

The Declaration of Independence/ The War of Independence¹

- Declaration of Independence: 4th July 1776
- The Madness of King George²
- Breaking political ties with Britain
- Identified an independent and sovereign nation as the end-point of a War of Independence
- Consequently, they set up a weak central government (had no executive + judicial branch)
- Boston Harbour rebellion – TEA party
- Thomas Jefferson

Jefferson's 4 key points in analysing the government

- (i) Government is necessary to protect rights
- (ii) Public opinion must be sought and respected
- (iii) Prevent tyranny
- (iv) Government power should be constrained to ensure individual rights are respected

The Articles of Confederation: “Rope of Sand”

- **First legislature**
- Brought together the 13 colonies (states)
- Weak, famously referred by George Washington as “Rope of Sand”
- Tax revenue could not be raised
- Trade between states could not be managed
- Concerns started to escalate that foreign powers would seek a foothold in the new country

Session 2: The Debate at Philadelphia

- “Founding Fathers” - written a formal constitution
- Set out the principles, rules and conventions according to which the nation's citizens should be governed
- The Constitution = the first codified constitution in the world
- Established a system of **constitutional sovereignty** for the USA
- Reviewed the system of government at a Constitutional Convention, to be held in Philadelphia

Two factions

1. The federalists - Alexander Hamilton (leader)
 - Decision could be made, disputes addressed, national security protected
 - ❖ e.g. Ability to raise taxes
2. The anti-federalists - James Madison (leader)
 - Identify individual freedom/liberty
 - Refuse to be continued by strong government

¹ During the war, the nation's political leaders designed a new system of government based on the central principle that their country would not replace one tyrannical government (in London) with another (in the USA).

² Tax the growing wealth of the colonies to cover the cost of his government's wars in Europe

- Remainder covering a range of another issues
 - Responsible for communication systems
- **Elastic Clause**
 - The right to make all laws 'necessary and proper' to carry out its responsibilities
 - 'Stretch' beyond its enumerated powers

(II) Article II: The executive branch – the president

- Creates a President, elected to 4-year terms of office by an Electoral College
- The Electoral College comprises electors from each of the states
- President's power;
 - i) Appoint key officials
 - ii) Acts as Head of State
 - iii) Appoint federal officials
 - iv) Issue reprieves and pardons
 - v) Veto congressional legislation
 - vi) Propose legislation to congress through an annual address to Congress



[However]

- *Domestic powers of the President have expanded power over time*
- *In the age of sailing ships and with over 3000 miles of ocean between the USA and its potential enemies, it was not expected that the president will be a significant role*

(III) Article III: The judicial branch - The Supreme Court

- Short
- Establishes a Supreme Court
- Members appointed by the President
- Resolve conflicts between states
- "The judicial Power shall extend to all Cases arising under this Constitution [and] the Laws of the United States..."
 - ❖ E.g. Brown v.s. Board of education; gay marriage

(IV) Separation of powers

- Inspired by Montesquieu
- Independent and interdependent
- Executive, judicial and legislative
- Limited government
- For the common good of the people
- Citizens have the fundamental rights and freedoms as untouched as possible in an organised and orderly society
- No person can be in more than one branch of the federal government at the same time
- "The separation of personnel"
 - ❖ When Senator Barack Obama was elected as president, he had to resign from the Senate



(V) Checks and Balances

1. Checks by the executive on legislature

- (i) Recommend legislation
 - President can lay out his legislative agenda to the Senate and House of Representatives
 - In January each year → State of the Union Address (on TV)

- (ii) Veto bills passed by Congress

- ❖ 8 years in office, President George Bush used **veto on 11 occasions**, including his veto of the **State Children's Health Insurance Programme (S-CHIP)** in **2007**
- ❖