

The United States Constitution

“To be ignorant of the Constitution is to be ignorant of all things your country is... and of the truths its people have believed to be above all others in the relationships between human beings and government.”

Floyd G. Cullop

The Origins of a New Nation

- Reasons for migration to the Americas during colonial America
 - escape religious persecution
 - economic fortune-seeking
 - seek a new start in life
- Colonists generally organize their own governments, religions, and economies apart from the direct influence of England

Declaring Independence

- Economic causes...
 - taxation
 - mercantilism
 - growth of colonial industry
- Political causes...
 - distance between colonies and England
 - lack of representation in the English government

First Continental Congress

- Colonial rights of petition and assembly
- Trial by peers
- Freedom from a standing army
- Selection of representative councils to levy taxes



Declaration of Independence

Ideas that shaped the Declaration of Independence form the theoretical basis for the new government...

- “All men are created equal”
- Government gets its right to rule from the people (as opposed to divine right)
- Government is supposed to protect the rights of the people
- The people have the right to overthrow oppressive government



Articles of Confederation (1777-1788)

- First attempt at a constitution (a written document that defines a system of government)
- Created by the Second Continental Congress during the Revolution
- Colonists have a negative attitude toward powerful central governments...
 - Past experience with the English
 - Enlightenment Ideas: Absolute power corrupts absolutely

Problems with the Articles

- Congress lacked real authority...
- Direct taxation
 - Regulating commerce
 - Printing money
 - Settling disputes between states
 - Creating unified foreign policy



Failure of the Articles

- Economic depression
- Concerns about defense, trade, and western expansion
- State governments were not willing to cooperate with each other
- Congress was not strong enough to force them to cooperate

Shays' Rebellion

- Economic depression + several years of bad harvests → farmers going into debt
- In Massachusetts, banks were foreclosing on farms and the Massachusetts legislature enacted a new law requiring all debts be paid in cash.
- Daniel Shays, a Revolutionary War veteran, was outraged and frustrated with the new law and the huge debt burden of farmers.

Shays' Rebellion

- Shays led 1500 armed farmers to prevent the state court from foreclosing on their farms
- Congress attempts to organize a response (using the national militia) → Every state except Virginia refuses to cooperate with Congress' request
- Finally, a private army puts down Shays' Rebellion
- This failure of Congress to protect life and property dramatized the need for a stronger central government



Writing the Constitution

- In 1787, Congress called for a Constitutional Convention in Philadelphia "for the sole and express purpose of revising the Articles of Confederation."
- When the convention met, the delegates decided they needed to throw out the Articles and create a new system of government!
- Generally agreed about need for a stronger central government, but disagreed about the extent of that power and the appropriate steps for guarding against abuse of power (e.g. Bill of Rights and Separation of Powers)



The Virginia and New Jersey Plans

- Virginia Plan: Representation in legislature would be based on a state's population.
- New Jersey Plan: Representation in legislature would be equal, regardless of differences in population.

The Great Compromise

- Bicameral Legislature:
 - House of Representatives (lower house) based on population
 - Senate (upper house) based on equal representation for the states



The Preamble: The Introduction to the Constitution

1. Why they are writing it?

To form a more perfect union

2. What are the goals to be reached?

Establish justice, create domestic peace, provide for the common defense, promote the general welfare, and secure the blessings of liberty

Basic Principles in the U.S. Constitution

- **Federalism:** There is a balance between the powers of state and national governments
- **Separation of Powers:** Power is divided among...
 - state and federal governments
 - three branches of federal government
- **Checks and Balances:** The power of each branch is held in check by the powers held by other branches (e.g. the veto)

Basic Principles in the U.S. Constitution

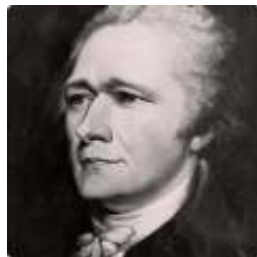
- **Popular Sovereignty:** All political power ultimately rests with the people

- **Judicial Review:** The judicial branch has the power to determine the constitutionality of a government action (established by *Marbury v Madison*)

Figure 12.1 Separation of Powers and Checks and Balances

LEGISLATIVE BRANCH	EXECUTIVE BRANCH	JUDICIAL BRANCH
<p>Members</p> <p>House of Representatives (2-year terms)</p> <p>Senate (6-year terms)</p>	<p>Members</p> <p>President (4-year term, 2-A in limit)</p>	<p>Members</p> <p>President Appoints, Senate Confirms</p> <p>Judges (Life term)</p>
<p>POWERS OF CONGRESS</p> <ul style="list-style-type: none"> • Passes all federal laws • Establishes lower federal courts and the number of judges • Can impeach the president • Can override the president's veto by a two-thirds vote • Passes the federal budget, which finances the executive branch and other government institutions • Approves treaties • Approves presidential appointments, including those in the federal courts <p>CHECKS AND BALANCES ON CONGRESSIONAL POWERS</p> <ul style="list-style-type: none"> • Both houses of Congress must vote to send a law. Usually checking power within the legislature • Presidential veto stops legislation • Supreme Court can rule federal and state laws unconstitutional 	<p>POWERS OF THE CHIEF EXECUTIVE</p> <ul style="list-style-type: none"> • Is responsible for carrying out the laws enacted by Congress • Can approve or veto acts of Congress • Can call Congress into special session • Can submit legislation to Congress • Nominates Supreme Court and federal judges • Can pardon people convicted in federal courts • Is responsible for execution of court orders • Moves foreign matters • Is commander-in-chief of armed forces <p>CHECKS AND BALANCES ON EXECUTIVE POWERS</p> <ul style="list-style-type: none"> • Congress can <ul style="list-style-type: none"> — amend legislation the president vetoed — exercise censure of legislation by a two-thirds vote — impeach and remove president (with Chief Justice or Supreme Court presiding) — declare war • Senate can refuse to confirm nominees or treaty treaties • Supreme Court can declare presidential acts unconstitutional 	<p>POWERS OF THE JUDICIARY</p> <ul style="list-style-type: none"> • Can invalidate any grounds of unconstitutionality, laws passed by Congress • Can invalidate executive branch orders or actions on grounds of unconstitutionality or absence of authorizing legislation <p>CHECKS AND BALANCES ON JUDICIAL POWERS</p> <ul style="list-style-type: none"> • Congress can <ul style="list-style-type: none"> — change the number and jurisdiction (authority to hear cases) of the federal courts — impeach and remove federal judges — propose constitutional amendments to override Supreme Court decisions • President appoints federal judges (also must be confirmed by the Senate)

Two Views of Government: Jefferson versus Hamilton



Jefferson (anti-federalists)

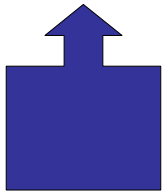
- Weaker central government
- Pushed for states and individual rights
- Believed in an agrarian society
- Strict interpretation of the Constitution

Hamilton (federalists)

- Stronger central government
- Central banking system
- Congressional control of Western lands
- Encouraged growth of industry
- Flexible interpretation of the Constitution

Jefferson

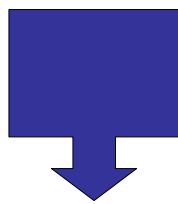
ELITE



MASSES

Hamilton

ELITE



MASSES
