

SOLUTIONS MANUAL

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4

GOV'T

STUDENT EDITION

WHAT'S INSIDE:

A Student-Tested,
Faculty-Approved Approach
to Learning the *Principles
of American Government*

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Outcomes, Questions for Critical
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CHAPTER 2

The Constitution

In this manual, you'll find learning outcomes, a chapter overview, a chapter outline, Internet resources, critical thinking questions, lecture launchers, in-class activities, a list of key terms and definitions, and instructor resources.

LEARNING OUTCOMES

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

CHAPTER 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 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 battle of the American Revolution. Delegates from all of the colonies soon gathered for 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.

One of the weaknesses of the Confederation had been the lack of an independent executive authority. The Constitution created an independent executive—the president—and made him commander in chief of the army and navy. The president was also given extensive appointment powers. The Constitution also established the U.S. Supreme Court and authorized Congress to establish other “inferior” federal courts. To prevent against possible wrongdoing, the Constitution provided for a way to remove federal officials from office—through the impeachment process.

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, nor 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 vote in three-fourths of the state legislatures or by a vote in three-fourths of special conventions called in the states for the specific purpose of ratifying the proposed amendment.

CHAPTER 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 battle 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 legislature 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 (in 1786 armed farmers seized county courthouses and disrupted debtors' trials, then launched an attack on the national government's arsenal in Springfield, Massachusetts) 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 and Ratifying 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 was a proposal for an entirely new national government under a constitution. It called for the following:
 - 1. A bicameral legislature
 - i. Lower house chosen by the people
 - ii. Upper house chosen by the lower house
 - iii. The 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 was an alternative 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, elected by the state legislatures.
 2. The Three-Fifths Compromise asserted 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. One of the weaknesses of the Confederation had been the lack of an independent executive authority. The Constitution created an independent executive—the president—and made him commander in chief of the army and navy. The president was also given extensive appointment powers, although Senate approval was required for certain appointments.
- F. The Constitution also established the U.S. Supreme Court and authorized Congress to establish other “inferior” federal courts.
- G. To protect against possible wrongdoing, the Constitution provided for a way to remove federal officials from office—through the impeachment process. A federal official who commits “Treason, Bribery, or other High Crimes and Misdemeanors” may be impeached by the House of Representatives and tried by the Senate.
- H. A Committee of Detail undertook the remainder of the work. The final draft of the Constitution was approved on September 17, 1787.
- I. 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.
- J. 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 and Popular Sovereignty: 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, meaning 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. The Principle of 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 requires a two-thirds vote in both chambers of Congress; or Congress must call a national amendment convention at the request of two-thirds of the state legislatures, and the amendment is proposed at that convention. The second method has never been used.
 - 2. Ratifying an amendment requires three-fourths of the state legislatures vote in favor of the proposed amendment; or the states must call special conventions to ratify the proposed amendment and three-fourths of the states must approve. The second method has been used only once—to ratify the Twenty-first Amendment.

INTERNET RESOURCES

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.

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 www.wepin.com/articles/afp/index.htm.

The Center for Democracy and Technology provides information about how new computer and communications technologies are affecting constitutional rights and liberties. Go to 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/icl.

CRITICAL THINKING QUESTIONS

1. Compared with the United States, many representative democracies place less emphasis on limited government and a higher value on “effective government.” The parliamentary system, for example, is a constitutional form of government that many argue is more efficient, because the chief executive is a member of the legislature. Is governmental decision making in the United States less effective than it is in Britain? Have our constitutional principles of separation of powers and a

system of checks and balances led to decision-making arenas so numerous and power so divided that our government is too inefficient and ineffective for our own good? Has the goal of limited government been achieved?

2. Type “the *Federalist Papers*” into a search engine. How many entries appear? Why has so much been written about the arguments made by Alexander Hamilton, John Jay, and James Madison in defense of the Constitution?
3. What were the long-term effects of the compromises that were reached at the Constitutional Convention?

LECTURE LAUNCHERS

1. The framers could not have written the Constitution without the art of compromise. Why have our current political leaders seemingly lost the ability to listen to each other and find common ground? What are the political consequences of refusing to compromise?
2. The total U.S. population in 1790 was 3,929,214. It is now more than 310,000,000. How is it possible that the Constitution, with only twenty-seven amendments, remains a viable document for governing a country that has changed dramatically in size and scope over the course of more than two centuries? If you had the power to amend the Constitution, what changes would you make?

IN-CLASS ACTIVITIES

1. Go to www.constitutionfacts.com and do some of the following interactive exercises:

What’s Your Constitution I.Q?

“Real or Fake?” Quiz

Which Founding Father Are You?

Which Founding Father Would You Vote For?

How did you do? Were you surprised by what you learned?

KEY TERMS

Anti-Federalists A political group that opposed the adoption of the Constitution because of the document’s centralist tendencies and because it did not include a bill of rights

Articles of Confederation The nation’s first national constitution, which established a national form of government following the American Revolution; the Articles provided for a confederal form of government in which the central government had few powers

bicameral legislature A legislature made up of two chambers, or parts; the United States has a bicameral legislature composed of the House of Representatives and the Senate

Bill of Rights The first ten amendments to the U.S. Constitution, which list the freedoms—such as the freedoms of speech, press, and religion—that a citizen enjoys and that cannot be infringed on by the government

checks and balances A major principle of American government in which each of the three branches is given the means to check (to restrain or balance) the actions of the others

commerce clause The clause in Article I, Section 8, of the Constitution that gives Congress the power to regulate interstate commerce (commerce involving more than one state)

confederation A league of independent states that are united only for the purpose of achieving common goals

Constitutional Convention The convention (meeting) of delegates from the states that was held in Philadelphia in 1787 for the purpose of amending the Articles of Confederation; in fact, the delegates wrote a new constitution (the U.S. Constitution) that established a federal form of government to replace the governmental system that had been created by the Articles of Confederation

faction A group of persons forming a cohesive minority

Federalists A political group led by Alexander Hamilton and John Adams that supported the adoption of the Constitution and the creation of a federal form of government

federal system A form of government that provides for a division of powers between a central government and several regional governments; in the United States, the division of powers between the national government and the states is established by the Constitution

First Continental Congress A gathering of delegates from twelve of the thirteen colonies, held in 1774 to protest the Coercive Acts

Great Compromise A plan for a bicameral legislature in which one chamber would be based on population and the other chamber would represent each state equally; the plan, also known as the Connecticut Compromise, resolved the small-state/large-state controversy

interstate commerce Trade that involves more than one state

Madisonian Model The model of government devised by James Madison, in which the powers of the government are separated into three branches: executive, legislative, and judicial

Mayflower Compact A document drawn up by Pilgrim leaders in 1620 on the ship *Mayflower*; the document stated that laws were to be made for the general good of the people

rule of law A basic principle of government that requires those who govern to act in accordance with established law

Second Continental Congress The congress of the colonies that met in 1775 to assume the powers of a central government and to establish an army

separation of powers The principle of dividing governmental powers among the executive, the legislative, and the judicial branches of government

Shays' Rebellion A rebellion of angry farmers in western Massachusetts in 1786, led by former Revolutionary War captain Daniel Shays; this rebellion and other similar uprisings in the New England states emphasized the need for a true national government

three-fifths compromise A compromise reached during the Constitutional Convention by which three-fifths of all slaves were to be counted for purposes of representation in the House of Representatives

tyranny The arbitrary or unrestrained exercise of power by an oppressive individual or government

unicameral legislature A legislature with only one chamber

veto power A constitutional power that enables the chief executive (president or governor) to reject legislation and return it to the legislature with reasons for the rejection; this prevents or at least delays the bill from becoming law

INSTRUCTOR RESOURCES

Political Theatre 2.0 DVD

Impeachment of President Clinton: 1998

President Clinton's Legal Defense Strategy Against Impeachment: 1998

President George W. Bush Calls for a Constitutional Amendment Defining “Marriage”: 2004

Suggested Reading

Roberts, Cokie. *Founding Mothers: The Women Who Raised Our Nation*. New York: HarperCollins, 2004.