

The Constitution

I. Revolution and
Independence

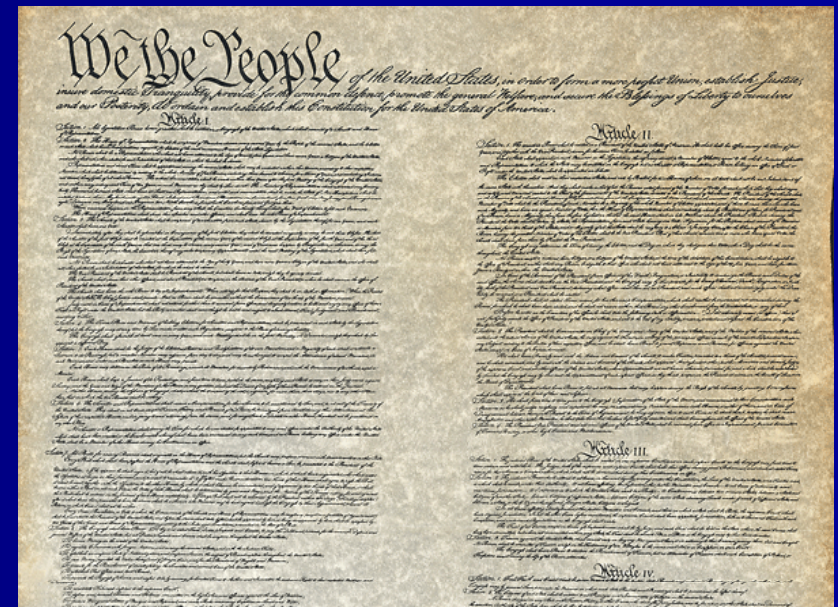
II. Articles of Confederation

III. Constitutional
Convention

IV. Constitutional Basics

V. Ratification

VI. Constitutional Change



Revolution and Independence

- *Life in colonial America*
- *Seven Years (French and Indian) War, 1756-63*
- *British demand for higher taxes to pay war debt (Stamp Act, Tea Tax)*
- *“No taxation without representation”*
- *Continental Congresses, 1774 and 1775*
- *Declaration of Independence, July 4, 1776*
- *Trials and Victory*

Types of Governmental Systems

- **FEDERAL:** A system in which power is divided between the central government and several regional (sub-national) governments (i.e., states).
- **CONFEDERAL:** A highly decentralized governmental system in which the national government derives limited powers from the states rather than directly from citizens.
- **UNITARY:** A centralized system in which regional and local governments are subordinate to and gain authority from the national government.

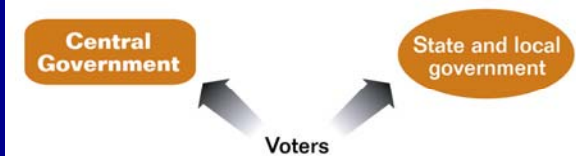
Figure 3-1 Comparing Three Systems of Government

Unitary System



Authority is centralized with state and local governments administering authority delegated from central government.
Examples: United Kingdom, France, and Japan

Federation



Authority is divided between central and state or local governments.
Examples: Canada, United States under the Constitution

Confederation



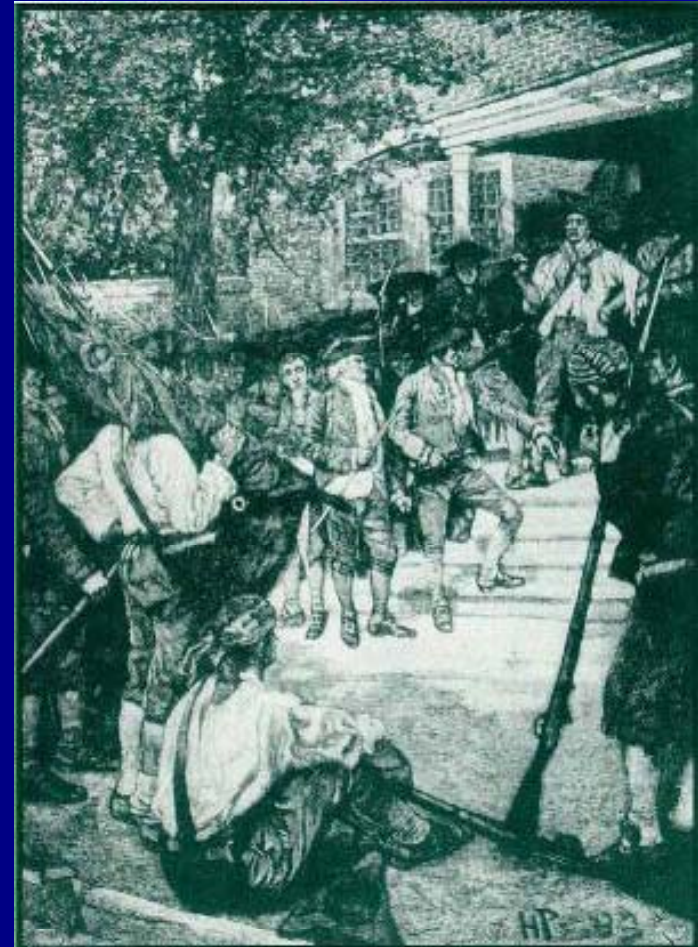
Authority held by independent states and delegated to central government by consensus agreements.
Example: United States under the Articles of Confederation

Articles of Confederation

- *Unicameral Legislature; One State-One Vote*
- *No national Executive or Judiciary*
- *Could not raise taxes directly ('request from states')*
- *Unanimity Required on Major Changes to Articles (e.g., ability to tax directly)*
- *Could not control foreign affairs, national economy (state currencies), or directly tax ('request through states').*
- *Annapolis Convention (1786), then.....*

Shays's Rebellion

- *Uprising of indebted farmers in western Massachusetts led by former Continental army Captain Daniel Shays*
- *National government unable to respond*



Constitutional Convention

- *Annapolis, 1786 (only five delegations show up)*
- *Philadelphia, May-September 1787*



Competing Plans

Virginia Plan: representation
by population

New Jersey Plan:
representation by states

Figure 2-2 Virginia Plan, New Jersey Plan, and Great Compromise

Virginia Plan

- ★ Two-chamber legislature, representation based on state population
- ★ Lower chamber of legislature elected by the citizenry; upper chamber, executive, and courts elected by the lower house
- ★ Legislature can make any law and veto any state legislation
- ★ Council of Revision (composed of executive and court) can veto legislation, but legislature can override by majority vote

New Jersey Plan

- ★ Single-house chamber; equal representation for each state regardless of population
- ★ Legislature has same power as under Articles, with added authority to levy taxes and regulate commerce; can exercise supremacy clause over state legislation
- ★ Plural executive can be removed by legislature (on petition of a majority of states); courts appointed by executive
- ★ Supreme Court hears appeals in limited number of cases

Great Compromise

- ★ Two-chamber legislature, with lower chamber (House of Representatives) representation based on population and upper chamber (Senate) representation equal for every state
- ★ Authority to levy taxes reserved to the lower chamber

Constitutional Disputes and Compromises

Representation in Congress (Big States v. Small States)

Great (or Connecticut) Compromise

House = proportional representation, directly elected

Senate = equal representation, indirectly elected

Slavery (North v. South)

Three-Fifths Compromise; import ban after 20 years

Election of President (Direct or by Congress)

Electoral College

Constitutional Basics

- *Separation of Powers*
 - *Congress (Article I, Section 8)*
- *Checks and Balances*
- *Federalism -- Layers of Government*
 - *Exclusive Powers (held only by Feds)*
 - *Reserved Powers (reserved to states)*
 - *Concurrent Powers (shared, EX: Taxation)*

The Federalist Papers

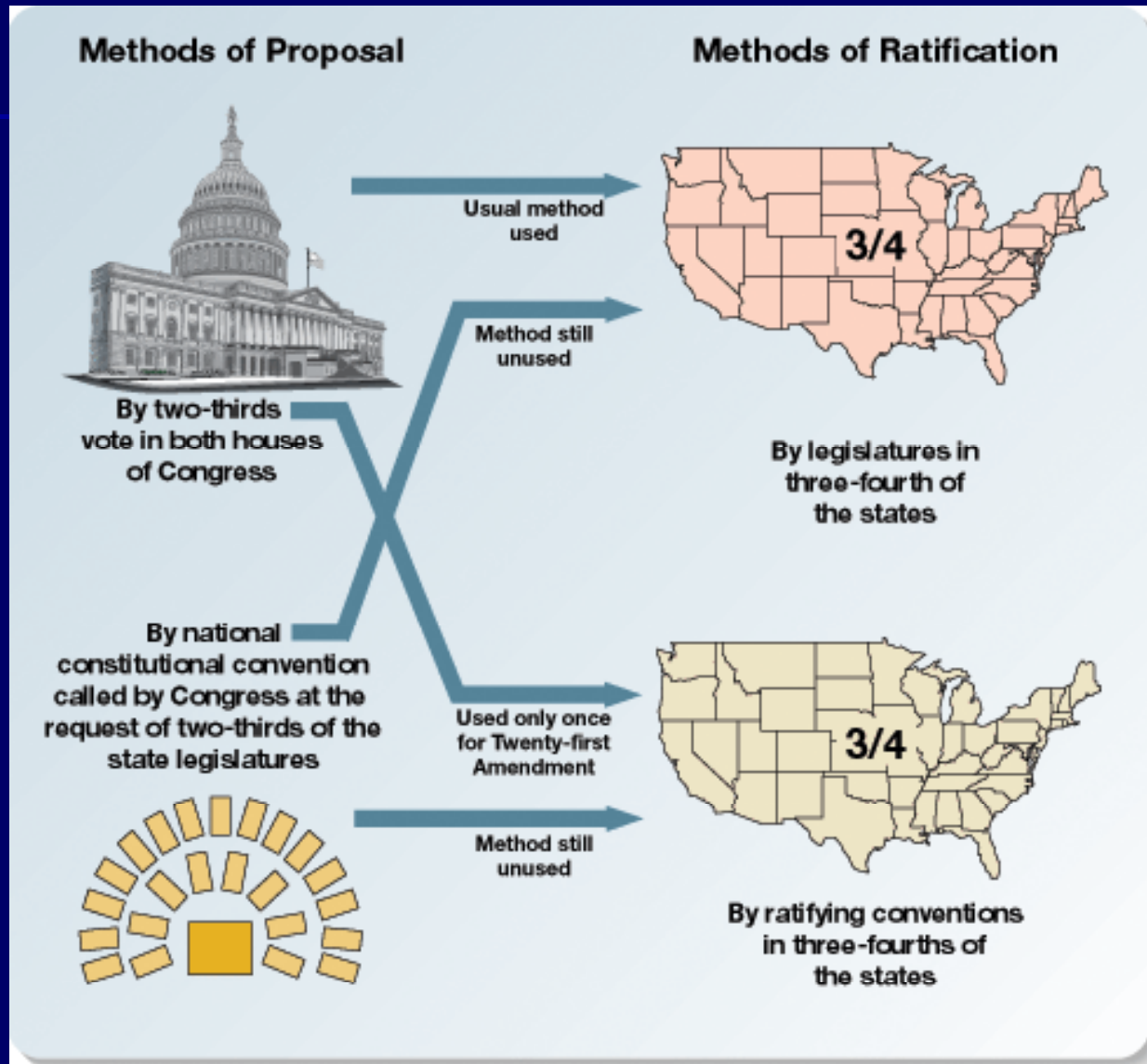
- *Written by James Madison, Alexander Hamilton, and John Jay under pseudonym “Publius”*
- *‘Op-Ed’ pieces to gain support for new Constitution*

Madison, Federalist 10: “Liberty is to factions what air is to fire, an [element] without which it instantly expires. But it could be no less a folly to abolish liberty, which is essential to political life, because it nourishes factions, than it would be to wish the annihilation of air, which is essential to animal life, because it imparts to fire its destructive agency.”

The Federalist Papers

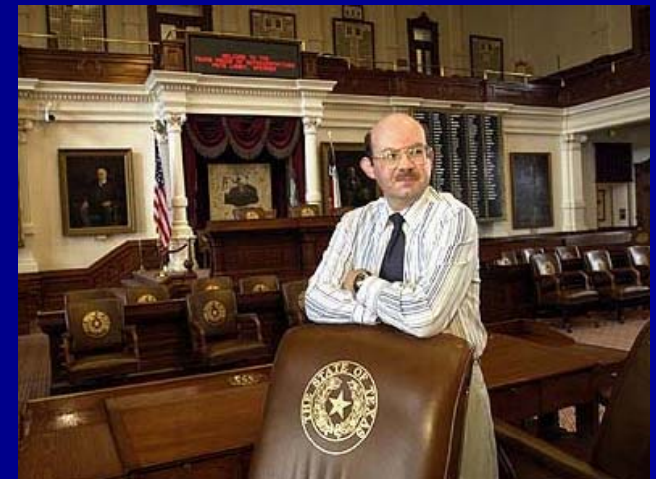
- *Madison, Federalist 51: “If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government, which is to administered by men over men, the great difficulty lies in this: you must first oblige the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on government; but experience has taught mankind the necessity of auxiliary precautions.” (Underline added)*

Constitutional Amendments



Twenty-Seventh Amendment

- *Limits congressional pay raises until an intervening election; Proposed in 1789; passed 6 states*
- *Gregory Watson, University of Texas undergrad wrote paper saying amendment still valid*
- *Got a 'C'!!!*
- *Began letter writing campaign to get amendment passed*
- *Became 27th Amendment in May 1992*



Gregory Watson showed his
Political Science Prof!!!

Marbury v. Madison (1803)

- *Marbury appointed as Justice of the Peace for DC by Adams*
- *Jefferson administration (and Sec of State James Madison) refuse to fulfill*
- *Marbury sues, goes to S. Court under John Marshal (Adams appointee)*
- *Denied Marbury his job, but established principle of JUDICIAL REVIEW*