

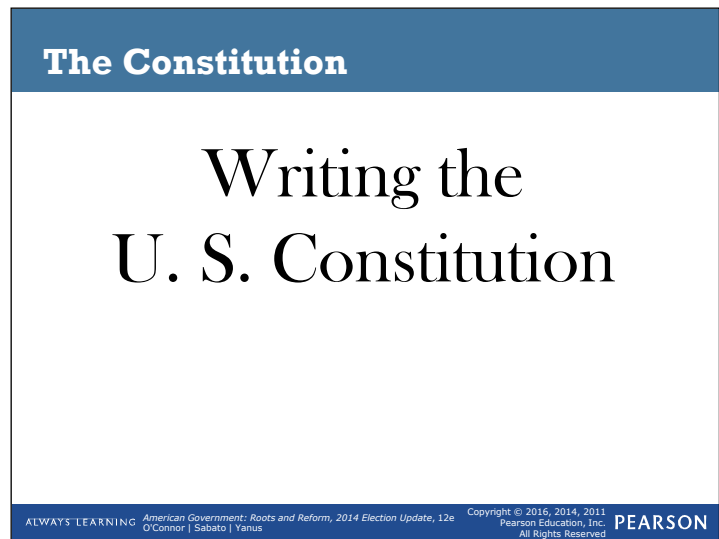
Writing the U. S. Constitution

Slide 1

In 1787, a group of exceptional men, called the Framers, met in Philadelphia to propose a framework for a new government. This framework would address the weaknesses in the Articles of Confederation. It required a series of compromises, but in the end, the Framers designed a framework for a government of separated powers and checks and balances.

Realizing that changes would be necessary as the nation grew, they included a process to amend the Constitution. They purposely made this process difficult in order to prevent political factions from making changes that were not carefully thought out.

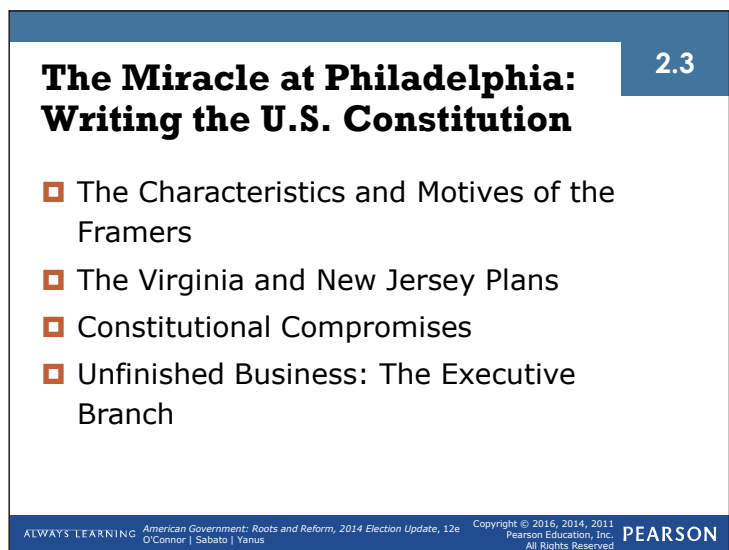
This chapter is about the constitutional design of the American government, why the Framers fashioned the sort of constitution they did, and how the meaning of the Constitution has evolved to address the problems of a changing nation.



Slide 2

When weaknesses under the Articles of Confederation became apparent, the states called for a meeting to reform them. The Constitutional Convention threw out the Articles of Confederation and fashioned a new, more workable form of government.

The U.S. Constitution resulted from a series of compromises, including those over representation, issues involving large and small states, slavery, and how to determine population. The delegates also made compromises on how members of each branch of government were to be selected. They created the Electoral College to give states a key role in the selection of the president.



Writing the U. S. Constitution

Slide 3


Several plans for the new government were presented. The Virginia Plan, written by James Madison, called for a national system wherein the national government derives its powers from the people and not from the member states. Its key features included:

- the creation of a powerful central government with three branches—legislative, executive, and judicial
- a two-house legislature. One house would be elected directly by the people. The other would be chosen from among persons nominated by the state.
- a legislature with the power to select the executive and the judiciary.

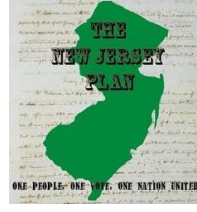
The Virginia and New Jersey Plans

2.3

The Virginia Plan



- Virginia Plan
 - Large states
 - Powerful central government
 - Representation based on population
- New Jersey Plan
 - Small states
 - Weak central government
 - Representation by state



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The smaller states such as New Jersey and Connecticut felt uncomfortable with a strong central government based on population. These states offered another model of government, the New Jersey Plan. Its key features included:

- strengthening the Articles, not replacing them
- creating a one-house legislature with one vote for each state, with representatives chosen by state legislatures
- and giving Congress the power to raise revenue from duties on imports and from postal service fees.

They also proposed creating a Supreme Court with members appointed for life by the executive officers.

Slide 4

As you might expect, both plans had merits and neither was chosen as presented. The creation of the constitution required compromises. The first concerned the form of the government.

A committee to work out an agreement soon reported back what became known as the Great Compromise. Taking ideas

Constitutional Compromises

2.3

The Great Compromise



- The Great Compromise
 - Bicameral legislature
 - Number of representatives based on population
 - Representatives directly elected
 - States given equal votes in Senate
 - Senators elected by state legislatures
 - Division of power between national and state governments

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from both the Virginia and New Jersey plans, it recommended a bicameral legislature, or two houses. One house would be based upon population and elected directly by the people. But in the second house each state would have an equal vote, and state legislatures would select the representatives. In dividing power between the national and state governments, national power would be supreme.

Slide 5

After reaching agreement on the large state-small state issues, the Framers had to tackle the issue of slavery. To protect the southern states' cotton economy, Northerners agreed to support continuation of the slave trade for twenty more years.

Another major conflict occurred over how to determine state population with regard to representation in the House of Representatives. Southern states wanted slaves included in the determination of population numbers for representation but not in calculation of taxes. After considerable dissension, the delegates decided that population for both purposes would be calculated by adding the "whole Number of Free Persons" to "three-Fifths of all other Persons."

Constitutional Compromises

2.3

- The Issue of Slavery
 - No limits for 20 years
- The Three-Fifths Compromise
 - Representation determined by counting slaves as three-fifths of a person
 - Gave southern states more representatives



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Slide 6

The delegates considered an executive council but eventually agreed on the idea of a one-person executive. They also settled on a four-year term and allowed the president to serve more than one term.

Delegates feared putting too much power, including selection of a president, into the hands of the lower classes. At the same time, representatives from the smaller states feared that selection of the chief executive by the legislature would put additional

Unfinished Business: The Executive Branch

2.3



- One-person executive
- 4-year term
- Electoral College
- Impeachment

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power into the hands of the large states. Their solution was the Electoral College, a mechanism by which electors from each state would choose the president. Each state would choose electors equal to the number of representatives it had in the House and Senate.

The Framers also provided for the removal of the president by the legislature for "Treason, Bribery, or other high Crimes and Misdemeanors."

Slide 7

The proposed U.S. Constitution created a federal system that drew heavily on ideas about separation of powers. These ideas, delineated in the articles of the Constitution, concerned a way of parceling out power among the three branches of government. A system of checks and balances also prevented any one branch from having too much power.

The U.S. Constitution

2.4

- The Basic Principles of the Constitution
- The Structure of the Constitution



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Slide 8

The main question concerned how much power states would give up to the national government. Given the nation's experiences under the Articles of Confederation, the Framers believed that a strong national government was necessary for the new nation's survival. However, they were reluctant to create a powerful government after their experience with Great Britain. The compromise was to divide the power of government between a strong national government and the individual states, with national power being supreme.

The Basic Principles of the Constitution

2.4

- Federalism
 - Power divided between national and state governments
 - National government considered supreme
 - Power derived from the people



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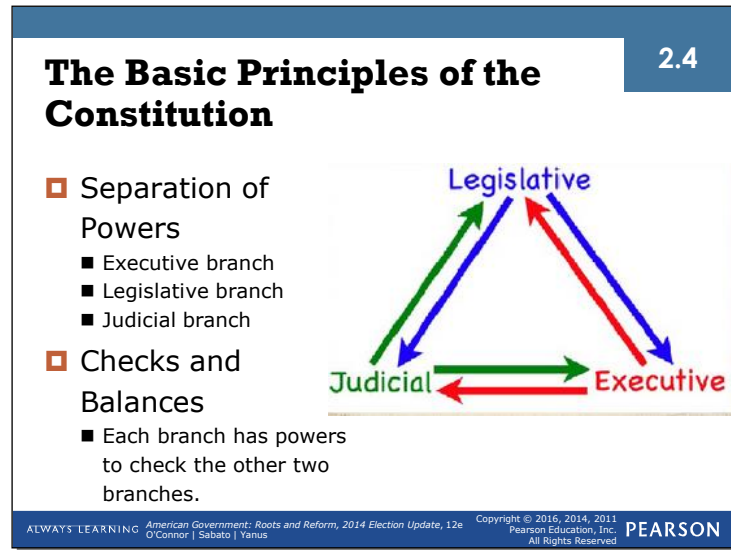
The Framers feared putting too much power into the hands of any one individual or branch of government. Separation of powers is simply a way of parceling out power among the three branches of government. They created a system in which law-making, law-enforcing, and law-interpreting functions were assigned to independent branches of government.

The power of each branch is checked, or limited, and balanced because the legislative, executive, and judicial branches share some authority, and no branch has exclusive domain over any single activity.

Slide 10

Let's look at this diagram, which shows how the Framers crafted a political system of checks and balances and separation of powers.

As you can see, each of the three branches—executive, legislative, and judicial—has distinct powers, and each branch has powers that intersect with the powers of each of the other branches. This system prevents any one branch from becoming too powerful.



Writing the U. S. Constitution

Slide 11

This table compares the powers of each section of government and the methods of selection of government officials between the two documents. What powers did the states give up? What are some differences in the legislative branch?

TABLE 2.1 How do the Articles of Confederation and the U.S. Constitution Compare to One Another?

2.4

TABLE 2.1 HOW DO THE ARTICLES OF CONFEDERATION AND THE U.S. CONSTITUTION COMPARE TO ONE ANOTHER?

| | Articles of Confederation | Constitution |
|-----------------------------------|--|---|
| Formal name of the nation | The United States of America | Not specified, but referred to in the Preamble as "the United States of America" |
| Legislature | Unicameral, called Congress | Bicameral, called Congress, divided into the House of Representatives and the Senate |
| Members of Congress | Between two and seven members per state | Two senators per state, representatives apportioned according to population of each state |
| Voting in Congress | One vote per state | One vote per representative or senator |
| Appointment of members | All appointed by state legislatures, in the manner each legislature directed | Representatives elected by popular vote; senators appointed by state legislatures |
| Term of legislative office | One year | Two years for representatives; six for senators |
| Term limit for legislative office | No more than three of every six years | None |
| When Congress is not in session | A Committee of States had the full powers of Congress | The president of the United States can call on Congress to assemble |
| Chair of legislature | President of Congress | Speaker of the House of Representatives; vice president is president of the Senate |
| Executive | None | President |

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Slide 12

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| | Articles of Confederation | Constitution |
|--|---|--|
| National judiciary | Maritime judiciary established—other courts left to states | Supreme Court established, as well as other courts Congress deems necessary |
| Adjudicator of disputes between states | Congress | Supreme Court |
| New states | Admitted upon agreement of nine states (special exemption provided for Canada) | Admitted upon agreement of majority of Congress |
| Amendment | When agreed upon by all states | When agreed upon by three-fourths of the states |
| Navy | Congress authorized to build a navy; states authorized to equip warships to counter piracy | Congress authorized to build a navy; states not allowed to keep ships of war |
| Army | Congress to decide on size of force and to requisition troops from each state according to population | Congress authorized to raise and support armies |
| Power to coin money | United States and the states | United States only |
| Taxes | Apportioned by Congress, collected by the states | Levied and collected by Congress |
| Ratification | Unanimous consent required | Consent of nine states required |

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Writing the U. S. Constitution

Slide 13

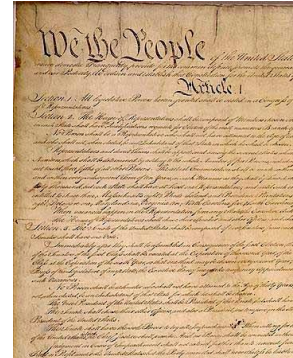
You have all heard the words "We, the people." They are the opening words of the Preamble of the Constitution. The Preamble states the goals and formal creation of the new government. In seven articles, it:

- outlines the structure of the government
- enumerates the powers of the three branches
- defines the relationships between the states
- explains how to amend the Constitution

Structure of the Constitution

2.4

- ▣ Article I: The legislative branch
- ▣ Article II: The executive branch
- ▣ Article III: The judiciary branch
- ▣ Articles IV through VII



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Slide 14

Article I vests all legislative powers in a bicameral Congress, consisting of the Senate and the House of Representatives. One of the most important sections of Article I is section 8. It carefully lists those powers the Framers wished the new Congress to possess. These enumerated powers contain many key provisions that had been denied to the Continental Congress under the Articles of Confederation.

Structure of the Constitution

2.4

- ▣ Article I: Legislative branch
 - Enumerated powers
 - Necessary and proper clause
 - Also called the Elastic clause
 - Implied powers



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After enumeration of 17 powers, a final, general clause authorizes Congress to "make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers." The necessary and proper clause, often referred to as the elastic clause, has been a source of tremendous congressional activity never anticipated by the Framers. It is the basis for the implied powers that Congress uses to execute its other powers.

Writing the U. S. Constitution



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The powers and duties of the president are set out in Article II. Among the most important of these are the president's role as commander in chief of the armed forces. The president is given authority to make treaties with the consent of the Senate, to make federal appointments, and to "take Care that the Laws be faithfully executed."

Structure of the Constitution

2.4

- Article II: Executive branch
 - commander in chief
 - authority to make treaties and federal appointments
 - execute the laws faithfully



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Article III establishes a Supreme Court and defines its jurisdiction.

The remainder of the articles attempted to anticipate problems that might occur. Article IV begins with what is called the full faith and credit clause, which mandates that states honor the laws and judicial proceedings of other states. Article V outlines the process of amending the Constitution. Article VI contains the supremacy clause, which asserts the basic primacy of the Constitution and national law over state laws and constitutions.

Structure of the Constitution

2.4

- Article III: Judiciary branch
- Articles IV through VII
 - Full faith and credit
 - Supremacy clause
 - Amendment process



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