Chapter 9
The Confederation and the Constitution, 1776–1790
I. The Pursuit of Equality

• Changes in social customs-Mr. & Mrs.; boss v. master; indentured servitude attitudes.

• Society of Cincinnati

• Growth of trade organizations and changes in inheritance laws.

• Anglican Church re-formed to Episcopal Church. Disestablished everywhere.

• Virginia Statute for Religious Freedom-Jefferson role

• Impact on slavery? Did attitudes change? Where?
continued

• Equality for women? Abigail Adams views.
• Civic virtue and the importance of mothers-
  "republican motherhood">some educational
  opportunities expanded.
II. Constitution Making in the States

• Massachusetts - oldest constitution in the world submitted to the people for ratification.

• Common features in state constitutions:
  a) written contracts that defined the powers of government
  b) fundamental law
  c) bill of rights
  d) annual election of legislators
  e) weak judicial and executive branches
  f) legislatures given broad powers

• State legislatures look more representative

• Several state capitals moved westward towards the interior.
III. Economic Crosscurrents

- Former crown lands seized. Some Loyalists land cut up into smaller pieces, benefitted smaller owners.
- Economic democracy preceded political democracy.
- British imports cut in half—more American manufacturing.
- American shipping hurt by loss of British stuff.
- New commercial outlets (free trade) were a positive economic development; however, general economic picture was not rosy; war debt, profiteering, inflation. People perhaps worse off after the war than before.
IV. A Shaky Start Toward Union

• A name or a true nation?

• Hard economic times—Britain flooded American market with surplus goods.

• But, people were hopeful—great leaders like Washington, Jefferson, Madison, Adams
V. Creating a Confederation

• A plan of government-the Articles of Confederation
• Process of approval or ratification
• What was necessary to ratify it?
• What became a “bond of union”? 
VI. The Articles of Confederation: America’s First Constitution

• Provisions of the Articles of Confederation
• Strengths of the Articles
• More importantly, the weaknesses of the Articles
VII. Landmarks in Land Laws

• Land Ordinance of 1785-dealt with land northwest of the Ohio River and east of the Mississippi R and south of Great Lakes originally; provided the land should be sold-proceeds used to pay off national debt; land was surveyed; divided into townships (6 sq. mi.) and sections (1 sq. mi.); the 16th section set aside for public education. Very orderly process in Old Northwest-sharp contrast to south of the Ohio River

• Northwest Ordinance of 1787
continued

• Northwest Ordinance of 1787 - how would the territory of the Old Northwest be governed? Two territorial stages: 1) subordinate to federal government (territorial governor and courts) 2) when population reached 60,000, apply for statehood with U.S. Congress; forbade slavery in Old Northwest - existing slaves grandfathered in.

• The plan worked so well, it was carried over to other frontier territories
VIII. The World’s Ugly Duckling

• Britain continued Navigation Laws with U.S. and refused to enter into commercial treaty with U.S.

• British continued to hold forts and trading posts along the northern frontier. Sought to annex a rebellious area in Vermont (Allen brothers). Justified by saying U.S. had not honored treaty (treatment of debt and Loyalists). Actually, Britain was nurturing relationship with natives and trade with them. They served as buffer between U.S. and Canada.
continued

• U.S. Congress had little power to deal with British problem.

• Spain unfriendly to U.S. and controlled mouth of the Mississippi. In 1784, Spain closed access to Americans.

• Spain claimed a large area north of Gulf of Mexico granted to the U.S. by the British—also had a fort at Natchez (disputed soil)

• Britain and Spain stirred up Natives towards antagonizing Americans in the frontier.

• Pirates in North African states ravaging Med, commerce. (Barbary Coast)
IX. The Horrid Specter of Anarchy

• Economic problems- states were refusing to pay-U.S. does not have the ability to raise revenue>interest on the national debt was piling up.

• Individual states embroiled in boundary disputes.

• Some states had imposed duties on goods from neighboring states.

• Some states printing paper money. What is its value? Caused economic issues. Favored debtors over creditors.
Shay’s Rebellion

• Daniel Shays- Massachusetts farmer-former Revolutionary War captain and war veterans rebel (mostly small farmers). Many farms were being foreclosed upon. Attacked courthouses, stopped foreclosure proceedings, etc. Wanted paper money, lighter taxes, and suspension of foreclosures. Who has the power and authority to do anything about it?

• Massachusetts with the support of wealthy families raised a small mercenary army and the rebellion was crushed. But it showed the weakness of the Articles of Confederation. Concerned about “democratic despotism”, “mobocracy”. Perhaps a stronger central government was needed.
X. A Convention of “Demigods”

- Virginia called for a convention to be held at Annapolis in 1786. 9 states appointed but only 5 attended. Alexander Hamilton engineered the calling of another convention to be held at Philadelphia in 1787. This would become the Constitutional Convention.
- All states except R.I chose delegates—all appointed by state legislatures—a select group of propertied men chosen as delegates.
- Who was not there?
XI. Patriots in Philadelphia

• Generally speaking, who were the delegates? Were there some common characteristics? What were their goals? Did they bring any bias to the Convention?

• On what was there consensus? Economic role, protect private property, republican form of government, degree of democracy, consent of the governed, limited government

• What were the issues that would require compromise?
XII. Hammering Out a Bundle of Compromises

• The issue of political representation regarding the states. Equal or by population. a. Virginia Plan (large state) b. New Jersey Plan (small state) c. Connecticut Compromise (Great Compromise)

• Basic characteristics- short (7 articles, ten pages), came out of common law, flexible.
A Bundle of Compromises

- A robust but restrained executive (presidency)
- Electoral College to elect president
- Three-fifths Compromise
- Compromise on the slave trade
<table>
<thead>
<tr>
<th>Years</th>
<th>Attempts at Union</th>
<th>Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>1643–1684</td>
<td>New England Confederation</td>
<td>4 colonies</td>
</tr>
<tr>
<td>1686–1689</td>
<td>Dominion of New England</td>
<td>7 colonies</td>
</tr>
<tr>
<td>1754</td>
<td>Albany Congress</td>
<td>7 colonies</td>
</tr>
<tr>
<td>1765</td>
<td>Stamp Act Congress</td>
<td>9 colonies</td>
</tr>
<tr>
<td>1772–1776</td>
<td>Committees of Correspondence</td>
<td>13 colonies</td>
</tr>
<tr>
<td>1774</td>
<td>First Continental Congress (adopts The Association)</td>
<td>12 colonies</td>
</tr>
<tr>
<td>1775–1781</td>
<td>Second Continental Congress</td>
<td>13 colonies</td>
</tr>
<tr>
<td>1781–1789</td>
<td>Articles of Confederation</td>
<td>13 states</td>
</tr>
<tr>
<td>1789–1790</td>
<td>Federal Constitution</td>
<td>13 states</td>
</tr>
</tbody>
</table>
XIII. Safeguards for Conservatism

• How was the Constitution “conservative”? What does that mean?

• Protect against excesses of the “mob”!

• Federal judges appointed; Senators chosen by state legislatures; President elected by the Electoral College; Only H of R directly elected by the people and that was to a short term of two years. Other top officials appointed-not elected.

• Voter qualifications?

• 39 signed the Constitution-3 declined
XIV. The Clash of Federalists and Antifederalists

• 9 states needed to ratify by convention. (Article VII)

• Factions developed over the issue of ratification-those who supported it (the Federalists) and those who didn’t (the Antifederalists)

• The Federalists-George Washington, James Madison, Alexander Hamilton, John Jay, Benjamin Franklin- the more wealthy, educated people along the seaboard-better organized, controlled the press.
continued

• Antifederalists- Patrick Henry, Samuel Adams, Richard Henry Lee-State’s right proponents, backcountry dwellers, small farmers.

• What were the antifederalists biggest complaints?-aristocratic, a standing army, loss of state sovereignty, District of Columbia, 2/3 to ratify, loss of annual elections, no Bill of Rights, no reference to God
<table>
<thead>
<tr>
<th><strong>Under Articles of Confederation</strong></th>
<th><strong>Under Federal Constitution</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>A loose confederation of states</td>
<td>A firm union of people</td>
</tr>
<tr>
<td>1 vote in Congress for each state</td>
<td>2 votes in Senate for each state; representation by population in House (see Art. I, Secs. II, III)</td>
</tr>
<tr>
<td>Vote of 9 states in Congress for all important measures</td>
<td>Simple majority vote in Congress, subject to presidential veto (see Art. I, Sec. VII, para. 2)</td>
</tr>
<tr>
<td>Laws administered loosely by committees of Congress</td>
<td>Laws executed by powerful president (see Art. II, Secs. II, III)</td>
</tr>
<tr>
<td>No congressional power over commerce</td>
<td>Congress to regulate both foreign and interstate commerce (see Art. I, Sec. VIII, para. 3)</td>
</tr>
<tr>
<td>No congressional power to levy taxes</td>
<td>Extensive power in Congress to levy taxes (see Art. I, Sec. VIII, para. 1)</td>
</tr>
<tr>
<td>Limited federal courts</td>
<td>Federal courts, capped by Supreme Court (see Art. III)</td>
</tr>
<tr>
<td>Unanimity of states for amendment</td>
<td>Amendment less difficult (see Art. V)</td>
</tr>
<tr>
<td>No authority to act directly upon individuals and no power to coerce states</td>
<td>Ample power to enforce laws by coercion of individuals and to some extent of states</td>
</tr>
</tbody>
</table>
XV. The Great Debate in the States

- Special elections>conventions
- 4 small states quickly ratify
- Penn first large state; Massachusetts overcomes early opposition by narrow margin-it was very important state.
- Federalists give solemn promise to add a bill of rights.
- New Hampshire becomes 9th state. June 21, 1788 officially adopted, but Virginia and New York had not ratified yet along with North Carolina and R.I.
<table>
<thead>
<tr>
<th>State</th>
<th>Date</th>
<th>Vote in Convention</th>
<th>Rank in Population</th>
<th>1790 Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>Dec. 7, 1787</td>
<td>Unanimous</td>
<td>13</td>
<td>59,096</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Dec. 12, 1787</td>
<td>46 to 23</td>
<td>3</td>
<td>433,611</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Dec. 18, 1787</td>
<td>Unanimous</td>
<td>9</td>
<td>184,139</td>
</tr>
<tr>
<td>Georgia</td>
<td>Jan. 2, 1788</td>
<td>Unanimous</td>
<td>11</td>
<td>82,548</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Jan. 9, 1788</td>
<td>128 to 40</td>
<td>8</td>
<td>237,655</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Feb. 7, 1788</td>
<td>187 to 168</td>
<td>2</td>
<td>475,199</td>
</tr>
<tr>
<td>(incl. Maine)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maryland</td>
<td>Apr. 28, 1788</td>
<td>63 to 11</td>
<td>6</td>
<td>319,728</td>
</tr>
<tr>
<td>South Carolina</td>
<td>May 23, 1788</td>
<td>149 to 73</td>
<td>7</td>
<td>249,073</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>June 21, 1788</td>
<td>57 to 46</td>
<td>10</td>
<td>141,899</td>
</tr>
<tr>
<td>Virginia</td>
<td>June 26, 1788</td>
<td>89 to 79</td>
<td>1</td>
<td>747,610</td>
</tr>
<tr>
<td>New York</td>
<td>July 26, 1788</td>
<td>30 to 27</td>
<td>5</td>
<td>340,241</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Nov. 21, 1789</td>
<td>195 to 77</td>
<td>4</td>
<td>395,005</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>May 29, 1790</td>
<td>34 to 32</td>
<td>12</td>
<td>69,112</td>
</tr>
</tbody>
</table>
XVI. The Four Laggard States

• Fierce opposition in Virginia (largest state) led by Patrick Henry but Virginia ratified 89-79. (hard to survive as an independent state)

• New York heavily anti-federalist; Federalist led by Alexander Hamilton. He, John Jay, and James Madison write the *Federalist Papers*, 85 essays published in newspapers and elsewhere promoting ratification. The *Federalist Papers* are the best commentary ever written on the Constitution and still sold in book form. Federalist #10 the most famous defends republican form of government in such a large territory
continued

- Close vote: 30-27. Delegates realized it would be hard to prosper apart from the union. Also proposed 32 amendments to the Constitution.

- Hostile convention in North Carolina did not take a vote. R.I. did not summons a convention-rejected it by popular referendum. The two last states would not ratify for several months and even then, unwillingly.

- Fight for ratification very contentious. Some riots and disturbances. Last four ratified because they had to. They could not safely exist outside of the union.
The Federal Plan Must Solid & Secure
All Arts Shall Flourish in Columbia's Land
And All Her Sons, Join as One Social Band.

SOCIETY of PEWTERERS
A Conservative Triumph

- A minority triumph
- Only ¼ of population involved in the process.
- Safeguards had been erected against “mob-rule” excess. Some would have argued it had put government out of the reach of the people—people’s sovereignty was in a single branch of government—the legislature. Federalists would argue the people were represented in all three branches of government—republicanism had been preserved. The Constitution had reconciled the conflicting principles of liberty and order. (Read p.177-178)
REDEUND SATURNIA REGNA.

On the erection of the Eleventh PILLAR of the great National DOME, we beg leave most sincerely to felicitate "OUR DEAR COUNTRY."

Rifi it will.

The foundation good—it may yet be saved.

The FEDERAL EDIFICE.
**CHRONOLOGY**

**1774** First Continental Congress calls for abolition of slave trade

**1775** Philadelphia Quakers found world’s first anti-slavery society

**1776** New Jersey constitution temporarily gives women the vote

**1777** Articles of Confederation adopted by Second Continental Congress

**1780** Massachusetts adopts first constitution drafted in convention and ratified by popular vote

**1781** Articles of Confederation put into effect

**1783** Military officers form Society of the Cincinnati

**1785** Land Ordinance of 1785

**1786** Virginia Statute for Religious Freedom
  Shays’s Rebellion
  Meeting of five states to discuss revision of the Articles of Confederation

**1787** Northwest Ordinance
  Constitutional Convention in Philadelphia

**1788** Ratification by nine states guarantees a new government under the Constitution