

KEVIN M. SCHULTZ

HIST³

WHAT'S INSIDE:

STUDENT EDITION

*A Student-Tested, Faculty-Approved
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U.S. History

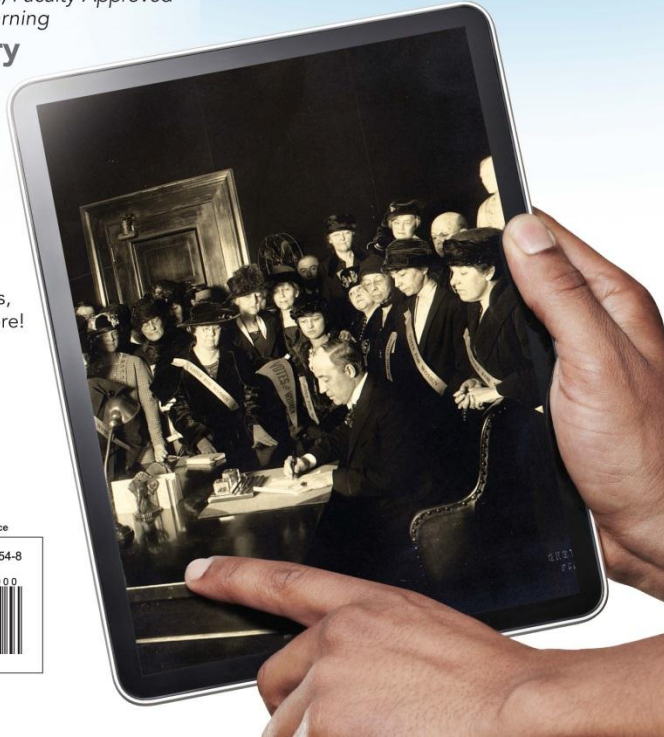
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Chapter 7 Confederation and Constitution, 1783–1789



What do **you** think?

The framers of the Constitution intended it to be an adaptable document.

Strongly Disagree

Strongly Agree

1

2

3

4

5

6

7

State Constitutions, 1776–1780

- State Constitutions influenced by ideas from:
 - John Locke
 - Jean-Jacques Rousseau
 - John Trenchard
 - Thomas Gordon
 - English Parliament
 - colonial legislatures

Content

- Bills of Rights
- Limits on Participation
- Separation of Powers



Results

- State constitutions were valuable for working out different types of government
- Many worked well for their citizens
- How would the states participate in and contribute to a national body?
- Most Americans were leery of a large national government

The Articles of Confederation, 1777–1787

- No legitimate federal government during the beginning of Revolutionary War



Origins

- Articles of Confederation

Division of Powers

- Powers Reserved for the Federal Government
- Powers Reserved for the States

Achievements of the Articles

- Established the United States as a government of laws that placed limits on the government's authority
- Created a national citizenship, which gave equal rights to qualifying members

Weaknesses of the Articles

- Inability to Raise Funds
- The Need for Unanimity to Make Changes
- Lack of Authority over Internal Trade

Day-to-Day Operations of the Confederation

- Three significant challenges:
 - managing the western expansion
 - foreign relations
 - debt



Map 7.1. Western Land Claims After the Revolution

The Western Problem

- Land Cessions
- Organizing Territories



The Problem of Foreign Relations

- The English
- The Spanish
- Pirates

The Debt

- Promissory Notes and Bonds
- An Angry Army
- Angry Farmers
- Shays' s Rebellion

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The Failure of the Articles of Confederation

- Calls for Change

The Constitutional Convention

- Effort to amend the Articles of Confederation became a Constitutional Convention in Philadelphia
- Meetings were secret, allowing each member to speak his mind without fear of political retribution

Membership

- George Washington, president of the Convention
- Fifty-four other delegates attended
- Most were young lawyers (average age: forty-two), wealthy, and wanted to protect trade and promote economic and social stability

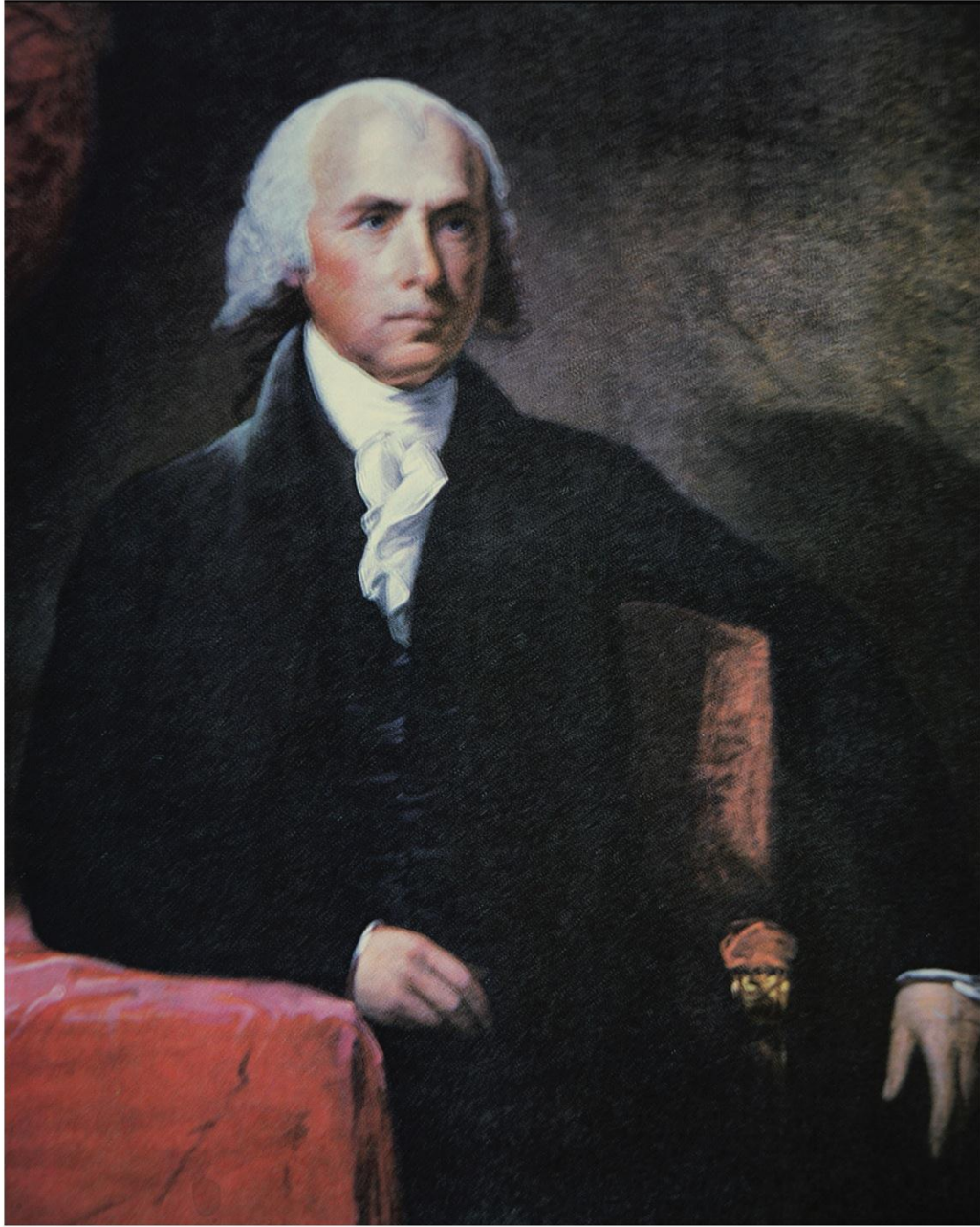


Preliminary Plans

- The Virginia (Large States) Plan
- The New Jersey (Small States) Plan

Drafting the Constitution

- The Great Compromise
- Slave State Versus Free State
- East Versus West



James Madison (1751–1836) (colour litho), Stuart, Charles Gilbert (c. 1787–1813)/
Private Collection, Peter Newark American Pictures/The Bridgeman Art Library

The Constitution

- The Convention created a government of three branches—executive, legislative, and judicial—granting unique powers to each branch

The Powers Given to Congress

- collect taxes and raise revenue
- regulate commerce, both foreign and domestic
- declare war
- maintain an army
- make any changes necessary to pursue these powers.

The Executive Branch

- How Elected
- Powers
 - make treaties
 - oversee the army and navy as commander-in-chief
 - name diplomats with the consent of the Senate
 - execute the laws passed in Congress
 - veto acts of Congress

The Judicial Branch

- Federal system of courts, headed by a Supreme Court and regional courts
- The president named the judges to serve lifetime appointments
- Jurisdiction over constitutional questions and other federal cases
- Supremacy Clause

Federal and State Powers

- Constitution forbade states from making their own money, levying customs, or infringing on the obligation of contracts
- States maintained significant power

Relationship of the Government and the Governed

- The federal government could rule individuals directly
- The federal government had the power of taxation

The Ratification Debate

- The conventioners urged each state to hold a special convention to ratify the new document
- Approval by nine states was enough for the Constitution to take effect—avoiding the need for unanimity

A Slow Start

- A few smaller states ratified the Constitution immediately
- Other states with large populations generated opposition about the loss of sovereignty

The Federalists

- Federalists
- Federalist Papers
- Federalism



The Anti-Federalists

- Wanted a weaker confederation of states and a more direct democracy

The Debate

- Compromise ultimately broke the deadlock between Federalists and Anti-Federalists
- June 1788, New Hampshire voted to ratify the Constitution, becoming the critical ninth state and putting the Constitution into operation

Table 7.1 Ratification of the Constitution

Date	State	Votes Yes	Votes No
December 7, 1787	Delaware	30	0
December 12, 1787	Pennsylvania	46	23
December 18, 1787	New Jersey	38	0
January 2, 1788	Georgia	26	0
January 9, 1788	Connecticut	128	40
February 6, 1788	Massachusetts	187	168
April 28, 1788	Maryland	63	11
May 23, 1788	South Carolina	149	73
June 21, 1788	New Hampshire	57	47
June 25, 1788	Virginia	89	79
July 26, 1788	New York	30	27
November 21, 1789	North Carolina	194	77
May 29, 1790	Rhode Island	34	32

The Bill of Rights

- Protect individual freedoms from the threat of potentially tyrannous federal government

AMENDMENTS

Amendments were ratified December 15, 1791 from what is known as the "Bill of Rights")

AMENDMENT 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT 2

well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed

The

We the People of the United States
insure domestic Tranquility, provide for the common defence, 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 I.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.
Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.
Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Electors in each State, the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.
Section 4. The Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.
Section 5. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.
Section 6. The Senators and Representatives before mentioned, and the Electors in each State, shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.
Section 7. The Congress shall assemble at least once in every Year, and such Meeting shall be held on the first Monday in December, unless they shall by Law direct otherwise.
Section 8. The Congress shall have the following Powers:
1. To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Taxes and Duties shall be uniform throughout the United States;
2. To borrow Money on the Credit of the United States, and to regulate the Issuance of the public Debt;
3. To regulate Commerce with foreign Nations, among the several States, and with the Indian Tribes;
4. To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;
5. To coin Money, to regulate the Value thereof, and to fix the Standard of Weights and Measures;
6. To define and punish Offences against the Law of Nations;
7. To define and punish Piracies and Offences on the high Seas, and Offences against Commerce;
8. To exercise exclusive Legislation over all Districts ceded to the United States, and to exercise like Authority in respect to Territory, when any shall be erected by the Laws of the United States;
9. To constitute Tribunals inferior to the Supreme Court;
10. To declare War, to issue Letters of Marque and Reprisal, and to grant Letters of Conscription and Privileges of Safe Conduct;
11. To regulate the Army and Navy, and to fix the Amount of the respective Appropriations;
12. To provide for calling forth the Militia to execute the Laws of the Union, to suppress Insurrections, and to repel Invasions;
13. To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment and the Order of Discipline of the Militia, when not actually in the Service of the United States;
14. To regulate the Commerce and Fisheries with the Indian Tribes;
15. To exercise exclusive Jurisdiction over all Cases and Controversies, which may arise under the Authority of the United States, excepting Cases affecting Ambassadors, other public Ministers and Consuls, Cases between States, and Cases in which the United States shall be a Party;
16. To declare and punish Offences against the Law of Nations;
17. To define and punish Piracies and Offences on the high Seas, and Offences against Commerce;
18. To exercise exclusive Legislation over all Districts ceded to the United States, and to exercise like Authority in respect to Territory, when any shall be erected by the Laws of the United States;
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What else was happening . . .

1785

Frenchman J. P. Blanchard is said to be the first to actually use a parachute by dropping a dog in a basket, to which the parachute was attached, from a hot-air balloon. The dog survived, but fourteen years later, Blanchard suffered a heart attack, fell from one of his own balloons, and died of his injuries.

1787

Mozart composes his opera *Don Giovanni*.

1788

Australia is first settled by Europeans as a penal colony.

1789

Mutiny takes place on *H.M.S. Bounty*.

1793

Reign of Terror begins in France, as rival revolutionary factions battle over the proper ways in which “liberty, equality, and fraternity” can be implemented in a modern nation-state. Between 15,000 and 40,000 French lose their lives during the fourteen-month Terror, many by the blade of the guillotine, which earns the nickname “National Razor.”