

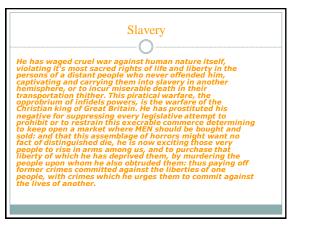
1 st Continental Congress
Olive Branch Petition

2nd Continental Congress

Declaration

-Social Contract (Right to Revolution) -Approved 7/4/1776





Articles of Confederation

Confederation loose association of "States"

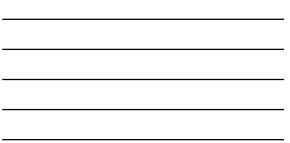
• Republic in the Madisonian definition -Every state has 1 vote -9/13 make a law

Problems with Articles

- No power to tax- states left to beg for money
- No independent leadership (John Hanson) (Fear King)
- No regulation of interstate commerce
- Open invitation to Canada
- Amendments have to be unanimous

Articles and the original dilemma
No orderToo much state freedom





Virginia Plan

• 3 branches

- 2 house legislature
- -1 chosen by people
- -1 chosen by state legislatures
- -Taxes based on free population

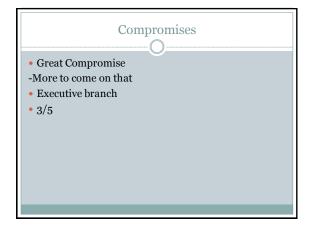
Virginia Plan
Executive Branch
-Selected by legislature
-Serve for 1 term

Virginia Plan

- Supreme Court(s)
- Chosen for life by legislature
- Executive and Court basically have a veto power
- Legislature can override state laws

New Jersey Plan \bigcap

- Single House with the power to regulate trade and raise taxes
- Equal representation of the states
- Executive elected by the legislature with <u>no</u> veto power
- <u>No judiciary specifically stated</u>
- Legislature considered supreme over the states See table 3.1

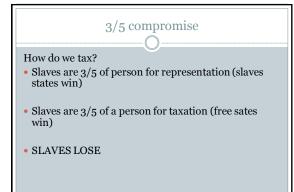


Electoral College (original version)

- Electors from the states vote for President
- Each states votes= #of electors for that state
- -Each elector would vote for 2
- -Most votes president (had to be a majority) -2nd most votes= VP
- If no majority the house votes
- Many feared popular vote (pluralist argument)
- Agree to 4 year term with no limits

Removal

- House majority votes to impeach (formally accuse)
- Senate conducts trial
- Chief Justice presides over the trial
- Super Majority (2/3) Removes



Constitutional Concepts

- Republicanism
- Federalism
- Separation of Powers
- Checks and Balances

Republicanism • Republicanism- simply put the idea that power rest with the people who choose representatives

• A believe in the common good is also associated

Federalism

- Federalism- the division of power between a central and regional government.
- -This division is also an on going battle in America we will cover at great length

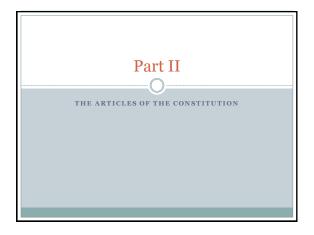
Separation of Powers

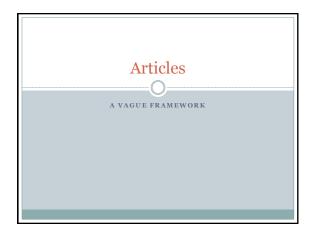
- Assigning differing functions to different parts of the government respectively
- -Articles I,II and III
- $\textbf{-10}^{th} \, amendment$

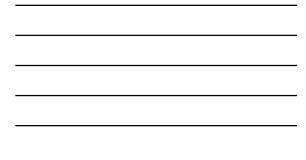
Checks and Balances

• The ability of each part of government to have some control over the other part.

- -Impeachment process
- -appointment of judiciary







Article I- Legislative Branch

• 2 houses

- -Representation on population
- -Equal representation
- Article 1 section 8- Enumerated (specific powers)
- Necessary and Proper Clause (Elastic Clause) -Implied powers

Article II- Executive Branch

Duties listed (formal Powers)

- Commander in Chief
- Making treaties
- Appointing officials (judges, diplomats, etc.)
- Veto/Sign bills to law
- Inform congress on "State of the Union"
- Pardon Criminals
- Faithfully execute laws (Informal Powers)
- -(Water Gate, Gulf of Tonkin, Legislation)

Article III- Judicial Branch

Supreme Court

- Nomination and Confirmation process
- Life Terms
- Salaries can't be messed with
- Judicial Review (term not actually used)
 Marbury vs. Madison

Article IV

• All states honor judgments and warrants -Extradition

-Fugitive slave clause

Article V- Amending Formal Process

• Proposal= 2/3 of both houses of Congress

• Ratification= 3/4 of State legislatures

-other way not practical -21st was ratified by state conventions

Article VI-Supremacy

- Supremacy Clause- when the national and state conflict, the national interest wins.
- Federalism won't work with out it, would lead to chaos

Article VII-Ratification

 Says the constitution must be approved by 9/13 state ratifying conventions

 Not an easy task

-How is this like the EU's efforts to make a "European Constitution"?

Framers Motives

• Economic-largely discounted (supports elite view)

- Order- revolution around corner
 - •Maintains basic rights
 - oTax
 - •Necessary and Proper
 - •Supremacy clause

Slavery

- Still the greatest point of contention
- Argument is about political power not human/civil rights
- Fugitive Slave Clause
- Slave Trade Compromise (allows interstate commerce regulation)
 - Puts off talking about slavery for 20 years Accidentally becomes "unconstitutional to talk about it"

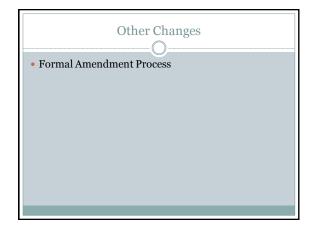
Ratification

- Many states slow to act (Pennsylvania)
 Federalist vs. Anti-Federalists

 Intro to partisan politics
- Federalist Papers-written in defense of new government -Express the meaning of the new government and the philosophy behind it
- Federalist #10-danger of faction (weird argument)
- Federalist #51 Ambition vs. Ambition

Final Compromise

- Bill of Rights
- Anti-Federalist- say it is logical
- Federalist- say it is unneeded and dangerous
 -100s of proposed amendments
 -10 make it
- 9th state (NH) approves 6/21/1788
 Paves way for others





- Court interpretation
- Decide on what is and is not constitutional
- Decisions have the force of law behind them -Judicial restraint-what it says -Judicial activism-what it means



o protection

Vagueness

- Actually a strength (along with it's flexibility)
- Provides a Conceptual Framework
 - -Source of great disagreement
 - -Lends itself to promote order, freedom and equality, all at once
- Promotes pluralism much more than majoritarianism