

INFORM. INSPIRE. DEVELOP CIVIC LEADERS.

THE POLICY CIRCLE

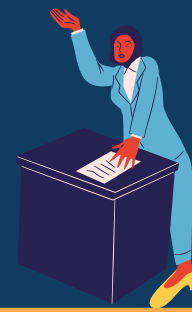
THE U.S. CONSTITUTION



➤ WHAT IS THE U.S. CONSTITUTION? ◀

THE CONSTITUTION OF THE UNITED STATES ESTABLISHED AMERICA'S NATIONAL GOVERNMENT AND FUNDAMENTAL LAWS, AND GUARANTEED CERTAIN BASIC RIGHTS FOR ITS CITIZENS. IT WAS SIGNED ON SEPTEMBER 17, 1787, BY DELEGATES TO THE CONSTITUTIONAL CONVENTION IN PHILADELPHIA. UNDER AMERICA'S FIRST GOVERNING DOCUMENT, THE ARTICLES OF CONFEDERATION, THE NATIONAL GOVERNMENT WAS WEAK AND STATES OPERATED LIKE INDEPENDENT COUNTRIES. AT THE 1787 CONVENTION, DELEGATES DEVISED A PLAN FOR A STRONGER FEDERAL GOVERNMENT WITH THREE BRANCHES—EXECUTIVE, LEGISLATIVE AND JUDICIAL—ALONG WITH A SYSTEM OF CHECKS AND BALANCES TO ENSURE NO SINGLE BRANCH WOULD HAVE TOO MUCH POWER.

SINCE THE FOUNDING FATHERS REPLACED THE ARTICLES OF CONFEDERATION WITH THE CONSTITUTION AND SUBSEQUENT BILL OF RIGHTS, THE RELATIONSHIP BETWEEN FEDERAL AND STATE AUTHORITY HAS BEEN THOROUGHLY DEBATED. A HEALTHY TENSION AROSE IN THE DEBATES BETWEEN THOSE IN FAVOR OF STATES' RIGHTS (LIKE THOMAS JEFFERSON) AND PROPONENTS OF A STRONG CENTRAL GOVERNMENT (LIKE ALEXANDER HAMILTON). THESE DEBATES ARE ONGOING; IF WE DO NOT UNDERSTAND THE DOCUMENT THAT GRANTS US OUR UNIQUE FREEDOMS, WE WILL NOT HAVE A FULL UNDERSTANDING OF THE IMPACT THESE FREEDOMS HAVE ON OUR LIVES. MOST STUDENTS IN THE U.S. STUDY THE CONSTITUTION IN MIDDLE SCHOOL, BUT REVISITING THE DOCUMENT AS AN ADULT CAN HIGHLIGHT REAL AVENUES FOR INFORMED AND ACTIVE CIVIC PARTICIPATION TO ENSURE WE KEEP THAT ABILITY FOR OUR GENERATION AND THOSE TO COME.



➤ FACTS TO KNOW ◀



AT 4,400 WORDS ON FOUR PAGES, THE U.S. CONSTITUTION IS THE OLDEST AND SHORTEST WRITTEN CONSTITUTION OF ANY GOVERNMENT IN THE WORLD.

WHILE STILL AT WAR IN 1777, THE CONTINENTAL CONGRESS ADOPTED THE ARTICLES OF CONFEDERATION, "TO AVOID A POWERFUL FEDERAL GOVERNMENT WITH THE ABILITY TO INVADE RIGHTS AND THREATEN PRIVATE PROPERTY." THE ARTICLES OF CONFEDERATION WERE TOO WEAK TO BRING TOGETHER "A FLEDGLING NATION THAT NEEDED BOTH TO WAGE WAR AND TO MANAGE THE ECONOMY."

DURING THE RATIFICATION OF THE CONSTITUTION, "MANY STATES PROPOSED AMENDMENTS SPECIFYING THE RIGHTS THAT JEFFERSON HAD RECOGNIZED IN THE DECLARATION." IN 1791 THESE AMENDMENTS OFFICIALLY BECAME THE BILL OF RIGHTS.

THE CONSTITUTIONAL CONVENTION PITTED FEDERALISTS LIKE HAMILTON AND ADAMS AGAINST ANTI-FEDERALISTS LIKE JEFFERSON AND MADISON. FEDERALISTS BELIEVED STATES WERE PREVENTING THE NATION AS A WHOLE FROM BECOMING A RISING ECONOMIC POWER BY IMPEDING COMMERCE WITH TARIFFS, WHILE ANTI-FEDERALISTS BELIEVED THE CONSTITUTION GAVE TOO MUCH POWER TO THE FEDERAL GOVERNMENT AND TOO LITTLE POWER TO THE STATES, WHICH COULD BETTER REFLECT MORE LOCALIZED INTERESTS.



➤ GOVERNMENT INVOLVEMENT ◀



AS THE U.S.'S "WRITTEN CHARTER OF GOVERNMENT," THE CONSTITUTION AFFIRMS "THE GOVERNMENT OF THE UNITED STATES EXISTS TO SERVE ITS CITIZENS" AND SPECIFIES THE "SUPREMACY OF THE PEOPLE THROUGH THEIR ELECTED REPRESENTATIVES."

MANY BELIEVE THAT, TO BE CALLED A DEMOCRACY, A COUNTRY'S GOVERNMENT MUST ENGAGE IN A DIRECT DEMOCRACY, "IN WHICH THE PEOPLE OF A STATE OR REGION VOTE DIRECTLY FOR POLICIES." IN A REPUBLIC, "SUPREME POWER RESIDES IN A BODY OF CITIZENS ENTITLED TO VOTE AND IS EXERCISED BY ELECTED OFFICERS AND REPRESENTATIVES." ALEXANDER HAMILTON REFERRED TO THIS AS A 'REPRESENTATIVE DEMOCRACY,' CAPTURING THE DEMOCRATIC NATURE OF A GOVERNMENT BY THE PEOPLE, BUT THE REPRESENTATIVE NATURE OF A REPUBLIC THAT DID NOT ALLOW A RULE OF THE MAJORITY TO DICTATE THE WILL OF THE MINORITY.

THE AUTHORS OF THE CONSTITUTION BELIEVED "THE ONLY LEGITIMATE FORM OF GOVERNMENT WAS ONE IN WHICH PUBLIC AUTHORITY DERIVED ENTIRELY FROM THE PEOPLE," BUT THIS DID NOT MAKE IT ANY EASIER TO DECIDE HOW "TO IMPLEMENT PRINCIPLES OF POPULAR MAJORITY RULE WHILE AT THE SAME TIME PRESERVING STABLE GOVERNMENTS THAT PROTECT THE RIGHTS AND LIBERTIES OF ALL CITIZENS."

THE CONSTITUTION BEGINS WITH THE PREAMBLE, THE INTRODUCTION THAT CLARIFIES THE PURPOSE OF THE DOCUMENT AND THE POWER OF THE PEOPLE. AFTER THE PREAMBLE, THE CONSTITUTION IS DIVIDED INTO SEVEN ARTICLES:

ARTICLES I, II, AND III OUTLINE RESPONSIBILITIES OF THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL BRANCHES OF GOVERNMENT, RESPECTIVELY.

ARTICLE IV ADDRESSES THE RELATIONSHIP BETWEEN THE STATES.

ARTICLE V DETAILS HOW TO AMEND THE CONSTITUTION.

THE FINAL TWO ARTICLES GIVE THE CONSTITUTION ITS POWER: ARTICLE VI DECLARES THE CONSTITUTION TO BE "THE SUPREME LAW OF THE LAND" AND ARTICLE VII RATIFIES THE CONSTITUTION.





➤ FRAMING THE ISSUE ◀



ARTICLE I, SECTION 8 OF THE CONSTITUTION GIVES CONGRESS THE POWER TO “ESTABLISH A UNIFORM RULE OF NATURALIZATION.” SOME HAVE MADE THE CASE THAT “NATURALIZATION” REFERS TO CITIZENSHIP AND THAT THIS CLAUSE DOES NOT GIVE THE FEDERAL GOVERNMENT THE POWER TO RESTRICT IMMIGRATION. OTHERS MAINTAIN CONGRESS’S DESIGNATION TO “DECLARE WAR, PROVIDE FOR THE COMMON DEFENSE, AND DEFINE AND PUNISH OFFENSES AGAINST INTERNATIONAL LAW,” BRINGS IMMIGRATION LAWS INTO THE FEDERAL DOMAIN. OVER THE PAST DECADES, THE FEDERAL GOVERNMENT HAS DECIDED WHO’S ALLOWED IN, “WHILE STATES PROVIDE SERVICES FOR THEM ONCE THEY ARE HERE.” STATES HAVE TAKEN ON A MUCH BIGGER ROLE IN IMMIGRATION PARTICULARLY SINCE 1996, WHEN THE FEDERAL GOVERNMENT BEGAN TRAINING LOCAL LAW ENFORCEMENT AGENCIES TO ARREST AND SCREEN SUSPECTED UNAUTHORIZED IMMIGRANTS.

PRIOR TO THE 2001 NO CHILD LEFT BEHIND ACT, THE FEDERAL GOVERNMENT DID NOT INTERFERE VERY MUCH WITH LOCAL EDUCATION POLICY. MANY STATES OBJECTED TO FEDERAL REACH VIA THE ACTS’ ACCOUNTABILITY DEMANDS, PARTICULARLY BECAUSE SOME STUDIES NOTED “THAT STRICT ACCOUNTABILITY REGULATIONS BASED SOLELY ON TEST SCORES DID LITTLE TO IMPROVE STUDENT ACHIEVEMENT.” ACADEMIC STANDARDS ARE ANOTHER AREA OF DEBATE, SUCH AS THE COMMON CORE LEARNING STANDARDS, WHICH WERE ALSO TIED TO PORTIONS OF FEDERAL FUNDING AS AN INCENTIVE FOR STATES TO ADOPT THE STANDARDS.

STATES ARE THE PRIMARY REGULATORS OF PRIVATE INSURANCE, BUT FEDERAL LAWS SUCH AS THE AFFORDABLE CARE ACT (ACA), AND PROGRAMS SUCH AS MEDICAID AND MEDICARE DO NOT LEAVE STATES WITH ALL THE POWER. THE HIGHLY CONTROVERSIAL IDEA OF MEDICARE FOR ALL WOULD AFFECT STATES SINCE THEY CURRENTLY EXERT CONTROL OVER PRIVATE HEALTH INSURANCE, SUCH AS THROUGH PROVIDER AND INSURER REGULATIONS, PHYSICIAN LICENSING, AND STATE EMPLOYEE HEALTH PLANS.

IN 1968, THE GUN CONTROL ACT “GAVE THE FEDERAL GOVERNMENT AN ENTRY POINT INTO FIREARMS COMMERCE.” IT ALSO PAVED THE WAY FOR FUTURE INTERVENTIONS, SUCH AS THE BRADY HANDGUN VIOLENCE PREVENTION ACT OF 1993, WHICH MANDATED LOCAL LAW ENFORCEMENT OFFICIALS PERFORM BACKGROUND CHECKS ON POTENTIAL HANDGUN PURCHASERS BEFORE THEY COULD RECEIVE A PURCHASED HANDGUN. HOWEVER, CHIEF JUSTICE SCALIA SIDED WITH STATE POWER WHEN HE RULED THAT THE REQUIRED BACKGROUND CHECKS WERE UNCONSTITUTIONAL, AS THEY GAVE THE FEDERAL GOVERNMENT THE POWER TO “COERCIVELY ENLIST STATES IN ENFORCING FEDERAL LAW,” AND THE LAW WAS STRUCK DOWN. THE 1994 CASE UNITED STATES V LOPEZ ALSO PLAYED A ROLE IN SHAPING FEDERAL AUTHORITY OVER GUN CONTROL ON ACCOUNT OF THE COMMERCE CLAUSE, WHICH GIVES CONGRESS AUTHORITY OVER INTERSTATE COMMERCE. IN MANY CASES, CONGRESS CAN “REGULATE FIREARMS ACTIVITY OCCURRING WHOLLY WITHIN A STATE WHEN THAT ACTIVITY HAS, IN THE AGGREGATE, ‘SUBSTANTIAL ECONOMIC EFFECT’ ON INTERSTATE COMMERCE.”





SOLUTIONS



THE DYNAMIC, INTERCONNECTED AMERICAN POLITICAL SYSTEM OFTEN RAISES QUESTIONS AS TO WHERE AUTHORITY LIES, AND CAN EVEN RESULT IN CONFLICTS THAT MAKE IT ALL THE WAY TO THE SUPREME COURT. AT THE SAME TIME, THIS INTEGRATED SYSTEM ALLOWS CITIZENS TO VOICE THEIR CONCERNS AND ENGAGE AT THE NATIONAL, STATE, AND LOCAL LEVELS.

THOMAS JEFFERSON WAS MOST LIKELY NEVER GOING TO SUPPORT A STRONG CENTRAL GOVERNMENT, NOR WAS JOHN ADAMS GOING TO BELIEVE THAT POWER WAS BEST DELEGATED TO ALL THE INDIVIDUAL STATES. YET, THEY LEARNED FROM EACH OTHER'S PERSPECTIVES BY DEFENDING AND EXPLAINING THEIR STANCES, WHILE STILL TAKING TIME TO UNDERSTAND THE STRENGTHS AND WEAKNESSES OF THE COUNTER POSITION.

THE BACKBONE OF OUR NATION RESTS ON THOSE DEBATES, AND REQUIRES AN ACTIVE POPULACE TO CARRY THE TORCH. WHEN THE AMERICAN PEOPLE "GRANT THEIR ADVERSARY MORAL RESPECT," THEY CAN "UNDERSTAND WELL...READ DEEPLY, LISTEN CAREFULLY, WATCH CLOSELY, AND FOCUS ON WORKING RELATIONSHIPS."

➤ WHAT YOU CAN DO ◀

MEASURE -

DO YOU KNOW THE STATE OF STATES' RIGHTS IS IN YOUR COMMUNITY OR STATE? IS THERE ANY LEGISLATION PENDING IN YOUR AREA OF INTEREST, SUCH AS IMMIGRATION OR HEALTHCARE? SEARCH THESE AREAS ON BALLOTPEDIA OR NCSL FOR RECENT INFORMATION AND LEGISLATION. ARE THERE ANY COURT CASES PENDING IN YOUR STATE RELATED TO STATES' RIGHTS?



IDENTIFY -

WHO ARE THE INFLUENCERS IN YOUR STATE, COUNTY, OR COMMUNITY? LEARN ABOUT THEIR PRIORITIES AND CONSIDER HOW TO CONTACT THEM, INCLUDING ELECTED OFFICIALS, ATTORNEYS GENERAL, LAW ENFORCEMENT, BOARDS OF EDUCATION, CITY COUNCILS, JOURNALISTS, MEDIA OUTLETS, COMMUNITY ORGANIZATIONS, AND LOCAL BUSINESSES. WHAT STEPS HAVE YOUR STATE'S OR COMMUNITY'S ELECTED AND APPOINTED OFFICIAL TAKEN?



REACH OUT -

FIND ALLIES IN YOUR COMMUNITY OR IN NEARBY TOWNS AND ELSEWHERE IN THE STATE. FOSTER COLLABORATIVE RELATIONSHIPS WITH LOCAL BUSINESSES, COMMUNITY ORGANIZATIONS, AND SCHOOL BOARDS.



PLAN -
SET MILESTONES BASED ON YOUR STATE'S LEGISLATIVE CALENDAR OR LOCAL COMMUNITY CALENDAR.



EXECUTE -

READ THE INTERACTIVE CONSTITUTION PERIODICALLY TO REFRESH YOUR UNDERSTANDING OF THIS IMPORTANT DOCUMENT. INVESTIGATE HOW THE CONSTITUTION IS TAUGHT IN SCHOOLS IN YOUR DISTRICT, OR IF THERE ARE COMMUNITY PROGRAMS OR LOCAL ORGANIZATIONS THAT TEACH YOUNG AMERICANS ABOUT GOVERNMENT AND CIVIC RESPONSIBILITY. TRACK BILLS IN THE HOUSE AND SENATE, ESPECIALLY ONES SUPPORTED BY YOUR ELECTED OFFICIALS, WITH GOVTRACK. TRACK UPCOMING SUPREME COURT CASES WITH THE FEDERALIST SOCIETY. FOLLOW AN ISSUE THAT IS IMPORTANT TO YOU AND RELATES TO THE POWER OF THE STATES. CONSULT WITH YOUR PROFESSIONAL ASSOCIATION ON THEIR LEGISLATIVE ENGAGEMENT.

