



The Constitution



Foundations of United States Government

- ❖ Ancient Greeks gave us direct democracy
- ❖ Ancient Romans gave us a representative democracy
- ❖ U.S. is a representative democracy
 - Only example of direct democracy in original U.S. constitution was election of members of the House of Representatives
- ❖ Democracy developed in the colonies

Virginia

- ◆ House of Burgesses
- ◆ Elected Representatives
- ◆ Representative Democracy

New England

- ◆ Town Meetings
- ◆ Citizen Participation
- ◆ Direct Democracy

- ❖ Enlightenment ideas heavily influenced Founding Fathers
 - John Locke: natural rights; governments rule by the consent of the governed.
 - Jean Jacques Rousseau; social contract
 - Montesquieu: three branches
- ❖ Thomas Jefferson borrowed the idea of natural rights when writing the Declaration of Independence.



The Articles of Confederation

- ❖ 1781-1789
- ❖ First attempt at a national government
- ❖ Shay's Rebellion reflected major weaknesses in government

POWERS GRANTED BY THE ARTICLES OF CONFEDERATION



- Congress could raise armies
- Congress could declare war



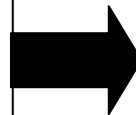
- Congress could sign treaties

POWERS WITHHELD BY THE ARTICLES OF CONFEDERATION

- Congress could not raise revenue through taxes



- Congress could not regulate trade and collect tariffs



Constitutional Convention

- ❖ Meeting at Independence Hall in Philadelphia, 55 delegates from all the states except Rhode Island, met to rework the failing Articles of Confederation.
- ❖ Delegates decided to create a new government.
- ❖ Agreement between large states and small states over representation in congress led to the GREAT COMPROMISE
 - Created bicameral legislature
 - Equal representation in the Senate and proportionate representation based on population in the House
 - Population determined by the census every ten years
- ❖ Slave states and free states agreed on the 3/5 compromise
 - Every 5 slaves counted as 3 people towards the census and taxation purposes

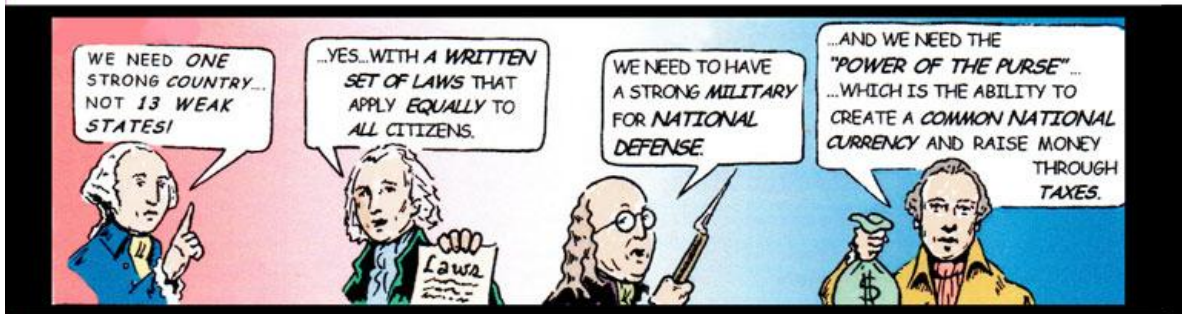




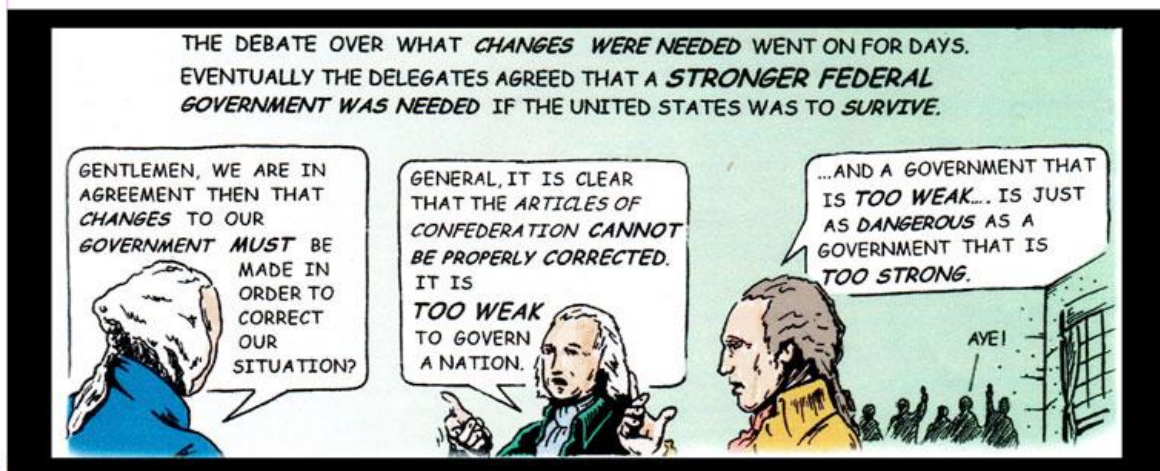
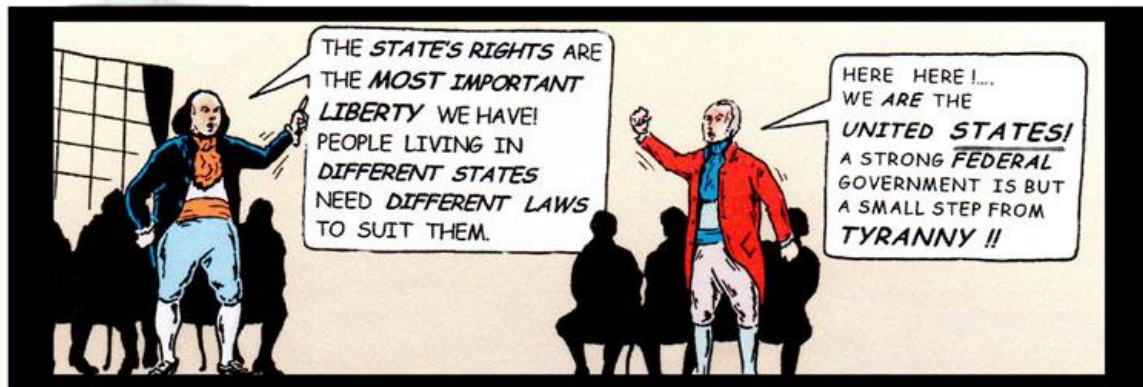
WHAT *TYPE* OF GOVERNMENT SHALL WE HAVE?

AND WHAT IS A "*CONSTITUTION*" ?

MOST OF THE FRAMERS WERE *FEDERALISTS*. THEY BELIEVED A *STRONG FEDERAL (NATIONAL) GOVERNMENT* WAS NEEDED TO PRESERVE THE UNITED STATES.



BUT, THERE WAS *OPPOSITION* TO THESE VIEWS. MANY PEOPLE FEARED A *STRONG CENTRAL GOVERNMENT*. THE *ANTI-FEDERALISTS* BELIEVED IN *STATE'S RIGHTS*.



The creation of the constitution led to the first political parties

The Ratification Debates

Federalists:

- ▶ Favored ratification of the Constitution
- ▶ Favored a powerful federal government
- ▶ Argued a Bill of Rights was not needed, as federal power was limited
- ▶ "The Federalist Papers"

V.

Anti-Federalists:

- ▶ Opposed ratification of the Constitution
- ▶ Wanted a weak federal government that would not threaten states rights
- ▶ Wanted a Bill of Rights to declare and protect the rights of the people



RATIFICATION:

- Federalists promise addition of a Bill of Rights
- Ratification succeeded, new government formed 1789
- James Madison drafts 10 amendments to the Constitution, these become the U.S. Bill of Rights



The Three Branches of Government

❖ The Legislative Branch: Congress (MAKES LAWS)

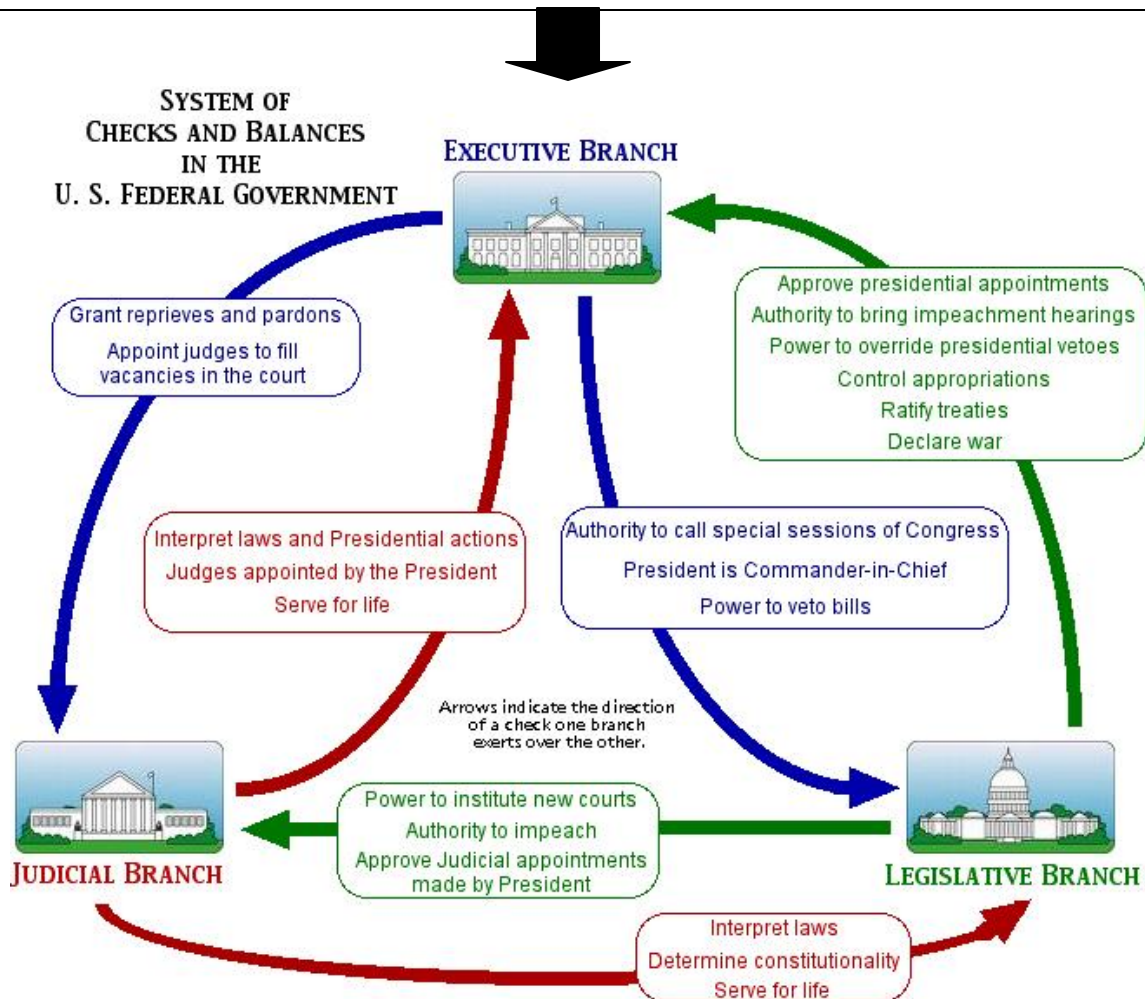
- The Constitution provides for two houses of Congress: the House of Representatives and the Senate.
- Congress has the power to make all federal laws, and only the House can introduce tax legislation. The Senate has the power to confirm or deny the President's appointments to the Cabinet, the Supreme Court, and other key positions. The House of representatives brings charges of impeachment against a President, while the Senate conducts the trial.
- Elastic Clause AKA implied powers allows Congress to *stretch* its powers.

❖ The Executive Branch: The President (ENFORCES LAWS)

- The highest elected official in the United States, the President
- Wears many "hats" as president
- Is Commander in Chief of the U.S. armed forces. However, only Congress can actually declare war.
- Has the power to veto legislation passed by both houses of Congress (the House of Representatives and the Senate). Congress can override the veto only with a two-thirds majority.
- Appoints Cabinet officers, Supreme Court justices, and many other officials — subject to confirmation by the Senate.

❖ The Judicial Branch (INTERPRETS LAWS)

- ❖ Each justice is nominated by the President, confirmed by the Senate,
- ❖ Supreme Court is the highest court of the land (9 Justices)
- ❖ Supreme Court justices serve for life
- ❖ Most important power is Judicial review – established by Marbury v. Madison (1803)



Federalism

Powers Delegated to the National Government

- declare war
- create and maintain armed forces
- establish foreign policy
- regulate interstate and foreign trade
 - make copyright and patent laws
 - establish postal offices
 - coin money

Powers Reserved to States

- establish local governments
- establish and maintain schools
- regulate trade within states
- conduct elections
- provide for public safety

Concurrent Powers

Flexibility of the Constitution

Unwritten Constitution

- ❖ ideas and processes that are accepted as a needed part of American government, even though they are not actually in the Constitution.
- ❖ Developed through the custom and precedent.
- ❖ Examples
 - Two term presidency (later became official by the 22nd Amendment)
 - President's cabinet
 - Political parties
 - Judicial Review (Marbury v. Madison 1803)

The Constitution is a "living document". It can be amended and reinterpreted to meet changing times.