

Major Issues of the Constitution

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What Solutions of the Past Are They Trying to Keep?

Search on such words as treason, speech, press, religion in the Constitution. Look at the sorted list on powers.

What Problems Are the Framers of the Constitution Trying to Solve or What Solutions Are They Trying to Maintain?

Date	What's the Situation?	What's the Problem? What's the Solution?
1777	Articles of Confederation – Congress approves. Basic rules: - unanimous vote to change the system - 9 of 13 to pass a law - can't tax, but can print money and borrow	—
1777+	State governments What do they do about executive branch?	
1779	Virginia Statute of Religious Freedom (does not pass) Who wrote it?	
1781	Articles of Confederation – States ratify	—
1781, 1783...	No support for “impost” (5% on imports to fund nation)	
1783	Philadelphia insurrection by unpaid military (one of several)	
	Treaty of Paris - US to protect Loyalists, pay debts (US doesn't) - British to leave Ohio Valley	
	1 st (of many) state begins to pass protective tariffs	

Date	What's the Situation?	What's the Problem? What's the Solution?
1784	Spain blocks Americans from lower Mississippi	
	Post-war economic recession, beginning of Issue of British Commercial Treaty	
	Draft of Northwest Ordinance -Who writes the first draft?	
	1785	"Memorial and Remonstrance" <i>against</i> a bill to provide tax support for support of religion by James Madison
Virginia Statute of Religious Freedom (does pass) - This time submitted to the Virginia legislature by James Madison.		
Failure to pass treaty with Spain over the Mississippi "forbear[ing]" US use for 25+ years (Jay-Gardoqui)		
States governments (PA, SC, NC, NY, RI, NJ, GA) issuing paper money		
1786	Annapolis Convention – interstate commerce issues, but only 12 delegates	
	Daniel Shays's Rebellion	
1787-05 -09	Philadelphia Convention - Who's often called the "Father of the Constitution"? - Why a convention? - Who are the factions there? - Big state/small state - Slave owners	

Date	What's the Situation?	What's the Problem? What's the Solution?
1787-07	Northwest Ordinance passes	
1787-1788	Federalists and <i>Federalist Papers</i> - What are they? - Who writes them? Anti-Federalists - Why?	
1789	Constitution What's the method of approval?	
1789	Bill of Rights	

Reference on the Central Government: Articles of Confederation Compared to the Constitution

The left column shows common governmental responsibilities. The two columns on the right show whether the responsibility is assigned to the central government with the Articles of Confederation and with the Constitution.

	Central Government With ...	
	Articles of Confederation	Constitution
Responsible to conduct foreign affairs	Yes – Congress. Failure: Jay-Gardoqui Treaty	Yes – Executive with Congressional approval
Responsible to declare war and peace	Yes – Congress	Yes – Congress
Able to coin money	Yes	Yes – Congress
Able to levy taxes	No Failure: impost duties amendment	Yes – Congress
Able to raise troops	No	Yes – Congress
Able to regulate commerce	No Failure: No commercial treaty with Britain	Yes – Congress
Method to change the system	13 state legislatures agree	Amendment process – 2/3 to propose – Congress or state legislatures 3/4 to ratify – conventions or state legislatures
Method to write laws	9 votes (1 vote per state)	Majority of House and Senate

Reference on the Interconnected System Balances in the Constitution

A Look at the Interconnections

The examples show a few of the interconnected system balances built into the American governmental system. (Note: Since approximately 1900 there has been an indirect but major change in these system balances. If you'd like details, just ask.) The table highlights how important are the actions of the *people* in the small-r republican government central to the Constitution.

Issue	The People	Congress	President	Judiciary	The States
Compensation		Independent compensation	Independent compensation	Independent compensation	
Division of power and role	Vote	Legislative (writing the law)	Executive ("faithful" execution of the law)	Judicial (judging the law)	
Impeachment		House: impeach. Senate: try all impeachments	Grant reprieves and pardons except in cases of impeachment		
Laws, 3-way division of power	Vote	Write and pass laws. Override Presidential veto.	Approve or veto laws. Execute faithfully the laws.	(Constitutionality of law developed, or clarified, later)	
Military defense	Right to keep and bear arms	Declarations of war. Control military rules	Commander in Chief		
Responsibility for data collection on system health	- Peaceable assembly. Petition the government for a redress of grievances. Freedom of	Cannot abridge rights of the people and the press to assemble, petition, speak, or write. Freedom of			Requirement to have representative elections and districts

Issue	The People	Congress	President	Judiciary	The States
	speech, or of the press. Right to elect representatives who hear their issues. Protections to the people in trials and for transparency even with trials for treason	speech while serving the people			
Treaties		With advice and consent of Senate by 2/3 of their votes	Make treaties		Cannot make treaties
When, How (as initially written in the Constitution)	Vote directly or indirectly.	House—every 2 years—by voters Senate—every 6 years—by state legislature	Every 4 years—by electoral college	Supreme Court— for life	

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Last Updated: 2005
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