

## CONSTITUTIONAL DEMOCRACY

### a. U.S. GOVERNMENT AND POLITICIANS IN CONTEXT

- i. Constitution survives because US citizens have respected, renewed and worked the understand and live by principles in founding documents
- ii. Review basic terms
  1. GOVERNMENT –procedures and institutions by which people rule themselves
  2. POLITICS is the process by which people decide who shall govern
  3. POLITICIANS are the people who fulfill the tasks of running the government
  4. POLITICAL SCIENCE is the study of the principles, procedures and structures of government and the analysis of political ideas, institutions and practices
- iii. US government and democracy requires active participation and a balance between faith and skepticism.
- iv. Government by the people requires faith in our common human enterprise
- v. Constitutional Democracy requires constant attention to protecting the rights and opinions of others
- vi. Constitutional Democracy means government by representative politicians
- vii. U.S. citizens will NEVER be satisfied with their politicians

## b. DEFINING DEMOCRACY

- i. DEMOCRACY means government by the people versus dictatorship or oligarchy
- ii. DIRECT DEMOCRACY where citizens pass laws and select officials
- iii. James Madison in Federalist 10 wrote that a direct democracy would be dangerous to freedom, minorities, property
- iv. Most important example of direct democracy is voting in primaries to determine who will run for office
- v. REPRESENTATIVE DEMOCRACY OR REPUBLIC is where governmental authority is attained through free elections where all citizens can participate.
- vi. CONSTITUTIONAL DEMOCRACY is a government in which there are recognized, enforced limits on the power of governmental officials
- vii. CONSTITUTIONALISM is the rules of law through checks and balances, separation of powers, etc., that require leaders to listen, think, etc. to prevent them from abusing power.

## c. CONDITIONS CONDUCIVE TO CONSTITUTIONAL DEMOCRACY

- i. Requires educated citizenry, but does not guarantee democratic government (i.e. Nazis)
- ii. A relatively prosperous nation, with an equitable distribution of wealth is best condition for democracy.

1. Private ownership of property and a market economy are related to maintenance of democracy.
  2. No truly democratic communist states.
  - iii. Social conditions are necessary for democratic success; an example of failure is the Civil War in 1861
  - iv. A democratic consensus based on a basic belief system is crucial.
- d. DEMOCRACY AS A SYSTEM OF INTERACTING VALUES
- i. Respect for human dignity, freedom, liberty and individual rights
  - ii. Personal liberty, respect for the individual and popular consent
  - iii. Liberty is single most important value; self-determination
  - iv. Collectively, individual rights are the source of all legitimate governmental authority and power
    1. STATISM- a form of government based on centralized authority and control; China and Cuba
  - v. Equality of opportunity is essential; importance of individual
  - vi. POPULAR CONSENT- just government derives its power from the consent of the people it governs
  - vii. Democratic values are often in conflict
    1. Individual versus consent of the governed
    2. How to strike a balance
- e. DEMOCRACY AS A SYSTEM OF INTERRELATED POLITICAL PROCESSES

- i. Democratic government is based on free and fair elections
    - 1. Crucial is that opposing political parties can exist in the same democracy.
    - 2. Equal political influence; one person-one vote
  - ii. MAJORITY RULE- expressed preferences of the majority is basic rule of democracy
    - 1. MAJORITY is more than  $\frac{1}{2}$
    - 2. PLURALITY is MOST
    - 3. Key to the Constitution was to guard society against oppression of any one faction of people by another faction.
  - iii. Voters have access to facts, competing ideas and opposing viewpoints
  - iv. Citizens are free to organize for political purposes; join protest movement, pressure group, organize into a political party
- f. DEMOCRACY AS A SYSTEM OF INTERDEPENDENT POLITICAL STRUCTURES
- i. The Constitution and Bill of Rights set up a structure of checks and balances
  - ii. Constitution as 5 distinct elements
    - 1. FEDERALISM – division of powers between nation and states
    - 2. SEPARATION OF POWERS- among three branches
    - 3. BICAMERALISM – House of Representatives and Senate

4. CHECKS AND BALANCES –  
each branch has political  
independence; no imbalance of  
power
  5. BILL OF RIGHTS –provides a  
guarantee of individual liberties and  
due process of law
- g. THE ROOTS OF THE AMERICAN  
CONSTITUTIONAL EXPERIMENT
- i. THE COLONIAL BEGINNINGS
    1. Religious, ethnic and racial  
diversity existed in early United  
States
    2. Puritans set up THEOCRACY – a  
system of government where  
religious leaders claimed divine  
guidance and created religious  
persecution on non-believers
    3. By 1700s, there was freedom of  
expression
  - ii. RISE OF REVOLUTIONARY FERVOR
    1. Resentment of British rule and  
taxation without representation; life,  
liberty and the pursuit of happiness
  - iii. TOWARD UNITY AND ORDER
    1. 1777 issued the ARTICLES OF  
CONFEDERATION
      - a. More like a fragile league of  
friendship rather than a  
national government
      - b. No national executive,  
judiciary, coinage or taxation
      - c. States could overturn national  
law

2. ANNAPOLIS CONVENTION in September 1786 dealt with issues from Articles of Confederation; led to meeting in Philadelphia in May 1787 known as the CONSTITUTIONAL CONVENTION

3. SHAY'S REBELLION in Massachusetts highlighted the lack of national mechanism for contract issues and a strong central government.

h. THE CONSTITUTIONAL CONVENTION OF 1787

- i. Had to establish a strong national government, but not so powerful as to crush individual liberties.
- ii. THE DELEGATES- 40 took part from original 74; successful professionals; all white male landowners;
  1. Proceedings were kept secret to allow for free speech and ability to change their minds
- iii. CONSENSUS- 3 famous compromises
  1. Large and small states over representation
  2. North and South over regulation and taxation
  3. North and South over counting slaves
  4. All agreed to republican form of government
  5. Most in favor of balanced government

6. After 5 days, voted for a national government of executive, legislative and judicial branches

iv. CONFLICT AND COMPROMISE

1. Land Ordinance of 1787  
compromised that the western boundaries would be ceded to national government and eventually become new states.
2. BICAMERALISM – was compromise to large and small states; House based on population; Senate would represent smaller states with all states having same number of senators: 2
3. THE VIRGINIA PLAN: Basis for larger states and gave larger states, MA, PA, VA, majority; strong national government
4. NEW JERSEY PLAN: Gave Congress the right to tax and regulate commerce; created SUPREMACY CLAUSE- laws of nation supreme to those of state
5. THE CONNECTICUT COMPROMISE- created the bicameral legislature we have now.
6. NORTH-SOUTH COMPROMISES- 2/3 majority in Senate be required to ratify a treaty; the 3/5 compromise for slavery
7. OTHER COMPROMISES
  - a. One Supreme Court and Congress can establish lower courts

- b. Electoral college
- i. TO ADOPT OR NOT TO ADOPT?
  - i. Ratification by 9 of 13 original states
  - ii. FEDERALISTS VERSUS ANTIFEDERALISTS
    - 1. FEDERALISTS- support national government
    - 2. Seaboard and cities were Federalist while backcountry regions were Antifederalist
    - 3. Series of essays promoting national government were the FEDERALIST
      - a. Three most important are 10, 51 and 78
    - 4. Antifederalists most important criticism was no bill of individual rights
      - a. State and local governments would be more responsive to individual needs
  - iii. THE POLITICS OF RATIFICATION
    - 1. Most small states ratified without difficulty
    - 2. Big negative was no bill of rights

Once the Federalists promised the bill of rights, Virginia and New York ratified.