

Constitution Accomplishes Two Things

- I. Principles – outlines the shared principles of a nation
 - Limited government
 - Individual freedoms
 - Divided power
- II. Outlines dispute resolution

What the U.S. Constitution Does

- Establishes our governmental institutions
- Grants them power
- Limits their power

Historical Events Leading to Declaration of Indep.

- England
 - Kept army in America
 - Taxes
 - Sugar
 - Stamp
- Colonists
 - Boston tea party

Historical Events Leading to Declaration of Indep., cont.

- Coercive Acts, 1774
 - Closed Boston harbor
 - Limited individual freedom
- First Continental Congress, 1774
- 1776 Thomas Paine, "Common Sense"
- Second Continental Congress, 1776
 - Declaration of Independence

Declaration of Independence

- Two elements of the D of I
 - Ended Divine Authority
 - Airing of grievances
- John Locke, "Two Treaties of Government"
 - Natural law
 - Unalienable rights

Articles of Confederation

- First U.S. Government, 1781
- Alliance between the 13 colonies
- Illusion of a strong central government
- No way to enforce central authority
- Real power resided with the states

Downfall of the Articles of Confederation

- No real central government
- States acted on their own
- Shay's Rebellion
- Need for uniform trade laws

Constitutional Convention

- 1787
- Intent of the convention was to revise the A of C to make a stronger central gov't, not eliminate them

Central Debates at the Convention

- I. States and the Nation
 - States rights vs. National rights
 - Small states afraid of losing their power
 - Need for a strong central gov't
 - Framers incorporated **Federalism**
 - The division of power between local authorities, states, and national gov't
 - However, federal gov't has primacy
 - Supremacy Clause
 - Article VI

Central Debates at the Convention, continued

- I. States and the Nation
 - Small states vs. Large states
 - How would states be represented at the national level
 - **Virginia Plan** – (Large States) Preferred representation based on population.
 - **New Jersey Plan** – (Small States) Preferred equal representation, no matter the state's size

Characteristic	Virginia Plan	New Jersey Plan
Legislature	Two chambers	One chamber
Legislative power	Derived from the people	Derived from the states
Executive	Unspecified size	More than one person
Decision rule	Majority	Extraordinary majority
State laws	Legislature can override	National law is supreme
Executive removal	By Congress	By a majority of the states
Courts	National judiciary	No provision for national judiciary
Ratification	By the people	By the states

Central Debates at the Convention, continued

- I. States and the Nation
 - Small states vs. Large states
 - **Connecticut Compromise** – Compromise between the small states & large states
 - House of Representatives – representation based on population
 - Elected by the people
 - Three-Fifth Compromise – Every five slaves would count as three people
 - Senate – Equal representation
 - Elected by state legislatures until 1913

Central Debates at the Convention, continued

- II. Government Authority and Individual liberty
 - How to protect individuals from abuses by the government
 - **Habeas Corpus** – designed to protect citizens from illegal imprisonment, could not be suspended in peace time.
 - **Bills of Attainder** – legislative punishment of an individual without the formality of a judicial trial
 - **Ex Post Facto** – Laws declaring certain actions to be crimes after those actions have taken place.
 - Article I Section 9

Central Debates at the Convention, continued

- II. Government Authority and Individual liberty
 - How to protect individuals from abuses by the government
 - **Bill of Rights**
 - Not in original Constitution
 - **First 10 Amendments**
 - Believed not necessary because states had bill of rights in state constitutions
 - Needed to get constitution ratified

Central Debates at the Convention, continued

- III. Allocation of National Power
 - How to divide power at the national level (intended to protect individuals)
 - **Separation of Power** – Constitutional authority is shared by three separate branches of government.
 - Legislative, Judicial, Executive
 - **Checks and Balances** – The power of the legislature, executive, and judicial branches of government to block some acts by the other two branches.

Ratification

- Sent to states in 1787
- Ratified in 1789
- Needed 9/13 states
- Bill of Rights 1791

Antifederalists/Federalists

- | | |
|------------------------|----------------------------|
| ■ Antifederalists | ■ Federalists |
| ■ Revise A of C | ■ New constitution |
| ■ State power | ■ National power |
| ■ Direct democracy | ■ Representative democracy |
| • Get people involved | • Give rep. Autonomy |
| ■ Aristocratic Tyranny | ■ Majority Tyranny |
| ■ Bill of Rights | ■ No Bill of Rights |

Federalist Paper No. 10 (Direct vs. Rep Democracy)

- A of C caused unnecessary violence and factionalism
- How to end the factionalism
 - Remove causes
 - Control its effects
 - Representative democracy
 - Works for large societies
 - Tempers passions

Federalist Paper No. 51 (Separation of Powers)

- How to prevent one branch of gov't from getting too powerful
 - Divide the houses in two
 - Divide power between different institutions.

Legislative Branch: Article I

- Establishment: Sections 1 – 7
 - Establishes Congress
 - House
 - Senate
- Powers granted Congress & States: Sections 8 – 10
 - Section 8 – What Congress can do
 - Section 9 – What Congress cannot do
 - Section 10 – What states cannot do

Executive Branch: Article II

- Creates the presidency and the executive branch
- Lists some presidential duties

Judicial Branch: Article III

- Created Supreme Court
- Grants judicial power

Article IV

- State to state relations
 - States acknowledge the others documents
 - Marriage license
 - Drivers license


