

Constitutional Convention

- I. Slavery Debates
 - a. Population count
 - i. To what extent are slaves counted in populations?
 - ii. House Representation
 - iii. 3/5th Compromise
 - b. Slave Trade
 - i. Importation could not be banned until 1808
 - c. Constitution condones slavery
- II. Key Principles
 - a. Republicanism
 - i. We select leaders, who are accountable to us
 - b. Federalism
 - i. Division of power between national and state
 - c. Separation of Powers
 - i. Each branch has specific responsibilities
 - d. Check and Balances
- III. Article I: Legislative Branch
 - a. Technical
 - i. Bicameralism (2 different branch legislature)
 - ii. Qualifications of legislators
 - 1. Age requirement
 - 2. Citizenship
 - 3. Residence requirement
 - iii. Term length
 - iv. Elections
 - v. Speech and debate clause
 - 1. Members of congress cannot be arrested while in session, exceptions are felony, etc.
 - b. Powers
 - i. Enumerated Powers
 - 1. Raise, borrow, coin and spend money
 - 2. Regulate interstate and foreign commerce
 - 3. Declare War
 - 4. Ratify treaties (Senate)
 - ii. Elastic Clause
 - 1. "Necessary and Proper"
 - a. ex. Charter of National Bank
 - iii. Power **Denied** to Congress
 - 1. Suspension of habeas corpus outside of war
 - a. You can't hold someone indefinitely
 - 2. Bill of attainder
 - a. Ex Post Facto laws
 - 3. Nobility
 - iv. Powers **Denied** to States

1. Cannot sign or ratify treaties
 2. Cannot coin money
 3. Can't raise a standing army
- IV. Article II: Executive Branch
 - a. Technical
 - i. Term length
 - ii. Qualifications of executive
 1. 35 years old
 2. Natural born citizen
 3. Residential length
 - iii. Electoral college
 - iv. Succession
 1. Presidential succession (Order of office)
 - b. Powers
 - i. State of the Union
 - ii. Faithful execution of laws
 - iii. Commander in Chief
 - iv. Appointment
- V. Article III: Judicial Branch
 - a. Technical
 - i. Supreme Court jurisdiction
 - ii. Trial Courts
 - iii. Lifetime judicial appointments
 - b. Additional details of left to Congress
 - c. Constitution did not include principle of judicial review
 - i. **Established from *Marbury vs. Madison***
- VI. Federalism
 - a. Key Clauses
 - i. Full faith and credit clause
 1. States cannot pass laws that would alter contracts
 - ii. Extradition
 1. You have to be tried in the state the crime was committed.
 - iii. Admittance of new states
 - iv. Protection
 - v. Slavery escape
- VII. Amendment procedures
- VIII. Misc.
 - a. Prior debts
 - b. Supremacy clause
 - i. National government wins over state governments
 - c. Oaths of office
- IX. Ratification
 - a. 9 state conventions (9/13 states)

Path to Ratification

- I. Path to Ratification
 - a. *Federalist Papers*
 - i. 85 newspaper articles
 - ii. Three authors (Madison, Hamilton, Jay)
 - b. Notable philosophical arguments
 - i. Factions (Federalist 10)
 - ii. Checks and Balances (Federalist 51)
- II. Bill of Rights initially excluded
 - a. List not necessary
 - b. Could not be comprehensive
- III. Ratification
 - a. Official with New Hampshire
 - i. However, New York and VA needed for successful government (Money, and population)
- IV. Constitution as Living Document
 - a. Amendments
 - i. Procedures
 1. Proposal: 2/3rd's of Congress or national convention
 2. Ratification: 3/4th of state legislatures or state conventions
 3. Meant to be difficult (only 27, inc. Bill of Rights)
 - b. Four categories
 - i. Policy
 - ii. Governmental structure (Presidential succession, when inaugural date is etc.)
 - iii. Promotion of equality
 - c. Judicial Review
 - i. Federal judges have power to nullify acts in conflict with Constitution
 - d. Norms and Procedures
 - i. Many elements not in Constitution
 - ii. Presidential cabinet
 - iii. Rules and procedures of Congress
 - iv. National governmental powers (Welfare, education, health care etc.)
 1. This has led to the evolution of our government
 - e. U.S. Government has evolved
 - i. Structural
 1. From Congress-centered to president-centered
 - ii. Policy
 1. From minimal government to active involvement
 - 2.