Foundations of American Government
Government
Institutions that make decisions
Provide
Public goods
Rule of law (Order)
Politics
Process which policy is made
Philosophical
Hobbes
Central authority
Aristotle
Divide power
Locke
Natural rights
Historical Review
Declaration of Independence 1776
Articles of Confederation 1781-89
Failed
No authority over states
Not well functioning govern.
Replaced by constitution
Anti-federalist
Federalist
Controlling Goven.
Faction
Organized group to get their own political ends
Divide authority
Executive
President 4 years
Judicial
Legislature
House 2 years
435
Direct popular vote
Senate 6 years
100
Chosen by states

Civil Rights and Liberties
Civil Liberties
Freedom from Government
Civil Rights
Privileges to people protected by
Kinds
Freedom of religion
Enumerated
Implied
Bill of Rights
First ten amendments
Barron v. Baltimore
Limit national govn.
Incorporation doctrine
Selective incorporation
1st case Gitlow v. New York
Applied to states
14th amendment
Only most fundamental
Free expression
Free speech
Libel
Slander
Symbolic speech
Obscenity

Amending the Constitution
Proposal
2/3 of both houses of congress
2/3 of states
Ratification
¾ of states legislature vote
¾ of states through convention
Federalism: Govn.with at least two powers
Distribution
Expressed
Only national govn.
Implied
Necessary and Proper Clause
Reserved
Leftover power to states
Concurrent
Devolution
Transfer of power to states
Evolution
State Centered
National supremacy
Dual Federalism
Cooperative Federalism
New Federalism
Current problems
Pressure on cities
Unfunded mandates

Foundation of American Gov.

I Philosophical underpinnings of the Constitution

a. politics - the process by which policy decisions are made
conflict over the character, membership, & policies of gov

b. gov. - institutions that make decisions or carry out decisions in the name of the nation

c. what does gov. provide?
   1. Public goods (goods that are indivisible)
      ex. national defense, roads, sidewalks, public TV

d. rule of law (maintenance of order)
   1. most conflicts in American politics involve disagreements over these 2 provisions

II Ways to structure gov.

a. Hobbes - british philosopher
   1. Life in the state of nature is "nasty, brutish, and short"
   2. solution - a centralized authority
      - a "leviathan"

b. Aristotle and other greek philosophers
   1. gov. based upon numbers
   2. good forms degenerate into bad forms because of human nature
   3. solution - cicero - stop the "cycles of revolution" by DIVIDING POWER w/i gov.

c. Locke - social contract theory
   1. popular consent to be governed (vs. divine right of kings)
   2. natural rights (life, liberty, property) are incorporated in the Dec. of Ind.

d. These philosophers provided the foundation for much of how the framers structured our first forms of gov.
   • 1776 - dec. of ind. • 1781-1789 - art. of con.

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Cue Column

What is the constitutional convention?

Who are the federalists & anti federalists?

Where can you find the solution +

Do these solutions still act to prevent factions today?

What is an example of a division of authority?

- Constitutional Convention of 1787:
  - replaced Articles of Confed. w/ new constitution.
  - people feared a centralized gov. but needed something stronger

Main point of disagreement reflected in constitution:

1. The role of national gov. relative to states.

FEDERALISTS: those who wanted a stronger gov.

ANTI-FEDERALISTS: those who wanted a weak gov.

- HOW DO YOU STRUCTURE GOV. SO THAT YOU CAN CONTROL THE GOVERNED & THE GOV. ITSELF?
  - Solution= found in federalist papers.

Part 1: gov. controlling the governed (the people)

FED. #10 -- Dangers of Faction

- Organized groups acting to achieve their own political ends.

- HOW can the structure of govt. prevent factions?

1. By establishing a republican form of gov.
2. the size & diversity of nation

- You can't ~~con~~ prevent factions but you can control their effects!

Part 2: gov. controlling itself

1) divisions of authority (national, state, both)

A. Federal systems of gov.-two distinct levels of authority

B. Dividing power within the national gov. (separation of powers) Ex. 3 Branches: Exec., legis., judic & house; senate

Sum

Class: Date:

Cue Column

how are the president, senate & house chosen & how long does their term last?

Did they agree with the system? why not?

2) Checks on authority

- president veto, cong. override president nominates judges, senate confirms
- supreme court can declare acts of congress unconstitutional

3) Balance on authority

A. Diff. constituencies: • PRES - chosen by electoral college
• SENATE - now chosen by state
• HOUSE - chosen by direct popular vote fr/ district

B. Timing of elections
- Pres - 4 years
- senate - 6 years
- house - 2 years

CONCLUSIONS:

1. This is <u>not</u> an efficient system!
2. This is <u>not</u> very democratic!

BULLETIN BOARD QUESTION:

• Is the American system moving more toward a direct democracy (or a more participatory democracy) with the increasing influence of public opinion polls & the internet?

Sum

Summary

There are two stages for amending the constitution which are proposal and ratification. With proposal, 2/3 vote is needed and with ratification, 3/4 vote is needed. Federalism: a system of govt with at least two levels of power. There are four different powers: expressed would be written in the constitution. Implied would be taken from what is already written. Reserved powers are not implied or expressed but is left to the state. Concurrent powers are held by both national and state govt.

Civil Rights and Liberties
Civil Rights
Privileges guaranteed to individuals that are best protected by govt. action
Example: Affirmative action
Right to vote
Cases:
Bakke v. University of California
Civil Liberties
Freedoms guaranteed to individuals that are best protected by govt. INACTION
Example:
Freedom of Speech
Freedom of Religion
Cases:
Sherbert v. Verner
Wisconsin v. Yoder