

Constitutions & Contracts: Why write a constitution?

The US Constitution has less than 8,000 words!
Why don't more Americans read it?

Contracts & Constitutions to Consider...

Constitution—written or unwritten; basic law creating institutions of governing; may include traditions and precedents; US Constitution is oldest & shortest written constitution of the modern era

Declaration of Independence—document approved by representatives of the American colonies in 1776 that stated their grievances against the British monarch and declared independence; act of treason; influence from British, European, etc. philosophers

Articles of Confederation—Adopted in 1777 as the first constitution to establish a national legislature dependent on representation from stronger state legislatures, with limited powers, and no taxing power; defined governmental structure as a confederation of independent self-governing states

Weaknesses of the *Articles of Confederation*—

- ⇒ weak taxing authority of central power
- ⇒ no ability to regulate trade/commerce
- ⇒ no authority to raise national army
- ⇒ each state with only one vote
- ⇒ unanimous vote to make changes
- ⇒ no national judiciary

Federalist Papers—85 articles by James Madison, John Jay, and Alexander Hamilton, which defended the *Constitution* & explained the political philosophy behind it

Terms to Remember...

Natural/Unalienable Rights—rights of individuals not conferred by government; inseparable; protected by or curtailed by governments

Social Contract—agreement between people and their government

Popular Sovereignty—consent of the governed; the people are in control

Separation of Powers—3 independent branches of government with power shared between them as defined by Madison in Federalist 51.

Republic—form of government ; the people select representatives to govern.

Federalists—Supported the new Constitution during the ratification and adoption process; strong government; stronger central authority

Anti-Federalists—Opposed the new *Constitution* based on their belief that such a strong central government was a potential threat to individual freedoms.

Structures of Government—framework of institutions; basic organization of governing power

- ⇒ **confederation**—independent self-governing entities; co-equal states; decentralized authority
- ⇒ **unitary**—highly centralize authority; power held by a few highly placed individuals or groups
- ⇒ **federal**—strong central government balanced by state and local power as well as separation into branches

Class Notes...
