

SOLUTIONS MANUAL



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APPROACHING DEMOCRACY 9

CHAPTER TWO

THE FOUNDING AND THE CONSTITUTION

PART I: CHAPTER SUMMARY

Although the founders looked to many historic sources, such as Athens, Rome, and the Magna Carta, as they developed our system of government, they were also able to draw upon 150 years' worth of homegrown governing experience in America. With the wisdom of the ancients before them, their own understanding of the varied colonial governments that existed at the time, and the philosophical contributions of Hobbes, Locke, and Montesquieu, the new government they created in the summer of 1787 was nothing short of a miracle.

The "Miracle at Philadelphia" might never have happened, however, without a series of pivotal historic events. While the colonists shared certain philosophical or religious ideas, it was not until 1753 and the threat of French expansionism (which eventually led to the French and Indian War), that the colonists came to value a union. It was Great Britain, in fact, that first urged its colonies to enter into "articles of union and confederation" with each other to protect the economic interests of the empire. Shortly after the French and Indian War ended in 1763, Britain embarked on a disastrous policy of selectively taxing the colonists (but not their countrymen across the Atlantic) without their consent or representation in Parliament. Passions aroused by such unequal treatment were further inflamed by the quartering of British soldiers in the colonies, the Boston Massacre of 1770, and the blockading of Boston Harbor in response to the Boston Tea Party. With the well-known events leading up the Revolution itself, including the Second Continental Congress' Declaration of Independence, the states were forced to devise a political system of their own.

The first attempt to achieve governance and union, the Articles of Confederation, mandated a loose confederation under a central government that possessed little power. While these features allowed the Articles to do an adequate job during the war, the need for a stronger central government became obvious during peacetime. In May 1787, the states sent fifty-five men to Philadelphia ostensibly to revise the Articles of Confederation. Instead, these delegates embarked on the creation of an entirely new form of government. Close to dissolution many times over, such issues as slavery, representation, and state sovereignty, the Constitutional Convention eventually settled on the forms and structures of government now outlined in our Constitution.

Given the differences expressed when the Constitution was being drafted, it is little wonder that the final document was also not quickly endorsed by the various state conventions whose approval was necessary for ratification. Ratification was secured only after lengthy debate, political maneuvering, and the promise of a Bill of Rights. Even upon ratification, differences of opinion about the Constitution did not wholly evaporate. Indeed, they persist to this day.

PART II: CHAPTER OUTLINE

CASE STUDY: Reconsidering the PATRIOT Act

- I.** Introduction: The Road to Democracy
- II.** The Seeds of American Democracy
 - A.** Early Colonial Governments
 - B.** Social Contract Theorists
- III.** First Moves Toward a Union
- IV.** Rebellion: Causes and Consequences
 - A.** The Sugar and Stamp Acts
 - B.** The Townshend Revenue Acts
 - C.** The Boston Massacre
 - D.** Committees of Correspondence
 - E.** The Boston Tea Party
- V.** Revolution and the Stirrings of a New Government
 - A.** The First Continental Congress
 - B.** The Shot Heard ‘Round the World
 - C.** The Second Continental Congress
 - D.** *Common Sense*
 - E.** The Declaration of Independence
- VI.** The First New Government: A Confederation of States
 - A.** The Articles of Confederation (1781-1789)
- VII.** The Need for a More Perfect Union
- VIII.** The Constitutional Convention
 - A.** The Task
 - B.** The Participants
 - C.** The Major Players
 - D.** Plans for a New Government
 - 1.** The Virginia Plan
 - 2.** The New Jersey Plan
 - E.** Debate and Compromise: The Turning Point of the Convention
 - F.** The Issue of Slavery
 - G.** The Nature of the Presidency
- IX.** The Miracle: Results of the Convention
 - A.** A Republican Form of Government
- X.** The Governmental Powers
 - A.** Horizontal Powers
 - B.** Vertical Powers
 - C.** The Articles of the Constitution
 - 1.** Article I
 - 2.** Article II
 - 3.** Article III
 - 4.** Article IV-VII

- XI.** Ratification: The Battle for the Constitution
 - A.** *The Federalist Papers*
 - B.** Federalists versus Antifederalists
 - C.** Ratification by Way of Compromise: A Bill of Rights
 - D.** Politics the Old-Fashioned Way: A Look at the Battle for Ratification
 - E.** Adoption of the Bill of Rights
- XII.** Updating the Constitution
 - A.** Updating the Constitution through the Amendment Process
 - B.** Updating the Constitution by Judicial Interpretation
- XIII.** The Constitution and America’s Approach to Democracy
- XIV.** Approaching Democracy Around the Globe: A Tale of Two Constitutions
- XV.** USA Yesterday & Today – One Country – Two Levels of Citizenship?

PART III: LEARNING OBJECTIVES

- 2.1 How did the history of American politics before 1787 shape the nature of the Constitution?
- 2.2 What role did a tradition of activism and protest play in the early history of the United States and the creation of the Constitution?
- 2.3 What were the major areas of agreement and disagreement at the Constitutional Convention of 1787?
- 2.4 What were the most important compromises achieved by the delegates to the Constitutional Convention of 1787?
- 2.5 What are the basic principles of government established by the Constitution?
- 2.6 What are the three main branches of American government?
- 2.7 What is meant by the term “checks and balances”?
- 2.8 What is the nature and importance of “judicial review”?
- 2.9 Why did the framers believe it was so important to create a “separation of powers”?
- 2.10 What were the most important arguments for and against the ratification of the Constitution?
- 2.11 What is the process through which formal changes to the Constitution are made?
- 2.12 Why does the meaning of the Constitution evolve over time?

PART IV: KEY TERMS

republic	Second Continental Congress	three-fifths compromise
compact	<i>Common Sense</i>	electoral college system
bicameral legislature	Declaration of Independence	judicial review
sovereignty	Articles of Confederation	writ of habeas corpus
social contract theorists	Virginia Plan	federalism
limited government	legislative branch	delegated powers
Sugar Act	executive branch	reserved powers
confederation	judiciary	police powers

Stamp Act	checks and balances	devolution
Townshend Revenue Acts	separation of powers	necessary and proper clause
Boston Massacre	proportional representation	Federalists
Comm. of Correspondence	council of revision	Antifederalists
Boston Tea Party	New Jersey Plan	factions
Intolerable Acts	unicameral legislature	Bill of Rights
writs of assistance	supremacy clause	proposal
First Continental Congress	Great Compromise	ratify
		supermajority

PART V: SUGGESTED LECTURE TOPICS

1. Analyze the factors that led to the Revolutionary War.
2. Discuss why the colonies felt it necessary to base government on the consent of the governed.
3. Trace the differences in the forms of government that existed in the colonies from the Mayflower Compact to the Articles of Confederation. Explain how these governments evolved in both complexity and philosophy.
4. Explain the influence of the French and Indian War on the creation of the Albany Plan and the American Revolution. What impact did the Albany Plan have on the Articles of Confederation?
5. Discuss the historical background of the Constitution, highlighting both the democratic and aristocratic forces at work in 1787.
6. In *Federalist* no. 51, Madison wrote that the Constitution must protect against the “tyranny of the majority.” Analyze how the Constitution provides such protection.
7. Explain the features in both the Articles of Confederation and the Constitution that demonstrate the framers’ rejection of a pure form of democracy.
8. Discuss the differences between the types of national government favored by Federalists and Antifederalists.

PART VI: CLASS DISCUSSION OR ESSAY EXAMINATION QUESTIONS

1. The early colonists believed that the supreme end of government was the preservation of liberty. Why do you think liberty was of such importance to the colonists? Do you think that is still the purpose of government?
2. Explain the importance of the French and Indian War to the American Revolution.
3. How did Thomas Paine help to crystallize the idea of revolution? What would John Locke say about *Common Sense* in particular and the right to revolt in general?
4. Was the Constitution a “revolutionary” document? Explain your answer.
5. What did George Washington mean when he said that the results of the Constitutional Convention were “little short of a miracle”?
6. What do you think Supreme Court Justice Thurgood Marshall meant when he said that the Constitution was “defective from the start”?

7. What were the philosophical origins of the Federalists and the Antifederalists? How did their theories lead to very different visions of the new government?
8. How did the Federalists use both political strategy and debate to convince the Antifederalists to accept the new Constitution? Were these tactics justified?
9. Why did the framers acquiesce to slavery and the continued importation of slaves in the south? What were some of the long-term effects of this decision?
10. Describe the amendment process. How is it possible to change the meaning of the Constitution without a formal amendment?