

“We The People”

Reading and Learning the U.S. Constitution

Outline of Course

History Pre-Constitution –

Article 1 – Congress

Article 2 – Presidency

Article 3 – Courts

▶ : Bill of Rights – Amendments 1–10

▶ Remaining Amendments

▶ Conclusion– Summary

▶ Outside Reading/Sources: “*Founding Brothers*”(Ellis);“*Founding Mothers*”, (Roberts);“*Summer of 1787*”, (Stewart);“*Your Rugged Constitution*”, (Findlay); *Miracle At Philadelphia*”, (Bowen)

▶ Also: A. Farrand: “The Records of the Federal Convention of 1787.
James Madison’s Notes. The Original Intent Issue”

▶ All in the Library of Congress

Introduction:

- ▶ Constitution is not a revolutionary document.
- ▶ Not a religious document. Not Inspired by God.
- ▶ What is a *Political* Constitution?
- ▶ The Structure of Government for a Republic
- ▶ What is a Republic? (*Res Publica*)
- ▶ Also, Federal System Not Parliamentary

- ▶ Examples: In History: *Greece, Rome, Florence, France, Russia, Cuba* – All Failed!!

- ▶ *U.S. Succeeded: (Oldest, continuous, functioning constitution in history!)*

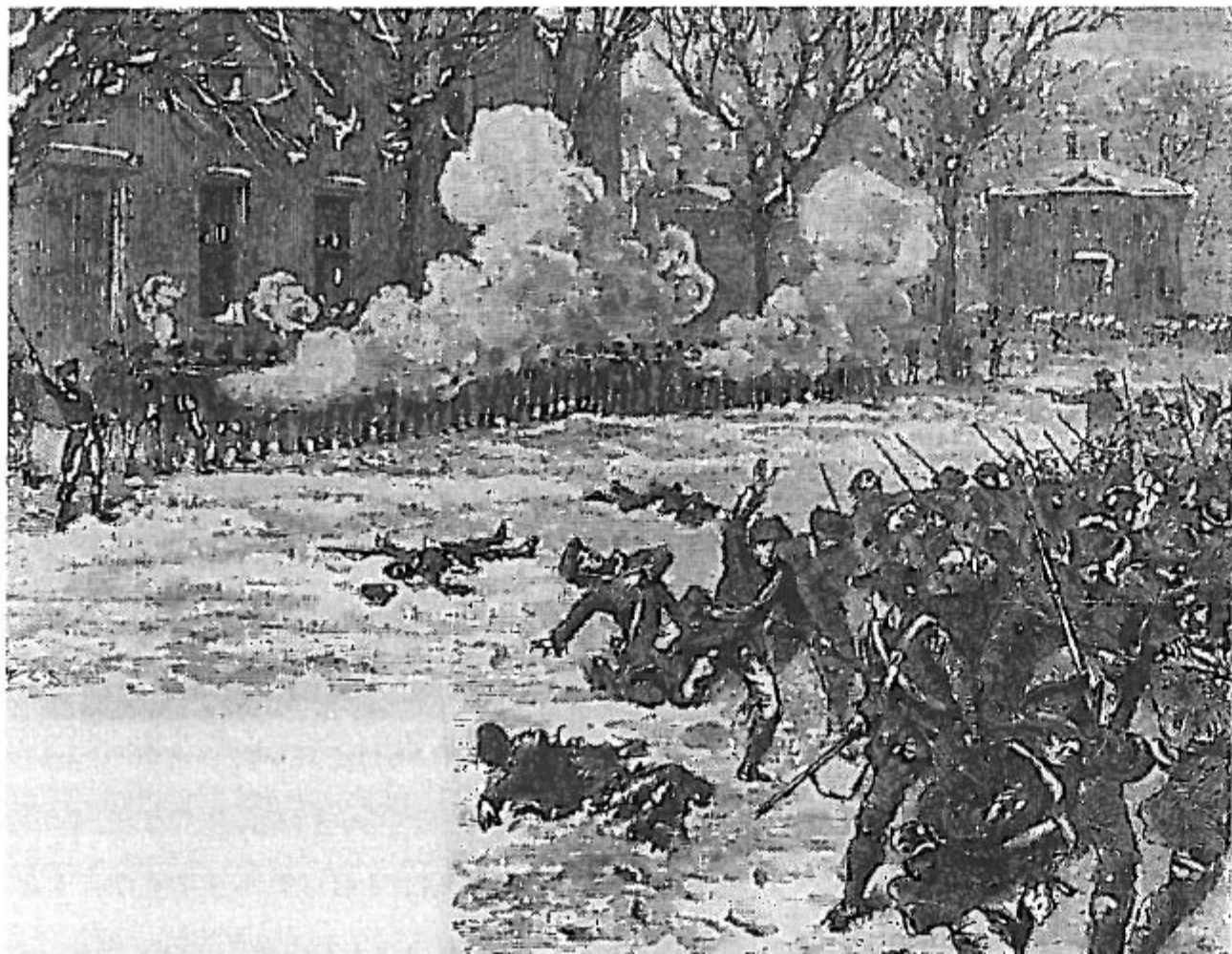
We Move to America in 1787.

- ▶ Where? Philadelphia.
- ▶ When? In the heat of summer (April–Sept.)
- ▶ Location? Small building with large, guarded meeting rooms and small ante-chambers.
- ▶ How Many? 58 men from 12 states
- ▶ Why Were They There? All came from states with *constitutions and pre-existing legislatures & courts??* So why a new one?
- ▶

Articles of Confederation

- ▶ Created to prosecute the Revolutionary War
 - ▶ Loose Confederation of 13 States
 - ▶ Problems:
 - No Money – No Taxes
 - British Forts – Spain on the Mississippi
 - States Trying War Criminals – Tories
 - States Failed to Attend Congress–Sued Each Other
 - Everything Required A Unanimous Vote
 - Failed to Pay Allotted Taxes– No Enforcement
 - 13 Different State Tariffs, Duties, Laws
 - Barbary Pirates – No \$\$ for a Navy
 - Shay’s Rebellion –
 - Affect on the Country–Huge Political Trauma
- Something Had To Be Done and it had to be written!*

THE SUMMER OF 1787

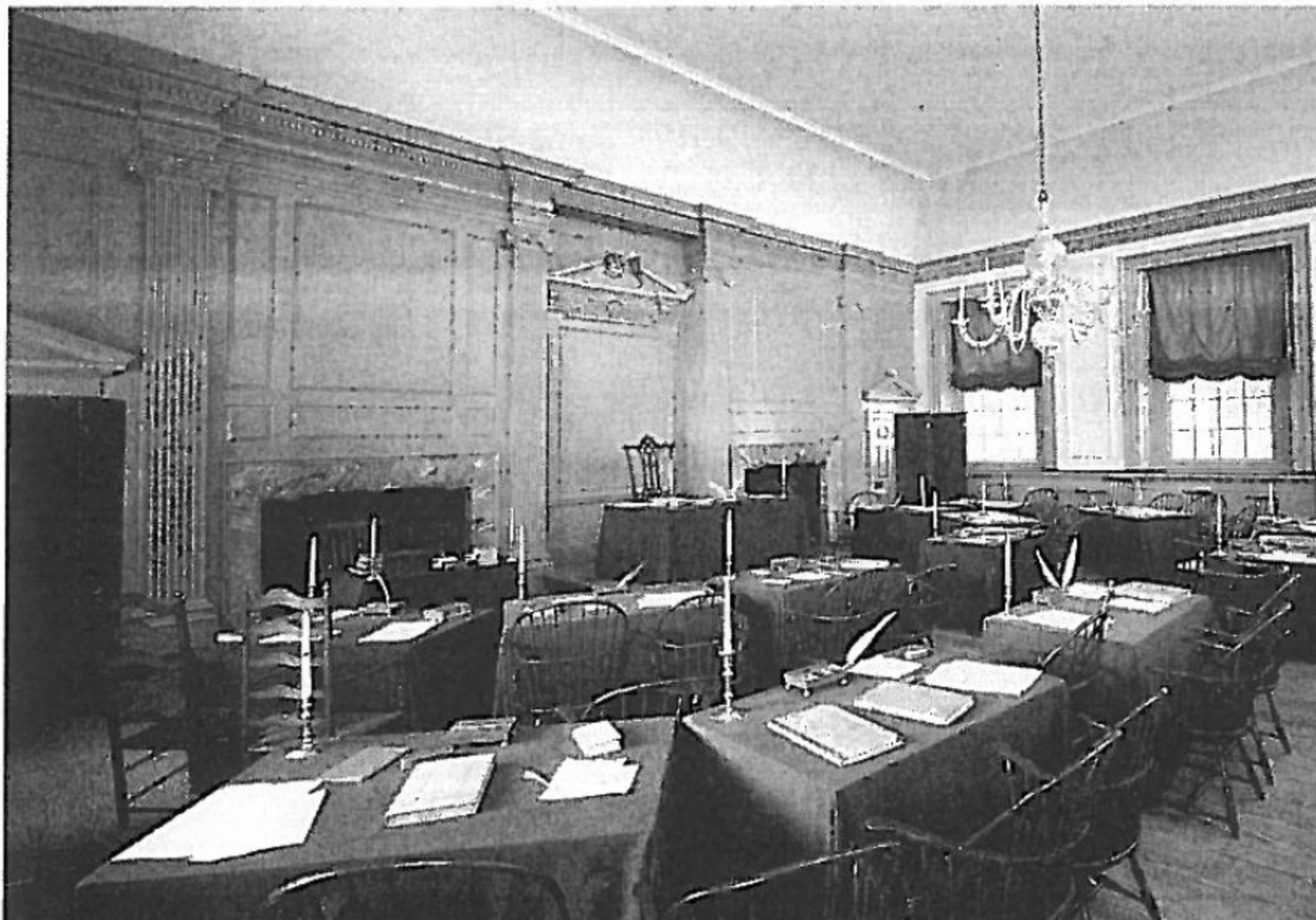


Philadelphia – 1787

- ▶ In 1786 A Reform Convention Was Created.
- ▶ All States to Send Delegates to Philadelphia
- ▶ All Did Except Rhode Island – Why?
Problem with New York Delegation–Frequent No Attendance
- ▶ First Meeting in April 1787 at Pennsylvania State House
All sessions in secret. Doors Locked, Soldiers Outside
(Nothing Leaked!!) However,
This Was to Be A Problem Later For Ratification,

(Slowly Became a Constitutional Convention. Through the Efforts of Madison and the Virginians– That Was the Plan of Madison and Washington.

THE SUMMER OF 1787



What Did They Do?

How Did They Argue, Vote, Draft?

- ▶ Structure: Washington Elected President
Madison Selected Secretary
- ▶ Each State Had a Delegation–Different Sizes
- ▶ Each *Delegation* Had **One** Vote
- ▶ Any Delegate Could Propose An Idea

Members would form into:

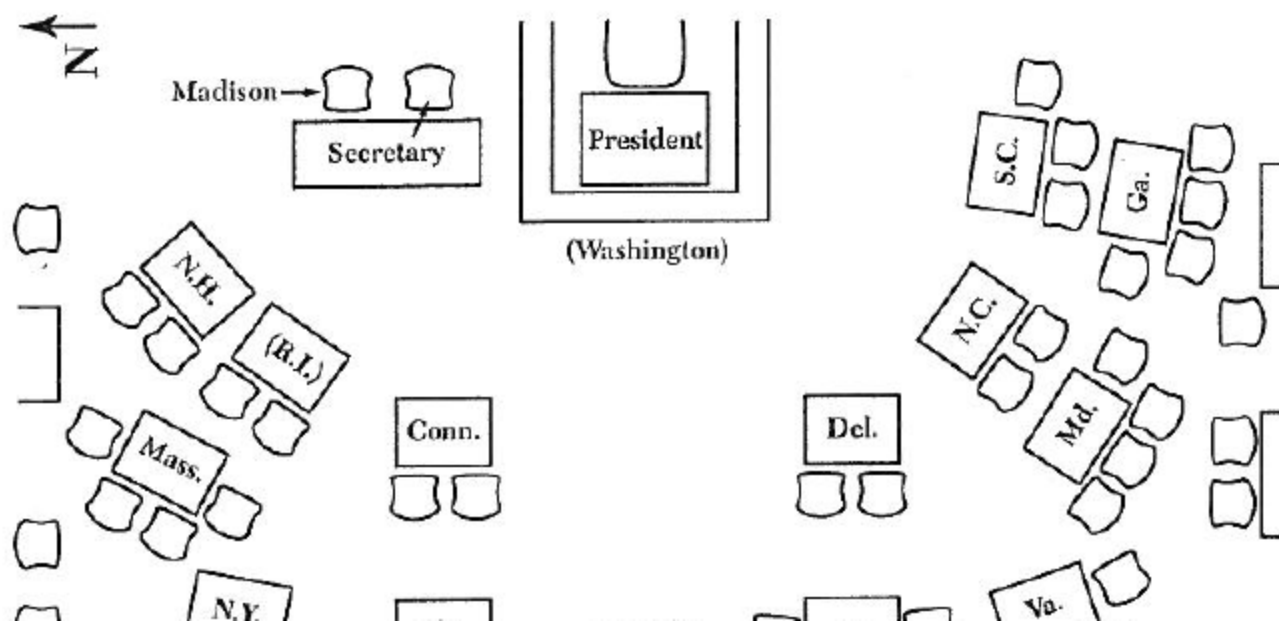
- Committee of the Whole –All present
- Committee of Detail–Smaller groups
- Committee on Style–2 or 3

(At each stage *any* Proposition was debated, then voted on and could be voted again Tedious, but effective.)

They would meet from 10:00 AM till 4:00 PM, then go to the tavern and continue to discuss the issues debated that day...went home rarely!


THE SUMMER OF 1787

Interpretation of Assembly Room, Independence Hall,
Independence National Historical Park, National Park Service,
Philadelphia, Pa. (restored 1965-75)



R OF 1787

with
 Massachusetts
 You know
 I have
 yesterday
 District
 at all
 with
 Chairman
 2



What The Constitution Is

- ▶ *“The Document and Its Amendments Is an Attempt to Balance and Compromise the Inherent Tension and Conflict in the American Political Culture”.*
- ▶ Two Major Political Philosophies:

Less Government is better and each person, city and state should have maximum freedom to chart its own course and open new ideas and creativity.

VS.

Without the stability and structure and equalizing strength of a strong central government, the individual states and communities that make up the Union will pull themselves apart with conflicting agendas.

Political and Cultural Philosophies of Government

Jefferson, Patrick Henry, Samuel Adams, and later, Andrew Jackson.

-
- ▶ *-Weak Central Government*
 - ▶ *-States Rights and*
 - ▶ *Individual Rights Supreme*
 - ▶ *-Libertarians*
 - Nullification-Interposition*
(A Basic Right of States)

- ▶ *Washington, Madison, Hamilton, Adams, Franklin*
- ▶ *Jefferson later on.*

-
- ▶ *-Only a strong central government provides the stability, fairness, universal application of law, economic and political stability*
 - Equality and fair representation the goal of the Revolution*

Constitution: A Solution

- ▶ *Neither of these two political and cultural philosophies is completely correct!!*
- ▶ *Constitution is a document that is defined by compromise...a constant attempt to reconcile these two forces!*
- ▶ **We are a nation founded in rebellion and with an affirmation of absolute human rights that has tried to create a political structure to govern ourselves which by definition tends to restrict those rights.**