

Foundations of American Democracy

History of the Constitution

Great Britain had a large impact on Founding Fathers

Magna Carta – 1215

trial by jury of peers (nobility only)

protected against loss of life, liberty, property

Representative government

Parliament(House of Lords, House of Commons)

English Bill of Rights(civil liberties)

John Locke

government as a contract between subject & ruler

Representative democracy

Republic

people elect others to make decisions

Parliamentary – legislature elects executive

Presidential – people elects executive

How do democracies work?

individual liberty

majority rule with minority rights

free elections

political parties

Participatory Democracy

broad participation in politics and civil society

Pluralist Democracy

group based activism to influence government

Elite Democracy

limited participation in politics and civil society

Colonial Period early established democratic traditions in America

Mayflower Compact

1st written rules of government in the New World

House of Burgesses – Virginia

1st representative government in the colonies

Americans move towards independence

Committees of Correspondence

Second Continental Congress

both move colonies toward unity

Declaration of Independence

based on theories of Locke

Articles of Confederation(1777 – 1787)

no power to tax

no power to regulate interstate trade

no power to enforce laws

- 9 states necessary to enact laws
- Amendments require unanimous agreement
- no executive branch
- no national court system
- 1786 – Shay’s Rebellion
 - demonstrated weakness of Articles
- Annapolis Convention
 - reps from 5 states meet and call for reform
 - Federalists – Alexander Hamilton & James Madison
- 1787 – Constitutional Convention meets in Philadelphia
 - Virginia Plan
 - legislature has all power
 - representation based on population
 - New Jersey Plan
 - small state option, one state – one vote principle
 - Connecticut Compromise
 - bicameral legislature(House of Representatives/Senate)
 - 3/5 compromise on status of slaves
 - Ratification is controversial
 - Federalists vs. Anti-federalists
 - 1st political parties in U.S.
 - Federalist Papers
 - Federalists promise Bill of Rights, Constitution ratified in 1789

The Constitution

Preamble

- to form a more perfect union
- to establish justice
- to insure domestic tranquility
- to provide for the common defense
- to promote the general welfare
- to secure the blessings of liberty

Articles

- I. The Legislative Branch
- II. The Executive Branch
- III. The Judicial Branch
- IV. Relations among states
 - Admission of new states
 - Enabling act of Congress
 - allows territory to write state constitution
 - Acts of Admission
 - approval of state constitution
 - Congress can set conditions for admission
 - Utah – polygamy
 - all states are equal regardless of admission date

Full faith and credit

states must recognize laws & contracts of other states

Privileges and immunities

citizens of one state can't be favored over other citizens

Extradition

states will send criminals back to state of crime

V. The Amending Process

2/3 vote of Congress or National Convention (never used) to initiate

3/4 of states (38) must ratify to take affect

states can choose method of ratification

state legislature or state convention

Congress sets other rules for ratification

ex. – traditional 7 year time limit

VI. National Supremacy

Constitution is supreme law of the land

the Constitution and the federal government win ties

the Supreme Court moderates disputes

McCulloch v. Maryland

U.S. v Lopez

VII. Process for Ratification of the Constitution

Principles of the Constitution

Popular Sovereignty

power ultimately resides with the people of the United States

Federalism

power is divided among national, state, and local government

alternative to unitary or confederate systems

How is the division of powers decided in the U.S.?

expressed powers

directly stated in the Constitution

collect taxes, coin money, declare war, etc.

implied powers

Article 1, Section 8

elastic clause

“necessary and proper”

inherent powers

immigration, foreign affairs, etc.

state government powers

reserved by the 10th amendment

14th amendment

extends civil rights/liberties to state governments

concurrent powers

simultaneously at multiple levels of government

tax collection

denied powers

torture, ex post facto laws, bill of attainder

Fiscal Federalism

Using money (taxes, grants) to influence state policy

Grants

Categorical vs. Block

Separation of Powers

checks & balances

Limited government

when in doubt, government is restricted from acting