



The Constitution of the United States of America

Lecture 2–Article I: The Legislative Branch

“For my own part, I sincerely esteem it [the Constitution] a system which, without the finger of God, never could have been suggested and agreed upon by such a diversity of interests.”

Alexander Hamilton

Why democracy vs. republic matters

- Protection from tyranny of the majority
- Consent of the governed **with** protection of individual rights

Biblical worldviews that frame the Constitution

- The sinful nature of man requires government
- The sinful nature of man requires that government have separation of powers and checks and balances (branches check each other's power, which is a check on human nature).
- William Blackstone: Natural Law, Revealed Law, Laws of Nations

The Miracle at Philadelphia

- Washington: “It appears to me then, little short of a miracle, that the Delegates from so many different states (which states you know are also different from each other in their manners, circumstances, and prejudices), should unite in forming a system of national Government, so little liable to well founded objections.”
- Madison: “It is impossible for any man of candor to reflect on this circumstance without partaking of the astonishment. It is impossible for the man of pious reflection not to perceive in it a finger of that Almighty hand which has been so frequently and signally extended to our relief in the critical stages of the revolution.”
- On the wall of the Madison Building of the Library of Congress: “The happy union of these states is a wonder; their constitution a miracle; their example the hope of liberty throughout the world.”

Ratification

- The Federalist Papers
 - John Jay wrote 5, Madison wrote 29, Hamilton wrote 51
- The Bill of Rights
 - Opponents: state constitutions protect rights. Only power expressly given to the federal government was theirs, the rest to the people. Therefore, unnecessary.
 - Proponents: George Mason and Patrick Henry. Necessary to protect people's rights. Federal government too strong without them.
 - Virginia and New York made ratification conditional on the promise. Rhode Island and North Carolina ratified after the BOR was proposed.
 - Madison proposed (with Mason's direction) 12 bills in June 1789. 10 were ratified (another would be in 1992).

General notes

- The Constitution was a compromise between those who wanted a strong central (federal) government and those who wanted to leave the greater power to the individual states. *Federalism vs. states rights*
- Layout
 - Articles, Sections, Clauses

The slavery issue—3 places the Constitution specifically mentions slavery

- 3/5 Clause: “according to their respective numbers...3/5 of all other persons.” A1, S2
- Slave Trade—A1, S9, C1 (banned after 20 years) and Article V (no amendments that effect slavery before 20 years)
- Fugitive Slave Law—A4, S2, C3

Misc. on the Founders' view and treatment of slavery

- Northwest Ordinance
- Ban of slave trade in 1807
- Misc.
 - Self-interest
 - Security of slave-owners
 - Stability of the union
 - View that slavery was on the right path to extinction and measures put in place to bring that about quickly

Outline

- Preamble
- Article 1–The Legislature
- Article 2–The Executive
- Article 3–The Judicial
- Article 4–Relations between the states (Full Faith and Credit)

Outline

- Article 5—Amending the Constitution (neither method goes through executive or judiciary)
 - Amendment proposed by $\frac{2}{3}$ vote in both chambers of Congress (67 Senators, 291 House members), followed by $\frac{3}{4}$ (38) of the state legislatures ratifying
 - If $\frac{2}{3}$ (34) state legislatures request it, Congress may call a constitutional convention (Convention of States). Any amendments proposed are only valid when ratified by separate conventions in $\frac{3}{4}$ (38) of the state legislatures.

Outline

- Article 6—Supremacy Clause and Assumption of debts. Oath of office with no religious test.
- Article 7—ratification
- 27 Amendments
 - 1-10: Bill of Rights
 - 13-15: Abolition
 - 16-21: Progressive

Article 1–The Legislative Branch

- See outline
 - The 17th Amendment
 - The 27th Amendment

The 2-Party System

- Interpretation of the Constitution
 - Expressed powers
 - Implied powers
- 3 major 2-party systems
- The effect on Congress
 - Leadership positions in the chambers and on committees

The Progressive Shift

- Change in the view of the nature of man
 - Complexities of modern life gave rise to problems that cannot be addressed by the founding principles.
- The founding purpose of government (to protect people's natural born rights) needs to change with the times. Government is now less of a danger to the governed than at the founding, therefore it can be used as a change-agent or problem solver.
- Therefore, the checks and balances built into the Constitution are outdated and obstacles to progress.

The Progressive Shift

“The Constitution of the U.S. had been made under the dominion of the Newtonian Theory. You only have to read the papers of *The Federalist* to see that fact written on every page...The Constitution was founded on the law of gravitation. The government was to exist and move by virtue of the efficacy of checks and balances The trouble with the theory is that government is not a machine, but a living thing. It falls, not under the theory of the universe, but under the theory of organic life. It is accountable to Darwin, not to Newton. It is modified by its environment, necessitated by its tasks, shaped to its functions by the sheer pressure of life. No living thing can have its organs offset against each other, as checks, and live.”

Woodrow Wilson, *What is Progress?*



Congress Today

- Committees
 - 36 standing committees
 - 7 select committees
 - 4 joint committees
 - Commissions, Caucuses, task forces (assassination attempt of Trump)
- Omnibus legislation
 - Latin: “For all” or “many”. In law, a collection of many cross-sectoral regulations at different levels in one regulatory product.

Next Week

- Article 2–The Executive Branch
 - The 12th Amendment
 - The 20th Amendment
 - The 22nd Amendment
 - The 25th Amendment
 - The Presidency today