

Constitution Nuts and Bolts

Articles of Confederation

The **Articles of Confederation** were the first constitution for the newly independent United States. They were ratified in 1781.

Strengths and Weaknesses

Because of their experiences under British rule, the newly independent Americans did not want to live under another powerful central government. They intentionally created a loose confederation of states with a *weak central government*.

Under the Articles, the national government could:

1. Regulate interstate commerce
2. Wage war and make treaties
3. Ask states for money
4. Settle disputes between states
5. Allow new states to enter the Union (through the process outlined in the **Northwest Ordinance** of 1787).

The national government could not:

1. Tax the people
2. Effectively enforce its laws
3. Enforce the use of a single national currency
4. Draft soldiers into the military

Failure of the Articles

The weaknesses of the Articles far outweighed the strengths. The national government was so weak that it was unable to enforce its policies.

The seriousness of the issue became clear with **Shay's Rebellion**. In 1786-1787 Daniel Shays led a group of Massachusetts farmers who were angered by state taxes in an uprising. It took the national government several months to put down the rebellion. This helped to show many people that the current system was not working if it could not even protect the people by quickly stopping a rebellion.

Faced with a failing system of government, leaders met in 1787 with the intention of revising the Articles; however, they ended up getting rid of the whole thing and starting from scratch at what became known as the **Constitutional Convention**.

Creating the Constitution

Drafting the Constitution

The Constitutional Convention was held in Philadelphia in 1787.

While the founders agreed that the system of government needed to change, they did not always agree on how to change it. Several important compromises were made as the Constitution was being drafted.

The Great Compromise

- Small states wanted equal representation
- Large states wanted representation based on population
- **Compromise**=two house (bicameral) legislature where the House of Representatives is based on population and the Senate gives each state two members

The Three-Fifths Compromise

- Slave states wanted to count slaves as part of the population when taking a census for representation and taxation purposes
- Free states did not want slaves to be counted
- **Compromise**=Three-fifths of a state's slave population was counted

Ratifying the Constitution

After the founders finished writing the Constitution, they had to get the states to adopt it. The debate over ratification (approval) of the Constitution was a debate between the **Federalists** (supporters of the Constitution) and the **Anti-Federalists** (opponents of the Constitution).

The Federalist Papers were written by James Madison, Alexander Hamilton, and John Jay and were widely circulated. They argued strongly in favor for ratification.

The main argument of the Anti-federalists was that the new Constitution gave the central government too much power and did not do enough to protect the rights of the people. As a compromise, the **Bill of Rights** was added to the Constitution, which gave it enough support to be ratified.

The Constitution was ratified in 1789 and soon after, George Washington was elected as the first president of the new government.

The Constitution

Constitutional Principles

There are several basic principles on which Constitution is founded.

Limited Government

The government does not have unlimited power.

Popular Sovereignty

The government is subject to the will of the people. (The voice vote.)

Federalism

Power is divided between national and state governments.

- National Government-Delegated Powers
- State Governments-Reserved Powers
- Both Concurrent (Shared) Powers

Separation of Powers

The federal government is split into three branches to spread out the power.

1. **Legislative Branch**- makes the laws (Congress)
2. **Executive Branch**- enforces the laws (President)
3. **Judicial Branch**- interprets the laws (Supreme Court)

Checks and Balances

Each branch has the ability to limit the power of the other two so that no one branch gets too strong.

Flexibility

The Constitution can adapt to the changing needs of society over the years

- **Amendment process**
- **Elastic Clause** (“necessary and proper”)
- **Judicial Review**

Executive Branch (President)

The president serves as both Head of Government and Head of State and is Commander-in-Chief of the armed forces

Checks on the other branches:

- Signs bills to make them laws
- **Veto** power
- Nominates Supreme Court justices

Presidents serve four-year terms. In the original Constitution, there was no limit on the number of terms a president could serve. Today, due to the 22nd Amendment, there is a two-term limit.

Presidents are chosen by a body known as the **Electoral College**. The people vote for the candidate they want to be president. Votes are counted in each state and whoever wins the most popular votes in each state “wins” that state. The vote then moves to the Electoral College. Each state had votes in the Electoral College based on the population of the state. The winning candidate in each state gets that state’s electoral votes. The candidate with the most electoral votes wins the election.

Legislative Branch (Congress)

The legislative branch **makes the laws**.

Congress is a **bicameral** (two-house) legislature

House of Representatives

- Based on population
- Directly elected by the people
- Two-year terms

Senate

- Two senators per state
- Originally chosen by state legislatures; directly elected (due to the 18th Amendment)
- Six-year terms

Senate + House of Representatives = Congress

Bills must pass both houses and be signed by the president to become law.

Checks on the other branches:

- Approves Supreme Court nominees
- Impeachment
- Override presidential veto
- Declares war (even though the President is Commander in Chief)

Judicial Branch (Supreme Court)

The role of the Supreme Court is to **interpret the law**.

The Supreme Court is made up of nine justices who serve for life. They are appointed by the President and approved by Congress.

Checks on the other branches:

- **Judicial Review:** power to declare laws and presidential actions unconstitutional (part of the “unwritten Constitution”)