

EQ #2- What influenced the authors of the Constitution? John Locke, the DOI and the Articles of Confederation

Chapter 2- US Constitution

Five Observations

- Look at the US Constitution for about TEN minutes
- Record FIVE observations afterwards on your LEFT side
- What did you notice that seems significant?
- Consider- its length, organization, wording and more

About the U.S. Constitution

- It is brief (originally just 7 Articles)
- It established the U.S. as a federal republic composed of three branches (legislative, executive, and judicial)
- Over time, it's been amended (changed) to account for U.S.'s changing size and political systems but only 27 times
- It is organized by Articles for each branch of government.

How is the US Constitution Organized?

- There are THREE parts to the US Constitution
 1. The Preamble (introduction)
 2. The Articles (seven sections that describe how each part of government works)
 3. The Amendments (written changes to our Constitution over time)

WARM-UP- Constitution Scavenger Hunt

- 1. Go to Article 1, Section 3. How long is a Senator's term?
- 2. Which branch is written about in Article 3? List ONE power granted in this Article.
- 3. Go to Article 1, Section 8. List THREE powers of Congress. Which is MOST important from this list? Why?
- 4. What is ONE power denied Congress?
- 5. List ONE power of the President given in Article 2, Section 2.
- 6. What is Article 5 about? List ONE rule from this section.
- 7. Which Article is longest? Why?

How is the Constitution Organized? – The Preamble

- **The Preamble** – Is the Introduction of our Constitution
 - **Purpose-** To define the broad purposes of the republican government and to set out specific goals for the nation
 - **Example-** The words “to form a more perfect Union” establishes a goal of cooperation among the states and between the states and the national government

How is the Constitution organized? – The Articles (7)

- The ARTICLES are the heart of the Constitution.
- Purpose- of the SEVEN Articles
- **Articles 1-3-** To establish and define the powers of the three main branches (Leg, Exec, Judicial).
- **Article 4-** To define relations among the states and the supremacy of national laws
- **Article 5-** To describe the amendment process- how the Constitution can be changed.

Parts of the U.S. Constitution

Section	Purpose
Preamble	Introduces reasons for creating the document
Article I	Outlines the legislative branch
Article II	Outlines the executive branch
Article III	Outlines the judicial branch
Article IV	Discusses relations between the states and between the states and the national government
Article V	Describes how to amend the Constitution
Article VI	Declares the Constitution to be the supreme law of the land
Article VII	Lists requirements for ratifying the Constitution
27 amendments	Modifications to the Constitution

Human Nature

Are humans, by nature, good or bad?

Answer and Explain your reasoning with table partner.

Authors of the US Constitution thought humans were...

Human Nature

- Framers of the Constitution believed that humans were SELF-INTERESTED.
- Therefore, the Constitution was set up deliberately to LIMIT the power of individuals and the government.



Learning Objectives

- What is a constitution?
- In what ways is a constitution key to democracy?
- What were the Articles of Confederation? Why did they fail?
- What ideas influenced the authors of the US Constitution?

Constitution

- Definition

- A nation's basic law.
- It creates political institutions,
- Assigns or divides powers in government, and
- Provides certain guarantees to citizens.

*Why is a Constitution key to a democracy?

What ideas from the Age of Enlightenment influenced the authors of the US Constitution?

- An era from 1650-1800
- Ideas from Enlightenment philosophers influenced the authors of the US Constitution greatly
- Some KEY IDEAS -
 - People had inalienable rights;
 - Dictatorships / authoritative governments were immoral

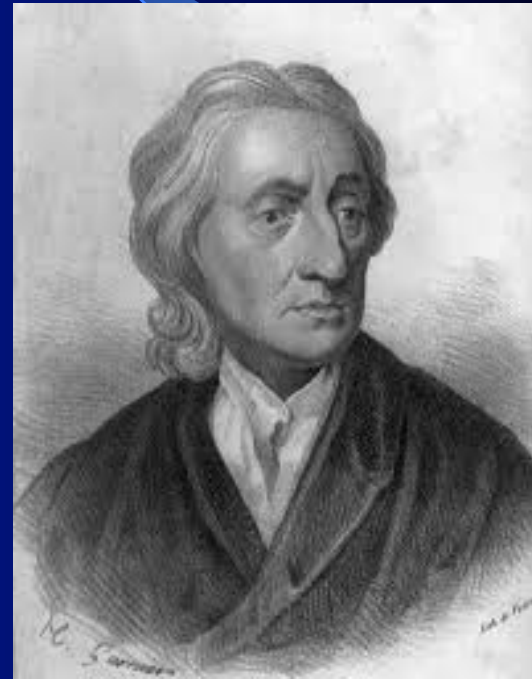
Hypothetical

- Imagine all of CHS (students & teachers) is transported to an island far from Eugene.
 - The island is deserted with no infrastructure.
 - Conditions are primitive.
 - Each person there has the actual skills, intelligence and qualities that they have today.

*What would happen? Who would have power?

Natural Rights / Age of Enlightenment

- Locke's ideas influenced early US thinkers
- Locke believed in the idea of natural rights.
- He believed the purpose of government was to protect everyone's natural rights; to provide safety.



John Locke Film Clip

- <https://www.biography.com/video/john-locke-mini-biography-491970627813>
- Social Contract
- Limited Government
- Inalienable rights

John Locke's Ideas

- 1. Natural Rights-** All humans are born with the right to life, liberty and property and the role of government is to protect these.
- 2. Social Contract / Consent of the governed:** A government is legitimate only if the people approve of it
- 3. Limited government:** Natural rights are superior to government; therefore, government should have limited power

Tuesday

- What are Locke's Big Ideas? How did they influence US Government?
- What is the background, purpose and significance of the Declaration of Independence?
- In what ways does the DOI reflect the ideas of John Locke?

Activity- Locke's Second Treatise on Civil Government

- Read the summary of Locke's Second Treatise on Civil Government (see handout)
- IDENTIFY and EXPLAIN 4-5 of Locke's MAIN IDEAS / ARGUMENTS from the reading
- Use the graphic organizer provided with partner AFTER reading

LOCKE ANSWERS

The English Heritage: the power of ideas

- John Locke's writings (Second Treatise) often called textbook of the American Revolution.
- Philosophy based on *Natural Rights, the belief that people exist in the state of nature before governments existed. Also:*
 - 1) *Natural law brings natural rights*
 - 2) *Natural law superior to human law*
 - 3) *Government must be built on the consent of the governed*
 - 4) *Government should be limited*
 - 5) *Sole Purpose of Government is to protect natural rights*
 - 6) *Deep felt injustices could justify revolt*

Locke's BIG Ideas

- 1 Monarchy / Dictatorship is unjust
- 2 Inalienable Natural Rights
- 3 Consent of governed (social contract)
- 4 Limited Government
- 5 Sole purpose of government is to protect natural rights
- 6 Separation of church and state
- 7 Right to Revolt if government is unjust

The Declaration of Independence

- Quick Write-
- Journal for FIVE minutes recording what you already know about the DOI
- Think about historical context, what it's about

Historical Context

- Read the handout about the history and background of the DOI
- Answer the Q's at the end of the reading with a table partner

The Declaration of Independence

View Film clip about the Declaration of Ind.)

- <http://www.history.com/topics/american-revolution/declaration-of-independence/videos/declaration-of-independence>
- Age of Enlightenment
- Declaration of Independence
- Articles of Confederation
- US Constitution

The Origins of the Constitution

- **Declaration of Independence (1776)**
 - Lists grievances against the king of England
 - Justifies revolution
- **Sparked a “Conservative” Revolution**
 - Restored rights the colonists felt they had lost
 - Not a major change of lifestyles

Activity -

- Read the Declaration of Independence
- With a new partner, answer the Q's as you go.
- Use the graphic organizer to map examples of LOCKE's ideas that are found in the DOI
- Turn in your work to the basket!

Take the DOI Quiz

- To test your understanding, take the DOI quiz with your partner.

Warm-Up- Explain Locke's Principles

1. Why did Locke and the authors of the DOI believe citizens had a right to revolt?
2. Who are the players in the social contract? What do each give up?
3. What assumption about human nature suggests that governments should be limited?
4. What is popular sovereignty?

Thursday

- What were the Articles of Confederation?
- Why were they inadequate?
- What is the significance of Shays Rebellion as it relates to the Articles of Confederation?

Timeline

1789 -->

1781 - 1789

The
Constitution

1775 - 1783

Articles of
Confederation

American
Revolution

1787

Constitutional
Convention

1776

Declaration of
Independence

Articles of Confederation: A Metaphor...

- Imagine you are a young person who had very strict / protective parents (tight curfew, lots of limits on when and where you could go) who is now in your first year of college away from home?
 - How do you think your upbringing might affect your choices in your first year of college?
 - How would it benefit you?
 - What problems might arise?

Articles of Confederation

Show film clip

<https://www.youtube.com/watch?v=3KGG9afW7XY>

As you watch, look for

- What were they?
- How was government structured under them?
- Why did the Articles fail?

The Articles of Confederation

What were they?

How was government structured under them?

Why did the Articles fail?

Evaluating the Articles of Confederation

- Read about the Articles of Confederation
- Mark it up and make notes
- Use the resources / handouts to answer the questions.

- Complete the Graphic Organizer.
 - Use Notes from ppt

The Articles of Confederation (1776-1787)

- What: The first document that established the government of the United States
- How Structured- Weak NATIONAL government and strong STATE government
- Why: Designed to preserve the independence and authority of the states;
- So What: Ultimately a failure; national government was too weak!

Articles of Confederation

State Gov't

- *Tax citizens
- *Create courts
- *Enforce laws
- *All powers not delegated to the national government
- * Regulate trade with other states

National Gov't

- *Limited powers
- *Declare war (9)
- *Make treaties (9)
- *Settle disputes

Weakness of the Articles of Confederation

- No national court system
- No executive branch
- Most power rests with state legislatures
- No power to impose or collect taxes
- No power to regulate trade among states
- No national currency
- No national defense / military

More Weaknesses

- One vote per state regardless of population
- Two-thirds majority (9/13) needed to pass laws
- Unanimous consent (13 states) needed to amend the Articles of Confederation

Predict the problems that may arise due to these features

- Unicameral national legislature
- No national executive or judicial institutions
- Most power rests with state legislatures
- No power to tax
- No regulation of foreign or interstate trade
- No national currency
- No national defense

Shays Rebellion

- What? A small band of farmers in Massachusetts rebelled by attacking courthouses to prevent judges from foreclosing on their farms
- Under the Articles of Confed., neither Congress nor the state was able to raise militia to stop them
- Significance: Final proof that the national government was too weak under Articles

Writing Prompt- A of C

1. The Articles of Confederation were the nation's first form of government. They ultimately failed because of decentralization of power.
 - A. Describe THREE problems that led to the failure of the Articles of Confederation.
 - B. For each problem you described, explain how it is an example of decentralized power.

The Constitutional Convention

- <http://www.history.com/topics/constitution>

MONDAY

- What was the purpose of the Constitutional Convention?
- What biases did the authors of the Constitution have?
- What were the main disagreements? What were the main compromises reached?

Making a Constitution: The Philadelphia Convention

- Founders / Framers of US Constitution
 - 55 men from 12 of the 13 states
 - Most were wealthy planters & merchants
 - Most were college graduates with some political experience
 - Many were coastal residents from the larger cities, NOT the rural areas



Background

- Watch the video clip about the making of the Constitution.
- <http://www.history.com/topics/us-presidents/james-madison/videos/america-gets-a-constitution>

The Philadelphia Convention, continued

- A Shared Philosophy : All delegates shared common core beliefs about...
 - Human Nature: People were good but self-interested; a strong government was necessary
 - Political Conflict: Inequality of wealth caused most conflicts; **factions** had to be checked
 - Purpose of Government: Government should protect natural rights
 - Nature of Government: Must have checks on all aspects of government to prevent abuse of power

The Thorny Issues

- Three issues of Equality
- How should representation in Congress be determined?
- What should be done about slavery?
- Who should get to vote?

Question #1- Who should be represented in the legislature

1. Equality of States: Two ideas for structure of Legislature were proposed

- New Jersey Plan: Each state should be allowed the same # of representatives in the national Congress
 - This favored small states
- Virginia Plan: Representation in the national Congress should be based on a state's population
 - This favored large states

Solution for the Structure of the Legislature

Result is the Connecticut Compromise / Great Compromise

- Established a bicameral (two house) congress
- Senate would include two representatives from each state
- House would be based on state population

Question #2- What should be done about slavery?

- The Constitution is silent about slavery; authors / chose to avoid dealing with slavery directly
- **What was the Three-fifths Compromise?**
 - Slaves could be counted for Congressional representation
 - Only 3/5 of slaves counted in determining state representation for southern states (later repealed by 14th Amendment)

Question #3- Who should have the right to vote?

- Decided to let the states determine voting requirements
- Most didn't support universal white male suffrage
- Most states made property owning a requirement.

Q #4- How were economic powers divided?

- Most significant economic powers were delegated to the National Government and taken from the states. Such as power to...
 - Tax,
 - Spend,
 - Borrow
 - Regulate trade
 - Establish a uniform currency

Question #5-

What powers should President have?

- Executive branch should be separate from legislature
- Was given general powers (execute the laws passed by Congress)
- No term limits (originally)
- Electoral College NOT people choose

Economic Powers

Table 2.4 Economics in the Constitution

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.
-

Q #6-Why no Bill of Rights / Civil Liberties?

- There were FEW declared protections for citizens from unfair government actions.
- The new Constitution had only a few guarantees-
 - Writ of habeas corpus (must explain charges to prisoners)
 - No bills of attainder (punishment without trial)
 - No ex post facto laws (punishment for act that wasn't illegal when committed)

MOST key rights were NOT specified

- For example, freedom of speech / expression

Warm-Up 9/25

- 1. What was the purpose of the Constitutional Convention?
- 2. What biases / beliefs did most at the convention share?
- 3. Describe THREE major issues and the compromises that resulted from the convention.

TUESDAY 9/25

- WHAT ARE THE BASIC PRINCIPLES OF THE US CONSTITUTION?
- Who were the Federalists? The Anti-Federalists?

EQ #3- What are the basic Principles of the US Constitution?

- The US Constitution is brief and skeletal.
- Broad principles define roles and responsibilities of government loosely

Madison's Model

- The US Constitution was chiefly written by James Madison.
- He feared concentration of power
- Read the handout and answer the Q
 1. What is the “tyranny of the majority” that Madison feared?
 2. What key methods did he think were necessary to avoid it?

Madison Drafts a Constitution

- James Madison – Was the chief author of the US Constitution
- With the guidance of all at the convention, he creates a document based on several key principles
 - Limited Government
 - Separation of Powers
 - Checks and Balances
 - Popular Sovereignty
 - Judicial Review
 - Federal System
 - Limit the majority/ Republic gov't

Principles of the Constitution

1. Limited Government / Rule of Law

- Government and officials are limited by the laws of the written constitution.

Unlimited government
where power rests in the hands of one person.

Limited government
that abides by democracy and constitution.

Buzzle.com

Principles of the Constitution

2. Separating Powers

- Divided national gov't into three co-equal branches, each with its own powers and responsibilities
- **Legislative Branch**- makes laws/policy
- **Executive Branch**- Executes / carries out laws of Congress
- **Judicial Branch**- Interprets laws and acts of gov't

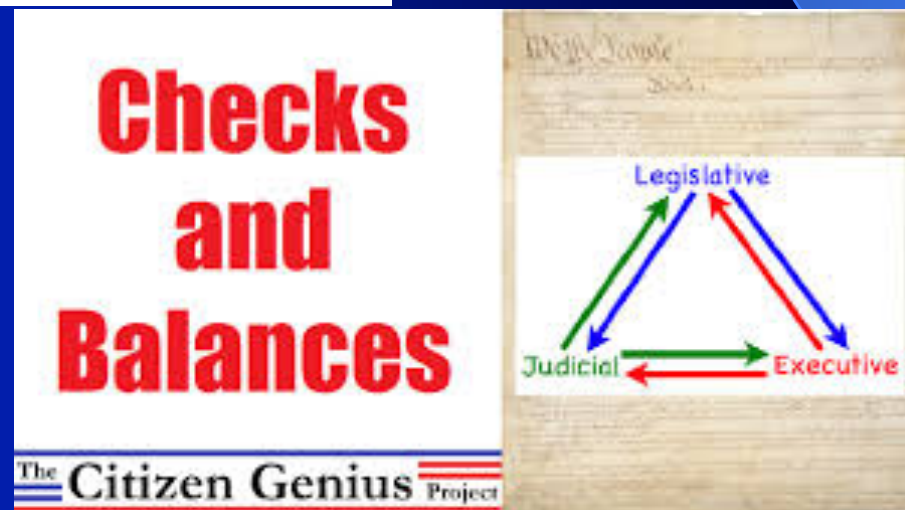


Principles of the Constitution

3. Creating Checks and Balances

- To ensure no branch becomes too powerful, each branch can restrain/limit the others
- Describes branches' interactions

EXAMPLES?



Principles of the Constitution

4. Establishing a Federal System-

-Power is shared and divided between the national and state governments for local control and national unity.



Principles of the Constitution

5. Republican form of Gov't: Voters select representatives to govern them and make laws.
- Favors the status quo - changes are slow

DEMOCRACY	REPUBLIC
Everyone participates in every decision	Governed by elected representatives
Majority rules	Governed by established set of laws
No protection of individual rights	Protection of individual rights
No protection of property rights	Protection of property rights
Not practical for large countries	Ideal for large and diverse populations
Always ends in turbulence & violence	Avoids extremes: mobocracy & tyranny

Principles of the Constitution

6. Popular Sovereignty-

- Voters have supreme authority over government;
- People can force changes;
- People have right to Revolt



Principles of the Constitution

7. Limit the Majority

- Founders did NOT trust the masses and sought to limit their influence
- Madison wrote of the “tyranny of the majority”
- What did he mean

Examples...

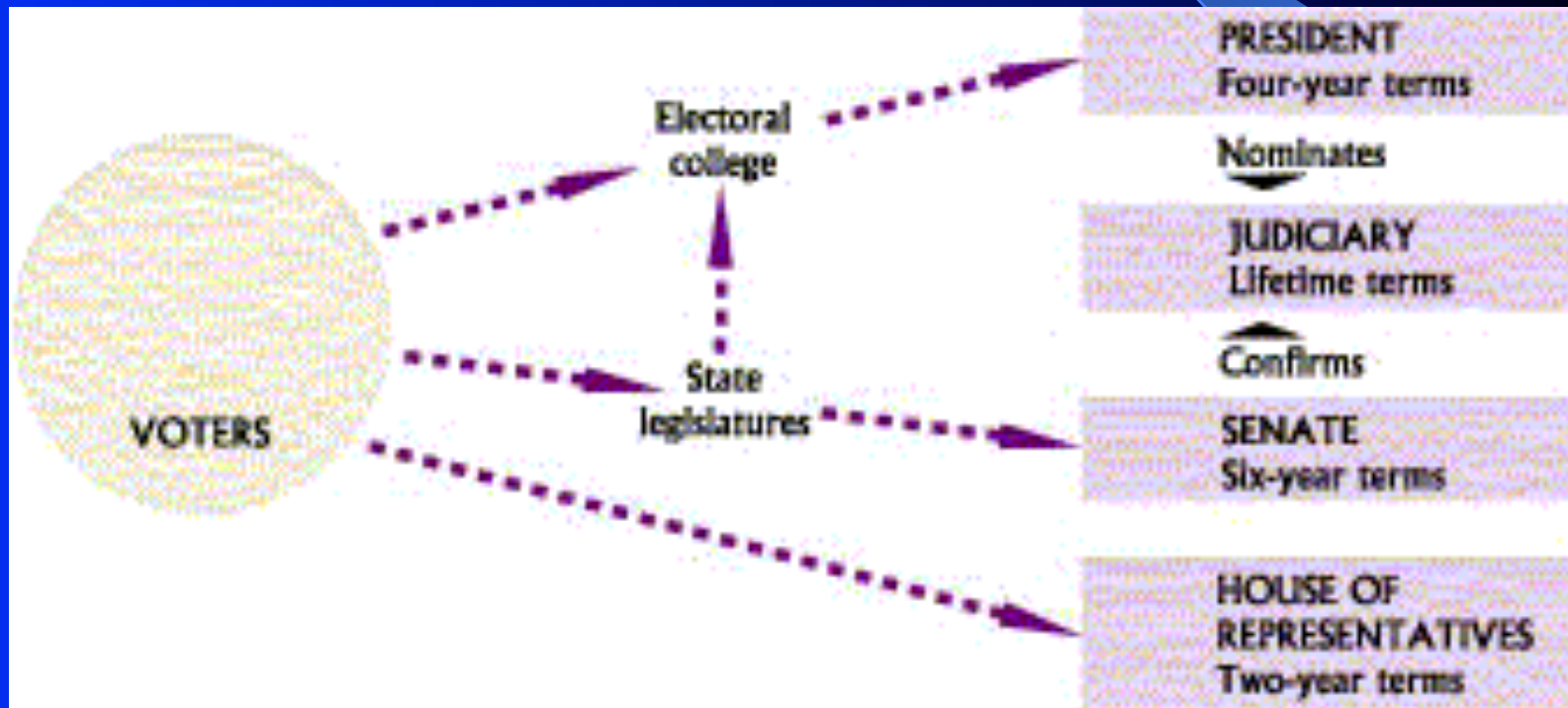
- Electoral College to elect P
- Only House of Reps were elected by the people

In your INB by notes-

- For each principle, complete the following-
 - An illustration that shows the meaning of the principle graphically
 - At least THREE examples of this principle in action

The Madisonian Model

- The Constitution and the Electoral Process: The Original Plan (Figure 2.2)



Ratifying the Constitution

- The approval of at least nine states was needed to ratify the Constitution; it did not come easily!
- **Federalists:** supported passage of the Constitution
- **Anti-Federalists:** avored more power for the states; southern states;

Ratifying the Constitution

Table 2.5 Federalists and Anti-Federalists Compared

	ANTI-FEDERALISTS	FEDERALISTS
Backgrounds	Small farmers, shopkeepers, laborers	Large landowners, wealthy merchants, professionals
Government Preferred	Strong state government Weak national government Direct election of officials Shorter terms Rule by the common man Strengthened protections for individual liberties	Weaker state governments Strong national government Indirect election of officials Longer terms Government by the elite Less concern for individual liberties

Ratifying the Constitution

- Read the article on the Federalist Papers
- As you read, look for
 - Who were the Federalists and Anti-Federalists?
 - What were the Federalist Papers?
 - What is the Bill of Rights?
 - Who wanted the Bill of Rights and why?

Anti-Federalists

- Feared that the Constitution favored an elite minority
- Believed that the Constitution failed to protect too many individual freedoms
- Believed that a strong national government would limit the power of the states
- Published articles denouncing the Constitution as a tool of the aristocracy

Federalists

- Supported passage of the Constitution
- Favored a powerful central government with adequate checks and balances
- Wrote *The Federalist Papers*
 - A collection of 85 articles written by Alexander Hamilton, John Jay, and James Madison under the name “Publius” to defend the Constitution.

Bill of Rights

- To get the Constitution ratified, the authors added the Bill of Rights
 - These are the first 10 amendments to the U.S. Constitution,
 - They were drafted to address the Anti-Federalist concerns about the lack of basic liberties.
 - Provide civil liberties—protections against gov't action like freedom of speech and religion
 - Its addition appeased the Anti-Federalists and led to ratification of the Constitution

EQ # 4 How do we Change the Constitution

- Formal & Informal Amendments

What is a Formal Amendment?

- Changes the actual words of the Constitution
- There have been only 27 Amendments
- Amendments Challenge- Brainstorm a list of as many amendments (# and basic content) as you can

Activity- Amendments

Review page 1-3 of the handout.

As you consider the Formal Amendment process and the amendments themselves,

1. What stands out to you regarding the **number** of amendments?
2. What stands out to you about the content of the amendments? Consider the first 10 and then the last 17 separately. What conclusions can you draw or patterns do you see?

Formal Amendments

- It is difficult to change the words of the Constitution
- The amendments collectively have made the U.S. Constitution more democratic by expanding voting rights and securing civil liberties.

Formal Amendments

- Is a TWO step process
 1. Must be formally PROPOSED first by vote of US Congress
- Only 33 Amendments have been formally proposed
- 2. Must be formally RATIFIED next by vote of states

Only 27 Amendments have been ratified

Methods of Proposal

Method 1

**By 2/3 vote in
both the House
and the Senate**

**[most common method
of proposing an
amendment]**

Or

Method 2

**By national
constitutional
convention called by
Congress at the
request of 2/3 of the
state legislatures**

**[This method has never
been used]**

Methods of Ratification

Method 1

**By legislatures in
 $\frac{3}{4}$ of the states**

**[in all but one case, this
is how amendments have
been ratified]**

Or

Method 2

**Ratified through
conventions in $\frac{3}{4}$ of
the states.**

**[Only been used once to
ratify the 21st Amendment]**

Amendment Process

Methods of Proposal

Method 1

By 2/3 vote in both the House and the Senate

Or

Method 2

By national constitutional convention called by Congress at the request of 2/3 of the state legislatures

Methods of Ratification

Method 1

By legislatures in 3/4 of the states

Or

Method 2

Ratified through conventions in 3/4 of the states.

Total of 4 ways to Formally amend the Constitution

Formal Amendments

- **26 Amendments have passed in this way:**
 - Proposed by $2/3$ of each house of Congress and
 - Accepted by $3/4$ of the state legislatures
- **1 Amendment has passed this way:**
 - Proposed by $2/3$ of each house of Congress and
 - Accepted by $3/4$ of states in state conventions
(Prohibition)

Formal Amendments

- How does the process of formal amendment reflect the principles of **Madison's constitutional model**?

Informal Amendment

- The meaning of the Constitution Changes without changing the words
 - Most constitutional changes are made this way
 - Judicial Interpretation
 - Changing Political Practice
 - Technology
 - Congressional laws and actions
- *Activity: Venn Diagram (with examples)

Informal Amendment: Methods

1. Basic Legislation

- Details were added by Congresses
- Ways it interprets the Constitution and carries out its duties

2. Executive Actions

- Presidential power grows in times of crisis
- Executive Agreement

3. Supreme Court Decisions

- *Marbury v. Madison*

Informal Amendments Methods

4. Political Parties

- Nomination process
- Election process

5. Custom

- Cabinet
- 2 terms per President
- Presidential succession

Judicial Review

- The power of the courts to determine whether laws and acts of Congress and the President are constitutional
- Established in the 1803 case *Marbury v. Madison*
- Courts must interpret the constitution's meaning and adapt it over time

Three things are due...

- Ch 2 homework questions- Due Today
- Principles of the Constitution graphic organizer- Begin Friday; due Monday
- Amendments Venn Diagram- Due Today.