

Chapter 3: The Constitution

→ legal document that outlines basic rules for body + rights of members

State Constitutions:

- each state has one

State Governments

~~Treat~~ Executive → Governor
Legislative → Bicameral
Judicial

Bill of Rights

- each state has one

PA Declaration of Rights

1. All people have rights → God gives them
2. We pick our gov't
3. We can believe in any God
4. Religious beliefs can't affect your standing in life ("Religious Tests")
5. Elections must be open to all
6. Gov't can't eliminate trial by jury
7. Freedom of speech → but not allowed to
8. No unreasonable search + seizures use libel
9. Right to confront accuser

10. Can't be tried twice for same offense
11. All courts are open + you can sue PA
12. Gov't can't suspend a law
13. Bail can't be excessive
14. Guaranteed right to get bail
- 15.
- 16.
- 17.
- 18.

19.

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28.

Articles of Confederation:

- Document that creates/outlines our 1st gov't
- Created confederacy--focus on states' powers
- No President--fear of a king/dictator
- Unicameral congress--each state gets 1 vote
- States all worked with each other to accomplish tasks

The Northwest Ordinances

- Dealt with the acceptance of new states in Northwest territories

Weaknesses of the Articles

- No POTUS=no law enforcement
- No national court system
- Amendments required unanimous vote by Congress
- No ability to tax
- No national unity
- No 'Merica

Shays' Rebellion

- Farmer's rebellion in MA; fought to keep farms from being foreclosed by banks
- Showed ineptitude of gov't from putting down small rebellion
- What would happen in British came back?

Lesson 2: Creating a New Constitution

The Constitutional Convention

- Philly
- 1789
- Purpose was to "fix" the Articles

The Delegates

- 55 in total from each state
- High-profile Americans
- Future POTUS's

First Decisions

- To accept a Constitution, 7 states were needed
- Convention would be held in secrecy; fear of terrorism

Compromising for a Constitution

Virginia Plan: Large states; bicameral Congress; strong POTUS; votes in Congress based off of population

New Jersey Plan: Small states; unicameral Congress; equal votes in Congress; committee of POTUSes w/ weakened/shared powers

Great Compromise: Combination of 2 plans; POTUS w/ real powers but Checks & Balances; bicameral Congress; Senate gets 2 votes each state; House of Reps bases vote off of population

Other Compromises:

3/5ths Compromise: would only count slaves as 3/5ths of a person in census; weaken the Southern states and reduce their population; give them fewer votes in House

Slave importation was banned by 1808

Electoral College was created to elect the POTUS; was America ready to elect a POTUS?

Federalists and Antifederalists

Who Were the Federalists?

- Supported ratifying the Constitution
- Argued there were strong checks and balances to control the gov't
- Believed we needed a strong POTUS

Who Were the Antifederalists?

- Feared what a strong POTUS and gov't could do.
- Worried about how we would protect the rights of the people

Launching a New Nation

- 9 of 13 states were needed to ratify the Constitution
- Delaware was first state; PA was 2nd
- All 13 states voted for it
- All 50 states have since voted for it
- All new states must vote for it

United States Constitution

Preamble: Thesis/intro to Constitution; create a better gov't to create peace and order

Article I: Creates Congress

- Section 8: Expressed Powers; basic powers of Congress
- Elastic Clause: Allows Congress to stretch authority when necessary and proper
- Section 9: Powers denied to Congress

Article II: Creates POTUS/Executive Branch

Article III: Creates SCOTUS

Article IV: Guarantee Clause

Article V: Creates rules for Amending Constitution

Article VI: Supremacy Clause

Article VII: Creates rules for ratifying Constitution

Amendment Process: 2 steps

1. 2/3 of Congress must accept an Amendment proposal

2. 3/4 of the states' legislatures must accept it

Major Principals Found in the Constitution

1. Popular sovereignty: Power to the people
2. Limited gov't & rule of law
3. Separation of powers/checks and balances
4. Federalism: belief the states and national gov't share powers; each get certain abilities and cannot take powers from each other

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