

THE POLITICS OF THE CONSTITUTION

SUMMARY—PROBLEMS WITH THE CONTINENTAL (1774 – 81) AND CONFEDERATION CONGRESSES (1781 – 89)

- 1) Not Popularly Elected
- 2) Laws not binding on the states – all they could do is *recommend* taxes
- 3) States would not levy the taxes required to fight the Revolutionary War
- 4) Never developed an effective committee structure or sensible set of rules for floor debate and scheduling.
- 5) Results:
 - a. Absenteeism
 - b. Gridlock on most issues

SUMMARY: INFLUENCE OF PRACTICAL EXPERIENCE –

- 1) Believed in British System, but
- 2) Conflict with British made them lean toward more PURE legislative solution 1775 - 87, but
- 3) War 1781 – 87 and failure of weak Legislature led them back to
- 4) A unique spin on the British System but grounded in the colonial legislative experience – the result was the Constitution.

THE BASIC STRUCTURE OF GOVERNMENT

- 1) **House-Senate Structure was a compromise** at the 1787 Convention.
- 2) Founders confronted with Two main problems (Note How These Came from **practical experience!**):

- a. **Power** – How to design a central government that would be strong enough to govern yet *not* strong enough to be tyrannical.
 - b. **Federalism** – 13 separate “States” – how to design a *workable distribution of power* between the central government and the separate states.
- 3) They were suspicious of popular democracy – the **envy** of the poor must be controlled – **private property rights!**
- 4) But they were equally suspicious of *special interests* – Hence Checks and Balances; Division of Powers; No concentration of Power; Shortage of Philosopher Kings!
- 5) Solution – **Federal Republic**. They knew a lot about
- a. Ancient Greece
 - b. Swiss Confederation
 - c. United Provinces of the Netherlands