FRAMING OF THE CONSTITUTION

SSCG3 - DEMONSTRATE KNOWLEDGE OF THE FRAMING AND STRUCTURE OF THE UNITED STATES CONSTITUTION.


B. ANALYZE HOW THE CONSTITUTION ADDRESSES THE WEAKNESSES OF THE ARTICLES OF CONFEDERATION.

C. EXPLAIN THE FUNDAMENTAL PRINCIPLES OF THE UNITED STATES CONSTITUTION, INCLUDING LIMITED GOVERNMENT, THE RULE OF LAW, FEDERALISM, SEPARATION OF POWERS, CHECKS AND BALANCES, AND POPULAR SOVEREIGNTY.

D. EXPLAIN THE KEY IDEAS IN THE DEBATE OVER RATIFICATION MADE BY THE FEDERALISTS AND THE ANTI-FEDERALISTS.
Proposed by Henry Lee, drafted by Thomas Jefferson and adopted on July 2, 1776.

Approved July 4, 1776

Lists grievances (complaints) against the king about his abuse of power and explained to the rest of the world the violations of what we believed to be our Social Contract.

Relied heavily on ideas of John Locke
ARTICLES OF CONFEDERATION
NOVEMBER 15, 1777

• First written constitution for the newly independent states

• Granted most of the power to the states

• The national government was supposed to provide common defense and protection of civil liberties (individual protections from government abuse).

• There was only one branch of government: Congress
## Weaknesses of the Articles of Confederation

<table>
<thead>
<tr>
<th>Weaknesses</th>
<th>Outcome</th>
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<tbody>
<tr>
<td>Congress had no power to levy or collect taxes.</td>
<td>The government was always short of money.</td>
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<td>Congress had no power to regulate foreign trade.</td>
<td>Quarrels broke out among states and trading with other countries was difficult.</td>
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<td>Congress had no power to enforce its laws.</td>
<td>The government depended on the states for law enforcement.</td>
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<td>Approval of nine states was needed to enact laws.</td>
<td>It was difficult to enact laws.</td>
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<td>13 states needed to approve amendments to the Articles.</td>
<td>There was no practical way to change the powers of government.</td>
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<td>The government had no executive branch.</td>
<td>There was no effective way to coordinate the work of government.</td>
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<td>There was no national court system.</td>
<td>The central government had no way to settle disputes among the states.</td>
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</table>
• To pay off debt, legislators passed a heavy direct tax on Massachusetts citizens.

• It could only be paid in specie—GOLD OR SILVER—not in paper money.

• Farmers in the west, already in debt, could not pay the tax.

• Many had their possessions seized by the government for non-payment.

• The government, with no army, couldn’t stop Shays and his men who ran off tax collectors and closed down the courts.

• A group of wealthy Bostonians finally raised a private army to confront Shays.

• They were finally defeated in February, 1787.

• Shays and a few others were sentenced to death.
CONSTITUTIONAL CONVENTION

- 12 of 13 states attended (Rhode Island did not attend)
- 55 delegates in total (became known as the Framers of the Constitution)
- George Washington chosen to lead Convention
- Each state got one vote on matters discussed
- The meetings were held in secret – no official records were kept
- Madison kept most accurate diary – known as Father of Constitution
The Great Compromise

**Virginia Plan**
- Large State Plan
- Bicameral Legislature
- Representation based on population
- Created a stronger national government
- Plans to change Articles, not eliminate
- Congress could regulate trade and collect taxes
- National Government has supremacy
- Representation in House population based
- Life tenure judiciary
- Bicameral (2 House) Legislature
- Senate: equal representation
- House of Representatives: population based representation

**New Jersey Plan**
- Small State Plan
- Unicameral Legislature
- Representation Equal
- Similar to Articles of Confederation
- Representation in Senate Equal
- Ratification conventions in each state

**Intersections**
- Representation in House population based
- Life tenure judiciary
- Senate: equal representation
- House of Representatives: population based representation
THREE-FIFTHS COMPROMISE

- One difficult question remained... When calculating population, should slaves be included?
  - If slaves were counted, the south would be more powerful.
  - If slaves were omitted, the south would be weak.
- In this compromise, three out of every five slaves would be counted for representation in the House and for taxes levied by Congress.
### How Did the Constitution Fix the AOC?

<table>
<thead>
<tr>
<th>Articles of Confederation</th>
<th>Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Congress only</td>
<td>3 branches</td>
</tr>
<tr>
<td>Unicameral legislature</td>
<td>Bicameral legislature</td>
</tr>
<tr>
<td>Presiding officer of Congress leads national gov't</td>
<td>Executive Branch w/President</td>
</tr>
<tr>
<td>No power to tax</td>
<td>Power to tax in House of Rep</td>
</tr>
<tr>
<td>No power to regulate trade</td>
<td>Commerce Clause</td>
</tr>
<tr>
<td>State Power</td>
<td>Federal System (state and national)</td>
</tr>
<tr>
<td>13 of 13 approve amendments</td>
<td>Formal Amendment Process</td>
</tr>
</tbody>
</table>
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PRINCIPLES OF THE CONSTITUTION

• **Popular Sovereignty** - Government gets its power from the consent of the people.

• **Limited Government** – the government only has the power that the people give it the power to do. The government is not above the law.

• **Rule of law** – a government and the officers are subject to the law.

• **Enumerated Powers** – powers of the federal government that are “specifically” described in the Constitution; they describe how central government operates effectively with the 3 distinct branches.

• **Commerce Clause** - Established that the power to regulate foreign and interstate (between states) commerce would be a Congressional power
Separation of Powers - the national government is divided into three branches so that no branch has more power than it should.
SEPARATION OF POWERS

• Dividing different powers among three branches of government

• Prevents one branch from gaining too much power

• Legislative, Judicial, and Executive branches have their own unique powers
Checks and Balances
Each branch is given powers over the other branches to balance the power
CHECKS AND BALANCES

• Powers each branch has that allows them restrain the other
• Prevents branches from abusing their powers
• Preserves the separation of powers
• Requires cooperation between the branches of government
LEGISLATIVE BRANCH (HOUSE AND SENATE)

- Can override a presidential veto
- Can impeach and remove the president
- Ratifies presidential appointments
- Authorizes/appropriates funds for legislation
- Checks on the judiciary
- Can impeach and remove judges
- Confirms federal judges
EXECUTIVE BRANCH (PRESIDENT AND CABINET)

- Proposes legislation (laws)
- Vetoes legislation (laws)
- Makes treaties with foreign countries
- Checks on the judiciary
- Appoints federal judges
- Enforces court decisions
JUDICIAL BRANCH
(SUPREME COURT AND LOWER COURTS)

• Reviews executive decisions
• Checks on Congress
• Reviews congressional laws
• Judicial Review (executive and legislative)
• Supreme Court Justices appointed for life
**FEDERALISM** - Governmental power is divided between national and state power.
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d. EXPLAIN THE KEY IDEAS IN THE DEBATE OVER RATIFICATION MADE BY THE FEDERALISTS AND THE ANTI-FEDERALISTS
RATIFYING THE CONSTITUTION

- 9 of 13 states needed to ratify (approve) the Constitution.
- Conventions were set up in each state, bypassing the state legislature.
- This process was, technically, “treason”.
OPPOSING VIEWS ON THE CONSTITUTION

**FEDERALISTS**
- Favored ratification
- Wanted a strong national government
- Unified nation
- Prevented states from acting like separate nations
- Led by James Madison, Alexander Hamilton and John Jay
- Produced “The Federalist Papers”, 85 essays which explained how the government would work.

**ANTI-FEDERALISTS**
- Against ratification
- Feared too much power in hands of central government
- Feared that there were no protections for civil liberties
## THE COMPROMISE: FEDERALISTS & ANTI-FEDERALISTS

### BILL OF RIGHTS
- Federalists promise to add protections for individuals by amendment

### FEDERALISM
- State and national governments, each with their own powers
- National government Supreme
WHAT DID IT TAKE FOR RATIFICATION TO HAPPEN?

- New York chosen as first capital
- George Washington chosen as first president
- New government started in April 1789
- Bill of Rights presented in June, 1789

Needed 9 of 13 states

- Delaware
- Connecticut
- New Jersey
- Georgia
- Pennsylvania
- Massachusetts
- Maryland
- South Carolina
- New Hampshire was the ninth and final needed vote
- Rhode Island became the last.
Now that you have learned about the Constitution, complete the scavenger hunt to be turned in at the end of class!