787
- Georgia: Jan. 2, 1788
- Massachusetts: Sept. 17, 1787
- New Hampshire: Sept. 21, 1787
- Connecticut: Jan. 9, 1788
- New York: Aug. 26, 1788
- Virginia: June 20, 1788
- North Carolina: Nov. 21, 1787
- South Carolina: May 23, 1788
- Florida: Jan. 2, 1788
- Alabama: Dec. 13, 1787
- Mississippi: Jan. 9, 1788
- Arkansas: Jan. 2, 1788
- Louisiana: Jan. 2, 1788
- Illinois: Jan. 2, 1788
- Indiana: Jan. 2, 1788
- Ohio: Jan. 2, 1788
- Michigan: Jan. 2, 1788
- Wisconsin: Jan. 2, 1788
- Minnesota: Jan. 2, 1788
- Nebraska: Jan. 2, 1788
- Kansas: Jan. 2, 1788
- Oklahoma: Jan. 2, 1788
- Texas: Jan. 2, 1788
- Montana: Jan. 2, 1788
- Wyoming: Jan. 2, 1788
- Idaho: Jan. 2, 1788
- Nevada: Jan. 2, 1788
- Utah: Jan. 2, 1788
- Arizona: Jan. 2, 1788
- California: Jan. 2, 1788
- Nevada: Jan. 2, 1788
- Idaho: Jan. 2, 1788
- Montana: Jan. 2, 1788
- Wyoming: Jan. 2, 1788
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- Nebraska: Jan. 2, 1788
- Kansas: Jan. 2, 1788
- Oklahoma

Support for the New Constitution

- ▣ **Beard's Thesis.** Historian Charles Beard argued that the Constitution was put through by an undemocratic elite intent on the protection of property.
- ▣ **State Ratifying Conventions.** These conventions were elected by a strikingly small part of the total population.
- ▣ **Support Was Probably Widespread.** Still, the defense of property was a value that was by no means limited to the elite. The belief that the government under the Articles was dangerously weak was widespread.



UNITED STATES CONSTITUTION

SUPREME LAW OF THE LAND

It represents our belief in

- Power of govt. comes from the people
 - Government power is limited
- Ordered, organized and structured govt.
 - Representative democracy
- Written, May 1787 to Sept. 1787
 - 7,000 words
- Longest lasting constitution in history
- Greatest symbol of democracy in the world

PREAMBLE

WE THE PEOPLE

of the United States,

- in order to form a more perfect Union
- establish Justice
- ensure 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.



Article 1

Legislative Branch **Makes the law**

- Section 1---House of Representatives and Senate
- Section 2 & 3---Qualifications for Congress
- Section 4---Elections and Meetings
- Section 5---Rules of Order
- Section 6---Pay Privileges
- Section 7---How Bills Become Laws
- Section 8---Powers of Congress
- Section 9---Powers Denied to Congress
- Section 10---Powers Denied to States

POWERS OF CONGRESS

Article 1 Section 8

- Makes the law
- Power to tax
- To coin money
- Regulate foreign and interstate trade
- Raise and maintain armed forces
- Declare war
- Grant patents and copyrights
- Building hydroelectric dams
- Interstate highway system
- Prohibit racial discrimination



Article 2

Executive Branch

Signs, carries out or executes the law into action

- Section 1---Qualifications of President & Vice President
- Section 2---Presidential Powers
- Section 3---Presidential Duties
- Section 4---Impeachment

CONSTITUTIONAL POWERS OF THE PRESIDENT

Article 2 **Executive Power**

- Signs or enforces the law
- Veto power
- Commander in Chief
- Ask for a declaration of war
- Enter into a treaty
- Grants pardons and reprieves
- Appoints ambassadors, judges and cabinet
- Call a special session of Congress



President Bush signing a proposed bill of Congress into law

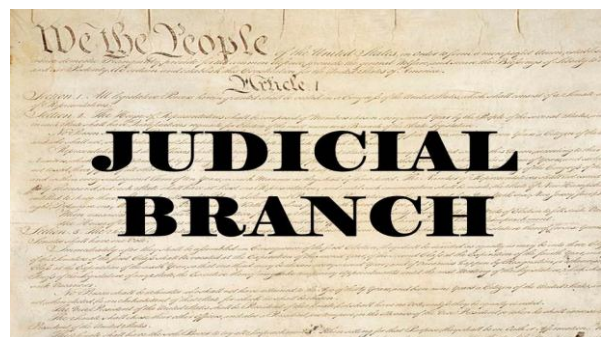


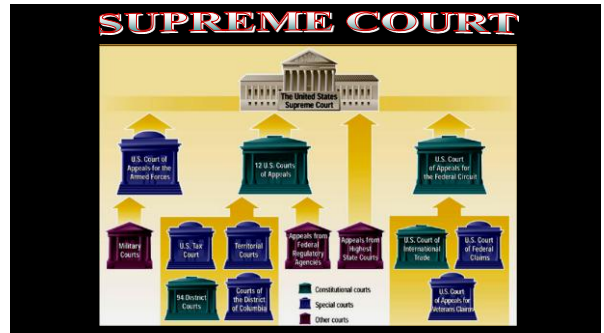
Article 3

Judicial Branch

Interprets the law (constitution)

- Section 1---Qualifications of Judges
- Section 2---Jurisdiction of Courts
- Section 3---Treason





Article 4

Concerning the States

- Section 1---rights and duties of states
- Section 2---rights and liabilities of citizens
- Section 3---admitting new states
- Section 4---guarantee to states

Article 5

Amending the Constitution---adding on or changing the Constitution---**27 Amendments**

Article 6

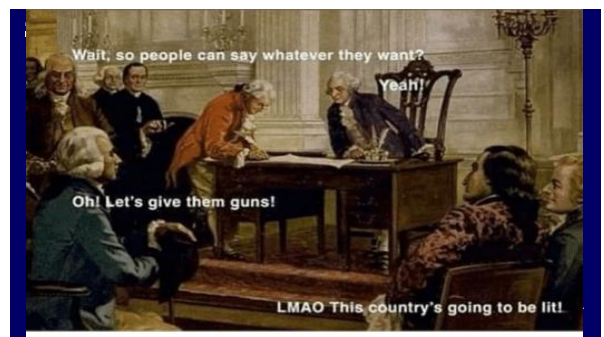
Constitution, law of the land.....Supremacy Clause

Article 7

Ratification of Constitution by 9 states

The Bill of Rights

- A "Bill of Limits." The package was assembled by Madison, who culled through almost two hundred state suggestions.
- No explicit limits on state government powers.
- Did not apply to state governments. The restrictions only were applicable to the national government until the 14th amendment incorporated some of these rights.



"BILL OF RIGHTS"
First 10 Amendments to the Constitution in 1791
Rights and freedoms won in the Revolution are preserved and protected...

1. FREEDOM of Religion, Press, Speech, Assembly, Petition	6. RIGHT TO A SPEEDY, PUBLIC TRIAL BY JURY
2. RIGHT TO KEEP AND BEAR ARMS	7. TRIAL BY JURY IN CIVIL SUITS
3. No QUARTERING of soldiers in peacetime	8. NO EXCESSIVE FINES or CRUEL PUNISHMENT
4. NO UNREASONABLE SEARCH and SEIZURE	9. POWERS RESERVED TO THE PEOPLE
5. PROTECTION of ACCUSED	10. POWERS RESERVED TO THE STATES

The Formal Amendment Process

- Every government needs to be able to cope with any new and unforeseen problem. Any Constitutional change should, however, be taken on with extreme caution. If the process to amend the Constitution is rigorous, there should be ample time to consider the merits of such a change.

AMENDING THE CONSTITUTION



Photo by Martin Faltusner



Map by ZoolPan

$\frac{2}{3} + \frac{3}{4}$



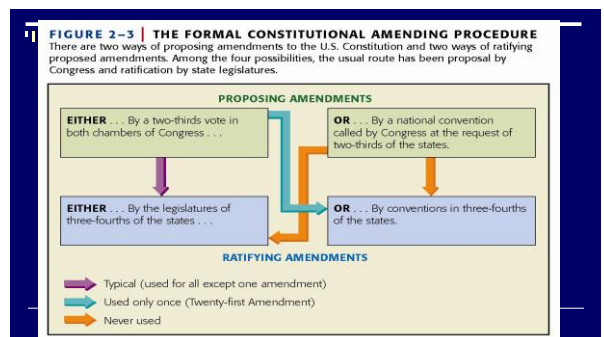
CONGRESS PROPOSES

Photo by Andrew Higgins



STATES ACCEPT (or reject)

Photo by Andrew Higgins



Amending the Constitution

- Although 11,000 amendments have been considered by Congress, only 33 have been submitted to the states after being approved, and only 27 have been ratified since 1789.
- Recent amendments have usually been accompanied by time limits for ratification.
- The National Convention Provision.* Such a convention could be called and could rewrite the entire Constitution. The product of such a convention, however, would have to be ratified by the states in the same way as any amendment.

AMENDMENTS

Amendment	Subject	Year	Time Required for Ratification
1st-10th	Bill of Rights	1791	2 years, 2 months, 20 days
11th	Immunity of States from certain lawsuits	1795	11 months, 3 days
12th	Changes in electoral college procedures	1804	6 months, 6 days
13th	Abolition of slavery	1865	10 months, 6 days
14th	Citizenship, due process, equal protection	1868	2 years, 26 days
15th	No denial of vote because of race, color, or previous enslavement	1870	11 months, 8 days
16th	Power of Congress to tax incomes	1913	3 years, 6 months, 22 days
17th	Popular election of U.S. Senators	1913	10 months, 26 days
18th	Prohibition of alcohol	1919	1 year, 29 days

AMENDMENTS

Amendment	Subject	Year	Time Required for Ratification
19th	Woman suffrage	1920	1 year, 2 months, 14 days
20th	Change of dates for start of presidential and Congressional terms	1933	10 months, 21 days
21st	Repeal of Prohibition (18th Amendment)	1933	9 months, 15 days
22nd	Limit on presidential terms	1951	3 years, 11 months, 6 days
23rd	District of Columbia vote in presidential elections	1961	9 months, 13 days
24th	Ban of tax payment as voter qualification	1964	1 year, 4 months, 27 days
25th	Presidential succession, vice presidential vacancy, and presidential disability	1967	1 year, 7 months, 4 days
26th	Voting age of 18	1971	3 months, 8 days
27th	Congressional pay	1992	202 years, 7 months, 12 days

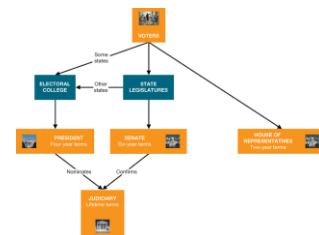
Informal Methods of Constitutional Change

- Congressional Legislation
- Presidential Action
- Judicial Review
- Interpretation, Custom, and Usage



Articles	A COMPARISON	Constitution
States	Sovereignty?	SHARED
Federal	Foreign Relations?	Federal
States	Taxation?	Federal & State
States	Commerce & Trade?	Federal (Interstate) State (Intrastate)
1 Vote Per State	Representation?	Proportional (House) Two Each (Senate)
2/3	To Legislate?	Concurrent Majority + President's Signature
UNANIMOUS	To Amend?	2/3 + 3/4

Figure 2.3 The Constitution and the Electoral Process: The Original Plan



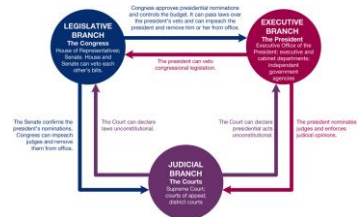
The Constitutional Republic and the End of the Beginning

- ☐ Creating a republic
 - Direct democracy not feasible
 - Representative democracy
- ☐ Separating powers and checks and balances make change slow
- ☐ Is policymaking inefficient?
- ☐ 10 states vote in favor, then dinner

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Figure 2.4 Separation of Powers and Checks and Balances in the Constitution



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Signing the Constitution



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Journal Prompt 2.4: Critical Issues at the Convention

Is representation in the Senate fair?

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Learning Objective 2.6

Compare and contrast the Federalists and Anti-Federalists in terms of their background and their positions regarding government.

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Ratifying the Constitution

- ☐ Federalists and Anti-Federalists
- ☐ Ratification

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Federalists and Anti-Federalists

☐ Federalists

- Supported Constitution
- Federalist Papers
- Alexander Hamilton, James Madison, John Jay

☐ Anti-Federalists

- Opposed Constitution
- No protection for civil liberties
- States' power would weaken

Table 2.5 Federalists and Anti-Federalists Compared

Anti-Federalists	Federalists
Backgrounds	
Small farmers, shopkeepers, laborers	Large landowners, wealthy merchants, professionals
Government Preferred	
Stronger state government	Weaker state governments
Weak national government	Strong national governments
Direct election of officials	Indirect election of officials
Shorter terms	Longer terms
Rule by the common man	Government by the elite
Strengthened protections for individual liberties	Expected few violations of individual liberties

**Table 2.6 The Bill of Rights
(Arranged by Function) (1 of 3)**

Protection of Free Expression	
Amendment 1:	Freedom of speech, press, and assembly
	Freedom to petition government
Protection of Personal Beliefs	
Amendment 1:	No government establishment of religion
	Freedom to exercise religion
Protection of Privacy	
Amendment 3:	No forced quartering of troops in homes
Amendment 4:	No unreasonable searches and seizures

**Table 2.6 The Bill of Rights
(Arranged by Function) (2 of 3)**

Protection of Defendants' Rights	
Amendment 5:	Grand jury indictment required for serious crime
	No second prosecution for the same offense
	No compulsion to testify against oneself
	No loss of life, liberty, or property without due process of law
Amendment 6:	Right to a speedy and public trial by a local, impartial jury
	Right to be informed of charges against oneself
	Right to legal counsel
	Right to compel the attendance of favorable witnesses
	Right to cross-examine witnesses

**Table 2.6 The Bill of Rights
(Arranged by Function) (3 of 3)**

Protection of Defendants' Rights	
Amendment 7:	Right to jury trial in civil suit where the value of controversy exceeds \$20
Amendment 8:	No excessive bail or fines
	No cruel and unusual punishments
Protection of Other Rights	
Amendment 2:	Right to bear arms
Amendment 5:	No taking of private property for public use without just compensation
Amendment 9:	Unlisted rights are not necessarily denied
Amendment 10:	Powers not delegated to the national government or denied to the states are reserved for the states or the people

Ratification

☐ Ratification by special convention

- Got around state legislatures

☐ Delaware first to approve

☐ New Hampshire made it official

☐ New York and Virginia critical

☐ North Carolina and Rhode Island hold out

Learning Objective 2.7

Explain how the Constitution can be formally amended and how it changes informally.

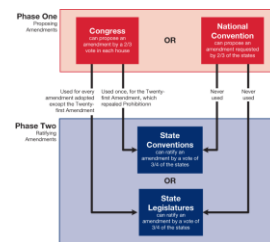
Changing the Constitution

- ☐ The Formal Amending Process
- ☐ The Informal Processes of Constitutional Change
- ☐ The Importance of Flexibility

The Formal Amending Process

- ☐ Proposal
 - Two-thirds vote in each house
 - National convention called by Congress
- ☐ Ratification
 - Legislatures of three-fourths of states
 - Special state conventions

Figure 2.5 How the Constitution Can Be Amended



The Informal Processes of Constitutional Change

- ☐ Most changes have been informal
- ☐ Judicial interpretation
 - *Marbury v. Madison* (1803)
- ☐ Changing political practice
- ☐ Technology
- ☐ Increased demands for new policies

The Importance of Flexibility

- ☐ Constitution meant to be flexible
 - Many decisions left up to Congress
- ☐ Flexibility key to survival
 - World's oldest Constitution

The Constitution: A Short Document



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Journal Prompt 2.7: Changing the Constitution

Some people think the Constitution should only be changed by amending it. Others think it is better if the Constitution is viewed as more flexible. What do you think?

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Learning Objective 2.8

Assess whether the Constitution establishes a majoritarian democracy and how it limits the scope of government.

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Understanding the Constitution

- ☐ The Constitution and Democracy
- ☐ The Constitution and the Scope of Government

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The Constitution and Democracy

- ☐ Original Constitution not very democratic
- ☐ Created a republic
 - Representative government
- ☐ Voting and Participation
 - No original guidelines
 - More people now vote for more offices
 - Technology has made government closer

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Suffragettes Marching



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The Constitution and the Scope of Government

- ☐ Constitution designed to limit government and protect liberties
 - Broad participation possible
- ☐ Effects of separation of powers
 - All groups can be heard
 - Encourages stalemate
- ☐ Effects of checks and balances
 - Gridlock or ineffective policy



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Ryan and Obama



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Shared Writing 2

Does the Constitution's system of checking and balancing make it too difficult for the national government to make decisions about pressing problems?



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