

JUSTICE IN A CONSTITUTIONAL DEMOCRACY

Section B
Jan 9, 2008

DECLARATION OF INDEPENDENCE

- We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. . . .

THE UNDERLING PREMISE

- Equal Citizenship
- Inviolability of natural Rights
- Social Contract
- New Sovereignty

TWO VERSIONS OF THE DECLARATION OF INDEPENDENCE

- On the Concept of Equal Citizenship
 - Jefferson's Original Draft
 - The Official Document

THE CONSTITUTION OF THE UNITED STATES

- 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.

THE STRUCTURE OF THE ORIGINAL CONSTITUTION

- Republican Form of Government
- Separation of Powers
 - Legislative Powers (Art 1)
 - Executive Power (Art 2)
 - The Judicial Power (Art 3)
- The Union of the States (Art 4)

THE PRINCIPLE OF CHECKS & BALANCES

- Sharing of Law Making Functions
 - Legislative
 - Executive
 - Judiciary
- Enforcement of Law
 - Executive
 - Legislative Oversight
- Judicial Review

THE extended BILL OF RIGHTS

- A1: Freedoms
- A2: Keep Arms
- A3: No Quartering of Soldiers in any House
- A4: Unreasonable Search & Seizure
- A5: Due process; No Takings of Private Property
- A6: Criminal Justice & Jury trial
- A7: Civil Justice & Jury Trial
- A8: No Cruel and Unusual Punishment
- A9: Not Enumerated Rights
- A14: Citizenship; Federal Guarantee of Due Process & Equal Protection for Citizens in the States

Readings for the Next Meeting

- Federalist Papers (#10; #51; #78)
- Objections to the Proposed Constitution