

# Y13 Government Term 1—US Constitution

## Before 1775 thirteen US states were British colonies

- These states were: Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, New Jersey, Maryland, Virginia, North Carolina, South Carolina, and Georgia
- Democracy was limited in each colony
- All had written charters setting out their form of government and the rights of colonists
- Each colony had a governor, a legislature & a judiciary
- The colonies existed to Britain's economic benefit
- Resentment towards Britain grew & the War of Independence began in April 1775



## Many Americans believed a strong government was instrumental to success

- By May 1787 the Articles of Confederation had been scrapped
- At the Philadelphia Convention in May 1787 a group of men re-wrote the constitution – they became the founding fathers of the USA
- The founding fathers included: George Washington, John Adams, Thomas Jefferson & James Madison



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| Article 1 | The key points of the constitution :<br>All legislative powers would be through a Congress comprising of a Senate & a House of Representatives |
| Article 2 | The executive Power shall be vested in a President of the United States  |
| Article 3 | The judicial power of the US will be vested in one Supreme Court & in some inferior Courts which Congress may establish from time to time      |
| Article 4 | Federal-state & state- federal relationships   |
| Article 5 | Amendment Procedures   |
| Article 6 | Miscellaneous provisions including the 'supremacy clause'  |



## Another feature of the Constitution is 'entrenchment'

- This means that the constitution is protected from 'enemy attack', i.e. from those who would wish to change or abolish anything
- Making amendments to the constitution is exceedingly difficult, therefore it has special protection
- In the United States Constitution, entrenchment is provided through the complex Amendment process



## There have been 27 amendments to the constitution, the last in 1992

- So far all constitutional amendments have come from Congress
- No national convention has ever been called although it came close in 1992 with 32 out of the 34 needed to propose a balanced budget amendment
- There were 17 proposed amendments between 1993-2001 when Bill Clinton was President – none were ratified
- In George Bush's time as President, there were 6 proposed amendments but again none were ratified



## The first 10 amendments to the Constitution are known as the 'Bill of Rights'

- They were proposed by Congress in September 1789
- They were ratified by 3/4 of the states by December 1791
- The 'Bill of Rights' was designed for those states who had been reluctant to sign up to the original constitution as they were wary of a powerful federal government
- These 10 amendments were seen as protecting Americans against an over powerful federal government



## Politics USA - What is the constitutional framework of the US government?

### The Declaration of Independence was signed in July 1776

- "All men are created equal"
- However the declaration only talked about men & most black people were still slaves. Poor people were denied the right to vote because they did not own property
- The framers of the Declaration were all white, wealthy men
- The declaration declares that the states were free from allegiance to the British Crown and that the people who lived in them were free



### The Philadelphia Convention rejected two proposed plans:

- The Virginia Plan proposed by Virginia was rejected because it favoured the bigger state
- The New Jersey Plan was also rejected – it had proposed a one vote per state approach favouring smaller states
- The Convention accepted the Connecticut Compromise
  - There would be two chambers of government
  - The House of Representatives where states were represented proportionally to their population
  - The Senate where states would be represented equally regardless of population



### The Articles of Confederation was the first constitution for the 13 states

- This article proposed that each state would retain its independence & sovereignty
- The states would collectively come together to discuss & vote on all foreign & domestic related issues
- The articles set up a 'confederacy' – a league of friendship
- The government created by the Articles of Confederation was weak so the nations had achieved their own independence but had failed to form a nation



### The Constitution laid out the machinery of government

- The Legislature makes the laws
- The Executive carries out the laws
- The Judiciary interprets the laws



### The Constitution is a blend of specificity & vagueness

- As well as specific rules, there are many 'implied powers' in the Constitution
- These are powers of the federal government that the constitution does not explicitly mention but which are reasonably implied from the delegated powers
- e.g. 1: The power to draft people into the army may be implied from Congress' enumerated power to raise an army & navy
- e.g. 2: The power to levy & collect taxes can be implied from 'to provide for the common defence & general welfare of the United States'



### Article 1, Section 8 is known as the 'elastic clause'

- With this clause, the powers of the federal government can be stretched beyond the specifically delegated or enumerated powers
- So although some parts of the Constitution are very explicit – there are vague areas which has meant that the Constitution has been able to adapt to the ever changing circumstances of the nation
- The Constitution also includes 'reserved powers' – powers that are reserved to the states alone, or the people. This was added 10 years later in the Bill of Rights
- 'Concurrent powers' are shared by the federal & state governments such as collecting taxes & building roads



### There are 4 reasons why the constitution has only been amended 27 times in over 200 years

1. The founding fathers created a deliberately difficult process to amend
2. The Founding Fathers created a document that was deliberately unspcific & vague which has allowed the constitution to evolve without amendments
3. The constitution was written to allow the Supreme Court to interpret it & therefore make 'interpretive' rather than 'formal' amendments
4. Americans are cautious about tampering with the constitution

