

SOLUTIONS MANUAL



GOVT 2e Instructor Manual

Chapter 2

The Constitution

In this manual, you'll find learning objectives, a chapter overview, a chapter outline, web links, topics for class discussion, lecture launchers, in-class activities, and a list of important terms.

Learning Objectives

- Point out some of the influences on the American political tradition in the colonial years.
- Explain why the American colonies rebelled against Britain.
- Describe the structure of government established by the Articles of Confederation and some of the strengths and weaknesses of the Articles.
- List some of the major compromises made by the delegates at the Constitutional Convention, and discuss the Federalist and Anti-Federalist positions with respect to ratifying the Constitution.
- Summarize the Constitution's major principles of government, and describe how the Constitution can be amended.

Overview

The American colonies were settled by individuals from many nations, including England, France, the Netherlands, Norway, Spain, and Sweden. The majority of the colonists, though, came from England and Scotland. Although American politics owes much to the English political tradition, the colonists derived most of their understanding of social compacts, the rights of the people, limited government, and representative government from their own experiences.

The first permanent English settlement in North America was established at Jamestown (Virginia) in 1607. The first New England colony was founded at Plymouth (Massachusetts) in 1620 by a group of English Protestants who called themselves Pilgrims. Even before the Pilgrims went ashore, they drew up the Mayflower Compact, in which they set up a government and promised to obey its laws. Colonists who settled in what is now Connecticut developed America's first written constitution, the Fundamental Orders of Connecticut. This document called for the laws to be made by an assembly of elected representatives from each town, and provided for the popular election of a governor and judges. Other colonies also established governing rules. The Massachusetts Body of Liberties protected individual rights. The Pennsylvania Frame of Government, passed in 1682, and the Pennsylvania Charter of Privileges of 1701 established principles that were later expressed in the U.S. Constitution and the Bill of Rights. By 1732, all thirteen colonies had been established, each with its own political documents.

To a significant extent, colonial legislatures carried on the "nuts and bolts" of colonial government. The earliest colonial legislature was the Virginia House of Burgesses, established in 1619. By the time of the American Revolution, all of the colonies had representative assemblies. Through their participation in colonial governments, the colonists gained crucial political experience. Colonial leaders became familiar with the practical problems of governing. They learned how to build coalitions among groups with diverse interests and how to make compromises.

For the majority of the colonists, Britain was the homeland, and ties of loyalty to the British monarch were strong. A series of events in the mid-1700s, however, culminated in a change in British policy toward the colonies, and helped to sever the political, economic, and emotional bonds that tied the colonists to Britain. The British victory in the Seven Years' War (1756–1763) permanently altered the relationship between Britain and its American colonies. To pay its war debts and to finance the defense of its expanded North American empire, the British government decided to raise some revenues by imposing taxes on the colonists and exercising more direct control over colonial trade. Having fought alongside British forces in the war, the colonists thought they deserved more credit for the victory. The British, however, had little good to say about the colonists, considering them uncivilized and undisciplined. It was during this time that the colonists began to use the word *American* to describe themselves.

In an effort to obtain needed revenues, the British Parliament passed the Sugar Act in 1764, and the following year, Parliament passed the Stamp Act. More laws imposing taxes were passed in 1767. In 1773, anger over taxation reached a climax at the Boston Tea Party. In 1774, Parliament passed the Coercive Acts, which closed Boston Harbor and placed the government of Massachusetts under direct British control. In response to actions taken by the British Parliament, the colonists set up the first Continental Congress and sent a petition to King George III to explain their grievances. The congress also passed other resolutions calling for a continued boycott of British goods and requiring each colony to establish an army. Britain responded with even stricter and more repressive measures.

In 1775, British soldiers fought with colonial citizen soldiers in the first battles of the American Revolution. Delegates from all of the colonies soon gathered in the Second Continental Congress, which immediately assumed the powers of a central government. *Common Sense*, a pamphlet written by Thomas Paine, presented a rousing argument in favor of independence and helped sever the remaining ties of loyalty to the British monarch. The Second Continental Congress adopted the Declaration of Independence on July 4, 1776.

The delegates to the Second Continental Congress agreed on a draft of a plan of confederation, which was finally signed by all thirteen colonies in 1781. The Articles of Confederation served as this nation's first national constitution. The Articles established the Congress of the Confederation as the central governing body. This congress was a unicameral assembly of representatives in which each state had only one vote. A president, appointed by the congress, presided over meetings but had no real executive authority. Congress could declare war and make peace, enter into treaties and alliances, and settle disputes among the states under certain circumstances.

Several important accomplishments were achieved under the Articles. The Northwest Ordinance settled states' claims to many of the western lands. The 1783 peace treaty negotiated with Britain granted to the United States all of the territory from the Atlantic Ocean to the Mississippi River and from the Great Lakes and Canada to what is now northern Florida. Nevertheless, the central government created by the Articles of Confederation was quite weak. Congress had no power to raise revenues for the militia or to force the states to meet military quotas. It could not regulate commerce between the states or with other nations. Congress had no power to enforce its laws. There was no national judicial system, and there was no executive branch.

General dissatisfaction with the Articles of Confederation and disruptions such as Shays' Rebellion caused political and business leaders to realize that a true national government had to be created. The congress called on the states to send delegates to Philadelphia in 1787. That meeting became the Constitutional Convention.

Compromises had to be reached on several disputed issues. The delegates resolved the small-state/large-state controversy with the Great Compromise—a plan for a bicameral legislature. In one legislative chamber the number of representatives from each state would be determined by the number of people in that state. The other chamber would have two members from each state. The three-fifths compromise settled a deadlock on the issue of how slaves were to be counted for purposes of determining

representation in the House of Representatives. The delegates also compromised on the issue of slave importation, agreeing that Congress could prohibit the importation of slaves into the country beginning in 1808. In another compromise reached at the Constitutional Convention, the South agreed to let Congress have the power to regulate interstate commerce as well as commerce with other nations in exchange for a guarantee that no export taxes would ever be imposed on products exported by the states. Today, the United States is one of the few countries that does not tax its exports.

The ratification of the Constitution set off a national debate. The Federalists favored a strong central government and the new Constitution. The *Federalist Papers*, a series of essays written in defense of the Constitution, attempted to allay the fears expressed by the Constitution's critics. Many Anti-Federalists contended that the Constitution would lead the nation to aristocratic tyranny; others feared that the Constitution would lead to an overly powerful central government that would limit personal freedom. To gain the necessary support for ratification, the Federalists promised to add a bill of rights to the Constitution as the first order of business under the new government. By 1790, all of the states had ratified the Constitution.

The Constitution incorporated the principle of limited government, which means that government can do only what the people allow it to do through the exercise of a duly developed system of laws. Implicitly, the principle of limited government rests on the concept of popular sovereignty—it is the people who form the government and decide on the powers that the government can exercise. The Constitution also incorporated the principle of federalism, a system of government in which the central (national) government shares sovereign powers with the various state governments. By separating the powers of the national government, the framers ensured that no one branch—legislative, executive, judicial—would have enough power to dominate the others. This principle of separation of powers is laid out in Articles I, II, and III of the Constitution. A system of checks and balances was also devised so that each of the three branches has the means to restrain or balance the actions of the others. The Bill of Rights, ratified by all of the states by 1791, is another check on the powers of government.

Since the Constitution was written, more than eleven thousand amendments have been introduced in Congress. Nonetheless, in the years since the ratification of the Bill of Rights, the first ten amendments to the Constitution, only seventeen proposed amendments have become part of our Constitution. A constitutional amendment may be proposed either by a two-thirds vote in each chamber of Congress or by a national convention called by Congress at the request of two-thirds of the state legislatures. Ratification of an amendment can occur either by a positive vote in three-fourths of the state legislatures or by a positive vote in three-fourths of special conventions called in the states for the specific purpose of ratifying the proposed amendment.

Lecture Outline

I. The Beginnings of American Government

- A. One asset the constitutional framers brought with them to the convention in Philadelphia was their English political heritage.
- B. Another asset the framers brought to the convention was the political experience they had acquired during the colonial era.
 1. The first New England colony was founded in 1620 at Plymouth, Massachusetts. Even before the Pilgrims went ashore, they drew up the Mayflower Compact, in which they set up a government and promised to obey its laws.
 2. Those who settled in what is now Connecticut developed America's first written constitution, the Fundamental Orders of Connecticut. This document called for the laws to be made by an assembly of elected representatives from each town. The document also called for the popular election of a governor and judges.
 3. Other colonies, in turn, established fundamental governing rules. The Massachusetts Body of Liberties protected individual rights. The Pennsylvania Frame of Government (1682) and the Pennsylvania Charter of Privileges (1701) established principles that were later expressed in

the U.S. Constitution and Bill of Rights.

4. By 1732, all thirteen colonies had been established, each with its own political documents and constitution.
5. To a significant extent, colonial legislatures carried on the “nuts and bolts” of colonial government. By the time of the American Revolution, all of the colonies had representative assemblies.
6. Through their participation in colonial governments, the colonists gained crucial political experience. Colonial leaders became familiar with the practical problems of governing. They learned how to build coalitions among groups with diverse interests and how to make compromises.

II. The Rebellion of the Colonists

- A. By and large, the American colonists did not want to become independent of Britain. For the majority of the colonists, Britain was the homeland, and ties of loyalty to the British monarch were strong. Several events, however, led to the severing of political, economic, and emotional ties.
 1. The British victory in the Seven Years' War (1756-1763) permanently altered the relationship between Britain and its American colonies. After ousting the French from North America, the British expanded their authority over the colonies.
 2. Having fought alongside British forces, Americans thought they deserved more credit for the victory. The British, however, had little good to say about the colonists, considering them uncivilized and undisciplined. It was during this time that the colonists began using the word *American* to describe themselves.
 3. To pay its war debts and to finance the defense of its expanded North American empire, Britain needed revenues.
 - a. In 1764, the British Parliament passed the Sugar Act. The Stamp Act was passed in 1765. Further taxes were imposed in 1767.
 - b. In 1773, anger over taxation reached a climax at the Boston Tea Party. Parliament responded with the Coercive Acts, which closed Boston Harbor and placed the government of Massachusetts under direct British control.
 - c. Delegates to the First Continental Congress met in 1774, and sent a petition to King George III to explain their grievances. The congress also passed other resolutions calling for a continued boycott of British goods and requiring each colony to establish an army. The British responded with even stricter and more repressive measures.
 4. In 1775, British soldiers fought with colonial citizen soldiers in the first battles of the American Revolution.
 5. In 1775, the Second Continental Congress immediately assumed the powers of a central government.
- B. The stage had been set for declaring independence. One of the most rousing arguments in favor of independence was Thomas Paine's *Common Sense*. It helped sever the remaining ties of loyalty to the British monarch.
- C. By June 1776, the Second Continental Congress had suggested that all colonies establish state governments separate from Britain. The congress formally adopted the Declaration of Independence on July 4, 1776.

III. The Confederation of States

- A. On November 15, 1777, the Second Continental Congress agreed on a draft of a plan of confederation, which was finally signed by all thirteen colonies on March 1, 1781. The Articles of Confederation served as the nation's first national constitution.
 1. The Articles of Confederation established the Congress of the Confederation as the central governing body. Each state had only one vote. A president, appointed by congress to preside

over meetings, had no real executive authority. Under the Articles, this unicameral congress had several powers, including the power to enter into treaties and alliances; to establish and control the armed forces; to declare war and make peace; to regulate coinage; to borrow money from the people; to create a postal system; to set standards for weights and measures; to create courts to address issues related to ships at sea; to settle disputes among the states under certain circumstances; and to create some government departments.

2. Under the Articles several accomplishments were achieved. The Northwest Ordinance settled states' claims to many of the western lands. The 1783 peace treaty negotiated with Britain granted to the United States all of the territory from the Atlantic Ocean to the Mississippi River and from the Great Lakes and Canada to what is now northern Florida.
 3. The central government created by the Articles of Confederation, was, however, quite weak. Congress could not force the states to meet military quotas, it had no power to regulate commerce between the states or with other nations, it could not directly tax the people, and it had no power to enforce its laws. There was no national judicial system and no executive branch. Nine states had to approve any law before it was enacted, and any amendment to the Articles required all thirteen states to consent.
- B. Shays' Rebellion (1786—armed farmers seized county courthouses and disrupted debtors' trials, then launched an attack on the national government's arsenal in Springfield, MA) and similar disruptions were catalysts for change. The revolts scared political and business leaders and caused more and more Americans to realize that a true national government had to be created.
- C. Representatives from several states met in Annapolis in 1786 to address the problems facing the nation; they issued a report calling on the states to hold a convention in Philadelphia in May of the following year. The Congress of the Confederation finally called on the states to send delegates to Philadelphia to revise the Articles of Confederation.

IV. Drafting the Constitution

- A. The Constitutional Convention opened on May 25, 1787. For the most part, the delegates were from the best-educated and wealthiest classes.
- B. The Virginia Plan: a proposal for an entirely new national government under a constitution.
1. A bicameral legislature—lower house chosen by the people, upper house chosen by the lower house; number of representatives in the legislature would be in proportion to each state's population.
 2. National executive branch, elected by the legislature.
 3. National court system, created by the legislature.
- C. The New Jersey Plan: an alternate plan favorable to the smaller states.
1. Each state would have only one vote in Congress (it was argued that because each state had an equal vote under the Articles of Confederation, the convention had no power to change this arrangement).
 2. An executive office of more than one person would be elected by Congress.
 3. The executive office would appoint a national supreme court.
 4. Congress would be able to regulate trade and impose taxes.
 5. Acts of Congress would be the supreme law of the land.
- D. The Compromises
1. The Great Compromise (the Connecticut Compromise)—resolved the large-state/small-state controversy. The plan called for a bicameral legislature: a lower house (the House of Representatives), in which the number of representatives from each state would be determined by the number of people in that state; and an upper house (the Senate), which would have two members from each state. The members would be elected by the state legislatures.

2. The Three-Fifths Compromise—each slave would count as three-fifths of a person in determining representation in the House of Representatives. This compromise was eventually overturned by the Fourteenth Amendment.
 3. Slave Importation—Congress could prohibit the importation of slaves into the country beginning in the year 1808. As a result, the South won twenty years of unrestricted slave trade and a requirement that escaped slaves who had fled to the northern states be returned to their owners. Domestic slave trading was untouched.
 4. Banning Export Taxes—the South agreed to let Congress have the power to regulate interstate commerce as well as commerce with other nations; in exchange, the Constitution guaranteed that no export taxes would ever be imposed on products exported by the states. Today, the United States is one of the few countries that does not tax its exports.
- E. A Committee of Detail undertook the task of determining the make-up of the executive branch and the judiciary. The final draft of the Constitution was approved on September 17, 1787.
- F. The Debate Over Ratification
1. The Federalists supported the adoption of the Constitution and the creation of a federal form of government. The *Federalist Papers*, a series of eighty-five essays, were written in defense of the Constitution. In them, Hamilton, Jay, and Madison attempted to allay the fears expressed by the Constitution's critics.
 2. The Anti-Federalists stood for the status quo. They feared that the Constitution would lead to an overly powerful central government that would limit personal freedom. They argued that the Constitution needed a bill of rights.
 3. The Federalists finally promised to add a bill of rights to the Constitution as the first order of business under the new government, turning the tide in favor of the Constitution.
- G. The contest for ratification was close in several states, but the Federalists finally won in all of the state conventions. The Constitution formally went into effect on June 21, 1788; all of the states had ratified by May 29, 1790.
- V. The Constitution's Major Principles of Government
- A. Limited government—government can do only what the people allow it to do through the exercise of a duly developed system of laws. Implicitly, the principle of limited government rests on the concept of popular sovereignty—it is the people who form the government and decide on the powers that the government can exercise. The idea that no one, including government officers, is above the law is called the rule of law.
 - B. Federalism—the national government shares sovereign powers with the various state governments. Federalism was the solution to the debate over whether the national government or the states should have ultimate sovereignty.
 - C. Separation of powers—the powers of the national government are separated into different branches: legislative, executive, and judicial. No one branch would have enough power to dominate the others.
 - D. Checks and balances—even though each branch of government is independent of the others, it can also check the actions of the others. No one group or branch of government can exercise exclusive control.
 - E. The Bill of Rights—to secure ratification of the Constitution in several important states, the Federalists had to provide assurances that amendments would be passed to protect individual liberties against violations by the national government. By 1791, all of the states had ratified the ten amendments that now constitute the Bill of Rights.
 - F. Amending the Constitution
 1. Proposing an amendment—a two-thirds vote in both houses of Congress; or, Congress calls a national amendment convention at the request of two-thirds of the state legislatures, and an amendment is proposed at that convention. The second method has never been used.

2. Ratifying an amendment—three-fourths of the state legislatures vote in favor of the proposed amendment; or the states call special conventions to ratify the proposed amendment, and three-fourths of the states approve. The second method has been used only once—to ratify the Twenty-first Amendment.

Web Links

- For historical documents from the founding period, go to www.law.yale.edu/library.
- The National Constitution Center in Philadelphia has a Web site that offers basic facts about the Constitution. Go to www.constitutioncenter.org.
- For a copy of the Constitution that provides hypertext links to amendments and other changes, go to www.law.cornell.edu/constitution/constitution.overview.html.
- James Madison's notes from the Constitutional Convention are available online at www.thisnation.com/library/madison/index.html.
- The Anti-Federalist Papers are available online at the Web site of the West El Paso Information Network. Go to <http://www.wepin.com/articles/afp/index.htm>.
- The Center for Democracy and Technology has information on the effect of new computer and communications technologies on constitutional rights and liberties at www.cdt.org.
- For online versions of state constitutions, go to www.findlaw.com/11stategov.
- You can find constitutions of other countries at www.servat.unibe.ch/law/icl/index.html.

Instructor Resources

Topics for class discussion

- In drafting the Constitution, the framers exhibited the art of compromise. Have our current political leaders lost the ability to listen to each other and find common ground? Are we losing the ability to compromise?
- Thomas Jefferson once said: "It is not by the consolidation or concentration of powers, but by their distribution, that good government is effected." Ask your students if that view has stood the test of time with respect to the way in which power was divided in the U.S. Constitution by principles such as separation of powers and federalism. Has the number of decision-making arenas become so numerous and has power become so divided that government is too inefficient and ineffective for our own good?
- The United States Constitution is the oldest written constitution in the world. At the time it was written, many of its fundamental principles were considered quite novel. Some nations have used the U.S. Constitution as a model for developing a constitution of their own. Find examples of constitutions that borrow concepts from the U.S. Constitution, and have your students discuss the similarities and differences they find.

Lecture Launchers

- Words matter. Why are there so many disagreements over what the words in the Constitution mean?
- The total U.S. population in 1790 was 3,929,214; the 2000 census counted 281,421,906

people, and we are now at more than 307,000,000. How is it possible that the Constitution remains a viable document for governing a country that has changed dramatically in size and scope over the course of more than two centuries?

In-class activities

- The U.S. Constitution is a model of brevity, and has been amended only twenty-seven times. Ask your students to compare the U.S. Constitution with the constitutions of their home states. What similarities do they find? How do the various constitutions differ in terms of length, specificity, and the number of amendments?

Important Terms

Anti-Federalists
Articles of Confederation
Bill of Rights
checks and balances
commerce clause
confederation
Constitutional Convention
faction
federal system
Federalists
First Continental Congress
Great Compromise
interstate commerce
Madisonian Model
Mayflower Compact
rule of law
Second Continental Congress
separation of powers
Shays' Rebellion
three-fifths compromise
tyranny
unicameral legislature
veto power