

## CHAPTER 3 THE CONSTITUTION

### LEARNING OBJECTIVES

After reading this chapter, you should be able to:

- Define the key terms at the end of the chapter.
- Analyze the conflict between Britain and the colonies.
- Explain how the colonial and revolutionary experiences shaped America's first attempt at self-government under the Articles of Confederation.
- Account for the failure of the Articles of Confederation.
- Outline the main features of the Virginia and New Jersey Plans and describe the major compromises made by the delegates at the Constitutional Convention.
- Explain the four basic principles underlying the Constitution and show how they reflected the Americans' revolutionary values.
- Discuss the way the issue of slavery arose at the Constitutional Convention.
- Summarize the provisions of each article of the Constitution.
- Describe the formal and informal processes of constitutional change.
- Explain how the promise of a bill of rights was used to ensure ratification of the Constitution.

### THE CONSTITUTION AND THE CHALLENGE OF DEMOCRACY

Contemporary efforts to craft a constitution for the European Union raise the types of questions and challenges that Americans had to confront in the 1780s. The U.S. Constitution was designed to reconcile order with freedom, a problem the text calls the original dilemma. The founders recognized the need for government to protect life, liberty, and property, but they had just won their freedom from Britain and they feared that a new, remote national government might threaten the very freedoms it was established to protect. In their first attempt to create a government under the Articles of Confederation, they gave too little power to the national government. As a result, that government was unable to maintain order in the society or economy. In drawing up the Constitution, the founders looked for ways to maintain order through the national government while still safeguarding freedom. To achieve this end, they designed four principal tools: the separation of powers, checks and balances, republicanism, and federalism.

Although the founders paid a great deal of attention to the conflict between order and freedom, they were not particularly concerned with the tension between freedom and equality; after all, as the authors of the text point out, that is a modern dilemma. The eighteenth-century document accepted slavery and left the qualifications for voting up to the states. As a result, African Americans, women, and poor people were all excluded from the political process. Only later did these matters of social and political equality become issues.

With respect to the text's second theme—the conflict between pluralist and majoritarian models—this chapter points out that the constitutional order was designed to be pluralist. The founders were afraid of majority rule and relied on factions counteracting one another—a mechanism characteristic of pluralism.

### CHAPTER OVERVIEW

Creating a government and establishing the rule of law has challenged numerous philosophers and politicians. Securing liberty, establishing order, and creating equality all need to be balanced, and then future change has to be anticipated and a mechanism to deal with it created. Although the U.S.

# Pearson Constitution Test

**Bruce R. Hopkins**



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**National Emergency: Constitutional questions concerning emergency powers** United States. Congress. Senate. Special Committee on the Termination of the National Emergency, 1973

**Constitutional Torts and the War on Terror** James E. Pfander, 2017 Government accountability in the nineteenth century Bivens and government accountability in the twentieth century Human rights and War on Terror litigation Evaluating the effectiveness of Bivens litigation Evaluating justifications for judicial silence Congressional ratification of the bivens action Applying Bivens to conduct outside of the United States Overcoming qualified immunity Common law solutions to judge made problems

**The Pearson Concise General Knowledge Manual 2010 (New Edition)** Thorpe, 2009

**Women, Politics and Constitutional Change** Paul Chaney, Fiona Mackay, Laura McAllister, 2007 Female activists around the globe have long used the political opportunities afforded by constitutional reform to further gender equality and women's participation in politics This timely and accessible volume addresses the way in which changes introduced by devolved governance in Wales have transformed the role of women in contemporary Welsh politics and presented a new phase in the history of Welsh women's activism Based on original interviews with participants as well as a range of secondary sources Women Politics and Constitutional Change examines the innovations background and effects that have led the new Welsh legislature to the second highest proportion of women representatives in all of Europe and the pro devolution rhetoric of inclusiveness that opened the way

*Pearson's Magazine*, 1910 Vol 49 no 9 Sept 1922 accompanied by a separately paged section entitled ERA electronic reactions of Abrams

**A First Nations Voice in the Australian Constitution** Shireen Morris, 2020-08-06 This book makes the legal and political case for Indigenous constitutional recognition through a constitutionally guaranteed First Nations voice as advocated by the historic Uluru Statement from the Heart It argues that a constitutional amendment to empower Indigenous peoples with a fairer say in laws and policies made about them and their rights is both constitutionally congruent and politically achievable A First Nations voice is deeply in keeping with the culture design and philosophy of Australia's federal Constitution as well as the long history of Indigenous advocacy for greater empowerment and self determination in their affairs Morris explores the historical political theoretical and international contexts underpinning the contemporary debate before delving into the constitutional detail to craft a compelling case for change

**Booze, Cigarettes, and Constitutional Dust-Ups** Ryan Manucha, 2022-10-15 Gerard Comeau a retiree living in rural New Brunswick never thought his booze run would turn him into a Canadian hero In 2012 after Comeau had driven to Quebec to purchase cheaper beer and crossed back into his home province police officers participating in a low stakes sting operation tailed and detained him confiscated his haul and levied a fine of less than 300 Countries routinely engage in trade wars and erect barriers to protect domestic industries from foreign competition Comeau however was detained by the full force of the law for engaging in commerce with a Canadian business on the other side of a domestic border With Comeau's story as its starting point Booze

Cigarettes and Constitutional Dust Ups tells the fascinating tale of Canadian interprovincial trade Ryan Manucha examines the historical political and legal forces that gave rise to the regulation of interprovincial commerce in Canada the trade offs that come with liberalized domestic free trade and Canada s enduring pursuit of economic union The pandemic laid bare the vulnerability of global supply chains the fickleness of foreign trading partners and the surprising slipperiness of domestic trade In a global climate of increasingly isolationist geopolitics the history and possibility of Canada s economic union quirks and all deserve careful attention

**United States of America V. Hedgeman** ,1977 **Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues, 1789-2015** John R. Vile,2015-07-20 Now in its fourth edition and completely updated this is the most comprehensive book on constitutional amendments and proposed amendments available Although only 27 amendments have ever been added to the U S Constitution the last one having been ratified in 1992 throughout American history members of Congress have introduced more than 11 000 amendments and countless individuals outside of Congress have advanced their own proposals to revise the Constitution the wellspring of America s legal political and cultural foundations At a time when calls for a new constitutional convention are on the rise it is essential for students of political science and history as well as American citizens to understand proposed alternatives This updated edition of the established standard for high school and college libraries as well as public and law libraries serves as the go to reference for learning about existing constitutional amendments proposed amendments and the issues related to them An alphabetically arranged two volume set it contains more than 500 entries that discuss amendments that have been proposed in Congress from 1789 to the present It also discusses prominent proposals for extensive constitutional changes introduced outside Congress as well as discussions of major amending issues

**Pearson** Norman Hillmer,1999 Hillmer history Carleton U and a host of other scholars journalists and government officials assess the legacy of Lester B Pearson Canada s Prime Minister during the 1960s to mark the centenary of his birth Pearson was tremendously successful during his diplomatic career even winning a Nobel Peace Prize He was also a controversial prime minister and the authors examine all of the paradoxes and controversies of his tenure Topics include Canadian national unity Pearson s world view and theories of politics his relationship with the media and his legacy Annotation copyrighted by Book News Inc Portland OR

**Australian Constitutional Values** Rosalind Dixon,2018-02-08 Vigorous debate exists among constitutional scholars as to the appropriate modalities of constitutional argument and their relative weight Many scholars however argue that one important modality of constitutional argument involves attention to underlying constitutional purposes or values In Australia this kind of values oriented approach has been advocated by leading constitutional scholars and also finds support in the judgments of the High Court at various times particularly during the Mason Court era Much of the scholarly debate on constitutional values to date however focuses on whether the Court should in fact look to constitutional values in this way not the kinds of values the Court should consider given such an approach This book responds to this gap in the existing scholarly literature by

inviting a range of leading Australian constitutional lawyers and scholars to address the relevance and scope of various substantive constitutional values and how they might affect the Court's approach to constitutional interpretation in various contexts It is essential reading for anyone seeking a deeper understanding of Australia's constitutional system **Growing Pains** Timothy J. Colton, Jerry F. Hough, 2010-12-01 The Russian Federation on December 12 1993 held its first national election since the collapse of Soviet Communism The election to a new two chamber parliament was accompanied by a constitutional referendum It followed months of wrangling over political and economic reform and a violent showdown in Moscow between President Boris Yeltsin and his opponents After a bitter campaign in which the government frequently changed the rules of the game Russians narrowly endorsed Yeltsin's draft constitution but turned out in large numbers for nationalistic and socialistic opposition parties leaving Russia's Choice the party favored by the president with a small minority of the seats The contest with its deeply contradictory results was a watershed in the evolution of Russia's fledgling democracy *Growing Pains* is a detailed study of the 1993 election and of its implications for Russian development and for the country's relations with the West Several chapters relying on comprehensive surveys of the Russian electorate analyze the election process and how social structure and citizen opinions shaped voter choice Others examine the campaigns of the major parties the nature and consequences of electoral rules and the roles of the mass media Still others examine the campaign and its outcome at the grassroots in ten regions of Russia from the western provinces to the Pacific coast demonstrating the significance of local context and local elites and power structures in Russia's transitional politics

**Conscription and Conflict in the Confederacy** Albert Burton Moore, 1924 *Encyclopedia of Constitutional Amendments, Proposed Amendments, and Amending Issues, 1789-2023* John R. Vile, 2023-10-19 Written by a leading scholar of the constitutional amending process this two volume encyclopedia now in its fifth edition is an indispensable resource for students legal historians and high school and college librarians This authoritative reference resource provides a history and analysis of all 27 ratified amendments to the Constitution as well as insights and information on thousands of other amendments that have been proposed but never ratified from America's birth until the present day The set also includes a rich bibliography of informative books articles and other media related to constitutional amendments and the amending process *Constitutional Rights of the Mentally Ill* United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Constitutional Rights, 1970 **Constitutional Rights of the Mentally Ill** United States. Congress. Senate. Judiciary, 1970 **Leadership Performance and Rhetoric** Adam B. Masters, John Uhr, 2017-08-16 This book examines both the rhetorical content of contemporary public leadership and the leadership methods pioneered by early English statesman Sir Francis Bacon In particular it considers the use of public rhetoric to defend leadership legitimacy in six case studies drawing on leadership contests in recent Australian political history The authors map out the complex language of leadership in contemporary politics through chapter length portraits of the inter related political rhetoric of prime

ministers Rudd Gillard Abbott and Turnbull plus former foreign minister Bob Carr and indigenous leader Noel Pearson The process is a novel application of leadership analysis derived from the political philosophy of Francis Bacon who emerges as a founder of the study and indeed practice of political and public leadership The book will appeal to students and scholars across the fields of political science communication and rhetorical studies and political history

**Starting and Managing a Nonprofit Organization** Bruce R. Hopkins, 2017-07-24 Everything you need to start and manage a non profit Starting and Managing a Nonprofit Organization is written to help anyone who's just getting their toes wet in the sector get up to speed on the critical information needed to protect their nonprofit's tax exempt status and avoid the many legal traps out there that you probably didn't know exist Packed with checklists and step by step guidance Starting and Managing a Nonprofit Organization demystifies intricate legal issues with plain English language explanations for non legal professionals of the statutes regulations court opinions and other rules comprising nonprofit law Nonprofits must comply with stringent federal and state laws due to their special exempt status the government's ultimate threat is revocation of a nonprofit's tax exempt status which usually means the nonprofit's demise Written in plain English not legalese this all important guide provides essential guidance for those interested in starting nonprofits as well as valuable advice for leaders of established organizations Covers all aspects of federal and state nonprofit law Discusses significant contemporary issues including commerciality private benefit governance and unrelated business Provides summaries of current IRS ruling policies Includes procedures and a glossary of legal terms for fail safe compliance Written by the country's legal leading authority on tax exempt organizations Starting and Managing a Nonprofit Organization is the reference you'll want to keep close by as you navigate your way through the world of nonprofit and the law

*Education Flashpoints* Alan J. Singer, 2014-04-24 Drawing on his widely read Huffington Post columns rated one of the top educational blogs in the United States Alan Singer introduces readers to contemporary issues in education in the United States The issues are presented with a point of view and an edge intended to promote widespread classroom debate and discussion Each section opens with a new topical summary essay followed by a series of brief essays updated and adapted from Huffington Post columns The book includes guest contributions guiding questions and responses to essays by teacher education students and teachers to further classroom discussion Education Flashpoints is written in a conversational style that draws readers into a series of debates by presenting issues in a clear and concise manner but also with a touch of irony and a bit of rhetorical bite The topics examined in these essays read like the latest newspaper headlines in the battle to define public education in the United States

*Reports of Cases Argued and Determined in the Supreme Court of the State of Ohio, in Bank* Ohio. Supreme Court, 1898

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