

Basic Principles of the Constitution

I. Popular Sovereignty

- Power rests with the people. People have the ultimate authority in deciding how the government is run.

Examples of Popular Sovereignty:

- Equality in voting
- People vote on candidates and issues at the local, state and national levels.
- 15th Amendment - Gave African Americans the right to vote
- 19th Amendment - Gave women the vote
- 26th Amendment - Gave 18 year olds the vote

II. Limited Government

- Government does not hold all the power and it does only those things that people allow it to do.

Examples of Limited Government:

- Government officials must follow the laws and the Constitution.
- The President and Supreme Court Justices can be impeached.
- Government officials can be voted out of office.

III. Separation of Powers

- Grants each branch specific powers in the government.

Purpose of Separation of Powers

- It was meant to keep one branch from being too powerful.

The three branches of Government:

1. Article 1 Legislative Branch - Creates the laws
2. Article 2 Executive Branch - Carryout the laws
3. Article 3 Judicial Branch - Interprets the laws

IV. Federalism

- Sharing of power by the National and State governments.

What are some powers given to the National Government?

- Declare War
- Coin Money
- Regulate Interstate Commerce - Trade between states
- Establish Foreign Policy - Relations with other countries

What are powers that are given to the states?

- Establish and Maintain Schools
- Conduct Elections
- Provide for Public Safety
- Assume other powers not given to the National Government

What are powers shared by both the state and National Government?

- Both can collect taxes
- Make and enforce laws
- Borrow money
- Establish courts

V. National Supremacy

- The Constitution is the Supreme Law of the land.

How does National Supremacy Clause work?

- Federal laws override state laws.

VI. The Elastic Clause or Necessary and Proper Clause

- Gives Congress the authority to pass laws it deems "necessary and proper" to carry out its duties.

3

How is the Elastic Clause used?

- Laws are created concerning issues that may not be written in the Constitution.
- For example, there is nothing in the constitution about regulating the internet but Congress has the authority to regulate internet activity.

VII. Checks and Balances

- Ability of each of the three branches to check or control the other branches.

Checks on the Legislative Branch

- Judicial Branch - Declare laws unconstitutional
- Executive Branch - Veto laws

2. Checks on the Executive Branch

- Legislative Branch - Override a presidential veto and Impeach the President
- Judicial Branch - Declare acts unconstitutional

3. Checks on the Judicial Branch

- Executive Branch - Appoints Judges
- Legislative Branch - Impeach Judges and Approves Judges

All together

Name: _____

Principles of the Constitution

Principle and Definition	Graphic to display principle
Popular Sovereignty - Examples -	
Limited Government - Examples -	
Separation of Powers - Examples -	
Federalism - Examples -	

National Supremacy -

Examples -

Elastic Clause -

Examples -

Checks and Balances -

Examples -

Who were the supporters and critics of the Constitution?

Purpose of Lesson

In this lesson you will learn about the struggle to get the Constitution ratified by the states. You will examine the plan developed by the supporters of the Constitution, called the Federalists, to get it ratified. You will also look at the major arguments used by the Anti-Federalists, the opponents of the Constitution, to keep the new plan of government from being approved.

When you have completed this lesson you should be able to describe the differences between the arguments of the Federalists and the Anti-Federalists. You should also be able to explain the ratification process that followed the convention.

Terms to know

ratified
ratifying conventions
The Federalist
Anti-Federalists
Federalists

What happened after the Philadelphia Convention?

Imagine that you were a member of the group that had just written the Constitution. You know that many leaders in Congress and the state governments will be against it.

However, the Constitution was written in secret, so the opponents do not know everything that is included in the final version. They have not yet had time to prepare all their arguments against the Constitution.

What plan would you develop for getting the Constitution **ratified**, or formally approved? Who do you think should have the right to vote for ratification? How soon should the ratification process take place? These are some of the questions raised by the Framers as the convention drew to a close.

The Framers ask the voters to approve the Constitution

James Madison developed the plan for ratifying the Constitution. He was afraid that the Constitution would be rejected if either the Congress or the state legislatures were asked to ratify it. To avoid this, he thought that the best plan was to get the voters of each state to ratify the Constitution. The Constitution would be presented at special **ratifying conventions** to be held in each state. The delegates to these conventions would be elected by popular vote of the people for the sole purpose of approving the Constitution.

Madison's plan was based on the idea contained in the Preamble to the Constitution, which says, "We the People...do ordain and establish this Constitution...." The

people who were to be governed by the new national government were asked to consent to its creation and to agree to obey its decisions. Thus, the Constitution can be considered a social contract—an agreement among the people to create a government.

The Framers approved this plan. They included Article VII which said the Constitution would be in effect after it had been ratified by the conventions of nine of the thirteen states. They only required approval of the voters of nine states because they were afraid they could not get approval of all thirteen.

Once they had agreed upon their plan, the people who supported the Constitution went to work. They encouraged the states to organize and elect delegates to the state ratifying conventions as quickly as possible. They knew that the opponents of the Constitution had not had much time to prepare their arguments. By contrast, the supporters of the Constitution had worked on it for almost four months. They knew the arguments for and against it. They thought if the state conventions acted quickly, the Constitution would be ratified before its opponents could organize.

The struggle for ratification

The Federalists were people who supported the Constitution and wanted it ratified. The **Anti-Federalists** were people who fought against the Constitution. The Anti-Federalists put up a strong fight even though the Federalists had a head start on them. The debates in the states over ratification lasted ten months. It was an intense, and sometimes bitter, political struggle.

One of the most difficult fights was in New York. To help the Federalist cause, Alexander Hamilton, James Madison, and John Jay wrote a series of articles supporting ratification. These articles, now called *The Federalist*, appeared in a New York newspaper. They were also used in the Virginia ratification debates.

Anti-Federalist leaders included George Mason, Edmund Randolph, and Elbridge Gerry. Each had attended the Philadelphia Convention but refused to sign the document. John Hancock, Samuel Adams, and Richard Henry Lee were all leading revolutionaries and signers of the Declaration of Independence. They also fought against ratification of the Constitution. Patrick Henry had always opposed the idea of a strong national government. He became a leading Anti-Federalist at the Virginia ratifying convention. Mercy Otis Warren, a playwright, also opposed ratification. She, like the others, wrote pamphlets explaining why she did not support the Constitution.

The following section describes some of the arguments used by the two sides in the ratification struggle.

Arguments for and against the Constitution

Many arguments were made both for and against the Constitution. Most of them had to do with three basic questions: (1) whether the new Constitution would maintain a republican form of government, (2) whether the national government would have too much power, and (3) whether a bill of rights was needed in the Constitution.

The following chart will help you identify the arguments of the Federalists and Anti-Federalists.

Positions on the Constitution

Anti-Federalists	Federalists
<p>Throughout history, the only places where republican governments had worked had been small communities. In those communities, the people had been about equal in wealth and had held the same values. People who are not too rich or too poor are more likely to possess civic virtue and to agree on what is best for their common welfare. The new nation was so large and diverse that people would not be able to agree on their common welfare.</p>	<p>History has proven that all of the small republics of the past had been destroyed by selfish groups. The civic virtue of the citizens had not been enough to prevent them from seeking their own selfish interests rather than working for the common welfare. A large republic, where the government was organized on the basis of checks and balances, and power was divided between the national and the state governments, would be better. Under such a government, it would be more difficult for special interests to attain their goals and violate the common welfare.</p>
<p>Free government requires the active participation of the people. The national government would be located too far from most people's communities to allow them to participate. As a result, the only way the government would be able to rule would be through the use of military force. The result would be a tyranny.</p>	<p>The national government would be so good at protecting the rights of the people that it would soon gain their loyalty and support. It could not become a tyranny because of the limitations placed on it by the system of checks and balances and separation of powers.</p>
<p>The Constitution gives the national government too much power at the expense of the state governments. It gives the government the power to tax citizens and to raise and keep an army. The supremacy clause means all the national government's laws are superior to laws made by the states. As a result, it would only be a matter of time until the state governments were destroyed.</p>	<p>It is true that the national government would have greater power than it did under the Articles of Confederation. But its powers are limited to tasks that face the entire nation, such as trade, currency, and defense. Experience has shown that a stronger national government is needed to deal with these problems. The Constitution provides adequate protections for the state governments to prevent their being destroyed by the national government.</p>
<p>The necessary and proper clause is too general and, as a result, gives too much power to the national government. It is dangerous not to list the powers of the government in order to put clear limits on them.</p>	<p>The necessary and proper and general welfare clauses are necessary if the national government is to do the things it is responsible for doing.</p>

The Constitution gives too much power to the executive branch of government. It would soon become a monarchy.

A strong executive branch is necessary for the national government to be able to fulfill its responsibilities. The powers of the national government are separated and balanced among the three branches so no one can dominate the others. The Constitution gives the Congress and the Supreme Court ways to check the use of power by the executive branch so it cannot become a monarchy.

The Constitution does not include a bill of rights which is essential for protecting individuals against the power of the national government.

A bill of rights is unnecessary because the powers of the government are limited. A bill of rights would give the impression that the people could only expect protection of those rights that were actually listed.



What slogans might the Federalists and Anti-Federalists be using? Write one of your own.

Answer these Questions

The agreement to add a bill of rights

A compromise was reached on the issue of a bill of rights. The Federalists made this compromise to get enough support for the Constitution so it would be ratified. They agreed that when the first Congress was held, it would draft a bill of rights.

The argument to add a bill of rights was a victory for the Anti-Federalists. It was an important addition to the Constitution and has been of great importance in the protection of the basic rights of the American people.

Reviewing and using the lesson

1. Who were the Federalists? Who were the Anti-Federalists?
2. Why didn't the Federalists want the Constitution submitted to the existing Congress or state governments for ratification?
3. How did the Federalists answer the criticism that the Constitution gave the federal government too much power?
4. The Anti-Federalists lost their battle to prevent the adoption of the Constitution. However, their struggle left a permanent impact on the Constitution. How was this accomplished?
5. Explain what you think were the best reasons for ratification. Then, explain what you think were the best reasons against ratification.
6. Would you have voted to ratify the Constitution as written in 1787? Explain your answer.

Name: _____ Date: 9-20-07

Define:

379 1. Ratify: _____

522 2. Version: _____

177 3. Framer: _____

354 4. Popular: _____

357 5. Preamble: _____

92 6. Consent: _____

95 7. Contract: _____

116 8. Delegate: _____

112 9. Debate: _____

336 10. Pamphlet: _____

536 11. Welfare: _____

130 12. Diverse: _____

333 13. Participate: _____

525 14. Violate: _____

505 15. Tyranny: _____

107 16. Currency: _____

295 17. Monarchy: _____

152 18. Essential: _____

134 19. Draft: _____

461 20. Submit: _____

Write two sentences using two words above.

1. _____

2. _____