

Chapter 2



# The Constitution

# Political Philosophy

- John Locke's Natural Rights philosophy states that the government's role is to protect life, liberty and property
- Consent of the governed
- Limited government protects natural rights.

# Revolution

- The American revolution represents an overthrow of a system of government based on widespread popular support.
- It did not cause widespread societal change like the Russian, Chinese, or Iranian revolutions.

# The Government That Failed



## The Articles of Confederation

- The first document to govern the United States.
- Established a confederation among 13 states.
- Congress had few powers; no president or national court system.
- Most government power rested in the states.

# James Madison:

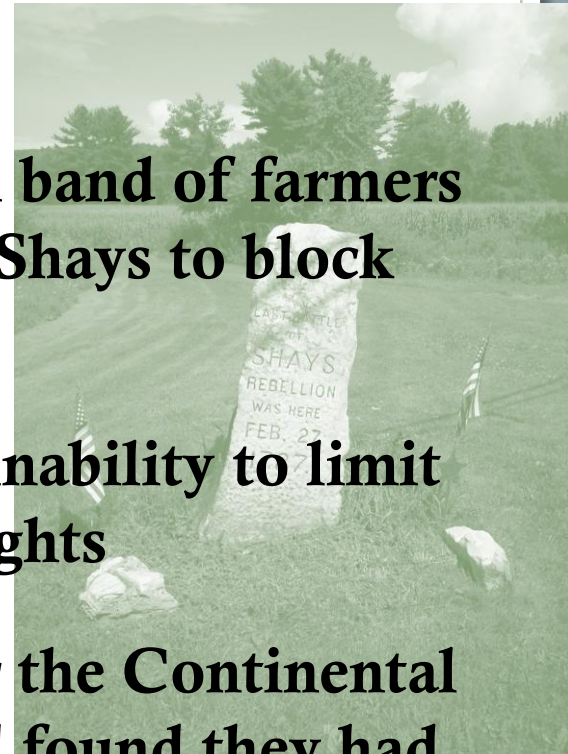
- Spent much of 1786 studying the history of many historical confederacies, republics, and democracies.
- History only consists of beacons of light “which give warning of the course to be shunned, without pointing out that which ought to be pursued.”

# The Government That Failed

- Economic Turmoil
  - Postwar depression left farmers unable to pay debts
- Poorly attended convention called for in Annapolis in September 1786 to address Articles' weaknesses
  - No delegates from New England showed
  - Called for another meeting in Philadelphia in May 1787

# Shays' Rebellion

- **Many farmers returned from the fighting to find their farms in debt and plagued by high taxes.**
- **Series of attacks on courthouses by a small band of farmers led by Revolutionary War Captain Daniel Shays to block foreclosure proceedings.**
- **Economic elite concerned about Articles' inability to limit these violations of individual's property rights**
- **States could not raise the money to pay for the Continental Congress help to suppress the uprising and found they had no militia either.**



# Making a Constitution: The Philadelphia Convention

- Gentlemen in Philadelphia
  - 55 men from 12 of the 13 states
  - Mostly wealthy planters & merchants
  - Most were college graduates with some political experience
  - Many were coastal residents from the larger cities, not the rural areas





# The Philadelphia Convention, continued

- Assumptions
  - Human Nature is self-interested
  - Political Conflict leads to factions
  - Objects of Government include the preservation of property
  - Nature of Government sets power against power so that no one faction rises above and overwhelms another



# Representation

## New Jersey Plan:

- ▶ One house legislature (unicameral)
- ▶ Equal representation in Congress
- ▶ Supported by smaller states who feared losing power in federal the federal government

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## Virginia Plan:

- ▶ Two house legislature (bicameral)
- ▶ Representation to Congress based on population
- ▶ Supported by larger states

## THE GREAT COMPROMISE:

- Two house legislature (bicameral)
- Equal representation in the upper house of Congress (Senate)
- Representation in the lower house of Congress (House of Representatives) to be proportional to population

# Compromises

## Slavery

- Three-fifths compromise
  - Slaves are not specifically mentioned in the Constitution, but there is a reference to persons “not free.”
  - Count as  $3/5$  of a person for purposes of taxation and representation.
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- Voting Requirements were left to the states.

# Economic Issues



- States had tariffs on products from other states
- Paper money was basically worthless (14 currencies)
- Congress couldn't raise money

## Table 2.4 Economics in the Constitution

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### Powers of Congress

1. Levy taxes.
2. Pay debts.
3. Borrow money.
4. Coin money and regulate its value.
5. Regulate interstate and foreign commerce.
6. Establish uniform laws of bankruptcy.
7. Punish piracy.
8. Punish counterfeiting.
9. Create standard weights and measures.
10. Establish post offices and post roads.
11. Protect copyrights and patents.

### Prohibitions on the States

1. States cannot pass laws impairing the obligations of contract.
2. States cannot coin money or issue paper money.
3. States cannot require payment of debts in paper money.
4. States cannot tax imports or exports from abroad or from other states.
5. States cannot free runaway slaves from other states (now defunct).

### Other Key Provisions

1. The new government assumes the national debt contracted under the Articles of Confederation.
  2. The Constitution guarantees a republican form of government.
  3. The states must respect civil court judgments and contracts made in other states.
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# The Agenda in Philadelphia

- The Individual Rights Issues
  - Some were written into the Constitution:
    - Prohibits suspension of writ of habeas corpus
    - No bills of attainder
    - No ex post facto laws
    - Religious qualifications for holding office prohibited
    - Strict rules of evidence for conviction of treason
    - Right to trial by jury in criminal cases
  - Some rights were not specified
    - Freedom of speech and expression
    - Rights of the accused

