

## CHAPTER 2

### *The Constitution*



### CHAPTER OUTLINE

- I. Politics in Action: Amending the Constitution (pp. 51–52)
  - A. Flag desecration and Gregory Johnson
  - B. A **constitution** is a nation's basic law.
  
- II. The Origins of the Constitution (pp. 32–37)
  - A. The Road to Revolution
  - B. Declaring Independence
    1. The **Declaration of Independence**
  - C. The English Heritage: The Power of Ideas
    1. **Natural rights** are the rights inherent in human beings, not dependent on governments.
    2. **Consent of the governed** means the people must agree on who their rulers will be.
    3. **Limited government** means there must be clear restrictions on what rulers may do.
  - D. Jefferson's Handiwork: The American Creed
  - E. Winning Independence
  - F. The "Conservative" Revolution
  
- III. The Government That Failed: 1776-1787 (pp. 37–40)
  - A. The **Articles of Confederation**
  - B. Changes in the States
  - C. Economic Turmoil
  - D. **Shays' Rebellion**
  - E. The Aborted Annapolis Meeting
  
- IV. Making a Constitution: The Philadelphia Convention (pp. 41–42)
  - A. Gentlemen in Philadelphia
  - B. Philosophy into Action
    1. Human Nature
    2. Political Conflict (**Factions** arise from sources of conflict.)
    3. Objects of Government
    4. Nature of Government
  
- V. The Agenda in Philadelphia (pp. 43–47)
  - A. The Equality Issues
    1. Equality and Representation of the States
      - a. The **New Jersey Plan** had each state equally represented in Congress.

- b. The **Virginia Plan** made state representation in Congress based on population.
        - c. The **Connecticut Compromise** created two houses of Congress.
      2. Slavery: Congress could limit the future importation of slaves and the three-fifths compromise settled how slaves would be represented.
      3. Equality in Voting
    - B. The Economic Issues
      1. The delegates were the nation's economic elite.
      2. The delegates clearly spelled out the economic powers of Congress.
    - C. The Individual Rights Issues
      1. The Constitution says little about personal freedoms.
      2. The Constitution prohibits suspension of the **writ of habeas corpus**, prohibits passing bills of attainder, passing *ex post facto* laws, prohibits imposing religious qualifications for office, outlines rules of evidence for treason, and upholds the right to trial by jury.
- VI. The Madisonian Model (pp. 48–51)
  - A. Thwarting Tyranny of the Majority
    1. Limiting Majority Control
    2. Separating Powers (Under **separation of powers**, the three branches of government are relatively independent of each other and share powers.)
    3. Creating Checks and Balances (Under **checks and balances**, each branch of government requires the consent of the others for many of its actions.)
    4. Establishing a Federal System
  - B. The Constitutional Republic
    1. A **republic** is a system based on the consent of the governed in which representatives of the public exercise power.
  - C. The End of the Beginning
- VII. Ratifying the Constitution (pp. 51–55)
  - A. Federalists and Anti-Federalists
    1. **Federalists** supported the Constitution and **Anti-Federalists** opposed it.
    2. The ***Federalist Papers*** were a series of articles supporting the Constitution.
    3. The **Bill of Rights** is made up of the first ten amendments to the Constitution which restrain the national government from limiting personal freedoms.
  - B. Ratification
- VIII. Constitutional Change (pp. 55–61)
  - A. The Formal Amending Process
    1. Amendment consists of two stages, proposal and ratification.
    2. The **Equal Rights Amendment (ERA)** was proposed but not ratified.
  - B. The Informal Process of Constitutional Change
    1. Judicial Interpretation: In ***Marbury v. Madison*** (1803), the Supreme Court claimed the power of **judicial review**, giving courts the right to decide the constitutionality of government actions.

2. Changing Political Practice: includes political parties and the electoral college.
  3. Technology
  4. Increasing Demands on Policymakers
  - C. The Importance of Flexibility
- IX. Understanding the Constitution (pp. 61–64)
- A. The Constitution and Democracy
  - B. The Constitution and the Scope of Government
- X. Summary (p. 65)

## LEARNING OBJECTIVES

*After studying Chapter 2, you should be able to:*

1. Discuss the importance of the English philosophical heritage, the colonial experience, the Articles of Confederation, and the character of the Founding Fathers in shaping the agenda of the Constitution writers.
2. Identify the important principles and issues debated at the Constitutional Convention and describe how they were resolved.
3. Explain the Madisonian model of limiting majority control, separating powers, creating checks and balances, and establishing a federal system.
4. Understand the conflict between the Federalists and Anti-Federalists over the ratification of the Constitution.
5. Describe the formal and informal processes by which the Constitution is changed in response to new items on the policy agenda.
6. Evaluate the Constitution in terms of democracy and its impact on policymaking.

*The following exercises will help you meet these objectives:*

Objective 1: Discuss the importance of the English philosophical heritage, the colonial experience, the Articles of Confederation, and the character of the Founding Fathers in shaping the agenda of the Constitution writers.

1. Make a list of the major grievances of the colonists under British rule.
2. What are the major components of John Locke's political philosophy and how did they influence Thomas Jefferson's writings?

3. Draw a schematic diagram of the American government under the Articles of Confederation.
  
  
  
  
  
  
  
  
  
  
4. Make a list of the reasons why the Articles of Confederation failed.
  
  
  
  
  
  
  
  
  
  
5. Briefly describe the general philosophical views of the founding fathers on the following issues:

Human Nature:

Political Conflict:

Objects of Government:

Nature of Government:

Objective 2: Identify the important principles and issues debated at the Constitutional Convention and describe how they were resolved.

1. What were the three major equality issues at the Constitutional Convention? How were they resolved?
  - 1.
  - 2.
  - 3.
2. What were the major economic problems addressed at the Constitutional Convention? How were they resolved?

- Why did the Founding Fathers believe it was not necessary to address individual rights issues specifically in the Constitution?

Objective 3: Explain the Madisonian model of limiting majority control, separating powers, and creating checks and balances.

- Draw a schematic diagram of the Madisonian model of government.
- Define the term "constitutional republic."

Objective 4: Understand the conflict between the Federalists and Anti-Federalists over the ratification of the Constitution.

- Complete the following table summarizing the major differences between the Federalists and the Anti-Federalists on the issues of civil liberties, power of the states, and the economy.

<b>Issues</b>	<b>Federalists</b>	<b>Anti-Federalists</b>
Civil Liberties		
Power of the States		
Economy		

2. Why did the Anti-Federalists believe the new Constitution was a class-based document?

Objective 5: Describe the formal and informal processes by which the Constitution is changed in response to new items on the policy agenda.

1. What is an unwritten constitution?
  
2. Describe the different ways in which a formal constitutional amendment might be adopted.
  
3. The text examines four ways the Constitution changes informally. Complete the following table, listing these ways, defining them, and giving an example for each.

Informal Change	Definition	Example

Objective 6: Evaluate the Constitution in terms of democracy and its impact on policymaking.

1. List and explain the five Constitutional amendments that expanded the right to vote.
  - 1.
  - 2.

- 3.
  - 4.
  - 5.
2. In what ways does the Constitution expand and diminish the scope of government?

## **KEY TERMS**

*Identify and describe:*

Constitution

Declaration of Independence

natural rights

consent of the governed

limited government

Articles of Confederation

Shays' Rebellion

U.S. Constitution

factions

New Jersey Plan

Virginia Plan

Connecticut Compromise

writ of habeas corpus

separation of powers

checks and balances

republic

Federalists

Anti-Federalists

*Federalist Papers*



Bill of Rights

*Equal Rights Amendment*

Marbury v. Madison

judicial review

*Compare and contrast:*

natural rights and consent of the governed

Constitution, Articles of Confederation, and U.S. Constitution

New Jersey Plan, Virginia Plan, and Connecticut Compromise

separation of powers and checks and balances

limited government and republic

Federalists and Anti-Federalists

*Marbury v. Madison* and judicial review