



Unit 1
Foundation of American Government

Ratification and the Constitution


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Notes #5



James Madison




- **Father of the Constitution**
 - Wrote most of the Constitution
 - Kept a detailed Journal of the Convention
- **Key Madisonian concepts in the Constitution**
 - Popular Sovereignty-Gov' t with permission of people
 - Separation of Powers-Gov' t power in 3 branches
 - Checks and Balances-System to keep branches equal
 - Limited Government-Gov' t must answer to the people
 - Federalism-powers of the Federal and State gov' t



Ratification


- **Ratification**
 - Process of formally approving a document
- **Faction**
 - a group in a legislature or political party acting together in pursuit of some special interest
 - At the time it was property-less majority and the wealthy few
 - One of the solutions to the problem created by factions is to separate them into 3 branches

What factions exist in the United States today?



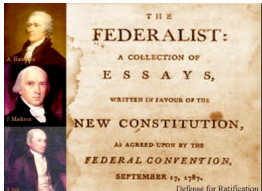

Federalists vs. Antifederalists

- **Federalist**
 - Wanted to create a strong central government
 - In favor of adopting the US Constitution
- **Anti-Federalist**
 - Opposed to strong central government (states rights)
 - Opposed the ratification in 1787



Federalist Papers

- 85 essays written to explain principles in the Constitution
 - Meant to convince public to support ratification
 - Written by Alexander Hamilton, James Madison, and John Jay
 - Publius

Federalist #10

- Madison argues that “mischievous” political factions are undesirable but inevitable
- Madison defends the New Constitution
 - He wanted a republican government with a written Constitution
 - He believed a large republic would fragment political power and curb the threat caused by minority and majority factions

A.P. GOVERNMENT **Federalist #51**

- Madison argues that the Separation of Powers in the new Constitution will keep tyranny in check
- He explains that the checks each branch has on the other branches keeps any one from becoming too powerful

A.P. GOVERNMENT **Anti-Fed Response**

- Antifederalists used fear and scare tactics to get their point across
 - Claimed that a central gov' t would threaten liberty
 - Argued that aristocratic tyranny could happen
 - Claimed that President would become a King
 - Feared that states power was too limited
 - Pointed out that the new Constitution did not guarantee individual freedoms and rights
 - This would lead to the demand for a Bill of Rights to be included


A.P. GOVERNMENT **New Hampshire Holds the Key**

- Preliminary Vote in NH was 52-52.
- The Anti-Federalists were holding their ground.
- A Compromise was struck.

Ratification of the Constitution					
#	Date	State	Votes		
			Y	N	
1	Dec. 7, 1787	DE	30	0	
2	Dec. 12, 1787	PA	46	23	
3	Dec. 18, 1787	NJ	38	0	
4	Jan. 2, 1788	GA	26	0	
5	Jan. 9, 1788	CT	128	40	
6	Feb. 6, 1788	MA	187	168	
7	Apr. 26, 1788	MD	63	11	
8	May 23, 1788	SC	149	73	
9	Jun. 21, 1788	NH	57	47	
10	Jun. 25, 1788	VA	89	79	
11	Jul. 26, 1788	NY	30	27	
12	Nov. 21, 1788	NC	194	77	
13	May 29, 1790	RI	34	32	

A.P. GOVERNMENT **Bill of Rights**


- 1st 10 Amendments to the Constitution
- guaranteed individual freedoms and rights
- limited power of national government, guaranteed rights to states
- The Constitution was Ratified in 1789
- The Bill of Rights was added in 1791



A.P. GOVERNMENT **Constitution**

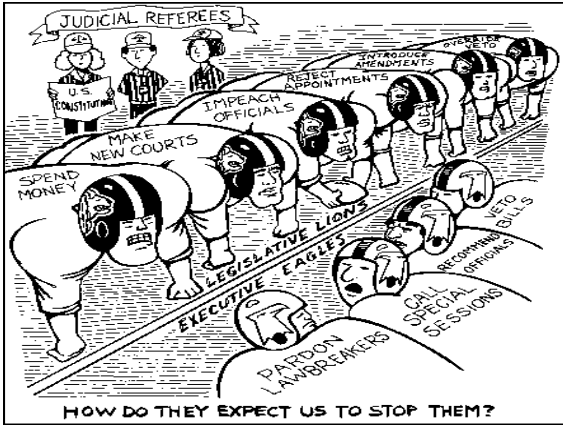
- It is a vague document of about 5000 words
 - Set up the structure of our government
 - Clearly reflects the concept of **LIMITED GOVERNMENT**
 - Guaranteed the rights of citizens
 - Originally had numerous provisions that limited majority rule
 - Allows for change

The fragmentation of power it created has made American politics relatively stable.



A.P. GOVERNMENT **Checks and Balances**

- Nomination of Federal judges, Cabinet officials, and ambassadors
 - President nominates.....Senate Approves
- Negotiation of Treaties
 - President negotiates.....Senate approves (2/3 vote)
- Enactment of Legislation
 - Congress makes law
 - President can veto
 - Congress can Override
 - Courts can strike down law if unconstitutional

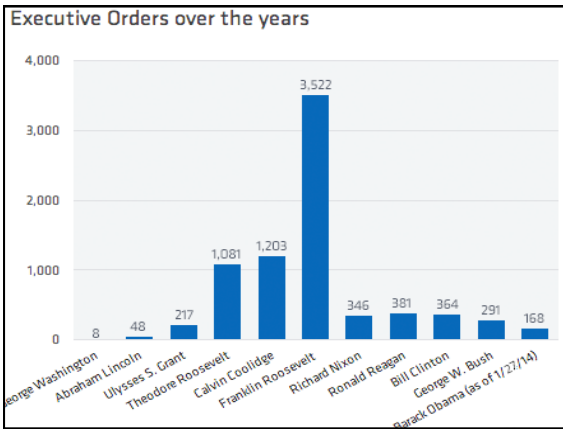


A.P. GOVERNMENT

Executive Orders

- Presidential Power that allows the President the ability to bypass Congress and the Constitution
 - Carries the power of law
 - Example is Obama's recent alterations to gun control policies.

Which President do you think had the most Executive Orders?



A.P. GOVERNMENT

Judicial Review

- Power of the courts to declare laws passed by Congress or the States and actions of the President as Unconstitutional
 - It was never mentioned in the Constitution
 - Supreme Court created this power in *Marbury v. Madison* (1803)