

ENGEL

GVPT170 Semester Notes

Philosophical Origins to American Government

Authoritarian systems vs. Non-Authoritarian systems of government

- Who is in power? Who has the most control?
- Government (or state)
 - Authoritarians: government has more power
 - Govt. controls most aspects of your life
 - Govt. can take rights away from you
 - Can't require due process, you are at whim of govt
 - Non: people have more power
 - Govt. exists to protect the people/provide them with certain rights
 - Limit power of govt by giving them responsibilities (you can't take certain rights from me unless you do certain things)
 - If you are going to punish me, you need to give me due process
 - Authoritarian Governments
 - Monarchy
 - King or Queen
 - Power vested in them
 - They can get rid of you
 - Theocracy
 - Divine Right, Religion
 - Chosen person by God
 - Govt. is based on religious principles
 - Citizens may be required to act in certain way
 - Religious culture shapes the way govt operates
 - Fascism
 - I.e. Nazi Germany
 - Govt. exists for the glory of the state, rather for citizen
 - Oligarchy
 - Small group of elite people that call the shots
 - I.e. Communist Party
 - Non-Authoritarian
 - Anarchy
 - Govt. does not exist
 - No laws
 - People are more powerful; no govt. to compete with
 - No real world examples today
 - Democracy
 - Lot of systems labeled democratic, but do not necessarily look alike
 - People are more powerful than govt
 - At times, certain people are not part of democracy
 - I.e. United States (women, blacks)

- Certain elements of democracy apply to U.S.
- 3 types of democracies
 - Participatory Democracy (other names: pure, direct, face-to-face, classical)
 - Citizens more powerful because they decide everything, left up to a vote
 - Athens: males (who are not slaves)
 - If you want to change anything in govt, everyone must vote
 - Citizen must find out about issue and vote
 - Benefit
 - People decide
 - No representative who may not represent well
 - Majority wins
 - Negative
 - The people decide everything
 - May not be a good idea
 - May be short sided
 - May be looking out for themselves, not the people as a whole
 - Time
 - Takes up a lot of time to decide every little thing
 - Showing up to vote
 - Time to learn about the issues
 - Representative Democracy/Elite Democracy
 - Elements of this in US Govt
 - Idea that we are going to choose people to represent our interests and make decisions for us
 - Benefit
 - Not time consuming for people
 - They take care of time issues (becoming educated on issues; showing up and voting)
 - Create a ruling class
 - Elite class of people, career choice
 - Most people don't just say "I'm going to run for governor today"
 - Usually people who have career in politics
 - Members of congress
 - Well educated

- Wealthy
 - White males
 - Negative
 - When you have people making decisions for you, you start surrounding your vote
 - Your power ends in the voting booth
 - Less attached to people
 - Elites try to acquire more power from you
 - If there is no Bill of Rights of some sort, those elite people start thinking about own interests, not yours
 - Pluralist Democracy (see Federalist 10)
 - US has this
 - Idea that individuals are only so powerful in the govt
 - Person acting alone can only have a minimal impact
 - To have power, organize into groups
 - Find people with similar interests/concerns → try to affect change
- Social Contracts
 - Non Authoritarian systems are based on this idea
 - It is an agreement btwn people and govt which is going to try to insure that people remain in power
 - People are willing to transfer some rights to the govt
 - It is in your self interest to do so
 - Without protection of govt, your life will not be happy
 - Need for govt to protect/secure you
 - Realize you are better with govt than without it
 - Social Contract Theorists
 - Modern thinkers, reject premodern thought
 - Reject following ideas:
 - A belief in a natural aristocracy
 - People have power because they are born into the situation
 - Equality among individuals does not exist
 - Offspring get same benefit
 - If god wanted you to be in highest class, you would be
 - God said so, you are under this belief

- As a good person, you must respect what king says because God chose him to be king (premodern thought)
 - A belief in ascribed status
 - If you are born into low social status, that is where you stay no matter what
 - If you are born at upper end, that is where you will stay
 - No hope
 - System of paternalistic authority
 - You see a familial relationship with king (father figure) so....he can tell you what to do
 - He is “there to help you”
 - As a person in the family, you have certain responsibilities
 - Not suppose to think about yourself, but about the family (the elders=the king)
 - What will make the govt happy? What should I do so they will be happy?
 - Not about individualism, making choices that may not be best for you, but best for ruler/govt
 - Thomas Hobbes—The Leviathan
 - Trying to reject divine right of kingship
 - John Lock—Second Treatise on Government
 - Reject natural aristocracy
- Age of Enlightenment
 - Science challenges “pre-modern thought”
 - Things king has said is not true
 - Average people are able to figure this stuff out when king isn’t, citizens have reasoning capacity
 - Belief that people have reasoning capacity to make sound decisions and promote their own interests
 - If people have reasoning capacity, then this help to break down the idea that some are naturally superior
 - This is not to say everyone is equally the same
 - Everyone is different, but it does not go by natural superiority
 - Thus, there is a natural equality among people
- Thomas Hobbes
 - Describes life in the “state of nature” (i.e. what a world without govt would be like)
 - Chaotic
 - Violent
 - Always ends up in death for someone
 - Because we are naturally equal, we do not need a king

- Hobbes understands we need a govt, but not a natural superior one
 - People will steal what you have
 - With govt, they cannot, or will be punished
- We realize that if we do not have govt, our life will be miserable, unsafe, unstable → we are better off with govt than without
- We enter a social contract with government for safety and peace
 - Ultimately, in order to live in a civil society, ALL must be willing to make a social contract and TRANSFER natural rights (at same time) to a sovereign (A Leviathan)
 - We do this because we think through things and realize this is for the better
 - We freely come to this decision, we will respect someone as our ruler
 - Not because god has told us to
 - It's our ability to reason that show us that making the social contract will protect us
- What makes people naturally equal?
 - We all:
 - Are conceited
 - We think we're all smarter than others
 - Think we have great common sense
 - Are Self-Interested and Competitive
 - We think we can acquire what everyone else does
 - Want What Others Have
 - Keeping up with the Jones's
 - Want Respect
 - People don't like when others look down upon them
 - Part of what makes us willing to enter the social contract is they want respect
 - Want Stability, Safety and Peace
 - Do not want chaos
- Hobbes believes he is offering a "scientific" theory (based on reason; not on superstition/myths) for why people must obey an absolute monarch
 - Its not because of divine right; rather, its because of there's a THEORY OF OBLIGATION under the SOCIAL CONTRACT
 - In the past when others put theories on why you have to respect king, it was based on divine right of kingship (God chose him)
- ***State of nature (most important thing dealing with Hobbes)

- Founding father says people are natural competitive, conceited, etc (what Hobbes said)
 - Motivation is always: what is human nature?
 - When people get power, they want more
- John Locke
 - Describes the “state of nature” as a relatively peaceful society where all citizens are EQUAL and are guided by their reason
 - People are guided by reasoning capacity
 - However, life in the “state of nature” can become chaotic, since everyone is seeking his/her personal advantage
 - Eventually it all goes downhill
 - A lot of situations where people are uncomfortable
 - Violence erupts
 - Death is the ultimate; people are constantly worried about death
 - Everyone is looking out for their own personal advantage
 - Try to acquire things from other people→constantly violent
 - What makes people naturally equal?
 - We all:
 - Are competitive
 - Want what others have; we are just as good
 - Act in our own personal interest
 - What is going to make me happy?
 - Have a natural right to property (provided we do the necessary work to acquire it)
 - Want to acquire other people’s property
 - Natural tendency is for people to be lazy; steal or take away
 - Want to be judged and punished impartially
 - Want our individual interests to be protected (particularly our property rights)
 - We don’t want people taking things from us
 - The “state of nature” is governed by REASON, which teaches us that no one should harm our PROPERTY and that we have the right to protect our PROPERTY
 - We enter into a SOCIAL CONTRACT to protect our PROPERTY RIGHTS as well as have a NEUTRAL UMPIRE to judge and execute the laws
 - Locke- Limited Government
 - Under Locke’s social contract, government has a LIMITED role

- Government's only function is to preserve our LIBERTIES and PROPERTY RIGHTS
 - This is necessary for the common good (peace, stability, etc) .
 - This is all the government is suppose to do
 - Government is based on the CONSENT of the PEOPLE
 - The decision of the majority is law
 - For Locke, people enter into social contracts to preserve life, liberty, and property as well as to ensure justice
 - If we don't have govt, people will kill us for property; so we want to protect our life
 - We want to make sure people do not take from us
 - We want a neutral umpire
 - Also, the social contract is revocable
 - If the government does not hold up to its end of the deal, the contract is revocable
 - Not on an individual basis, but a majority basis
 - Society can get together, revolt, and reject contract
 - The Government is responsible, has responsibilities
- Classical Liberalism
 - Known as the "American ideology"
 - It recognizes equality of opportunity
 - We do not want things handed to people
 - However, we see that some have opportunities that others do not
 - Emphasizes importance individualism & self-reliance
 - Looking out for yourself, not looking for government to help you out
 - To pursue own interest, rely on self-reliance
 - Takes its roots from the philosophies of Hobbes and Locke
 - Major components of classical liberalism:
 - Competitive individualism
 - Straight from Hobbes and Locke
 - Idea is everyone is responsible for their own destiny
 - No one owes you anything, government doesn't owe you anything
 - If you are unhappy, compete more, work harder
 - We have responsibility to compete in society
 - Since you are competing, you have the right to pursue what is good for you
 - Merit based success
 - Smartest, best GPA, hardest worker is the most successful

- Downfalls of Competitive Individualism:
 - Materialism
 - A lot of people cannot afford these materials
 - Right to private property
 - Not just land, but your stuff!
 - Computers, phones, cars, clothes
 - If you're competing in society, you have a right to acquire that property
 - You don't feel bad that you have these things
 - Free Market Economy
 - Do not want government involved in economy
 - Limited Government
 - Insure justice; protect property. That's it.
- U.S. Constitution: NO SOCIAL RIGHTS
 - If you have social programs, they will be paid for thru taxes= less income you have=less right to private property
- This Classical Liberalism worked well in 1787, but now it does not
 - Modern day liberals are critical of going back to that original understanding
 - Want to keep principles, cannot keep original understanding in place
 - When members of Tea Party say Obama is socialist, people who study socialism may reject that

The Founding of the U.S. Constitution

- Historical timeline
 - 1776: American Revolution- Declaration of Independence
 - 1777: Articles of Confederation (Continental Congress)
 - 1787: Constitutional Convention
 - 1789: Ratification of the U.S. Constitution
 - 1790: Creation of the Bill of Rights (12 Amendments proposed)
 - 1791: Ratification of 10 of the 12 proposed Amendments
- Conflict between England and the Colonies
 - Why England believed it was right:
 - Wanted Colonists to help pay for French and Indian war
 - As colonists, you will benefit→we are offering you safety and protection; since we are holding up our end of the bargain, you have responsibility to pay for these things
 - Colonists reject offers of representation in Parliament
 - England says we give you opportunities for rep, and you say no
 - Colonists: we don't have voting power, so it isn't really representation

- Why the colonists believed they were right:
 - Unfair taxation, such as Sugar and Tea Acts
 - Feel like they don't have fair representation
 - "you shouldn't tax us unless we have representation in Parliament"
 - Tyrannical monarch
 - Belief in popular sovereignty
- The Declaration of Independence
 - Jefferson uses Locke to defend right to revolution
 - Locke says govt. has responsibility under social contract to protect, life, liberty, and happiness
 - Jefferson argues that King George has violated the social contract with the colonists
 - The reason why we are having this revolution is because you, England, are not living up to social contract
 - Jefferson is influenced by Locke's belief in natural rights (life, liberty, and property)
 - Jefferson uses phrase "Life, Liberty, and pursuit of Happiness"
 - Changes it to this because there were very few colonists who owned property on time
 - In hopes of appealing to more colonists
- Influences from Locke in Declaration of Independence
 - —"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."
 - All people are equal
 - We are all competitive
 - Human nature makes us equal
 - Rights that come from God, natural rights → fact that we are humans gives us these rights
 - —"That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."
 - A government by consent
 - Government get its power from the people in the society; people can also take it away
 - —"That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such forms, as to them shall seem most likely to effect their Safety and Happiness..."
 - Whenever any form of govt. becomes destructive, it is the right of the people to alter or to abolish it and to institute new govt.
- The DOI explains HOW King George has violated the social contract:

- —“The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over the States. To prove this, let Facts be submitted to a candid world.” (end of 2nd paragraph)
- —The DOI then lists numerous examples of the violation of the social contract:
 - (Basically the whole document, goes on and on)
 - —“He has refused his Assent of Laws...”
 - —“He has forbidden his Governors to pass Laws of immediate and pressing importance...” Etc.,
 - Jefferson starts from general statements from Locke, but then shows how King has failed to do things and has done things he shouldn't have
 - —“In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only be repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be a ruler of a free people...”
 - The DOI is so influenced by John Locke***
 - Very important for founding of this country
- Life After the Revolution
 - African Americans
 - Remained enslaved in the South
 - Slave trade continued
 - Experienced situation that did not make them feel equal
 - Native Americans
 - Continued to lose land
 - Women
 - Lost the ability to vote and the previous limited opportunities to participate in politics
- The Articles of Confederation
 - We must learn from our mistakes and fix them
 - Clearly we cannot give power to ONE person
 - Classical republicanism: idea that you are suppose to look out for the greater good; act in disinterested fashion→when you make decision you do not think about how this helps me/my family, but how does this help society
 - This is how we will vote from now on
 - No direct democracy
 - Sovereignty rested within the STATES
 - One house legislature
 - Central govt., but states have final authority
 - Small central govt.
 - NO formal executive
 - NO formal judiciary

- Primarily concerned with limiting the powers of the CENTRAL GOVERNMENT
- STATES (Visual)
 - Continental Congress
 - Officers
 - Appointed by Congress to do some of the EXECUTIVE WORK
 - Committee of the States
 - Composed of members of each state who acted in the name of Congress between sessions
- Under the Articles of Confederation, the Continental Congress had the power to:
 - —Declare War and make peace
 - —Enter into treaties
 - —Establish and control armed forces
 - —Requisition men and money from the state
 - —Regulate coinage (but NOT paper money)
 - —Borrow money and issue bills of credit
 - —Fix uniform standards of weights and measures
 - —Create admiralty courts
 - —Create a post office
 - —Regulate Indian affairs
 - —Guarantee that citizens would still retain their rights as citizens when the traveled to another state
 - —Adjudicate states between states upon state petitioners
- Under the AOC, the Continental Congress LACKED the power to:
 - —Compel the states to respect treatise
 - Can enter into a treatise with another nation, but cannot require the states to respect it
 - This makes other nations not want to enter into treatise
 - —Compel the states to meet their military quotas
 - The state can say no, then there are no men!
 - Military becomes ineffective
 - —Regulate foreign and interstate commerce
 - States are taking advantage of each other; general problems
 - No central govt. to say this is how things will be between states
 - —Collect taxes directly from the people
 - States refuse to pay tax money→no money for central government→problems cannot be solved
 - —Compel the states to pay their share of government costs
 - —Issue paper money
 - Value of dollar fluctuates between states
 - Economy is in shambles

- Additional weakness in the Articles of Confederation:
 - Continental Congress lacked coercive power over the states.
 - The exercise of most national authority required the approval of 9 states.
 - More than majority
 - There was one vote in the Continental Congress for each state regardless of size.
 - The passage of amendments required UNANIMITY.
 - Getting every state to agree is impossible
 - Congress could pass laws but had little power to execute or enforce them
 - No executive to administer the government (no real leader)
- Shay's Rebellion (1786)
 - Rebellion by disgruntled farmers
 - Upset with state of the economy
 - Economy is in shambles because govt. can't do anything!
 - They were protesting the poor state of the economy, which was taking its toll on farmers who were jailed for not paying their debts
- The Constitutional Convention
 - Feb. 1787: Congress calls for convention to REVISE the AOC
 - An assembly of the nation's elite
 - Meetings held in secret
 - Virginia delegation had a plan for creating an entirely NEW document.
 - Major debate remained over how much power the NATIONAL government should have
 - Document is never going to work; we need to toss it and start over
- Key Principles of the New Constitution
 1. Popular Sovereignty
 2. Representative Government
 3. Federalism
 4. Enumerated (Delegated) Powers
 5. Implied (Unenumerated or Inherent) Powers
 6. Separation of Powers
 7. Checks and Balances
- Sovereignty
 - Sovereignty is where the ultimate power and authority resides in a government.
 - Typically sovereignty resides in some **institution** (e.g. Congress) or in some **person** (e.g. a King)
 - Remember, under the Articles of Confederation, sovereignty resided in the STATES.

- When the Constitution was written in 1787, the founding fathers created a NEW VERSION of sovereignty. This was an idea known as POPULAR SOVEREIGNTY.
 - Not going to reside in king, majority will
- Popular Sovereignty
 - Ultimate power resided in the PEOPLE not in an institution.
 - The Constitution embodies the PEOPLE'S WILL
 - The DOCUMENT itself is sovereign
 - Examples:
 - Preamble: "We the people..."
 - Article VI, sec. 2: "supremacy clause"
 - Article VII: Ratification of the Constitution
- Basic Ideas about Popular Sovereignty
 - Popular sovereignty is NOT the same idea as majority will!
 - Not founding father's understand of the concept
 - Figuring out people's will as it is embodied through Constitution
 - Popular sovereignty is the people's will as embodied through the U.S. Constitution.
 - These are rights that are NOT subject to the whims of a temporary majority.
 - Rather, these are rights given to the citizens that the government can never take away from the people regardless of what the majority of the people may want. (unless the Constitution is amended)
- Representative Government
 - A government in which decisions are made through representatives of the people
 - Government is to do what the majority of the people desire.
 - However, there is NOT always a DIRECT relationship to the PEOPLE.
 - It is still seen as representative since it is not a hereditary system
- Two Competing Plans
 - The Virginia Plan
 - Bicameral Legislature
 - Representation in both based on population
 - One house elected by the people; one house elected by state legislatures
 - Still rep govt because you will vote for those legislatures
 - Single executive chosen by Congress
 - Favored by large states
 - The New Jersey Plan
 - Unicameral legislature
 - Equal representation
 - Representatives elected by state legislatures
 - Multi-person executive

- Favored by small states
- The Great Compromise
 - Bicameral Legislature
 - House of Representatives based on population and chosen by the people
 - Senate based on equal representation and chosen by state legislatures
 - Single executive chosen by electoral college
 - Concern that if there were a multi-person executive; they would blame one another for when things didn't get done
 - Federal court system
- The Legislative Branch
 - Legislature: the body of government that makes laws
 - The U.S. Constitution establishes legislative power in Article I.
 - Bicameral: legislature with two chambers
 - House of Representatives
 - Represents concerns of neighborhoods
 - Close to people
 - Directly elected by people
 - Senate
 - Represents concerns of states
 - Originally, senators chose by state legislatures (NOT directly elected by the people)
 - The 17th Amendment made senators directly elected by the people
- The Executive Branch
 - Executive: the branch of government responsible for putting laws into effect
 - The U.S. Constitution establishes executive power in Article II.
 - Power resides in a single executive (the President)
 - Represents a national perspective
 - Not DIRECTLY elected by the people
 - Rather, chosen by the electoral college
- The Judicial Branch
 - Judicial power: the power to interpret laws and judge whether a law has been broken
 - The U.S. Constitution establishes judicial power in Article III.
 - Represents concerns of "the people"
 - Not directly chosen by the people (least connected to the people of all branches of government)
 - Rather, Supreme Court Justices are nominated by the President and then confirmed by a majority of the Senate
- Federalism
 - Power is divided and shared between central and regional governments

- There is separation and sharing between federal government and state government
- There are 2 levels of government.
 - Central and Regional, National and State
- Each has its appropriate sphere in government.
 - Both has power and responsibilities
 - Sometimes they will share power, sometimes they will not; usually power is separated
- A system of federalism recognizes that there are certain areas where states should not operate. It also recognizes that there are certain areas where the federal government should not operate.
- Each level has its own area of operation. Sometimes these areas are distinct and sometimes they overlap.
- Powers of the National Government
 - Article I, section 8 of U.S. Constitution specifically states what types of laws the federal legislature can pass.
 - To ensure limited government, if its not on the list you cant do it
 - EXAMPLES:
 - Lay and collect taxes
 - Regulate commerce
 - To declare war
 - To raise and support an army
 - Create currency
 - Article VI, section 2 (“Supremacy Clause” of the U.S. Constitution
 - The U.S. Constitution and laws made in accordance with it are the “supreme law of the land”
 - If you have an inconsistency between a law, the national government will step in
- Powers of the State Government
 - The Tenth Amendment of the U.S. Constitution gives the powers of the STATES
 - The federalists: we don’t have things specific b/c if we didn’t write it in the Constitution, then the states decide (b/c the states do everything else)
 - If its not listed, then the states do it
 - “The powers NOT DELEGATED to the United States by the Constitution, NOR PROHIBITED by it are reserved to the States respectively or to the people.”
 - Examples:
 - State police powers (create laws that promote the health, safety, morality and general well being of its citizens)
 - Establish local governments
 - Maintain militias (National Guard)
- Concurrent Powers

- Powers that are SHARED by the national and state governments
 - Taxing powers
 - Borrow and spend money for the general welfare
 - Pass and enforce laws
 - Create highways
- Restrictions on the National Government
 - Found in Article I, section 9 of the U.S. Constitution
 - No bills of attainder
 - Passed by federal govt, targets individuals or groups without a trial; usually a blatant statement (anyone with brown hair should be thrown in prison)
 - No *ex post facto* laws
 - Idea that there may be certain types of behavior and activities that are legal, Congress may make them illegal
 - Cannot be put in jail, or punished, for crimes when they were legal
 - Can't suspend the *writ of habeas corpus* except in cases of rebellion or invasion
 - Idea that if you are going to be detained, you need to know why, there must be evidence of the crime
 - Can't grant titles of nobility
 - Amendments I-IX of the U.S. Constitution are additional restrictions on the national government
- Restrictions on State Governments
 - States will do whatever they want as long as it is not prohibited here
 - 10th amendment is trying to put this into words
 - Found in Article I, section 10 of the U.S. Constitution
 - Can't coin money
 - Can't engage in war with a foreign country
 - No bills of attainder
 - No *ex post facto* laws
 - No titles of nobility
- Enumerated (delegated) Powers
 - Don't want national govt. to get too big, powerful, or tyrannical
 - Designed to promote a government of LIMITED powers
 - Vesting clauses of Articles I, II, & III
 - If you're dealing with making legislation, that is solely job of Congress
 - Article I, section 8
- Implied powers
 - Article I, section 8's "Necessary and Proper" clause (aka Elastic clause)
 - There may be other laws that we want Congress to pass, there may be certain issues in the future that the ntl govt should deal with, not the states, but we cannot predict future
 - Concern is that Congress will take more power, become tyrannical, take power from the states

- Thomas Jefferson very vocal: Congress will get greedy and take more and more power from states/people
 - Ninth Amendment
 - In these first 8 amendments, we tried to list rights that govt cannot take away from people, but we realize we cannot think of everything, so there are additional rights of the people that are not expressed
 - Privacy rights: choose an abortion, use birth control, euthanasia
 - Fundamental right to travel
- Separation of powers
 - Why? Makes it clear whose responsibility is what; specialization (specific group/function)
 - An institutional arrangement that assigns legislative, executive, and judicial to different persons or groups
 - Purpose is to limit the powers of each branch of govt. (an external check on power)
 - Develops specializations
 - Promotes efficiency
 - Makes it clear on who to blame for problems
- Check and Balances
 - Within system of separation of powers
 - No matter how they set it up, whoever is in power, that person will want more power
 - In case you become tyrannical/abusive, another branch will be watching you
 - This slows down results
 - Its better that nothing gets done than something gets done in a tyrannical way (Madison)
 - The principle that allows each branch of government to exercise some form of control over another branch's sphere of power
 - Purpose is to limit the powers of each branch of government (an internal check on power)
 - It is a recognition that the potential for abuse of power exists within each branch of government.
 - It's a gridlock formula
- Amending the Constitution
 - Article VII of the U.S. Constitution sets up process for amendment
 - Articles (you could amend, but needed unanimity, wanted to fix that)
 - Two ways to PROPOSE amendments to the U.S. Constitution
 - 2/3 vote in both houses of Congress
 - Constitutional convention (Needs to be requested by Congress at the request of 2/3 of the state legislatures)
 - Two ways to RATIFY (or approve) proposed amendments to the U.S. Constitution
 - Approval by $\frac{3}{4}$ of state legislatures

- Ratifying conventions in $\frac{3}{4}$ of the states
- The Battle over Ratification (after document is written, two camps)
 - Federalists
 - Supported ratification of the Constitution
 - Wanted strong central government
 - Concerned about security and order
 - E.g., Madison, Hamilton, Jay
 - Anti-Federalists
 - Opposed ratification of the Constitution
 - Think changes will take too much power from the states
 - Not everyone who attended convention, signed the document
 - Wanted states to have power over the federal government
 - Corruption best kept in check at the local level
 - E.g., Samuel Adams, Patrick Henry
 - After looking at the document, do you see an improvement or no? → anti or pro
- *The Federalist Papers*
 - Trying to make an argument to convince the states to ratify the Constitution; specifically geared to legislatures of New York and others
 - Most are making argument
 - You shouldn't be fearful
 - Called for ratification of the Constitution
 - Published in New York papers to persuade legislators to ratify the Constitution
 - Written by Madison, Hamilton, and Jay under the pen name Publius
- Ratification of the Constitution
 - Required support of nine of the thirteen state legislatures
 - Small states were quick to support the Constitution because of the inclusion of the Senate
 - Eventually all thirteen states ratified it (Rhode Island was last, in 1790)
- Individual Rights and Liberties
 - Original U.S. Constitution LACKED a Bill of Rights
 - This became source of controversy during ratification process
 - Many Anti-Federalists were concerned that a lack of Bill of Rights could create a tyrannical central govt
- The Federalist #84
 - Alexander Hamilton writes this to explain you don't need BOR
 - Bill of Rights unnecessary, since the Constitution already contained specific protections of rights: (Article I, section 9)
 - Prohibits bills of attainder
 - Prohibits *ex post facto* laws
 - Limits the suspension of the *writs of habeas corpus*
 - Specification of rights could be "dangerous"

- James Madison drafts a Bill of Rights
 - Over 200 amendments submitted for consideration
 - Too much! Dangerous to list this many things
 - Initially drafted a philosophical statement that read:
 - “That there be prefixed to the Constitution a declaration, that all power is originally vested in, and consequently derived from the people.”
 - People say we want you to enumerate
 - Congress rejected the statement and proposed 12 amendments for consideration of ratification by the states
 - December 15, 1791: 10 of the 12 ratified by $\frac{3}{4}$ of the states
 - 1st and 2nd don’t get ratified at first (later one becomes ratified, 27th amendment → if you want a pay raise, it will not go into effect until the next election cycle)
 - The other one that didn’t get ratified: there must be one representative for every 30,000; once you reach 100 people in the house, then you can change it to one for every 40,000. Too many!!

Small republic → small number of factions → factional politics

Large republic → large number of factions → deliberative democracy

Federalist #10

- Federalist #10
 - Most scholars consider Federalist #10 to be the most important Federalist Paper
 - In Federalist #10, Madison defends the creation of large republics
 - This is significant because throughout history, it was always believed that republics needed to be small
- Why do we want a LARGE REPUBLIC?
 - Madison explains that history has shown us that the most destructive and serious problem with both ancient and modern popular government has been the problem of FACTIONALISM.
 - Consequently, Madison recognized that it was necessary to eliminate, or at least NEUTRALIZE factions in the new system of government if it was going to be able to subsist and function properly.
 - Thus, a LARGE REPUBLIC is necessary to control FACTIONS.
- What are FACTIONS?
 - Factions are INTEREST GROUPS.
 - Factions are groups of people who look out for THEIR OWN PERSONAL INTERESTS in government rather than looking out for what’s good for the NATION.
- Pluralist Democracy

- In Federalist #10, Madison makes an argument for a pluralist democracy (rather than a pure democracy).
- A pluralist democracy requires interest groups to compete for attention within the political system.
- Pluralist democracy would help control factions.
- Why does a LARGE REPUBLIC promote pluralist democracy and control factions?
 - Madison pointed out that in a small republic, fewer factions would exist, since fewer people and interests would be represented within a small territory.
 - Hence, the fewer the factions, the more factional the representation.
 - However, the larger the territory, the more diverse the interests of the citizens would be, making it more difficult for a common majority to exist.
 - As a result, representation in a large republic would be **less factional, since one common interest would not exist.**
 - Furthermore, **because there would be more diversity in a large republic, representatives would be more likely set aside local interests and promote the public good.** Thus, the more factional the territory, the less factional the representation.
- In Sum:
 - The LARGER the republic the MORE FACTIONS exist.
 - The more factions that exist, the more competition there is among factions.
 - The more competition there is among factions, the more likely that politicians will have to deliberate more and do what is BEST for the NATION.

The American System of Federalism

Think about these questions while reading:

- Has the national government taken away too much power from the states?
- Has the expansion of national power been a necessary and appropriate development in American government?

American Style Federalism

- **Federalism** is a hybrid arrangement.
 - Mixes elements of a **confederation** (lower level has real power) and a **unitary government** (national level monopolizes constitutional authority).
- Before adopting a federal system in the Constitution the nation had experienced both of these alternatives.
 - Monarchy/parliament – unitary.
 - Articles of Confederation – confederation.
- In a federal system, authority is divided between two or more distinct levels of government.
- In the United States the division is between the national (federal) government and the states.