

**AMERICAN GOVERNMENT**  
**AND POLITICS TODAY** 2015-2016 EDITION



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# Chapter Two

# The Constitution

# Learning Outcomes

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- 2.1 Explain the theoretical and historical factors that influenced the writers of the U.S. Constitution.
- 2.2 Describe the structure of the Articles of Confederation, and explain why the confederation failed.
- 2.3 Identify and explain the compromises made by the delegates to come to agreement on the U.S. Constitution.
- 2.4 Explain the rationale for, and give examples of the separation of powers and the checks and balances in the U.S. Constitution.
- 2.5 Explain why some states and their citizens especially wanted the Constitution to include a bill of rights.
- 2.6 Demonstrate understanding of the formal and informal processes for amending the U.S. Constitution.

# The Colonial Background

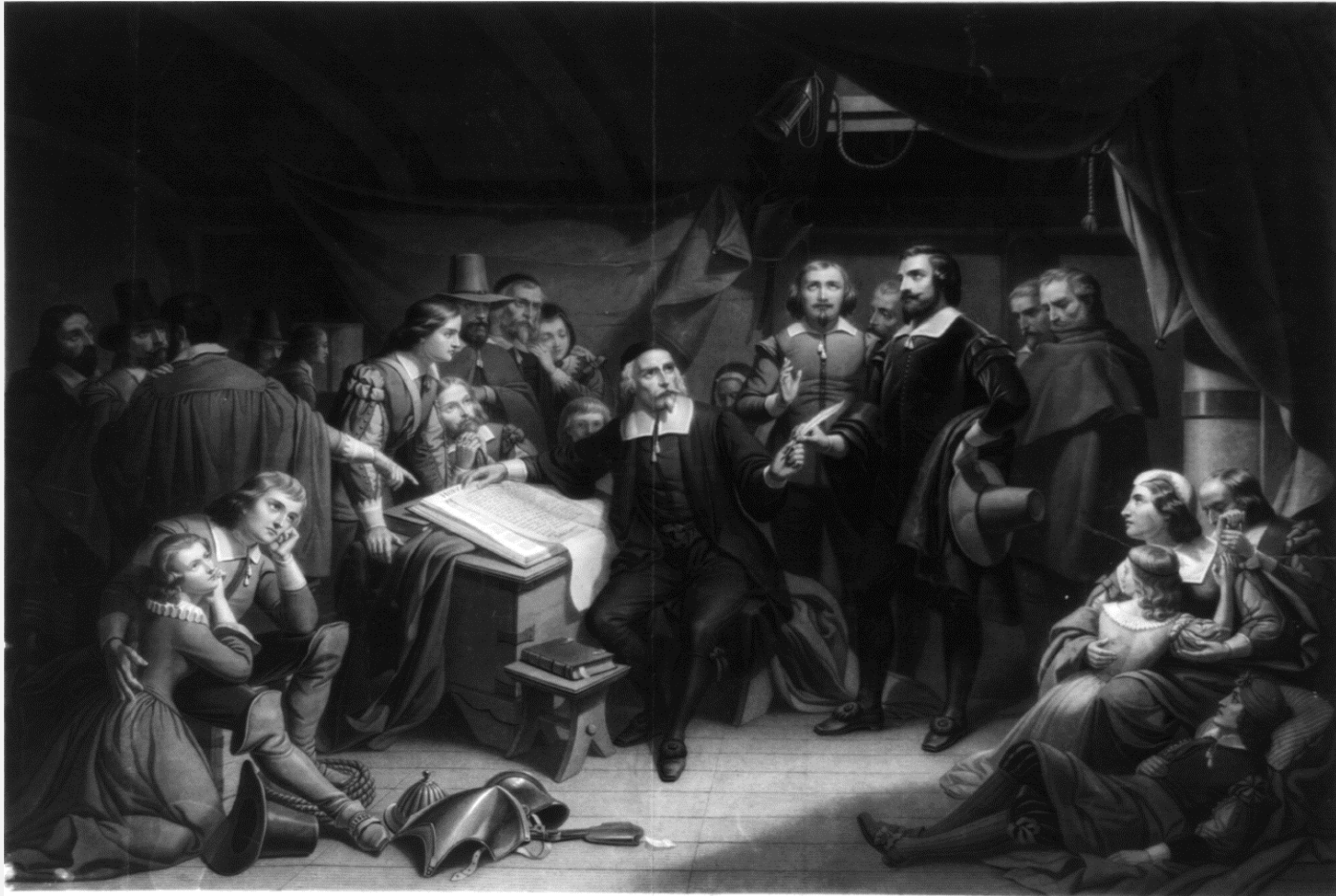
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- Separatists, the *Mayflower*, and the Compact
  - Representative assembly
- More Colonies, More Government
- British Restrictions and Colonial Grievances

# The Colonial Background

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Library of Congress Prints and Photographs Division [LC-USZ61-206]



# The Colonial Background

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© King George III, c.1762–64 (oil on canvas), Ramsay, Allan (1713–84)/National Portrait Gallery, London, UK/TheBridgeman Art Library International



King George III (1738-1820) was king of Great Britain and Ireland from 1760 until his death on January 29, 1820. Under George III, the British Parliament attempted to tax the American colonies. Ultimately, exasperated at repeated attempts at taxation the colonies proclaimed their independence on July 4, 1776.

# The Colonial Response

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- The First Continental Congress
  - September 5, 1774
  - Grievances
- The Second Continental Congress
  - May 1775
  - Establish an army

# Declaring Independence

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- The Resolution of Independence
  - July 2, 1776
- July 4, 1776 – The Declaration of Independence
  - Universal Truths
  - Natural Rights and a Social Contract
- The Rise of Republicanism

# The Articles of Confederation: The First Form of Government

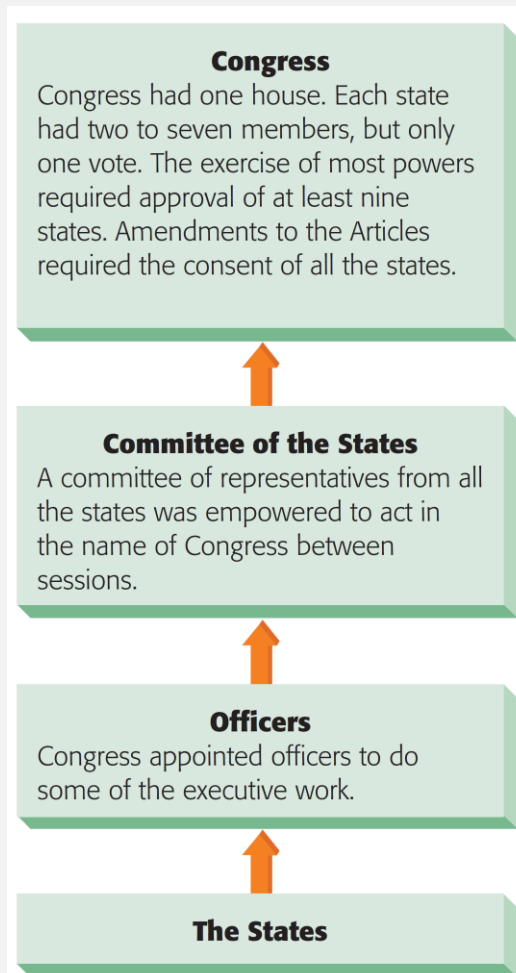
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- Accomplishments Under the Articles
  - Confederation of independent states
- Weaknesses of the Articles
  - Could not demand revenues
  - All states must consent to actions



# The Confederal Government Structure under the Articles of Confederation

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# The Articles of Confederation: The First Form of Government

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- Shays's Rebellion and the Need for Revision of the Articles
  - Economic depression
  - Revolt led by Daniel Shays

# The Articles of Confederation: The First Form of Government

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- Drafting the Constitution
- Who Were the Delegates?
  - 55 delegates, mostly from upper class
  - Prior political or military experience
- The Working Environment
- Factions among Delegates

# The Articles of Confederation: The First Form of Government

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- Politicking and Compromises
  - The Virginia Plan
  - The New Jersey Plan
  - The “Great” Compromise
  - The Three-Fifths Compromise
  - Other Issues

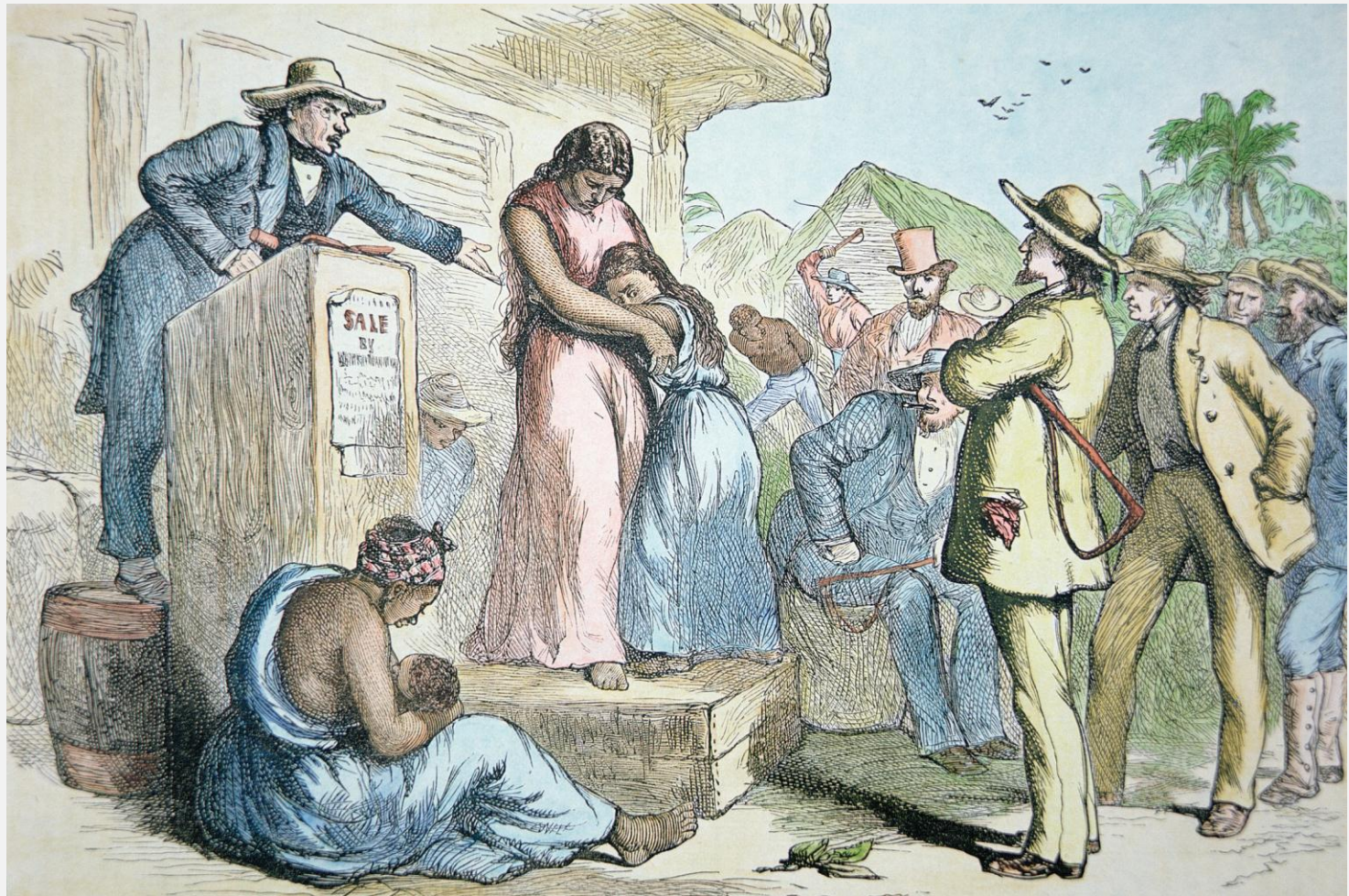
# The Articles of Confederation: The First Form of Government

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© Bettmann/CORBIS

A slave auction in the Deep South, c.1850 (coloured engraving), American School, (19th century)/Private Collection/Peter Newark American Pictures/The Bridgeman Art Library



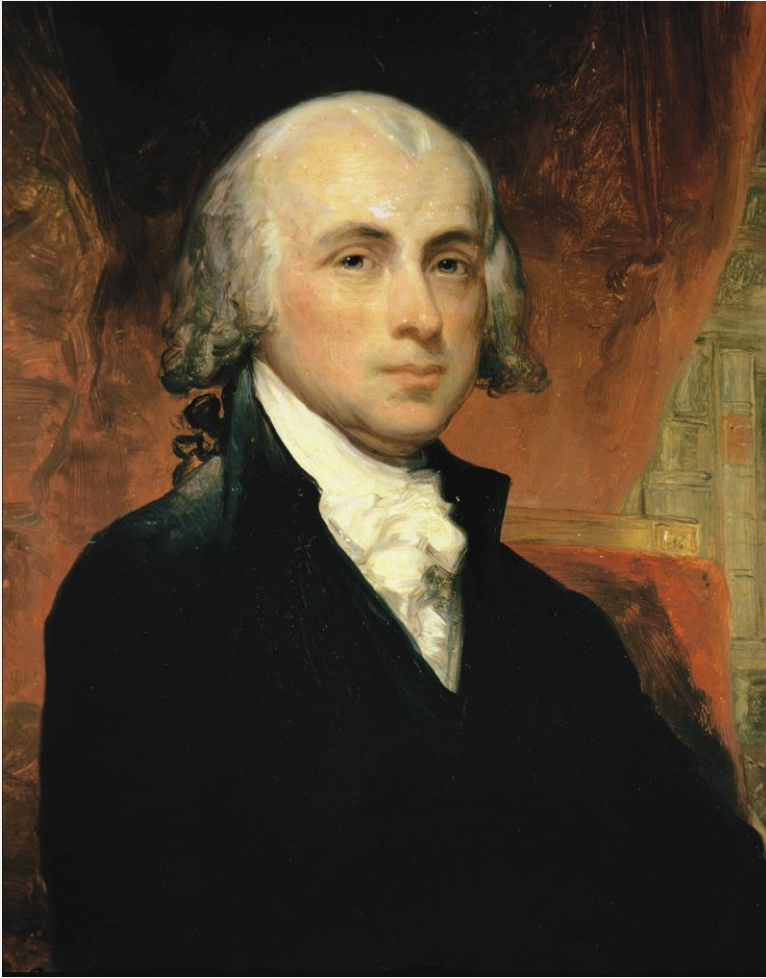
*A slave auction in the South, about 1850.*

# The Articles of Confederation: The First Form of Government

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- Working toward Final Agreement
  - The Madisonian Model—Separation of Powers
  - The Madisonian Model—Checks and Balances
  - The Executive
  - A Federal Republic
- The Final Document

James Madison (oil on canvas), American School, (19th century)/Musée Franco-Américain, Blerancourt, Chauny, France/Giraudon/The Bridgeman Art Library

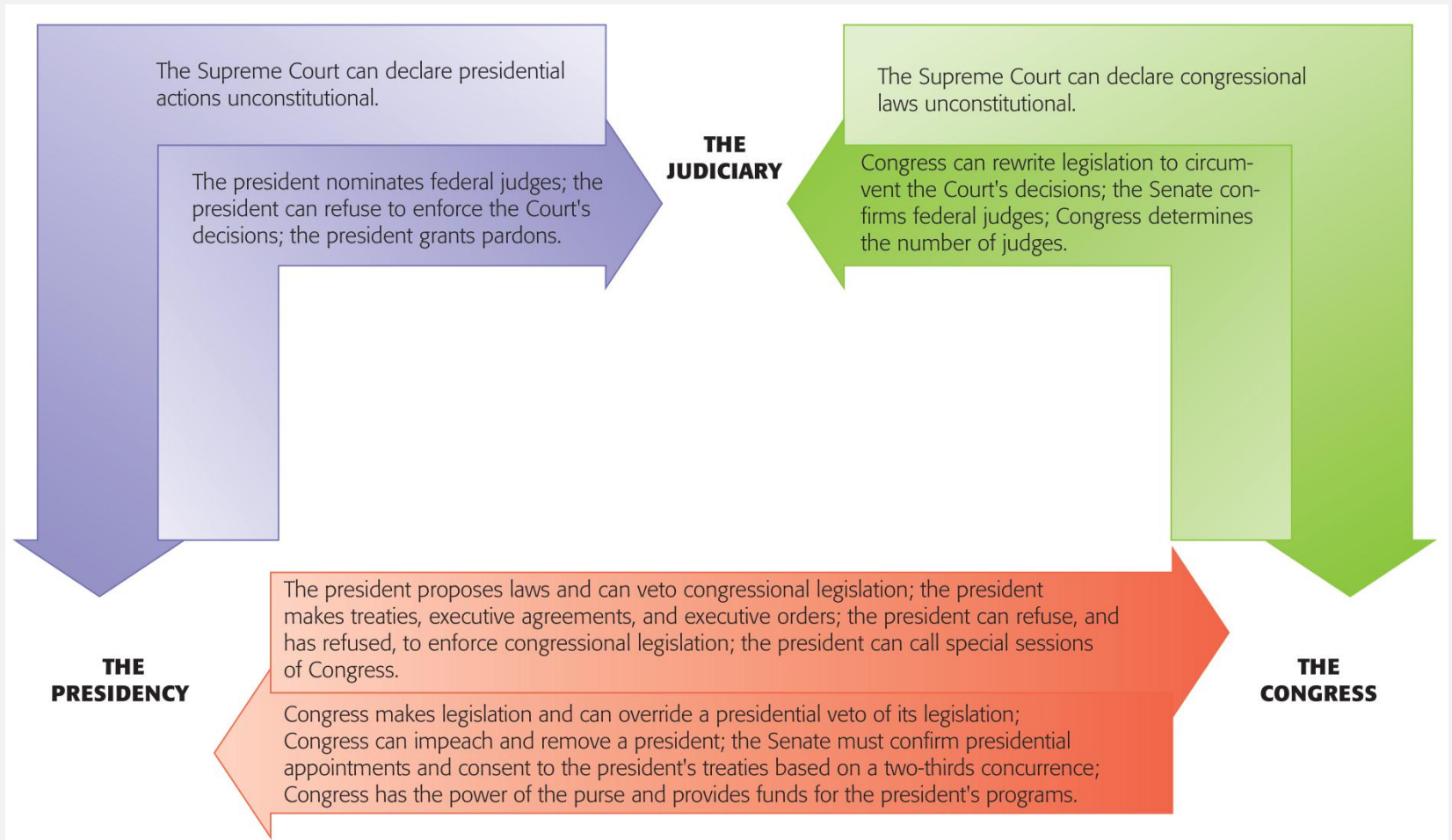


## James Madison (1751-1836)

Madison earned the title “master builder of the Constitution” because of his persuasive logic during the Constitutional Convention. His contributions to the Federalist Papers showed him to be a brilliant political thinker and writer.



# Checks and Balances



# The Difficult Road to Ratification

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- The Federalists Push for Ratification
  - The *Federalist Papers*
  - The Anti-Federalist Response
- The March to the Finish

# The Difficult Road to Ratification

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- Did the Majority of Americans Support the Constitution?
  - Beard's Thesis
  - State Ratifying Conventions
  - Support Was Probably Widespread

# The Difficult Road to Ratification

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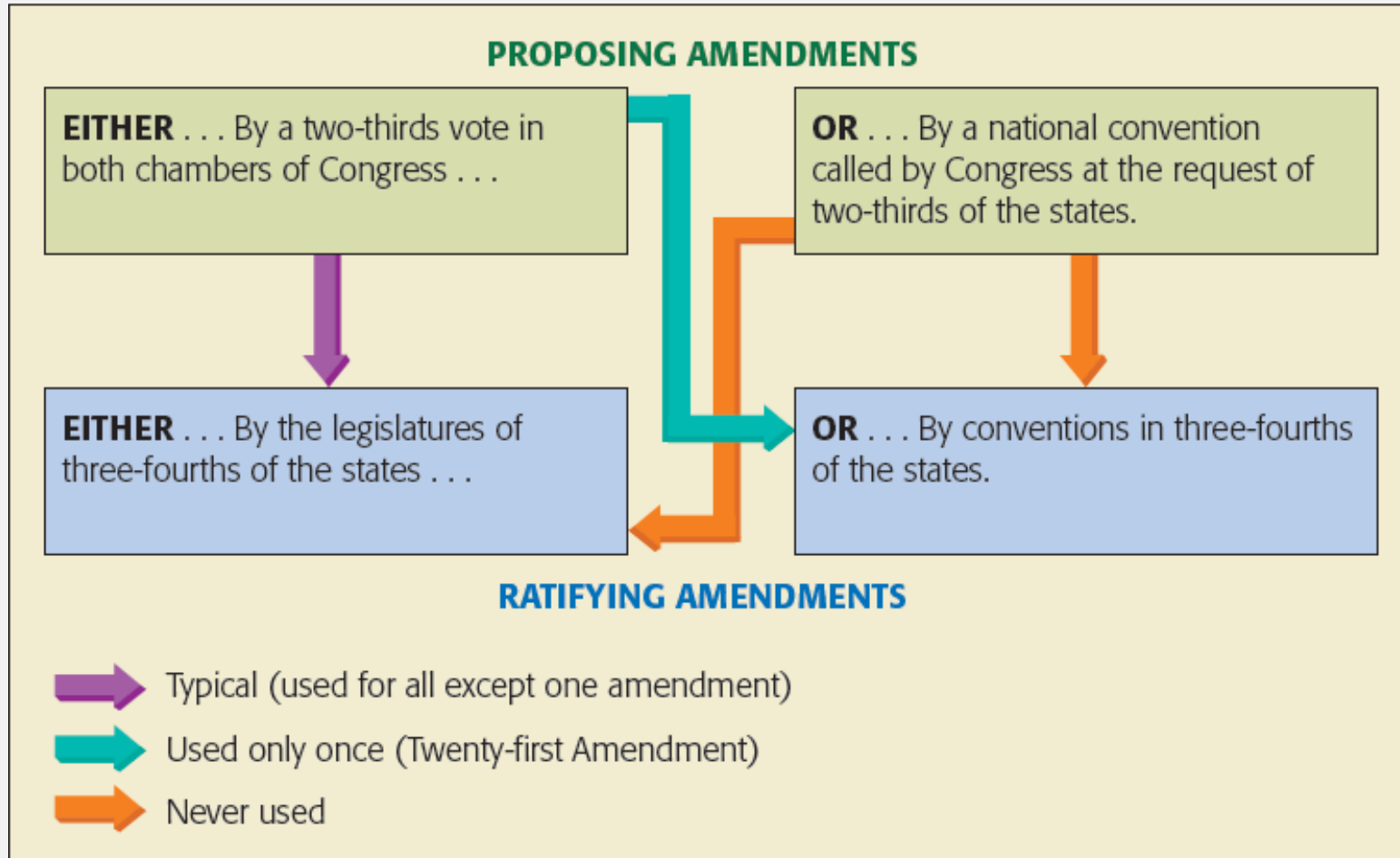
- The Bill of Rights
- A “Bill of Limits”
  - Limited powers of national government over individuals
- No Explicit Limits on State Government Powers

# Altering the Constitution: The Formal Amendment Process

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- Many Amendments Proposed; Few Are Accepted
  - Over 11,000 considered
  - 27 ratified
- Limits on Ratification
- The National Convention Provision

# The Formal Constitutional Amending Process



# Informal Methods of Constitutional Change

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- Congressional Legislation
- Presidential Actions
- Judicial Review
  - Not a Novel Concept
  - Allows the Court to Adapt the Constitution
- Interpretation, Custom, and Usage

# Federal Judge Deems NSA Surveillance Unconstitutional

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**Click picture to view video**





# Video Discussion Questions

1. How has the court used judicial review to adapt provisions of the Constitution?
2. What would the framers think about government surveillance of private phone records? What do you think?
3. Which branch of government authorized this massive data collection?