

Solution Manual For

Constitutional Law Governmental Powers and Individual Freedoms, Updated Edition, 4th edition Daniel E Hall John P Feldmeier

Chapter 1

Introduction to Constitutional Law

CHAPTER OVERVIEW

Under the Articles of Confederation, the nation was fragmented and the national government was too weak to effectively deal with the challenges facing our young nation. The Framers gathered in Philadelphia to revise the Articles of Confederation. Understanding that their task was greater than this, the delegates chose to abolish the Articles of Confederation and to write a new constitution. They knew that presenting a new constitution would be controversial. To preserve the integrity of the process, they agreed to keep their proceedings secret until the final document was completed.

They created a new governmental structure in the new constitution. The national government would be stronger, but it was limited to the authorities directly given it by the people through the Constitution. Although they intended to strengthen the federal government, they were careful to preserve local governmental authority. The concern about excessive federal authority was so great that the principle of dual sovereignty, or concurrent federal and state authority, was reinforced through the Tenth Amendment only two years after the Constitution was enacted. Thus, powers that appeared inherently national were delegated to the national government, such as foreign relations and war. In addition, control over interstate, foreign, and Indian commerce was assigned to Congress. Everyday matters, such as intrastate commerce, crime, and social concerns, were left to the states.

The first state to accept the new constitution was Delaware. The delegates decided that ratification would occur when the ninth state ratified. This happened in New Hampshire on June 21, 1788. The last of the thirteen states to ratify was Rhode Island, which did so on May 29, 1790. The Bill of Rights was added to the Constitution one year later.

The framers were successful in establishing a stronger national government and are credited with saving the Union from economic disaster and civil war. The federal government has continually grown in size and authority under this Constitution. Whether the federal government has become too large and powerful is the subject of continual discussion. Federalism, or the division of governmental powers among the federal and state governments, is the subject of Chapters 2 and 8. The division of authority between the three branches is a work in progress as well. But what could have proved to be a very weak and ineffective branch, the judiciary, was given a power boost by John Marshall's Supreme Court, particularly through *Marbury's* unabashed assertion of courts as final interpreters and arbiters of the Constitution. The power of the judiciary to review the acts of its coordinate branches and the states for constitutionality is significant. Although not specifically provided for in the Constitution, Chief Justice John Marshall stated in *Marbury v. Madison* that the power is inherent in the general grant of judicial power found in Article III. Accordingly, all Article III judges possess the power of judicial review. This diffusion of authority establishes significant judicial power in the American political and legal systems. Judicial review is used every day in courts across the land when judges review statutes, other written law, and the actions of government officials (such as law-enforcement officers) for constitutionality.

The framers' legacy extends well beyond having established the oldest written constitution in continuous existence. Their ripple turned into a constitutional wave that has swept the world.

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Louisiana. Constitutional Convention



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The Plumbers Trade Journal ,1907 **Activities of Ku Klux Klan Organizations in the United States** United States. Congress. House. Committee on Un-American Activities,1966 Continuation of hearings on investigation of Ku Klux Klan activities *Hearings, Reports and Prints of the House Committee on Un-American Activities* United States. Congress. House. Committee on Un-American Activities,1966 *Congressional Record* United States. Congress,1877 **Hearings** United States. Congress. House,1966 **Oklahoma Reports** Oklahoma. Supreme Court,1935 Concise Dictionary of American History David William Voorhees,H. Abigail Bok,1983 An abridgement of the eight volume Dictionary of American history published in 1976 *Constitution Or Form of Government of the State of Louisiana* Louisiana,1812 *Constitution of the State of Louisiana* Louisiana,1921 **An Appeal in Behalf of Louisiana** Randell Hunt,2015-07-11 Excerpt from An Appeal in Behalf of Louisiana To the Senate of the United States for the Fulfillment of the Constitutional to Her of a Republican Form of Government As a State in the Union Senators Representatives of the Sovereign States of the Union Constitutional guardians of their rights and liberties Louisiana wronged and oppressed temporarily stripped of her sovereign rights as one of the United States of America and subjected to the rule of a faction tyrannically set over her by judicial usurpation supported by the military forces of the United States appeals to you this day for justice and redress She appeals to you in the name of a violated constitution by the veneration and gratitude you bear the noble ancestors who established our system of free government by your love of liberty and of American republican constitutional institutions by your pledged faith to defend the Constitution of the United States and by the duty you owe your posterity to transmit to them unimpaired the blessings of liberty to restore to her the republican form of government to which in common with every State in the Union she is entitled by express guaranty of the Constitution of the United States Cons U S Art 4 Sec 4 The last hope of republican government on the continent founded upon the right of man to govern himself to choose his own representatives and to be taxed only by them rests upon your wisdom and patriotism The eyes of every American are turned upon you The heart of the nation beats with anxiety for the result of your deliberations and judgment The Constitution of the United States declares that the United States shall guarantee to every State in this Union a republican form of government The necessity for that guaranty to secure the peace safety and liberty of the States and their very existence in the Union was so clear that the clause was unanimously adopted in the convention that framed the Constitution The Federalist with characteristic vigor and eloquence with all its powers of logic and appropriate historical illustration enforces its importance and faithful maintenance About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books Find more at [www](http://www.forgottenbooks.com)

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