

THE U.S. CONSTITUTION

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THE ARTICLES OF CONFEDERATION

- Confederations vs. Federations
- Congress of the Confederation
- Issues with the Articles
- Shays' Rebellion

CONSTITUTIONAL CONVENTION AND TRANSITION

- Revise? or Rewrite?
- A plan for revision: the New Jersey Plan
- A plan for rewriting: the Virginia Plan

What do we end up with?

- the Great Compromise
- 3/5ths Compromise

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

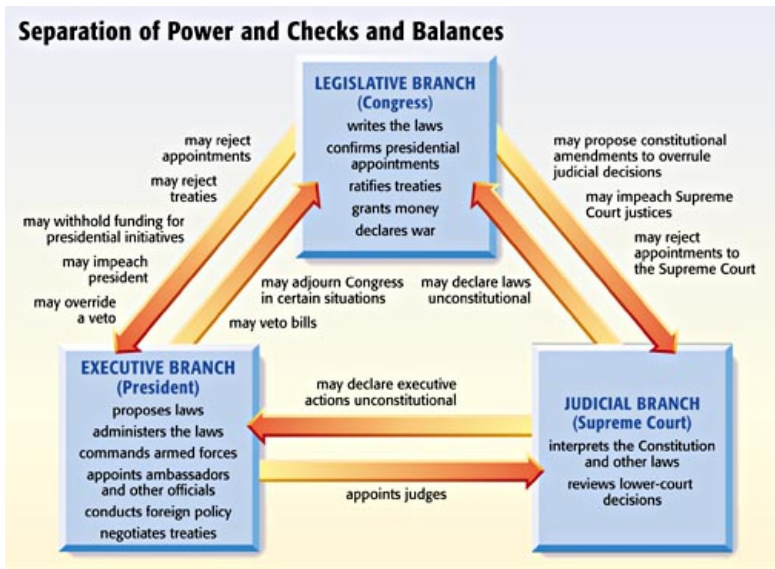
Great Compromise

- ★ 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 THEMES

- Federalism (more on this later)
- Separation of Powers
- Checks and Balances

POWERS AND CHECKS



CONTENTS

- Article I - The Legislative branch
- Article II - The Executive branch
- Article III - The Judicial branch
- Article IV - Matters involving the States
- Article V - Amending the Constitution
- Article VI - Supremacy
- Article VII - Ratification

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FEDERALISTS VS. ANTI-FEDERALISTS

- Federalists = sought ratification of the Constitution
 - strong central government
- Anti-federalists = fought ratification of the Constitution
 - favored more state power/local governance

FEDERALISTS VS. ANTI-FEDERALISTS

FEDERALIST #10: WRITTEN BY JAMES MADISON

Argument:

- People will find common interests, and create factions (groups).
- Factions can become mischievous.
 - *“...united and actuated by some common impulse of passion, or of interest, adversed to the rights of other citizens, or to the permanent and aggregate interests of the community...”*

FEDERALISTS VS. ANTI-FEDERALISTS

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- What causes factions?

- *“The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, according to the different circumstances of civil society. A zeal for different opinions concerning religion, concerning government, and many other points, as well of speculation as of practice; an attachment to different leaders ambitiously contending for pre-eminence and power; or to persons of other descriptions whose fortunes have been interesting to the human passions, have, in turn, divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good. So strong is this propensity of mankind to fall into mutual animosities, that where no substantial occasion presents itself, the most frivolous and fanciful distinctions have been sufficient to kindle their unfriendly passions and excite their most violent conflicts.”*

FEDERALISTS VS. ANTI-FEDERALISTS

FEDERALIST #10: WRITTEN BY JAMES MADISON

How do we solve the problem of factions?

- Option 1: Destroy liberty.
- Option 2: Get people to have the same opinion on everything.
- Option 3: Control the effects of factions by creating a strong republic.
 - *“...the majority, having such coexistent passion or interest, must be rendered, by their number and local situation, unable to concert and carry into effect schemes of oppression.”*
 - *“In the extent and proper structure of the Union, therefore, we behold a republican remedy for the diseases most incident to republican government. And according to the degree of pleasure and pride we feel in being republicans, ought to be our zeal in cherishing the spirit and supporting the character of Federalists.”*

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FEDERALIST #51: WRITTEN BY HAMILTON, MAYBE MADISON?

Argument:

- People are selfish and rent-seeking
 - *“If men were angels, then no government would be necessary.”*
- If people populate the government, then corruption will occur.
 - *“In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”*
- The only way to curb this kind of behavior is to create systems of checks and balances.
 - *“...to divide the legislature into different branches; and to render them, by different modes of election and different principles of action, as little connected with each other...”*

AMENDMENTS

THE BILL OF RIGHTS

- 1. Five freedoms
- 2. Gun rights
- 3. Homestead rights
- 4. Search and Seizure rights
- 5. Criminal rights (during arrest)
- 6. Criminal rights (after arrest/during trial)
- 7. Civil legal rights
- 8. Criminal rights (after conviction)
- 9. Implied rights
- 10. Reservation of power

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- 11. Federal court jurisdiction
- 12. Presidential election procedures
- 13. Abolition of slavery
- 14. Citizenship, due process, and equal protection
- 15. Black suffrage
- 16. Income tax
- 17. Selection process of Senators
- 18. Prohibition of alcohol
- 19. Women's suffrage
- 20. Term start dates

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- 22. Term limits
- 23. DC electors
- 24. Repeal of poll tax
- 25. Line of Presidential succession
- 26. Youth suffrage
- 27. Congressional salaries

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