



## Starting A New Nation

“... when the legislative and executive powers are united in the same person, ... there can be no liberty.”

- Baron de Montesquieu



## Ideas on a New Government

- What are some basic ideas that a good government should have?

## Something has to be done!

- In 1787, 55 delegates met in Philadelphia to revise the Articles of Confederation.
- 12 of the 13 states sent delegates, Rhode Island being the only state to refuse to participate.
- Ended up creating a whole new document...called the Constitution.
- Became known as the Constitutional Convention.

## Issues at hand!

- |  |  |
|--|--|
| ● Virginia Plan                              | ● New Jersey Plan                      |
| ○ Large State Plan                           | ○ Small state plan                     |
| ○ Supreme power to central government        | ○ Unicameral legislation               |
| ○ Three branches of Government               | ○ Each state has equal Representatives |
| ○ Bicameral Legislation                      |  |
| ○ Representatives chosen by state population |  |



## The Great Compromise

- Three branches of government and a bicameral legislation
- In the SENATE, states would have equal representation
- In the HOUSE, state representatives were determined by population of the states.



## Great Compromise leads to:

- The issue over population representation.
- Southern States wanted slaves counted as part of their population. Why?
- Northern states said No. Why?

## Three-Fifths Compromise

- 3 : 5 ratio, for every 5 slaves the state counted 3 toward the population.
- This was for representation and taxation.

## New Constitution created:

- A system of checks and balances
  - ⊙ The prevention of any branch of Government from becoming too powerful.
- How does it work?
  - ⊙ Legislative Branch
  - ⊙ Executive Branch
  - ⊙ Judicial Branch

## The Living Constitution

- Strong Central Government
- President is the leader of the Gov.
- Bicameral Legislature
- Supreme and Federal Courts
- Requires 2/3 of Legislature to propose an amendment, and 3/4 of the states to ratify it.
- Has the power to tax
- Has the power to regulate trade

## 2 Political Groups

### 1. Federalists

- People who thought the constitution provided a good balance of power
- Believed it reflected careful compromises from a variety of political views
- Notable Federalists: George Washington and Benjamin Franklin

## 2. Antifederalists

- People who were opposed to the constitution
- Believed it gave the central government too much power
- Wanted a Bill of Rights
- Notable Antifederalists: Patrick Henry and Samuel Adams

## Ratifying the Constitution

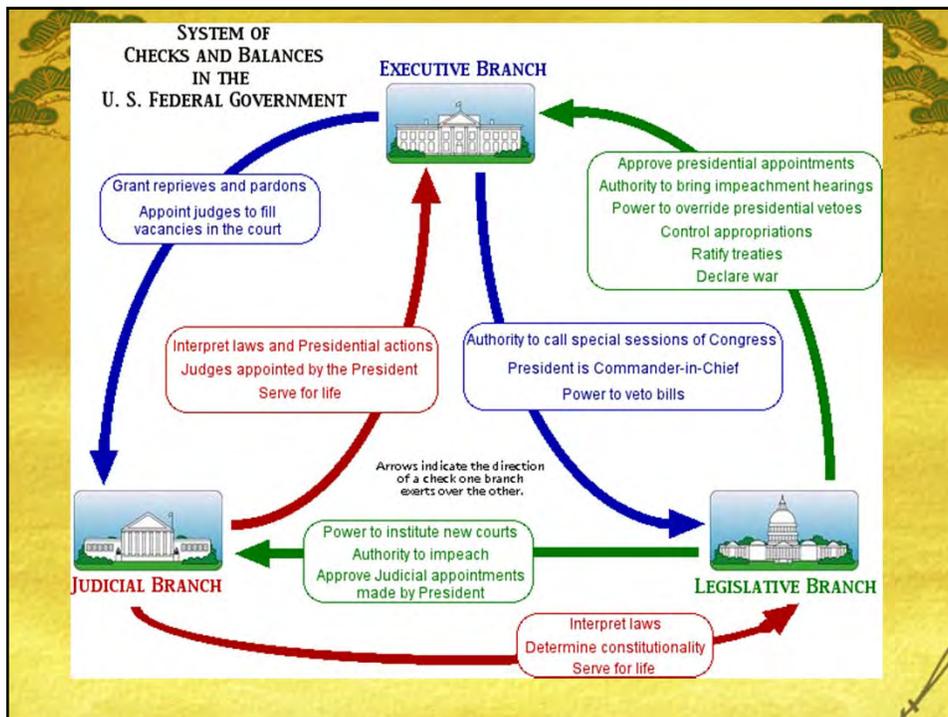
- The Constitution had to be ratified by 9 out of the 13 states to become official.
- South Carolina was the 8th state to ratify the Constitution

## Separation of Powers

- The **Executive Branch** is headed by the President and includes the bureaucracy.
- The **Legislative Branch** includes both houses of Congress: the Senate and the House of Representatives.
- The **Judicial Branch** consists of the Supreme Court and the lower federal courts.

## Checks and Balances





## Checks and Balances of the Legislative Branch

The **Legislative Branch** is given the powers to make the laws. It has the following checks over the **Executive Branch**:

- May override presidential vetoes with a two-thirds vote
- Has the power over the purse strings to actually fund any executive actions
- May remove the president through impeachment
- Senate approves treaties
- Senate approves presidential appointments

The **Legislative Branch** has the following checks over the **Judicial Branch**:

- Creates lower courts
- May remove judges through impeachment
- Senate approves appointments of judges

## Checks and Balances of the Executive Branch

The **Executive Branch** is given the power to carry out the laws. It has the following checks over the **Legislative Branch**:

- Veto power
- Ability to call special sessions of Congress
- Can recommend legislation
- Can appeal to the people concerning legislation and more

The **Executive Branch** has the following checks over the **Judicial Branch**:

- President appoints Supreme Court and other federal judges

## Checks and Balances of the Judicial Branch

The **Judicial Branch** is given the power to interpret the laws. It has the following checks over the **Executive Branch**:

- Judges, once appointed for life, are free from controls from the executive branch
- Courts can judge executive actions to be unconstitutional through the power of judicial review

The **Judicial Branch** has the following checks over the **Legislative Branch**:

- Courts can judge legislative acts to be unconstitutional.