

Notes — Week 5

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Period 3

- Under the Articles of Confederation, there was no regulated interstate trade, which resulted in many going hungry as states refused to pay each others tariffs
- Article I Section 8 is an example of “Positive Law,” which lists the powers granted to Congress (also called the enumerated powers)
- Article I Section 9 is an example of “Negative Law,” which lists the powers denied to Congress
- The writ of Habeas Corpus comes from the Magna Carta
- No Bill of Attainder — A law passed by Congress to take away a persons life, liberty, or property by majority vote only
- No Ex Post Facto laws — A bill making something that was legal now illegal after the fact
- Amendments — Congress proposes, States ratify

Propose	Approve/Ratify
Amendments are proposed by two-thirds of both the House of Reps. and the Senate	Three-fourths of the state legislatures ($\frac{3}{4}$ of 50 \rightarrow 38)
Application of two-thirds of the state legislatures to Congress to call a convention for proposing amendments (never used)	Conventions in three-fourths of the States (used once — twenty-first amendment)

- There are no term limits at the federal level
- Article V is a great example of federalism

- A super majority for ratification is necessary because only the most important issues should be amended
- The Articles of Confederation created nothing more than a league of friendship. Some weaknesses were:
 - Could not levy taxes
 - Could not regulate commerce
 - Had an army in name only (no real army) — Also, no navy
 - No national judicial or executive branch to interpret and enforce laws, respectively
 - Amendment required all thirteen states to agree
- The Articles of Confederation created 13 countries (each state was its own sovereign, independent nation) — Simple majority was 7/13 and 9/13 was a super majority (laws needed 9/13 votes to be passed)
- Per the Articles of Confederation, delegates were picked and paid for by the state legislature (which meant delegates acted more as a United Nations, where each state acted in its own interest)
- The Continental Congress had only one chamber, which meant it was fast and efficient
- How do you design a government that does the least amount of harm and will be able to stand the test of time?
 - A government should be initialized in such a way that it has the least amount of power necessary to function
- Six Pillars of Constitutional Ordered Liberty
 1. Separation of Powers (Three Branches)
 2. Checks and Balances (allowed by the separation of the branches)
 3. Federalism (Separation of power between state and federal government)
 4. Popular Sovereignty (Majority Rule with Minority Rights)
 5. Judicial Review (deciding the constitutionality of laws)
 6. Limited Government (Negative Laws & Positive Laws)
 - Individual liberty & Individual responsibility
 - Economic freedom
 - Rule of Law
 - Free repeating and regular elections
 - Competing political parties
 - Citizen Participation

- None of these items are up for negotiation no matter which party wins. They are almost universally accepted as the bedrock of our republic and the safeguards to our liberties
- Powers are delegated from the people to the Constitution
- Federalist Paper #45 shows the origins of dual federalism