Our 18th Century Constitution, Congress, the President, and the Two Party Political System.

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The presentation will discuss how our 18th century Constitution interacts with the two party political system. Particular attention will be paid to the contemporary situation following the 2016 election. Our 18th century constitution embodies 18th century political notions of separation of powers and checks and balances. And it is a constitution that was supposed to operate without political parties. The framers did not contemplate political parties, which they called factions. They assumed that all the leaders of the new government would be men like themselves, generally born to wealth and privilege with a strong sense of public service. But political parties emerged early, coming to the forefront in the election of 1796, and being firmly established in the election of 2000, with the Jeffersonians and the Federalists. The current two party system has been with us since the election of 1860, and is truly a two party political system. In the 30 Presidential elections since 1900, the Republicans have won 16 and the Democrats 14. While the Republican Party is currently in the ascendency, controlling both Houses and the Presidency, and the clear majority of state houses and governorships, the Democratic Party was in the ascendency after the 2009 election, and power has shifted between both parties over the years. It is important to note that the American constitutional system begins with the states. The first constitutional document was the Declaration of Independence by which “these thirteen colonies ought to be and hereby are free and independent states.” In American constitutional theory, the American states succeeded to the sovereignty over domestic matters formerly exercised by the British crown. This means that state sovereignty is a given in the American constitutional system, and the states do not depend on the federal constitution for the source of their power. Each state has its own system of laws and its own courts - most of the laws that we live under are state laws - and states exercise full sovereignty over domestic matters unless a particular exercise of that sovereignty is restricted by the constitution or is preempted by federal law. In American constitutional theory, there is no such thing as a national interest. The members of Congress are supposed to represent the interests of their districts and the Senators the interests of their states. The national interest then is the sum total of the interests of 435 congressional districts and 50 states. It is with this background that the presentation will explore the powers of Congress, the powers of the Presidency, and the relationship between the branches. And it will do so with reference to the current political situation following the 2016 election.