

AP GOV **THE** **CONSTITUTION** **REVIEWED!**

Government in America (Pearson) Chapter 2

American Government:
Institutions & Policies (Wilson) **Chapter 2**

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

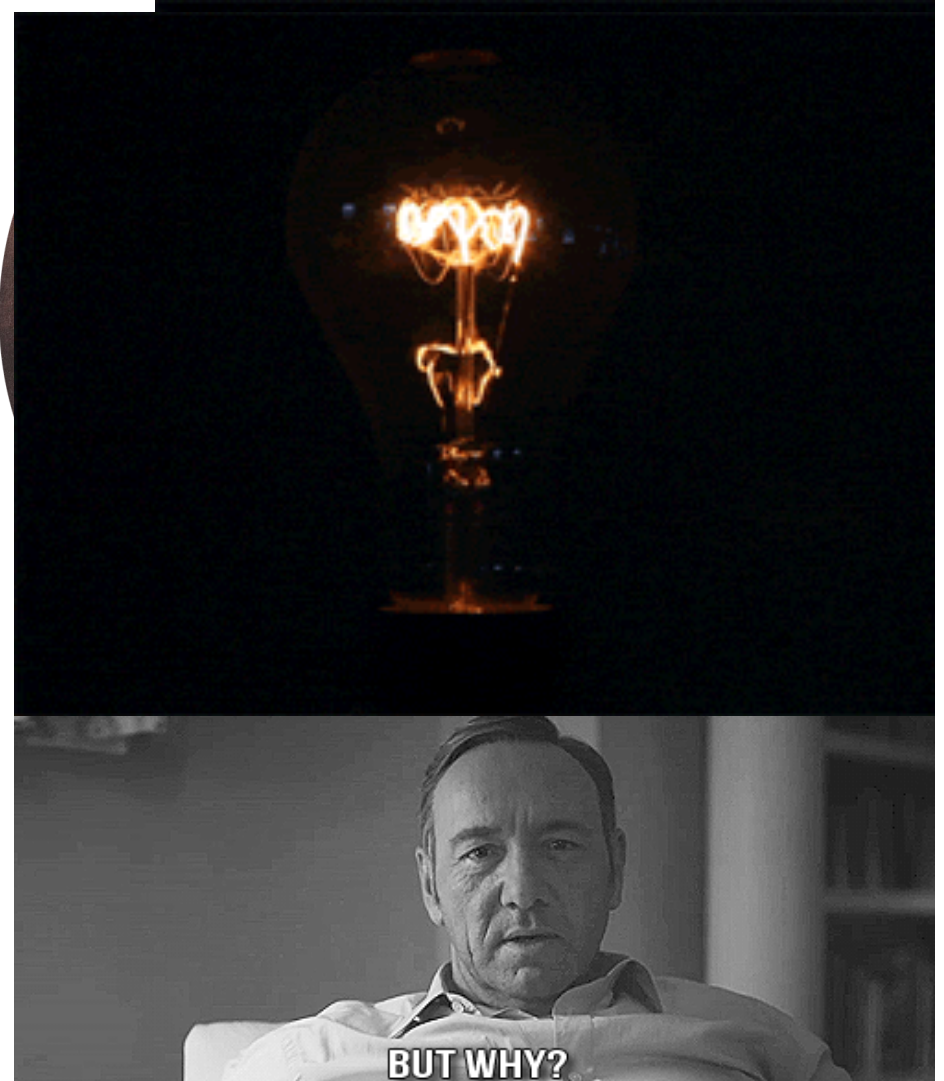
HOW WE BECAME THE U.S.

- 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”



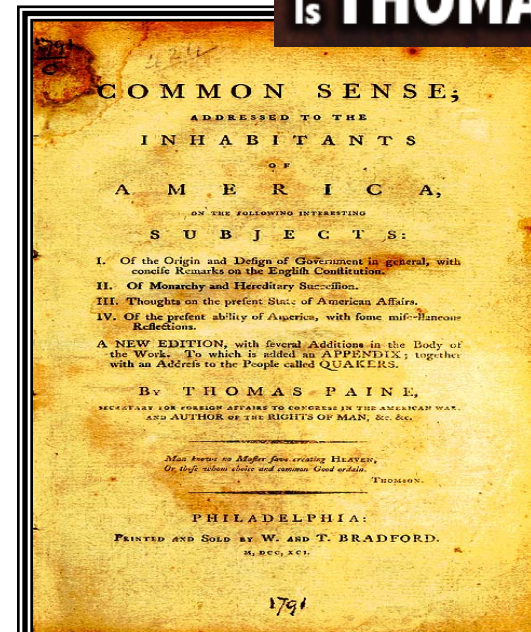
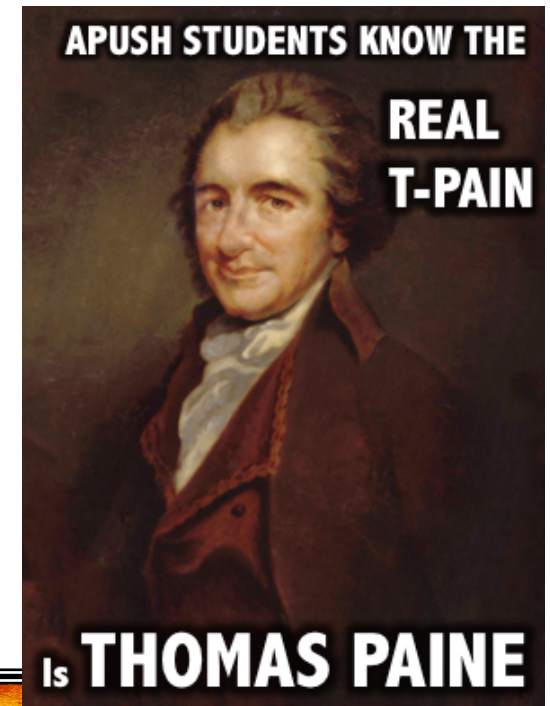
DEEP ROOTS OF THE REVOLUTION

- 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

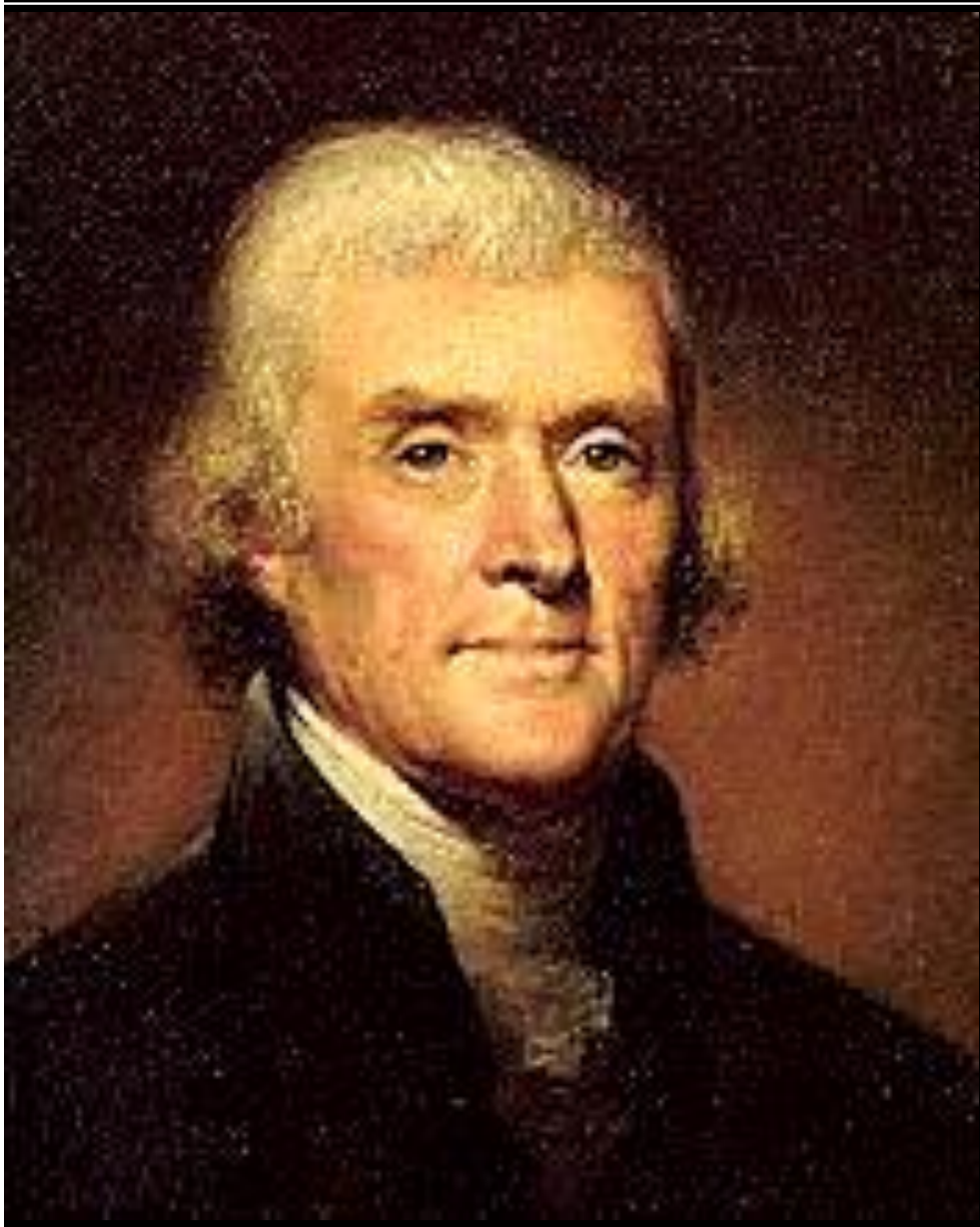


Thomas Paine's Common Sense

- **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.

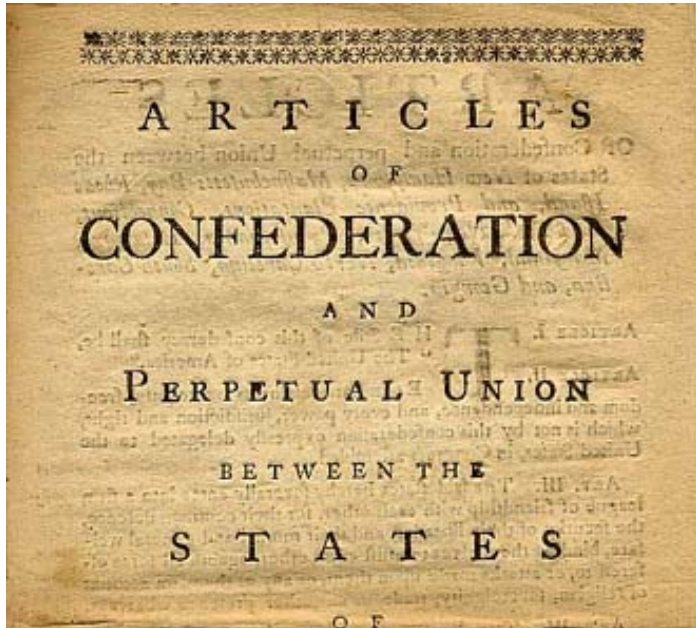
- **American Revolution was built on a belief of:**
 - Natural rights
 - Consent of the governed
 - Limited government
 - Responsibility of government to protect private property
 - Equality of citizens (please don't laugh)



- **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

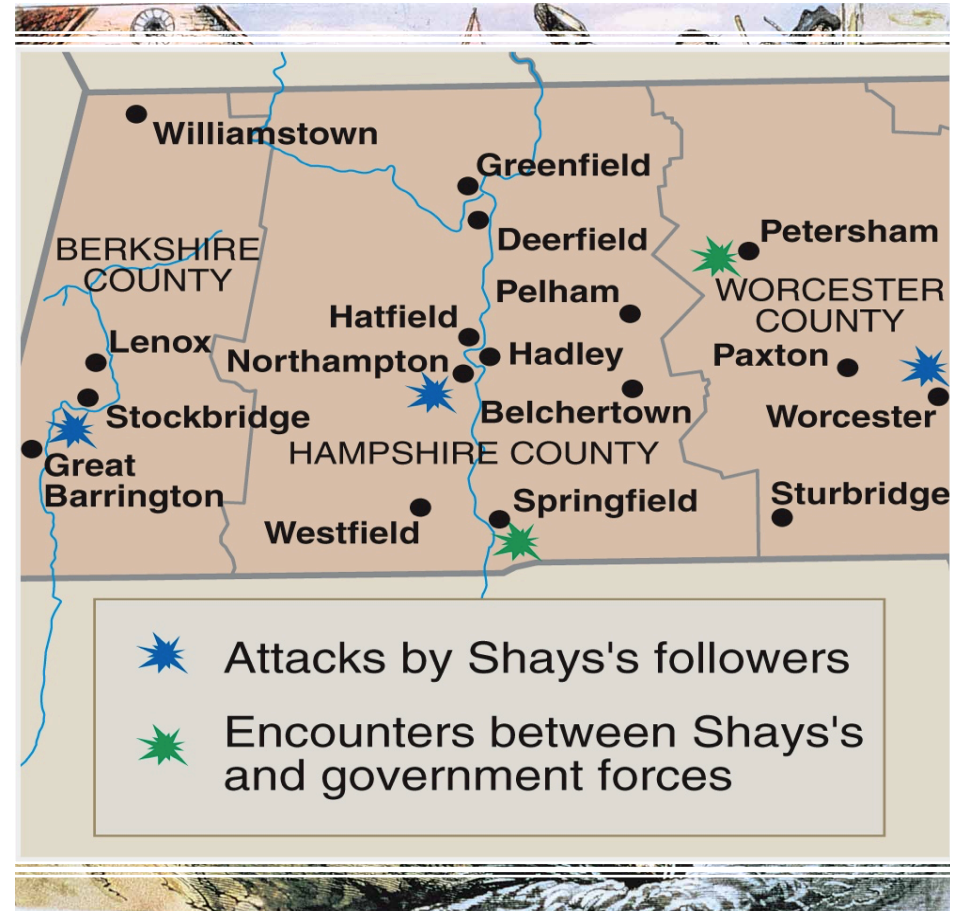


THE UNITED STATES
UNDER THE ARTICLES OF CONFEDERATION, 1787

- 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



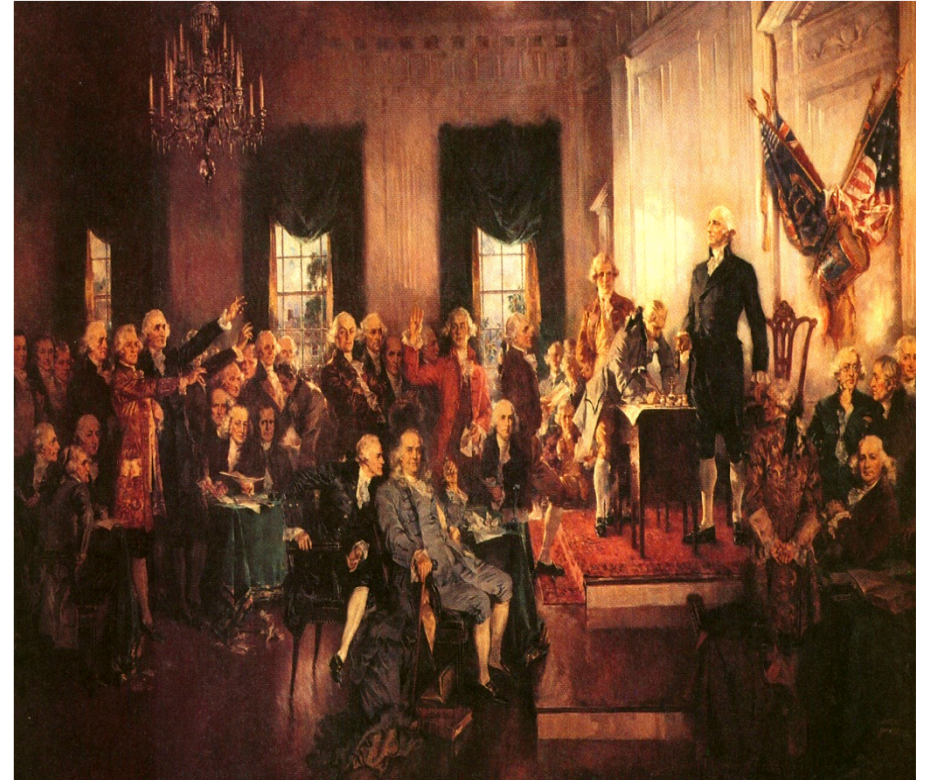
CREATING A NEW GOVERNMENT

- **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**



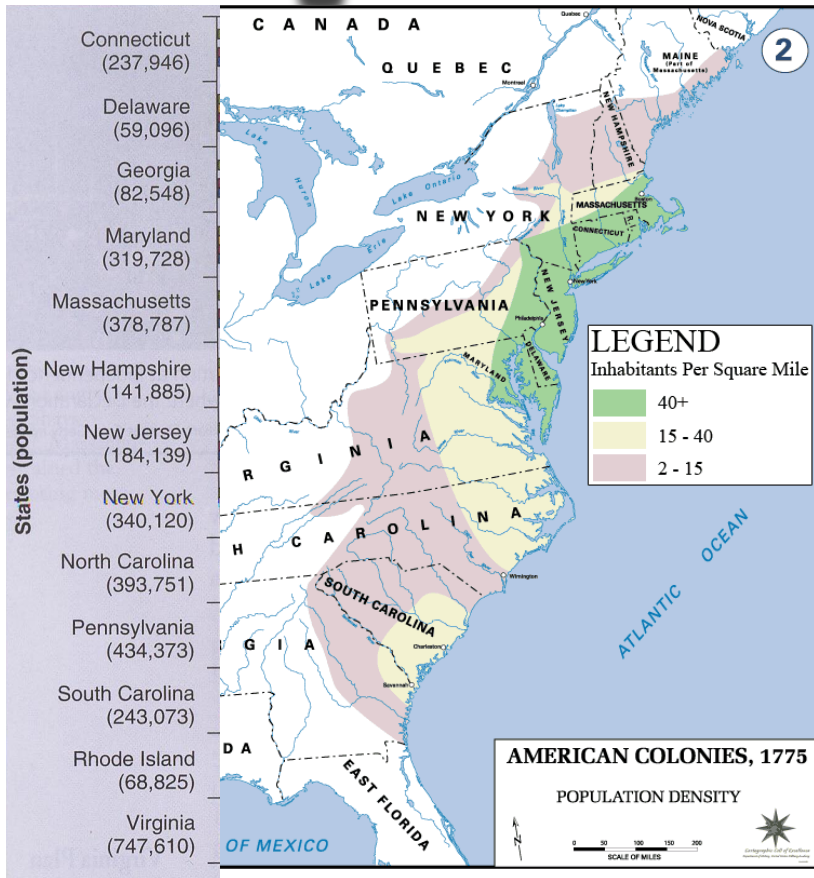
PHILOSOPHIES OF GOVERNMENT

- “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



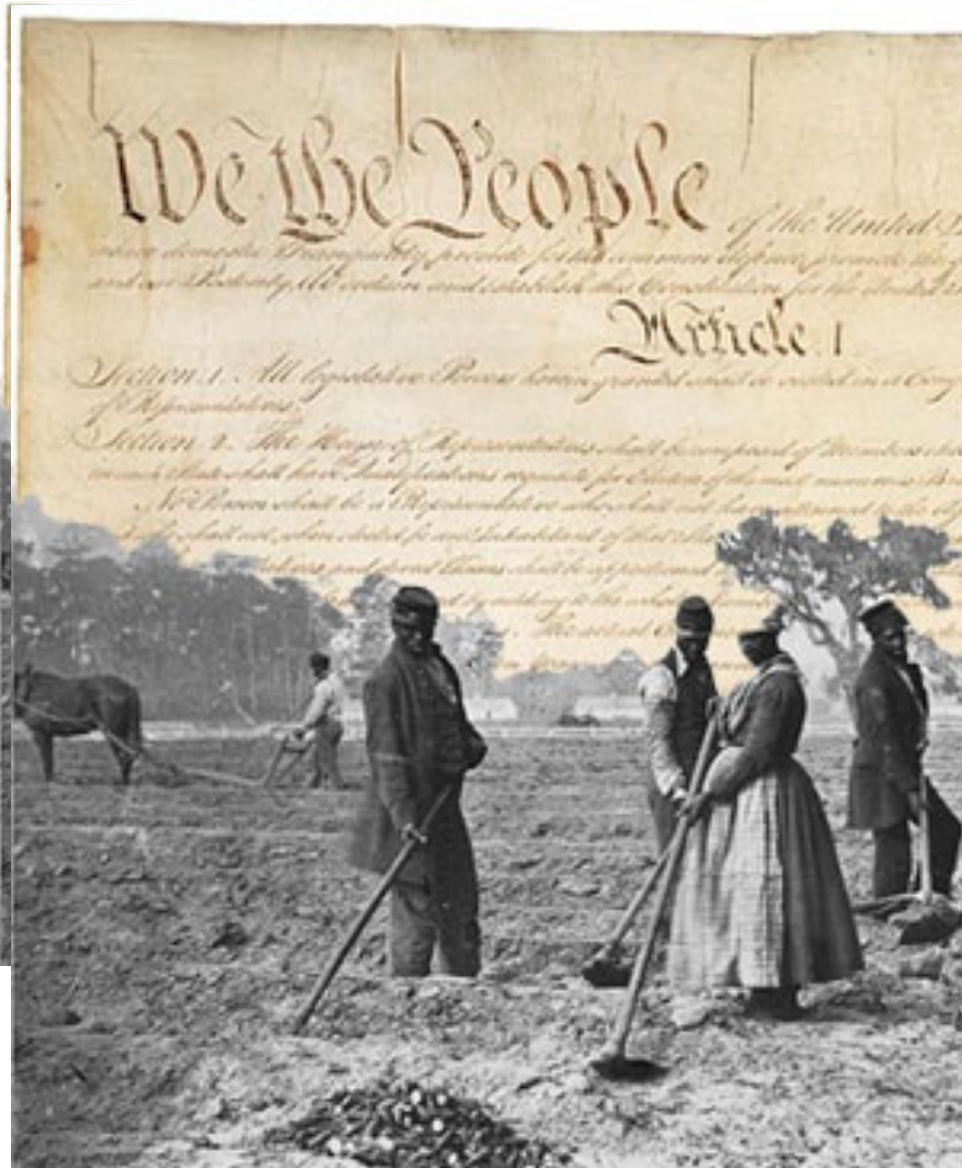
**THE CONSTITUTION
WOULD BE BUILT
ON COMPROMISES**

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

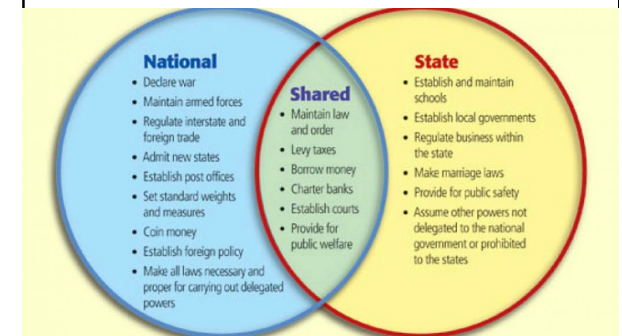
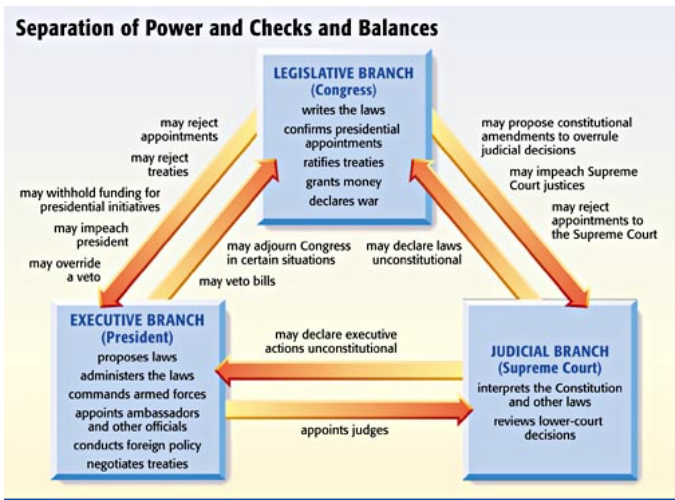
- **Power is separated between 3 branches of government**
 - **Executive**
 - **Legislative**
 - **Judicial**

Checks & Balances

- **Each branch of government act as a check upon one another**
- **Examples:**
- **President checks Congress with veto power**
- **Congress controls “purse strings” & Senate approves presidential nominations**
- **Court- not explicitly listed in Constitution, judicial review**

Federal System

- **The Constitution set up a division of power between the national and state government (**Federalism**)**

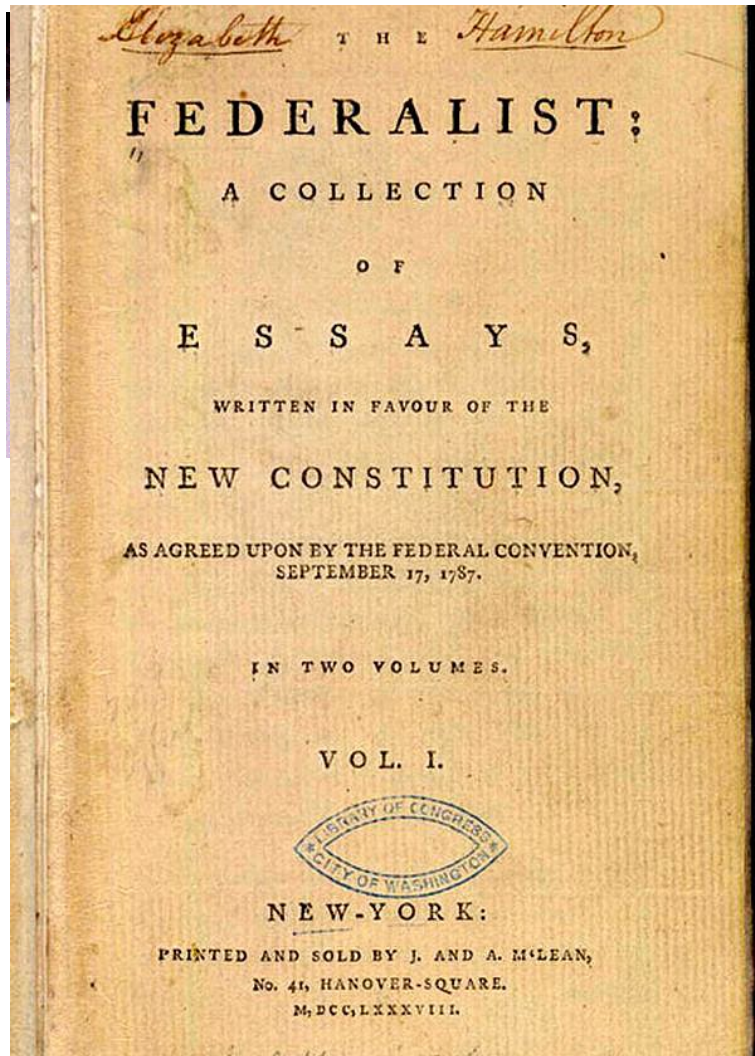


Constitution in Practice

- **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.

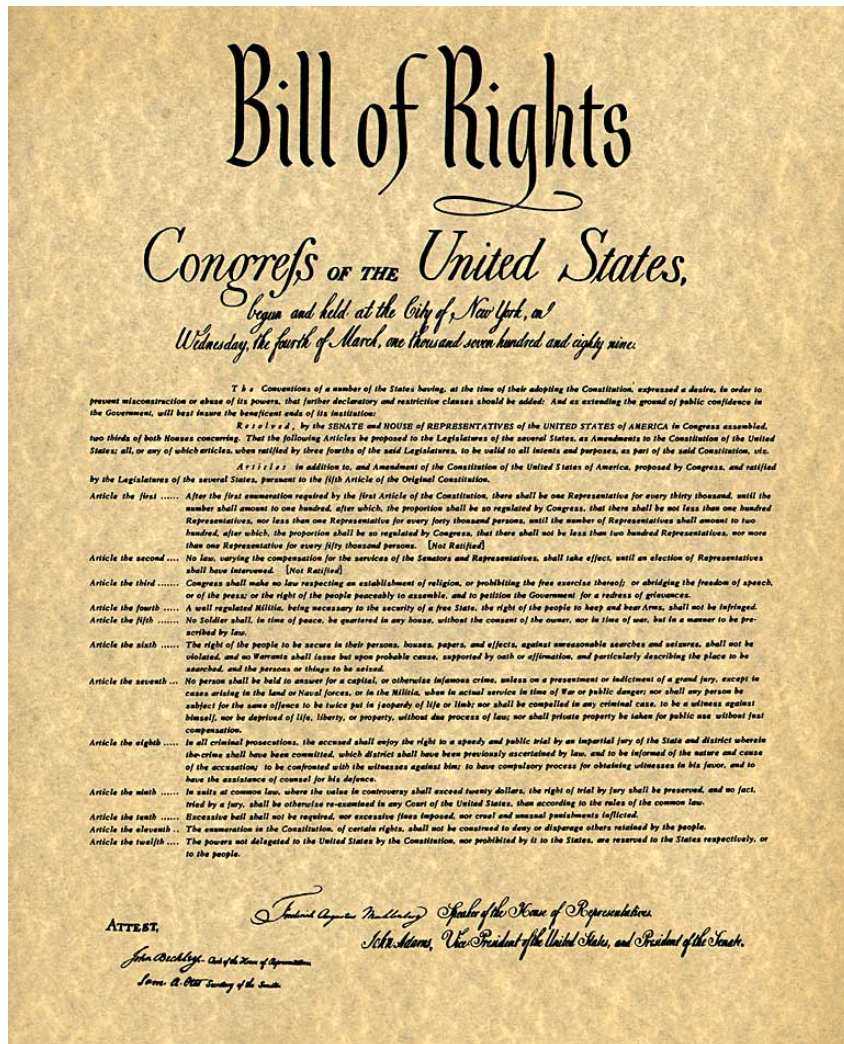


DEBATE OVER RATIFICATION



- 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

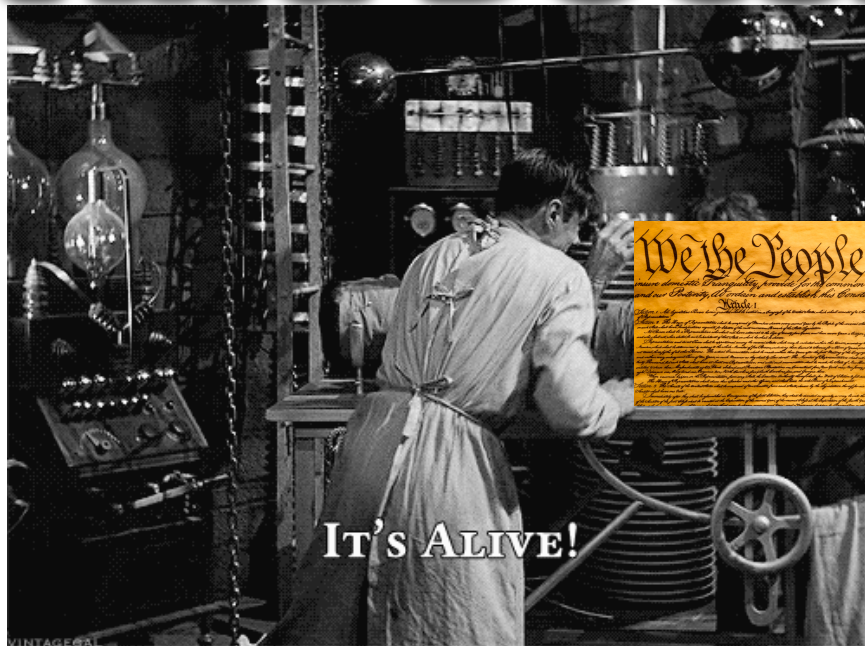
DEBATE OVER RATIFICATION



- 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 probable cause
- Challenge of government:
 - Interpretation of these rights
- In 1789 **George Washington** takes office as the nations 1st President

THE CONSTITUTION

“A LIVING DOCUMENT”



IT'S ALIVE!

- ✓ Oldest functioning Constitution
- ✓ 27 amendments

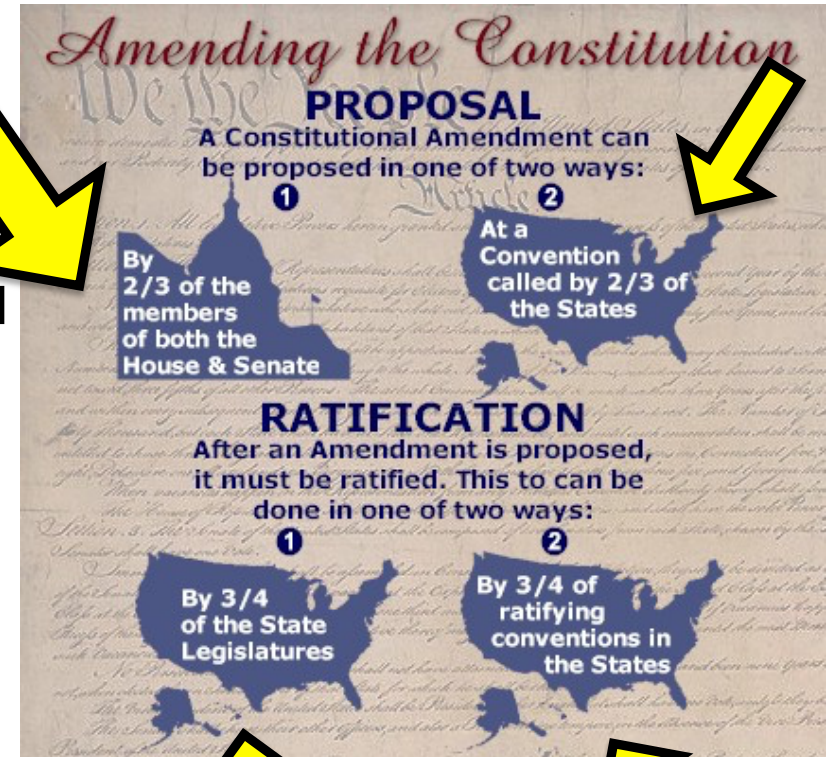
- ✓ “a balance between government power and individual rights has been a hallmark of American political development”

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: $\frac{3}{4}$ 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: $\frac{3}{4}$ 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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