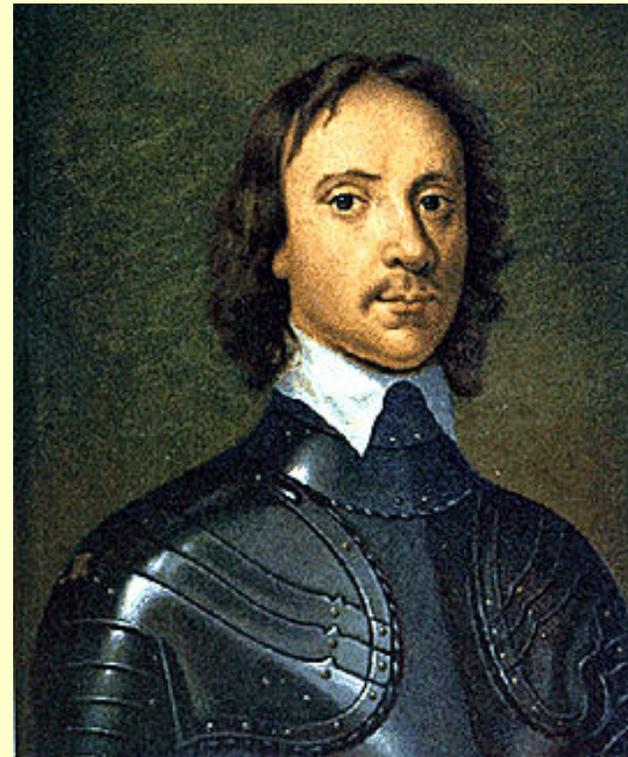


The Founding and The Constitution



The American Colonies

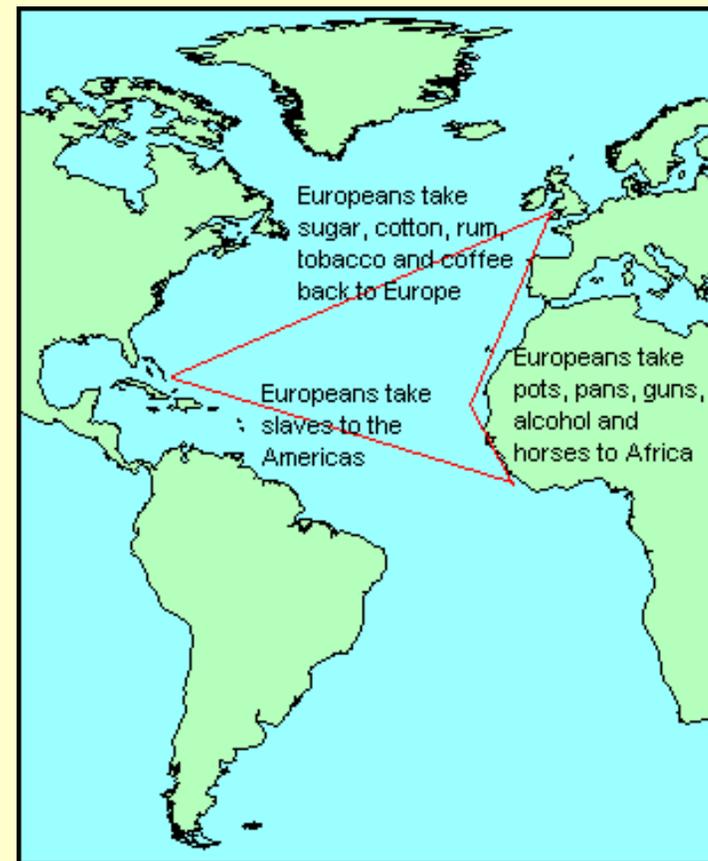
- The British Colonies were established between 1606 and 1732
- Britain was preoccupied with internal political turmoil
 - Charles I
 - Oliver Cromwell
 - The Glorious Revolution
 - John Locke



Oliver Cromwell

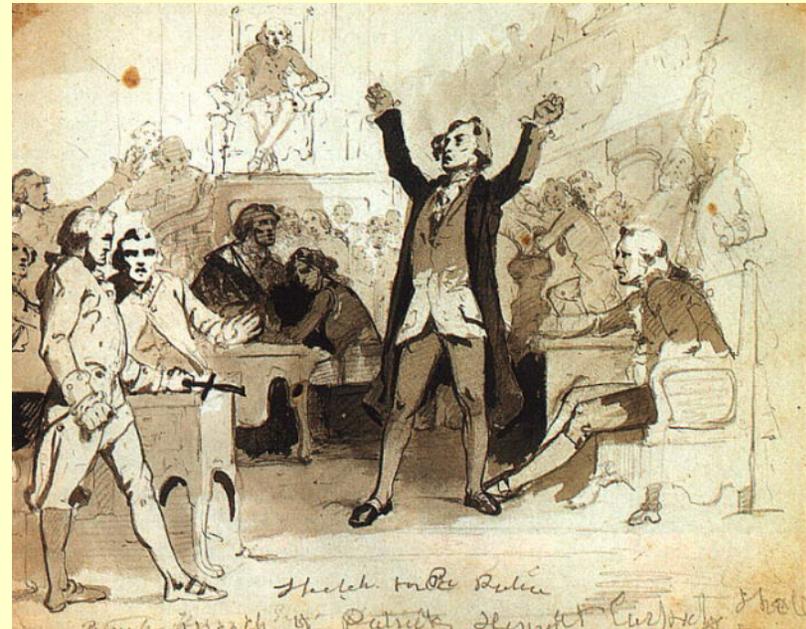
Economic Development of the Colonies

- Triangular Trade (Mercantilism) enriched England, but also permitted economic growth in the colonies
- Colonial economic divisions
 - New England Merchants
 - Southern Planters
 - Royalists
 - Shopkeepers, Artisans and Laborers
 - Small Farmers



Salutary Neglect

- The preoccupation of the British government with internal problems and the economic development of the colonists promote political independence in the colonial governments
- King George I and King George II continued with a “hands off” approach to the colonies, known as “salutary neglect”



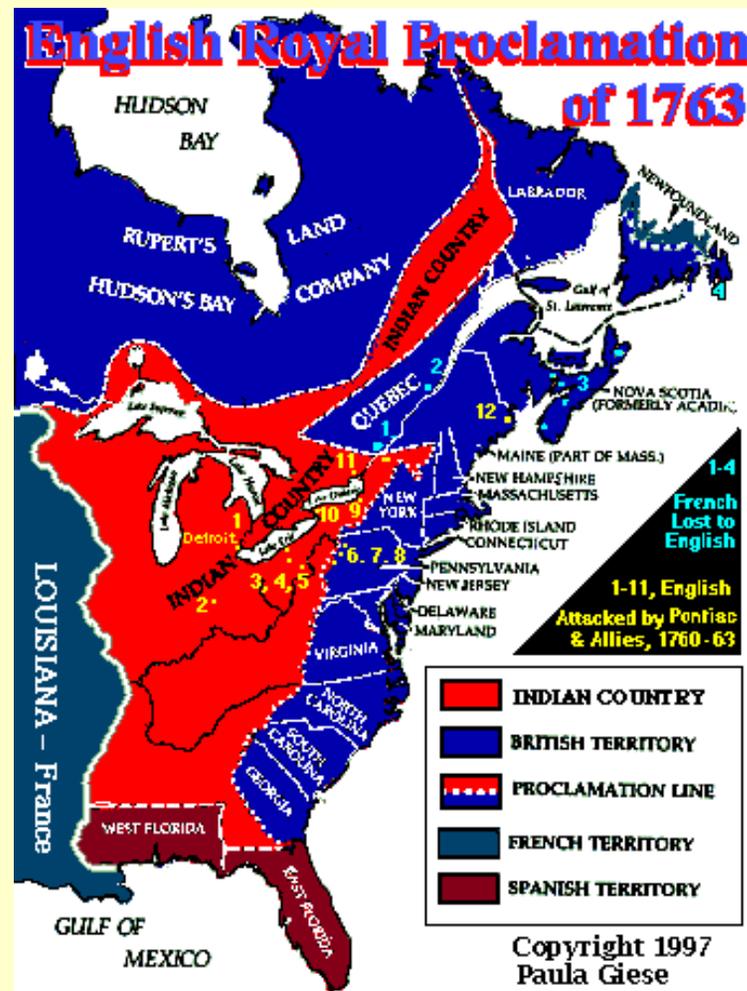
The French and Indian War

- The war between England and France spreads to the colonies
- England is victorious thus securing the American colonies
- However, the cost of the war adds to the national debt
- King George III and Parliament must find new sources of revenue and prevent future conflicts



Royal Proclamation of 1763

- King George III prohibits migration beyond the Appalachian Mountains
- This obviously angers the colonists



Tax and Trade Policy

- Changes in British tax and trade policy
 - Sugar Act
 - Stamp Act
 - Quartering Act
 - Currency Act
- Designed to raise revenue



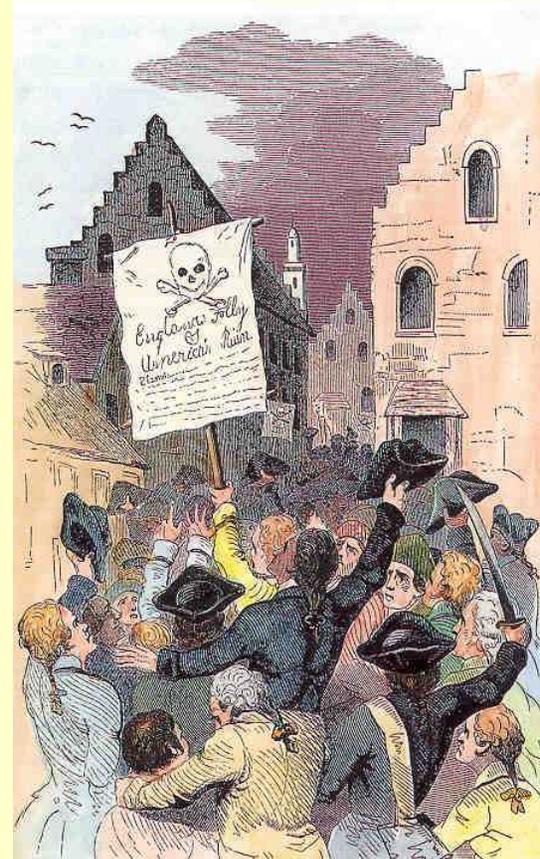
“No Taxation Without Representation”

- Opposition to the new taxes based on the premise that the colonies were not represented in the British Parliament
- Virginia House of Burgesses passed the Virginia Resolves
 - Colonists entitled to all rights of Englishmen
- Tax collectors were tarred and feathered or burned in effigy



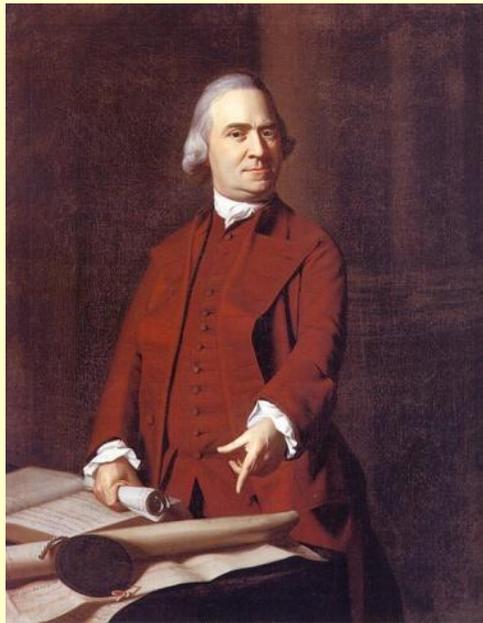
Turmoil Continues, 1767-1770

- The British Parliament Responds to colonial opposition
 - Repeal of the Stamp Act
 - Declaratory Act
 - Townshend Act
 - Revenue Act
- Colonists call for boycott of British goods
- Essays critical of policy written by Pennsylvania Farmer



Colonial Leaders

- Samuel Adams and John Hancock organize the Sons of Liberty and incite protests in Boston



Boston Massacre

- Reaction to British policies incite the Boston “Massacre”
- John Adams retained to represent British soldiers



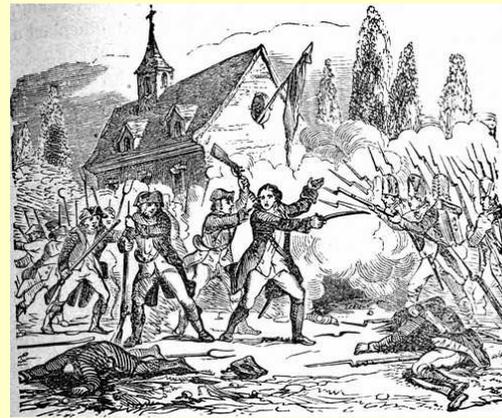
Boston Tea Party

- England grants monopoly to East India Company
- Colonists led by Adams and Hancock raid the tea laden ships and toss the goods into Boston Harbor



Battles of Lexington and Concord

- British troops ordered to suppress the rebellion, capture Adams and Hancock, and seize the militia's supply depot (WMDs)
- Gives rise to the “shot heard ‘round the world”



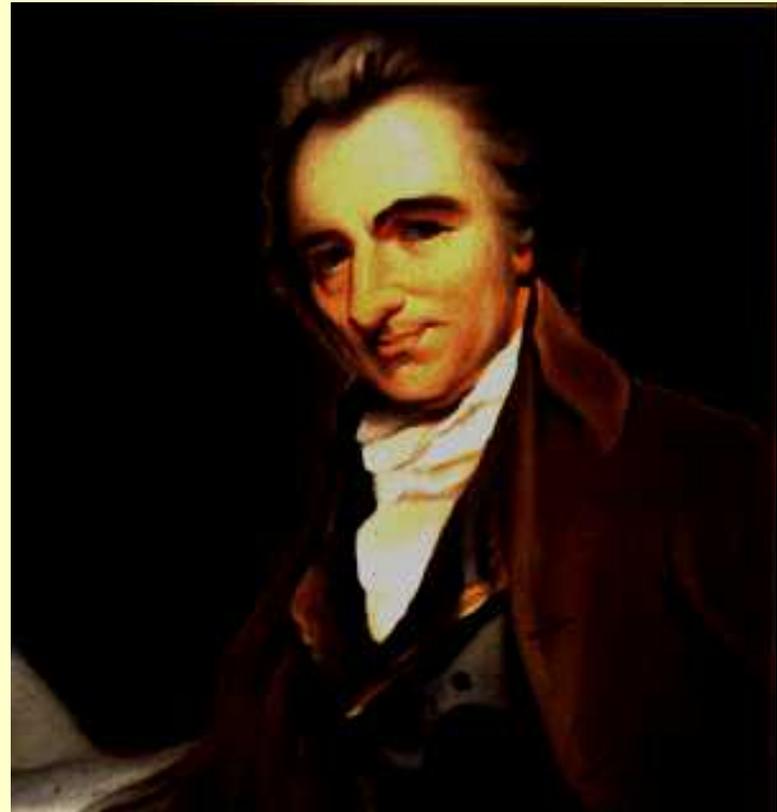
To War

- George Washington named General and Commander-in-Chief of the Continental Army
- Battle of Bunker Hill
- Olive Branch Petition



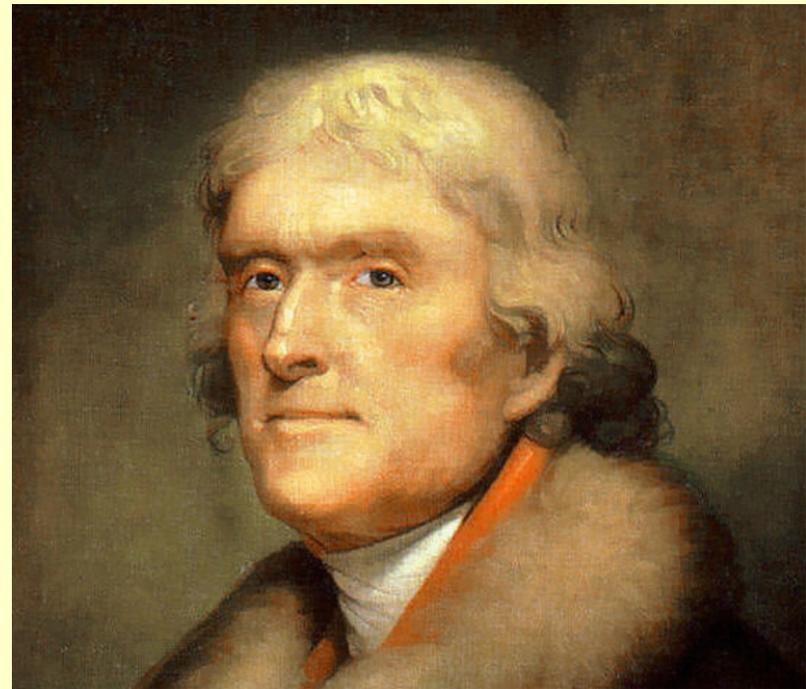
Thomas Paine

- The essay *Common Sense* moves public opinion towards independence



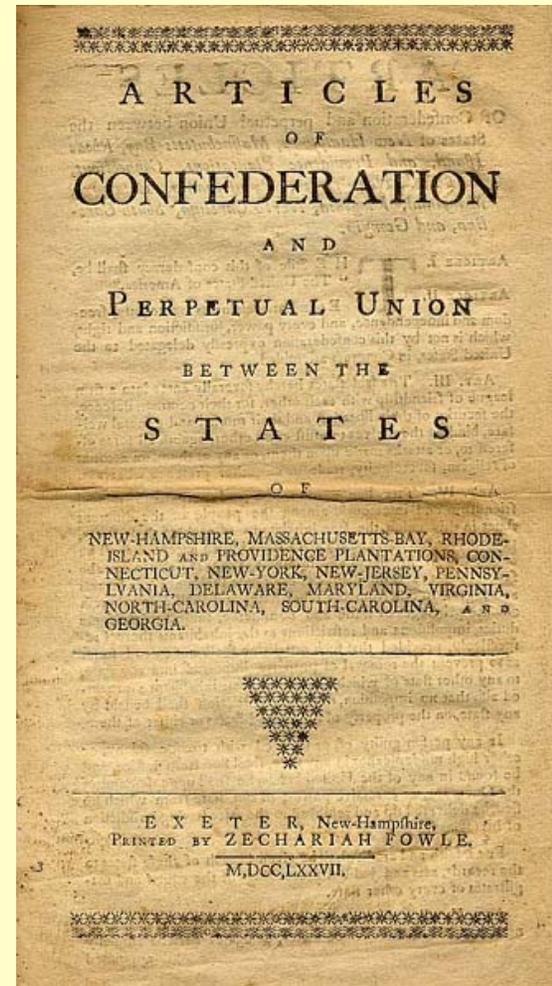
The Declaration of Independence

- Thomas Jefferson is the principal author
- Relies heavily on the political philosophy of John Locke
- Outlines complaints against King George III
- Declares independence from England



The Articles of Confederation

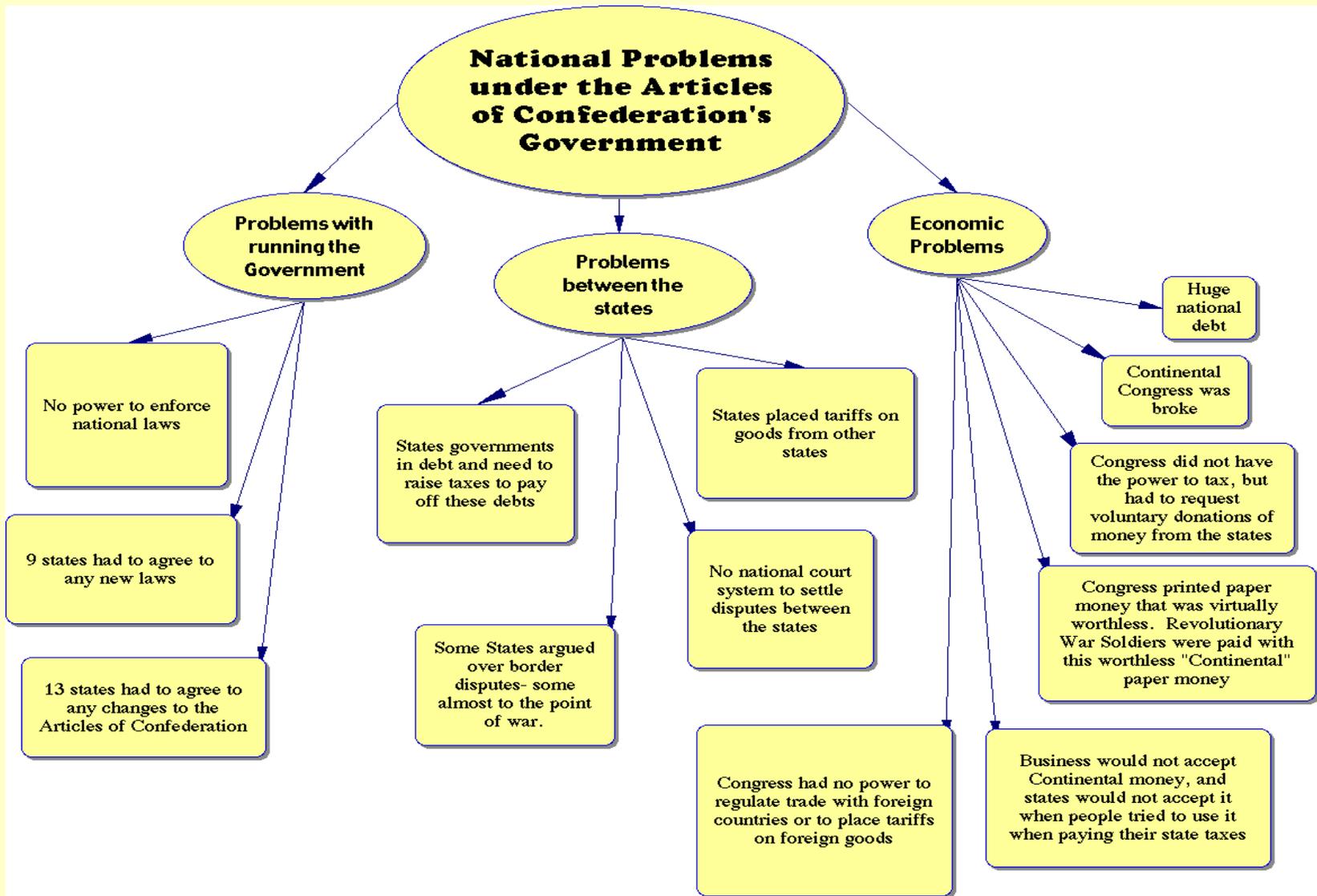
- Creates our first constitutional government
- Better known for the lack of powers given to the national government
- No power to:
 - Make Treaties
 - Compel States to Meet Military Quotas
 - Draft Soldiers
 - Regulate Interstate Commerce
 - Collect Taxes Directly
 - Compel States to Pay Costs
 - Maintain Sound Monetary System



The Articles of Confederation: International and Financial Crisis

- Inability to tax resulting in a weakening of bonds
- Trade wars erupted between the states
- Inflation resulted from each state printing currency





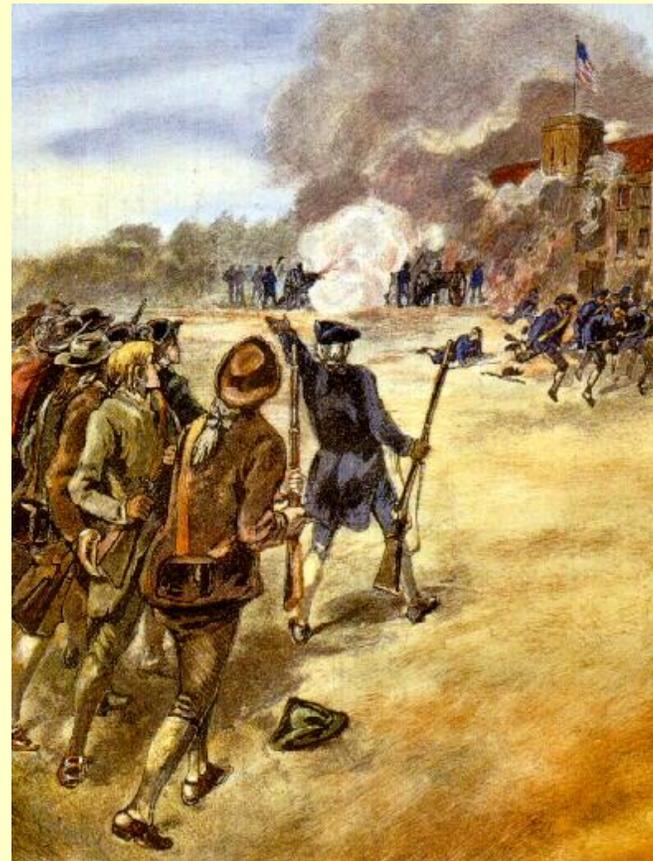
The Articles of Confederation: The Annapolis Convention

- The crisis led to a meeting in Annapolis in 1786
 - Only 5 states attended
- Alexander Hamilton called for stronger national government
- Agreed to meet in Philadelphia in one year to discuss revising the Articles of Confederation



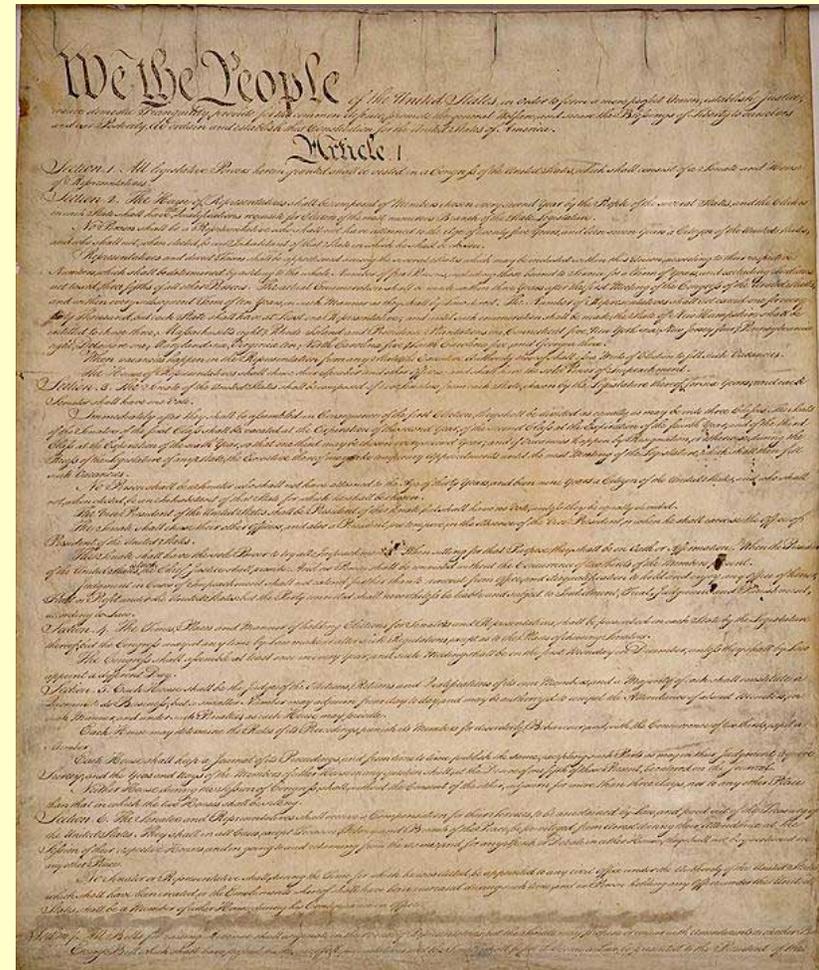
The Articles of Confederation: Shays' Rebellion

- An individual was more likely to be imprisoned for debt than any other crime
- Daniel Shays led a rebellion of debtors in Massachusetts
- Demonstrated need for stronger government



The Constitution

- The Convention
- The Legislative Branch
- The Executive Branch
- The Judicial Branch
- National Unity and Power
- Amending the Constitution
- National Supremacy
- Ratifying the Constitution



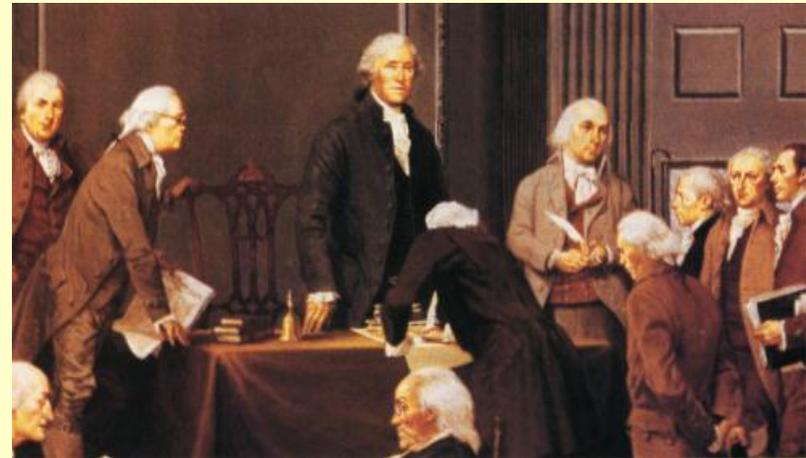
The Constitutional Convention: A Marriage of Interest and Principle

- Delegates met in Philadelphia beginning in May 1787
 - 12 of 13 states present (Rhode Island missing)



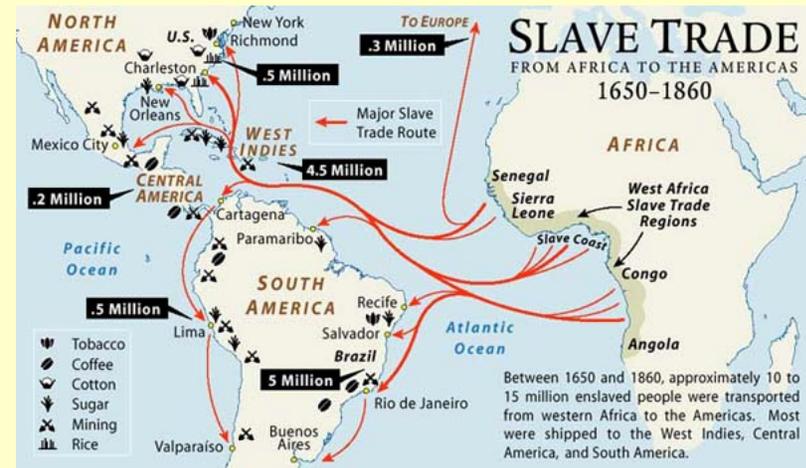
An Economic Interpretation of the U.S. Constitution

- Delegates represented the elite in American society
- Charles Beard argues that the Constitution reflects an interest to protect economic power
 - Speculators bought up undervalued bonds
 - Knew that new government would purchase bonds at face value
- No evidence found proving Beard's claims



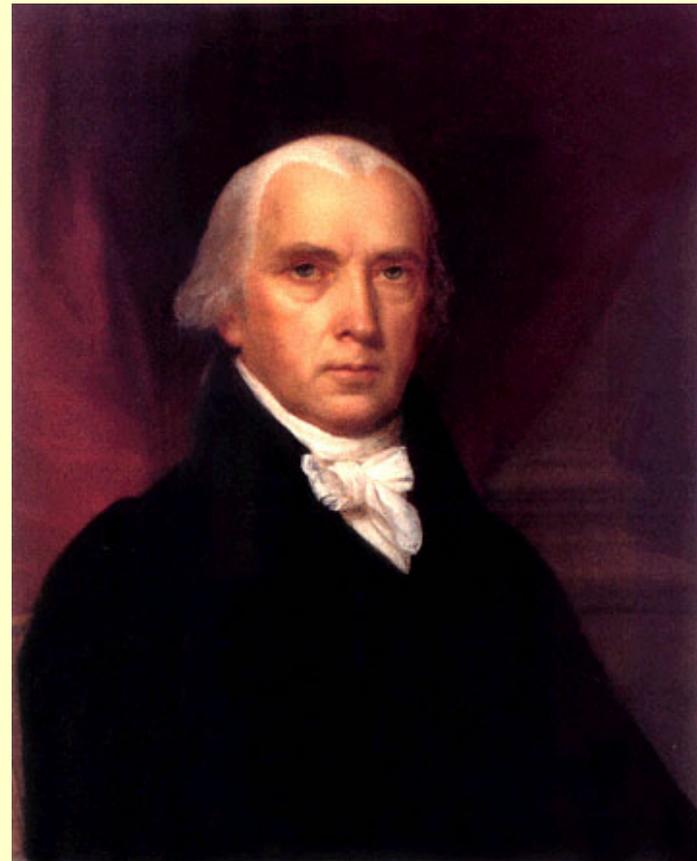
Conflict in Philadelphia

- Representation was the most controversial issue
 - One state one vote or population based
 - Small states favored method under the Articles
 - Large states wanted population or taxes paid system
- Should slaves be counted for representation?
 - Southern states supported
 - Northern states opposed
- Voting
 - Property restrictions or universal male suffrage



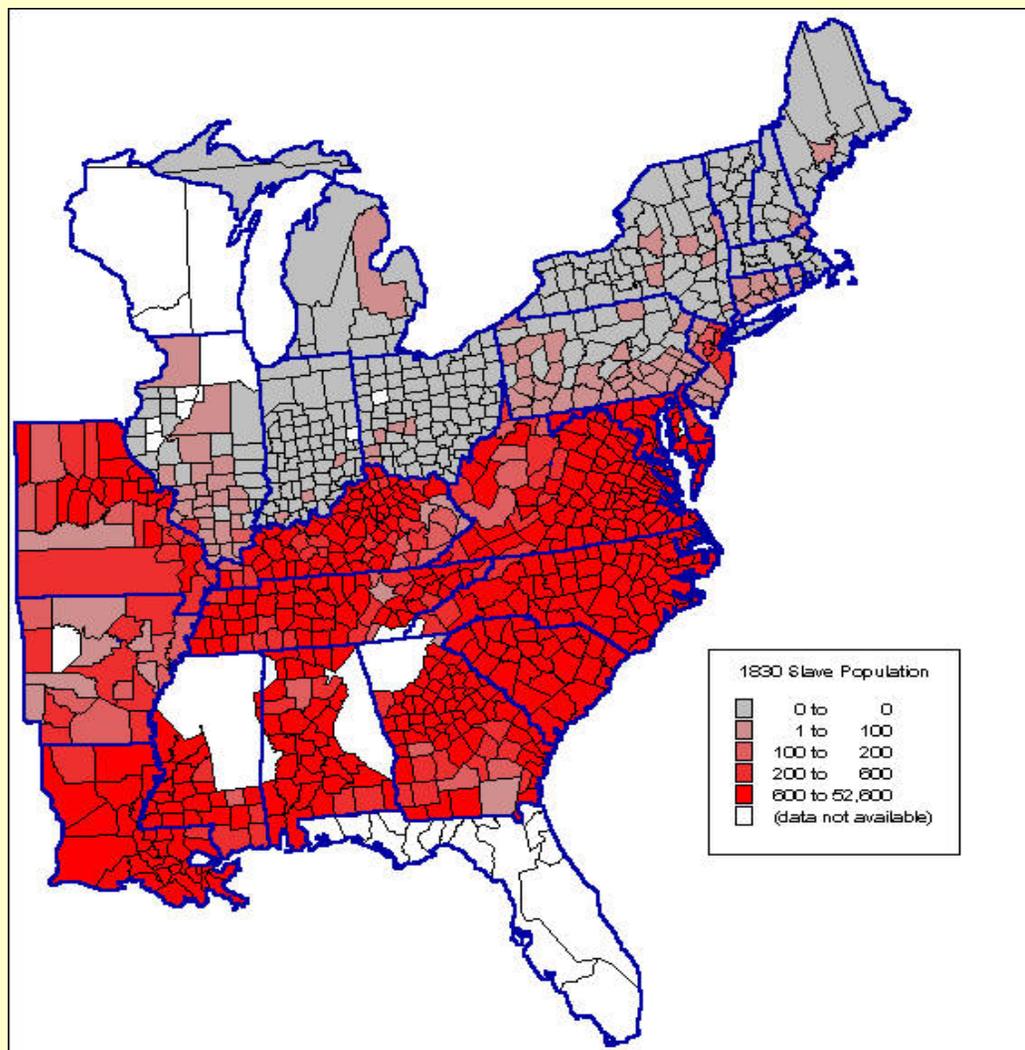
The Constitutional Convention: Conflict and Compromise

- The Virginia Plan favored states with large populations
 - Representation based on population or taxes paid
- The New Jersey Plan favored the smaller states
 - Retained one state one vote
- The Connecticut Plan reached a compromise over representation—The Great Compromise
 - House based on population
 - Senate with equal representation



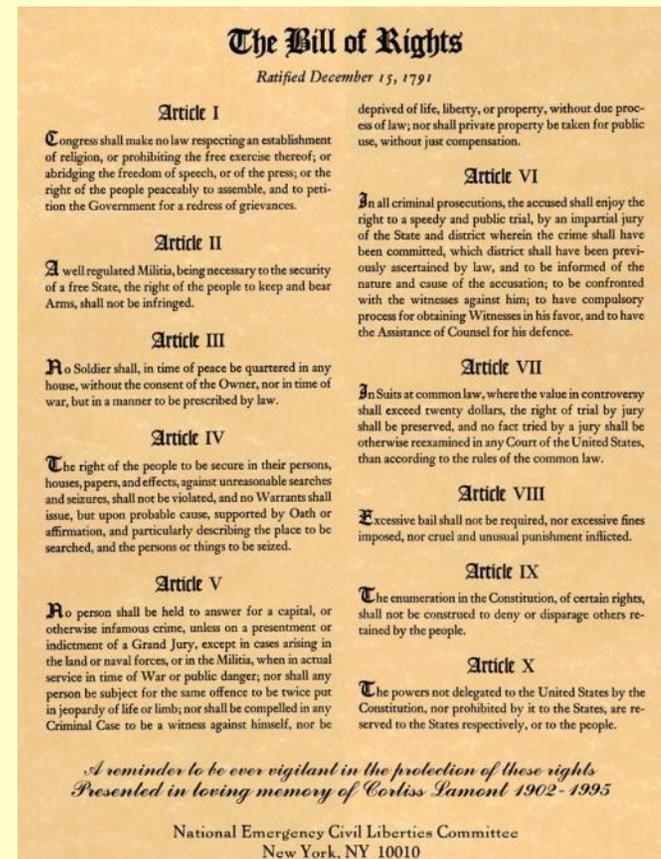
Representation: The Question of Slavery

- The Three-Fifths Compromise resolved the issue of how to count the slaves for purposes of the representation
- Slaves referred to as
 - Other Persons
 - Such Persons
- Compromise also on runaway slaves and the slave trade



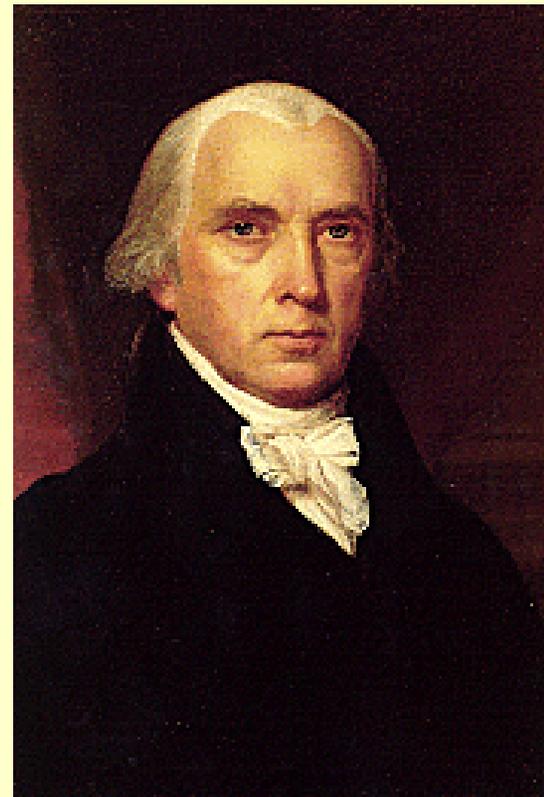
The Constitution: Limits on Power

- The Constitution attempts to limit the power of the national government through
 - Separation of powers
 - Separate powers amongst the branches
 - Checks and balances
 - Different method of elections
 - Federalism
 - The Bill of Rights



The Constitution: The Separation of Powers

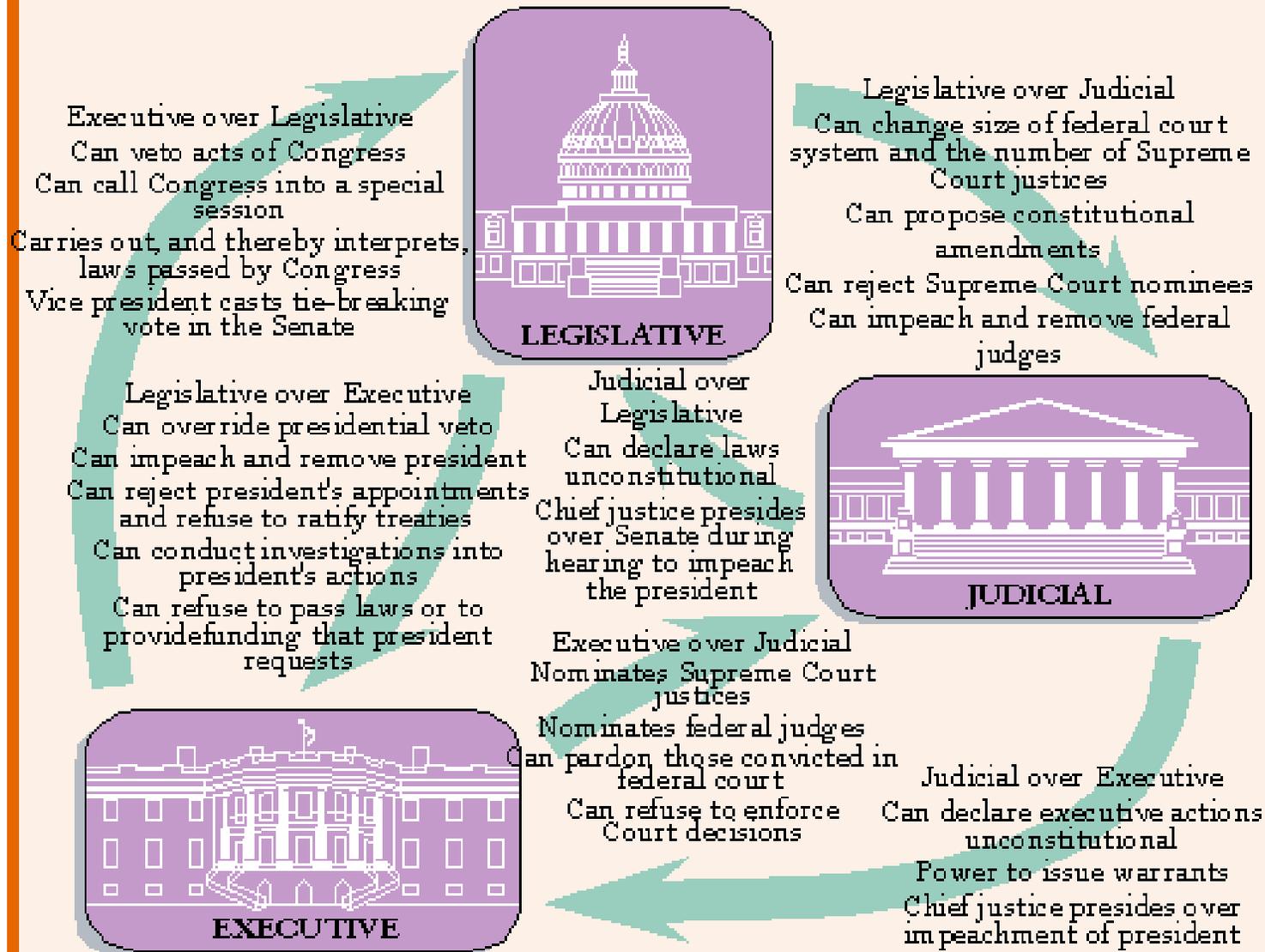
- The Constitution provides for the separation of powers to ensure that no one branch holds too much power
- Madison used ambition to counter ambition



Separation of Powers

		
Executive	Legislative	Judicial
<p>Enforces laws</p> <p>Commander in chief of armed forces</p> <p>Makes foreign treaties</p> <p>Proposes laws</p> <p>Appoints Supreme Court justices and federal court judges</p> <p>Pardons those convicted in federal court</p>	<p>Passes federal laws</p> <p>Controls federal appropriations</p> <p>Approves treaties and presidential appointments</p> <p>Regulates interstate commerce</p> <p>Establishes lower court system</p>	<p>Reviews lower court decisions</p> <p>Decides constitutionality of laws</p> <p>Decides cases involving disputes between states</p>

CHECKS AND BALANCES



The Legislative Branch

- Bicameral
- House
 - 435 members
 - 2 year term
- Senate
 - 100 members
 - 6 year term



Legislative Branch

- House members were to be elected directly by the voters
- Designed to encourage popular control over the legislative process
- Tax/Revenue Bills must originate in the House—The People's Chamber
- Senators were initially chosen by the state legislatures
- Designed to insulate Senate from voters
- The 17th Amendment (1913) provided for the direct election of U.S. Senators

Legislative Branch

- Article I, Sec. 8 spells out the enumerated or delegated powers of the United States Government, including the power to
 - Collect taxes and Borrow (tax and spend or power of the purse)
 - Regulate interstate and foreign commerce
 - Declare war
 - Raise an Army and Navy
- The necessary and proper clause provides Congress with greater latitude in exercising its Article I, Sec. 8 powers
 - Elastic Clause
 - Implied Powers Clause

Executive Branch

- President to be elected through an electoral college that insulates the office from Congress and the masses
 - 270 of 538 Electors to win
 - Each states electors equals number of representatives plus senators
 - House decides presidency if no candidate receives 270 votes—one state/one vote
- Powers of the president are rather vague and ambiguous
 - Commander in Chief
 - Treaties and Appointments with Senate Advice and Consent
 - Ensure laws are faithfully executed



Judicial Branch

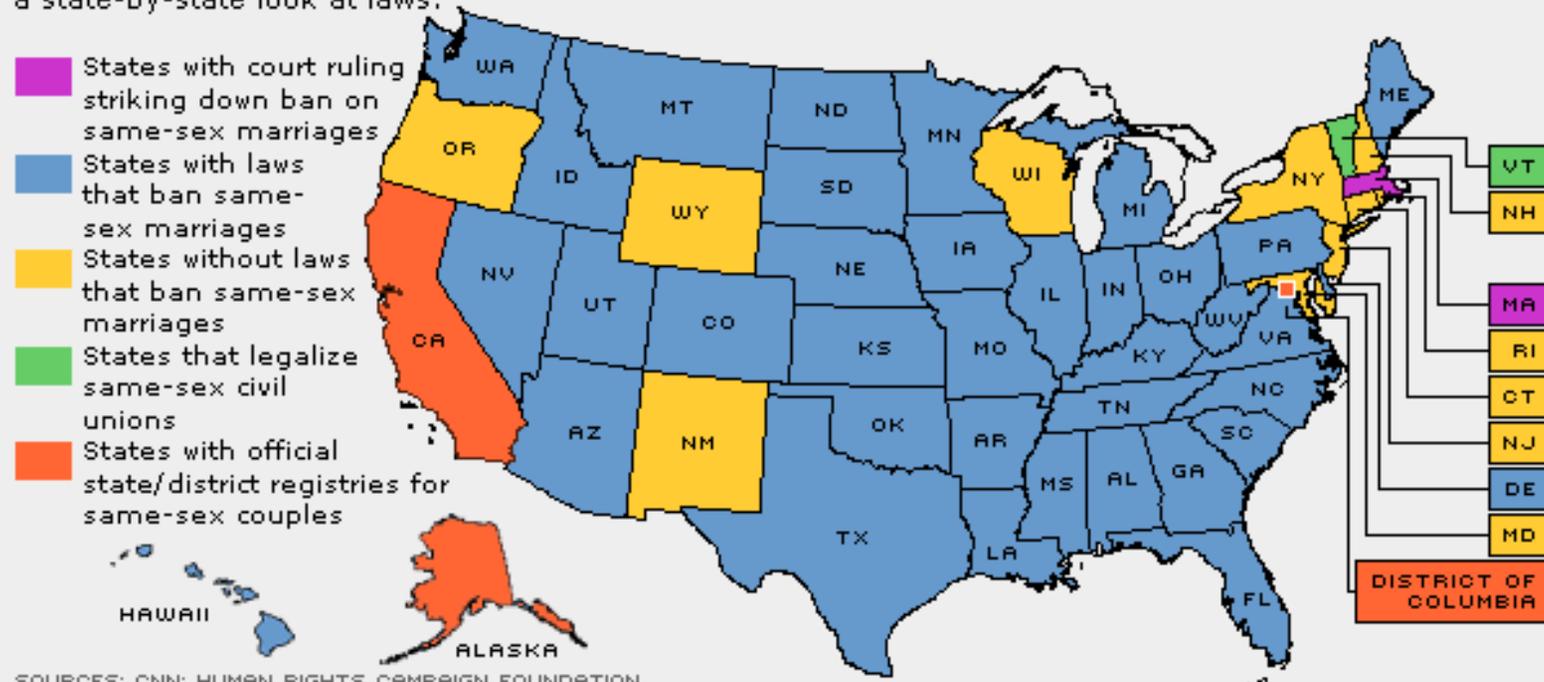
- Article III creates the United States Supreme Court with power to hear cases involving
 - U.S. Constitution
 - Federal Law
- Judges are appointed by the president with the advice and consent of the U.S. Senate
 - Lifetime Terms
 - Salaries Protected
- Judicial review is not mentioned, but is inherent
 - Article VI Supremacy Clause
 - Marbury v. Madison (1804)



National Unity: Full Faith and Credit

- Article IV provides that the civil acts of one state shall be recognized by all the states (marriages, divorces, etc.)
- Source of controversy over Same-Sex Marriages

The Massachusetts Supreme Judicial Court in November 2003 struck down a ban on same-sex marriages and in February 2004 told state lawmakers that only full marriage rights for gay couples, not civil unions, would conform to the state's constitution. It would be the first state to allow same-sex marriages. Here is a state-by-state look at laws.

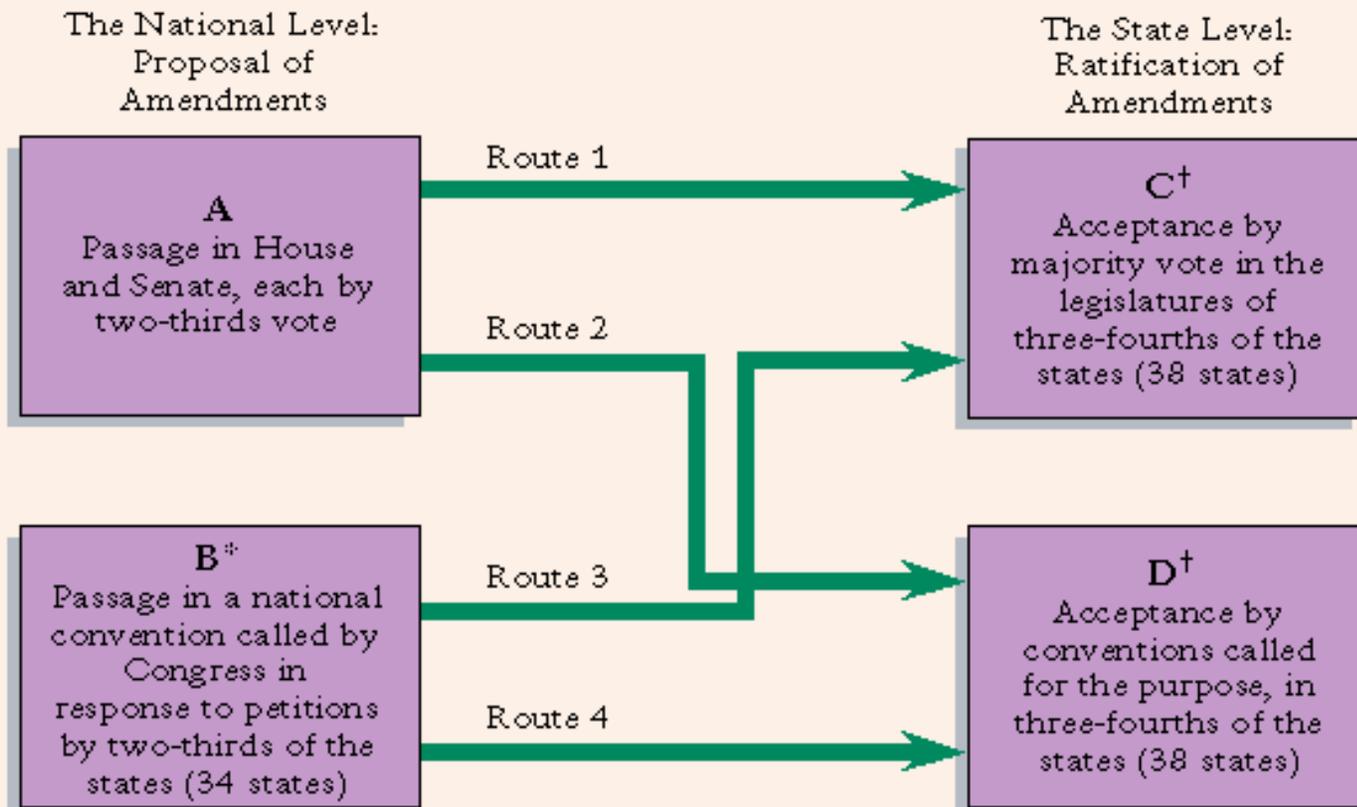


The Supremacy Clause

- Article VI, the Supremacy Clause
 - The Constitution and laws of the United States enacted pursuant to constitutional authority are the supreme law of the land
- No state can interfere with a constitutional federal law or violate the U.S. Constitution
 - Gov. Wallace could not defy Supreme Court decision to desegregate public schools



HOW THE CONSTITUTION IS AMENDED

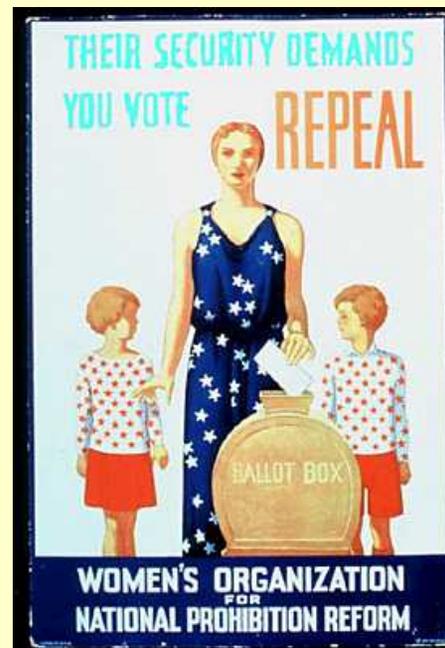
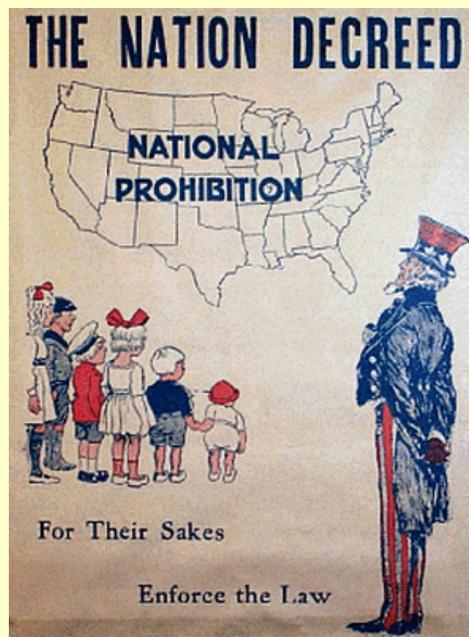


*This method of proposal has never been employed. Thus, amendment routes 3 and 4 have never been attempted.

†Congress chooses the method of ratification, the time limit for consideration by the states, and other ratification conditions.

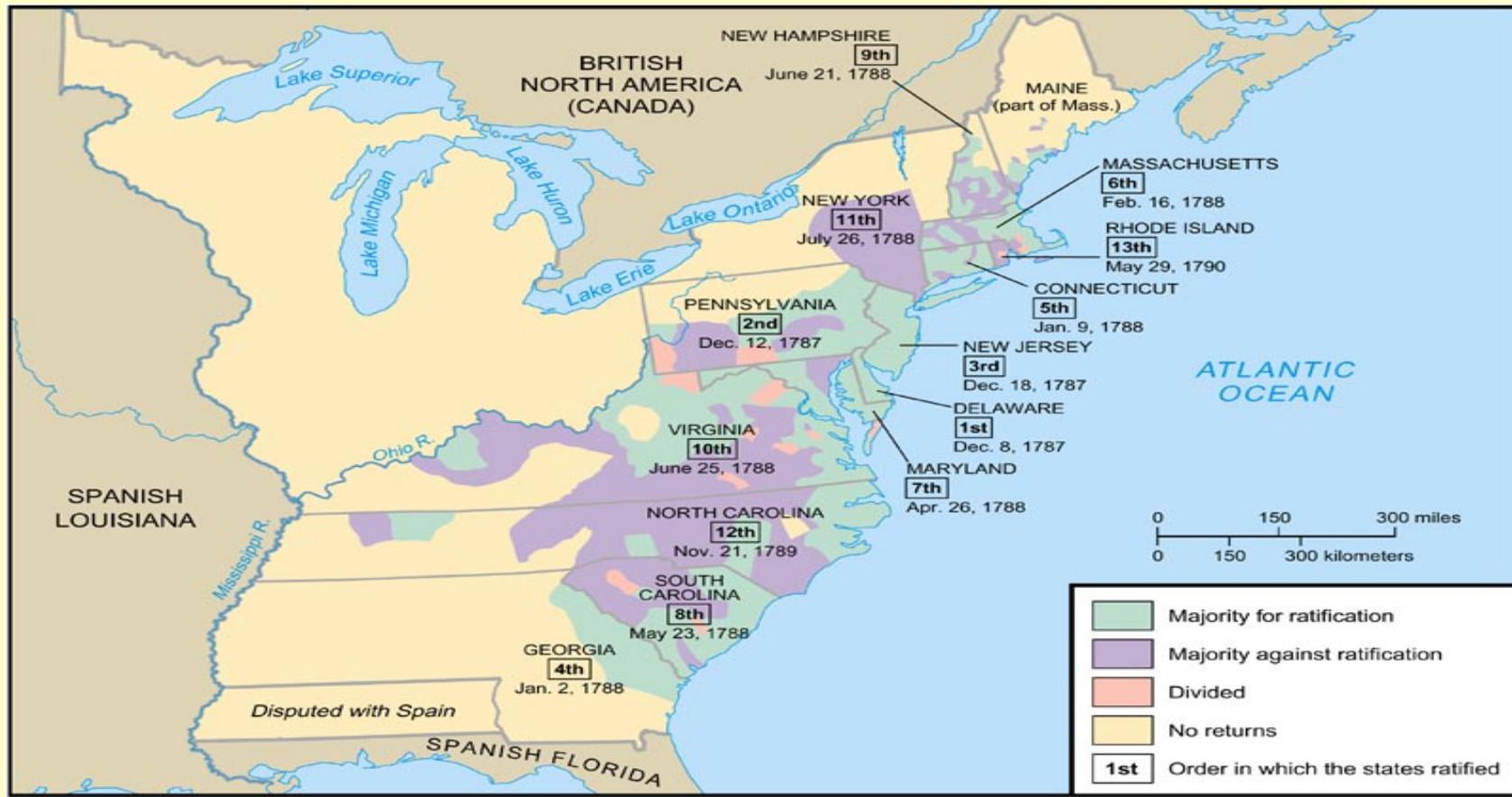
The Amendment Process

- The 21st Amendment repealing prohibition is the only constitutional amendment to be ratified by state conventions
- All other amendments have been ratified by a 3/4s vote of state legislatures



Ratification of the Constitution

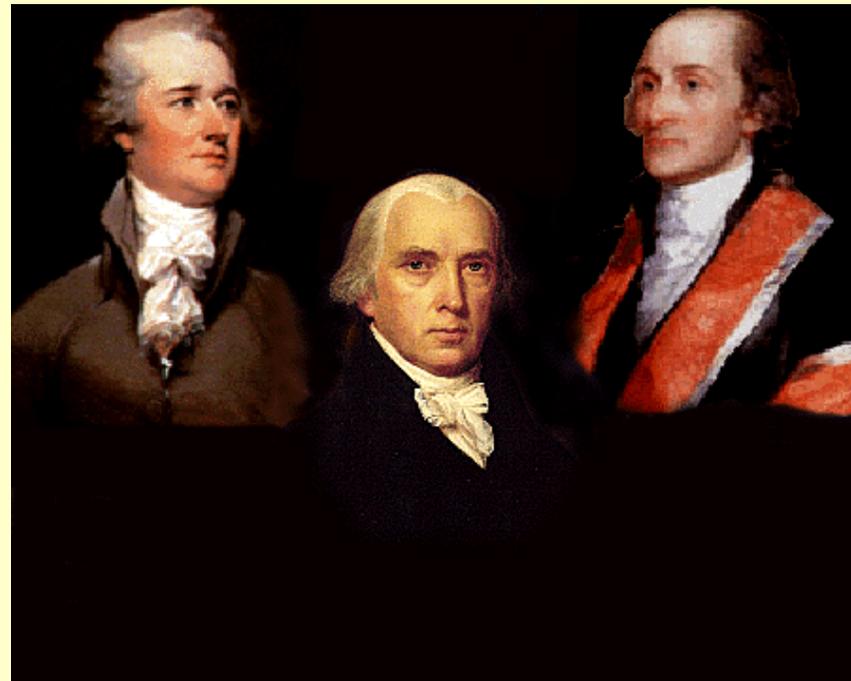
- Process Favored Ratification
 - Nine of thirteen states
 - State conventions rather than state legislatures



RATIFICATION OF THE CONSTITUTION

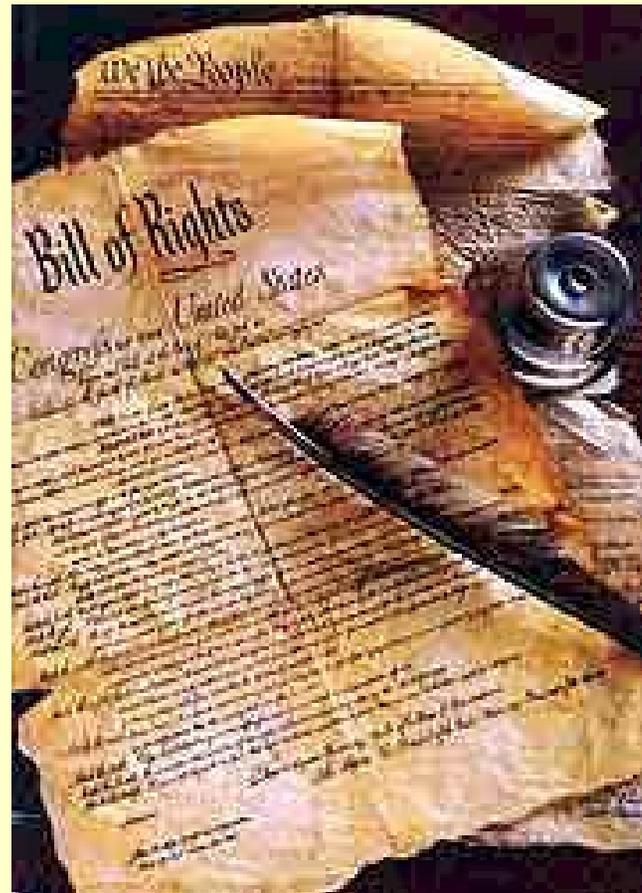
Federalist vs. Anti-Federalists

- The struggle for ratification centered around two factions
- Federalists
 - Hamilton
 - Madison
 - Washington
- Anti-Federalists
 - Patrick Henry
 - Aaron Burr
 - Thomas Jefferson



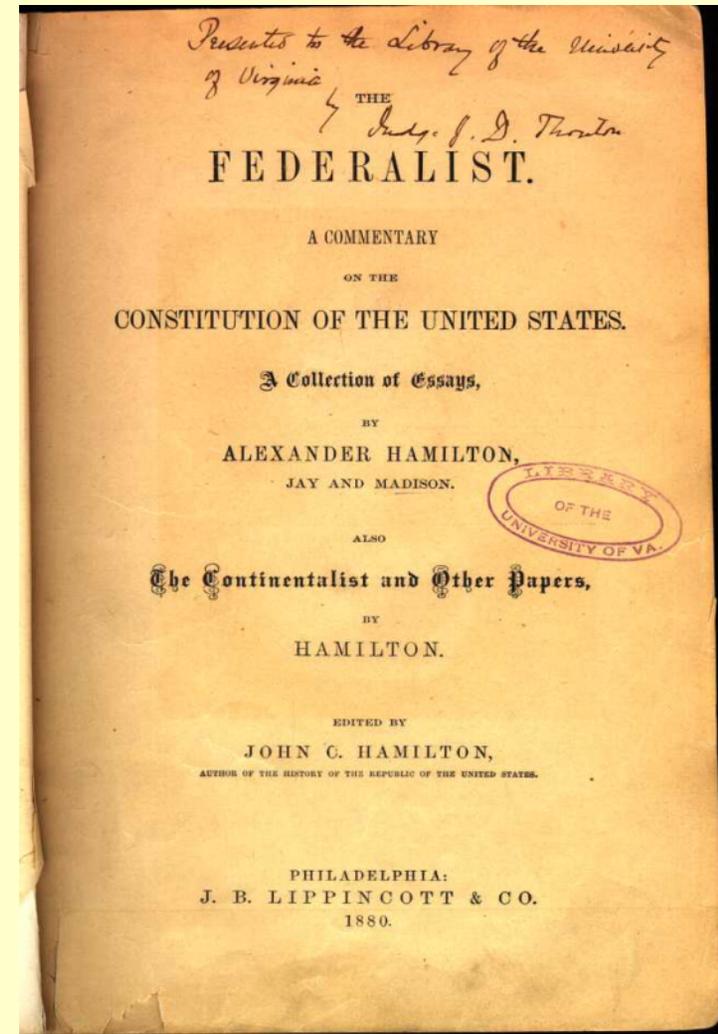
Federalists vs. Anti-Federalists

- These two groups debated the necessity and design of the new and stronger central government on the following grounds
 - Representation
 - Tyranny of the majority
 - The scope of governmental power



Essay Wars

- The Federalist Papers
 - Publius
- The Anti-Federalist Essays
 - Brutus
 - Federal Farmer
 - Cato
 - Centinel



Changing the Constitution

- Amendment
- Congressional legislation
- Presidential action
- Judicial review, interpretation, usage and custom



The Bill of Rights

- Limits on Congress
 - 1st Amendment
- Limits on the Executive
 - 2nd Amendment
 - 3rd Amendment
 - 4th Amendment
- Limits on the Judiciary
 - 5th Amendment
 - 6th Amendment
 - 7th Amendment
 - 8th Amendment



The Ninth Amendment

- The enumeration of certain rights is not to be construed to deny or disparage others retained by the people
- Provides the basis for decisions such as *Roe vs. Wade*



The Tenth Amendment

- The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people
 - Reserved Powers Clause
 - Recognizes the distinction between Federal and State Power

