# 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

# The Articles of Confederation

- Created a *firm league of friendship* between the states
- Unicameral Government (one branch) — Congress
  - Hard to pass laws (needed 9 of 13 votes)
- Could not tax or raise an army (these were state powers)
  - Amending the Articles required the approval of all 13 states — a very difficult task!

# Why were the Articles of Confederation so weak?

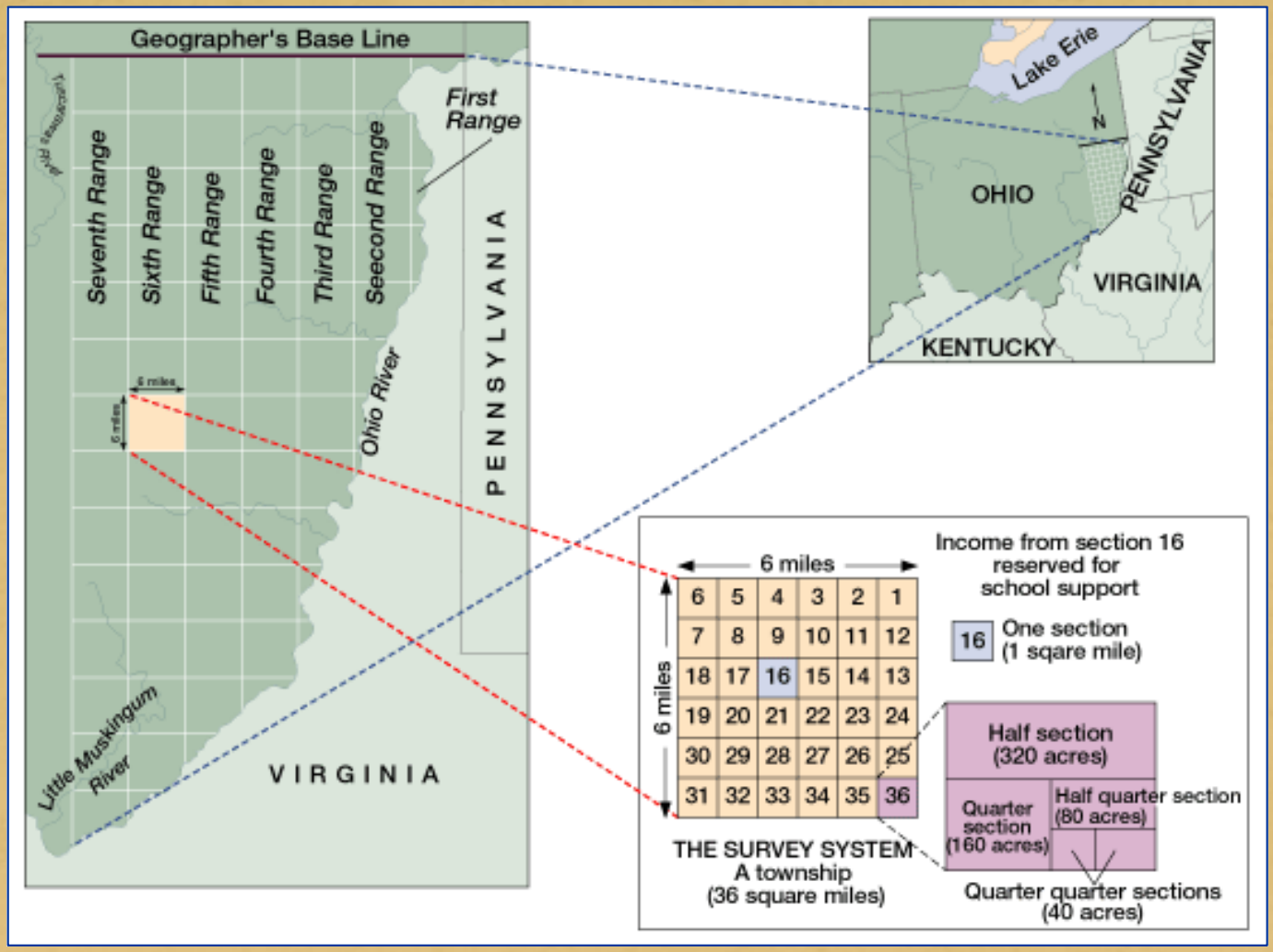
| **AoC writers disliked…** | | **So under the AoC…** |
|---|---|---|
| Taxation without representation | ____ | The federal government could not tax |
| A large central government that had absolute power | ____ | States didn't have to follow federal laws and treaties |
| Having to follow British laws | ____ | States had their own laws and didn't have to follow other states' laws |
| Lots of power was in the king's hands | ____ | No executive branch or national court system |
| The king could change laws at any time | ____ | 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, 1787*

## Created process for adding new states to US

**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

# Shays' Rebellion, 1786 - 1787

Farmers in western Massachusetts took up arms to protest against increased state taxes

The national govt. lacked the power to help Massachusetts, making clear the danger of a weak central government

# Constitutional Convention, 1787

55 Delegates gathered
in Philadelphia
"to revise the Articles
of Confederation"

They decided that a new plan of govt. was needed, and produced the Constitution

# Key Concerns

***How to strengthen the national govt. while preserving the rights of individual states***

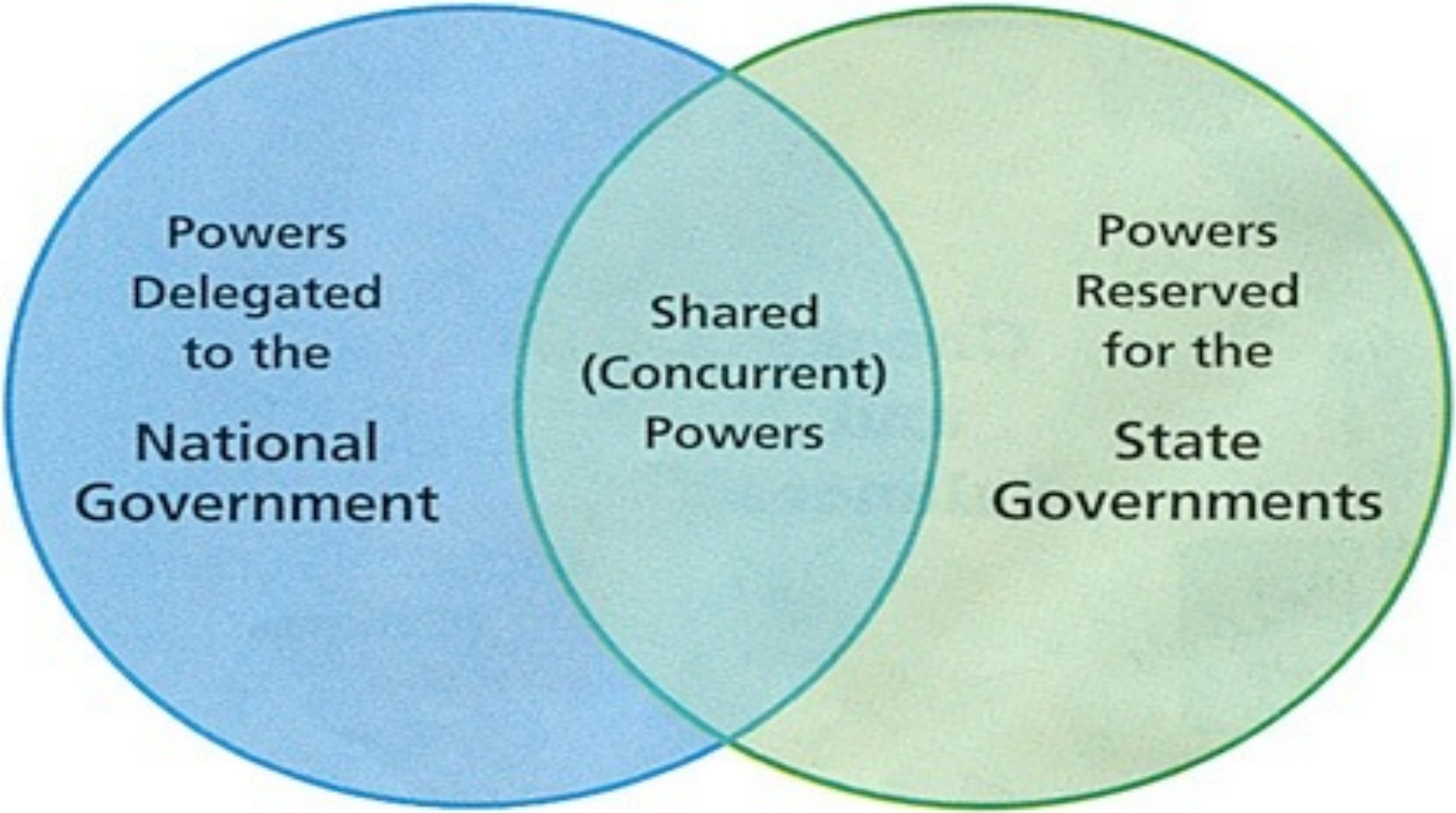
***How to balance conflicting interest of different groups in society?***

Small states v. Large states

Slave states v. Free states

Farmers, merchants, plantation owners

# 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)

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

Each state would have *equal representation* in the 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

*Bicameral* (two house) legislative branch

## House of Representative

Number of representatives determined by state population. (Virginia Plan)

## Senate

Each state has two senators - (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*?

# 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 when determining total population for both taxation and representation**

## No slaves imported after 1808

Why do you think that these compromises were made?

Please turn your workbook to page 109

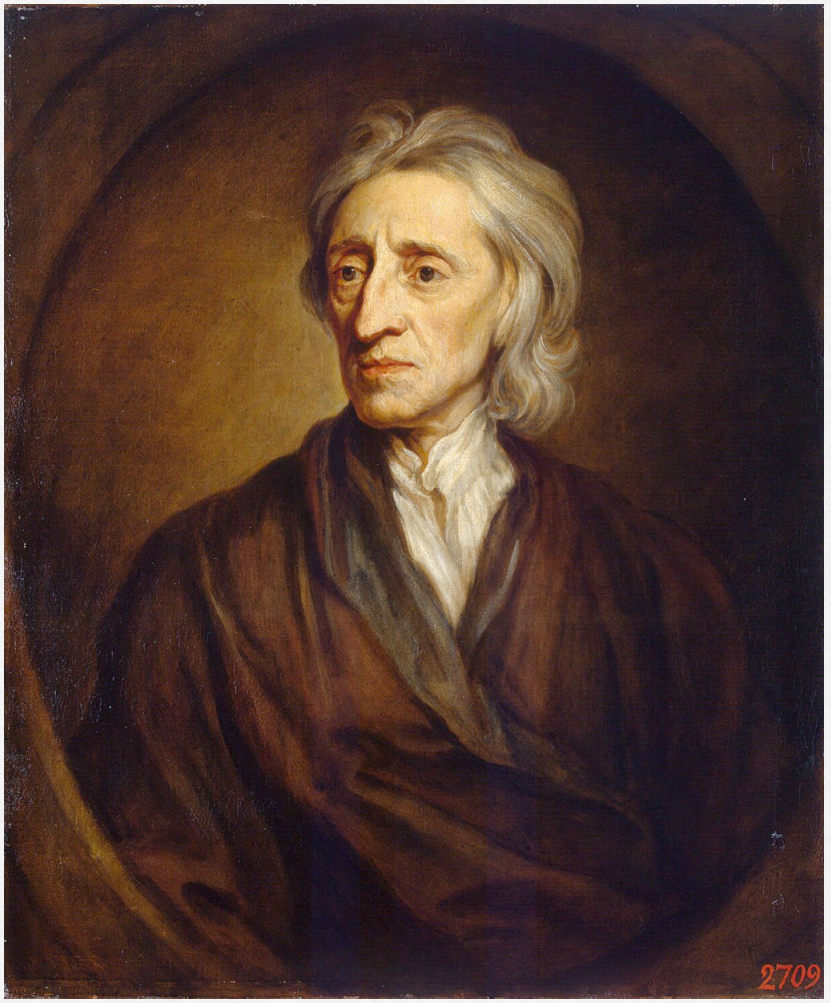
# The Enlightenment

## (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

**In his writings, Locke discussed the *natural rights* of "*life, liberty and property*"**

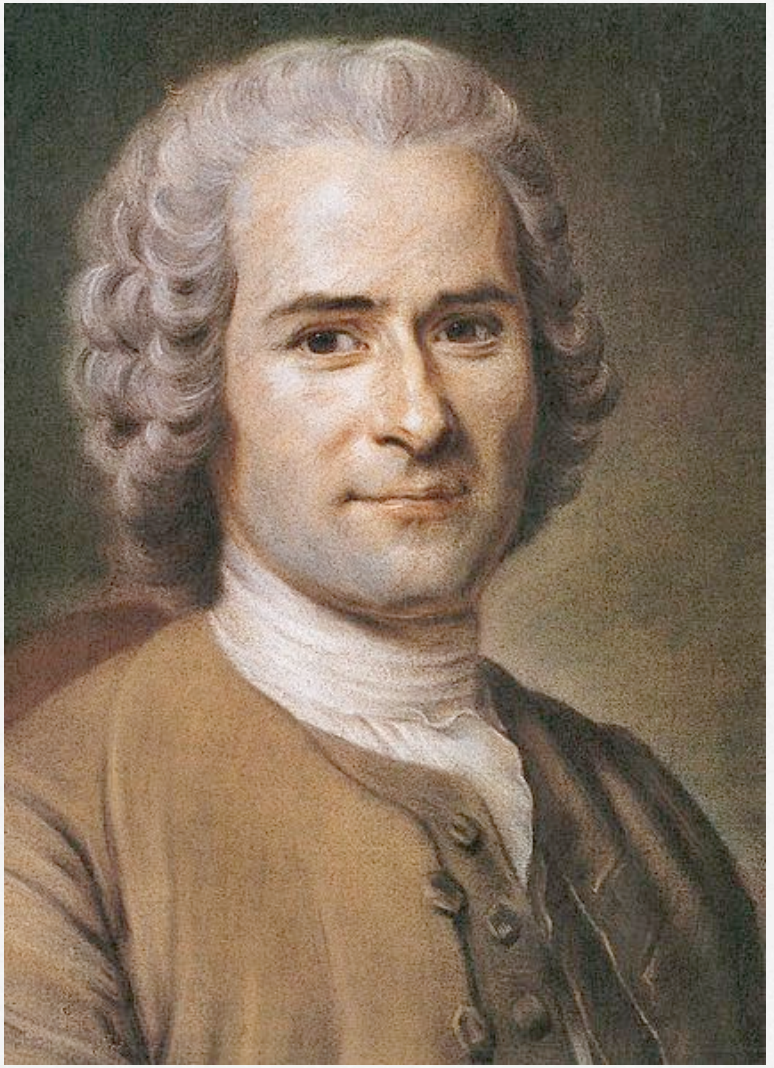


# Montisque

He is best known for writing about the <u>separation of government powers</u> between an executive, a legislature and a judiciary

# Jean-Jacques Rousseau

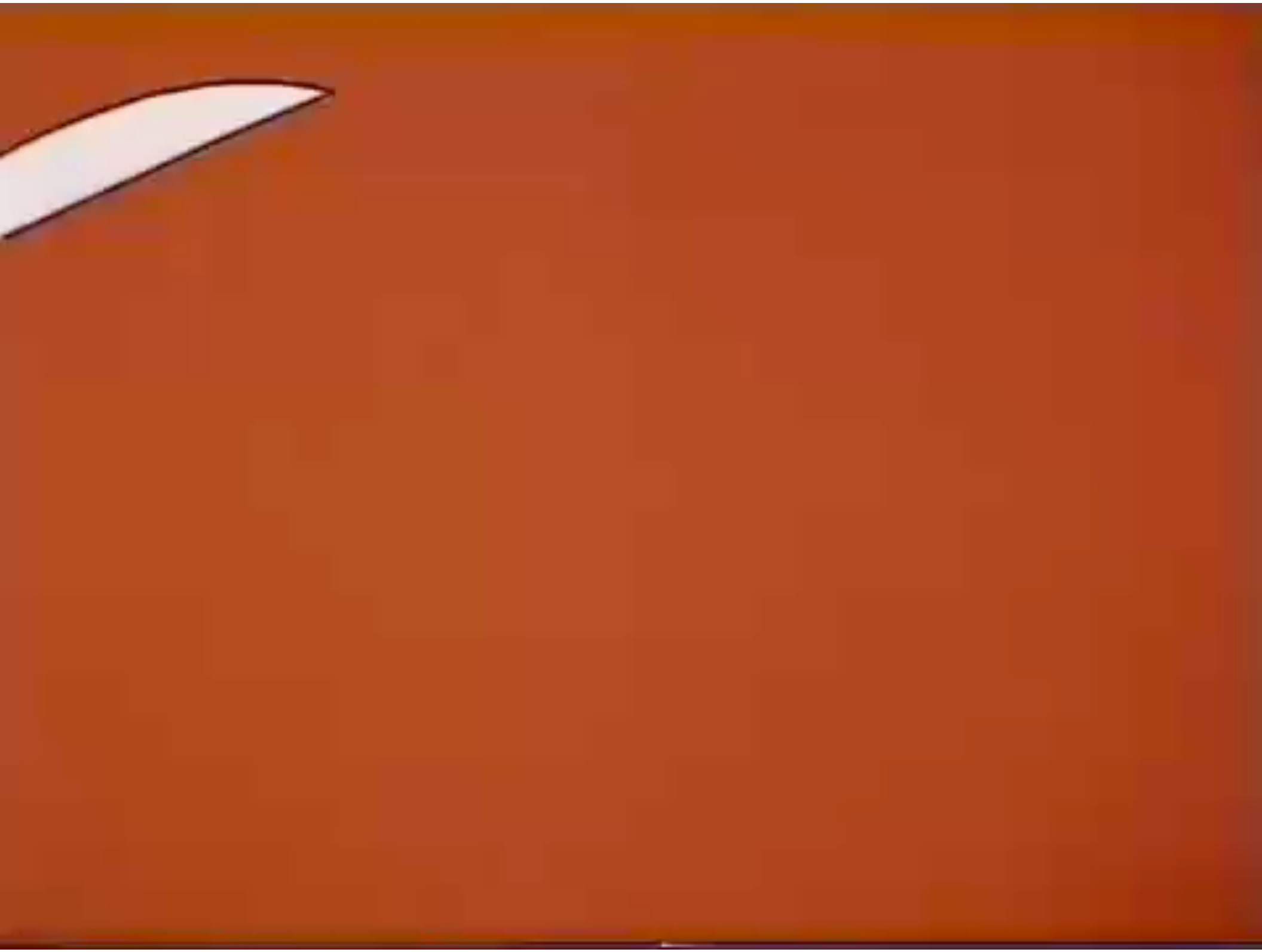
Legitimate political authority comes from a social contract agreed upon by all citizens for their mutual preservation



# Voltaire

## Freedom of Speech

**"I may not agree with what you say, but I will fight to the death for your right to say it"**



# 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

The Constitution spells-out the structure of the government.

Its meaning is open to interpretation.

- Leads to a LIVING CONSTITUTION

# Key Features of the Constitution

## Representative Government

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

## Limited Government

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

# FEDERALISM

**Division of power between the states and the national government**

**Reserved** → state powers

**Concurrent** → shared powers

**Delegated** → federal powers

# Federalism

Powers Delegated to the National Government
Powers Reserved to States
• 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
• 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

Each branch of government has the power to check [limit] the power of the other branches

# Article I: Legislative Branch

## Bicameral Legislature

### The U.S. Senate

Each state has 2 senators

Serve 6 year terms

Must be at least 30 yrs. old

### House of Representatives

Number based on population of state population

Serve 2 year terms

Must be at least 25 yrs. old

# 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

<u>Important powers</u>

- 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

<u>Important Powers</u>

- "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

# 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

# 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

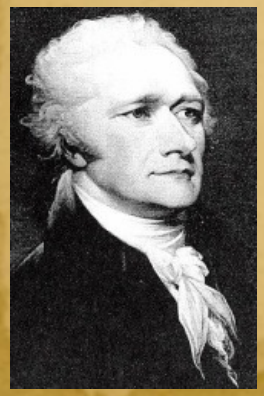
# Federalists v. Anti-Federalists

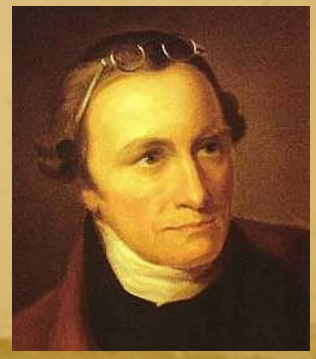
## Federalists

- 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





# 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.