

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 :
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

