AP GOVERNMENT: CHAPTER ONE
CONSTITUTIONAL DEMOCRACY

♦ The US Constitution and Bill of Rights survive because each generation of Americans respects, renews, and works at understanding the principles and values found in these precious documents.
♦ In a fundamental way, the events of September 11, 2001 have forced people to rethink the meaning of citizenship, the successes and failures of government, the role of political leadership, and the need for strong defense and homeland security.
♦ 1980’s & 1990’s: Reagan, “The problem is government.” Reflected downsizing of government, hostility toward government but was also a reaction to massive budget deficits and the presumed reduced threat to our national defense.
♦ Before September 11, our national politics were increasingly partisan and negative.
♦ The attacks of 9/11 dramatically altered people’s attitudes, at least for a time. The terrorist attacks reminded people of the vital role of government in dealing with domestic and international crises.
♦ With strong bipartisan support, Congress authorized the use of military force in response to the terrorist attacks: US PATRIOT ACT.
♦ In response to 9/11 there was widespread agreement that government should play a central role in rebuilding.
♦ Economic recession was worsened by the events of 9/11- it was already in motion.
♦ Individual candidates, with their strengths and shortcomings, remain very important to the outcome of competitive races.

AMERICAN GOVERNMENT AND POLITICIANS IN CONTEXT
♦ The US has succeeded in large part because Americans love their country, revere the Constitution, and respect the free enterprise system.
♦ PG. 4-5 LIBERTY VS. SECURITY DEBATE
♦ The reality is that “government” is a term to refer to tens of thousands of our fellow Americans: the people we elect and the people they appoint to promote the general welfare, provide for domestic tranquility, and secure the blessings of liberty for us.
♦ US Constitution requires active participation and a balance between faith and skepticism.
♦ T. Jefferson warned that every government degenerates when it is left only in the hands of the rulers. The people themselves, Jefferson wrote, are the only safe repositories.
♦ The power of the people too, must be restrained from time to time.
♦ A. Government by the people requires faith concerning our common human enterprise- the belief that if the people are informed and caring, they can be trusted with their own self-government and set things right.
♦ B. Constitutional democracy requires constant attention to protecting the rights and opinions of others-
♦ C. Constitutional democracy is necessary government by representative politicians-those who hold power do so only because they won an election of the people.
♦ “Politicians become ‘ideal’ only when they are dead.”- p. 6
DEFINING DEMOCRACY

♦ The distinguishing feature of democracy is that government derives its authority from its citizens.
♦ Democracy- government by the people, either directly or indirectly, with free and frequent elections.
♦ Direct Democracy- government in which citizens vote on laws and select officials more directly.
♦ Representative Democracy- government that derives its powers indirectly from the people, who elect those who will govern, also called a republic.
♦ Constitutional Democracy- government in which the individuals who exercise substantial governmental powers do so as the result of winning free and relatively frequent elections. It is a government in which there are recognized, enforced limits on the powers of all governmental officials.
♦ Constitutionalism- term apply to arrangements- checks and balances, federalism, separation of powers, rule of law, due process, a bill of rights all that require our leaders to listen, think, bargain, and explain before they make laws. We then hold them politically and legally accountable for how they exercise their powers.

Democracy as a System of Interacting Values:

♦ A. Personal Liberty- self-determination, meaning that all individuals must have the opportunity to realize their own goals.
♦ B. Respect for the Individual- constitutional democracies make the person- no matter their gender, social class, etc. the central measure of value.
♦ Statism- form of government based on centralized authority and control, especially over the economy- ex. China and Cuba.
♦ C. Equality of Opportunity- all persons should have equal opportunity for participation in government and receiving the benefits thereof.
♦ D. Popular Consent- the idea that a just government must derive its powers from the consent of the people it governs.
♦ E. Democratic Values in Conflict- the above mentioned values may conflict with one another- the uniqueness of US politics revolves in striking a balance among democratic values.

Democracy as a System of Interrelated Political Processes

♦ To be successful, democratic government requires a well-defined political process as well as a stable governmental structure.
♦ A. Free & Fair Elections- democratic government is based on free and fair elections held at intervals frequent enough to make them relevant to policy choices. Political competition and choice are crucial to the existence of democracy.
♦ B. Majority Rule- governance according to the expressed preferences of the majority this does not mean that only the influence/issues of the majority are to be pursued by the electorate.
♦ Majority- the candidate or party that wins more than half the votes cast in an election.
♦ Plurality- candidate or party with the most votes cast in an election, not necessarily more than half.
C. Freedom of Expression- voters must have access to facts, competing ideas and views of candidates so they can make informed voting decisions.

D. The Right to Assemble & Protest- citizens must be free to organize for political purposes.

**Democracy as a System of Interdependent Structures**

- US constitutional system has four distinctive elements:
  - 1. Federalism - the division of powers between the national and state governments.
  - 2. Separation of Powers - among the legislative, executive and judicial branches
  - 3. Checks & Balances - in which each branch is given the constitutional means, political independence, and the motives to check the powers of other branches, and a judicially enforce.
  - 4. Bill of Rights - provides a guarantee of individual liberties and due process before the law.

**Conditions Conducive to Constitutional Democracy**

- 1. Educational Conditions - a higher level of education does not guarantee a democratic government (ex. Nazi Germany) but voting makes little sense unless a large number of voters can read, write and express their opinions.
- 2. Economic Conditions - Where economic power is concentrated, political power is likely to be concentrated. Extremes of wealth and poverty undermine the possibilities for a healthy constitutional democracy. Some measure of private ownership and a favorable role for the market economy are also related to the creation and maintenance of democratic institutions.
- 3. Social Conditions - when ideologically separated groups consider the issues at stake to be vital, they may prefer to fight rather than accept the verdict of the ballot box. Individuals have a hard time identifying with just one group - black, teacher, Catholic, etc. and each individual role affects their voting and political participation.
- 4. Ideological Conditions - ideology refers to basic beliefs about power, government, and political practices - beliefs that arise out of the educational, economic, and social conditions individual experience.

**THE CONSTITUTIONAL ROOTS OF THE AMERICAN EXPERIMENT**

**Colonial Beginnings**

- Many reasons the new democracy was expected to fail: 13 original states were independent, social and economic differences, southern states’ dependency on slavery, religious differences.
It worked because the framers of the US Constitution had experience to guide them—they had always been in pursuit of the new world and liberty

**Theocracy**—established by the Puritans in Massachusetts, a system of government in which religious leaders claimed divine guidance and I which certain religious sects were denied religious liberty

**The Rise of Revolutionary Fervor**
- Americans became determined to fight the British and win their independence of rights and liberties.
- “life, liberty, and the pursuit of happiness”—Declaration of Independence
- all of the new state constitutions spelled out basic human rights—freedom of speech, liberty, etc. and it was the FIRST time they were guaranteed in writing.

**Toward Unity & Order**
- The need for a stronger central government that could pull the colonies together and conduct a revolutionary war became more apparent as the fighting against the British increased.
- Articles of Confederation—drafted in 1777 by the first Congress—ratified in 1781 after they had already been fighting for 6 years. The articles established a fragile league of friendship among the states, rather than a strong central government—people were still weary of the one they had left behind in Great Britain.
- Annapolis Convention—Sept, 1786 led by Alexander Hamilton, looked at problems of trade and navigation among the states—attended by 5 states and it was important because it issued the call to Congress and the states for what later became the Constitutional Convention to reconsider the Articles of Confederation.
- Shays Rebellion—farmers in Mass. Crushed by debts and taxes were rebelling against foreclosures, forcing judges out in the street, and defying the existing government.
- T. Jefferson, “I like a little rebellion now and then, the tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is its natural manure.”
- Shays rebellion was a signal: action must be taken to strengthen the government.

**THE CONSTITUTIONAL CONVENTION OF 1787**
- Needed to establish a federal government powerful enough to prevent the young nation from dissolving but not so powerful that it would crush individual liberty.

The Delegates
- 74 delegates were appointed by the various states, only 55 arrived in Philadelphia.
- 40 took part in the actual work of the convention.
- Many of the most important men of the nation to date were there: 39 had served in Congress, bankers, lawyers, former governors, etc.
- 8 had signed the Declaration of Independence
- The convention was as representative as most political gatherings at the time: all were white male landowners. Well read, well fed, well wed delegates.
This was normal for the time period - most ordinary people in the 1780’s didn’t care or participate in politics.

George Washington was persuaded to attend, and was unanimously elected to preside over the convention.

The proceedings of the convention were kept secret - the delegates were encouraged to speak freely and forbidden to discuss the debates with outsiders. It was feared that if a delegate took a firm stand on an issue it would be harder for him to change his mind if the public knew, especially if they didn’t like the stand he took.

Consensus

- All of the delegates supported a republican form of government based on elected representatives of the people.
- Common philosophy of balanced government prevailed - a national government in which no single interest would dominate.
- Delegates agreed in principle on limited voting rights but differed over the kind and amount of property one must own in order to vote. Didn’t want to make the restrictions tougher than those being negotiated in place in the states at the time. As a result, each state was left to determine the qualifications for electing members of the House.
- Within 5 days, they agreed unanimously except for Connecticut, that a “national government ought to be established consisting of a supreme legislative, executive and judiciary.”

Conflict and Compromise

- Bicameralism - principle of a 2-house legislature.
- Big differences were between big and small states, slave owners and abolitionists.
- Virginia Plan - called for a strong central government with a legislature composed of two chambers: lower house to be elected by the voters and the upper chosen by the lower. Problem: it gave too much emphasis/power to the wealthy and more populous states: the more landowners, the more voters.
- New Jersey Plan - proposal by William Paterson of New Jersey for a central government with a single-house legislature in which each state would be represented equally.
- NJ Plan contained the SUPREMACY CLAUSE - required to treat the laws of the national government and the treaties of the US as superior to those of each state.
- Committee Of Eleven - committee elected to look at all of the different proposals and come up with a compromise.
- PG. 18- CHART comparing VA and NJ Plans
- Connecticut Compromise - also known as the Great Compromise - agreed for a bicameral legislature with a lower house in which representation would be based on population and an upper house in which each state would have two senators.
- 3/5 Compromise - agreed that 3/5 of the slave population would be counted for determining direct taxation and representation in the House of Reps.
- Other Issues: lower courts or just federal courts? How should president be selected? Electoral college established.
September 17, 1787 assembled for a ceremony to sign the document. All but 3 still present signed it. Ben Franklin, when asked by a citizen what type of government they had given them: “A republic, Madam if you can keep it.”

TO ADOPT OR NOT TO ADOPT?

- Convention declared that the Constitution would go into effect when ratified by popularly elected conventions in 9 of the 13 states.
- They knew they wouldn’t win approval in all of the states—so agreed on 9 as a majority. They also believed the Constitution should be ratified by an authority higher than a legislature—a constitution BY the people, would have higher moral and legal status.

Federalists vs. Antifederalists

- **Federalists**—supporters of ratification of the Constitution whose position promoting a strong central government was later voiced in the Federalist party. Felt bill of rights wasn’t needed since the federal government only had specific powers guaranteed in the Constitution—didn’t think they would encroach on the others.

- **Antifederalists**—opponents of ratification of the Constitution and of a strong central government in general. Main argument against the constitution was that it didn’t have a bill of rights.

- Seaboard and city regions tended to be Federalist, backcountry regions from Maine through Georgia—poor farmers, tended to be Antifederalist.

- **The Federalist**—series of essays promoting ratification of the Constitution, published anonymously by Alexander Hamilton, John Jay and James Madison in 1787 and 1788/

- Federalists thought to guarantee some rights would be dangerous, because it would then be thought that rights not listed could be denied.

- CHART P. 21—CHALLENGES FOR OUR CONSTITUTIONAL DEMOCRACY—have each take one argument and defend it.

The Politics of Ratification

- The people were shouting, “No bill of rights’ no constitution!” feeling was so strong that Antifederalists, who opposed a strong central government, joined with those who wanted a bill of rights in hopes of defeating the constitution.

- The Federalists hoped to secure ratification in as many of the 9 states needed as possible before the antifederalists had time to organize. The antifederalists were handicapped—most of the newspapers were owned by wealthier men who were federalists.

- Eventually, James Madison, who had only recently changed to favoring a bill of rights, captained the Federalist forces.

- Patrick Henry led the opposition. Cried that, “Liberty, the greatest of earthly possessions…that precious jewel.”

- Madison promised that a bill of rights would be added to the constitution as soon as it was passed.
Ratification:

- Delaware 12/7/1787
- Pennsylvania 12/12/1787
- New Jersey 12/18/1787
- Georgia 1/2/1788
- Connecticut 1/9/1788
- Massachusetts 2/6/1788
- Maryland 4/28/1788
- South Carolina 5/23/1788
- New Hampshire 6/21/1788** 9th state to pass, made it law
- Virginia 6/25/1788
- New York 7/25/1788
- North Carolina 11/21/1789
- Rhode Island 5/29/1790