

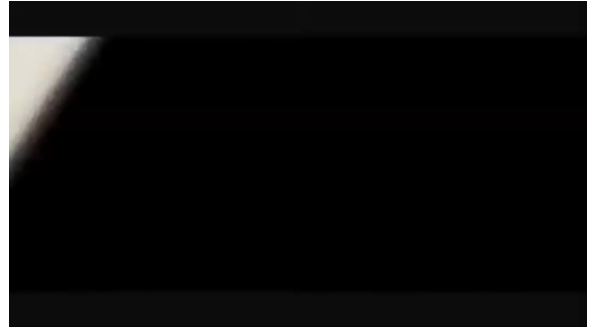
The American Pageant
Seventeenth edition



CHAPTER 8 The Confederation and the Constitution, 1776–1790

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Roots of Democracy



Democracy is . .

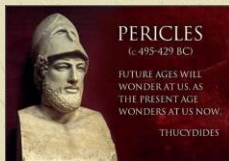
- A system of government in which citizens:
- Vote for their leaders
- Have specific rights and responsibilities

Greece: Democracy

(dēmokratía)

"rule of the people"

- (dēmos)
"people"
- (krátos)
"power"



Democracy came from many sources:



The ancient Greeks :

- ✧ In Athens, citizens voting for their leaders became common
- ✧ “Civic virtue” became important to many philosophers.



The ancient Romans :

- ✧ Developed the “rule of law” common to all citizens throughout the empire
- ✧ Developed advanced forms of representative government, before evolving in to a dictatorship.



The Bible:

- ✧ Hebrew prophets developed the idea of all people being equal, created in the image of God.
- ✧ The idea caring for the weaker members of society.



The Magna Carta (chap 2 vocab)



- ✧ British Document
- ✧ King John forced to recognize his power was limited by the Barons
- ✧ First step toward limited government

English Bill of Rights (chap 2 vocab)

- ✧ Made Parliament stronger than King or Queen
- ✧ Protected rights to trial by jury
- ✧ Outlawed cruel and unusual punishment



Individual Rights

Mayflower Compact (chap 2 vocab)

- ✧ Pilgrims signed it
- ✧ Agreed to follow all laws made by elected leaders



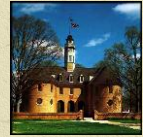
Fundamental Orders of Connecticut (chap 2 vocab)

- ✳ Limited powers of colony government
- ✳ Powers not given to colony given to towns
- ✳ Similar to federalism



House of Burgesses (chap 2 vocab)

- ✳ Founded at Jamestown in 1619
- ✳ First representative body in the English colonies
- ✳ Served as a model for other colonies



SOCIAL CONTRACT THEORY



- John Locke was an English philosopher during the late 1680s.
- He wrote several books on how people should be governed.
- His ideas influenced Thomas Jefferson.

▪ The power of government comes from the people....We give the government certain powers to force people to do things for the common good of the community.....If the government does not reflect the will of the people, than the people can change it.....

SOCIAL CONTRACT THEORY

	John Locke	Declaration of Independence
Authority of Government	A government's power comes from the consent of the people.	The people have the right to abolish an oppressive government and establish a new one.
Natural Rights	All people are born free and equal with natural rights to life, liberty and property	All men are endowed with certain unalienable rights among which are life, liberty and the pursuit of happiness.
Purpose of Government	To preserve himself, his liberty and property	To secure these rights
Limited Government	Government of laws not man	History of the present King of England is repeated injuries
Equality	Men being by nature all free, equal and independent	All men are created equal

The Colonial Background



- Separatists were dissatisfied with the Church of England and sought a place where they could practice their religious beliefs.
- The compact they formed set forth the idea of consent of the governed.
- Most governmental actions that affected the people were made within the colony.
- Each colony was separate with its own decision-making government.

British Restrictions and Colonial Grievances

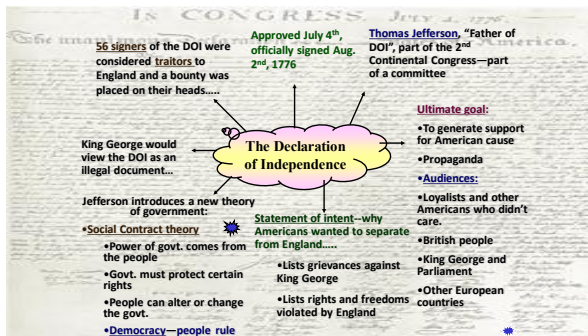
- In 1763 the British Parliament began to pass laws that treated the colonies as a unit. The major reason for these laws was to raise revenue to help pay off the war debt incurred during the French and Indian Wars (1756-1763).

First Continental Congress

- The focus was to restore the political structure that was in existence before the passage of legislation affecting the internal operations of each colony by Parliament.
- Had the Crown and Parliament relented on many of their demands it is possible the Declaration of Independence would never have been issued.

Second Continental Congress

- Established an army.
- Made Washington the general in chief and pursued the Revolutionary War.



DECLARATION OF INDEPENDENCE

• **Explain to the world why separation from England was necessary**

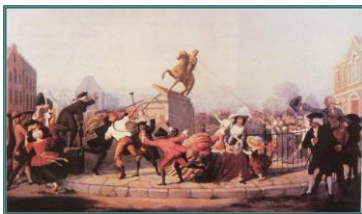
• **New theory of government (democracy—people rule)**

• **27 grievances listed against King George**

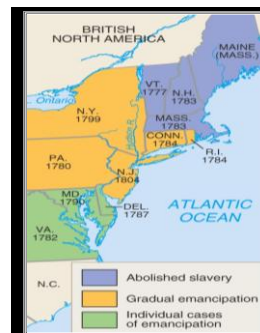
• **Declaration of War**

• **We became the United States of America**

DOWNFALL OF KING GEORGE



King George's statue is torn down by Patriots in New York City after the Declaration of Independence is signed by the 2nd Continental Congress



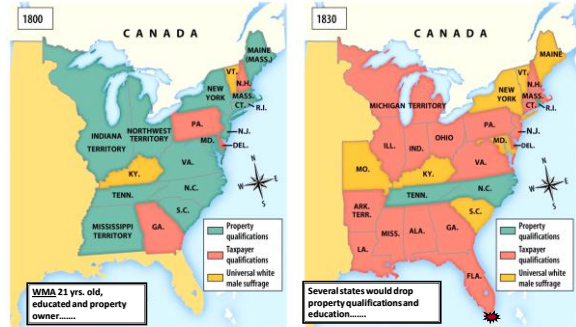
"All Men Created Equal"

- New England states are the first to abolish slavery after the Revolution.
- Middle States would abolish later....
 - In 1791, the Quakers formed first Anti-Slavery Society and **Underground Railroad**
- Southern States would expand slavery after the invention of the cotton gin.
- As country expands, North and South would compromise over the issue of slavery.....

"All Men Created Equal"



- Mason Dixon Line set the precedent over dividing the country over slavery.
- Ohio River would be the dividing boundary between North and South.



WOMEN'S RIGHTS



- Abigail Adams—1790's to early 1800's

Republican motherhood

- Concept that a woman's role was to stay at home and raise the next generation of **PATRIOTS**.
- This was a role to be proud of because a woman's responsibility was to teach and raise their children in **REPUBLICANISM**.



- Supported the abolition of slavery
- Republican motherhood
- Despite their contributions, women's rights did not progress and would remain 2nd class citizens

REPRESENTATIVE DEMOCRACY



- Also referred to as a **republic**
- **Concept: Republicanism**
- Government authority comes from the **people** who **elect officials** that represent their interests
- Promoted the **end of slavery**, **encouraged education** and sacrifice for the public good

REPRESENTATIVE DEMOCRACY



- 13 colonies had a tradition of **governing** themselves.....
- Elected their own representative law making bodies.
- Passed laws to keep peace within their communities.
- Colonies had a tradition of **representative democracy**.
- That's why they fought the Revolution.

I. A SHAKY START TOWARD UNION

- Disruptive forces stalked the land:
 - Departed Tories left a political system inclined toward experimentation and innovation
 - Economy stumbled post-Revolution
- Yet thirteen sovereign states:
 - Shared similar political structures
 - Enjoyed rich political inheritance
 - Were blessed with good political leaders

II. CONSTITUTION MAKING IN THE STATES (SLIDE 1 OF 4)

- Constitutional Congress in 1776 called on colonies to draft new state constitutions:
 - Sovereignty of new states would rest on authority of the people.
 - Connecticut and Rhode Island merely retouched their colonial charters.
 - Others would write new constitutions.



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II. CONSTITUTION MAKING IN THE STATES (SLIDE 2 OF 4)

- Massachusetts called for special convention to draft its constitution and then submitted final draft to the people for ratification:
 - Once adopted, constitution could only be changed by another constitutional convention.
 - Its constitution remained longest-lived constitution in world.



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II. CONSTITUTION MAKING IN THE STATES (SLIDE 3 OF 4)

- Common constitutional features:
 - As *written* documents, constitutions represented *fundamental* law, superior to ordinary legislation.
 - **Most contained bills of rights**—protect prized liberties against legislative encroachment.
 - **Most required annual election of legislators.**
 - **All created weak executive and judicial branches.**



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State Constitutions & State Governments

- **Common aspects**
 - *Each state listed the basic rights and freedoms that belonged to all citizens*
 - “unalienable rights”
 - i.e. jury trial and freedom of religion
 - *Separation of powers*
 - Legislative powers to an elected two-house legislature
 - Executive powers to an elected governor
 - Judicial powers to a system of courts
 - *All white males with property could vote*
 - Based on the assumption that property-owners had a larger stake in government than did the poor and property-less
 - Elected officials higher qualifications than the voters

State Constitutions	
Popular Sovereignty	1. Popular sovereignty was the basis for every new State constitution. 2. Government can exist and function only with the consent of the governed. 3. People hold power and are sovereign.
Limited Government	1. Limited government was a major feature of each State constitution. 2. Powers delegated to government were granted reluctantly and hedged with many restrictions.
Civil Rights and Liberties	1. In every State it was made clear that the sovereign people held certain rights that the government must respect at all times. 2. Seven of the new constitutions contained a bill of rights, setting out the “unalienable rights”
Separation of Powers and Checks and Balances	1. State governments were purposely divided among three branches: <i>executive, legislative, and judicial</i>. 2. Each branch was given powers with a system of checks and balances.

II. CONSTITUTION MAKING IN THE STATES (SLIDE 4 OF 4)

- In new governments, legislatures were granted sweeping powers:
 - Democratic character reflected by presence of many from recently enfranchised western districts.
 - Their influence was demonstrated when some states moved capitals into interior.



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III. ECONOMIC CROSSCURRENTS (SLIDE 1 OF 3)

- **Economic changes:**
 - States seized control of former crown lands.
 - Land was cheap and easily available.
 - In America, economic democracy preceded political democracy.
 - Revolution also stimulated manufacturing.



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III. ECONOMIC CROSSCURRENTS (SLIDE 2 OF 3)

- Drawbacks of economic independence:
 - Most British commerce reserved for loyal parts of the empire.
 - American ships now barred from British and British West Indies harbors.
 - Fisheries were disrupted.
- Americans could freely trade with foreign nations.
 - New commercial outlets (e.g., China in 1784) partially compensated for loss of old ones.



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III. ECONOMIC CROSSCURRENTS (SLIDE 3 OF 3)

- War spawned demoralizing speculation and profiteering.
- State governments borrowed more than they could repay.
- Runaway inflation ruined many.
- Average citizen was worse off financially at the end of Revolution than at start.



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IV. CREATING A CONFEDERATION (SLIDE 1 OF 3)

- Second Continental Congress:
 - Little more than a conference of ambassadors
 - Was totally without constitutional authority
 - Asserted some control over military and foreign policy
- In all respects, thirteen states were sovereign:
 - Coined money
 - Raised armies and navies
 - Erected tariff barriers



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REPRESENTATIVE DEMOCRACY

- 13 colonies had a tradition of governing themselves.....
- Elected their own representative law making bodies.
- Passed laws to keep peace within their communities.
- Colonies had a tradition of representative democracy.
- That's why they fought the Revolution.

IV. CREATING A CONFEDERATION (SLIDE 2 OF 3)

- Articles of Confederation:
 - Adopted by Congress in 1777, but not ratified by states until 1781
- Chief point of contention was western lands:
 - Six states had no holdings beyond Allegheny Mountains.
 - Seven (especially New York and Virginia) held huge acreage.
 - Land-rich states could use trans-Allegheny tracts to pay off debts.



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IV. CREATING A CONFEDERATION (SLIDE 3 OF 3)

- Unanimous approval of Articles by all thirteen states was required:
 - **Maryland held out until March 1781 to get agreement by New York to surrender its western lands.**
 - Congress pledged to dispose of these vast areas for “common benefit.”
 - Promised to carve out a number of “republican” states, which over time would be admitted to union.
 - Pledge redeemed in Northwest Ordinance of 1787 (see Map 8.1).
 - Disposal of western lands helped encourage union.



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V. THE ARTICLES OF CONFEDERATION: AMERICA'S FIRST CONSTITUTION (SLIDE 1 OF 3)

- Articles of Confederation:
 - Provided for loose confederation or “firm league of friendship”
 - thirteen independent states linked together to deal with common problems, such as foreign affairs
 - Congress was chief agency
 - No executive branch
 - Judicial issues left almost exclusively to states



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V. THE ARTICLES OF CONFEDERATION: AMERICA'S FIRST CONSTITUTION (SLIDE 2 OF 3)

- Congress was dominant but weak—by design:
 - Each state had a single vote.
 - All important bills required support of nine states.
 - Any amendment to Articles required unanimous ratification.
- Major weaknesses of Articles:
 - Congress had no power to regulate commerce.
 - Congress could not enforce its own tax collection.
 - In dealing with states, it could not coerce or control.



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V. THE ARTICLES OF CONFEDERATION: AMERICA'S FIRST CONSTITUTION (SLIDE 3 OF 3)

- New Congress, with paper power, was less effective than Continental Congress.
- Yet, Articles proved to be a landmark:
 - As first written constitution of Republic, Articles were significant step toward later Constitution
 - Outlined general powers of national government
 - Kept alive ideal of union and held states together
 - Without Articles, great leap from old Association of 1774 to current Constitution not possible



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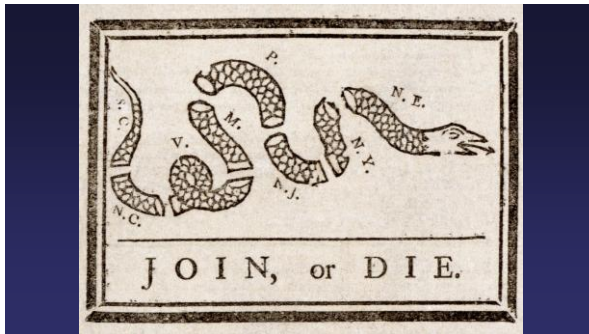
ARTICLES OF CONFEDERATION

- Our first **constitution** (*law of the land*) and attempt to create a **democratic government** based on the ideas of **DOI**.
- Written by **2nd Continental Congress** during War and took effect in March 1781... Becomes the **Confederation Congress**
- Founding Fathers were determined not to have a king.....



THE ARTICLES of Confederation

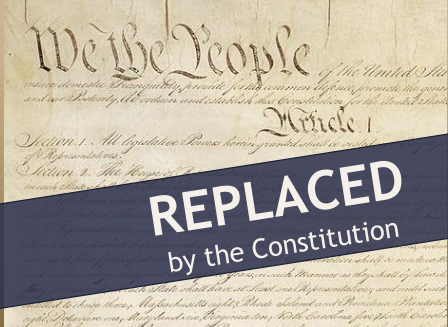
America's First Constitution



The Articles of Confederation

First plan of government

WEAK

REPLACED by the Constitution

Treaty of Paris (1783)

"His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be **free sovereign and independent states...**"

Source: ourdocuments.gov



From Article II

Each state retains its **sovereignty, freedom, and independence**, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

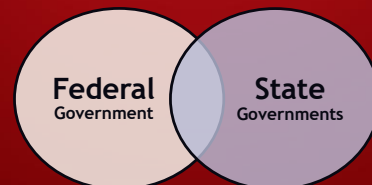
<http://www.constitution.org/cons/usa-conf.htm>

SOVEREIGNTY

Where Ultimate Power Resides

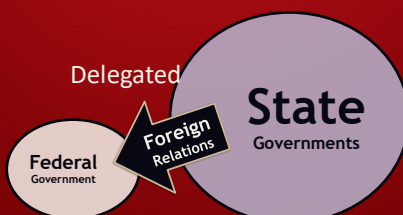
Federalism

Two Levels of Government:



Federalism

According to the Articles



State Constitutions & State Governments

• Common aspects

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- "unalienable rights"
- i.e. jury trial and freedom of religion

– *Separation of powers*

- Legislative powers to an elected two-house legislature
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Separation of Powers and Checks and Balances	1. State governments were purposely divided among three branches: <u>executive, legislative, and judicial</u>. 2. Each branch was given powers with a system of checks and balances.

CONFEDERATION

A Military Alliance



ARTICLES OF CONFEDERATION

Confederation Government

- ✓ govt. of loosely organized states
- ✓ Each state independent and conducted their own affairs
- ✓ Created a weak national govt. which had little powers to solve US problems
- ✓ States held more power than US govt.
 - ✓ Would unite in times of crisis.
- ✓ "Treaty of Cooperation between the states"

From Article III

The said States hereby severally enter into a **firm league of friendship** with each other, for their **common defense**, the **security of their liberties**, and their **mutual and general welfare**, binding themselves to assist each other, against... attacks made upon them...

<http://www.constitution.org/cons/usa-conf.htm>

A firm league
of friendship

The Articles of Confederation

The Articles of Confederation established "a firm league of friendship" among the States.

Confederation Congress • Congress was given the power to declare war. • Deal with national finance issues. • Settle disputes among the States. • Request funds (<u>taxes from states</u>) to pay off debt	Obligations • The States promised to obey Congress. • Respect the laws of the other States. • Most other powers were retained by each State.
--	--

EQUAL
Representation

9 / 13
To Legislate

13 / 13
To Amend

NOPE



There was no presidency
or federal court system
under the Articles.

	Articles	Constitution
Federalism	A Firm League of Friendship	
Sovereignty	States	
Representation of States	EQUAL	
Taxation	States ONLY	
Powers of Congress	Foreign Relations Army and Navy Declare War Ambassadors Treaties	
Legislation	2/3	
Amendments	UNANIMOUS	

ARTICLES OF CONFEDERATION

Government Structure

- Congress—1 branch
- Confederation Congress
- No executive branch or president...
- No judicial system.....
- One vote per state regardless of size

Powers of Congress

- Make war and peace
- make treaties
- build navy and army
- settle disputes among states
- set up monetary system

State Responsibilities

- Obey Articles and acts of Congress
- provide funds and troops when "requested" by Congress
- States regulated own trade and taxed each other
- States had their own currency

Major Problem: Created a weak national govt that could not tax, regulate trade or enforce its laws because the states held more power than the National Government.



Weaknesses of the Articles of Confederation

- ◆ One vote for each State, regardless of size.
- ◆ Congress powerless to lay and collect taxes or duties.
- ◆ Congress powerless to regulate foreign and interstate commerce.
- ◆ No executive to enforce acts of Congress.
- ◆ No national court system.
- ◆ Amendment only with consent of all States.
- ◆ A 9/13 majority required to pass laws.
- ◆ Articles only a "firm league of friendship."

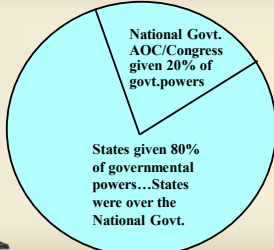
Major Problem
Could not tax, regulate trade or enforce its laws because the states held more power than the National Government.

↓

Why?
Feared a government like King George



US GOVERNMENT IN 1781



Fearing a strong central govt. like King George the AOC created a weak National Government that was not given the power to tax, regulate trade or enforce their laws.

↓

EFFECTS
Could not deal effectively with US problems.



ALL MEN CREATED EQUAL

- The **Confederation Congress** created a **National Government** based on **representative democracy**.

Powers Granted to Government under the Articles of Confederation

- Declare war and make peace
- Make treaties with foreign countries
- Establish an army and navy
- Appoint high-ranking military officials
- Requisition, print, and borrow money
- Establish weights and measures
- Hear disputes among the states related to trade or boundaries

Powers Denied to Government

- No power to raise funds for an army or navy
- No power to tax, impose tariffs, or collect duties
- No executive branch to enforce laws
- No power to control trade among the states
- No power to force states to honor obligations
- No power to regulate the value of currency

VI. LANDMARKS IN LAND LAWS (SLIDE 1 OF 2)

- Passages of public domain legislation:
 - **Old Northwest** = area northwest of Ohio River, east of Mississippi River, south of Great Lakes
 - **Land Ordinance of 1785** (see Map 8.2) set up orderly process to sell land in Old Northwest and use proceeds to pay national debt:
 - After surveyed, land divided into townships, then into sections
 - Sixteenth section sold to fund education



Map 8.2 p167

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VI. LANDMARKS IN LAND LAWS (SLIDE 2 OF 2)

- **Northwest Ordinance of 1787:**
 - Governance of old Northwest—how nation would deal with its colonies:
 - First, two evolutionary territorial stages under subordination to federal government
 - Once a territory had 60,000 inhabitants, it could be admitted by Congress as a state
 - Ordinance forbade slavery in old Northwest

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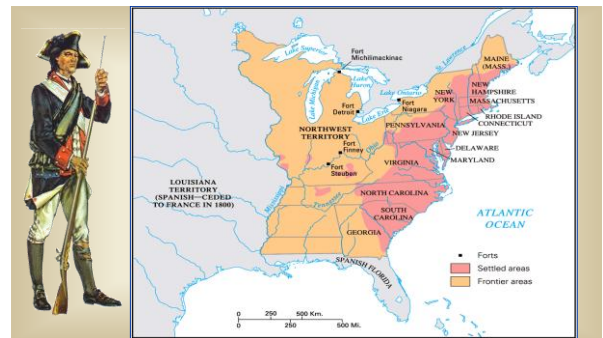
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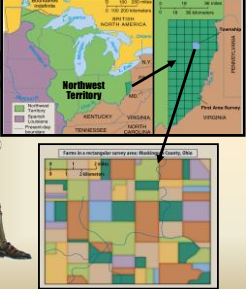
Northwest Ordinance 1787

States cede "Northwestern"
land claims

Goal:
Create New
States

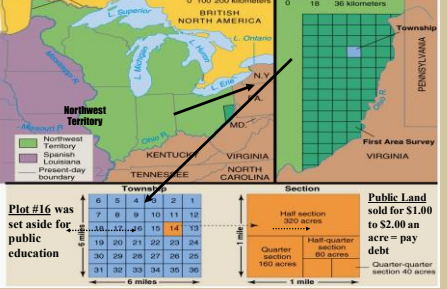


LAND ORDINANCE OF 1785



- Grid system was created by Thomas Jefferson...
- Structured and organized land policy
- Allowed for a peaceful purchase of land.
- Promoted an orderly expansion westward...
- Confederation Congress convinced states who claimed land out west to cede their land to the US Govt.
- US Govt. was to come up with a fair and reasonable land policy... Unlike the Proclamation of 1763...

LAND ORDINANCE OF 1785



Plot #16 was set aside for public education

Public Land sold for \$1.00 to \$2.00 an acre = pay debt

NORTHWEST ORDINANCE OF 1787



- An addition to the Land Ordinance of 1785
- Congress sold land in large blocks, 40, 80, 160, 320 and 640 acres.
- \$1 to 2\$ an acre to help pay debt.
- Encouraged settlers to form townships.
- New states formed would be = to original 13
- Influx of settlers causes violence with Indians
- Guaranteed settlers "unalienable rights"

NORTHWEST ORDINANCE



1ST STEP

WHEN PEOPLE FIRST SETTLE IN THE AREA:

Congress appoints a governor and three judges to govern the territory

2ND STEP

5,000 FREE ADULT MALES:

Landowners elect a congress to make laws and raise taxes with approval of governor. 1 representative is elected to the US Congress who can debate but not vote.

3RD STEP

60,000 SETTLERS:

Becomes a state, with its own government and constitution. New states admitted with same rights as the original states. No more than 5 states can be carved out of this area.

The Northwest Ordinance encouraged ideals of the DOI and republicanism (representative democracy), religious freedom, protection of liberty and property, encouraged education, admitted new states and no slavery.

Northwest Ordinance 1787



SLAVERY OUTLAWED
in Northwest Territories

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GREAT SUCCESS



SUCCESS

The Northwest Ordinance is widely regarded as the most successful piece of legislation passed by the Confederation Congress.

VII. THE WORLD'S UGLY DUCKLING (SLIDE 1 OF 2)

- Relations with Britain remained troubled:
 - England refused to send a minister to America
 - Declined to negotiate a commercial treaty or to repeal Navigation Laws
 - Closed West Indies trade to the states
 - Maintained a chain of trading posts on U.S. soil
 - Continued fur trade with Indians
- States refused to adopt a uniform tariff policy in relation to Britain.

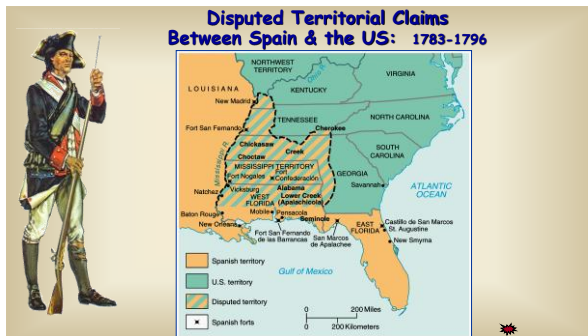
VII. THE WORLD'S UGLY DUCKLING (SLIDE 2 OF 2)

- Spain was openly hostile to new Republic:
 - In 1784 Spain closed Mississippi River to American commerce, threatening West with strangulation
 - Claimed large areas north of Gulf of Mexico
 - Because Spain and Britain influenced Indians, America unable to exercise control over half of its territory (see Map 8.3).
- France, America's friend, cooled off now that Britain humbled.
- North African pirates ravaged America's Mediterranean commerce.

Problems with Trade

- U.S. no longer the favorite trading partner of Great Britain
 - U.S. exports to British ports had to be on British ships
 - Many U.S.-produced goods were barred from British ports
 - Britain sent vast amounts of cheap goods to U.S.
- Potential Remedy
 - Establish a tariff on British goods
- Weakness in Articles of Confederation preventing this solution

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VIII. THE HORRID SPECTER OF ANARCHY (SLIDE 1 OF 4)

- Economic problems, mid-1780s:
 - System of raising tax money was breaking down.
 - Interest on public debt was escalating.
 - Some states were levying their own duties.
 - Some were printing depreciated paper money.
- Shays's Rebellion** in western Massachusetts:
 - Impoverished farmers lost land through mortgage foreclosures and tax delinquencies.

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VIII. THE HORRID SPECTER OF ANARCHY (SLIDE 2 OF 4)

- Led by Captain Daniel Shays, debtors demanded:
 - State issue paper money, lighten taxes, and suspend property takeovers
 - Hundreds attempted to enforce demands
 - Massachusetts authorities responded by raising small army and skirmishes occurred
 - After three Shaysites killed and one wounded, movement collapsed

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VIII. THE HORRID SPECTER OF ANARCHY (SLIDE 3 OF 4)

- Shays's followers were crushed, but memory remained:
 - Massachusetts passed debtor-relief laws.
 - Shays's outburst caused fear among propertied class.
 - Civic virtue insufficient to rein in self-interest.
 - Needed stronger central government to block "mobocracy."

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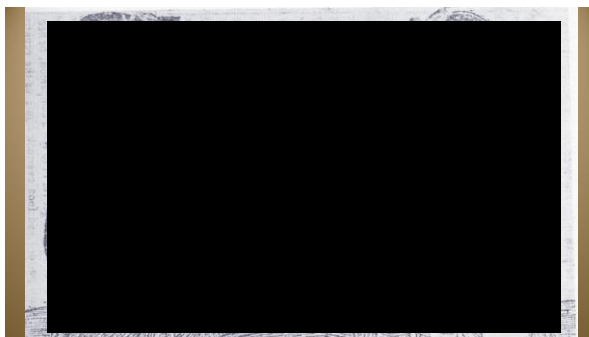
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VIII. THE HORRID SPECTER OF ANARCHY (SLIDE 4 OF 4)

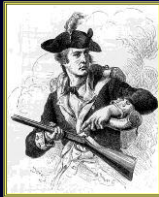
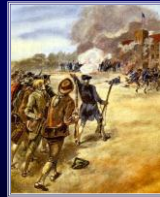
- How critical were conditions under Articles?
 - Conservatives, protecting their wealth, exaggerated seriousness of nation's plight.
 - They sought to amend Articles to create more muscular central government.
 - Both friends and critics of the Confederation agreed it needed strengthening, but disagreed over how much its powers should be increased.
 - Economy actually improved, late 1780s.



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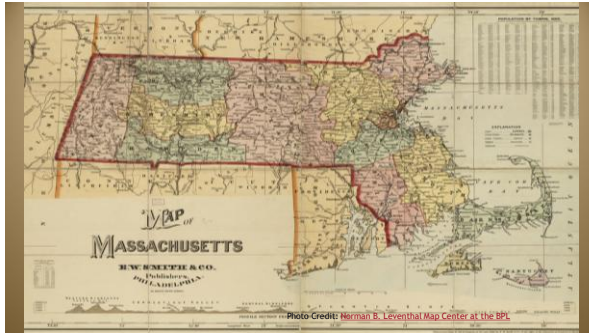


SHAYS' REBELLION, 1787

Daniel Shays

1785 to 1787, unfair taxes, debt and foreclosure
Farmer's rebellion to overthrow Mass. Govt.



SHAYS' REBELLION, 1787

★ Attacks by Shay followers
★ Encounters between Shay's and hired militias.

Outcomes

Rebellion put down by a private militia

US Govt. too weak to put down rebellion

Americans feared gov't. too weak = anarchy

Call for a Constitutional Convention to change AOC and create a stronger national government.



US DEBT AFTER THE WAR

Foreign Debt
\$11,710,000

State Debt
\$21,500,000

Federal Domestic Debt
\$42,414,000

→ We owed France, Spain and other countries who helped us with the Revolutionary War.

→ Individual states owed citizens who loaned money to their state.

→ US Govt. owed soldier's for fighting in the war, debts to British and Loyalists.

\$80 Million

Debtors vs. Creditors

Western Mass.
Farmers

Boston
Merchants

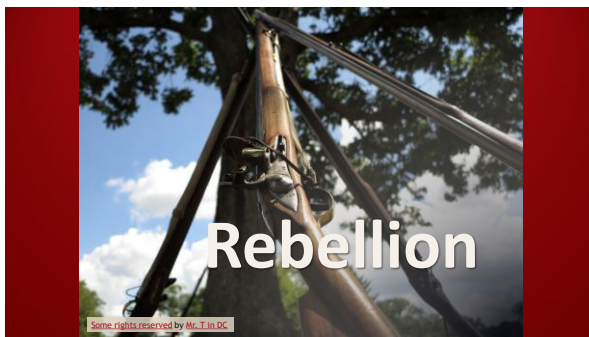
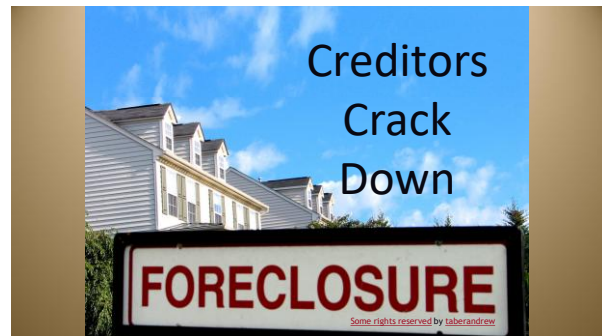
Debtors

Want

Debt Relief

Paper Money

Foreclosures





SHAYS' REBELLION

- ✓ In early 1787 a group of small farmers protested against the Massachusetts govt.
- ✓ Why? They were in debt, their homes being repossessed and unfair taxation.
- ✓ They were led by Daniel Shays, a former army captain in the Revolutionary War.
- ✓ The purpose of the rebellion was to prevent foreclosures by keeping the courts from sitting until the next election.
- ✓ Shay's Rebellion was put down by private army paid for by wealthy merchants from Boston.
- ✓ The AOC was unable to put down the rebellion with a national guard or army.

ANARCHY

**total chaos, mob rule,
survival of the fittest, no
respect for law and order
or attempting to
overthrow the authority of
govt. = unstable govt. =
no govt.**

"MOBOCRACY"



IX. A CONVENTION OF "DEMIGODS" (SLIDE 1 OF 3)

- Annapolis convention of 1786:
 - Called to deal with commercial disputes
 - Nine states appointed delegates, only five attended
 - Alexander Hamilton got convention to call for meeting in Philadelphia in 1787 to bolster entire fabric of Articles of Confederation
 - Eventually Congress agreed to a convention *"for the sole and express purpose of revising"* Articles
 - Each state sent representatives, except Rhode Island



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IX. A CONVENTION OF "DEMIGODS" (SLIDE 2 OF 3)

- 55 emissaries from 12 states convened in Philadelphia on May 25, 1787.
- Sessions were held in secrecy, with armed sentinels at doors.
- Caliber of participants was extraordinarily high—"demigods," Jefferson called them.
- Most were lawyers with experience at state constitution-making.
- George Washington was elected chairman.
- Benjamin Franklin served as elder statesman.



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IX. A CONVENTION OF "DEMIGODS" (SLIDE 3 OF 3)

- James Madison's contributions were so notable he was dubbed "the Father of the Constitution."
- Alexander Hamilton advocated a super-powerful central government.
- Most Revolutionary leaders of 1776 were absent.
- Time had come to fashion a solid political system.



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**ELITE
CONSENSUS
WE NEED MORE
GOVERNMENT**



Why A New Constitution

- ✓ The AOC was unable to act decisively in a time of crisis (***could not protect life, liberty and property***).
- ✓ Provided all the evidence needed to finally convene and revise the constitution.
- ✓ Why was ***Shay's Rebellion*** such a concern to our founding fathers?



The Elites Response to Shay's Rebellion:

"Respectable"
Americans were shocked by the violence. Feared "mobocracy".



Let us have
{ a Constitution }
by which our lives,
liberties and properties
will be secured....



"Our situation is becoming every day more and more critical. No money comes into the Federal Treasury; no respect is paid to the Federal authority... the existing confederacy is tottering to its foundation..."

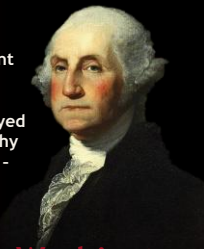
-- James Madison to Edmund Pendleton, February 23, 1787, Madison Papers.

Madison

http://www.shaysrebellion.stcc.edu/shaysapp/person.do?shortName=james_madison

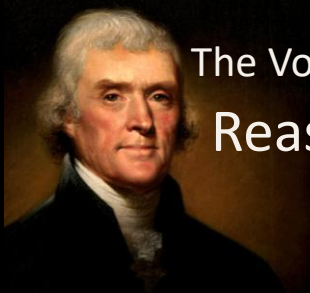
"The moment is, indeed, important! - If government shrinks, or is unable to enforce its laws; fresh maneuvers will be displayed by the insurgents - anarchy & confusion must prevail - and every thing will be turned topsy turvey."

George Washington to Henry Knox, February 3, 1787

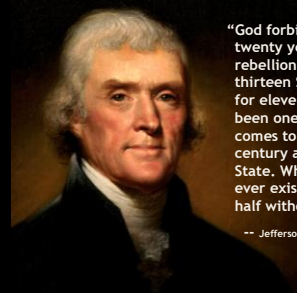


Washington

<http://www.gilderlehrman.org/history-by-era/creating-new-government/resources/george-washington>



The Voice of Reason



"God forbid we should ever be twenty years without such a rebellion... We have had thirteen States independent for eleven years. There has been one rebellion. That comes to one rebellion in a century and a half, for each State. What country before ever existed a century and a half without a rebellion?"

-- Jefferson to William S. Smith, 1787

<http://www.easylamerica.com/review/summer/letter.html>

$$11 \times 13 = 143$$

$$11 \times 13 = 143$$

APPROX 150 YEARS
PER STATE

THIS IS NOT
A BIG DEAL!



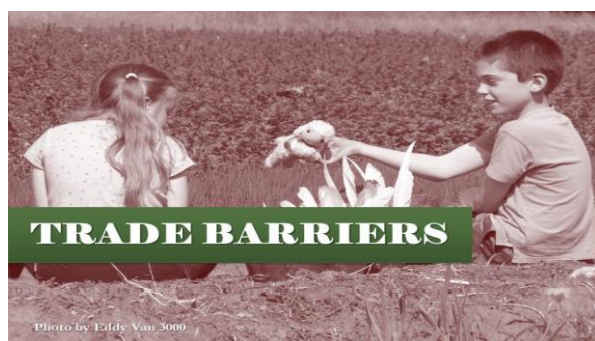
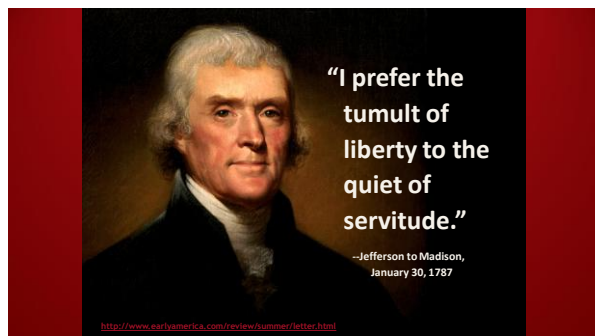
"Malo periculosam
libertatem quam
quietam
servitutem."

— Jefferson to Madison,
January 30, 1787

<http://www.earlyamerica.com/review/summer/letter.html>

Say
What?

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The Elites Response to Shay's Rebellion

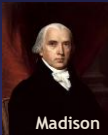
The Annapolis Convention (1786)

- ❑ George Washington hosted a conference at his home in Mt. Vernon, VA (1785)
- ❑ Representatives agreed that the problems were serious enough to hold further discussions at a later meeting at Annapolis, MD, at which all the states might be represented
- ❑ Only 5 states sent delegates
- ❑ Alexander Hamilton and James Madison persuaded the others to call for a Constitutional Convention to be held in Philadelphia for the purpose of revising the Articles of Confederation

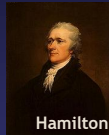


The Federalist
(aka, The Federalist Papers)





Madison



Hamilton



Jay

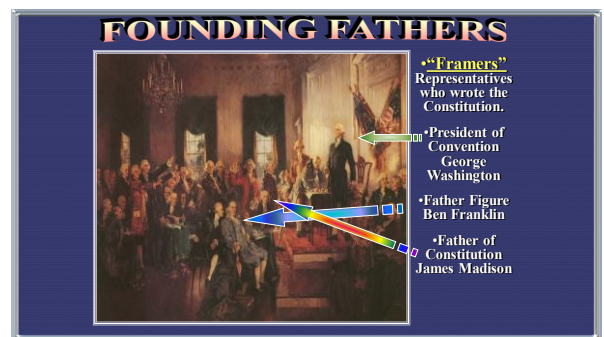
A New Constitution is Necessary



	Articles	Constitution
Federalism	A Firm League of Friendship	A More Perfect UNION
Sovereignty	States	Shared
Representation of States	EQUAL	Proportional (House) Equal (Senate)
Taxation	States ONLY	State & Federal
Powers of Congress	Foreign Relations Army and Navy Declare War Ambassadors Treaties	In Addition: Taxation Interstate Commerce Currency Crush Rebellions
Legislation	2/3	Senate + House + President
Amendments	UNANIMOUS	2/3 Congress + 3/4 States

X. PATRIOTS IN PHILADELPHIA (SLIDE 1 OF 2)

- The 55 delegates:
 - Conservative, well-to-do lawyers, merchants, shippers, land speculators, moneylenders
 - Not a single person from the debtor groups
 - Young (average age 42) but experienced statesmen
 - Nationalists, more interested in preserving young Republic than stirring popular democracy



Framers of the Constitution

- Republicans opposed any centralization of power.
- Federalists favored a stronger government. However, there was no agreement among the Federalists concerning the structure and division of power for this new government.

Father of the U.S. Constitution



"The writing of the Constitution formed a task more difficult than can be well conceived by those who were not concerned in the execution of it. Adding to the difficulty the natural diversity of human opinions on all new and complicated subjects, it is impossible to consider the degree of concord which ultimately prevailed as less than a miracle."

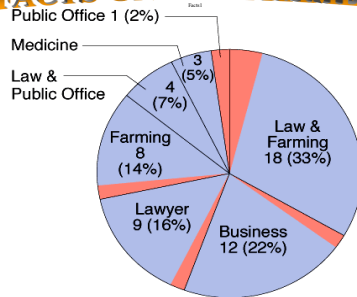
•Father of the Constitution and the Bill of Rights

•Believed in a strong central government

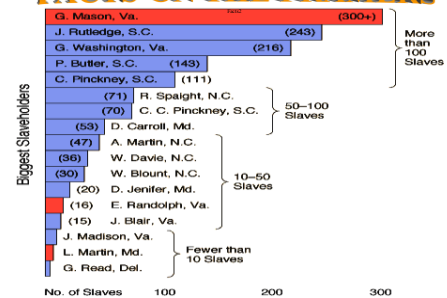
•Wrote part of The Federalist

•Would become our 4th president

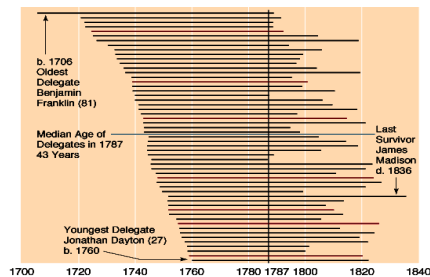
FACTS ON THE FRAMERS



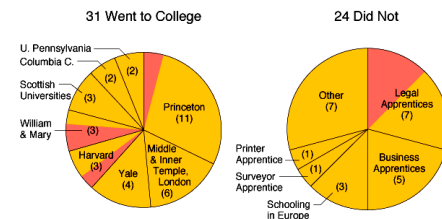
FACTS ON THE FRAMERS



FACTS ON THE FRAMERS



FACTS ON THE FRAMERS



"Snapshot of a 'Framer'"



- White Male Adults
- Landowners
- Some education
- Some were slave owners
- Lawyers
- Merchants

Who wasn't invited to the Convention

Class Discussion

Who was not in the room?

How might that have changed things?

What influence did the Declaration of Independence and Articles have on the discussion?



X. PATRIOTS IN PHILADELPHIA (SLIDE 2 OF 2)

- Wanted a firm, dignified, and respected government:
 - Believed in republicanism, but sought to protect American experiment from weakness abroad and excesses at home
- Wanted central government to control tariffs in order to secure commercial treaties from foreign nations
- Determined to preserve union, forestall anarchy, and ensure security of life and property against uprisings by "mobocracy"
- Curb unrestrained democracy rampant in several states
- Motivated by fear



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XI. HAMMERING OUT A BUNDLE OF COMPROMISES (SLIDE 1 OF 6)

- Some delegates decided to completely *scrap* Articles of Confederation
 - Despite explicit instructions from Congress to *revise*
 - Were determined to overthrow existing government by peaceful means (see Table 8.1)



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New Password

Articles of Confederation

Weak

New Password

The Constitution

Strong



CONSTITUTIONAL CONVENTION



- The **Constitutional Convention** was a large meeting held in **Philadelphia**, Pennsylvania at **Independence Hall** from May of 1787 to Sept. to 1787 where **55** delegates representing their states.
- They came to revise, change or throw out the AOC and write a new Constitution.



CONSTITUTIONAL CONVENTION

GOAL
of the **Constitutional Convention** was how to create a government that did not resemble **King George** but create a govt. that was powerful enough

- to tax
- regulate trade
- protect private property
- enforce its laws

without taking away the **rights** that were fought for in the American Revolution?

CONSTITUTIONAL CONVENTION

- Many Representatives (delegates) believed the AOC was too weak to solve the problems of the US and "**mobocracy**".
- The decision was scrap the AOC and start over.



Table 8.1 Evolution of a Federal Union

Years	Attempts at Union	Participants
1643–1684	New England Confederation	4 colonies
1686–1689	Dominion of New England	7 colonies
1754	Albany Congress	7 colonies
1765	Stamp Act Congress	9 colonies
1772–1776	Committees of Correspondence	13 colonies
1774	First Continental Congress (adopts The Association)	12 colonies
1775–1781	Second Continental Congress	13 colonies
1781–1789	Articles of Confederation	13 states
1789–1790	Federal Constitution	13 states

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XI. HAMMERING OUT A BUNDLE OF COMPROMISES (SLIDE 2 OF 6)

- Proposals:
 - Virginia Plan**—"large-state plan": representation in both houses of bicameral Congress would be based on population—an arrangement that advantaged larger states
 - New Jersey Plan**—"small-state plan": provided for equal representation in unicameral Congress, regardless of size and population
- Bitter debate

XI. HAMMERING OUT A BUNDLE OF COMPROMISES (SLIDE 3 OF 6)

- The Great Compromise:**
 - Larger states gained representation by population in House of Representatives (Art. I, Sec. II, para. 3; see the Appendix)
 - Smaller states were appeased by equal representation in Senate (Art. I, Sec. III, para. 1)
 - Agreed that all tax bills or revenue measures must originate in House, where population counted more heavily (Art. I, Sec. VII, para. 1).
 - Compromise broke deadlock

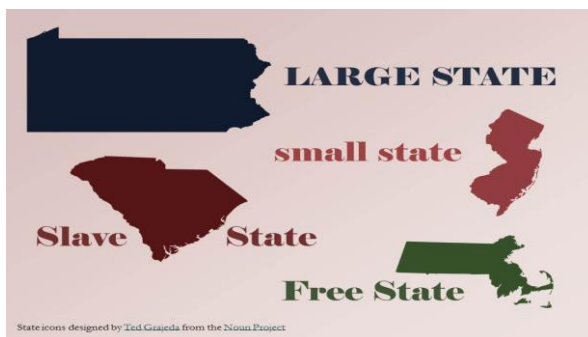
CONSTITUTIONAL CONVENTION



- First major argument between the delegates was over how many **representatives** each state would have in Congress.
- What type of **Congress** should we have?

• **Large states** (Massachusetts and Virginia) believed the more population, the more representatives in Congress.

• **Small states** (New Jersey and Connecticut) believed each state should have equal representation.



Statistics From the 1790 Census

	State Population	Percentage of Total	Enslaved Population	Number of Slaves	Percentage of Population
New Hampshire	141,885	4%		158	0%
Massachusetts	378,787	10%		0	0%
Connecticut	237,946	7%		2,759	1%
Rhode Island	68,825	2%		152	0%
NEW ENGLAND		23%	827,443		
New Jersey	184,139	5%		11,423	6%
New York	340,120	9%		21,324	6%
Pennsylvania	434,373	12%		3,737	1%
MIDDLE STATES			958,632		
NORTH OF MASON/DIXON		49%	1,786,075	39,833	6%
Delaware	59,096	2%		8,887	15%
Maryland	319,728	9%		103,036	32%
Virginia	747,610	20%		293,427	39%
North Carolina	393,751	11%		100,572	26%
South Carolina	249,073	7%		107,094	43%
Georgia	82,548	2%		29,264	35%
SOUTHERN STATES		51%	1,851,806	642,280	94%
TOTAL POPULATION			3,637,881	SLAVE POPULATION	681,833

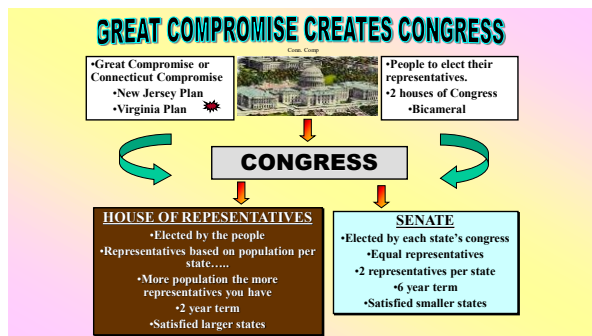
Sources: <http://www.infoplease.com/ce6/a/A000498.html>
<http://marcyes.alphadelta.com/marcyes/states/slave-population-of-us-states.html>

VIRGINIA PLAN	new jersey plan
 JAMES MADISON	William paterson 
BICAMERAL Legislature	unicameral legislature
Based on POPULATION	one vote per state
View Census Data	

VIRGINIA PLAN VS. NEW JERSEY PLAN

Issues of representative government would be argued at Constitutional Convention

Virginia Plan proposed by the larger states	New Jersey plan proposed by small states
- Establish a national government with 3 branches. - Establish a bicameral Congress. - People elect 1 house - That house elects 2nd house - Representation in both houses based on state population	- Establish a unicameral Congress - Each state to have 1 vote - Equal representation - States equally represented similar to the Articles of Confederation



XI. HAMMERING OUT A BUNDLE OF COMPROMISES (SLIDE 4 OF 6)

- The final Constitution was:
 - Short because grew from Anglo-American **common law** legal tradition (in contrast to **civil law** tradition)
 - Provide flexible guide to broad rules of procedures rather than detailed laws
 - The original (unamended) Constitution contained just 7 articles and took about 10 pages to print

XI. HAMMERING OUT A BUNDLE OF COMPROMISES (SLIDE 5 OF 6)

- The president:
 - Broad authority to make appointments to domestic offices, including judgeships
 - Power to veto legislation
 - Not absolute power to wage war
 - Congress retained crucial right to *declare* war
- Constitution a bundle of compromises:
 - Elect president indirectly by Electoral College rather than by direct means

CONSTITUTIONAL CONVENTION

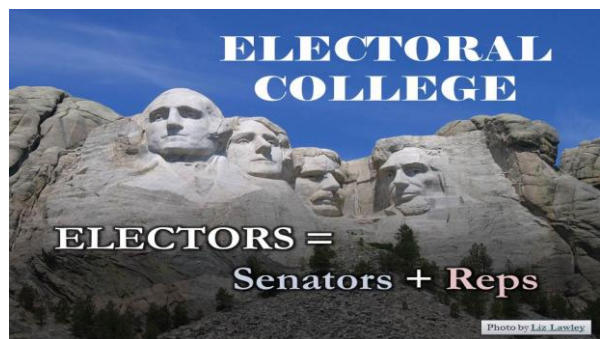
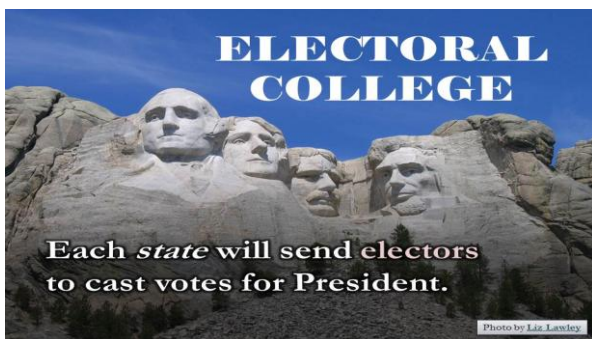
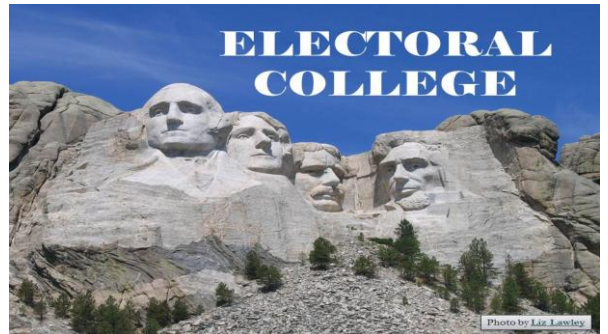
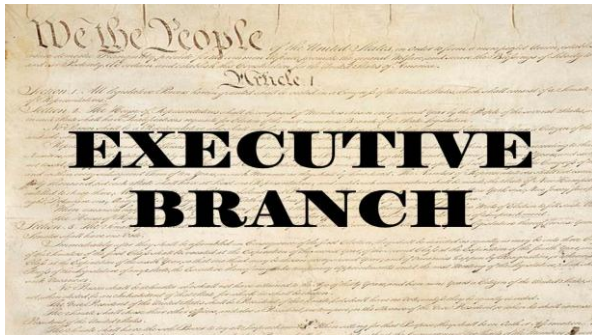


2nd major argument between the delegates was how to create an executive (president) which didn't resemble King George III

How would he/she be chosen?

Created an Electoral College

- Placed a "**check and balance**" on the people's vote but tried to keep "**representative democracy**" in principle.



ELECTORAL COLLEGE

Historical Background

- Why was the Electoral College created by the Framers?
 - Created as an alternative to either popular election or Congress electing the President.
 - Each state chose electors—based on the number of representatives each state has in Congress.
- Electoral vote was state to state—each elector voted for two candidates.... One vote per candidate.
 - Electors vote with the "will" of the people from the state they represented..... but not required.
 - Candidate with the most votes became President; runner-up became Vice President.
- In case of a tie, the House of Representatives elected the President.

electoral college

FREE RESPONSE ESSAY

To what extent was the United States Constitution a total departure from the Articles of Confederation.



XI. HAMMERING OUT A BUNDLE OF COMPROMISES (SLIDE 6 OF 6)

- A state's share of electors based on total of its senators and representatives in Congress (see Art. II, Sec. I, para. 2)
- Slavery and Constitution (see Table 8.2):
 - Three-fifths compromise:** slave as three-fifths of a person for representation (see Art. I, Sec. II, para. 3)
 - Slave trade could continue until end of 1807 (see Art. I, Sec. IX, para 1).

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CONSTITUTIONAL CONVENTION



•3rd major argument between the delegates was how to limit the power of government.

•But, give it enough power to be effective.

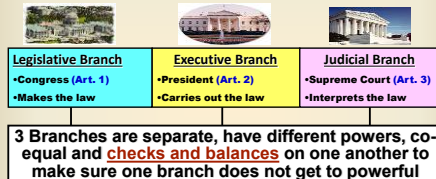
Created a system of government

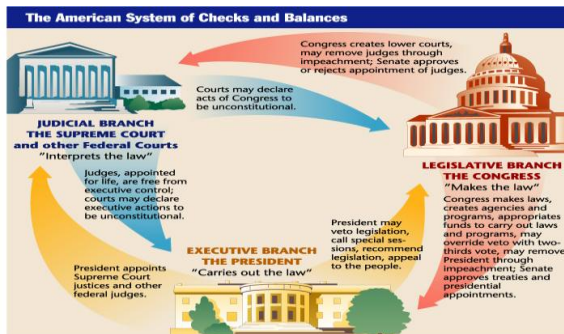
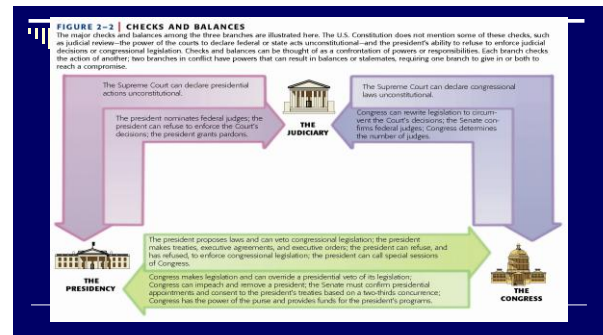
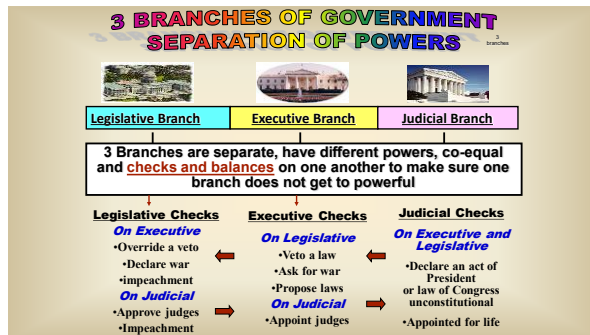
- Separated the powers of government into 3 branches that are co-equal but independent from one another.
- To make sure one branch didn't become too powerful they created a system of checks and balances.

Working Toward the Final Agreement

- The Madisonian Model
 - Separation of Powers.** The legislative, executive, and judicial powers to be independent of each other
 - Checks and Balances.** Government had considerably more power than under the Articles of Confederation. However, these men were distrustful of those who would hold this power and of the people who would select the governmental officials.

3 BRANCHES OF GOVERNMENT SEPARATION OF POWERS





QUESTION:

Should *slaves* be counted for purposes of representation in the lower house of Congress?

Consider the interests of your assigned state when answering.

[View Census Data](#)

CONSTITUTIONAL CONVENTION

- 4th major argument between the delegates was over slavery.
- Southern states wanted their slaves to be counted as part of their population because it would give them more representation in Congress.
- Northern states wanted to abolish slavery..
- Southern States would of left the Constitutional Convention if there was an attempt to abolish slavery.
- North and South worked out 2 compromises.

3/5'S COMPROMISE

- Southern states wanted their slaves to be counted as part of the total population of their state.
Why?
- This would give them more representatives in Congress.
- Thus giving them more voting power in Congress and protecting their self-interest of slavery.

3/5's COMPROMISE



- Northern states objected to the South's proposal and would only agree to compromise.
- 3 of every 5 slaves would be counted as part of a state's total population.
- It was supported by both North and South

The "Three-Fifths" Compromise

FOR THE SOUTH

For representation in Congress, slaves counted as 3/5 of a person.

FOR THE NORTH

3/5

The "Three-Fifths" Compromise

FOR THE SOUTH

3/5

FOR THE NORTH

After 20 years, Congress has the power to regulate (or outlaw) the international slave trade.

3/5's COMPROMISE



Georgia's Population

White = 300,000

Slaves = 100,000 3/5's of 100,000

3/5's of 100,000 = 60,000

300,000 + 60,000 =

Total Population = 360,000
which would be counted towards representation in Congress.

3/5'S COMPROMISE



- Northern states agreed to the 3/5's Compromise only if the South abolished the Slave Trade by 1807.....
- Agreement was made....North was hoping slavery would eventually fade away and die out .
- This was their step towards abolishing slavery.

FUGITIVE SLAVE LAW

CAUTION!!
COLORED PEOPLE
OF BOSTON, ONE & ALL,
You are hereby respectfully CAUTIONED and advised, to avoid conversing with the Watchmen and Police Officers of Boston.
For since the recent ORDER OF THE MAYOR & ALDERMEN, they are empowered to act as KIDNAPPERS, ONE & ALL.
And they have already been actually employed in KIDNAPPING, CARRYING, AND KEEPING SLAVES. Therefore, if you value your LIBERTY, and the Freedom of the Fugitive name, stay clear of every gentleman, on the spot, on the track of the most unfortunate of your race.
Keep a Sharp Look Out for KIDNAPPERS, and have TOP EYE OPEN.

• Law created at the Constitutional Convention in 1787.

• Escaped slaves captured had to be returned to their plantation owner.

• Not enforced in North and led to the creation of the Underground Railroad.

• Southerners would become bitter and ultimately left the US.

Table 8.2 Slavery and the Constitution

Section	Issue	Effect/Implication
Article 1, Section 2	Apportionment of direct taxes and representation in the House and Electoral College	Prescribed that federal representation be made proportionate to state populations of free people, plus 3/5 of the number of "other Persons" (slaves and Indians) in each state. It boosted the South's influence in Congress and the Electoral College.
Article 1, Section 9	Slave importation	Prohibited Congress, for a period of twenty years, from banning the "importation of such persons as any of the states now existing shall think proper to admit" (African and West Indian slaves).
Article 4, Section 1	States must respect laws of other states	Implied that states that did not legally sanction slavery must nonetheless respect the laws of states that did.
Article 4, Section 2	Runaway slaves and indentured servants	Stipulated that "no person held to service or labor in one state ... escaping into another" (runaway slaves) could thereby achieve freedom. The basis for the Fugitive Slave Act of 1793.
Article 4, Section 4	Federal defense and protection of states	Guaranteed federal intervention on behalf of states dealing with "domestic violence" (such as slave uprisings).

CONSTITUTIONAL CONVENTION



•Fifth major argument between the delegates was how to solve the problem over the states having more power than the national government.

Framers created a Federal Government

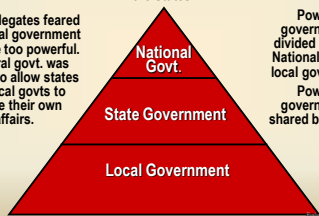
- Divided the **powers of government** on a geographic basis.
- They created 3 levels of government.
 - National, state and local

Federal Government



Some delegates feared the central government would be too powerful. A federal govt. was created to allow states and local govts to handle their own affairs.

- Supreme law of the land....
- US Constitution is over all levels of government.
- National Government is over the States.

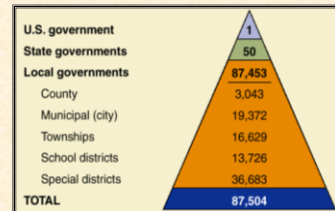


Powers of government are divided between a National, state and local governments. Powers of government are shared by all levels.

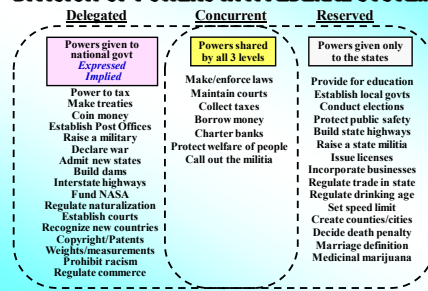
FEDERAL GOVERNMENT



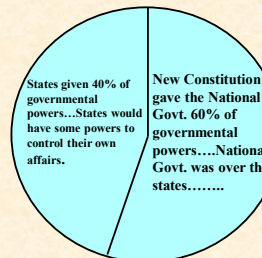
- Supreme law of the land....
- It is above all levels of government and no act, law or public policy can be in conflict with it.
- National Government is over the States.



DIVISION OF POWERS IN A FEDERAL SYSTEM



US GOVERNMENT IN 1789



With the new constitution, the National Government was given the power to tax, regulate trade, enforce its laws and over the states. National Govt. law would always be over the states.

	Articles	Constitution
Federalism	A Firm League of Friendship	A More Perfect UNION
Sovereignty	States	Shared
Representation of States	EQUAL	Proportional (House) Equal (Senate)
Taxation	States ONLY	State & Federal
Powers of Congress	Foreign Relations Army and Navy Declare War Ambassadors Treaties	In Addition: Taxation Interstate Commerce Currency Crush Rebellions
Legislation	2/3	Senate + House + President
Amendments	UNANIMOUS	2/3 Congress + 3/4 States

US Government in 1781 and 1789	
How the Weaknesses of the Articles of Confederation Were Corrected by the Constitution	
Articles of Confederation	US Constitution
- States have most of the power and national govt. has little. - No executive to carry out the laws of Congress - No national courts—only state courts 9/13 states have to approve a law before it goes into effect - Congress has no power to tax - Congress can not regulate trade among the states. - Each state coined its own money. No national currency. - Unicameral Congress - Articles only a "firm league of friendship"	- States have some power, but most power is given to the national govt. - Federal Government - Electoral College 3 branches of govt. - Executive—enforces law - Legislative—makes law - Judicial—interprets law - Checks and balances - Congress given the power to tax, regulate trade and enforce laws. - Only national govt. has the power to coin money - Bicameral (2 house) Congress - Equal Representation by States and a State's population - Constitution established a strong National Govt. over the States and to form a more "perfect union"

Weaknesses of the Articles of Confederation	New Constitution Ratified in 1789
- One vote for each State, regardless of size. - Congress powerless to lay and collect taxes or duties. - Congress powerless to regulate foreign and interstate commerce. - No executive to enforce acts of Congress. - No national court system. - Amendment only with consent of all States. - A 9/13 majority required to pass laws. - Articles only a "firm league of friendship."	2 houses of Congress - Power to tax - Regulate trade - President - Supreme court 3/4's of states needed - Congress makes law - A more perfect Union
Corrections: The New Constitution corrected the weaknesses of the AOC by giving the national government more power than the states with the ability to tax, regulate trade and enforce its laws..	

XII. SAFEGUARDS FOR CONSERVATISM (SLIDE 1 OF 3)

- Agreement among delegates was large:
 - Economically, they demanded sound money and protection of private property.
 - Politically, they favored a strong government with three branches, and with checks and balances.
 - They rejected manhood-suffrage democracy.

XII. SAFEGUARDS FOR CONSERVATISM (SLIDE 2 OF 3)

- Erected safeguards against excesses of "mob":
 - Federal judges were appointed for life
 - President to be elected *indirectly* by **Electoral College**
 - Senators were chosen *indirectly* by state legislatures (see Art. I, Sec. III, para. 1)
 - In House of Representatives, qualified (propertied) citizens permitted to choose their officials by *direct* vote (see Art. I, Sec. II, para. 1)

XII. SAFEGUARDS FOR CONSERVATISM (SLIDE 3 OF 3)

- Democratic elements in new charter:
 - Stood on two great principles of republicanism
 - The only legitimate government was one based on consent of the governed.
 - Powers of government should be limited—in this case by a written constitution.
 - Virtue of the people, not authority of the state, was ultimate guarantor of liberty, justice, and order.



• **The Federalist Papers** were a series of 85 essays written by Alexander Hamilton, James Madison and John Jay which supported the Constitution and convinced Americans that a stronger national government was needed.

• **Supported the Constitution and a strong central government**

RISE OF POLITICAL PARTIES

Anti-Federalists

- The national govt was too powerful and it would take away your right to **"life, liberty, property and the pursuit of happiness"**
- The **constitution** was a threat to the "rights" we fought for in the Revolution
- States should have more authority than the national govt.
- Feared **representative democracy** was threatened because our rights were not protected.
- Appealed to the common man, farmers and less educated

• Patrick Henry
 • Thomas Jefferson
 • Sam Adams

Ratification

- **The Federalist Papers**
 - An attempt to persuade the public to support the new form of government.
 - *Federalist #10* and *Federalist #51* provide an excellent view of James Madison's political theory concerning human nature.

XIV. THE GREAT DEBATE IN THE STATES (SLIDE 1 OF 2)

- Special elections held for members of ratifying conventions (see Table 8.4)
 - Candidates—federalist or antifederalist—were elected based on whether they were for or were against Constitution.
 - Four small states quickly accepted Constitution
 - Pennsylvania was first large state to ratify
 - Massachusetts presented challenges, including demand for bill of rights

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RATIFICATION

In order for the new Constitution to become the "law of the land", **9 of 13** states had to **ratify** the Constitution.



1. Delaware 30 – 0
2. Pennsylvania 46 – 23
3. New Jersey 38 – 0
4. Georgia 26 – 0
5. Connecticut 128 – 40
6. Massachusetts 187 – 168
7. Maryland 63 – 11
8. South Carolina 149 – 73
9. **New Hampshire 57 – 47**
10. Virginia 89 – 79
11. New York 30 – 27
12. North Carolina 194 – 77
13. Rhode Island 34 – 22

XIV. THE GREAT DEBATE IN THE STATES (SLIDE 2 OF 2)

- Once assured of such a protection, Massachusetts ratified by margin of 187 to 168.
- Three more states then signed.
- New Hampshire was the last.
- All but Virginia, New York, North Carolina, and Rhode Island had taken shelter under "new federal roof."
- Document officially signed on June 21, 1788.

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Support for the New Constitution

- ❑ **Beard's Thesis.** Historian Charles Beard argued that the Constitution was put through by an undemocratic elite intent on the protection of property.
- ❑ **State Ratifying Conventions.** These conventions were elected by a strikingly small part of the total population.
- ❑ **Support Was Probably Widespread.** Still, the defense of property was a value that was by no means limited to the elite. The belief that the government under the Articles was dangerously weak was widespread.

XV. THE FOUR LAGGARD STATES (SLIDE 1 OF 3)

- Virginia:
 - Provided fierce antifederalist opposition.
 - They claimed document was death warrant of liberty.
 - Federalists G. Washington, J. Madison, and **John Marshall** lent influential support. Remember this Guy, we will See Him again!
 - After intensive debate, state convention ratified it 89 to 79.



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XV. THE FOUR LAGGARD STATES (SLIDE 2 OF 3)

- New York:
 - Alexander Hamilton, John Jay, and James Madison wrote a series of federalist newspaper articles.
 - **The Federalist Papers** were most penetrating commentary ever written on Constitution.
 - Most famous is Madison's *Federalist* No. 10, which refuted that it was impossible to extend a republican form of government over a large territory.
 - New York finally ratified by count of 30 to 27.



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XV. THE FOUR LAGGARD STATES (SLIDE 3 OF 3)

- North Carolina, after a hostile convention, adjourned without taking a vote.
- Rhode Island didn't summon a convention, rejected Constitution by popular referendum.
- Two most ruggedly individualist centers remained true to form.
- Last four states eventually ratified, not because they wanted to, but because they had to:
 - Could not safely exist outside new nation



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UNITED STATES CONSTITUTION SUPREME LAW OF THE LAND

It represents our belief in

- Power of govt. comes from the people
- Government power is limited
- Ordered, organized and structured govt.
- Representative democracy
- Written, May 1787 to Sept. 1787
- 7,000 words
- Longest lasting constitution in history
- Greatest symbol of democracy in the world

PREAMBLE

WE THE PEOPLE

of the United States,

- in order to form a more perfect Union
 - establish Justice
 - ensure 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.*



Article 1

Legislative Branch Makes the law

- Section 1---House of Representatives and Senate
- Section 2 & 3---Qualifications for Congress
- Section 4---Elections and Meetings
- Section 5---Rules of Order
- Section 6---Pay Privileges
- Section 7---How Bills Become Laws
- Section 8---Powers of Congress
- Section 9---Powers Denied to Congress
- Section 10---Powers Denied to States

POWERS OF CONGRESS

Article 1 Section 8

- Makes the law
- Power to tax
- To coin money
- Regulate foreign and interstate trade
- Raise and maintain armed forces
- Declare war
- Grant patents and copyrights
- Building hydroelectric dams
- Interstate highway system
- Prohibit racial discrimination



Article 2

Executive Branch

Signs, carries out or executes the law into action

- Section 1---Qualifications of President & Vice President
- Section 2---Presidential Powers
- Section 3---Presidential Duties
- Section 4---Impeachment

CONSTITUTIONAL POWERS OF THE PRESIDENT

Article 2 **Executive Power**

- Signs or enforces the law
- Veto power
- Commander in Chief
- Ask for a declaration of war
- Enter into a treaty
- Grants pardons and reprieves
- Appoints ambassadors, judges and cabinet
- Call a special session of Congress



President Bush signing a proposed bill of Congress into law

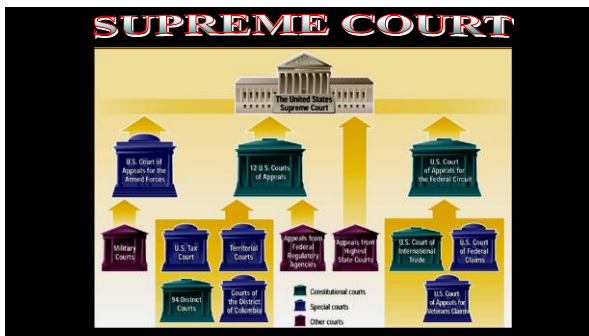
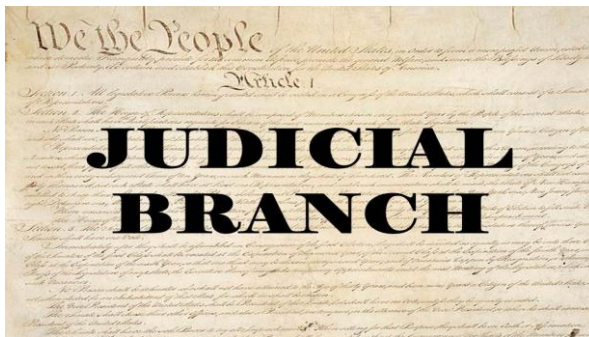
Power of press



Article 3

Judicial Branch Interprets the law (constitution)

- Section 1---Qualifications of Judges
- Section 2---Jurisdiction of Courts
- Section 3---Treason



Article 4

Concerning the States

- Section 1---rights and duties of states
- Section 2---rights and liabilities of citizens
- Section 3---admitting new states
- Section 4---guarantee to states

Article 5

Amending the Constitution---adding on or changing the Constitution---27 Amendments

Article 6

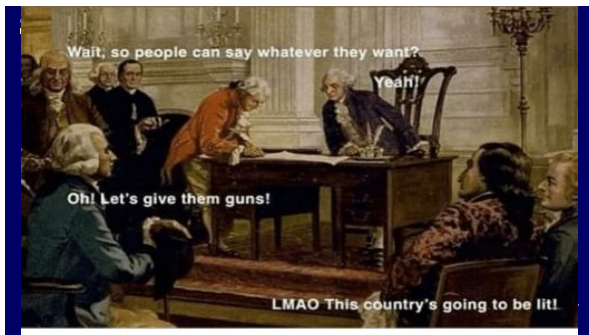
Constitution, law of the land.....Supremacy Clause

Article 7

Ratification of Constitution by 9 states

The Bill of Rights

- A "Bill of Limits." The package was assembled by Madison, who culled through almost two hundred state suggestions.
- No explicit limits on state government powers.
- Did not apply to state governments. The restrictions only were applicable to the national government until the 14th amendment incorporated some of these rights.



"BILL OF RIGHTS"
First *10 Amendments* to the Constitution in 1791
Rights and freedoms won in the Revolution are preserved and protected...

1. FREEDOM of Religion, Press, Speech, Assembly, Petition	6. RIGHT TO A SPEEDY, PUBLIC TRIAL BY JURY
2. RIGHT TO KEEP AND BEAR ARMS	7. TRIAL BY JURY IN CIVIL SUITS
3. NO QUARTERING of soldiers in peacetime	8. NO EXCESSIVE FINES or CRUEL PUNISHMENT
4. NO UNREASONABLE SEARCH and SEIZURE	9. POWERS RESERVED TO THE PEOPLE
5. PROTECTION of ACCUSED	10. POWERS RESERVED TO THE STATES

The Formal Amendment Process

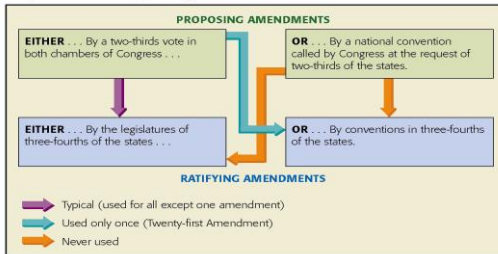
- Every government needs to be able to cope with any new and unforeseen problem. Any Constitutional change should, however, be taken on with extreme caution. If the process to amend the Constitution is rigorous, there should be ample time to consider the merits of such a change.

AMENDING THE CONSTITUTION

2 / 3 + 3 / 4



FIGURE 2-3 | THE FORMAL CONSTITUTIONAL AMENDING PROCEDURE
There are two ways of proposing amendments to the U.S. Constitution and two ways of ratifying proposed amendments. Among the four possibilities, the usual route has been proposal by Congress and ratification by state legislatures.



Amending the Constitution

- Although 11,000 amendments have been considered by Congress, only 33 have been submitted to the states after being approved, and only 27 have been ratified since 1789.
- Recent amendments have usually been accompanied by time limits for ratification.
- The National Convention Provision.* Such a convention could be called and could rewrite the entire Constitution. The product of such a convention, however, would have to be ratified by the states in the same way as any amendment.

AMENDMENTS

Amendment	Subject	Year	Time Required for Ratification
1st–10th	Bill of Rights	1791	2 years, 2 months, 20 days
11th	Immunity of States from certain lawsuits	1795	11 months, 3 days
12th	Changes in electoral college procedures	1804	6 months, 6 days
13th	Abolition of slavery	1865	10 months, 6 days
14th	Citizenship, due process, equal protection	1868	2 years, 26 days
15th	No denial of vote because of race, color, or previous enslavement	1870	11 months, 8 days
16th	Power of Congress to tax incomes	1913	3 years, 6 months, 22 days
17th	Popular election of U.S. Senators	1913	10 months, 26 days
18th	Prohibition of alcohol	1919	1 year, 29 days

AMENDMENTS

Amendment	Subject	Year	Time Required for Ratification
19th	Woman suffrage	1920	1 year, 2 months, 14 days
20th	Change of dates for start of presidential and Congressional terms	1933	10 months, 21 days
21st	Repeal of Prohibition (18th Amendment)	1933	9 months, 15 days
22nd	Limit on presidential terms	1951	3 years, 11 months, 6 days
23rd	District of Columbia vote in presidential elections	1961	9 months, 13 days
24th	Ban of tax payment as voter qualification	1964	1 year, 4 months, 27 days
25th	Presidential succession, vice presidential vacancy, and presidential disability	1967	1 year, 7 months, 4 days
26th	Voting age of 18	1971	3 months, 8 days
27th	Congressional pay	1992	202 years, 7 months, 12 days

Informal Methods of Constitutional Change

- Congressional Legislation
- Presidential Action
- Judicial Review
- Interpretation, Custom, and Usage



Articles	A COMPARISON	Constitution
States	Sovereignty?	SHARED
Federal	Foreign Relations?	Federal
States	Taxation?	Federal & State
States	Commerce & Trade?	Federal (Interstate) State (Intrastate)
1 Vote Per State	Representation?	Proportional (House) Two Each (Senate)
2/3	To Legislate?	Concurrent Majority + President's Signature
UNANIMOUS	To Amend?	2/3 + 3/4

XVI. A CONSERVATIVE TRIUMPH (SLIDE 1 OF 2)

- **A minority triumphed—twice:**
 - A militant minority of radicals engineered a **military Revolution** that cast off British constitution.
 - A militant minority of conservatives engineered **peaceful revolution that overthrew inadequate Articles of Confederation**.
- A majority had not spoken:
 - Only ¼ of adult white males voted for delegates to ratifying conventions.



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XVI. A CONSERVATIVE TRIUMPH (SLIDE 2 OF 2)

- Conservatism was victorious, but principles of republican government were maintained through a redefinition of popular sovereignty:
 - Antifederalists claimed only legislatures could represent the people.
 - Federalists claimed each branch of new government could represent the people.
 - With self-limiting system of checks and balances among three branches, the Constitution reconciled conflicting principles of **liberty and order**.



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XVII. THE PURSUIT OF EQUALITY (SLIDE 1 OF 5)

- Equality was watchword everywhere:
 - Most states reduced property-holding requirements for voting.
 - Ordinary men and women demanded to be addressed as “Mr.” and “Mrs.”
 - Employers were called “boss,” not “master.”
 - Pretentious Continental Army officials who formed **Society of the Cincinnati** faced ridicule.



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XVII. THE PURSUIT OF EQUALITY (SLIDE 2 OF 5)

- Protracted fight to separate church and state resulted in notable gains:
 - **Anglican Church disestablished; reformed as Protestant Episcopal Church**
 - **Struggle to separate religion and government proved fierce in Virginia**
 - In 1786 Thomas Jefferson and co-reformers won with passage of **Virginia Statute for Religious Freedom** (see Table 5.1).



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XVII. THE PURSUIT OF EQUALITY (SLIDE 3 OF 5)

- Egalitarian sentiments challenged slavery:
 - **Philadelphia Quakers in 1775 founded world's first antislavery society**.
 - Several Northern states called for either abolishing slavery outright or for gradual emancipation.
 - Even in Virginia, a few idealistic masters freed their slaves.



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XVII. THE PURSUIT OF EQUALITY (SLIDE 4 OF 5)

- Revolution of sentiments was incomplete
 - Domestic slave trade grew dramatically
 - Most of North ended slavery only gradually
 - No state south of Pennsylvania abolished slavery
 - In both North and South, law discriminated against freed blacks and slaves alike
 - **New Jersey's new constitution (1776) for a while allowed women to vote**
 - In general civil status of women not changed



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XVII. THE PURSUIT OF EQUALITY (SLIDE 5 OF 5)

- Central to republican ideology was:
 - **Civic virtue**—democracy depended on unselfish commitment of each citizen to public good.
 - Idea of “**republican motherhood**” elevated women to prestigious role as special keepers of nation’s conscience.
 - Educational opportunities for women expanded so wives and mothers could better cultivate virtues demanded by Republic.



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Questions for Critical Thinking

- Why did the British place restrictions on the colonies?
- How was the term “people,” as used in the Declaration of Independence, defined? Did the members of the Second Continental Congress mean all people? What about the rights of women? Native Americans? Slaves?

Questions for Critical Thinking

- What would have occurred if one or more of the states had rejected the Constitution? Could a single state have managed to survive outside the union of states?
- What do you believe Madison would think about interest groups in modern society?