

# Drafting the Constitution . . .

## It's all about COMPROMISE

### CONSTITUTIONAL CONVENTION

Who was there? George Washington - elected president of the constitutional convention  
 James Madison - known as father of constitution; Ben Franklin; Alexander Hamilton

Who WASN'T there? (hint: certain groups of people) John Adams, Thomas Jefferson, Patrick Henry,  
 no women, no African Americans, no native americans, no poor white men

Where was it? When?

Philadelphia, PA May 1787

What COMPROMISES were made?

draft

VIRGINIA PLAN	NEW JERSEY PLAN
States representation in congress would be based on <u>Population</u> .	States representation in Congress would be equal



→ representation



representation = power

<p><b>GREAT COMPROMISE (Connecticut Plan)</b>                  Gave something to both large + small states created Bicameral legislature</p>	<p>Senate, equal representation (100)</p> <p>House of Representatives (435)</p>
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THREE-FIFTHS COMPROMISE	COMMERCE COMPROMISE	ELECTORAL COLLEGE COMPROMISE
<p>Southern states wanted slaves to count for representation but not taxes</p> <p>Decision: 3/5 of a person for representation</p> <p>* representation issue settled</p>	<p>Northern states want gov. to regulate trade; southern states feared end of slave trade</p> <p>Decision: No export taxes + cannot prohibit slave trade for 20 years.</p> <p>* trade</p>	<p>strong national govt delegates want President elected by the people; states rights delegates want president elected by state legislatures</p> <p>Decision: Electoral College</p> <p>* Voting for president</p>

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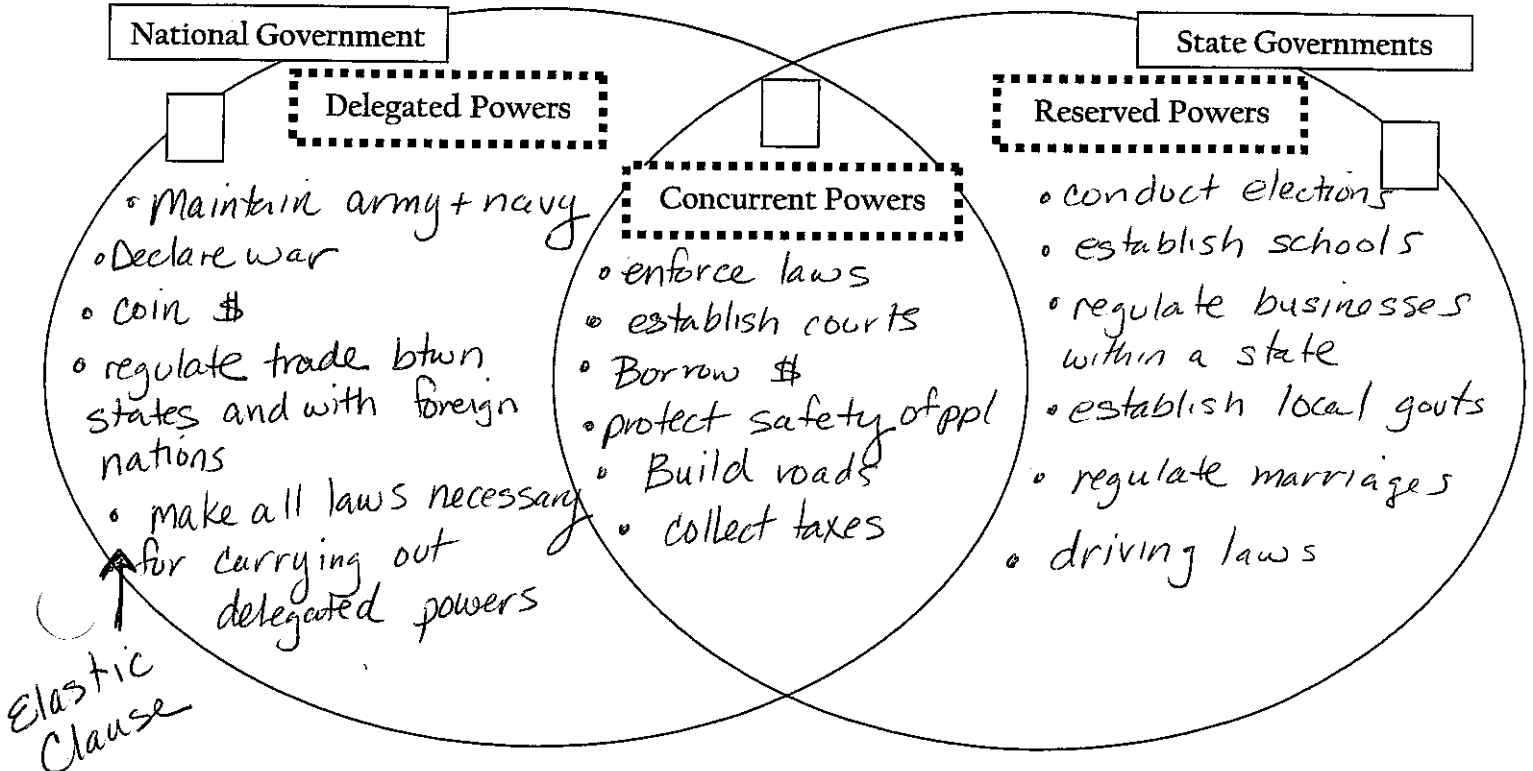
Preamble: purpose of the Constitution

- 1) In order to form a more perfect union (create better stronger govt)
- 2) establish justice (system of justice)
- 3) insure domestic tranquility (provide peace at home)
- 4) provide for the common defense (provide military)
- 5) promote the general welfare (well being of people)
- 6) secure the blessings of liberty (secure freedom, protect rights)

## 6 Basic Constitutional Principles

1. POPULAR SOVEREIGNTY	2. LIMITED GOVERNMENT	3. FEDERALISM
<p>The source of all power or authority to govern is from the people.</p> <ul style="list-style-type: none"> <li>◦ popular "of or by the people"</li> <li>◦ sovereignty "supreme power"</li> <li>◦ Democracy</li> </ul>	<ul style="list-style-type: none"> <li>◦ All the power in govt is clearly defined in constitution</li> <li>◦ Constitution places limits on state and national governmental power</li> <li>◦ No govt official is above the law</li> </ul>	<ul style="list-style-type: none"> <li>◦ Division of power between the States and national govt.</li> <li>◦ National govt always supreme.</li> </ul>

### Federalism:



#### 4. SEPARATION OF POWERS

Power to govern is divided between judicial & legislative, and executive branches

- No Branch gets too much power
- Each branch gets power from Constitution

#### 5. CHECKS & BALANCES

Each branch of national govt. has ways to control or CHECK the other branches

Prevent one branch from getting too much power.

#### 6. FLEXIBILITY

- Judicial interpretation: Supreme courts + lower courts interpret laws <sup>~ "judicial review"</sup>
- Elastic Clause: Article 1, Section 8 - Congress can make all laws "necessary and proper"
- Amendment Process: Constitution can be changed
- unwritten Constitution: interpretations, court decisions, customs, habits, etc.

#### Separation of Powers:

	Legislative	Executive	Judicial
Who?	1) Senate 2) House of Representatives	1) President 2) Vice-President	1) Supreme Court 2) Federal Courts
What do they do?	<u>MAKES LAWS</u>	<u>ENFORCES LAWS AND TREATIES</u>	<u>EXPLAINS AND INTERPRETS LAWS</u>

#### Checks and Balances:

