

AP GOV THE CONSTITUTION REVIEWED!

Government in America (Pearson) Chapter 2
American Government: (Wilson) Chapter 2
Institutions & Policies

CONSTITUTION

- The Constitution is a nation's basic law.
- Fun facts about the U.S. Constitution
 - Supreme law of the land
 - Created our political institutions and established the powers they have
 - Protects rights of citizens
 - Limits the power of the government



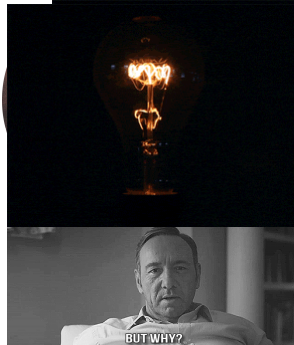
ORIGINS OF THE CONSTITUTION HOW WE BECAME THE U.S.

- Colonial period (1607-1763)
- End of salutary neglect after the French & Indian War
 - taxes & enforcement of mercantile policies
 - colonists mad
- Colonists did not have direct representation in Parliament
 - “No taxation without representation”



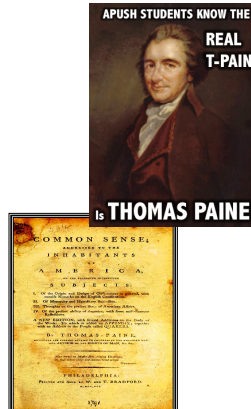
DEEP ROOTS OF THE REVOLUTION

- Influenced by ideas of the **Enlightenment**:
- John Locke** is the dude that influenced colonial leaders ("The Second Treatise of Civil Government")
 - Consent of the governed**: people agree on who their elected officials will be
 - Natural Rights**: people have inherent rights that are not dependent on governments (Locke said "life liberty, and property")
 - Limited government**: restriction on the power of government
 - Purpose** of government is to protect the natural rights of people
 - If it fails to do this, you can change the government

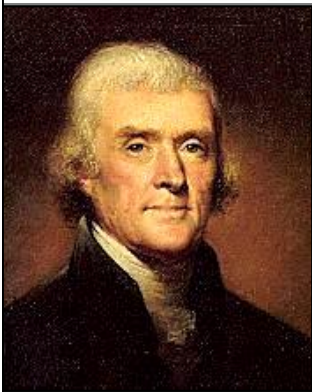


Thomas Paine's Common Sense

- Thomas Paine's** pamphlet "**Common Sense**" (Jan 1776) argued for independence
 - Strongly influenced by the Enlightenment
 - Called for the creation of a **republic** (representative govt.) based on **natural rights** of the people
 - Radical idea at the time



Declaration of Independence



- Thomas Jefferson** drafted the formal Declaration of Independence
- Goals**: Justify independence by listing grievances against King George III
 - "light and transient causes"
 - Took out the one Jefferson wrote against slavery
- To rally support amongst the colonists
- To get the assistance from foreign nations
- Broad appeal by declaring "**unalienable rights**" (**natural rights**) and the power of government rest with the people (**popular sovereignty**)

ORIGINS OF THE CONSTITUTION HOW WE BECAME THE U.S.

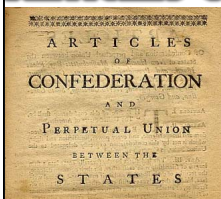
- **American Revolution was built on a belief of:**
 - Natural rights
 - Consent of the governed
 - Limited government
 - Responsibility of government to protect private property
 - Equality of citizens (please don't laugh)



- The Constitution will include many of these ideas.
- American Revolution as a conservative revolution?
 - It was not a radical transformation of society!

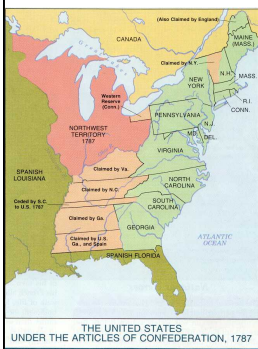
THE COLONISTS WIN THE AMERICAN REVOLUTION U.S.A! U.S.A! U.S.A! U.S.A!

ARTICLES OF CONFEDERATION



- **1st national government** of the United States
- Created a **central** government with **limited power**
- **Key weaknesses:**
 - Unicameral congress, no executive branch or court
 - **Lack of centralized military power**
 - **No power to tax**
 - Could not regulate interstate commerce
 - **All 13 states (unanimity) must agree to amend the Articles**

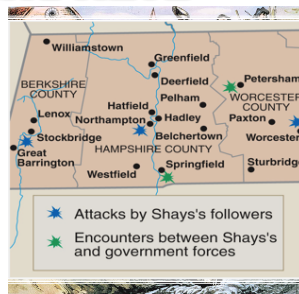
STATE GOVERNMENTS



- Each state setup its own written plan of government (**constitution**)
 - **Separation of powers:** power was typically split between 3 branches of government
 - Many states included **bill of rights** that outlined basic freedoms (religion, trial by jury, etc.)
- Government was set up based upon **republicanism** (power comes from the people)
 - Debate over what republicanism would look like

Shay's Rebellion

- Following the American Revolution the economy suffered a **postwar depression**
- **Shay's Rebellion (1786-87)** Daniel Shay veteran of the revolution and farmer in **Mass.** led a rebellion of poor farmers
 - Neither state or national gov. could put down the rebellion
- Government was **TOO WEAK** to put the rebellion down
 - Increased calls for a **stronger central government**
- Contributes to the **Constitutional Convention**



CREATING A NEW GOVERNMENT

- Growing demand to address the problems facing the nation (**Intl trade, finances, interstate commerce, foreign relations, & internal unrest**)
- **Annapolis Convention (1786):** 5 states attend to discuss trade and commerce
 - Plan to meet up in Philly in 1 year
- **Constitutional Convention (1787)** meets for the purpose of revising the Articles
 - 55 delegates sent "for the sole and express purpose of revising the Articles of Confederation"
 - Very quickly they decided to create an **entirely new stronger central government**



PHILOSOPHIES OF GOVERNMENT

- **"Founding Fathers"** generally agreed about these basic ideas about government:
- **Human nature:** people are driven by self interest
- **Political conflict:** conflict was caused by the distribution of wealth
 - **Factions** develop from sources of **conflict**
- **Purpose of government:** government should protect the right to achieve wealth and to check the power of factions
- **Nature of government:** government must be balanced with a separation of powers



THE CONSTITUTION WOULD BE BUILT ON COMPROMISES

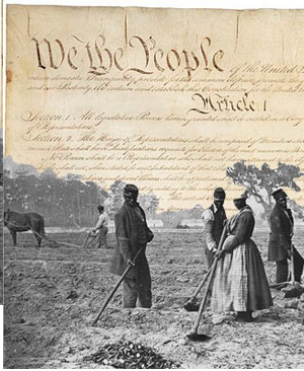
Compromises of the Convention:



- **Big Issue at the convention was about representation in Congress**
- **Edmund Randolph** introduced the **Virginia Plan** (Large State Plan)
 - **Bicameral** (2 house) legislature
 - Representation would be based on **population size**
- **William Patterson** introduced the **New Jersey Plan** (Small states)
 - **Unicameral** (1 house) legislature
 - Each state would have **equal representation**
- **Roger Sherman: Connecticut Compromise (Great Compromise)**
 - **Bicameral** legislature
 - **Upper house (Senate)** 2 representatives per state
 - **Lower house (House of Reps)** based on population



COMPROMISES OVER SLAVERY



- Although the word “slave” or “slavery” was not used in the Constitution, the **institution of slavery was very much protected** by the original document
- Debate over whether slaves should be counted in state population?
- **3/5th Compromise:** slaves would be counted 3/5 of a person when deciding representation in the House of Reps.
- **Slave trade** allowed to continue until **1808**

Constitutional Stuff

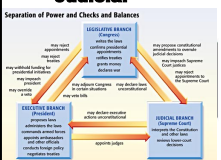

- **Politics:**
- Voting requirements were to be determined by the states
 - Some states abolished property requirements
- **Economics:**
- Congress was given tremendous economic power
 - Levy taxes
 - Regulate interstate commerce
- **Individual Rights:**
- The original Constitution said very little about personal freedoms
 - Reasons: created a limited government with checks and balances & state constitutions protected individual rights
- But it did offer these specific protections.....
 - **Writ of habeas corpus** cant be suspended except during war (right of a prisoner to know why they are being detained)
 - **Bills of attainder** are prohibited (punish people without a judicial trial)
 - **Ex post facto laws** banned (punish after the fact)
 - No religious qualifications for political office
 - Criminal defendants entitled to a jury trial
 - **Treason** was narrowly defined and strict rules for conviction

THE MADISONIAN MODEL:

- Framers were suspicious and fearful of power of the majority
- Severely restricted the control of the majority
 - **NOT** elected directly by the people
 - The President (Electoral college)
 - Senators
 - Judges
 - **ONLY** branch elected directly by the people
 - House of Representatives
- The Constitution did not create a **direct democracy**
 - Citizens directly voting on issues
 - **Democratic theories:** participatory, pluralist, elite
- The Constitutional Convention created a **republic**
 - Citizens elect representatives to govern (based upon “consent of the governed”)





THE MADISONIAN MODEL

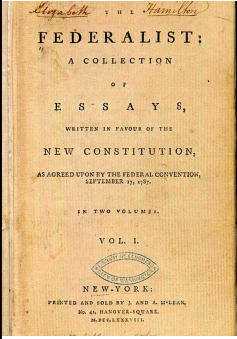
Separation of powers	Checks & Balances	Federal System
<ul style="list-style-type: none"> Power is separated between 3 branches of government <ul style="list-style-type: none"> Executive Legislative Judicial 	<ul style="list-style-type: none"> Each branch of government act as a check upon one another Examples: <ul style="list-style-type: none"> President checks Congress with veto power Congress controls "purse strings" & Senate approves presidential nominations Court not explicitly listed in Constitution, judicial review 	<ul style="list-style-type: none"> The Constitution set up a division of power between the national and state government (Federalism) 

Constitution in Practice

- Separation of powers allows various **interest groups** access to the political system.
 - Civil Rights movement** had more success in the judicial branch than the executive or legislative branches
- Separation of powers and checks and balances promote (in theory) the politics of **bargaining and compromise**
- Separation of powers can contribute to **stalemate/gridlock** in policymaking
 - Requires tremendous agreement, coordination, and compromise.

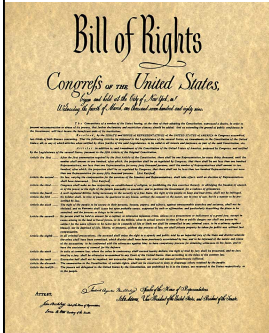



DEBATE OVER RATIFICATION



- Reflects various views on **democracy and power of the central government**
- Anti-Federalists:** critics of the Constitution and favored a weak central government
 - Favored state rights
 - No protections for individual liberties
 - Anti-Federalist Brutus #1** adhered to popular democratic theory
 - Decentralized republic
 - Large centralized government would be a danger to personal liberty
- Federalists:** supporters of the Constitution and a strong central government
- The Federalist Papers** (85 essays) written by James Madison, Alexander Hamilton, & John Jay to persuade people to support ratification of the Constitution
- Federalist No. 10** (by J.M.) focused on the superiority of a large republic in controlling the "mischiefs of faction"
 - Delegating authority to elected representatives
 - Dispersing power between the states and national government

DEBATE OVER RATIFICATION



- Guarantee of a **Bill of Rights** helped achieve ratification
 - **Enumerated individual rights** and **explicitly restricted powers of the fed govt.**
 - **1st amendment:** speech, religion, press, assembly
 - **4th:** no unreasonable searches and seizures without probably cause
- **Challenge of government:**
 - Interpretation of these rights
- In 1789 **George Washington** takes office as the nations 1st President

THE CONSTITUTION “A LIVING DOCUMENT”



- ✓ Oldest functioning Constitution
- ✓ 27 amendments

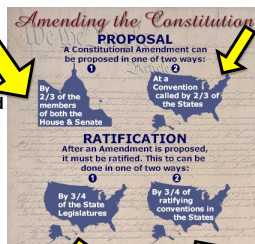
- ✓ “a balance between government power and individual rights has been a hallmark of American political development”

Changing the Constitution

Ways to amend the Constitution

1. The **Formal Amending** process

- Two ways:
 - **Method 1:** Congress
 - **Proposal:** Amendment can be proposed by 2/3 of Congress
 - **Ratification:** ¾ state legislatures
 - **Examples:** All of the Amendments except the 21st amendment
 - Reconstruction Amendments (13-15)
 - Increasing democracy: 19th Amendment
 - **Method 2:** Special State Convention
 - **Proposal:** Amendment can be proposed by a National Convention of 2/3 state legislatures
 - **Ratification:** ¾ of state conventions



Changing the Constitution

Ways to amend the Constitution

2. Informal Process of Constitutional Change

- **Judicial interpretation** is when the court decides the constitutionality of government actions
- **Judicial review** established by **Marbury v. Madison**
- Supreme Court example
 - **Plessy v. Ferguson** (1896) declared "separate but equal" did not violate the "equal protection clause" of the 14th Amendment
 - **Brown v. Board** (1954) overturned the courts decision

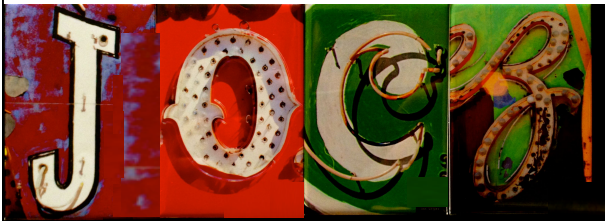


Constitutional Changes

- The Constitution has become **more democratic**
 - 15th Amendment: black male suffrage
 - 17th Amendment: direct election of Senators
 - 19th Amendment: women's suffrage
 - 24th Amendment: abolished poll taxes
 - 26th Amendment: voting age to 18
- U.S. now has a **2 party system**
 - 1st party system develops in the 1790s
- Dramatic increase in the **powers of the Presidency**
 - U.S. is a super power
 - Government surveillance post 9/11
 - Expansion of government programs (role in public education)



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