



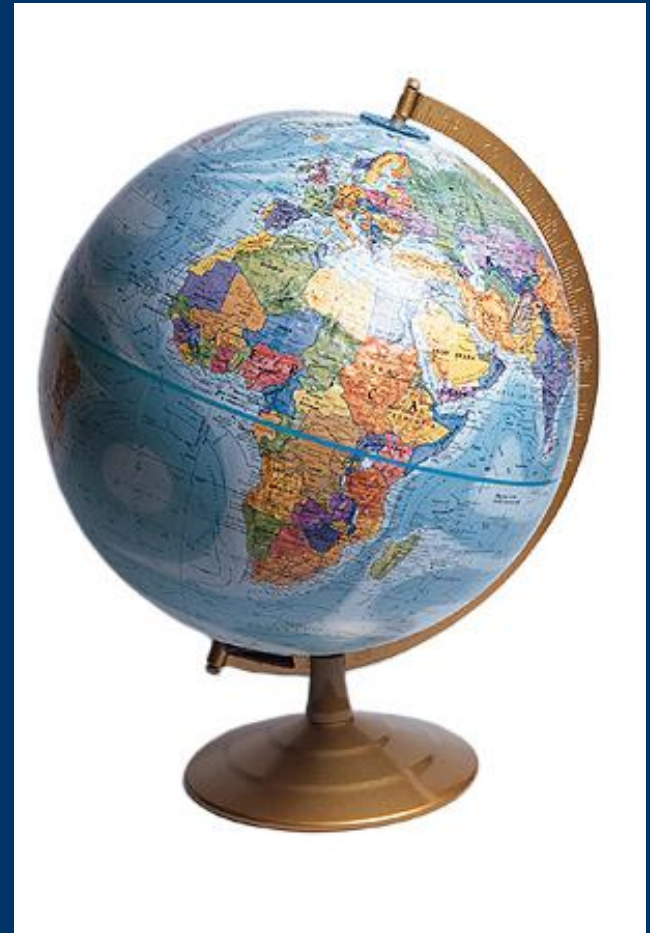
Foundations of American Government

Government

- The institution through which a society makes and enforces its public policies
 - made up of those people who have authority and control over other people
 - public policies - all those things government decides to do
 - one of the oldest of human inventions

The state

- Dominant political unit in the world today
- Body of people living in a defined territory, organized politically with the power to make and enforce laws without the consent of any higher authority



A Rose by Any Other Name

- Country
- Nation
- Nation-state
- State

Characteristics



- Population
- Territory
- Government
- Sovereignty*

Origins of the state



- Evolutionary theory
- Force theory
- Divine Right theory
- Social Contract theory

Purposes of Government

- To form a more perfect union
- To establish justice
- To ensure domestic tranquility
- To provide for the common defense
- To promote the general welfare
- To secure the blessings of liberty

Purposes of Government

- Maintaining social order
- Providing public services
- Providing national security
- Making economic decisions

Classifying Governments

- **Geographic distribution of power**
- **Relationship between executive and legislative branches**
- **The number who can participate**

The Geographic Distribution of Power



- Unitary Government
 - one central government - creates local governments for convenience
- Federal Government
 - power is divided between a central government and several local governments
- Confederate Government
 - alliance of independent states that create central agency for specific purposes

Relationship between Executive and Legislative Branch

- Presidential government
 - Executive and legislative branches are separate and coequal
 - Executive is chosen separately
- Parliamentary government
 - The executive is chosen by the legislature, is a part of it, and is subject to its direct control

The Number Who Can Participate

- Dictatorship
 - population does not participate in policy decisions
 - cannot be held responsible to the will of the people
 - oldest and most common form
- Democracy
 - supreme power rests with the population
 - Direct -all people vote on policy
 - Representative -people elect representative to form policy

Constitutions and Governments

- A **constitution** is a plan that provides the rules for government.
- A constitution organizes the structure of government and the way it operates.
- Constitutions set out the goals and purposes of government as well as the ideals shared by the people.
- Constitutions provide the supreme law for states and their governments.

Politics and Government

- **Politics** is the effort to control or influence the policies and actions of government.
- Individuals and groups use politics to seek benefits from government.
- Although special interest groups seek special benefits, politics also provides benefits for all the people

Major Types of Governments

Governments may be classified according to who governs the state.

- In an **autocracy**, such as a dictatorship or absolute monarchy, power and authority reside in a single individual.
- In an **oligarchy**, such as a communist country, a small group holds power in the government.
- In a **democracy**, such as the United States, the people hold the sovereign power of government.

Characteristics of a Democracy

- Government works to secure an equal opportunity for people to develop their own abilities.
- Government is based on majority rule through the people's elected representatives, but respects the rights of minorities.

Characteristics of Democracy

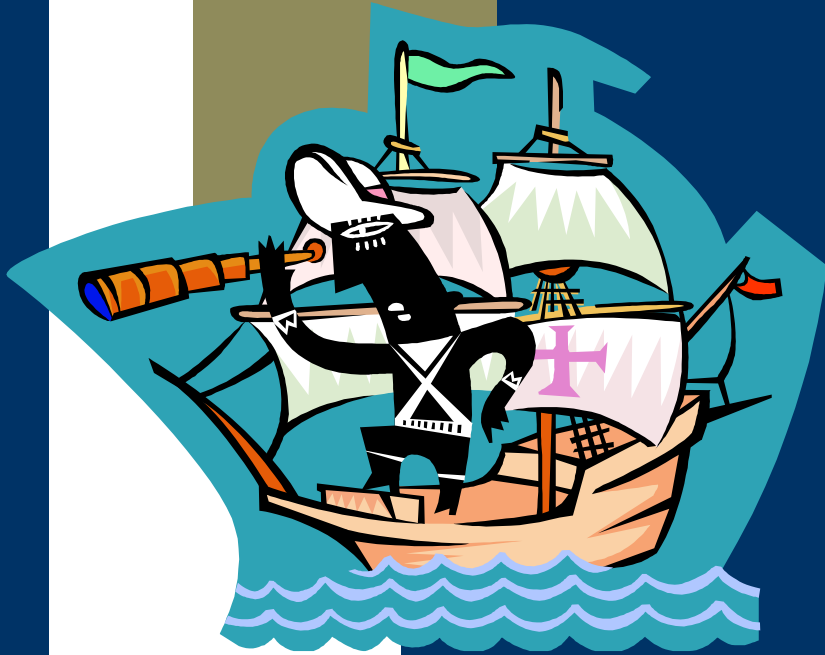
- Government is based on free and open elections in which every citizen has the right to vote, every vote has equal weight, and candidates for office can freely express their views.
- **Political parties** choose candidates for office, respect the voters' decisions in elections, and act as loyal opposition.

Influences on the Development of the U.S. Constitution



- Five major influences on the development of the U.S. Constitution
 - English tradition
 - Colonial charters
 - Foundation documents written by colonists
 - Early State constitutions and the debates surrounding their adoption
 - Debates surrounding and leading up to the Constitution

English Tradition

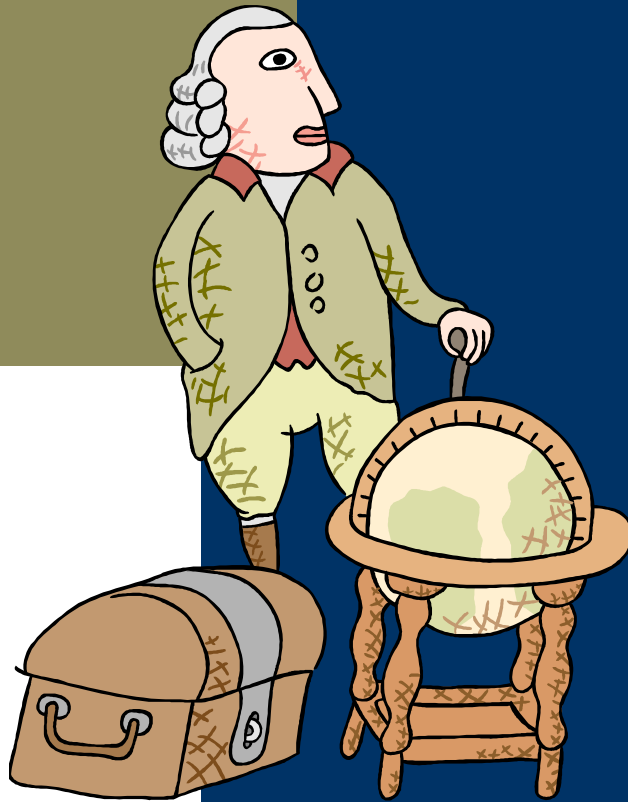


- American colonists came from many places: France, Spain, Netherlands, Sweden - mainly from England
- Brought traditions of English common law which became firmly rooted in the minds of all Americans

English Ideas about Government

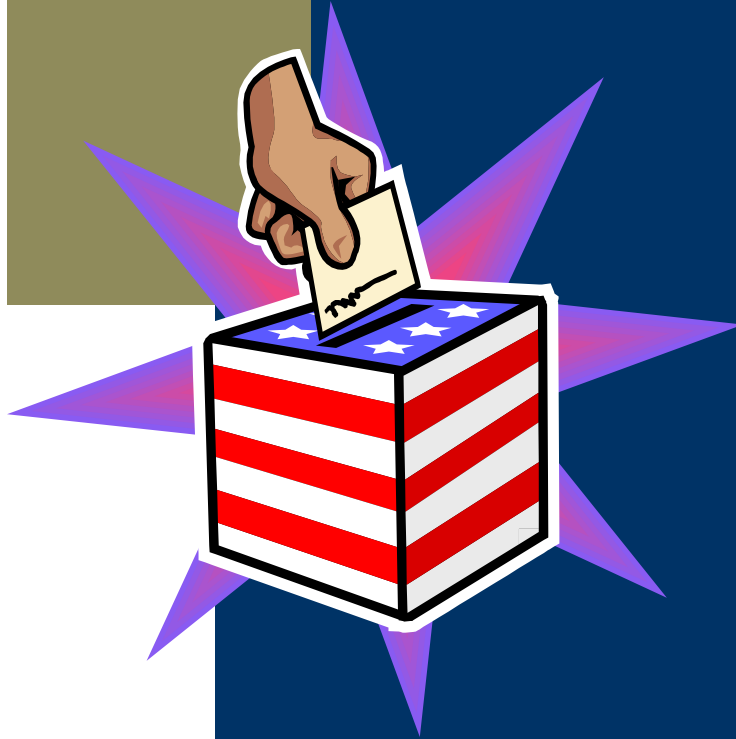
- Ordered government
 - English political ideas had their roots in the Mesopotamian, Egyptian, Hebraic, Roman, and Greek - Romans occupied Britain leaving their legacy of law and custom
 - English held firm belief in government as necessary to regulate human behavior
 - Established local governments with many transplanted offices - sheriff, coroner, assessor, justice of the peace, grand jury

English Ideas About Government (cont.)



- Limited Government
 - English held firm belief that government was not all powerful - individual has certain rights that government cannot take away.
 - Magna Charta- 1215

English Ideas About Government (cont.)



- Representative Government
 - English believed that government should serve the people
 - Requires participation of people in determining government action

English Ideas About Government (cont.)

- These ideas about government can be traced to European Enlightenment philosophers and landmark English Documents
 - ▣ Philosophers
 - Locke
 - Rousseau
 - Hobbes

English Ideas About Government (cont.)

■ Documents

– Magna Carta - 1215

- ☐ Trial by Jury
- ☐ Due process
- ☐ At first only for aristocracy

– Petition of Right – 1628

- ☐ No martial law in peacetime
- ☐ No taxation without act of parliament
- ☐ King must obey the law

– Declaration of Rights – 1689

- ☐ No cruel and unusual punishment
- ☐ Right to petition government
- ☐ Fair and speedy trial

Colonial Charters

- Charters were documents granted by king that set up colonial governments
- “13 Schools of Government”

Three types of colonies

- ☐ Royal – Governor and bicameral legislature
 - ☐ Proprietary – Governor and unicameral legislature
 - ☐ Charter – Elected governor and bicameral legislature
- Two important provisions
- ☐ all provided for local self-government if it did not conflict with English law
 - ☐ colonists given status as English citizens

Colonial Charters (cont.)

■ Significance

- English common law became basis of colonial law
- 160 years of practice in designing governments and institutions of government plus gained experience in art of governing
- Became used to the idea of government based on a single document
- Charters were often changed-got used to idea that a document of government could be amended

Foundation Documents written by the Colonists

- Colony charters were written in England
- Colonists themselves wrote the documents of self-government that the charters allowed
 - Mayflower Compact
 - Pilgrim Code of Law
 - Fundamental Orders of Connecticut
 - Massachusetts Body of Liberties
 - Declaration of Independence

The Coming of Independence

- 1754 – The Albany Plan of Union
 - Proposed by Franklin to unite 7 northern colonies in defensive league against French and Indian attacks
 - Called for annual congress from the 13 colonies with power to
 - ☐ Raise military
 - ☐ Make war and peace with Indians
 - ☐ Regulate trade with Indians
 - ☐ Levy taxes and collect duties
 - Turned down by colonies and crown

The Coming of Independence

- 1765 -The Stamp Act Congress
 - 9 Colonies sent delegates to protest Stamp Act
 - Sent Declaration of Rights and Grievances to the crown
 - First time colonists had come together to oppose British policies
 - Stamp Act repealed but followed by other restrictions
 - Tensions mount
 - 📅 March 1770 – Boston Massacre
 - 📅 December 1773 – Boston Tea Party

The Coming of Independence

- First Continental Congress
 - Spring 1774 Intolerable Acts were passed
 - In response 55 delegates from all colonies but Georgia met in Philadelphia in Sept.
 - Sent Declaration of Rights to crown to protest and organized resistance to the acts
 - Adjourned in Oct. with plans to meet again in May

The Coming Of Independence

- Second Continental Congress
 - Winter of 1774-75 Great Britain had tighten grip even further
 - Battles of Lexington and Concord occurred in April of '75
 - Congress convened in May – organized an army and selected Washington as commander
 - served as first government from the Declaration of Independence until the Articles of Confederation go into effect in 1781

The Coming of Independence

- The Declaration of Independence
 - Adopted July 4, 1776
 - Almost wholly the work of Thomas Jefferson
 - 1st paragraph is the rationale and declaration
 - Remainder is the list of grievances
 - Marks the birth of the nation

Early State constitutions and the debates surrounding their adoption

- Most of the States adopted written constitutions in 1776 and 1777
- Massachusetts set tradition of having a convention write document to be voted on by the people
- Common features of State Constitutions
 - Popular sovereignty
 - Limited government
 - Separation of powers and checks and balances

The Articles of Confederation

- Went into effect March 1, 1781
- Major provisions
 - Unicameral legislature chosen in a manner to be determined by each State
 - Each State got 1 vote
 - No executive or judicial branch – functions to be handled by committees
 - Each year a member would be selected as the president of the Congress

The Articles of Confederation

- Powers of Congress
 - Make war and peace
 - Send and receive ambassadors
 - Make treaties
 - Borrow money
 - Set up monetary system
 - Build a navy
 - Ask States for troops for an army
 - Fix weights and measures
 - Settle disputes among States

The Articles of Confederation

- Weaknesses
 - No power to tax
 - No power to regulate trade
 - No power to enforce the laws of Congress
 - No national court system
 - Laws too difficult to pass
 - The process of amending the Articles made change virtually impossible

The Critical Period

- The government of the new nation was not capable of handling the problems that faced America
- Relations among the States degenerated into bickering and petty jealousies
- Eventually people began to demand a stronger national government

Creating the Constitution

- **Maryland and Virginia hold conference on trade problems**
 - Meet at Mount Vernon at Washington's invitation March 1785
 - Meeting was so successful VA assembly calls for a meeting of all States
- **Annapolis – Sept 11, 1786**
 - Only five States send delegates
 - Call for another meeting in Philadelphia
 - Congress adds to the call for delegates by asking States to send delegates to Philadelphia for the purpose of revising the Articles of Confederation

“An Assembly of Demigods”

- Thomas Jefferson

- The 55 Delegates
 - Average age was 42 most in their 30s
 - ☐ Young, smart, personally prejudiced, educated in enlightenment thinking - Hume, Condorcet, Bacon, Newton
 - ☐ 31 had been to college
 - ☐ 2 were college presidents
 - ☐ 3 were college professors
 - Had personal experience in government
 - ☐ 39 had been members of the Continental Congress and/or Congress of the Confederation
 - ☐ 8 had helped write their State’s constitution
 - ☐ 7 had been State governors
 - ☐ 8 had signed the Declaration of Independence
 - Watched the Articles of Confederation flounder

The Philadelphia Convention

- Called to order May 25, 1787
- Elect Washington as president of the convention
- Most of what we know comes from James Madison's *Notes*
- May 30th adopted resolution to establish a new government
- From that point on, they began to write a new Constitution

“A Bundle of Compromises”

- **The Great Compromise**
 - **The Virginia Plan**
 - ☞ **Laid basic plan for 3 branches of government with bicameral legislature whose membership would be based on population of the State**
 - **The New Jersey Plan**
 - ☞ **Called for unicameral legislature with representation equal for all States**
 - **The Connecticut Compromise**
 - ☞ **Bicameral legislature with Upper house having equal representation and lower house having representation based on population**

“A Bundle of Compromises”

- The Three- Fifths Compromise
 - Representation based on population
 - ☐ Should slaves count?
 - ☐ Finally agreed to count “three-fifths of all other persons”
- The Commerce Compromise
 - Congress forbid the power to tax exports from any State
- The Slave Trade Compromise
 - Congress forbidden to touch the slave trade for at least 20 years

Ratification

- Article VII
 - Provided for means to ratify
 - Decided unanimity would be close to impossible
 - Needed only to be ratified by conventions in 9 States
 - Sent to the States on September 28, 1787

Ratification

- Two groups quickly emerged to frame the debate on ratification
- Federalists
 - Favored ratification
 - James Madison, Alexander Hamilton, John Jay
 - Arguments
 - ☐ Weaknesses of the Articles of Confederation
 - ☐ Republic would fail completely without a stronger central government

Ratification

- Anti-Federalists
 - Oppose ratification
 - Patrick Henry, Samuel Adams, John Hancock, Thomas Jefferson*
 - Arguments
 - ☐ No mention of God
 - ☐ Too few States needed to ratify
 - ☐ Central government too strong
 - ☐ No bill of rights

Ratification

- **Nine States ratified the document between December 1787 and June 1788.**
- **Constitution did not go into effect because neither VA nor NY had ratified**
 - **VA ratifies after furious debate**
 - ☐ **Success due to support of George Washington and James Madison**
 - ☐ **The two convinced Thomas Jefferson to support it**
 - **NY ratifies after huge battle and only by a small margin**
 - ☐ ***The Federalist* – a collection of 85 essays that supported ratification**
 - ☐ **Written by Hamilton, Jay, and Madison**
 - ☐ **Persuaded many to support ratification**

The New Government

- On Sept. 13, 1788 – the Congress of the Confederation
 - Chose New York as the temporary capital
 - Set 1st Wednesday in January as the date for States to choose Presidential electors
 - 1st Wednesday in February for electors to vote
 - 1st Wednesday in March for the new government to begin
- Electoral Votes counted on April 6
- Washington inaugurated on April 30, 1789