Chapter #9: The Confederation and the Constitution – Big Picture Ideas

1. The Articles of Confederation, the first government set up after the American Revolution, was structured out of fear of a too-strong government. Therefore, the Articles were very weak on purpose.

2. Two things showed the Articles as being too weak to the point of being sterile: (a) it could not regulate commerce and the money situation was growing dim fast and (b) Shays’ Rebellion frightened many to the possibility that mobs might just take over and the government might be too weak to stop them. Due to these reasons, the Constitutional Convention was held.

3. The Constitution was written as something of a balancing act between strengthening the government, yet making sure it doesn’t get too strong to take over. The resulting government was indeed stronger, but also a system of checks and balances were put into place to ensure no one branch becomes like the king had been.

4. After some negotiating, mostly with the promise of the Bill of Rights, the Constitution was ratified.

IDENTIFICATIONS:

Articles of Confederation
The first "constitution" governing the Untied States after the Revolution; it was ratified in 1781 and it provided for a "firm league of friendship;" the legislative branch (Congress) had no power to regulate commerce or forcibly collect taxes and there was no national executive or judicial branch; it was an important stepping-stone towards the present constitution because without it the states would never have consented to the Constitution

Annapolis Convention (1786)
A precursor to the Constitutional Convention of 1787. A dozen commissioners form New York, New Jersey, Pennsylvania, Delaware and Virginia met to discuss reform of interstate commerce regulations, to design a U.S. currency standard, and to find a way to repay the federal government’s debts to Revolutionary War veterans. Little was accomplished, except for the delegates to recommend that a further convention be held to discuss changes to the form of the federal government; the idea was endorsed by the Confederation Congress in February, 1878, which called for another convention to be held in May that year in Philadelphia.

Shays’s Rebellion (1786)
1786- Led by Captain Daniel Shays, Revolutionary war veteran. An uprising that flared up in western
Massachusetts. Impoverished backcountry farmers, many of them Revolutionary war veterans, were losing their farms through mortgage foreclosures and tax delinquencies. They demanded cheap paper money, lighter taxes, and a suspension of mortgage foreclosures. Hundreds of angry agitators attempted to enforce these demands. Massachusetts authorities, supported by wealthy citizens, raised a small army under General Lincoln.

**Philadelphia Convention**
Beginning on May 25, 1787, the convention recommended by the Annapolis Convention was held in Philadelphia. All of the states except Rhode Island sent delegates, and George Washington served as president of the convention. The convention lasted 16 weeks, and on September 17, 1787, produced the present Constitution of the United States, which was drafted largely by James Madison.

**John Locke’s *Second Treatise of Government* (1690)**
He wrote that all human beings have a right to life, liberty, and property and that governments exist to protect those rights. He believed that a contract existed between a government and its people, and if the government failed to uphold its end of the contract, the people could rebel and institute a new government.

**The Federalist Papers**
The Federalist was a series of articles written in New York newspapers as a source of propaganda for a stronger central government. The articles, written by Alexander Hamilton, John Jay, and James Madison, were a way for the writers to express their belief that it is better to have a stronger central government. The papers turned out to be a penetrating commentary written on the Constitution.

**Federalist #10**
This essay from the *Federalist Papers* proposed setting up a republic to solve the problems of a large democracy (anarchy, rise of factions which disregard public good).

**Land Ordinance of 1785**
A red letter law which stated that disputed land the Old Northwest was to be equally divided into townships and sold for federal income; promoted education and ended confusing legal disagreements over land.

**Land Ordinance of 1787**
The Northwest Ordinance took place in 1787. They said that sections of land were similar to colonies for a while, and under the control of the Federal Government. Once a territory was inhabited by 60,000 then congress would admit it as a state. The original thirteen colonies were charters. Slavery was prohibited in these Northwest Territories. This plan worked so good it became the model for other frontier areas.

**Anti-Federalists**
People against federalists in 1787; disagreed with the Constitution because they believed people’s rights were being taken away without a Bill of Rights; also did not agree with annual elections and the non-existence of God in the government.
Necessary and Proper Clause
Section 8 of Article I contains a long list of powers specifically granted to Congress, and ends with the statement that Congress shall also have the power "to make all laws which shall be necessary and proper for carrying into execution the forfegoing powers." These unspecified powers are known as Congress' "implied" powers. There has long been a debate as to how much power this clause grants to Congress, which is sometimes referred to as the "elastic" clause because it can be "stretched" to include almost any other power that Congress might try to assert.

The Interactive Constitution – http://ratify.constitutioncenter.org/constitution/

The Federal System of Government

<table>
<thead>
<tr>
<th>Delegated Powers</th>
<th>Concurrent Powers</th>
<th>Reserved Powers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Powers given to the national government</td>
<td>Powers shared by the national and state governments</td>
<td>Powers given to state governments</td>
</tr>
</tbody>
</table>

- Levy tariffs and taxes
- Regulate trade (interstate and foreign)
- Coin money
- maintain armed forces
- Declare war
- establish post offices
- Establish courts
- Maintain law and order
- Levy taxes
- Borrow money
- Take land for public use
- Provide for public welfare
- Tax citizens
- Control public education
- Punish criminals
- Protect public health and safety

GUIDED READING QUESTIONS:

The Pursuit of Equality

Know: Leveling, Society of the Cincinnati, Virginia Statute for Religious Freedom, Abigail Adams, Republican Motherhood, John Singleton Copley

1. What social changes resulted from the American Revolution?
Constitution Making in the States
Know: State Constitutions, Fundamental Law
2. What was the importance of the state constitutions?

Economic Crosscurrents
Know: Navigation Laws, Empress of China, Speculation
3. What were the positive and negative effects of the war on America?

The Critical Period
WEAKNESSES OF THE ARTICLES OF CONFEDERATION

<table>
<thead>
<tr>
<th>Weaknesses</th>
<th>Consequences</th>
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</thead>
<tbody>
<tr>
<td>No Chief Executive – Congress used committees</td>
<td>No one leader to organize things, no one person</td>
</tr>
<tr>
<td>to Get their work accomplished</td>
<td>for a foreign nation to deal with, committees</td>
</tr>
<tr>
<td></td>
<td>didn’t work well together</td>
</tr>
<tr>
<td><strong>Passing a law took approval of 9 of the 13 states</strong></td>
<td>With 5 “small” and 8 “large” states it was almost impossible to get an agreement, delegates from all states weren’t around very often</td>
</tr>
<tr>
<td><strong>Amending the document required approval of 13 of the 13 states</strong></td>
<td>This never happened, so even when changes were needed, they couldn’t happen</td>
</tr>
<tr>
<td><strong>Congress could request the states pay taxes, but they couldn’t force them to pay. Congress could borrow money.</strong></td>
<td>Most states had debts of their own and were slow to pay the requested amount if they paid it at all. Congress borrowed money from foreign nations, but all that did was increase our national debt</td>
</tr>
<tr>
<td><strong>Congress possessed no power to control commerce – foreign or domestic</strong></td>
<td>Made it difficult for nations to trade with the US because of the different state regulations. Congress had no power to protect US industries with duties.</td>
</tr>
<tr>
<td><strong>Congress could make treaties but had no power to require the states to follow them</strong></td>
<td>Couldn’t force the states to live up to the Treaty of Paris</td>
</tr>
<tr>
<td><strong>Congress could make laws but had no power to force the states to abide by them</strong></td>
<td>They could ask, but they couldn’t force. So if a law had been passed the 4 states that disagreed could just not follow it</td>
</tr>
<tr>
<td><strong>No National court system</strong></td>
<td>No way to settle disputes between states</td>
</tr>
</tbody>
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**A Shaky Start toward Union**

Know: Natural Rights

4. Why was the end of the war difficult on the national government?
Creating a Confederation
Know: Sovereignty, Articles of Confederation
5. What forces served to unify the separate states during the war?

The Articles of Confederation: America's First Constitution
6. What weaknesses plagued the Articles of Confederation? What was good about it?

Landmarks in Land Laws
Know: Old Northwest, Land Ordinance of 1785, Northwest Ordinance of 1787
7. Explain the importance of the Land Ordinance of 1785 and the Northwest Ordinance.

The World's Ugly Duckling
Know: Natchez, Dey of Algiers
8. Using examples, explain the title of this section.

The Horrid Specter of Anarchy
Know: Shay's Rebellion, Mobocracy
A Convention of "Demigods"
Know: George Washington, Benjamin Franklin, James Madison, Alexander Hamilton, Patrick Henry

10. What kind of men gathered in Philadelphia for the "sole and express purpose of revising" the old government?

Patriots in Philadelphia

11. How does George Washington's quote, "We have, probably, had too good an opinion of human nature in forming our confederation." help to explain the purposes of our founding fathers.

Hammering out a Bundle of Compromises
Know: Virginia (large state) Plan, Bicameral Legislature, New Jersey (small state) Plan, Great Compromise, Electoral College, Three-fifths Compromise

12. Describe the compromises that were achieved by the delegates to the Constitutional Convention.
Safeguards for Conservatism
Know: Checks and Balances, Separation of Powers
13. How democratic was the Constitution as originally written?

The Clash of Federalists and Anti-federalists
Know: Anti-federalists, Federalists
14. Who were the anti-federalists and why did they oppose the Constitution?

RATIFICATION OF THE UNITED STATES CONSTITUTION

<table>
<thead>
<tr>
<th>State</th>
<th>Population (1790)</th>
<th>Date of Ratification Vote</th>
<th>Number of Delegates Voting for the Constitution</th>
<th>Number of Delegates Voting Against the Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>59,096</td>
<td>Dec. 1787</td>
<td>Unanimous</td>
<td>--</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>433,611</td>
<td>Dec. 1787</td>
<td>46</td>
<td>23</td>
</tr>
<tr>
<td>New Jersey</td>
<td>184,139</td>
<td>Dec. 1787</td>
<td>Unanimous</td>
<td>--</td>
</tr>
<tr>
<td>Georgia</td>
<td>82,548</td>
<td>Jan. 1788</td>
<td>Unanimous</td>
<td>--</td>
</tr>
<tr>
<td>Connecticut</td>
<td>237,655</td>
<td>Jan. 1788</td>
<td>128</td>
<td>40</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>475,199</td>
<td>Feb. 1788</td>
<td>187</td>
<td>169</td>
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<tr>
<td>Maryland</td>
<td>319,728</td>
<td>Apr. 1788</td>
<td>63</td>
<td>11</td>
</tr>
<tr>
<td>South Carolina</td>
<td>249,073</td>
<td>May 1788</td>
<td>149</td>
<td>73</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>141,899</td>
<td>June 1788</td>
<td>57</td>
<td>46</td>
</tr>
<tr>
<td>Virginia</td>
<td>747,610</td>
<td>June 1788</td>
<td>89</td>
<td>79</td>
</tr>
<tr>
<td>New York</td>
<td>340,241</td>
<td>July 1788</td>
<td>30</td>
<td>27</td>
</tr>
<tr>
<td>North Carolina</td>
<td>395,005</td>
<td>Nov. 1789</td>
<td>195</td>
<td>77</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>69,112</td>
<td>May 1790</td>
<td>34</td>
<td>32</td>
</tr>
</tbody>
</table>

The Great Debate in the States
15. Did most of the states approve of the Constitution? Why?
The Four Laggard States

16. Explain some of the opposition to ratification of the Constitution?

A Conservative Triumph

17. What does your text mean when it says that the Constitution, "...elevated the ideals of the Revolution even while setting boundaries to them."?