

Constitution of the United States
Chapter 5

Articles of Confederation

- [Proposed 1777, adopted 1781. Established a limited national government.
- [1 branch of government - Legislative
- [Congress functioned as Legislative and Executive.
- [No national court system.

Order versus Liberty

- [**Order:** a state in which the laws and rules regulating the behavior are observed and authority is obeyed.
- [**Liberty:** the state of being free from oppressive restrictions imposed by authority on one's way of life, behavior, or political views.
- [Society must always find a balance between these two.

Discussion

- [Which do you feel is more important: Order, or Liberty, to the functioning of society? In a time of war, is it appropriate to sacrifice liberties to assure more order?

Congress

- [1 House
- [could declare war and borrow money
- [Could not levy taxes
- [Each state had 1 vote, but could send as many representatives to congress as they wanted.
- [Decisions had to be approved by 9 of the 13 states.

State Constitutions

- [**Constitution:** Plan of government describing the different parts of government, their duties and functions
- [States did most of the governing.
- [States were like small countries. People were citizens of their state, and not the United States.
- [State constitutions were models for the National Constitution.

Discussion

- [Do you think the Articles of Confederation were a good model of governing for the new nation? Why or why not?

Democracy & Republic

- [**Democracy:** government by the people.
- [**Republic:** Government by the people through elected representatives.

Problems with the Articles

- [Rich citizens felt state legislatures gave "common" people too much power.
- [United States were in \$50 million debt collectively.
- [Without gold and silver, states printed paper money to help citizens. Paper money was worthless.
- [States with sea ports charged taxes on goods bound for other states.

Nationalists

Nationalists: Believed in strengthening national government.

George Washington

James Madison

Alexander Hamilton

Wanted to restrain state power, which they saw as unpredictable

Shay's Rebellion

As loans to the states came due to be repaid, some passed higher taxes to pay them.

Massachusetts - High tax to be paid in **specie** (gold or silver), not in paper money.

Debts to the state could be punished by jail time.

Daniel Shay led a rebellion of farmers and others in 1786.

Results of Shay's Rebellion

Shay and some others sentenced to death after rebellion was put down in 1787.

Some left the state for other states with fewer restrictive tax laws.

Rebellion showed public will against restrictive taxes.

Showed congress to be unable to act to raise an army and defend the country.

Discussion

Would you have joined Shay's rebellion? Why or why not?

Constitutional Convention

Philadelphia - May 1787

12 of 13 colonies meet (Rhode Island didn't come), to try and amend the Articles of Confederation.

amend: (v) to make changes to an existing text in order to make it better.

Convention went beyond its stated authority to propose a new set of laws.

The Virginia Plan

Bi-cameral national legislature. Representation by population.

Ability to tax and regulate domestic and foreign commerce.

Veto over acts of State legislatures, use of force to bring states in line.

Executive and Judicial Branches of Government.

New Jersey Plan

Congress would have power to tax and regulate commerce

Create Executive and Judicial Branches

Unicameral national legislature. Equal vote for all states.

Retained a large degree of states rights.

Discussion

Would you have supported the Virginia Plan, or the New Jersey plan? Had Montana been a state then, which do you think its delegates would have supported?

The Great Compromise

between Virginia and New Jersey plans.

Bi Cameral Congress

Senate - Equal representation

House of Representatives - Representation by Population.

- Made both large and small population states happy.
- No congressional veto over state legislatures

Three-Fifths Compromise

- [Should slaves be counted in population of a state?
 - If yes, southern states would have greater power in House of Representatives.
 - If no, southern states would be weak.
- [Compromise: 3/5 of slave population would count.
- [Slaves could not vote and had no legal rights

We the People...

- [Constitution drafted by and for the American people.
- [Federal System: Shared power between national and state governments.
 - State powers include education, marriage, traffic and safety laws, etc...
 - National powers include war, foreign relations, printing money, etc...
 - Some powers are shared, like taxation, borrowing money, and setting up courts.

Separation of Powers

- [The national government has 3 branches to keep power from becoming too condensed.
 - Legislative, Executive & Judicial
- [**Checks and Balances** between the branches ensure that one branch does not become too powerful.

Discussion

- [Why was a system of checks and balances so important to the delegates of the convention?

Congress

- [House of Representatives - Representation by population, 2 year terms
 - Power of the Purse - Any \$\$ bills start in the House
- [Senate - 2 Senators per state. 6 year terms
 - Advice and consent of executive appointments and judicial nominees.
 - Treaties.
- [Elastic Clause: Congress can pass any laws reasonable and necessary to carry out its duties.

Discussion

- [Why do you think it was important to the delegates for the House of Representatives and not the Senate to have the Power of the Purse?

Hail to the Chief

- [Presidency - 4 year terms (now limited to 2).
 - Elected by electoral college, which is elected by voters.
 - Commander-in-Chief, veto acts of congress, appoints federal judges.
 - Foreign policy.

Judicial Branch

- [Framers left the Judicial branch vague, so it could fit the needs of the country.

- Supreme Court (9 justices)
- Courts interpret laws passed by congress and the President. Can declare them “unconstitutional.”
- Congress given authority to set up courts.

Ratification of Constitution

- [9 of the 13 states had to support the Constitution for it to become law.
- [Supporters of the Constitution were known as **Federalists**.
- [Those opposed became known as the **Anti-Federalists**

Federalists

- [Wanted strong national government as called for in the Constitution.
- [George Washington, Alexander Hamilton, James Madison were all Federalists.
- [Hamilton, Madison and John Jay wrote “The Federalist Papers” to convince the public to support the Constitution.

Anti-Federalists

- [Believed Constitution posed a threat to state government and individual rights.
- [Had support in areas isolated from effects of trade
- [Feared President would be a king and that national government would crush state and local governments.

Discussion

- [Do you think the Federalists or the Anti-Federalists had the superior viewpoint? Why? Which side was successful?

Federalists win? But why, Mr. R?

- [1. Widespread feeling that articles were seriously flawed.
- [Economy & Shay’s Rebellion
- [2. Federalists had a specific plan, Anti-Federalists only had opposition to the Constitution.
- [3. Federalists were well organized and national in focus. Anti-Federalists were local and regional and did not coordinate efforts.
- [4. Federalists had Washington, THE national hero, and most respected figure

Ratifications

- [Delaware, New Jersey, & Connecticut ratify early
- [Small states which could benefit from a national union.
- [Georgia ratifies (Want national support during Indian wars)
- [Pennsylvania also ratifies by January 1788
- [Massachusetts, Maryland and South Carolina
- [New Hampshire was the 9th state. RATIFICATION!!!

Ratifications

- [Summer of 1788, Virginia and New York, after much disagreement, ratify.
- [North Carolina and Rhode Island reject, then approve the constitution.
- [By May 1790, all 13 original states approved.

The Bill of Rights

- [The promise of amendments to the constitution to guarantee rights helped to secure passage.

— [September 1789, Congress proposed 12 amendments. 10 were ultimately adopted. These 10 became **The Bill of Rights** (the first 10 amendments to the US Constitution)

Arguments

— [The Federalists believed the Bill of Rights was unnecessary:
— [New government was of, by and for the people. Why do the people need protection from the people?
— [Others felt the Bill of Rights was essential.
— [Bill of rights needed to restrain central government power.
— ["A bill of rights is what the people are entitled to against every government on earth." – Thomas Jefferson

New Government

— [George Washington elected President by electoral college. Unanimous vote.
— [John Adams of Massachusetts elected Vice President.
— [Washington set to work assembling his **cabinet** or federal leaders to lead executive departments and advise the President.

Washington's Cabinet

— [Attorney General: Edmund Randolph (Virginia)
— [Secretary of War: Henry Knox (Massachusetts)
— [Secretary of State: Thomas Jefferson (Virginia)
— [Secretary of the Treasury: Alexander Hamilton (New York)

Precedents of Washington

— [**Precedent:** act or statement that becomes an example, rule or tradition to follow.
— [Two-term precedent: Washington served only 2 terms and then voluntarily gave over power.
— [Other Precedents: Neutrality in foreign affairs, use of force to enforce laws (Whiskey Rebellion), inauguration, President referred to as "Mr. President".