I. The problem of liberty v. order (preceding experiments in national government)

A. The Continental Congresses
   1. Origin: pre-Revolution colonies
   2. Dates: 1774-81
   3. Structure: de facto and confederal, with a one-house national legislature and no executive or judicial branches
   4. Major achievements
      a. Declaration of Rights and Resolves (1774)
      b. Declaration of Independence (1776)
   5. Major shortcomings
      a. No constitution
      b. Central government too weak

B. The Articles of Confederation
   1. Origin: 1776
   2. Dates: 1781-89
   3. Structure: de jure and confederal, with one-house national legislature and no executive or judicial branches
   4. Major achievement: Northwest Ordinances (1784, 85, 87)
   5. Major shortcomings: central government too weak
      a. Domestic disorder (Shays’s Rebellion)
      b. Foreign threats to national security (Great Britain, France, Spain)

II. The Constitutional Convention
   A. The lessons of experience
      1. Excessively strong state governments
      2. Excessively weak state governments
   B. The Framers (and Charles A. Beard)

III. The challenge
   A. Large states versus small states
   B. The compromises
      1. Basic structure: federal compromise (CT plan), not unitary (VA plan) nor confederal (NJ plan)
      2. Legislative representation: bicameral compromise
      3. Executive
         a. Number: single v. plural
         b. Selection: indirect v. direct
         c. Term length and limits: a compromise between short or long
         d. Impeachment and removal: hard v. easy

IV. The Constitution and democracy
   A. Goals: a “more perfect union”
      1. To shift many (but not all) important powers from the states to the national government
         a. New legislative powers
            (1) Simple-majority votes to pass most laws (including declarations of war)
            (2) To “raise and support armies” & to “provide & maintain a navy” & to control state “militias”
                (national guards)
            (3) Exclusive power to coin money
            (4) Power to regulate interstate and foreign commerce
         b. New and independent executive and judiciary
      2. To safeguard against abuse of national government power by
         a. Internal controls: dispersing governmental powers and representation to create checks and balances
            (1) Dividing powers across levels of government
               (a) Federal: e.g., foreign policy/national security & national economy
               (b) State: e.g., reserved or “police” powers
            (2) Separating powers across branches within the national government
               (a) Legislative: e.g., control the purse strings & declare war
               (b) Executive: e.g., conduct diplomacy & command military
               (c) Judicial: e.g., interpret laws & Constitution
(3) **Overlapping** (shared or concurrent) powers across both levels and branches
   (a) Overlapping across levels:
      a) **Shared** powers: both levels must cooperate to exercise jointly (e.g., amending the Constitution)
      b) **Concurrent** powers: each level can exercise independently (e.g., taxing and spending)
   (b) Overlapping across branches
      i) Law making by Congress can be “checked and balanced” by presidential veto or by judicial review
      ii) Law enforcing by the president can be “checked and balanced” by Senate confirmation of executive appointments or by judicial review
      iii) Law adjudicating by the Federal courts can be “checked and balanced” by presidential & Senate control of judicial appointments or by Constitutional amendments proposed by Congress and ratified by the states

b. **External controls:**
   (1) **Popular sovereignty**: fair, frequent, & competitive elections
   (2) A **pluralist** rather than a **polarized society**
   (a) **Polarized society:**
      i) Political parties and special-interest groups (”factions”) have mutually-exclusive memberships and information sources that form an “echo chamber” that reinforces pre-existing beliefs and contributes to an emotional “us versus them” mentality
      ii) Political issue-divisions align along a common cleavage line that also divides socio-demographic groups
      iii) Little willingness to bargain & compromise because members of the opposition on one issue are rarely or never your allies on other issues and rarely members of your socio-demographic groups
   (b) **Pluralistic society:**
      i) Political parties & special-interest groups (”factions”) have overlapping memberships with diverse information sources that challenge pre-existing beliefs and contribute to a pragmatic willingness to rationally consider alternate points of view
      ii) Political issue-divisions cross-cut each other and also cross-cut major socio-demographic groups
      iii) Widespread willingness to bargain & compromise because members of the opposition on one issue are often your allies on other issues and these shifting alliances cross socio-demographic boundaries

B. **Built-in problems**
   1. **Delay & gridlock**
   2. **Bargaining & compromise**
   3. **Responsibility not easily assigned to branches and levels of government**

C. **Examples of the failure of Constitutional safeguards**
   1. African-American slavery and discrimination
   2. Mistreatment of Native Americans
   4. Female suffrage not guaranteed nationwide until 1920

V. The Constitution and liberty
   A. The federalist view
   B. The antifederalist view
   C. Need for a Bill of Rights

VI. The Constitution and slavery (issues dividing slave v. free states)
   A. Slave owning
   B. Counting slaves for taxation and representation: 3/5ths compromise
   C. Regulation of slave trading
   D. Regulation of slavery in the territories

VII. Political ideals or economic interests?
   A. Economic interpretation (of Framers’ motives)
   B. Political interpretation

VIII. Liberty and equality (two points of view)
   A. Limit government’s powers in order to protect inequalities
   B. Expand government’s power in order to prevent inequalities