

The Constitution

Constitution

- Definition
 - A nation's basic law. It creates political institutions, assigns or divides powers in government, and often provides certain guarantees to citizens.
- Sets the broad rules of the game.
- The rules are not neutral- some participants and policy options have advantages others don't.

The Origins of the Constitution

- The Road to Revolution
 - Colonists didn't like the way they were treated.
- Declaring Independence
 - The Declaration of Independence listed the colonists grievances against the British.

The Origins of the Constitution

- The English Heritage: The Power of Ideas
 - John Locke’s influence
 - Natural rights
 - Consent of the governed
 - Limited Government
- The “Conservative” Revolution
 - Restored rights the colonists felt they had lost
 - Not a major change of lifestyles

The Government That Failed

- The Articles of Confederation
 - The first document to govern the United States
 - Congress had few powers
 - States could engage in foreign trade
- Changes in the States
 - Expanded political power for some
 - Expanding economic middle class
 - Ideas of equality spreading

The Government That Failed

- Economic Turmoil
 - States had different currencies
 - States had laws that favored debtors
- Shays' Rebellion
 - A series of attacks on courthouses by a small band of farmers led by Revolutionary War Captain Daniel Shays to block foreclosure proceedings.

The Government That Failed

- The Aborted Annapolis Meeting
 - An attempt to discuss changes to the Articles of Confederation.
 - Attended by only 12 delegates from 5 states.
 - Called for a meeting in May 1787 to further discuss changes.

Making a Constitution: The Philadelphia Convention

- Gentlemen in Philadelphia
 - 55 men from 12 of the 13 states
 - Mostly wealthy planters & merchants
 - Most were college graduates with some political experience
 - Many were coastal residents from the larger cities, not the rural areas

The Philadelphia Convention, continued

- Philosophy into Action
 - Human Nature
 - Political Conflict
 - Objects of Government
 - Nature of Government

The Agenda in Philadelphia

- The Equality Issues
 - Equality and Representation of the States
 - New Jersey Plan
 - Virginia Plan
 - Connecticut Compromise
 - Slavery
 - Political Equality

The Agenda in Philadelphia

Table 2.3 How Three Issues of Equality Were Resolved: A Summary

PROBLEM	SOLUTION
<p>Equality of the States Should states be represented equally (the New Jersey Plan) or in proportion to their population (the Virginia Plan)?</p>	<p>Both, according to the Connecticut Compromise. States have equal representation in the Senate, but representation in the House is proportionate to population.</p>
<p>Slavery What should be done about slavery?</p>	<p>Although Congress was permitted to stop the importing of slaves after 1808, the Constitution is mostly silent on the issue of slavery.</p>
<p>How should slaves be counted for representation in the House of Representatives?</p>	<p>Count each slave as three-fifths of a person.</p>
<p>Political Equality Should the right to vote be based on universal manhood suffrage, or should it be very restricted?</p>	<p>Finesse the issue. Let the states decide qualifications for voting.</p>

The Agenda in Philadelphia

- The Economic Issues
 - States had tariffs on products from other states
 - Paper money was basically worthless
 - Congress couldn't raise money
 - *Actions taken:*
 - Powers of Congress to be strengthened
 - Powers of states to be limited

The Agenda in Philadelphia

Table 2.4 Economics in the Constitution

Powers of Congress

1. Levy taxes.
2. Pay debts.
3. Borrow money.
4. Coin money and regulate its value.
5. Regulate interstate and foreign commerce.
6. Establish uniform laws of bankruptcy.
7. Punish piracy.
8. Punish counterfeiting.
9. Create standard weights and measures.
10. Establish post offices and post roads.
11. Protect copyrights and patents.

Prohibitions on the States

1. States cannot pass laws impairing the obligations of contract.
2. States cannot coin money or issue paper money.
3. States cannot require payment of debts in paper money.
4. States cannot tax imports or exports from abroad or from other states.
5. States cannot free runaway slaves from other states (now defunct).

Other Key Provisions

1. The new government assumes the national debt contracted under the Articles of Confederation.
 2. The Constitution guarantees a republican form of government.
 3. The states must respect civil court judgments and contracts made in other states.
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The Agenda in Philadelphia

- The Individual Rights Issues
 - Some were written into the Constitution:
 - Writ of habeas corpus
 - No bills of attainder
 - No ex post facto laws
 - Religious qualifications for holding office prohibited
 - Strict rules of evidence for conviction of treason
 - Right to trial by jury in criminal cases
 - Some were not specified
 - Freedom of speech / expression
 - Rights of the accused

The Madisonian Model

- Limiting Majority Control
- Separating Powers
- Creating Checks and Balances
- Establishing a Federal System

The Madisonian Model

- The Constitution and the Electoral Process: The Original Plan (Figure 2.2)

The Madisonian Model

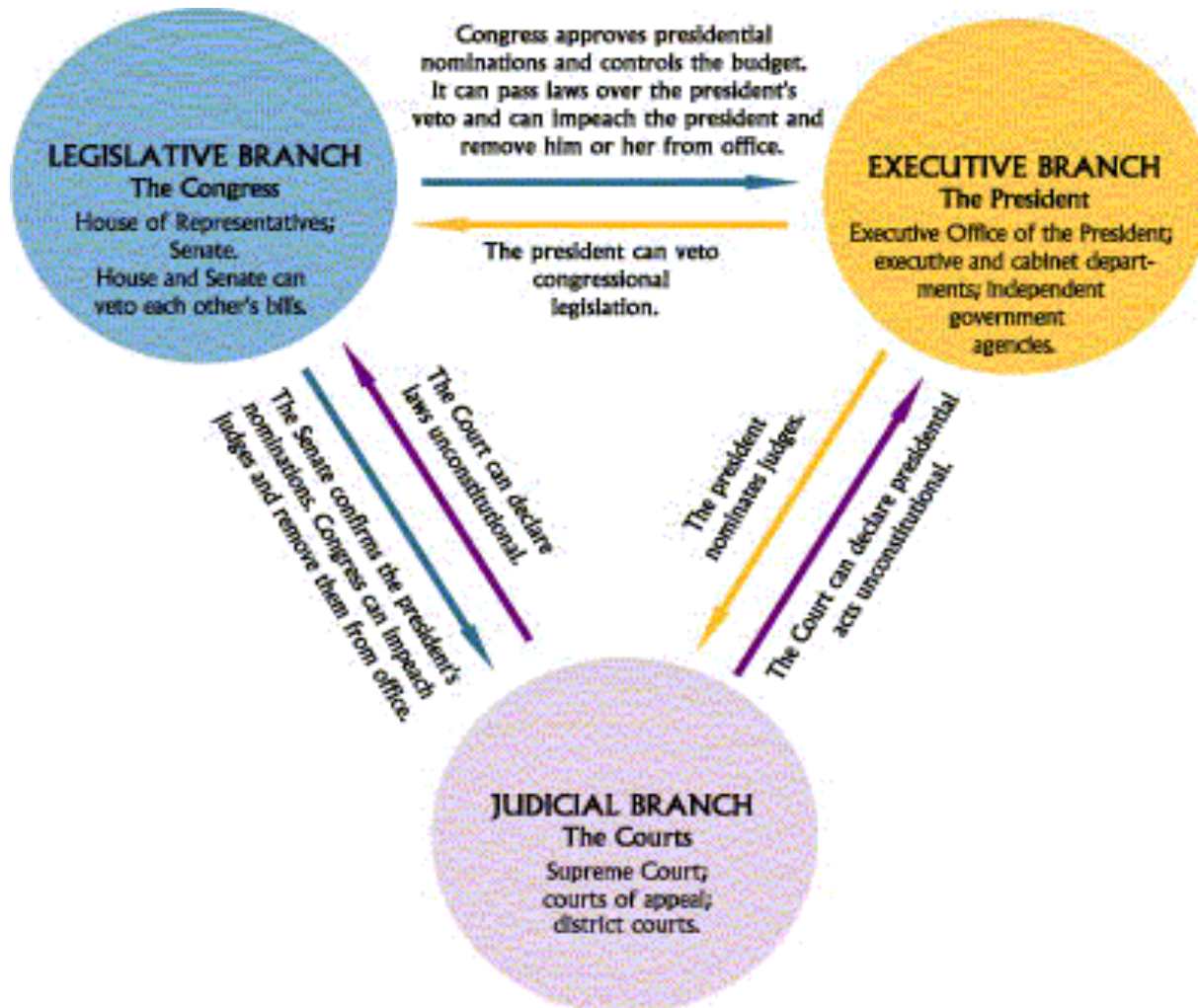


Figure 2.3

The Madisonian Model

- The Constitutional Republic
 - Republic: A form of government in which the people select representatives to govern them and make laws.
 - Favors the status quo - changes are slow
- The End of the Beginning
 - The document was approved, but not unanimously. Now it had to be ratified.

Ratifying the Constitution

- Federalist Papers
 - A collection of 85 articles written by Alexander Hamilton, John Jay, and James Madison under the name “Publius” to defend the Constitution.
- Bill of Rights
 - The first 10 amendments to the U.S. Constitution, drafted in response to some of the Anti-Federalist concerns about the lack of basic liberties.

Ratifying the Constitution

Table 2.6 The Bill of Rights (Arranged by Function)

Protection of Free Expression Amendment 1:	Freedom of speech, press, and assembly Freedom to petition government
Protection of Personal Beliefs Amendment 1:	No government establishment of religion Freedom to exercise religion
Protection of Privacy Amendment 3:	No forced quartering of troops in homes during peacetime
Amendment 4:	No unreasonable searches and seizures
Protection of Defendants' Rights Amendment 5:	Grand-jury indictment required for prosecution of serious crime No second prosecution for the same offense No compulsion to testify against oneself No loss of life, liberty, or property without due process of law
Amendment 6:	Right to a speedy and public trial by a local, impartial jury Right to be informed of charges against oneself Right to legal counsel Right to compel the attendance of favorable witnesses
Amendment 7:	Right to cross-examine witnesses Right to jury trial in civil suit where the value of controversy exceeds \$20
Amendment 8:	No excessive bail or fines No cruel and unusual punishments
Protection of Other Rights Amendment 2: Amendment 5:	Right to bear arms No taking of private property for public use without just compensation
Amendment 9: Amendment 10:	Unlisted rights are not necessarily denied Powers not delegated to the national government or denied to the states are reserved for the states or the people

Constitutional Change

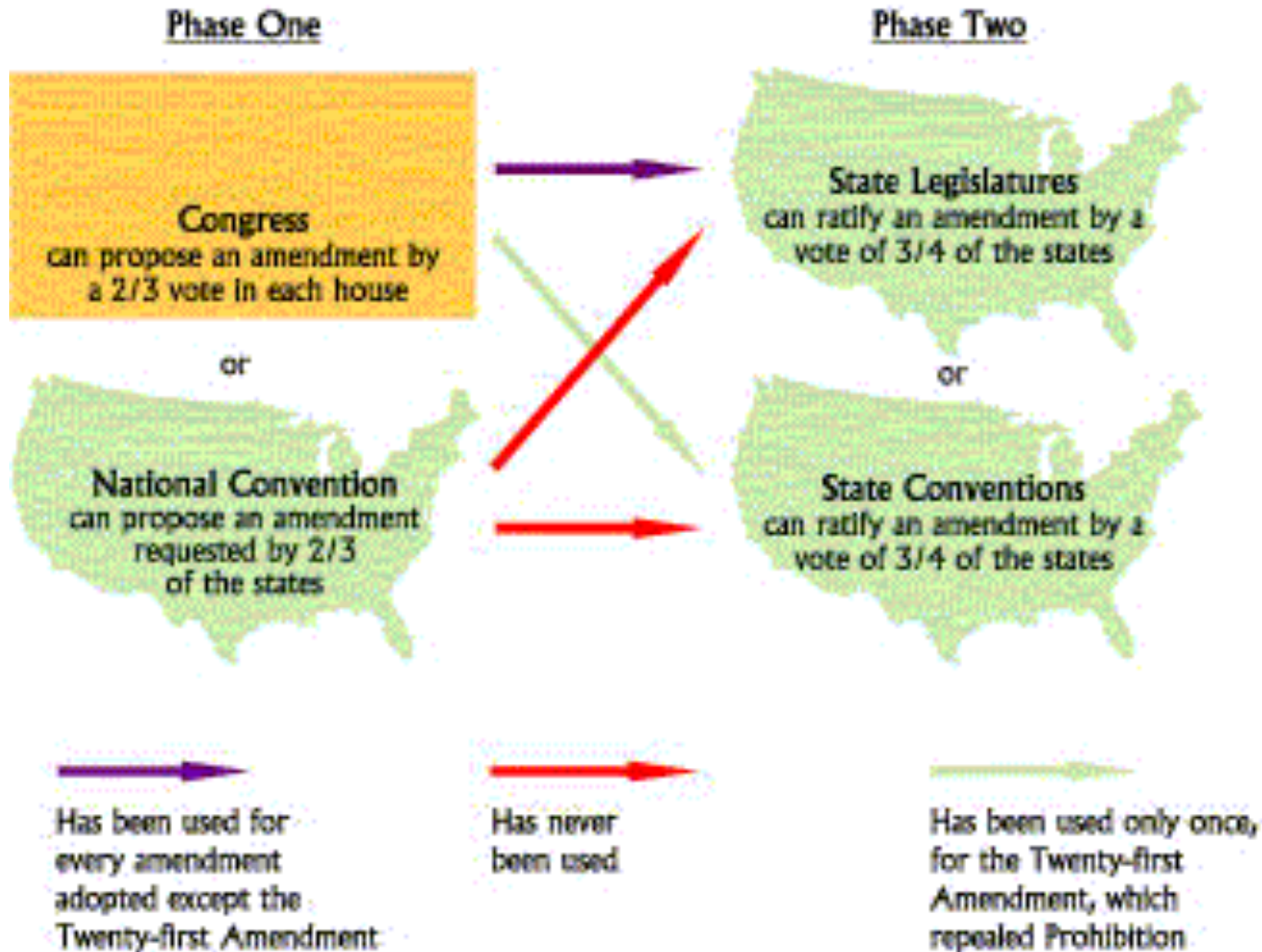


Figure 2.4

Constitutional Change

- The Informal Process of Constitutional Change
 - Judicial Interpretation
 - Changing Political Practice
 - Technology
 - Increasing Demands on Policymakers

Understanding the Constitution

- The Constitution and Democracy
 - The Constitution itself is rarely described as democratic.
 - There has been a gradual democratization of the Constitution.
- The Constitution and the Scope of Government
 - Much of the Constitution limits government.
 - The Constitution reinforces individualism, yet encourages hyperpluralism.