

# Current Events in American Politics

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# Disclaimer

- Topics over the next 4 weeks may upset you. You have a right to feel and believe whatever you want.
- **It is okay to disagree with someone. It is not okay to be disrespectful.**
- This class focuses on how our system of government is supposed to operate, consider where it is failing to meet the ideal laid out by the framers, and consider the off-cycle November election results.
  - Please send me topic ideas for weeks 2 & 4!!

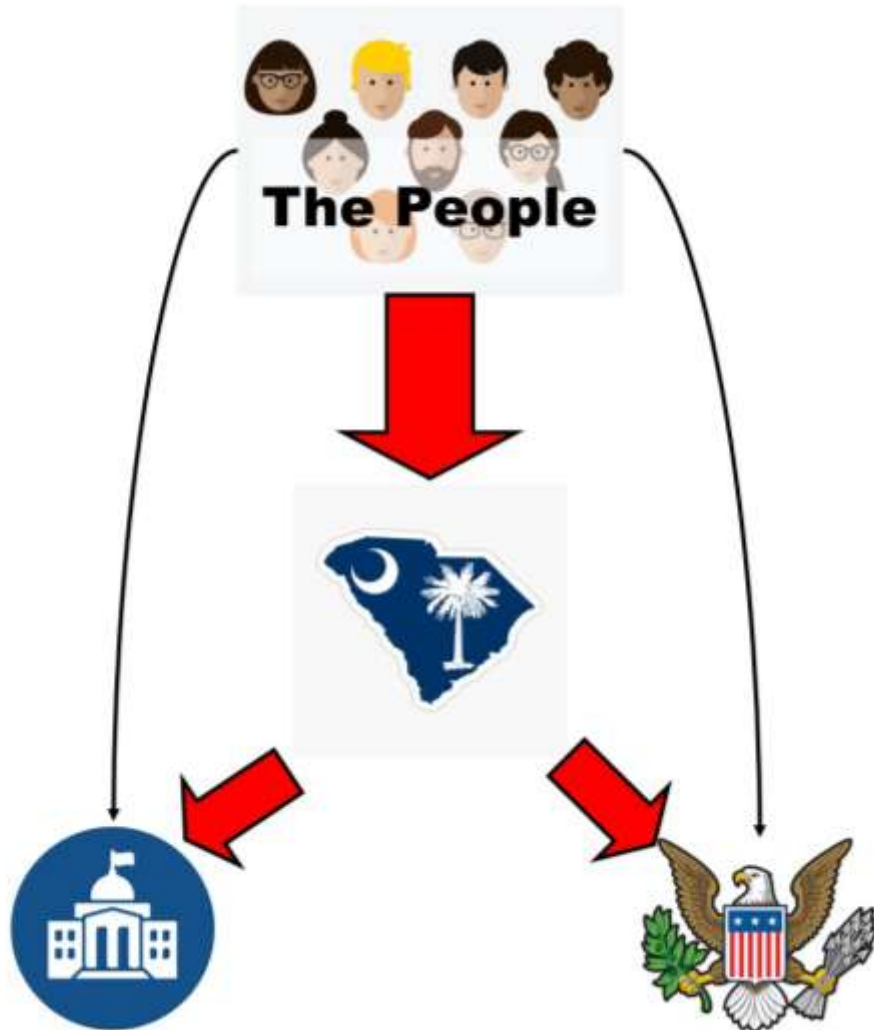
# Class overview

- Today- overview of our rules of play for politics & why we have a government shutdown
- Next week will cover a few top issues as picked by YOU
- Week 3 will discuss election results (local and interesting other races)
- Week 4 will continue with other 'current events'

# Our historical memory matters- perception matters

- Seven XXX soldiers fired into a crowd- killing five, wounding another six
  - Crowd had been throwing snowballs and other materials at a government facility
- One XXX who [fatally shot](#) a XXX described his own injuries during a pursuit as “nothing major”
  - Single person ran from authorities and injured one in the process

# Governing is power



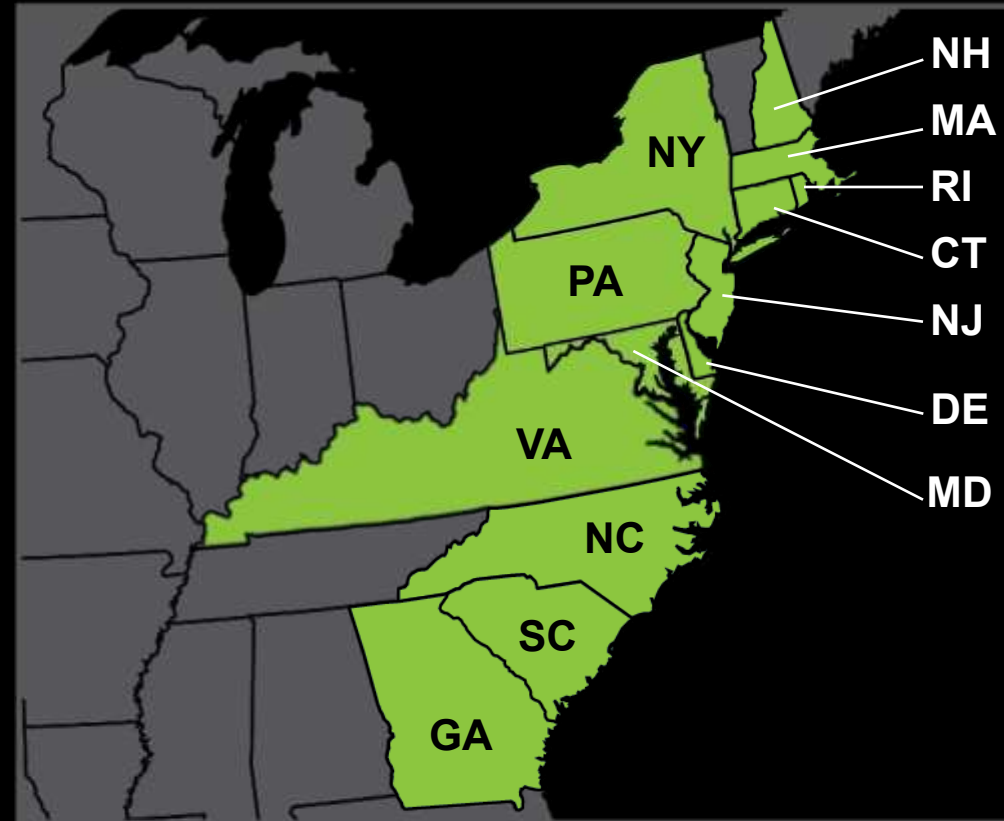
- Power is the ability to either make something happen or keep it from happening
- We have a social contract that ensures we behave so that others behave.
  - Alternative is Hobbesian anarchy
- All power in the US system operates under the rule of law.
  - Our rule of law is based off the British Common Law System
  - All rules, regulations, and laws flow from the foundation of the Constitution of the United States of America

# Creation of the Constitution

- Our system was not created in a vacuum
  - Historical events and previous rules of law are important to understand for why we operate how we do
- The Articles of Confederation, 1777–1789:
  - Weak federal system- each state had 1 vote in the Congress, no executive or judicial branches
  - Its failures resulted in the Constitutional Convention and our current Constitution which took effect in 1789

## State Populations, 1790\*

1.	Virginia	747,610
2.	Pennsylvania	433,373
3.	Massachusetts	378,787
4.	New York	340,120
5.	Maryland	319,728
6.	North Carolina	393,751
7.	South Carolina	249,073
8.	Connecticut	237,946
9.	New Jersey	184,139
10.	Georgia	82,548
11.	New Hampshire	141,885
12.	Delaware	59,096
13.	Rhode Island	68,825



\* The framers calculated the number of representatives per state in 1787 using population estimates. The first census was not taken until 1790. Total state population includes slave population. Slaves were counted as 3/5 of a person for purposes of apportioning seats in the House.

# The United States Constitution

- 7 articles (chapters)
- 27 amendments
  - Difficult to change
- Ratified in 1788
  - Long process to get to this document
- MANY key compromises
- Final law of the land.



# Preamble

- “*We the People* of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”
- Tells the reader WHAT the document is trying to accomplish

# Article 1- Congress/Legislative

- Has 10 sections- longest article in the document
- Section 1- Sets up Senate and HOR as legislative power
- Section 2- Defines who can be in HOR
  - Sets up how they will be apportioned (Currently have 435)
  - Where we find the 3/5 compromise
- Section 3- Defines who can be in Senate (currently 100)
  - Changed with Amendment
- Section 4/5- Determines when/how Congress can meet, rules for meeting
- Section 6- Congressional pay, rule on not holding other office
- Section 7- How bill process will work- making legislation

# Article 1, Section 8 (Leg. Powers)

- 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;
- 2: To **borrow Money** on the credit of the United States;
- 3: To **regulate Commerce** with foreign Nations, and among the several States, and with the Indian Tribes;
- 4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
- 5: To **coin Money**, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;
- 6: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;
- 7: To **establish Post Offices and post Roads**;
- 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;
- 9: To constitute Tribunals inferior to the supreme Court;
- 10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;
- 11: To **declare War**, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;
- 12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;
- 13: To provide and maintain a Navy;
- 14: To make Rules for the Government and Regulation of the land and naval Forces;
- 15: To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;
- 16: To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;
- 17: **To exercise exclusive Legislation in all Cases whatsoever, over such District** (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And
- 18: To make all Laws which shall be **necessary and proper** for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

# Article 1, Sections 9 & 10

- Section 9- Writ of Habeas Corpus shall not be suspended
  - No bill of Attainder or ex post facto laws
  - No tariffs between states
  - No titles of nobility
- Section 10- No state may do any of the above things, no state may do what is prescribed only to congress

# Article II- The Presidency/Executive

- Section 1- Picking the president/VP
  - Term of 4 yrs, rules on eligibility
  - Set up the Electoral College
    - Do NOT directly elect president, done by state
  - Establishes line of succession
  - Payment of president
  - “8: Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

# The Electoral College

- During a presidential election you don't directly vote for your candidate
  - Vote for slate of electors picked by the party
  - Electors meet to choose president
- Each state's number of electors determined formula:  
$$\text{Electors} = (\# \text{ of HOR}^{**} \text{ members}) + (2 \text{ senators})$$
- Current Electoral College is 538
  - 435 HOR + 100 Senate + 3 for D.C.

# Article II, Section 2

1: The President shall be **Commander in Chief** of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have **Power to grant Reprieves and Pardons** for Offences against the United States, except in Cases of Impeachment.

2: He shall have Power, by and with the Advice and Consent of the Senate, to **make Treaties**, provided two thirds of the Senators present concur; and **he shall nominate**, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

3: The President shall have **Power to fill up all Vacancies** that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

# Article II, Sections 3&4

- Section 3- Give state of the union to Congress
  - Recommend legislation to Congress
  - Can convene Congress in Special Session
  - Receives ambassadors\*
  - “he shall take Care that the Laws be faithfully executed”
- Section 4- Removal from office
  - “shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors”

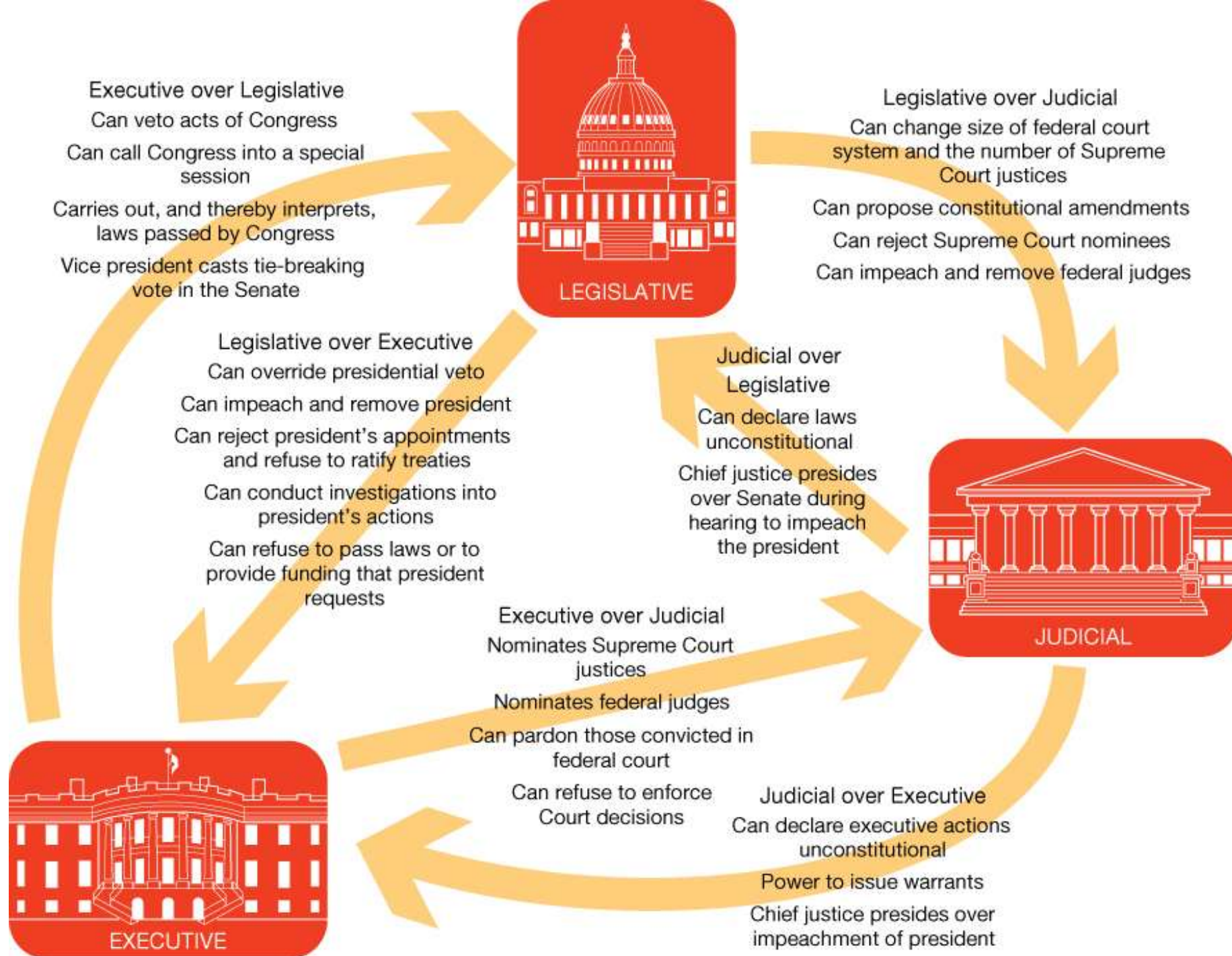


# Article III- The Courts/Judicial

- Section 1-
  - Establishes 1 supreme court and leaves all lower courts to Congress to establish
  - Judges hold office ‘during good behavior’
  - Judicial pay
- Section 2-
  - Jurisdiction of courts- disagreements between states, where the fed. Gov. is a party, etc.
- Section 3-
  - Defines treason “Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.”
  - Congress has power to declare punishment for treason

# Separation of Powers

LEGISLATIVE	EXECUTIVE	JUDICIAL
<p>Passes federal laws</p> <p>Controls federal appropriations</p> <p>Approves treaties and presidential appointments</p> <p>Regulates interstate commerce</p> <p>Establishes lower court system</p>	<p>Enforces laws</p> <p>Commander in chief of armed forces</p> <p>Makes foreign treaties</p> <p>Proposes laws</p> <p>Appoints Supreme Court justices and federal court judges</p> <p>Pardons those convicted in federal court</p>	<p>Reviews lower court decisions</p> <p>Decides constitutionality of laws</p> <p>Decides cases involving disputes between states</p>

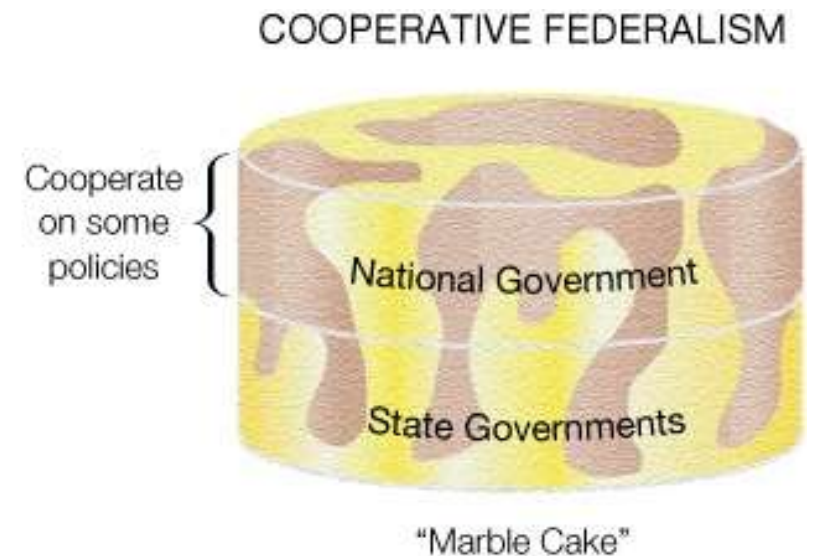
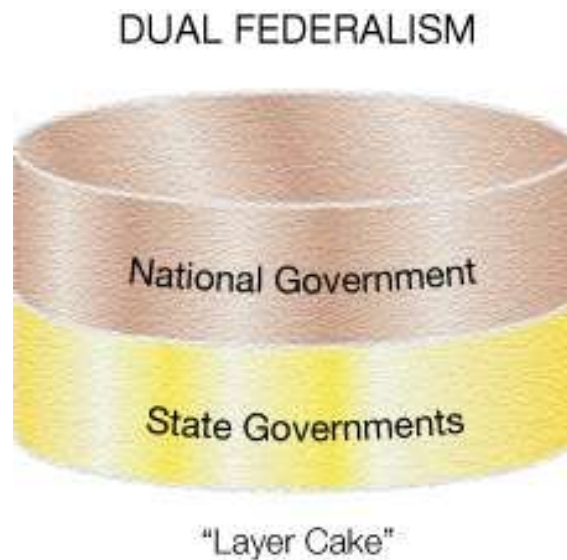


# Article IV- States Relations

- Section 1- Full faith and credit clause
  - If legally married in Iowa, SC agrees to recognize it
- Section 2- Privileges and Immunities clause
  - Will be treated same as resident of state if live in different state—must follow the state laws
    - Pot legal in CO, but not in SC- a SC resident may smoke in CO, but a CO resident may not in SC
  - Extradition agreement
- Section 3- New states and Territories
  - Congress draws the lines
- Section 4- Each state is to have a republican form of government and to protect it
  - Feds agree to protect in case of invasion or uprising (response to Shay's rebellion)

# Federalism- 1 territory, 2 governments

- Our system results in different governments sharing power in the same area.
- Here in Aiken we answer to the state of SC and the national govnt
  - Local govnts get power From states. No indep.





# Article V- Amending the Constitution

- 2/3 of HOR AND 2/3 of Senate

OR

- 2/3 of state legislatures call for convention

THEN sent to states

- 3/4 of states (either by legislature or state convention) ratify

# Article VI- Debts/Supremacy/Oaths

- 1- All debts from previous gov'n't will be paid by this gov'n't
- “2: This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, **shall be the supreme Law of the Land**; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding”
- 3- ... “shall be bound by Oath or Affirmation, to support this Constitution; but **no religious Test** shall ever be required as a Qualification to any Office or public Trust under the United States.”

# Article VII- Ratification

- Took 9 states to ratify, thus approving this new form of government
  - 9/13—supermajority, but did NOT need unanimous consent
  - Delaware was first
  - Ratification was controversial
    - Why we have the bill of rights



# Amendments to Constitution

- First 10 Amendments collectively known as “the bill of rights”
  - Originally 17 proposed, 12 sent to states. 11 now ratified
  - One not ratified was setting HOR representation at 30,000 people (would now have a House with over 7000 people)
  - #11 became the 27<sup>th</sup> Amendment
  - First 10 Ratified in 1791

# 1<sup>st</sup> Amendment

- Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
- 5 parts
  - Freedom of speech
  - Freedom of press
  - Freedom of religion
    - Establishment clause
    - Free exercise clause
  - Freedom of assembly
  - Freedom of petition

# 2<sup>nd</sup> and 3<sup>rd</sup> Amendments

- 2<sup>nd</sup> amendment “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.”
- 3<sup>rd</sup> amendment “No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.”

# 4<sup>th</sup> Amendment

- Protection from “unreasonable searches and seizures”
- Requirement of warrants to search
  - Must have probable cause
  - Must be specific in location, persons etc. to be searched

# 5<sup>th</sup> Amendment

- Right to indictment by grand jury
- No double jeopardy
- Can't be forced to testify against self
- “nor be deprived of life, liberty, or property, without due process of law”
- Eminent domain clause
  - Private land cannot be taken for public use without compensation

# 6th Amendment

- Right to a speedy and public trial
- Right to an impartial jury of peers in location where crime was committed
- Must be informed of the cause of the accusation
- Right to confront witnesses
- Right to an attorney

# 7<sup>th</sup> and 8<sup>th</sup> Amendments

- 7<sup>th</sup> Amendment- deals with civil trials
  - Any amount over \$20 can have a jury of peers
- 8<sup>th</sup> Amendment- further guarantees of accused persons
  - No excessive bail, no excessive fines
  - No 'cruel and unusual punishment'

# 9<sup>th</sup> Amendment

- “The enumeration in the [Constitution](#), of certain rights, shall not be construed to deny or disparage others retained by the people.”
- Basically, the previously listed rights are not the only ones people have.
- Termed “unenumerated rights”- fundamental rights not explicitly stated in constitution



# 10<sup>th</sup> Amendment

- “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”
- Anything not granted to the federal government, nor prohibited by the states is the right of the state to deal with
- Core of “Federalism” in our laws

# 11 and 12

- 11<sup>th</sup> amendment is boring- deals with state lawsuits (1795)
- 12<sup>th</sup> amendment (1804)- changes Vice president election
  - Changes how VP is picked. Used to be person who came in 2<sup>nd</sup> place in the presidential race became VP. Now have Pres. and VP running as a pair

# 13<sup>th</sup> Amendment

- 1<sup>st</sup> of 3 post-civil war amendments (1865)
- Officially ends slavery (and involuntary service) in ALL territories of the US
  - Gettysburg (Lincoln) ended it in the southern states only
- Allows for 'enslavement/servitude' of those convicted of a crime

# 14<sup>th</sup> Amendment (1868)

- Citizenship granted to everyone born in a U.S. state, territory etc.
- Forces states to adhere to the US constitution/protections
- “Due process clause”
- Equal protection clause
- Changes reapportionment to count ALL people in the state
  - Protect voting of Black Men in the states
- Those participating in the confederacy cannot hold federal office
- US govn’t wont cover confederate state debts, won’t reimburse for emancipation of slaves

# 15<sup>th</sup> Amendment

- Right to vote for Black men further protected
- Ratified in 1870
  - Reconstruction basically invalidated enforcement of this (and all other amendments) in the South

# 16 & 17<sup>th</sup> amendments (1913)

- 16<sup>th</sup>- Gives federal government right to tax your income
- 17<sup>th</sup>- changes how senators are chosen
  - From state legislatures picking the senators to direct election of senators by the population within a state

# 18<sup>th</sup> Amendment and 21<sup>st</sup> Amend.

- 18<sup>th</sup>- prohibition (1919)
  - Alcohol made illegal
- 21<sup>st</sup> (1947) – repeals the 18<sup>th</sup> amendment
- Only set of amendments where one undoes the other.

# 19<sup>th</sup> Amendment

- Right to vote extended to women
  - Still had to meet the other requirements to be eligible to vote
- Ratified in 1920
  - Several states had granted women's suffrage prior to this amendment



# 20<sup>th</sup> Amendment

- Changes start date for president and Congress
- Congress shall meet starting January 3<sup>rd</sup>,
- President takes over on January 20<sup>th</sup> at noon from predecessor
- Changed due to easier transportation
  - Ratified in 1933

# 22<sup>nd</sup>, 23<sup>rd</sup> amendments

- 22<sup>nd</sup>- Term limit for being president (1951)
  - Only serve for 2 full terms, or 10 years total
- 23<sup>rd</sup>- Grants D.C. representation in the electoral college (1961)
  - Granted “number they would have if they were a state” BUT may not have more electors than the least populous state.

# 24, 25<sup>th</sup> amendments

- 24<sup>th</sup> – cannot enforce a poll tax, or take away right to vote for failure to pay a tax (1964)
- 25<sup>th</sup> – presidential succession/ disability (1967)
  - President can temporarily step aside by written declaration
  - Cabinet and VP can remove president if able to show he's unable to discharge the office
    - Is temporary (unless 2/3 of house and senate vote that he is still unable to resume office)

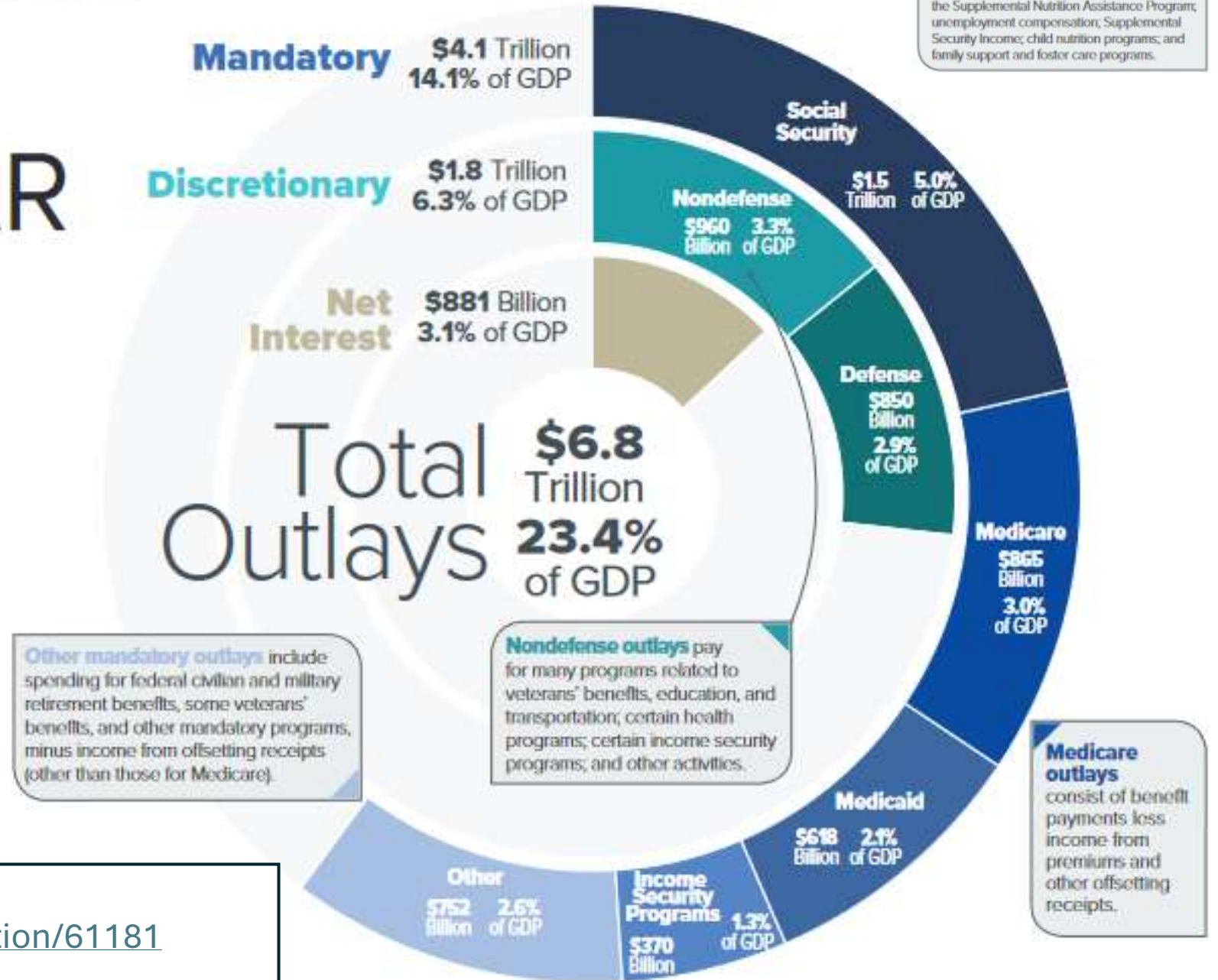
# 26<sup>th</sup> and 27<sup>th</sup> amendments

- 26<sup>th</sup>- lowers voting age to 18 (1971)
- 27<sup>th</sup>- Congressional pay (1992)
  - Originally one of 12 put forward
  - Calls for an election between when congress gives itself a raise and when the raise can go into effect.
  - Chance to vote out of office people increasing their own pay
    - Side effect is can't zero their pay in a shutdown

# Government Shutdown???

- The AntiDeficiency Act (ADA) prohibits federal agencies from obligating or expending federal funds in advance or in excess of an appropriation, and from accepting voluntary services
  - Became law in 1982. Prior to this agencies could operate without budgets from Congress.
- Some programs are “mandatory spending” and are funded automatically- SSA, Medicare/Medicaid etc.
- Some government employees are required by the constitution to be paid even in a shutdown (Congress, President, Judges)
- Only “Discretionary Spending” programs are affected by shutdown (national security, veterans' benefits, education etc.)

# THE FEDERAL BUDGET IN FISCAL YEAR 2024



- 2024 Federal budget ran a deficit of \$1.9 TRILLION

<https://www.cbo.gov/publication/61181>





# Budgeting Process

- Current budget bills cannot get 60 votes to pass in the Senate.
  - Need to pass cloture, not a simple majority per Senate rules
- Constitution gives Congress power of the purse, so up to them

The budget planning begins a year before the budget is to go into effect.

- 1** Federal agencies create budget requests and submit them to the White House Office of Management and Budget (OMB).
- 2** OMB refers to the agencies' requests as it develops the budget proposal for the president.
- 3** The president submits the budget proposal to Congress early the next year.
- 4** Proposed funding is divided among 12 subcommittees, which hold hearings. Each is responsible for funding for different government functions such as defense spending or energy and water.
- 5** The House and Senate create their own budget resolutions, which must be negotiated and merged. Both houses must pass a single version of each funding bill.
- 6** Congress sends the approved funding bills to the president to sign or veto.



# Current Shutdown

- Current budget proposals cannot get 60 votes to pass in the Senate (R's only have 53 seats).
  - Need to pass cloture, not a simple majority per Senate rules
- Constitution gives Congress power of the purse, so up to them (R's hold majority in HOR & S)
  - BUT have to be able to:
    - Get president to sign it, or
    - Have enough votes for an override

- Write down & give me or email me your top 'current issues' you'd like this class to discuss

- If you want the slidedeck from today

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