Our 18th century Constitution, Congress, the President, and the Two-Party Political System

Robert Sedler, Law School, Distinguished Professor

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This presentation will discuss how our 18th century Constitution interacts with the two party political system. Particular attention will be paid to the contemporary political situation, following the 2018 mid-term election. Our 18th century constitution embodies 18th century 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 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 fore in the election of 1796 and being firmly established in the election of 1800, with the Jeffersonians and the Federalists. The current two party political system has been with us since the election of 1860, and is truly a two party political system. In the 30 Presidential elections since 1990, the Republicans have won 16 and the Democrats have won 14. After the 2016 elections, the Republican Party was in the ascendency, controlling both Houses of Congress and the Presidency, and the clear majority of state legislative bodies and governorships, the Democratic Party was in the ascendency after the 2008 election, and power has shifted between both parties over the years.

Robert A. Sedler is Distinguished Professor of Law at Wayne State University, where he teaches the courses in Constitutional Law and Law of the First Amendment. He has written extensively on constitutional subjects and has litigated a number of constitutional cases in Michigan and elsewhere, mostly as a volunteer lawyer for the ACLU. He is a frequent presenter at the Humanities Center Brown Bags.

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