

Hank Fearnley

THE BIRTH AND EVOLUTION OF THE AMERICAN REPUBLIC

Part 5: THE CONSTITUTION OF 1787: THE. RULES OF THE GAME

I. Prelude to 1787 : the Articles of Confederation

- A. Newburgh, N.Y. Warning Signs
- B. How the System Worked
- C. The Three Flaws
- D. The Efforts of Robert Morris
- E. Final Attempt for an Independent Taxing Authority
- F. Shays Rebellion: thee Last Straw

II. Purposes of the Constitution

III. Some Disquieting Allegations

IV. The Declaration of Independence Revisited: A Conflict in Ideals

- A. The Process of democracy: who?
- B. The substance of democracy: how?
- C. An unavoidable tension.
- D. The need for reconciliation: A challenge for the framers.

V. The Fears of the Framers

- A. The Tyranny of the Majority
- B. Thomas Hobbes and Human Nature
- C. The Delicate Balance

VI. The Holding of Power: Who and How?

- A. The "who" - an easy choice
- B. The Problem of " How"
 - i. Democracy v. Republic
- C. Madison's View: Controlling Human Nature

VII. Distributing Power: the Question of Representation

- A. Who and How?
- B. Virginia v. New Jersey
- C. Madison's View

VIII. Limiting the Power of the People

- A. Mechanisms of Checks and Balances
- B. From People to Power Centers: the Importance of Distance.
- C. People, States and Elites: a Sharing of Power
- E. Who Should Vote?

IX. Limiting the Power of the Power Holders

- A. James Madison's (1751-1836) "Bumper Sticker"
- B. Negating power with power

X. The System at Work

- A. Orchestrating Conflict
- B. Congressional Divisions
- C. Congress' Weapons
- D. President v. Congress: the Epicenter of Conflict
- E. Presidential Weapons
 - i. How powerful the Veto?
- F. the Judiciary- Peaceful Way of Appealing to Heaven
- G. Accountability
- H. Compromise

XI. Other Safety Devices

- A. Federalism
 - i. Sounding the alarm
 - ii Fear of Factions: making Takeover More Difficult
- B. Amending the Constitution
- C. the Tenure System for U.S. Senators
- D. Federalism

XII. Ratifying the Constitution & Poison Pills

- A. How Many States?
- B. To Whom Should it be Submitted?

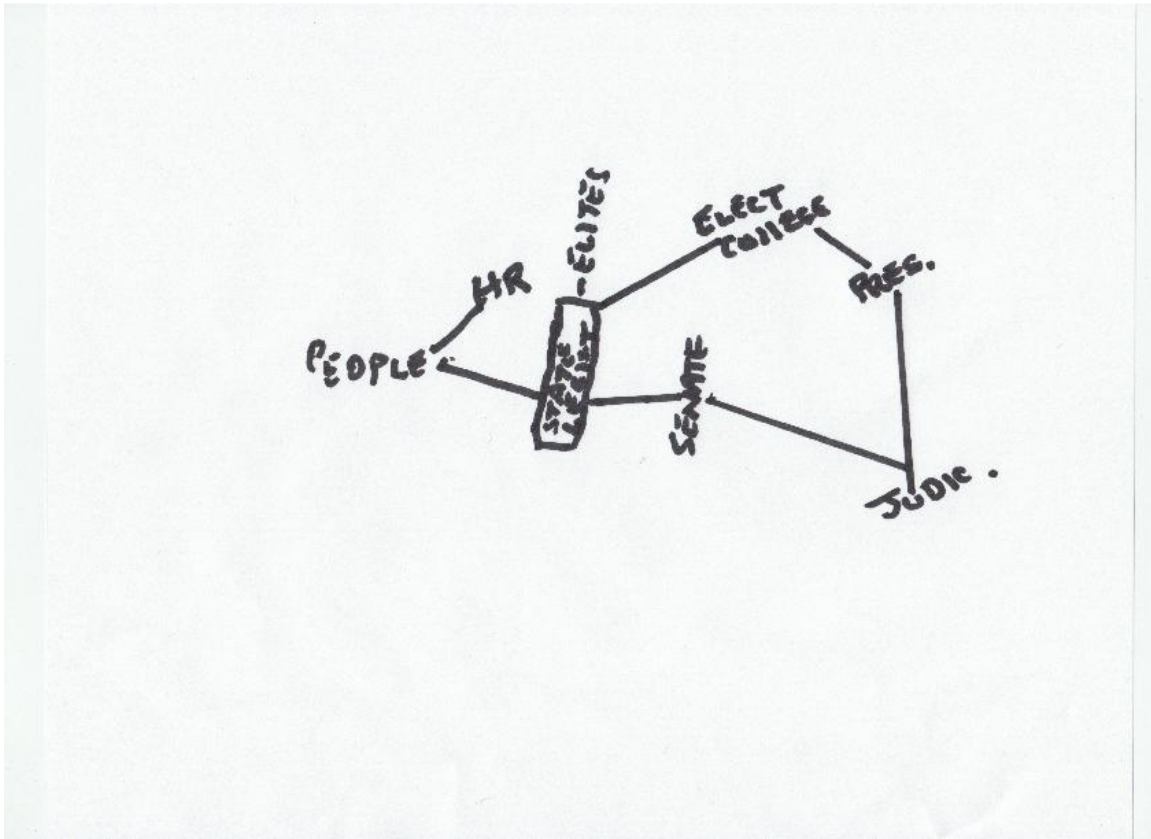
XIII. The Bill of Rights

- A. Background
- B. An Unpopular Proposal
- C. Jefferson's View
- D. The Arguments: Federalists v. Anti Federalists
- E. Ratification of the Constitution and No Bill of Rights
- F. The Role of New York and Virginia
- G. Twelve Proposed Amendments Ten Survive

XIV. Concluding Remarks

- A. the Multiple Aims of the Constitution

B. the Flaw in the Constitution



Suggested Reading

Charles Beard, An Economic Interpretation of the Constitution of the United States

Jack Rakove, Original Meanings: Politics and Ideas in the Making of the Constitution

David McCullough, John Adams

Ron Chernow, Alexander Hamilton

Richard Beeman, Plain Honest Men: The Making of the American Constitution