**1.1 The Classical Roots of American Government: Liberalism and Republicanism**

The United States of America’s core principles—life, liberty, and the pursuit of happiness—are explored in depth in the next section. To understand where those ideas came from, we first need to explore certain political philosophies that originated in the ancient world and then saw renewed appreciation in 17th- and 18th-century Europe. The two most notable philosophies that influenced the Framers of the United States’ key founding documents were liberalism and republicanism (which differ from today’s liberals and Republicans, as we shall soon see). Contemporary American politics in many respects represents a combination of these two philosophical traditions.

English philosopher John Locke outlined the position that became known as “classical liberalism.” Classical liberalism emphasized the value of individuals in the political system and rejected divine authority in favor of popular sovereignty.

**Liberalism and the Basis for Limited Government**

The political philosophy of liberalism emphasizes individual liberty, or free will, and equal rights. Classical liberalism focuses on both political and economic freedom and is derived from the 17th-century English philosopher John Locke (1632–1700). Classical liberalism was a response to the idea, common in continental Europe during the Middle Ages (500–1500), that the authority of both kings and the Church was absolute, based on divine right. In other words, absolute authority came from God. Similarly, the average person’s place in society was also determined by God. Therefore, individuals did not get to decide for themselves what constituted a good life, and the notion that they were entitled to life, liberty, and the pursuit of happiness was unthinkable. Moreover, political authority could not be challenged because doing so would be like defying God’s will.

John Locke rejected this argument and argued that individuals are the true basis of legitimate government, a concept known as popular sovereignty. Popular sovereignty is the idea that the authority of the government comes from the people. Locke’s view that all people are entitled to life, liberty, and the pursuit of happiness relates to popular sovereignty in that the people elect leaders to support and enhance natural rights. Locke’s ideas about natural rights are found in the U.S. Declaration of Independence.

Under a system of popular sovereignty, “the people” held political authority and leaders could not govern without their consent. Furthermore, many have concluded that Locke advocated limited government. This meant that the function of government was only to protect individual rights. This also meant that the role of public policy would be limited, because too much state power would threaten individual liberty.

**Republicanism and the Basis for Representative Democracy**

Although Americans often claim that their government is a democracy, this is not technically the case. Democracy refers to rule by the people. Rather, the American system is more accurately described as an indirect or representative democracy, which means that individual citizens elect representatives to speak and make decisions for them. Elected legislatures make policy; in a representative democracy, those policies will reflect the public will. The Framers set the government up this way because they were concerned that direct democracy, which would involve all citizens debating and voting on issues, would lead to mob rule.

The concept of representative democracy has its roots in republicanism, which is a political philosophy that stresses popular sovereignty. Republicanism held that the government was a commonwealth, which was defined as a civil society of men and literally meant “for the common good.” In fact, the concept of republican government comes from the Latin phrase res publica, which means “public matter.”

**Partnership of Citizens**

Republicanism rests on the belief that individuals are free and equal and have a public responsibility and a personal stake in promoting a better society. In a classical republican society, the public interest is known and understood by all because the community is small and made up of members who share a common culture and background. Further, individuals share the concept of citizenship, or the idea of belonging to a political community. Citizenship in the republican mindset required the pursuit of virtue. In fact, the attainment of virtue was the central goal of the political community.

The public good could not revolve around the desires of one ruler because that would be the basis for a despotic government, such as the USSR (commonly known as the Soviet Union) under Joseph Stalin between 1929 and 1953 and Haiti under Francois Duvalier between 1957 and 1971, in which the leaders seek to serve only their interests and potentially fall to corruption. Rather, in republicanism, each individual values the common good more highly than his or her own individual good, and this forms the basis of virtue.

However, women, children, and minorities were not generally included in this partnership of citizens. Classical republics, dating back to ancient Rome, limited citizenship to free men. The American republic in the beginning would recognize both free white men and women as citizens, although citizenship rights differed between men and women. The early American republic restricted voting, running for office, and serving on juries to white men who owned property. Only property owners, the thinking went, had a stake in society and could be trusted to promote the public good.

**Separation of Powers**

The ancient political philosophers, particularly Aristotle, believed that a successful republic could best be achieved through a mixed constitution (also called a mixed government). A mixed constitution system divides power among a monarch, a legislature, and the aristocracy. Politically, this approach entailed the separation of powers into distinct branches of government. This system also allowed the branches to influence decisions made in other branches so that one branch could prevent another from tyrannizing the majority. Separation of powers creates the opportunity for checks and balances. The tendency toward abuse of power, such as with despotism and corruption, would be limited because of the checks placed on power across the branches of government.

But it was not enough to have checks and balances among different branches of government; there also had to be checks and balances within the legislative branch—the branch of government that represents the people and passes laws. Republicanism specifically called for a bicameral legislature (“bi” means two, while “camera” means chamber), which was the division of the legislative body into two chambers.

**Key Influences on the Framers’ Ideas About Government**

Many of the ideas put forth in the U.S. Declaration of Independence, including the references to life, liberty, and the pursuit of happiness, were originally included in John Locke’s Second Treatise of Government, which was published in 1690. The expression that Locke used was “life, liberty, and the preservation of property.” “Happiness” was Thomas Jefferson’s (1743–1826) substitution for Locke’s “property,” in part because he wanted to downplay the emphasis on private property.

Signed on July 4, 1776, the U.S. Declaration of Independence stated the nation’s core values and declared its separation from Great Britain. Many of the ideas presented were originally included in John Locke’s Second Treatise.

**The Social Contract**

Also put forth in Locke’s Second Treatise was the idea that the individual existed in a state of nature. In the hypothetical state of nature, there is no human law or government, while individuals are born with unalienable or natural rights that are derived from nature or from God. All individuals are equal, especially with their capacity to decide for themselves what type of life they would like to live (this is the concept of human agency, which is the notion that individuals have the capacity to make their own choices). The state of nature can be dangerous because, without laws and government, violent behavior may continue. For example, persons thinking about stealing their neighbor’s property might reconsider if they know that they might be arrested or jailed if they are caught and prosecuted. Locke observed that individuals come together in a social contract and form a government to protect themselves and their rights in order to offset concerns associated with a state of nature.

The idea of a state of nature as a dangerous place, and the remedy of a social contract, was expressed even earlier, in a 17th-century work called Leviathan, by another English philosopher, Thomas Hobbes (1617–1700). Hobbes (1651/1962) argued that life in a state of nature, where predatory and survival instincts dominated human behavior, was “nasty, brutish, and short.” While individuals might enjoy liberty to do as they pleased, they were not free from the threat of harm from others, which included the possibility of an untimely death. The remedy for this was to surrender liberty to a monarch with absolute authority who would provide protection in exchange for loyalty to the monarch. Locke ultimately sought to use this argument to justify the political structure known as a constitutional monarchy—a government where the monarch has to share power with a legislative body such as a parliament or congress.

Because government was created through a social contract, its legitimacy stemmed from popular sovereignty. The central thrust of Locke’s Second Treatise can be briefly summed up as the idea that a community of equal individuals has the right to resist authority that has ceased to be legitimate.

Black and white portrait of Thomas Hobbes and a black and white drawing of Hobbes’s Leviathan book frontispiece. In the upper half of the drawing, a man with a crown, sword, and staff is seen on the horizon. The man is depicted as being much larger than the city beneath him. In the lower half of the drawing, several compartments contain various elements such as weapons, land, and other symbols.

In Leviathan, English philosopher Thomas Hobbes argued that life in the state of nature was “nasty, brutish, and short” and that people should surrender their liberty to a monarch who would protect them.

**The Importance of Property**

For Locke, individuals surrender their liberties in exchange for political freedom, or the freedom to do what they want within certain, defined limits set by government. Individuals surrender only enough of their liberty so that the government can protect the most fundamental rights to property, which includes land but also all physical possessions. In Locke’s time, property was viewed as an extension of the individual because the property’s value was derived from the labor that the individual put into it. Limiting property rights would be taken as limiting personal freedoms. If the government violated individuals’ property rights, the people would be within their rights to rise up and dissolve or overthrow the government because it had failed to protect their fundamental right to property. Locke’s use of the term “property” defended against the arbitrary exercise of power by any part of government.

**The Rule of Law Versus the Rule of Man**

The Framers of the Constitution believed that the arbitrary exercise of power—usually by the rule of man—could be checked through the rule of law. This was an important distinction: Men will act in an arbitrary manner when pursuing their passions. Under the rule of law, the passions of men are checked because the law establishes what people may or may not do.

The distinction between the rule of man and the rule of law is important. Greek philosopher Aristotle (362 BC–322 BC) argued that the “law should govern.” This principle suggests that the law limits the behavior of individual citizens whether or not they are part of the government. The rule of law suggests that government officials are limited by the law as much as those whom they govern are. Putting lawmakers above the law invites the abuse of power.

**1.2 Core American Values: Life, Liberty, and the Pursuit of Happiness**

**Pursuit of Happiness**

Thomas Jefferson expanded on John Locke’s idea of the importance of property, substituting the word happiness for property. Property ownership frees us from control by others. It is a means to an end: human flourishing, or happiness.

The U.S. Declaration of Independence, written primarily by Thomas Jefferson and signed on July 4, 1776, is one of the nation’s foundational documents. A short statement intended to separate the American colonies from Great Britain, the Declaration establishes the nation’s core values. It is also a statement of classical liberal philosophy. American core values can be found in the following section:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Jefferson echoes Locke when he says that individuals are created equal with rights that were granted to them by their Creator (“unalienable”). Rights given by the individuals’ Creator can be taken away only by their Creator and not by government. Among these unalienable rights are life, liberty, and the pursuit of happiness. The right to life means that people control their bodies and that they have the right to life by virtue of their existence. The right to liberty refers to people’s freedom to make decisions about how they want to live their lives. In short, people are free to pursue their self-interests. People’s right to pursue happiness refers to their ability to make choices that will be satisfying to them, whether it be pursuing property or some other passion.

Hobbes and Locke shared the view that individuals and lawmakers should be guided by reason, an idea that greatly influenced the Framers. Governments based on reason are based in law and not arbitrary opinions.

**The Influence of Locke on Jefferson**

As individuals born with unalienable rights, American colonists came together to create a government whose legitimacy was derived from their consent. By stating that a just government was based on the consent of the governed, Jefferson challenged the idea that the king’s authority was derived from God. In fact, Jefferson argued that because the king’s authority was not based on popular sovereignty, it lacked legitimacy. The colonists were therefore within their rights to reject the king’s authority. The American Revolution essentially dissolved a government that, as Jefferson argued in the Declaration, had ceased to be legitimate.

**Courtesy of the Diplomatic Reception Rooms, U.S. Department of State**

Thomas Jefferson was heavily influenced by John Locke’s Second Treatise of Government in writing the Declaration of Independence. Like Locke, he rejected the notion that divine authority was the basis of legitimate political authority.

Employing Lockean language of the right of the people to overthrow a government that fails to fulfill its obligations, Jefferson listed the British Crown’s abuses of power. These abuses included the king’s refusal to abide by laws, taxing the people without them having representation in government, quartering troops in people’s homes, maintaining standing armies without the consent of the colonial congress, making judges dependent on the king’s will, denying colonists trial by jury, taking colonists back to England for trial before hostile juries, and other abuses.

**The Importance of Republicanism in Shaping the American System of Government**

Republicanism in the American colonies was a specific response to the corrupt British political system. It was so ­corrupt, reports historian Gordon Wood, that 18th-century Americans did not believe it would be possible to reform or renew the British Constitution. Americans created their own commonwealths, which they believed would embody virtue because power was divided between the two houses of the legislature and an executive whose power would not be granted through heredity. By dividing power, it was assumed that virtue would balance the natural tendency toward corruption.

Power was further divided within the legislature by adopting the bicameral division of the two houses. The lower chamber, the House of Representatives, represents the people. It was seen as more susceptible to corruption because the people were assumed to be driven by their irrational passions rather than reason. The upper chamber, or Senate, represents the elite and was thought to be driven by reason. The legislative chamber most susceptible to corruption would be checked by the Senate.

Individuals who owned property were thought to be more skilled and talented than others because they were responsible for upholding the economy and the common good. Yet their representatives were regularly exposed to the temptations of power and corruption. Representatives, therefore, needed to stand for frequent elections, which would help hold them accountable to the people. The U.S. Constitution reflects this view in that members of the U.S. House of Representatives serve for 2-year terms, while senators serve for 6-year terms.

In considering the construction of the U.S. Constitution, it is apparent that the Framers were very much influenced by both classical liberal and republican ideologies. The notion that a constitutional system—a system that follows a written set of rules that outline the core ideas about government and the structure of government institutions—would protect liberty was certainly a classical liberal value. That this value could best be protected through the separation of powers was a republican idea. The Constitution Preamble suggests that the United States is liberal (“We the People of the United States, in Order to form a more perfect Union, . . . secure the Blessings of Liberty to ourselves and our Posterity”), while the Constitution mandates that the new nation be republican. For example, Article IV, Section 4 states, “The United States shall guarantee to every State in the Union a Republican Form of Government.” In practical terms, this means that every state will have separation of powers and checks and balances. All states except Nebraska have a bicameral legislature. Nebraska has a unicameral legislature.

**The U.S. Constitution: Institutionalizing American Values**

The Declaration of Independence puts forth many core American values. However, these values must be established, which is where the U.S. Constitution comes into play. Even though it does not mention “Life, Liberty, and the Pursuit of Happiness,” the Constitution creates institutions that reflect and uphold those values. The principal institutions outlined in the Constitution, which have also become values unto themselves, are the separate branches of government. The Constitution creates three branches: the bicameral legislature, which passes laws; the executive, which implements and administers laws; and the judiciary, which determines the constitutionality of those laws.

The Framers assumed that power was to be measured and contained, and they believed it needed to be divided among these separate institutions. This separation of powers ensures that no one branch of government has enough power to infringe upon citizens’ liberties. The separation of powers is the key theme of American constitutional government, and it results in government by consensus, whereby there is general agreement among the actors involved in governing. Separation of powers also effectively reflects the principle of rule of law. Additionally, as will be seen in later chapters, government may struggle with achieving consensus that protects the rights and liberties of its citizens by protecting them from arbitrary use of government power.

**1.3 What Is the Nature of U.S. Politics?**

Politics functions within government, although they are not the same. There are some who argue that politics is “decisions made in an environment of conflict,” while others, including political scientist Harold Lasswell (1936), suggest that politics is “who gets what, when, and how.” These definitions are related in that they both involve conflict and share the notion that government decisions affect who is impacted, and how.

The notion that politics encompasses “who gets what, when, and how” captures the connection between politics and power. Who gets what says something about who has power. When one gets what one wants says something about how important that individual or group is, and just how much power the person or group has. How the power is obtained speaks to the strength of the individual or groups involved. In a political system where scarce resources are to be distributed, various groups will compete to determine who gets what, how much they get, and under what circumstances they get it. This usually means that if one group derives benefits, others bear costs. Public policies are those laws that government makes within the context of a political process.

The casual observer need only look at the opposing views that routinely occur in policymaking arenas including city councils, state legislatures, and the U.S. Congress to see this in action. In the case of health care reform, those who were previously uninsured will be insured because higher-income persons will pay an additional tax. Patients, taxpayers, and insurance companies are each affected differently.

Some argue that those involved in the conflict are considered actors while those who sit on the sidelines and observe are spectators. Considering the roles of actors and spectators in the political process means that politics becomes a mobilization of bias where actors attempt to show spectators why they should care about and become actively involved with the conflict. This way, the actors build a base of support for their cause and achieve victory if they are able to mobilize enough people to join them. Efforts to reform immigration policy are an example of the mobilization of bias. Groups seeking to open U.S. borders to more immigrants have brought non-immigrant groups to their side by showing how immigration divides families. Some who advocate stricter border patrol suggest that less restrictive immigration controls increase unemployment in various economic sectors such as agriculture and blue-collar labor.

Another example may be found in the teaching of creationism such as was explored in ­Selman et al. v. Cobb County School District et al. (2005). A small-town school board may respond to the wishes of the majority seeking to have creationism taught in schools. Creationism is a literal reading of the Bible that states that the world was created in 6 days. Creationism opposes evolution, the idea that all organisms, including humans and animals, change over time as a result of natural selection and other factors. The minority that wanted evolution taught sought to shape the conflict by arguing that this school board decision was an example of government violating the constitutional concept of separation of church and state. Evolution supporters hoped that those who live in large cities would become involved in an effort to preserve this fundamental value, while those seeking to teach creationism argued that this was a local matter with which outsiders should not be involved. The side that proved to be more persuasive would succeed in getting what it wants, when it wants it, and how it wants it.

A key factor in this understanding of politics is that resolution is achieved through peaceful means. It is when conflict becomes violent that politics can be said to have failed.

**How Is American Politics Characterized by Regulation, Distribution, and Redistribution?**

American politics certainly involves the related notions of who gets what, when, and how in a decision-making environment. Political scientist Theodore Lowi (1964) identified three types of activities characteristic of American politics: regulation, distribution, and redistribution.

Regulation involves restricting the activities, or limiting the rights, of some for the benefit—usually the protection—of others. In other words, one group will bear a cost so that another group can enjoy a benefit. In this vein, regulation is considered to be zero sum, because for every winner, there is a loser. As an example, the government seeks to regulate air pollution by requiring power plants to include scrubbers in their emissions stacks. The power plants incur a cost because they have to spend money that they otherwise would not while those who live near the plants derive the benefit of cleaner air even though they did not pay any more for the cleaner air than did others who live further away.

By contrast, distribution involves the political system providing benefits to whatever group makes a request. The costs of distribution are not borne by any clearly identifiable group, but instead are passed on to everyone. Consider the following scenario: Congress passes a budget in which farmers receive millions of dollars from the federal government, banks receive millions more, and a variety of other groups receive something. Because the payouts all ultimately come from tax dollars, all taxpaying citizens cover the cost. This is considered distributive.

Redistribution involves taking from one group in society—usually in the form of a tax—and giving to others—usually in the form of a program. An example of this might be a tax on individuals with annual incomes above a certain level, such as $1 million, to pay for a health care program that benefits the poor. As with regulation, with redistribution it is clear who benefits and who bears the cost.

**How Is American Politics Rooted in Core American Values?**

We can look further into what lies beneath these ideas. Politics over who gets what, when, and how, or regulation, distribution, and redistribution, is really the public and practical expression of disagreements about the meaning of core values. For instance, some argue that regulating pollution may deprive manufacturers of their liberties or property rights while others argue that regulating pollution preserves the public’s right to breathe clean air and maintain health. As we will see, each conception of liberty has some validity, and it is different constructions of these and other concepts that shape the conflict around which American politics is made.

Though the concept of liberty is foundational to the American government, it means different things to different people.

If you were to stop average Americans on the street and ask what America stands for, most would probably answer with some combination of liberty; democracy; the right to pursue individual economic interest; the right to free speech, peaceable assembly, and religious practice; and a constitutional government. Americans do not all agree on exactly what those concepts mean, but each likely believes strongly in his or her own interpretations. As a result, the way these concepts are interpreted in society is a matter of politics.

The concepts surrounding what America stands for are all rooted in the values of life, liberty, and the pursuit of happiness expressed in the Declaration of Independence. Consider that an American’s right to “life” often means that he or she has a right to physical protection. More than that, it means that the state may not take a citizen’s life without due process of law. This type of liberty is known as negative liberty. Negative liberty means that limitations are placed on state action, as the government is required to protect liberty by ensuring that it cannot be infringed upon. Freedom to travel is a negative liberty. But, as passage of the health care law illustrates, the right to “life” could also mean that the state has an obligation to ensure that people live long and healthy lives. Therefore, it is not enough to limit the actions of the government so that a person can live; the state must actually provide people with health care services. This type of liberty is known as positive liberty. Positive liberty means that the state takes active steps to guarantee that citizens’ liberties will have meaning. An example of positive liberty is the right to counsel, as found in the Sixth Amendment and reinforced in Gideon v. Wainwright (1963). Many claim that conservatives favor negative liberty while liberals favor positive liberty.

As a further example, imagine that you are looking for a job. Negative liberty, in this scenario, means that the state cannot stop you from taking a job that is offered in the marketplace. But positive liberty means that the government must provide you with a job if you are unable to find one on your own. Both views are captured in the Declaration of Independence and in the promotion of the general welfare that appears in the Constitution’s preamble and elsewhere in the U.S. Constitution. Although American politics is characterized by various definitions of politics, it also revolves around competing interpretations of core values that ask what “life, liberty, and the pursuit of happiness” really mean.

**1.4 Contemporary American Politics**

Listening to talk radio these days, one could easily get the impression that American politics is driven by two ideological extremes: the liberal left, which wants an all-encompassing government controlling people’s lives, and the conservative right, which wants to limit government in favor of individual liberty and free markets. Liberals and progressives generally respond to these claims by arguing that government can be a force for bringing about a fair and equitable society. They do not seek to infringe upon individual liberty; rather, they seek to ensure a level playing field so that those with limited incomes also enjoy the full fruits of liberty. Whereas the right sees only government as a threat to individual liberty, the left sees private interests, including big corporations, as posing a similar threat. On both sides of the political spectrum, the loudest voices fail to accurately capture the range of issues and opinions that their opponents care about.

While the preamble to the U.S. Constitution states that the government’s purpose is to promote the “general welfare,” the meaning of that phrase is not clear. It was perhaps inevitable, then, that rooted in today’s American politics is a contest among different groups, driven by different ideologies, to define the concept of “general welfare” for all people. The fight over the 2010 health care law outlined at the beginning of this chapter illustrates the politics that can surround the interpretation and application of core American values.

**How Does Contemporary Liberalism Compare With Classical Liberalism?**

Classical liberalism stressed limited government in an era when society was largely agricultural and people mostly worked on farms and in small towns rather than in offices and factories in big cities. This meant that one person’s private activity likely did not affect another’s. Modern liberalism, however, is usually associated with big government and large social programs; it stresses a more expansive role for government precisely because society is no longer as simple as it once was. In particular, the modern, complex economy produces market failures that have as much capacity to deprive individuals of their life, liberty, and pursuit of happiness as does government itself.

Further, modern liberalism understands corporate power to be as threatening to individual liberty as state power. Therefore, the state needs to regulate private affairs to (1) protect individuals from harm caused by others and (2) maintain a framework in which individuals can freely choose for themselves the lives they would like to live. This may involve both distribution and redistribution of resources. Again, this is all a matter of interpretation. Different groups seeking to obtain power will interpret these matters in a way that best furthers their objectives.

One might ask how liberal political philosophy changed over time. Understanding the distinction between classical and modern liberalism is critical to understanding the nature of contemporary American politics (see Table 1.1 for a comparison). Both versions of liberalism stress the ability of individuals to decide how they want to live their lives. American liberalism promotes citizens’ freedom to pursue their self-interest in the marketplace, and to a large extent the American public interest is based on every individual following her or his private interests.

**Table 1.1: Classical liberalism versus modern liberalism**

| **Classical** | **Modern** | **Common thread** |
| --- | --- | --- |
| Human agency | Human agency | People all have the individual   capacity to make choices. |
| Individual liberty | Restraints on some individual  liberty for protection  of community | Liberty remains important within the  context of the public interest. |
| Limited government | Active government because  complex society requires it | The notion of limited government  depends on the context of changing   individual needs. |
| Pursuit of self-interest | Pursuit of self-interest so long as it does not cause harm to others | The definition of harm is a question  of the complexity of society. |
| Private property as a natural right | Property as defined by positive law | Property is important for   creating zones of protection around   national interests. |
| Individual responsibility | Individual behavior affected by  larger forces beyond one’s control | Individual behavior is a function  of social environment. Therefore, there is a  presumption in favor of individual   responsibility so long as there are no other   forces affecting it. |

**The Harm Principle**

Classical liberalism, even as Locke conceived it, allowed for government regulation if it was to protect the public interest. In the 19th century, English philosopher John Stuart Mill (1806–1873) put forth the “harm principle” as the basis for governmental interference with individual liberty: A person cannot pursue his or her own interests to the point where it causes harm to an individual or the general community. Mill believed that the sole role of government was the preservation of liberty. In his classic work On Liberty (1859/1956), he stated that the sole end for which mankind are warranted individually or collectively, in interfering with the liberty of action or any of their number is self protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.

English philosopher John Stuart Mill argued that persons have liberty to pursue their own interests but not to the point that it causes harm to another individual or community.

This principle has been used to define the appropriate use of the state’s regulatory power. The standard interpretation has been that government may regulate individual liberty to protect the health, welfare, and morals of the community. In 19th-century America, harm meant only physical harm. Consider that in Locke’s time, when most of the economy was agrarian (based on farming), someone farming a plot of land was not likely to cause harm to his neighbor on the adjacent plot of land. In Mill’s time, which occurred during a period of industrialization when more of the economy was based on manufacturing, a group of people could be harmed in the town downstream from a polluting factory because the manufacturing waste products might be disposed of in that stream and run through several towns. By the 1930s, when the country was in the throes of the Great Depression, harm could be caused by the market forcing the layoff of millions of workers. More recently, the United States experienced a recession between 2007 and 2009. According to the Bureau of Labor Statistics, some states experienced unemployment rates that exceeded 10% during that time while the national unemployment rate exceeded that of most industrialized countries. Job openings declined by 44%. As unemployment increases and job openings decline, individuals have less money to spend in the marketplace, which causes a ripple effect throughout other economic sectors.

The evolution of liberalism from its classical conception to its modern-day version involved a shift in how people interpreted the words “harm” and “public health and welfare.” Arguably, the core values that informed the creation of the American republic are very much the same, and sorting out what those values mean and how they apply to current circumstances is ultimately what makes American politics distinctive.

**Marriage of Liberalism and Republicanism**

An ongoing debate throughout American history has been whether the nation is liberal or republican. That is, are the country’s values more in line with classical liberalism or with classical republicanism? In fact, the American constitutional system is a marriage of both. The influence of the two is evident in the nature of contemporary American political discourse. Each contemporary political ideology on some level represents a belief system. Individuals express their passions in ideological debate. Consider that the American political system is composed of 50 states and one national government. Each state is a republic (representative government) unto itself. Each state has its own distinctive political culture—its own beliefs and value system. For example, the political culture of Texas differs from the political cultures of either New York or California.

The key difference between liberalism and republicanism is that liberalism is more tolerant of diversity and is thus more heterogeneous (made up of dissimilar parts) while republicanism prefers small governance units and assumes more homogeneity (a makeup of similar parts). Take, for instance, the difference between a large city like New York or Los Angeles and a small town somewhere in New England. In the city, there is great diversity of people and beliefs. One of the best ways to maintain unity is to have a tolerant, liberal framework. But tolerance often comes about by rejecting moral absolutes. In the larger liberal framework with its great diversity, the public interest that emerges is generally based on consensus and represents a compromise position of multiple interests. In the small New England town, there is probably very little diversity, as there is a shared culture with shared beliefs. Because there is greater homogeneity in the small town, there is greater agreement regarding the public interest.

The Constitution encourages states to retain their respective cultural uniqueness as expressions of their own sovereignty. Each state may define the public interest differently. At the same time, each state is represented in the national government within the federal system where power is shared between the national and the state governments. Thus, the Constitution is effectively a liberal framework open to diversity across states. Consequently, national decision making often reflects the public interest as an achieved consensus among the states. It is in this vein that the American Constitution is a marriage between liberalism and republicanism. Still, conflict and tension do exist, and it is around that conflict and tension that American politics revolves.

**What Does Liberalism Mean in Practice?**

Health care reform in the United States would allow people who were previously uninsured to derive benefit. That some will have to pay an additional tax to bear additional costs is a classic example of politics as “who gets what, when, and how” to connect politics and power.

Returning to the Declaration of Independence, the premise that individuals are born with unalienable rights means that on a political level all individuals are equal before the law. This means that the state cannot show favoritism toward one citizen over another. In practical terms, liberalism as a political philosophy rests on this conception of equality. Life, liberty, and the pursuit of happiness correspond to the liberalism belief that each person can choose what a “good life” means and then choose a path that makes this conception a reality. The state is prohibited from choosing one person’s good over another, as this violates liberal equality. The liberal state, in essence, places limits on government action so that the individual will be free to pursue his or her own happiness.

The modern United States is very different from colonial America and consequently requires government action from time to time. Colonial Americans idealized economic independence. In the modern United States, most people work for others and have little control over their own destinies. Had the farmer in an earlier period decided to plant a crop that perhaps was not profitable, the impact would most likely have been felt only by that farmer and his family. But if the management of an automobile factory in a Midwestern city opts to move manufacturing from that factory to a factory somewhere in Central America, thousands of people in the United States might lose their jobs. Because more Americans are likely to be hurt by forces outside of their direct control in the modern United States, government may have to act to protect their interests. This action is justified on the grounds that it is essential to the maintenance of the United States’ core values of liberty, equality, individualism, democracy, and rule of law. It should also be remembered that because the republican tradition stresses the public good as taking precedence over individual interests, the state has a right to take action to ensure the public good. In the instance described here, the automobiles manufactured in the Central American country may cost less because workers may be paid less than they would be paid to do the same work in the United States. Using the argument that it is protecting the United States’ core values, the government may tax, or impose a tariff on, the imported cars to make the price of the automobiles more competitive with those of U.S.-made cars.

**State and Federal Government Competition**

While the responsibilities of government have increased overall, states have retained most of their traditional authority. The fact that city and state politics generally have more to do with individual lives than does the national government confirms for many that government is best and more controllable when it is closer to home. Federalism offers the advantages of national uniformity when and where it is necessary, while retaining the kind of state and local diversity that can be achieved without harm to others.

Political battles often arise over competing interpretations of how best to serve the public good. People do not all agree on what their core values mean even if they agree on the same values. The political process in the United States is essentially a liberal one because it is open to a multitude of interests, each lobbying for a position based on competing ideological commitments. At the same time, the American political process is republican because it has established intermediaries in the form of interest groups and political parties that these competing ideologies have to go through. The modern conservative seeks to conserve the traditions of the past. If liberalism traditionally meant limited government, then conservatives seek to maintain that tradition.

**The Importance of Constitutional Debates**

Many of the tensions in modern American politics—including the tensions between conservatives and liberals—are, at their core, disagreements about the meaning of liberalism. This tension is contained in the wording of the U.S. Constitution, which may be unclear on some points. For example, while Congress has the power to declare war, it is the president who is the commander in chief. What is the president allowed to do to protect the nation if Congress fails to declare war? Understanding constitutional ambiguities, as we will see later, is also essential to understanding the nature of American politics.

The Constitution establishes the parameters for who gets what, when, and how. But constitutionality is also important because when the U.S. Supreme Court determines a matter to be constitutional, it effectively validates the ideological position that fought for that issue. On many issues of policy, the Constitution does not give specific guidance, and ultimately the answer gets hashed out in the Supreme Court.

**The Role of Government Today**

Until the 1930s, the federal government’s primary duties were to deliver the mail, provide for the national defense, and maintain foreign policy. Public assistance, if there was any, was the province of the states, and so, too, was education. But as Table 1.2 suggests, the role of the federal government is now quite extensive. It regulates any number of activities and provides considerable services. Average Americans purchase stamps in a federal post office, send their children to public schools, and obtain local permits to expand their homes. Government—whether it be national, state, or local—is a larger presence in citizens’ lives than was supposed by the language of the Declaration of Independence.

**Table 1.2: Selected functions of the federal government**

| **Department name** | **Year  created** | **Website and notes** |
| --- | --- | --- |
| State | 1789 | [http://www.state.gov](http://www.state.gov/)  Originally named Department of Foreign Affairs in July 1789  Renamed Department of State in September 1789 |
| Treasury | 1789 | [http://www.treasury.gov](http://www.treasury.gov/) |
| Justice | 1789 | [http://www.justice.gov](http://www.justice.gov/)  Originally named the Office of Attorney General  Named the Department of Justice in 1870 |
| Defense | 1791 | [http://www.defense.gov](http://www.defense.gov/)  Originally named the Department of War Named the Department of the Army in 1947  Named the Department of Defense in 1949 |
| Interior | 1849 | [http://www.doi.gov](http://www.doi.gov/) |
| Agriculture | 1862 | [http://www.usda.gov](http://www.usda.gov/) |
| Commerce | 1903 | [http://www.commerce.gov](http://www.commerce.gov/)  Originally named the Department of Labor and Commerce  Renamed Department of Commerce when the Department of Labor was created in 1913 |
| Labor | 1913 | [http://www.dol.gov](http://www.dol.gov/) |
| Health and Human   Services | 1953 | [http://www.hhs.gov](http://www.hhs.gov/)  Originally named the Department of Health, Education and Welfare  Renamed the Department of Health and Human Services when a separate Department of  Education was created in 1979 |
| Housing and Urban  Development | 1965 | [http://www.hud.gov](http://www.hud.gov/) |
| Transportation | 1966 | [http://www.transportation.gov](http://www.transportation.gov/) |
| Energy | 1977 | [http://www.energy.gov](http://www.energy.gov/) |
| Education | 1979 | [http://www.ed.gov](http://www.ed.gov/) |
| Veterans Affairs | 1988 | [http://www.va.gov](http://www.va.gov/) |
| Homeland Security | 2003 | [http://www.dhs.gov](http://www.dhs.gov/) |

**CHAPTER 2**

**2.1 Early American Government**

The U.S. Constitution is actually modeled on the earlier governments found in the colonies. Specifically, it has roots in the early American settlements of the 1600s. American government as it is known today began as something small and private and evolved into a larger self-government.

Colonists arrive in Jamestown, Virginia. King James I granted a charter to the Virginia Company, which offered to pay potential settlers’ traveling expenses to the New World.

**The First English Settlements**

The first English settlements in colonial America began as private companies composed of individuals seeking economic gain. The first successful English settlement began in Jamestown, Virginia, in 1607, after King James I granted a charter to the Virginia Company to establish a settlement in the Chesapeake region. The Virginia Company in turn encouraged people to settle the new colony by offering to pay their travel expenses. In exchange, the settlers were expected to send the company a share of their profits. (The settlers hoped to find gold, but in the colony’s early years they primarily collected lumber, tar, pitch, and iron for export back to England.) By granting the charter, the king gave the company authority over the colony, and by sending profit shares back to the company, the settlers effectively paid taxes. Because the company was based in England, the settlers had no more voice in their government than if the king himself retained absolute rule.

In the years following the initial Jamestown settlement, more settlers came to the New World, and by 1619 there were 11 settlements in Virginia. The Virginia Company, however, wanted the colony to grow even faster. To induce more people to come, the company gave property-owning male settlers the right to vote and elect their own assembly, known as the House of Burgesses. This was the beginning of American self-government.

**Colonial Assemblies**

A striking feature of American colonial development was the lack of control by the British government. All but one of the colonies had originally been companies of shareholders or proprietorships whose authority was based in charters granted by the Crown. While the company that received the charter was able to pick a governor for the colony, the principal governing institutions were actually the assemblies elected by the colonists. The assemblies wielded considerable power, including the right to raise troops, to levy taxes, and to pass laws. The one colony that did not develop along these lines was Georgia. Georgia was the last colony founded. Its purpose was to serve as a place for debtors recently released from prison to go to get a fresh start. Georgia was also established to serve as a buffer between Florida and South Carolina to guard against Spanish expansion from Florida. The name of this last colony was selected to honor King George II, who granted the charter for establishing the colony.

The Mayflower Compact was a governing document written by the Pilgrims as they traveled to America.

The colonies never thought of themselves as subservient to the Crown. Rather, they viewed themselves as commonwealths, with the assemblies being the locus of rightful power and authority. In Plymouth, Massachusetts, for instance, the Pilgrims established a system of self-government based on the Mayflower Compact, an agreement they made on their way to America in 1620. Under the Mayflower Compact, the settlers agreed to abide by the decisions of the majority and conduct their affairs without outside interference, especially from the British. The physical distance between America and England left the colonial assemblies with a great deal of autonomy.

**Injustice, Rebellion, and the Continental Congress**

Beginning around 1700, the colonies found themselves absorbed into the larger conflicts plaguing Europe. From 1689 through 1763, a series of wars was fought on the European continent and had much to do with French expansionist ambitions. But a component of those wars was fought in the colonies by British troops. Conflicts extended into the colonies as part of the larger fight between colonial factions for more power and spheres of control.

During the late 1700s, the British Crown attempted to impose its authority and restrict the liberties of the colonists mostly by imposing new taxes to help pay for the wars. But some of the restrictions were limitations on colonial trade as the British government sought to protect industry at home. The British Parliament, for instance, passed the Wool Act in 1699, which not only increased taxes but also increased control over colonial trade and production. American colonies were prohibited from exporting wool to markets outside the colonies. The Crown also limited imports of wools and linens from other areas in the British Empire.

**The Fight for Self-Government**

The Revolutionary War was in response to the control and influence of the British Crown. It spurred the colonists to form their own government.

Most colonists saw themselves as good English subjects who were entitled to the same rights as their countrymen anywhere else in the world. In England itself, the English people (but not the colonists) were represented in the House of Commons, part of the British Parliament. In the same vein, the colonists saw the colonial assemblies as their own representative bodies. It was one thing for the assemblies to pass laws affecting them. But it was quite another for the British Parliament to impose laws on people who were not represented in that body.

The rallying cry for the American Revolution was “No taxation without representation,” and one of the first taxes that would pave the way for war was the Sugar Act of 1764, which drew colonists’ anger more because of its economic impact than because of its political significance. The tax hit the colonies during a depression, which many attributed to the tax itself.

The Stamp Act of 1765 represented an attempt by the British government to force the colonies to shoulder some of the expense of providing defense during the French and Indian War. Colonists had to pay a tax on all printed materials, including books, newspapers, magazines, and legal documents, all of which were required to bear an embossed stamp.

Following the Stamp Act, Parliament passed the Townshend Acts of 1767, which were even harsher. Named after Charles Townshend, chancellor of the British Exchequer (the British Treasury), these acts imposed new taxes on glass, lead, paper, paint, and tea. The Townshend Acts were further reinforcement of Britain’s absolute power to enact any laws to govern the colonies. The colonists protested these and other taxes with boycotts and other forms of protest, including violence. Many violent protests centered on Boston, and they prompted the British to send in troops to pacify the city.

Ultimately, most of these taxes were repealed, except for the tax on tea. Still, the protests continued, culminating in the Boston Tea Party of 1773. Because officials refused to return three shiploads of tea to Britain, a group of colonists boarded English ships in Boston and dumped hundreds of chests of tea into Boston Harbor to protest the tax. This became known as the Boston Tea Party.

In response to the Boston Tea Party, Parliament passed a series of laws that colonists called the Intolerable Acts. The purposes of these acts included closing the port of Boston until all of the damage caused by the Tea Party was repaid, putting Massachusetts under military rule with more troops arriving in that colony, making it illegal for royal officials to be brought to trial in the colonies (and instead holding their trials in England), ending colonial government in Massachusetts and allowing the royal governor to appoint the colonial legislature, and giving land claimed by Massachusetts, Connecticut, and Virginia to Canada.

Meanwhile, by 1774, the colonies had established the first continental legislative body, or Continental Congress. The British responded by sending even more troops. The Congress met briefly in Philadelphia in 1774 and consisted of 56 delegates from all 13 colonies. Most of the delegates were not ready to separate from the British; rather, they wanted both the king and Parliament to treat the colonies more fairly. Early the following year, however, skirmishes between armed colonists and British troops turned deadly. By the time the second Continental Congress met in May of 1775, the American Revolutionary War had begun. Although there were still those who wanted to work something out with Britain, there was now a growing movement for independence.

**Independence and Confederation**

The colonies declared their independence on July 4, 1776, with the signing of the Declaration of Independence. The Declaration was nothing more than a statement announcing separation—it did not form a government. Actual independence came only through military victory, which required, at a minimum, that the newly independent states remain united. The Continental Congress raised an army and placed it under the command of George Washington (1732–1799). The following year, the Congress drafted the Articles of Confederation to unite the states. The Articles were the first U.S. constitution. Born from a revolutionary spirit suspicious of strong central government, in which authority would be concentrated in a single entity, the Articles of Confederation created a “firm league of friendship” (a phrase from Article III of the Articles) among the states.

The Articles invested the greatest power in the individual states and left the new national government weak and powerless. The revolution was a rebellion against strong centralized power; therefore, it was inevitable that the colonists would not form a government with strong central authority. But the Articles proved inadequate to maintain unity, and, shortly after the War of Independence was over, the confederation began to unravel.

**2.2 Why a New Constitution?**

The Articles had three fatal flaws. First and foremost, they failed to give the national government the power of the purse, meaning that they granted the government neither the power to levy taxes directly on the people nor the power to force the states to pay their share of expenses. The national government could not even tax to pay its war debts. Second, any amendments to the Articles required the unanimous approval of the state legislatures. And third, they did not provide for a chief executive to carry out essential tasks and deal with crises.

The main problem with the Articles of Confederation was the absence of strong central authority. This meant that the United States would have no common defense if it were attacked. An individual state could easily be overrun by a foreign government. The absence of central authority was a problem for another reason as well. The new government could not regulate commerce, and that threatened the development of a national economy.

**The Articles of Confederation.**

**Associated Press**

The Articles of Confederation, shown here, were adopted by the Continental Congress in 1777. However, wariness of central authority resulted in a weak, unworkable national government, and many agreed the Articles would need to be revised.

The Constitutional Convention, where delegates would meet to revise the Articles and eventually draft the U.S. Constitution, was actually preceded by the Annapolis Convention. A small group of delegates met at Annapolis, Maryland, in September 1786 to address another one of the failings of the Articles: the lack of authority to impose uniform commercial regulations among the states. This meeting had been called into session by the Continental Congress but was not really a proper convention. Only 12 delegates from five of the 13 states showed up, which meant that the delegates had no authority to do anything and their decisions would not represent the will of all of the states.

Those who did show up had some strong views about what needed to be done. James Madison (1751–1836) and Edmund Randolph (1753–1813), both of Virginia, and Alexander Hamilton (1755–1804) of New York, all of whom would attend the Constitutional Convention, were convinced that the new nation needed much stronger central authority. Hamilton wrote to the Continental Congress on behalf of Madison, Randolph, and himself, requesting that the states appoint commissioners to meet in Philadelphia to consider these matters. Those in Annapolis, especially Madison and Hamilton, wanted to overhaul the Articles and create a whole new government.

Some of the Framers were also concerned that a fragmented confederation would make it more difficult, if not impossible, to create a national economy. Without a central authority regulating interstate commerce, each state was free to establish its own tariffs. These applied equally to the other states, just as they did to other nations. A national economy would require uniform standards and a central authority empowered to enforce them.

In the early 20th century, historian Charles Beard (1913) argued that the Constitution was more about serving the economic interests of the Framers than the lofty philosophical and ethical principles found in the Declaration of Independence. As far as Beard was concerned, the Framers sought to promote commerce and protect their property from radical state legislatures. It is certainly true that those who participated in the Constitutional Convention were wealthy men who were concerned about the absence of national regulatory authority on matters of commerce.

Others, such as Alexander Hamilton, stressed the public interest of what they called a “commercial republic,” the view that the nation’s public interest was in part defined by free trade and commercial activity, and that this interest could be served by individuals freely pursuing their economic self-interests unfettered by government. By crafting a document that established the authority of Congress to regulate interstate commerce while establishing that laws coming from Congress would be the supreme laws of the land, the Framers could create a national government with real power. These views represented Hamilton’s views about government regulation of the economy.

**2.3 The Constitutional Convention**

The Constitutional Convention convened in Philadelphia during the summer of 1787 at the direction of the Continental Congress, although the deliberations were kept secret. Delegates were charged only with revising the Articles, but it was out of this convention that the U.S. Constitution would emerge.

**Who Came to the Convention?**

**The White House Historical Association**

Like Hamilton, James Madison believed in a strong central government. He helped formulate the Virginia Plan.

Many of those attending the Convention had already achieved great prominence. Several were older and wealthy, while others were relatively young. Because the convention debates were held in secret, only a few people recorded the proceedings. One of these persons was James Madison, who is commonly regarded as the father of the U.S. Constitution. Madison developed, among other provisions, the constitutional system of checks and balances. He, along with Hamilton, pushed for strong national authority.

Most of the other convention delegates came with a strong sense of duty to represent their respective states. Although there was general agreement that the Articles were unworkable, disagreements arose over how to replace them. Madison, for instance, wanted to overturn equal representation of the states. Others argued the need for a strong executive. Delegates from slave states wanted their slaves to be counted in the population so that their states would enjoy greater representation in the as-yet-undeveloped national legislature.

In addition to a strong central government, delegates to the Constitutional Convention wanted a system that employed checks and balances. The delegates did not trust the masses to govern themselves yet believed that a legitimate government could exist only if it rested on popular sovereignty. The delegates wanted a government that would be close to the people while at the same time free to make decisions on behalf of the nation without securing public approval for those decisions. To the extent that they sought to establish a democracy, it was to be a representative democracy consistent with republican principles. They outlined these goals in large part due to their experiences with the British government.

At the same time, the delegates wanted to create a durable system of government that would withstand the test of time. They could achieve this goal if they created a general and broad document that avoided specifics. In this way, the Constitution could be applied to future circumstances. The Preamble of the Constitution declares the basic goals of government, while the seven articles of the Constitution that follow the Preamble establish general rules by which government institutions would operate, but the Framers purposely avoided establishing procedures for governing.

**Initial Constitutional Proposals**

Most of the Framers wanted to create a republican government, but different factions still had different ideas of what they wanted to accomplish, as well as how everyone’s interests should be represented. For example, the delegates confronted the contentious issue of how both the large and small population states would be represented in the legislature. Under the Articles, each state was represented in the legislature by one vote, which put all states, regardless of population, on equal footing. Should the new constitution continue providing equal representation for each state regardless of size or population, or would representation be proportionate to population, with larger states having more votes than less populous ones?

Democratic principles required that larger states have greater representation. But that was a more difficult issue than it appeared. Many large states, such as Virginia, were also slave states. Would the slave population in those states contribute to the population numbers that determined their representation? Slaves were not considered citizens, and to have them included would, at least in the minds of the small states, give the large states an unfair advantage. There was also the issue of state sovereignty, or self-determination. For each state to have one vote, as they did under the Articles of Confederation, was for each state to be equal in its sovereignty. This meant that each state had equal power to participate in national decisions. Would state sovereignty be similarly respected in the new national government? Small states believed that if they lost their equality in the legislature that their residents would also lose their political voice, or sovereignty, in the national government. If the large states gained power in the new government (and if this new power was enhanced by counting slaves among the state populations), the small states would be overshadowed by the large states and residents of the small states would lose their sovereignty in the proposed system.

Related to this question was the issue of the chief executive and how powerful that executive would be. A powerful national chief executive could also threaten state sovereignty because the chief executive would govern the nation despite state-level differences. For some, the idea of a chief executive evoked images of a king with centralized power and authority who could call on national troops to force his will on the states, something not provided for in the Articles. But the absence of the legislature during a time of crisis meant that no one could act.

In the previous chapter, we defined politics as who gets what, when, and how, and the Constitution would determine exactly that. As lofty as the principles and values of the Framers may have been, each delegate to the Constitutional Convention was also concerned with the interests and relative positions of his state.

**Virginia Plan**

During the convention, James Madison joined with two of Virginia’s other delegates, George Washington and Governor Edmund Randolph, to introduce a system that provided for a strong central government. The proposal came to be known as the Virginia Plan, which was drafted by Madison and presented to the convention by Edmund Randolph. (Because Randolph presented it, it also came to be known as the Randolph Plan.) Under the plan, the people would select the House of Representatives as a practical expression of democracy. Its members would be close to the people and would stand for regular elections. Because the number of representatives each state had in the House was to be determined by its population, the plan favored large states such as Virginia. The legislature’s upper chamber, the Senate, would be selected by the House of Representatives, and the legislature as a whole would choose the president.

The Virginia Plan did not specify terms of office, but it did seek to limit the executive and members of the House to one term. Moreover, it called for an independent judiciary. The plan included other checks and balances. It allowed for legislative acts to be vetoed by a council composed of the executive and selected members of the judicial branch. Their veto could, in turn, be overridden by an unspecified legislative majority.

Large states supported the Virginia Plan because it would grant them greater representation. The smaller states were generally opposed because they were afraid that they would lose substantial power in the national government. Among the provisions that worried many of the states was one that would have empowered the national government to use military force against those states that might otherwise refuse to comply with national authority.

William Paterson was the main architect of the New Jersey Plan. The plan called for a federal government, with powers divided between national and state governments.

**The New Jersey Plan**

Those opposed to the Virginia Plan favored an alternative that arose from the New Jersey delegation. One member of that delegation, William Paterson (1745–1806), intended to block any nationalist plan to overhaul the Articles of Confederation. He launched an assault on the Virginia Plan. He was particularly concerned about proportional representation—the idea that large states would have more representatives than the small ones. He believed that the large states would dominate the small states and that Virginia specifically intended to undermine the other states’ sovereign powers.

As a counterproposal, he, along with David Brearley of New Jersey, Roger Sherman of Connecticut, Luther Martin of Maryland, and John Lansing of New York, offered what came to be known as the New Jersey Plan. Whereas the Virginia Plan called for a supreme national government, the New Jersey Plan called for one that would be distinctly federal, with carefully listed powers divided between national and state governments. This meant that a federal government would be the combination of the states and the national government, whose power and authority would, in effect, be shared. Under this proposal, there would be a single-chamber national legislature in which each state, regardless of size, would have one vote.

Paterson’s intention was to protect the power of smaller states. While the plan would grant the new government the power to levy taxes on imports and to regulate trade and commerce, the representation of individual states would be no different from how it had been under the Articles of Confederation. Under the New Jersey Plan, the “federal executive” would be elected by the individual states represented in Congress. Again, this was consistent with the executive committee system under the Articles. Nationalists such as Madison thought that the proposal represented a backward step. For a full month, the Convention was deadlocked between large-state nationalists and small-state defenders.

**Connecticut Plan and the Great Compromise**

The Connecticut Compromise, painted by Bradley Stevens, depicts Roger Sherman, left, and Oliver Ellsworth drafting the Connecticut Plan, which called for senators to be appointed by their respective legislatures.

As a compromise, Roger Sherman and Oliver Ellsworth of Connecticut proposed the Connecticut Plan (also known as the Great Compromise), which, like the Virginia Plan, would create a bicameral legislature. This plan was designed to please both nationalists and states’ rights proponents. As with the Virginia Plan, representation in the House of Representatives would be based on population, with each member representing a district of a specified number of persons. Larger states would have more representatives than smaller states would. To foster closeness between representatives and the people, House members would serve for 2 years and then stand for reelection. The Connecticut Plan also indicated that all bills for raising taxes had to originate in the House of Representatives. To ensure that each state would get the number of representatives to which it was entitled, a census of all inhabitants of the United States was to be taken every 10 years.

The Senate was designed to be similar to the body proposed by the New Jersey Plan. The Senate would specifically represent the states. In recognition of their equal sovereignty, each state would have two seats, regardless of population. Contrary to the Virginia Plan, which envisioned the House selecting senators, the Connecticut Plan allowed for members to be directly chosen by their respective state legislatures (a practice that would be replaced by the 17th Amendment, ratified in 1913, which provided for the popular election of U.S. senators). Senators would serve for terms of 6 years. A 6-year term would suggest that senators would not have to worry about reelection soon after taking office, so they would have greater opportunity to think about the larger public interest. Senate terms would also be staggered so that one third of the Senate would be up for election every 2 years. Elections would take place in even-numbered years. Because only a portion of the Senate could potentially be replaced, there would be stability and continuity. Figure 2.1 compares the Virginia Plan, the New Jersey Plan, and the Great Compromise.

Figure 2.1: Comparing the plans

**The Great Compromise included elements of both the Virginia and the New Jersey Plans.**

Figure containing descriptions of the New Jersey Plan, the Virginia Plan, and the Great Compromise. The New Jersey Plan’s description is as follows: The plan included one house of the legislature with equal representation in Congress, and this plan was supported by smaller states that feared they were losing their power because their populations were very small. The Virginia Plan description is as follows: This plan was the opposite of what the New Jersey Plan offered. It wanted two houses of the legislature. And it wanted representation in Congress to be based on the state’s population. The Great Compromise is as follows: This plan decided to have two houses of the legislature. It also granted equal representation in the upper class and lower representation proportional to population. This compromise pleased followers of the New Jersey Plan and the Virginia Plan.

Adapted from http://chogger.com/fhMeb/great-compromise

**The Electoral College**

Madison initially wanted the executive to be chosen by the legislative body. He believed that, because the executive implements legislative actions, the executive should be responsive to it. Further, the concept of a president was that of somebody who presided over legislative hearings. Opponents claimed that this proposal was inconsistent with republican principles of separation of powers. The Framers were also not ready to allow the people to directly elect the president because they were not convinced that the people could make rational, dispassionate decisions. Meanwhile, the states wanted a say in selecting the president even though the Framers believed that the states would have too much power if they chose the president.

As a compromise, the Framers created the Electoral College as the body responsible for electing the president. The U.S. Constitution does not outline how electors are chosen, nor does it state what role, if any, the popular vote will play in determining how electors vote when selecting the president. Almost all states require the candidate who wins the popular vote in the state to earn all of that state’s Electoral College votes (the “winner-take-all” system, which is in place in 48 states), while other states (Nebraska and Maine) use a district system for allocating Electoral College votes based on the popular vote. The number of members of Congress representing any state equals the number of electors representing that state in the Electoral College. In practical terms, then, the president is indirectly chosen by the people.

The Framers actually hoped that this peculiar system would not work. To win the presidency, a candidate would have to receive a majority of electoral votes. In the elections of 1796 and 1800, this meant that a minimum of 70 electoral votes were needed to win a presidential election. (Today, out of 538 electors, 270 are needed to win; see Figure 2.2. The number of available electoral votes has been 538 since 1964 because the District of Columbia was given three electoral votes with the 23rd Amendment in 1961. There are 435 members of the U.S. House of Representatives and 100 senators.) At the time, a presidential election consisted of several candidates. The candidate receiving the second-highest number of electoral votes became the vice president. The Constitution provides that if the Electoral College fails to select a president, the House of Representatives selects the president and the Senate selects the vice president. Each state receives one vote in both decisions. Virginia Plan supporters wanted presidential elections to happen this way.

**Figure 2.2: The Electoral College**

The Constitution called for the national executive to be chosen by the Electoral College rather than being directly elected by the people. Note that North Carolina and Rhode Island had not yet ratified the Constitution by the 1789 election, and New York did not choose electors for this election.

**The Three-Fifths Compromise**

The Connecticut Plan offered a compromise between slave and free states by counting each slave as three fifths of a person.

The Connecticut Plan also offered a compromise between free and slave states. Slave states, such as Virginia, had larger populations because they had slaves (see Figure 2.3). William Paterson was particularly opposed to including slaves in the state’s population because doing so would indirectly encourage the slave trade. The Continental Congress had initially proposed a three-fifths ratio for counting “all other persons” (to avoid using the term “slave”; persons, whether free or slave, included men, women, and children for Census purposes) as the basis for apportioning legislative representation. In pointing this out at the Convention, Paterson called attention to the hypocrisy of the Virginia delegation, which viewed slaves as people only when it came to demanding more representation. The hypocrisy irked him all the more deeply, perhaps, because Paterson himself was a slave owner. Stepping into the breach, Rufus King of Massachusetts asked the delegates to reaffirm their earlier support of the three-fifths ratio. As King saw it, Northern commercial states would benefit from a more powerful national government that could regulate trade. In return, Paterson was willing to offer the South some representation for their slave wealth.

This imperfect bargain recognized a hard political reality between states seeking to maintain slavery and those that preferred to fashion a new constitution without it. What followed was a debate focusing on individual state interests rather than moral concerns about slavery. Under the Three-Fifths Clause, every five slaves were counted as though they were three free citizens for the purposes of increasing representation in slave states. The 13th Amendment abolished slavery, which nullified the Three-Fifths Clause.

**Figure 2.3: Slave populations**

Because slaves made up a substantial portion of the population in many slave-holding states, delegates from those states pushed to count those individuals toward their total population. Members from non-slave-holding states objected on the grounds that it would result in disproportionate representation and possibly encourage the continuation of slavery. In the end, both sides agreed to the Three-Fifths Clause as part of the Great Compromise.

**From Articles of Confederation to Constitution**

The Articles of Confederation made no provision for an executive branch, leaving all power to the states. The United States’ economy was in shambles. The U.S. Constitution provides for three separate branches of government.

**What the Framers Attempted to Achieve**

Consider that the Framers wanted a government that would be durable. There was a high probability that the Constitution, being an experiment in liberty, would fail. Durability, they believed, would be achieved through the republican principle of separation of powers. By dividing power among three branches of government, checks and balances could be instituted so that no one branch would have enough power to govern without the cooperation of the others. And, no one branch would have sufficient power to violate individual liberties. Ultimately, the Framers sought to create a constitutional system that would govern through consensus. The U.S. Constitution’s survival for more than 200 years demonstrates that the Framers’ work was nothing short of remarkable.

The U.S. Constitution requires that laws be enacted with the approval of both legislative chambers. The check of a bicameral legislature makes consensus difficult because each chamber represents different constituencies. A senator takes a statewide approach, while a House member represents 30,000 persons in a single district. Achieving consensus through separation of powers ideally results in a government achieving some republican virtue. Cooperation is further achieved through the shared functions of appointments and treaty making. The executive initiates both actions, although both require Senate approval. Because of the requirement for elected senators to approve these actions, the president’s opportunities to impose his or her will and abuse his or her power through these processes are limited. Rejected treaties (e.g., the Treaty of Versailles, which formed the League of Nations in 1920) or nominations (e.g., U.S. Supreme Court Associate Justice nominee Robert Bork in 1987) cannot be vetoed or overturned.

The Constitution retains strict separation between the branches by prohibiting dual office holding. One may not hold an executive branch position while still holding a seat in Congress or on the U.S. Supreme Court. Members of Congress who are appointed by the president to serve in the Cabinet or on the Supreme Court must resign their legislative positions.

**Continuity and Change With the British Constitution**

The Framers created institutions that were not radically different from those of the British Parliament. The U.S. House of Representatives was modeled on the British House of Commons, while the Senate was similar in some ways to the House of Lords.

The Framers sought to create a constitutional system similar to the constitutional monarchy from which they had separated. They wanted something that would reflect the mixed constitution they knew while developing the separation of powers to accomplish this objective. The institutions they created were not radically different from their British counterparts. The U.S. House of Representatives resembled the British House of Commons, while the U.S. Senate reflected the elite notion of the British House of Lords. The U.S. executive paralleled the British monarchy, although the U.S. executive would not hold a hereditary title. What the Framers accomplished, then, was a cleansing of British institutions built on republican foundations while maintaining continuity with what they saw as the best of British traditions.

**2.4 The Three Branches of Government**

The U.S. Constitution is structured around the fundamental principle of separation of powers, the idea that one way to prevent abuse of power, or tyranny, is to separate government powers. The lawmaking process is the greatest of government powers. Consequently, Article I, the legislative branch, is introduced first, followed by the executive branch outlined in Article II. It is the responsibility of the executive branch to enforce the laws enacted by the legislative branch. The judiciary branch, outlined in Article III, is responsible for resolving legal disputes and adjudicating the laws. Table 2.1 provides a brief listing of some of the branches’ different functions, or powers.

**Table 2.1: Branch powers**

| **Legislative** | **Executive** | **Judicial** |
| --- | --- | --- |
| * Coin money * Levy taxes * Raise armies * Regulate interstate  commerce * Declare war * Confirm presidential  appointments * Ratify treaties * Impeach and remove  presidents and judges * Do what is “necessary and  proper” | * Act as commander in chief of the military forces * Execute laws * Negotiate treaties * Appoint judges * Appoint ambassadors * Issue pardons * Veto legislation * Conduct foreign policy * Do what is “necessary and  proper” | * Review laws made by the  legislative branch * Engage in constitutional  review * Settle disputes between  states and national government |

**The Legislative**

Congress, the legislative branch, is considered the first branch of government. Article I establishes that the Congress will be composed of two chambers: a House of Representatives and a Senate.

Article I, Section 8 deals with the expressed powers of Congress. Among other powers, the U.S. Constitution gives Congress the authority to impose and collect duties and other taxes necessary to pay national debt and provide for the common defense; borrow money on U.S. credit; regulate commerce with foreign nations and among the states of the union; establish uniform rules of naturalization and bankruptcy; coin money and determine its value; establish post offices and post roads; promote the progress of science and useful arts by issuing patents; create courts and tiers of courts below the Supreme Court; declare war, raise and support armies, and provide and maintain a navy; establish rules for government and regulations of land and naval forces; call forth the militia to execute laws of the union and suppress insurrections and defend against foreign invasions; organize, arm, and discipline the militia; exercise exclusive legislation in all cases whatsoever over the district that is to become the national seat of government (Washington, D.C.); and “make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

This last power forms the basis for expansive congressional authority, known as the implied power. The implied power means that, lacking expressed power, Congress may take action if it is “necessary and proper” for fulfilling its expressed powers and obligations. One example is a national bank. While Article I does not empower Congress to create a national bank, Congress has inferred that right on the grounds that doing so would be necessary for Congress to fulfill its expressed power of coining money.

**The Executive**

The executive branch is considered the second branch of government. Article II of the Constitution establishes that executive power shall be vested in the president of the United States, whose term of office will be 4 years. It then establishes the procedures for presidential selection through the Electoral College.

Supreme Court Chief Justice John Roberts administers the presidential oath of office to Barack Obama on January 20, 2013. The president’s principal powers are to serve as commander in chief of the armed forces, enforce the laws passed by Congress, and protect and defend the Constitution.

When the president enters office, he or she is required to take the following oath: “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect, and defend the Constitution of the United States.” Article II, Section 2 establishes the president as the commander in chief of the armed forces. As commander in chief, the president is said to have the power of the sword, which has also come to reflect the president’s power and authority to enforce national laws. The president’s commander in chief power has historically been the basis for presidential prerogative, which will be discussed further in Chapter 5. For example, during the Civil War (1861–1865), President Abraham Lincoln did not have the stated authority to use military force against states that sought to leave the union. He justified his action by arguing that preserving and protecting the Constitution would be meaningless if there were no union.

Article II also gives the president the authority to make treaties with foreign governments subject to the advice and consent of the Senate (ratification) and to make Cabinet appointments and ambassador and judicial appointments, all of which require Senate confirmation. The president is also required to give Congress information on the state of the union “from time to time.” By tradition, this has been an annual report. (Since 1913, with President Woodrow Wilson, the state of the union has been delivered in a speech before a joint session of Congress. Prior to that, presidents would typically send a written report and a clerk would read it before the Congress.)

Article I, Section 7 gives the president the power to veto bills passed by Congress. Hamilton viewed the presidential veto as a protection against legislative overreach, such as when Congress abused its power in the legislative process. The first presidents rarely used the veto. George Washington vetoed two bills, while James Madison used the power five times. More recently, President George W. Bush (2001–2009) vetoed 12 bills, while President Bill Clinton (1993–2001) used it 37 times. Congress can override a presidential veto with a two-thirds vote in both chambers.

One key feature of the separation of powers is the procedural due process level of cooperation needed to remove an executive from office. Unlike a parliamentary system, such as in contemporary England, where the head of the government can be removed through a no-confidence vote, the only mechanism for removing the president is conviction following impeachment, or an accusation of wrongdoing. The president may be removed for “Treason, Bribery, or other high Crimes and Misdemeanors.” The U.S. House of Representatives has the power of impeachment, while the U.S. Senate holds trials that may lead to conviction.

Removing a president requires a coordinated effort between the House and the Senate. The House of Representatives first votes on articles of impeachment. If passed, the president is tried by the U.S. Senate with the U.S. Supreme Court chief justice presiding. Conviction requires a two-thirds vote in the Senate. If convicted, the president is removed from office, and the vice president is sworn in. The bar for impeachment is so high that it is rarely implemented. Only two presidents (Andrew Johnson in 1868 and Bill Clinton in 1998) have been impeached, and both were acquitted by the Senate. Still, members of Congress may threaten the president with initiating impeachment proceedings in hopes that the president’s behavior will change.

The Constitution also provides for electing the vice president. Electing the president and vice president together on the same ticket did not originate with the Constitution, which was written to give the presidency to the person with the most electoral votes and the vice presidency to the person coming in second. In 1804, the Constitution was amended so that the president and vice president would be chosen together on a single ticket.

**The Judiciary**

Article III outlines the national court system and establishes that the judicial power be vested in one Supreme Court and other lower courts as determined by Congress. Supreme Court authority extends to all cases in law arising under the Constitution, the laws of the United States, and treaties. Cases involving disputes between the national and state governments, or between the national government and foreign governments, are heard by the Supreme Court. The president appoints Supreme Court justices for life “with good behavior.” Senate confirmation requires a majority vote. This is simply another example of the Framers’ system of checks and balances (see Figure 2.4 for an illustration of how the three branches check and balance one another).

The Constitution says little else about the judiciary or its authority, in part because the Framers thought that this branch would be little used. We commonly associate the Court’s power of judicial review with the Constitution. However, the Supreme Court gave itself the power of judicial review in 1803, after the Constitution took effect. While the Framers expected the judiciary branch would be the weakest of the three branches, we now look at the national court system as being extremely powerful.

**Figure 2.4: The three branches of government**

Forming three separate branches of government, the executive, the legislative, and the judicial, ensures that the rights and liberties of the people are protected, and no one branch has too much power. The legislative branch (which includes the Senate and House of Representatives) creates the laws; the executive branch (which includes the president, vice president, and Cabinet) carries out the laws; and the judicial branch (which includes the Supreme Court and other federal courts) evaluates the laws. Each government branch checks another, thus establishing a strong and fair national government.

**The Basis for National Power**

The Constitution establishes national power through both the Supremacy Clause in Article VI and the Commerce Clause in Article I. The Supremacy Clause states that laws passed by Congress and signed by the president are the supreme laws of the land. The Commerce Clause allows Congress to regulate the movement of goods across state lines, seeking to solve one of the problems experienced under the Articles of Confederation. Both of these clauses will be discussed in more detail in Chapter 3.

**The American Constitution as a Living Document**

Article V of the Constitution provides a constitutional amendment process, although the process is not easy, because it requires supermajorities to succeed. The Constitution provides for amendments to be proposed by a two-thirds vote in each house of Congress or at a convention called by two thirds of the states. Amendments may be ratified by three fourths of the state legislatures or three-fourths ratifying conventions in the states. The Congress-state legislature combination has been used for 26 of the 27 ratified amendments.

The Framers also designed the Constitution to maintain a degree of continuity. Unlike many state constitutions, which are long and detailed, the U.S. Constitution is short and ambiguous. This allows for its interpretation and reinterpretation. The Constitution is as relevant today as it was when it was written more than 200 years ago, despite the vast differences between then and now.

**2.5 Ratifying the Constitution**

**Creation of the Bill of Rights**

**Explore the ratification of the Constitution and the creation of the Bill of Rights.**

There was considerable debate over how the Constitution should be ratified. Some believed that it should be ratified through the unanimous approval of the states (after all, it would amend, quite significantly, the Articles of Confederation, which required unanimous approval). Others argued that each state should hold its own convention to approve it. The latter argument prevailed. The next question considered how many states would be needed to approve it. Requiring that all 13 states approve the Constitution might make ratification impossible, as one state could withhold its approval to undermine the entire process (that Rhode Island did not send a representative to the Constitutional Convention should be noted; it feared losing power if the Articles of Confederation changed). Roger Sherman of Connecticut argued that at least 10 states ratifying was needed to be legitimate. Madison proposed a complicated formula where ratification would occur with any seven states entitled to at least 33 members of the House of Representatives. This approach favored large states. The delegates agreed to nine states (roughly two thirds). By deciding on nine states and using specially elected conventions, the delegates made ratification easier, though some argued that requiring the support of only nine states violated the spirit of the resolution that authorized the Convention in the first place.

**Federalists Versus Anti-Federalists**

One critical debate surrounding the ratification of the new constitution occurred between Federalists and Anti-Federalists over the issue of the national Bill of Rights. Federalists argued that a national bill of rights was unnecessary because many states already had bills of rights in their own constitutions. Protecting individual rights would occur at the state level. The federal government, they argued, would be concerned only with relations between the states and the national authority.

The Federalists maintained that a national bill of rights would threaten individual liberties because the Constitution created a blueprint for limited government. To include a separate bill of rights implied that the national government had powers and authority that were not specified in the Constitution. If the Constitution had to spell out what the national government could not do, the implication was that anything not covered would then be allowed. The Anti-Federalists countered that, because many states already had bills of rights, it was that much more important to have a national bill of rights in order to protect the states. Including a bill of rights would make it clear what the national government could not do.

**The original Bill of Rights.**

The original Bill of Rights. Federalists argued that a bill of rights was unnecessary, while Anti-Federalists argued against ratification without one.

Consider freedom of speech. To prohibit the government from infringing on free speech does not imply that the government could infringe on free speech in the absence of an express prohibition, Anti-Federalists argued. Rather, the authority to prohibit speech could be assumed based on the Constitution’s silence on questions of free speech. Put differently, the national government would assume that it had specific powers unless the Constitution clearly prohibited them. In the minds of the Anti-Federalists, the absence of a bill of rights would enable the national government to violate individual rights as well as states’ rights. Moreover, the Anti-Federalists stated that they would oppose ratification unless there was a bill of rights. Ultimately, James Madison promised to seek ratification of the Bill of Rights 2 years after the Constitution was ratified.

**The Bill of Rights**

The Bill of Rights consists of 10 amendments (see Figure 2.5) that establish rights of expression (speech, press, peaceable assembly, petitioning the government, and religious exercise and that Congress will not establish a national religion), the rights of those accused of crimes (including, but not limited to, the right to jury trials and counsel in criminal cases, due process, and protection from unreasonable search and seizure, self-incrimination, and cruel and unusual punishment), the right to bear arms, and states’ rights. When ratified in 1791, the Bill of Rights applied only to the national government (note that the first word of the Bill of Rights is “Congress,” the national legislature), although U.S. Supreme Court decisions since then have applied provisions of the Bill of Rights to the states on a case-by-case basis, beginning in 1925 with Gitlow v. New York.

Figure 2.5: Summary of the Bill of Rights

**The first 10 amendments to the U.S. Constitution are collectively known as the Bill of Rights.**

Figure replicating the Bill of Rights scroll that lists the first 10 amendments to the U.S. Constitution:First Amendment Right to Free Speech, Free Assembly, and Free Exercise of ReligionSecond Amendment Right of the People to Bear ArmsThird Amendment Prohibition Against Quartering Troops in People’s HomesFourth Amendment Prohibition Against Unreasonable Searches and SeizuresFifth Amendment Right to Property and Due Process, and the Right Not to Incriminate OneselfSixth Amendment Right to Jury Trials and to Be Represented by Counsel in Criminal TrialsSeventh Amendment Right to Jury Trials in Civil CasesEighth Amendment Prohibition Against Excessive Bails and Cruel and Unusual PunishmentNinth Amendment Statement of Certain Rights Should Not Be Understood to Deny the People of OthersTenth Amendment States’ Rights Amendment

Adapted from U.S. Const. amend. I–X.

The Second Amendment gives the right for state residents to bear arms. In effect, it means that the national government cannot disarm the states, and it cuts to the core of the issues of state sovereignty.

Or consider the Second Amendment, which states, “A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” The Anti-Federalists considered these rights to be crucial to the integrity of state sovereignty because they meant that the national government could not interfere with the right of the people to bear arms individually and as members of their state’s militia.

The purpose of the Bill of Rights, then, was to protect state sovereignty. By prohibiting the national government from only certain actions, the states were free to do what they wanted unless they were forbidden to do so by the Constitution or the Supremacy Clause. The 10th Amendment, known as the states’ rights amendment, says, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” In essence, the 10th Amendment allows the states to do what they want unless they are forbidden by the national government to do so.

Interpretation of the Bill of Rights by the U.S. Supreme Court began to change dramatically following ratification of the 14th Amendment in 1868. The Supreme Court has since established that no state may deny citizens their privileges and immunities and equal protection of the law. Since ratification of the 14th Amendment, the Supreme Court applies the Bill of Rights to the states on a case-by-case basis (called “selective interpretation”).

**The National Gallery of Art**

John Jay, along with Alexander Hamilton and James Madison, anonymously published a series of editorials in New York papers in an effort to persuade New Yorkers that it was in their best interest to ratify the Constitution. The articles were later published as The Federalist Papers.

The debates over what to include in the Constitution and how to ratify it inspired a set of essays known as The Federalist Papers. These essays were penned by John Jay (1745–1829), Alexander Hamilton, and James Madison, who were concerned about New York’s reluctance to ratify the Constitution. The Federalist Papers were published anonymously as a series of editorials in New York newspapers. (They used the pseudonym “Publius,” which is derived from the Latin “publicus,” meaning “of the people.”) The authors’ objective was to persuade the people of New York that the proposed constitution was in their best interest. If the people were persuaded, they in turn would petition their state conventions to support ratification. These 85 editorials were collected and came to be known as The Federalist Papers, or simply The Federalist.

The Federalist Papers were not typical opinion pieces; they were lengthy and thoughtful essays focusing on various aspects of the proposed constitution, such as the problems of the Articles of Confederation, the structure of each branch of government, and the characteristics of the new government and the proposed Bill of Rights. It was clear that, being published in newspapers, The Federalist Papers were intended for an educated, literate audience. As better educated, more affluent persons were also those with political rights, it was expected that readers would pressure their state government to support ratification.

Fine, T. S., & Levin-Waldman, O. M. (2016). American government (2nd ed.) [Electronic version]. Retrieved from https://content.ashford.edu/