Karen West, March 3, 2014: Essay 1 for US Constitution, with answer quotes taken mostly from Professor Amar's US Constitution Book, but also from web searching and Wikipedia definitions.

Essay Question 1 stated:

*In the first four weeks of the course, Professor Amar outlined three central themes we encounter when reading the original Constitution: democracy, national security, and slavery.* *Write a* ***500-750 word*** *essay response, making sure to address* ***ALL*** *parts of the question.*

*So my response addresses the* ***democracy*** *theme for the Constitution.*

Question 1:

In 1786, the Constitution was the largest-scale instance of a democratic form of self-government in the history of the planet. What specific provisions or features of the Constitution best exemplify or demonstrate the embodiment of the value of democracy? How were these features uniquely democratic compared to other forms of government at the time, such as the monarchy and Parliament of England, or under the Articles of Confederation?

(Word counting begins here):

Democracy is a form of government in which all eligible citizens participate equally either directly or indirectly through elected representatives, in the proposal, development and creation of laws. It encompasses social, economic and cultural traditions that enable the free and equal practice of political self-determination.

Therefore the specific provisions or features of the Constitution that best exemplify or demonstrate the embodiment of the value of democracy are as follows.

When the preamble stated “We the people of the United States...do ordain and establish this Constitution...”, in the 1780's did more than promise popular self-government. The people who established the Constitution accepted it in a contract as people accept their wedding vows, and was the most democratic deed the world had ever seen at the time. Several states waived voting restrictions and allowed a broad class of citizens to vote for convention delegates. Never before had ordinary people been invited to deliberate and vote on the supreme law under which their posterity would be governed. It stated the right to alter what they had ordained in the Constitution with Amendments.

The US Constitution was ratified by conventions rather than popular vote, due to it being too difficult for everyone to be there to vote for a long period of time. Ordinary people on juries would hear both sides of an argument and then make a crucial decision in a court case. The House of Representatives was elected by the people, and no person had any property qualifications to be able to vote for Congress, nor could any statute be added to make property qualifications to be able to vote.

Hereditary government positions via titles of nobility were prohibited in the US Constitution. The presidency and judgeships were open to men of merit regardless of lineage or wealth. Government servants in all 3 branches would receive a salary to prevent these offices only held by those that could afford not to be paid when taking office (the independently wealthy).

Military hierarchies had to answer to democratically elected leaders and not vice versa. Juries of ordinary people would counterbalance professional judges in the Judicial branch, as militias of ordinary people would check professional armies in the executive branch.

Every state was guaranteed to be a “Republican” form of government, which meant it was run by people elected democratically, a government derived from the people rather than aristocracy or monarchy. If legislatures were clogging necessary reforms, the Constitution allowed people to bypass them and form specially elected conventions to propose and ratify new constitutional rules.

No Old World religious hierarchies were allowed to formally entrench themselves in the Federal Government or exclude competitor religions from doing federal service.

Separation of powers (Legislative, Executive and Judicial branches of Government) now embodied the rule of law.

Representatives were chosen by the people and were per-capita according to the state's population, although this did include slaves being counted at the time as 3/5ths of a vote, which was later decided NOT democratic. The minimum age rule for the House and Senate helped prevent the wealthy from having these offices at a young age, since you have to work to prove yourself for awhile before being allowed to have them, no matter how wealthy your background.

No military funding for more than 2 years without a new vote after that 2 year period, and could do this by electing a new House. By balancing military power between 2 levels of government, the American people would in theory would retain greater control over both. The national government could put down a local coup or insurrection menacing a republican form of government for any state or region, but any scheme of national tyranny could be thwarted by an alliance of local militias led by state governments, in the spirit of 1776. The Federal Government faced extra hurdles whenever it sought to authorize standing armies, and the President's military powers were counterbalanced both horizontally by Congress, and vertically by states. It was viewed as being free of having any fear of our own military and a very important part of our liberty.

No state could unfairly tax people from out of state. States were not allowed to coin money, emit bills of credit, make anything but gold or silver a coin of tender in debt payment, or passing any law prohibiting obligation of contracts. This was done to prevent legislatures of exploiting citizens of sister states and foreigners, but also to prevent state law makers from ganging up on a minority of citizens , in state creditors to be specific. These were part of the Constitution's economic clauses.

No state was allowed to pass a bill of attainder, grant a title of nobility, or pass a post facto law. Otherwise, legislatures could impose penalties on political opponents and no one, no matter how virtuous his conduct, would be safe. People would be judged on their behavior and not their birth status.

President's would serve for 4 years, and when the Constitution was formed, could try to be re-elected every 4 years for life. This represented the balance of power between the Executive branch and the Legislative branch of Government. The House was biennial, the Senate sextennial, and the Executive quadrennial.

To be elected President, you had to be a citizen at the time of your birth when the Constitution was formed. This was to prevent rich people from other countries coming to the US, becoming a citizen, and then getting themselves elected in some unfair manner here by paying people off, perhaps with not good intentions, perverting the democratic process they were trying to form.

The President is the chief defender of the Constitution. They are allowed to veto bills passed by Congress if they find them unconstitutional, and then a new vote must take place.

The Constitution also allowed Congress to impeach President's if found they were not trustworthy, for crimes of treason, bribery, or other high crimes or misdemeanors that made him not fit to serve.

There was to be one Supreme Court and other inferior courts. Crimes would be tried by Jury.

The Constitutions' features that were uniquely democratic compared to other forms of government ***at the time***, such as the monarchy and Parliament of England, or under the Articles of Confederation, were as follows.

In 1787, democratic self-government existed almost nowhere on earth. Kings. Emperors, czars, princes, sultans, moguls, feudal lords, and tribal chiefs held sway across the globe. England featured a limited monarchy and an entrenched aristocracy alongside a House of Commons that rested on a restricted and uneven electoral base. The English Constitution that American colonists had grown up admiring prior to the struggle for independence was an imprecise hodgepodge of institutions, enactments, cases, usages, maxims, procedures and principles that had accreted and evolved over many centuries. This Constitution had never been reduced to a single composite writing and voted on by the British people or even by Parliament. The ancient world had seen small-scale democracies in various Greek city-states and pre-imperial Rome, but none of these had been founded in fully democratic fashion. Before the American Revolution, no people had ever explicitly voted on their own Constitution. Under the Articles of Confederation, patriot leaders in the Continental Congress proposed a set of Articles of Confederation to govern relations among the 13 states. The document was ratified by the 13 state legislatures, none of which asked the citizens themselves to vote in any special way on the matter. The US Constitution was considered a breakthrough in political science, much like Benjamin Franklin's inventions of the lightning rod, bifocal lenses, and the Franklin stove were considered advances in the natural sciences area at the same time. By ordaining the federal Constitution, Americans had in practice altered their state Constitutions and abolished the Articles of Confederation.

Unlike the Declaration of Independence, the US Constitution did not have to show proof of past tyranny to change government. The people could amend when ever the status quo deemed the former imperfect or outdated. The 17th and 18th Century British Constitutions were amended by restoring good old rules from a hallowed past, rather than minting new rules for a modern era. The ancient Greek Republics shrouded their founding moments in myths and suerstitions, and were even less open to progressive alteration.