

Creating a National Government for the United States:

The Articles of Confederation and the Constitution

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The Articles of Confederation

1781 - 1789

North America After the Treaty of Paris, 1783



The Articles of Confederation



States entered into a “Firm league of friendship” with each other



Unicameral (one branch) govt. - Congress
[9 of 13 votes to pass a law]



No executive or judicial branches



To amend the A of C required approval of
all 13 of the states



Could not tax or raise armies

Why were the Articles of Confederation so weak?

AoC writers disliked...

Taxation without representation

A large central government that had absolute power

Having to follow British laws

Lots of power was in the king's hands

The king could change laws at any time

So under the AoC...

The federal government could not tax

States didn't have to follow federal laws and treaties

States had their own laws and didn't have to follow other states' laws

No executive branch or national court system

Any amendment required all 13 states' approval

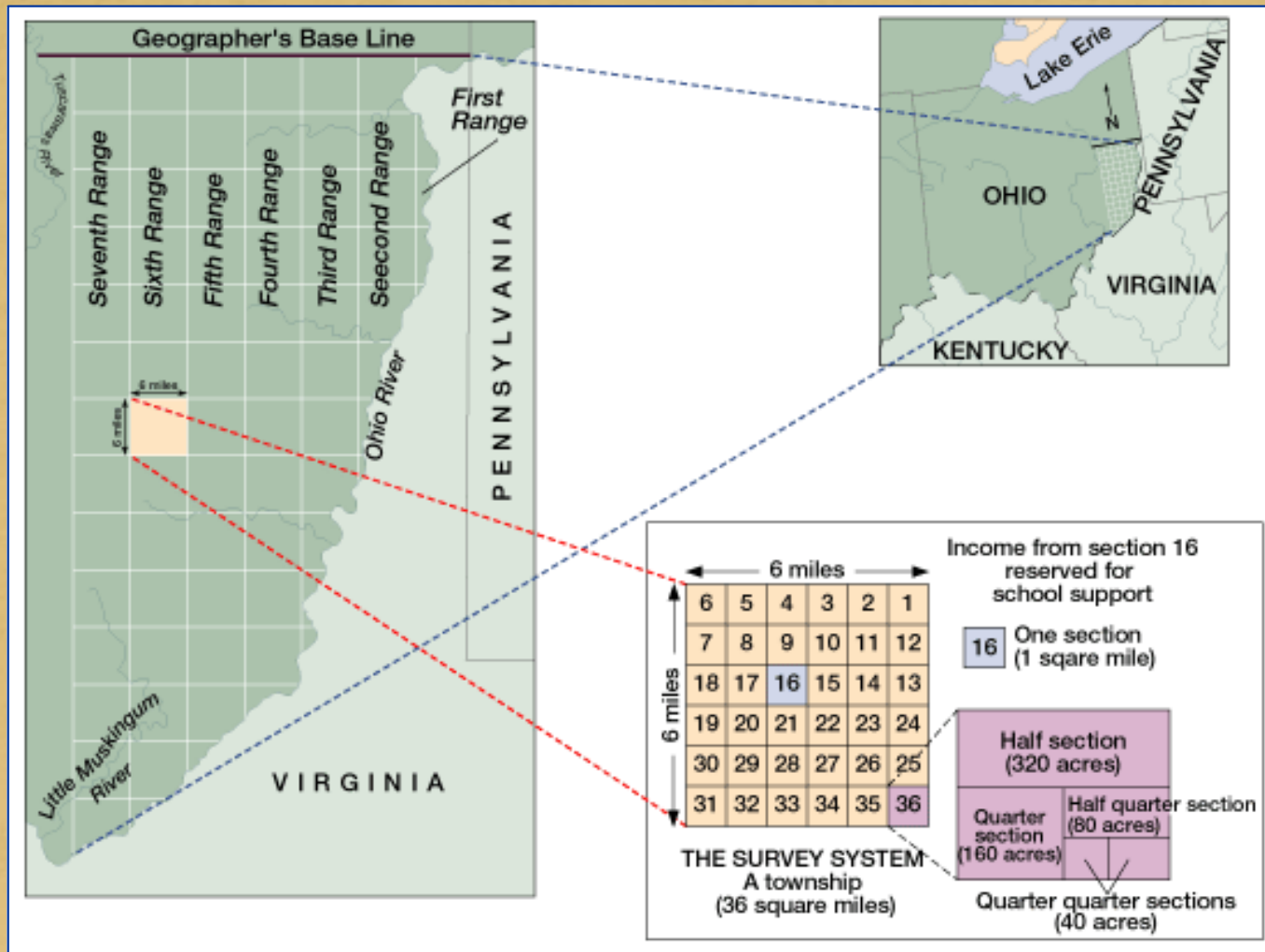
What was the Problem?

- *Since there was no executive branch, the government could not enforce its laws.*
- *Since the federal government could not tax, it was very difficult to raise money*
- *Congress couldn't pay back debts from the revolution and couldn't get states to work together to encourage commerce.*

State Claims to Western Lands



Land Ordinance of 1785



Established a system for dividing land in the west so that it could be sold to settlers



Northwest Ordinance of 1787

- One of the major accomplishments of the A of C govt.
- Statehood achieved in three stages:
 1. Congress appointed 3 judges & a governor to govern the territory.
 2. When population reached 5,000 adult male landowners → those men elect a territorial legislature
 3. When population reached 60,000 → elect delegates to a state convention to write a constitution and apply for statehood



AMERICA UNDER THE
ARTICLES OF CONFEDERATION

Shays' Rebellion (Fall 1786 - 1787)

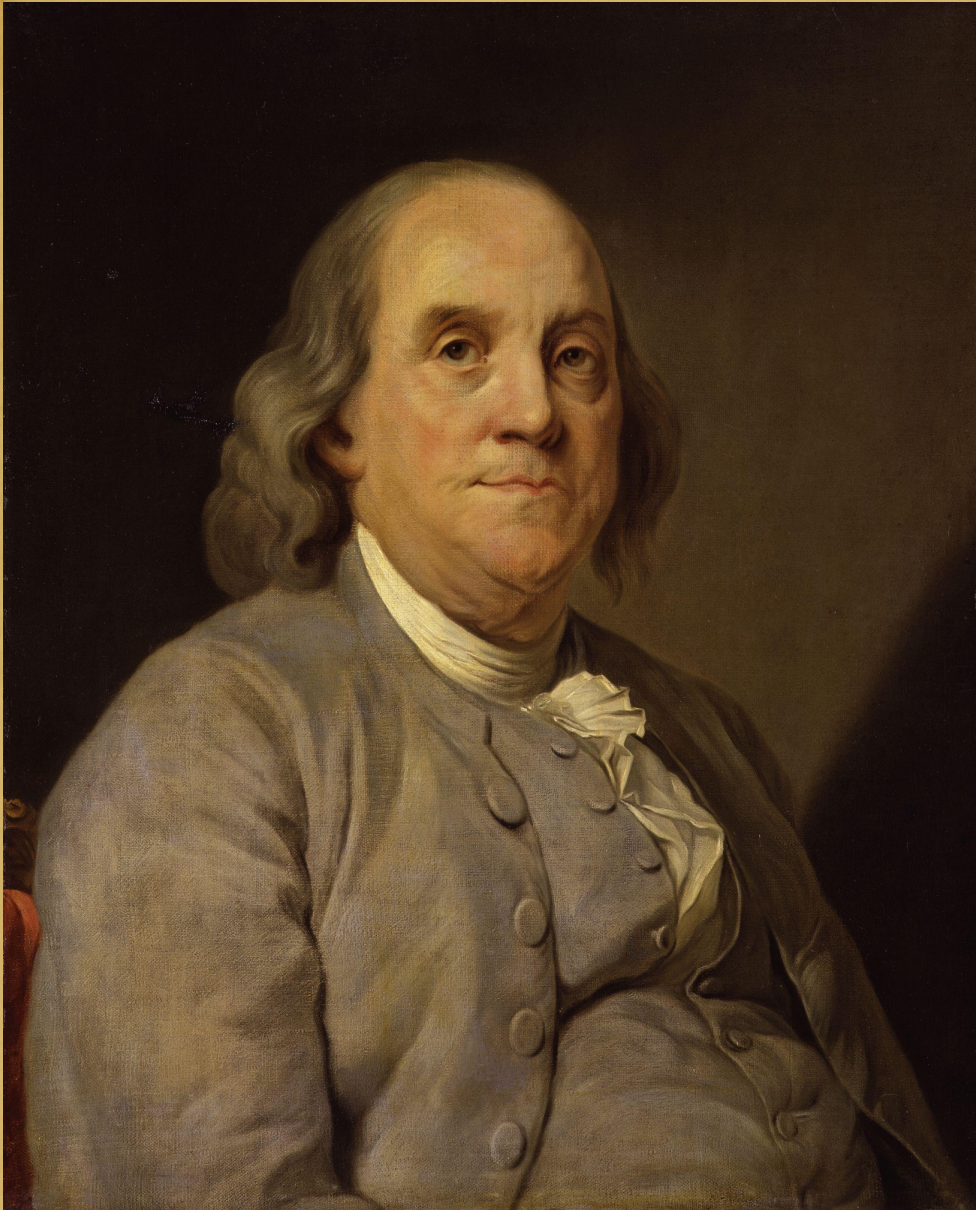
- Farmers in western Massachusetts took up arms to protest against increased state taxes
- Terrifies Government officials. **NO STRONG CENTRAL GOVERNMENT TO PUT DOWN REBELLION**



Constitutional Convention, 1787



**Philadelphia -
55 delegates
met in private to
construct a new
government for
our nation.**



Benjamin Franklin (c. 1785)
by Joseph Siffrein

Document Analysis Activity

Franklin's Final Speech
at the Constitutional
Convention

The Task

Read & mark-up
the document

Begins on p. 75 of workbook

Answer SOAPS Questions

Independence Hall, Philadelphia

55 Delegates gathered here
during the summer of
1787

Their plan was to revise
the Articles of
Confederation

They decided that a brand new
government was needed



KEY QUESTIONS: *How can delegates strengthen the national government while preserving the rights of the individual states?*

Small states v. Large states
(Representation)

Slavery? Taxes? The need for an executive branch to carry out laws?

How to balance conflicting interest of different groups in society?

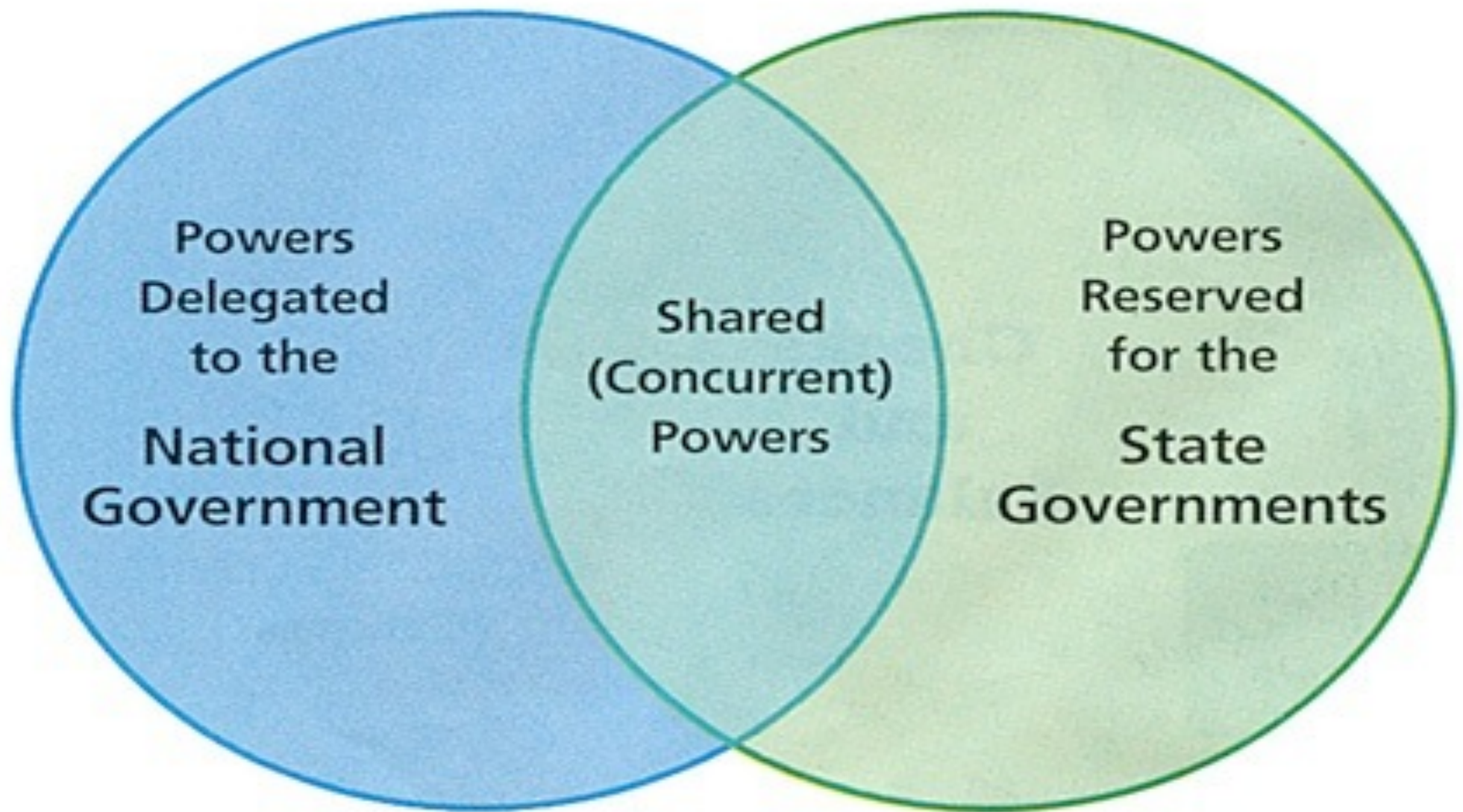
Farmers, merchants, plantation owners

States vs. Central Government

WHO SHOULD HAVE MORE POWER?



Federalism



The overlapping spheres of power bind the American people together.

Debate Over Representation

Virginia Plan -- Favored by Large States

Representation in Legislative branch
based on the population of each state

Wanted govt. to have three branches:
Executive, Legislative, Judicial

Debate Over Representation

New Jersey Plan – Favored by Small States

Regardless of population, each state would have *equal representation* in the Legislative branch

Wanted a *unicameral* (one branch) government - Legislative branch

The Great Compromise

Federal government with 3 branches

Legislative Branch - makes laws

Executive Branch - enforces laws

Judicial Branch - interprets laws

The Great Compromise

Legislative branch with two houses
(bicameral legislature)

1. House of Representative

Representatives elected by the people. Number of representatives determined by state population. (Virginia Plan)

2. Senate

Each state has two senators - be chosen by state government. (New Jersey Plan)

The Great Paradox

Should Slavery be Allowed to Continue?

How can slavery exist in a country founded on the idea that *all men are created equal* and possess *unalienable rights of life, liberty and the pursuit of happiness*?

country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

he has waged cruel war against ~~man~~ itself, violating it's most sacred rights of life & liberty in the persons of a distant people, who never offended him, capturing & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the Christian king of Great Britain. determined to keep open a market where MEN should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce: and that this assemblage of horrors might want no fact of distinguished dye, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them by murdering the people upon whom he also obtruded them; thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another.

Should Slaves be counted?

Southern States . . . YES - for representation in the government, but NO for taxation

Larger population = more power in govt.

Northern States . . . NO - for representation in government, but YES for taxation

Reduce govt. power of southern states,
make southern state pay higher taxes

Resolution of the Issue

3/5 Compromise

**Five slaves would be counted as
three persons towards total
population for both taxation and
representation**

No slaves imported after 1808



The Enlightenment

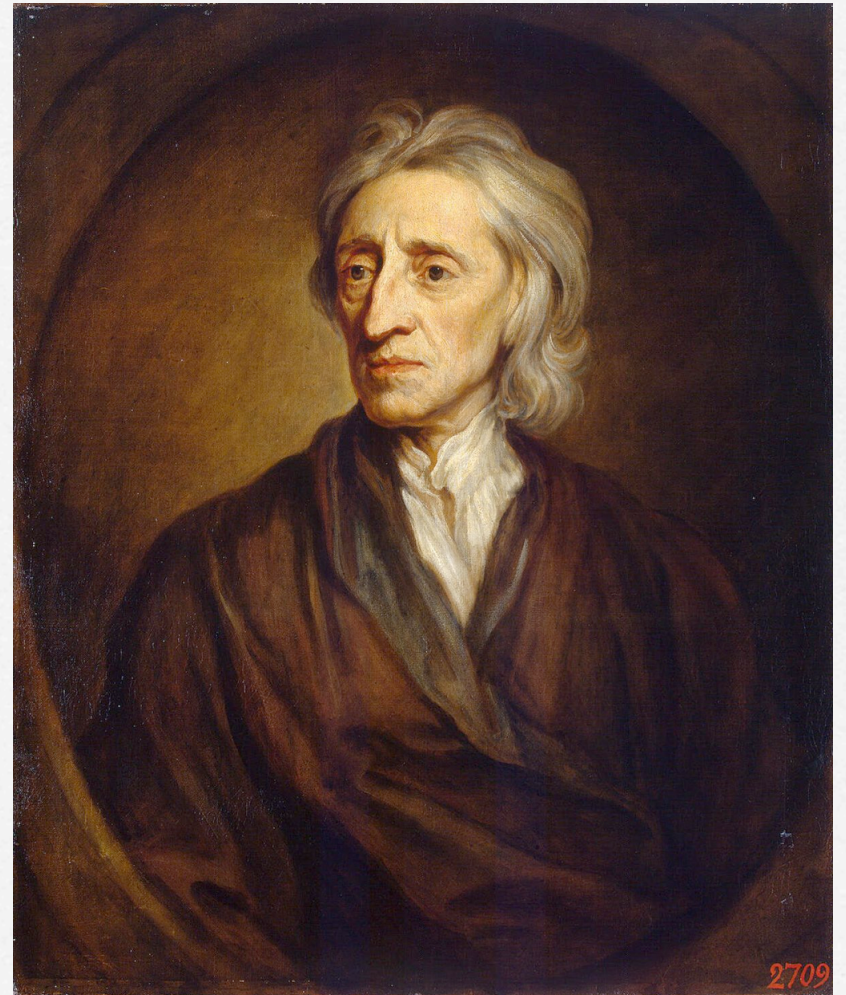
(1650 to mid-late 1700s)

An intellectual movement that emphasized the use of reason and the scientific method as a means of obtaining knowledge



John Locke

- English Philosopher,
1632 - 1704
- In his writings,
Locke discussed the
natural rights of
"life, liberty and
property"



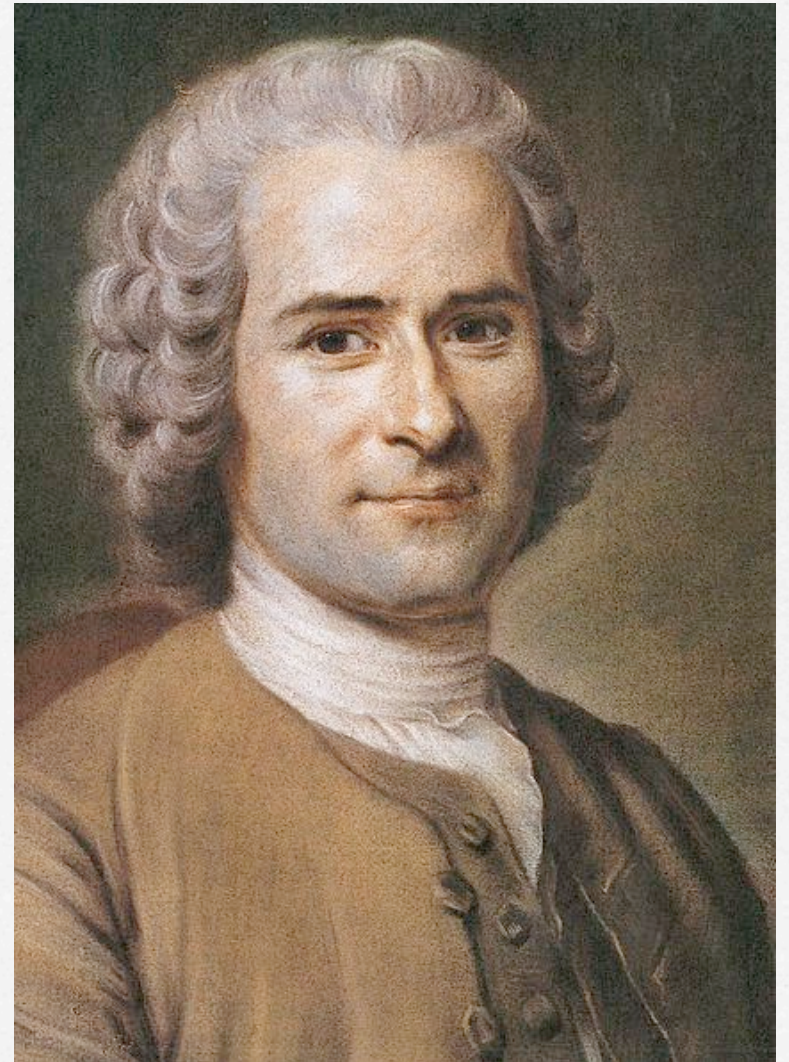
Baron de Montesquieu



- French Philosopher, 1689 - 1775
- He is best known for writing about the separation of government powers between an executive, a legislature and a judiciary

Jean-Jacques Rousseau

- Genevean philosopher, writer and composer. (1712 - 1778)
- Social Contract - Legitimate political authority comes from a social contract agreed upon by all citizens for their mutual preservation



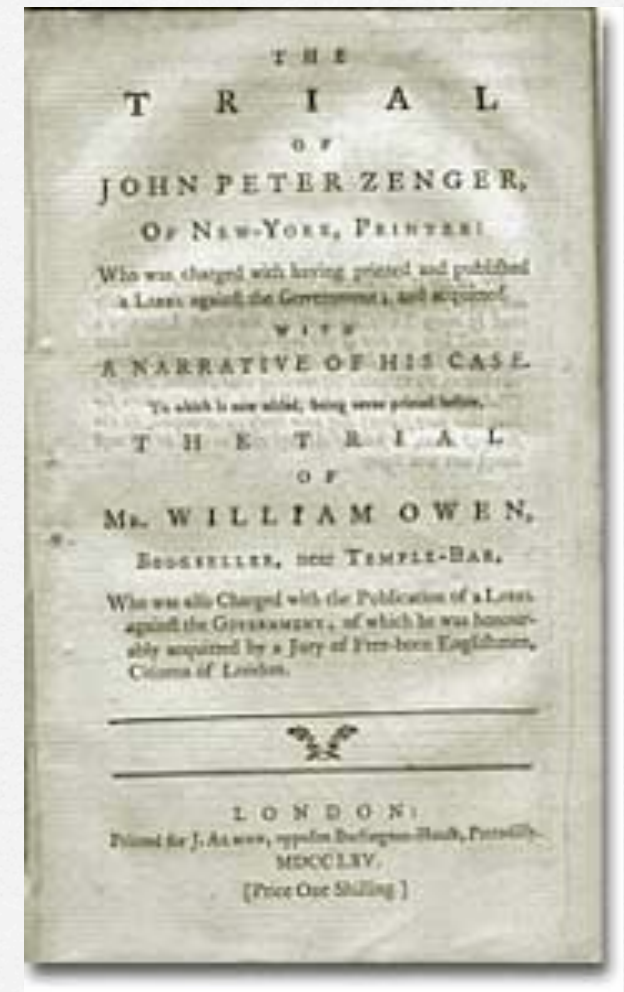
Voltaire



- French philosopher and writer, 1694 - 1778
- Freedom of Speech
- "I may not agree with what you say, but I will fight to the death for your right to say it"

John Peter Zenger

- Zenger was a newspaper publisher in New York City
- 1733 he began writing articles critical of the colonial government. The next year he was arrested and charged with seditious libel (falsehoods against the government)
- 1735 jury trial took place - Zenger found not-guilty. Writing what is true is not a crime! Supports free speech



The Preamble - Purposes of the Government

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

Key ideas about the Constitution

Limited Government –

The Constitution spells out the powers that the government has AND the powers it does not have.

Representative Government –

“The people” have ultimate power, but choose representatives to make laws for them

Limited Government

Limits the power by listing what the state and national government **can and cannot do.**

Reserved



state powers

Concurrent



shared powers

Delegated



federal powers

FEDERALISM: Division of power between states and national government.

Federalism

Powers Delegated to the National Government

- declare war
- create and maintain armed forces
- establish foreign policy
- regulate interstate and foreign trade
 - make copyright and patent laws
 - establish postal offices
 - coin money
- raise taxes
- provide for the public welfare
- criminal justice
- borrow money
- charter banks
- build roads

Powers Reserved to States

- establish local governments
- establish and maintain schools
- regulate trade within states
- conduct elections
- provide for public safety

Key features of the Constitution

Checks and Balances -

System created to allow each branch of government to check [limit] the power of the other branches

SYSTEM OF CHECKS AND BALANCES IN THE U. S. FEDERAL GOVERNMENT

EXECUTIVE BRANCH



Grant reprieves and pardons
Appoint judges to fill
vacancies in the court

Approve presidential appointments
Authority to bring impeachment hearings
Power to override presidential vetoes
Control appropriations
Ratify treaties
Declare war

Interpret laws and Presidential actions
Judges appointed by the President
Serve for life

Authority to call special sessions of Congress
President is Commander-in-Chief
Power to veto bills

Arrows indicate the direction
of a check one branch
exerts over the other.

Power to institute new courts
Authority to impeach
Approve Judicial appointments
made by President



JUDICIAL BRANCH



LEGISLATIVE BRANCH

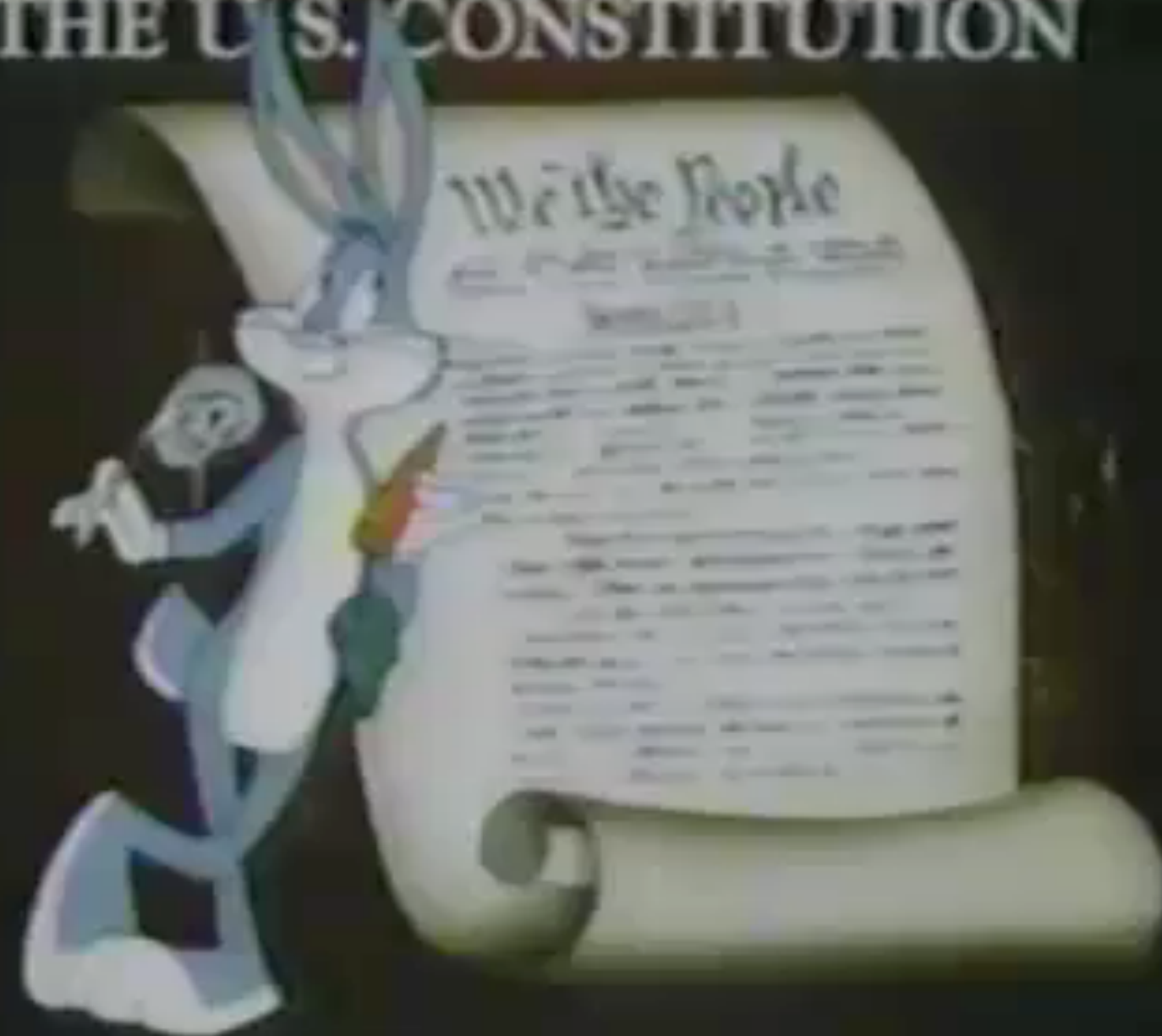
Interpret laws
Determine constitutionality
Serve for life

Key features of the Constitution

Amendment Provisions -

allows changes to the Constitution so that the U.S. government can adapt to changing world

THE U.S. CONSTITUTION



Key ideas about the Constitution

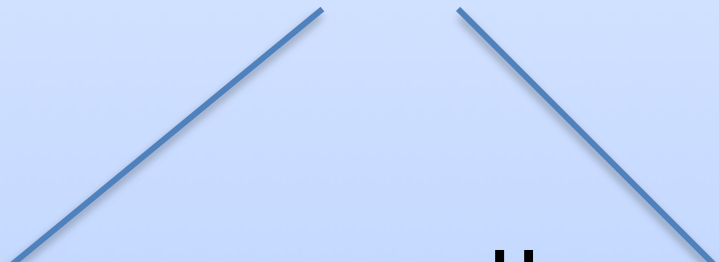
The Constitution spells-out the structure of the government.

Its meaning is open to interpretation.

- Leads to a **LIVING CONSTITUTION**

Article I: Legislative Branch

Bicameral Legislature



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graph TD; A["Bicameral Legislature"] --> B["The U.S. Senate"]; A --> C["House of Representatives"]
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The U.S. Senate

Each state has 2 senators

Serve 6 year terms

House of Representatives

Number based on population
of state population

Serve 2 year terms

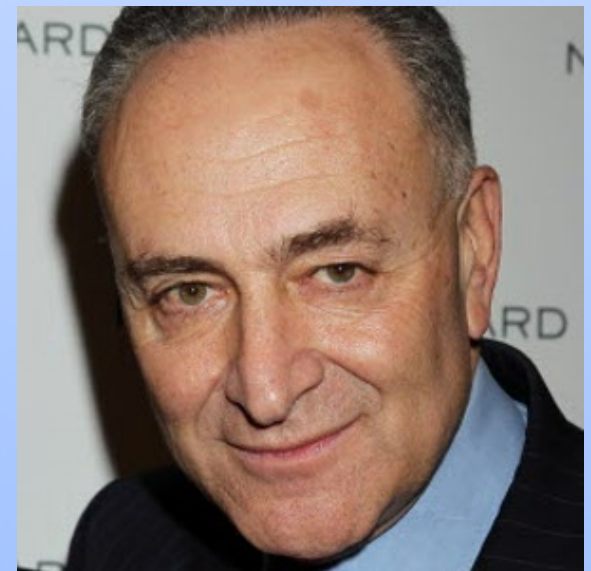
The Legislative Branch - House of Representatives

- States with the largest populations have the most representatives in the House
- House members must be at least 25 years old
- House members are elected to two year terms
- There are 435 members in the House
- NY has 27 Districts: EMW is district 27 represented by Chris Collins



Legislative Branch - The Senate

- 100 Senators / Each state has 2
- Senators must be at least 30 years old.
- Senators are elected to a six year term
- New York's Two Senators are
Kirsten Gillibrand and Charles Schumer



Article I: Legislative Branch

Powers of the Legislative Branch

Make Laws

Declare War

Coin Money

Impose and Collect Taxes — (not in A of C)

- Elastic Clause - to make all laws “necessary and proper” for carrying into Execution . . . all other powers vested . . . in the government of the U.S.



Article II: Executive Branch



- President and Vice President serve 4 year terms
- Qualifications:
 - At least 35 years old
 - 14 year resident of the US
 - Natural born citizen
- Elected by the Electoral College

Important powers

- Commander-in-Chief
- Grant pardons
- Make treaties
- Appoint federal officers
- Ensure laws are executed



Article III: Judicial Branch



- Supreme Court justices are appointed by the president
- Supreme Court judges serve for life
- There are 9 justices on the Supreme Court

Important Powers

- “Interpret the Laws”
Decides whether laws are “constitutional”
- Settles conflicts / lawsuits between 2 or more states
- Settles conflicts between state(s) and the federal government

U.S. Supreme Court justices

Justice Antonin Scalia has died at the age of 79. He was the longest serving justice on the current Supreme Court after taking his seat on Sep. 26, 1986. He was nominated by President Ronald Reagan.

NOMINATED BY REPUBLICAN PRESIDENT



JOHN ROBERTS (Chief Justice), 61
Birth place: Buffalo, N.Y.
Nominated by: George W. Bush
Took seat on: Sep. 29, 2005



ANTHONY KENNEDY, 79
Birth place: Sacramento, Calif.
Nominated by: Ronald Reagan
Took seat on: Feb. 18, 1988



CLARENCE THOMAS, 67
Birth place: Pin Point, Ga.
Nominated by: George H.W. Bush
Took seat on: Oct. 23, 1991



SAMUEL ALITO, 65
Birth place: Trenton, N.J.
Nominated by: George W. Bush
Took seat on: Jan. 31, 2006

NOMINATED BY DEMOCRATIC PRESIDENT



RUTH BADER GINSBURG, 82
Birth place: Brooklyn, N.Y.
Nominated by: Bill Clinton
Took seat on: Aug. 10, 1993



STEPHEN BREYER, 77
Birth place: San Francisco, Calif.
Nominated by: Bill Clinton
Took seat on: Aug. 3, 1994



SONIA SOTOMAYOR, 61
Birth place: Bronx, N.Y.
Nominated by: Barack Obama
Took seat on: Aug. 8, 2009



ELENA KAGAN, 55
Birth place: New York, N.Y.
Nominated by: Barack Obama
Took seat on: Aug. 7, 2010

Other Important Articles:

Article V: Amendments

- Amendments must be passed by 2/3 vote of the House of Representatives and 2/3 vote of the Senate
- Amendments must be approved by 3/4 of states

Article VI: Federal Power

- Supremacy Clause: Federal law is supreme to state law
- No religious tests for public office

Ratification Debate

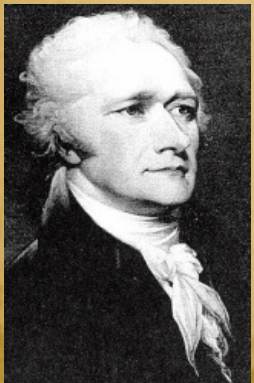
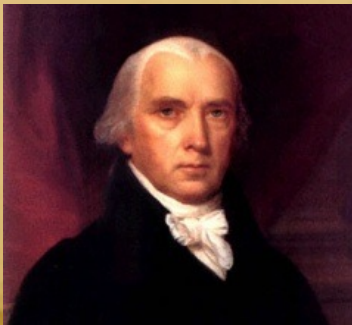
- Needed 9 of 13 states to ratify [officially approve] the Constitution, before it went into effect.
- A huge debate emerged between two sides:
 - Federalists
 - Anti-Federalists



Federalists v. Anti-Federalists

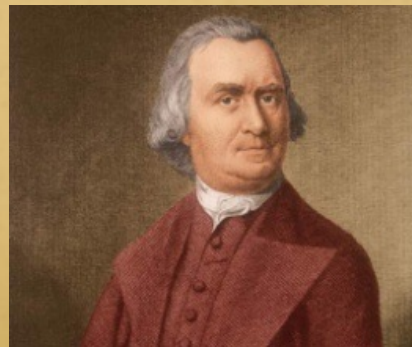
Federalists

- Supported the Constitution and a strong central government
- Federalist Papers - series of articles written in defense of the Constitution
- Alexander Hamilton, James Madison, and John Jay



Anti-Federalists

- Supported a weaker central government - felt too much power was taken away from the states
- Opposed the Constitution
- Wanted a Bill of Rights
- Samuel Adams, Patrick Henry



Please turn to page 82
in your workbook

Read through the documents
and answer the questions
on page 82 & 83

Ratification

Ratification of the Constitution

Votes of State Ratifying Conventions

State	Date	For	Against
Delaware	December 1787	30	0
Pennsylvania	December 1787	46	23
New Jersey	December 1787	38	0
Georgia	January 1788	26	0
Connecticut	January 1788	128	40
Massachusetts	February 1788	187	168
Maryland	April 1788	63	11
South Carolina	May 1788	149	73
New Hampshire	June 1788	57	47
Virginia	June 1788	89	79
New York	July 1788	30	27
North Carolina	November 1789	194	77
Rhode Island	May 1790	34	32

- The Constitution was officially adopted after ratified by New Hampshire in 1788
- The new government began operating on March 9, 1789
- Bill of Rights passed by Congress on September 25, 1789.
- Bill of Rights was ratified by the states on December 15, 1791

Amendments 1 - 10: Bill of Rights

1. Freedom of religion, speech, the press, to assemble, and to petition
2. Right to bear arms
3. No quartering of soldiers
4. No unreasonable search and seizure
5. Indictments; Due process; Self-incrimination; Double jeopardy, and rules for Eminent Domain.
6. Right to a fair and speedy public trial, Notice of accusations, Confronting one's accuser, Right to counsel
7. Right to trial by jury in civil cases
8. No excessive bail & fines or cruel & unusual punishment
9. There are other rights not written in the Constitution
10. All rights not given to Federal Government belong to states and people.