

Objectives

- Identify the weaknesses of the **Articles of Confederation**.
- Describe the role **compromise** played in the creation of the **Constitution** and the struggle for its **ratification**.
- Define the principles expressed in the **Constitution and Bill of Rights**.

A Confederation of States

Examine the provisions of the Articles of Confederation.

The Constitutional Convention

Describe the outcome of efforts to revise the Articles of Confederation.

The Struggle Over Ratification

Summarize the arguments for and against ratification of the Constitution.

Principles of the Constitution

Identify the significant principles and provisions of the new plan for government.

Terms and People

- **bill of rights** – guarantee of basic freedoms
- **Shays' Rebellion** – 1786 armed revolt by Massachusetts farmers led by Daniel Shays
- **James Madison** – Virginia delegate to the Constitutional Convention who was a key figure in the writing and ratification of the Constitution
- **ratify** – officially approve

Terms and People (continued)

- **federalism** – division of sovereignty between states and the federal government
- **separation of powers** – government functions are divided between three branches: legislative, executive, and judicial
- **checks and balances** – each branch can check, or limit, the power of the others, preventing a concentration of power



What ideas and debates led to the Constitution and Bill of Rights?

Dissatisfied with British rule, the American colonists rebelled and **created the United States of America with a new system of government.**

The enduring document they created—the Constitution—has guided the nation for over 200 years.

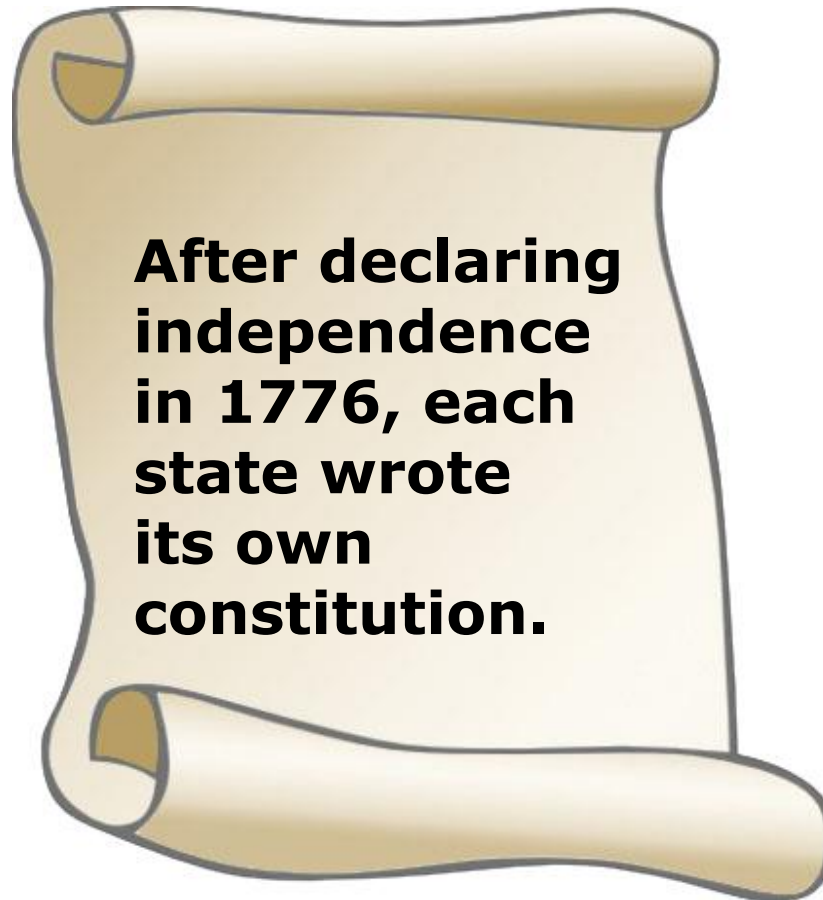


“THE CRISIS PERIOD”: FROM THE ARTICLES OF CONFEDERATION TO THE CONSTITUTION.

US History, 1781 - 1791

Problems that the New America Faced

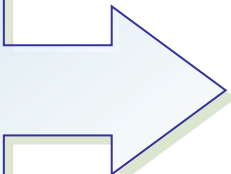
- War Debt
 - ▣ Who collects taxes?
 - ▣ Who creates money?
- Deciding on a government
 - ▣ Strong Central Government, or Give powers to States?



- They created governments with representatives elected by the people.
- Most contained a **bill of rights** listing freedoms guaranteed to citizens.

The Articles of Confederation was the new nation's first constitution.

Fearing the abuse of power, the states gave the new federal government only limited authority.



Congress could declare and conduct war and could regulate trade with foreign countries and Indian nations.

BUT

Congress had no real power to enforce laws, collect taxes, or form a national military.

The Articles of Confederation - 1781

- Proposed in 1777, it took four years for the Articles of Confederation to receive unanimous ratification.
- In 1781, it became the law of the land.
- Among its most important accomplishments:
 - ▣ 1. The **Revolutionary War** was won against England.
 - ▣ 2. **Treaties of alliance** were signed with France, Spain, and Holland.
 - ▣ 3. The **Treaty of Paris** of 1783 was signed.
 - ▣ 4. The **Northwest Ordinance** was made law.

ARTICLES OF CONFEDERATION

WEAKNESS

RESULTING PROBLEM

Congress had no power to tax

Weak currency & increased debt lead to inability to pay army—threats of mutiny

Congress had no power to enforce treaties

Foreign countries angry when treaties are not honored

Every state, despite size has one vote

Populous states not equally represented

Congress has no power to regulate commerce

Trade hindered by states, high tariffs (taxes) on each other

Amendments requires unanimous vote of states

Difficult to adapt articles to changing needs



Under the Articles, Congress had authority over the Northwest Territory. It passed two laws to organize and govern this land.

THE AMERICAN CONSTITUTION

II. PLAN FOR THE WEST

How do we manage new land west of the Appalachians and north of the Ohio River?

A. Land Ordinance of 1785

- established a plan for surveying, selling & settling land

B. Northwest Ordinance of 1787

- est. a plan for dividing new territories & admission of new states.
- established a blueprint for future growth of the nation.
- Banned slavery north of the Ohio River, setting the stage for future conflict over slavery

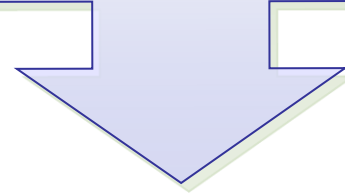


**Problems
emerged under
the Articles of
Confederation.**



- States taxed goods from other states, which hurt interstate commerce.
- The nation could not pay its war debt.
- With no national army, the states could not defend the nation's borders or gain respect abroad.

In Massachusetts, farmers faced losing their farms when they couldn't pay their debts.



In 1786, Daniel Shays led a mob of angry farmers on a federal arsenal.

Known as **Shays' Rebellion**, the incident highlighted the weakness of the federal government under the Articles.

The Whiskey Rebellion of 1794

When farmers in the Western part of Pennsylvania refused to pay their federal taxes in 1794, George Washington personally led an army of over 13,000 soldiers to coerce the people into paying their taxes – affirming the power of the federal government in the process.



In May 1787, state delegates met in Philadelphia to amend the Articles of Confederation.

- Delegates restructured the national government in what became known as the Constitutional Convention.
- Delegates disputed the amount of power to be retained by states or given to Congress.

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**CONSTITUTIONAL
CONVENTION**

THE AMERICAN CONSTITUTION

IV. CONSTITUTIONAL CONVENTION

May of 1787



Independence Hall, Philadelphia

James Madison - Father of the Constitution



Small states favored the New Jersey Plan.

There would be a **one-house Congress**.

States would be **represented as equals**, no matter their size.

The U.S. would remain a confederation of sovereign states with **few powers granted to the national government**.

Large states favored **James Madison's Virginia Plan**.

Congress would be a **bicameral legislature**.

In both houses, states with **larger populations would have more members**.

A President would command the armed forces.

The Great Compromise proposed by Roger Sherman included:

- a House of Representatives based on the Virginia Plan. **More populous states would have more members.**

- a Senate based on the New Jersey Plan. **Each state would have two senators.**

- the Three-Fifths Compromise **counted each slave as three-fifths of a person** for a state's representation in the House. Enslaved people could not vote.

THE AMERICAN CONSTITUTION

IV. CONSTITUTIONAL CONVENTION



A. VIRGINIA PLAN

1. bicameral congress - votes based on state pop.
2. Congress -power to tax, & regulate foreign & interstate trade
3. National Gov. - power to VETO any state law
4. Executive Branch & Judicial Branch



B. NEW JERSEY PLAN

1. unicameral congress -
1 state, 1 vote
2. Congress -power to tax, & regulate foreign & interstate trade
3. Executive Branch & Judicial Branch

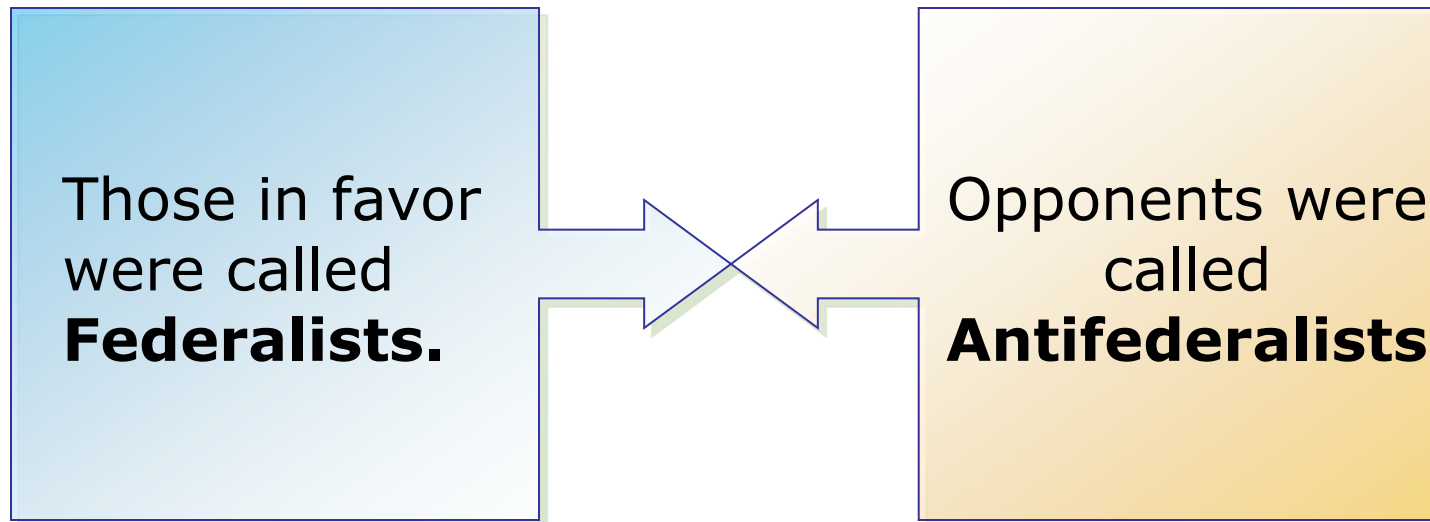


8. with Three-Fifths Compromise slaves counted as $\frac{3}{5}$ ths a person in census counts (though the word “slave” does not appear in the Constitution)



9. the constitutional framers postponed a solution to the problems of slavery, setting the stage for recurring conflicts in later years

Before the Constitution could go into effect, it had to be **ratified by 9 of the 13 states.**



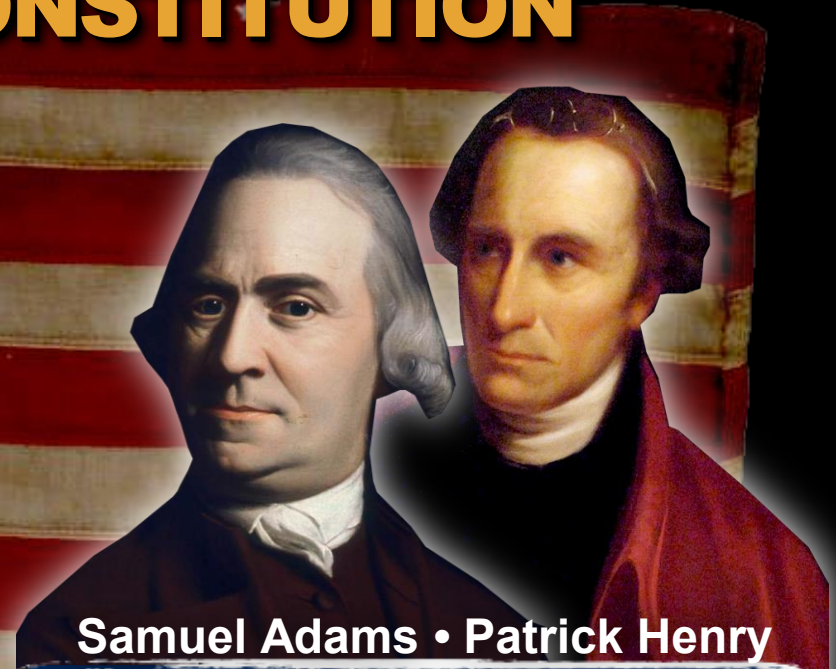
With New Hampshire's ratification in 1788, the Constitution was the new law of the land.

THE AMERICAN CONSTITUTION

VI. RATIFYING THE CONSTITUTION



James Madison • Alexander Hamilton



Samuel Adams • Patrick Henry

A. Federalists

- delegates pro Constitution
- Strong National Govt.

B. Antifederalists

- Against the Constitution
- Fought for a Bill of Rights

C. Federalists Papers - Essays written to urge delegates to ratify the Constitution. Written secretly by Alexander Hamilton, John Jay, James Madison

The Federalist Papers

The *Federalist Papers* remains one of the finest statements on government and the Constitution ever written.

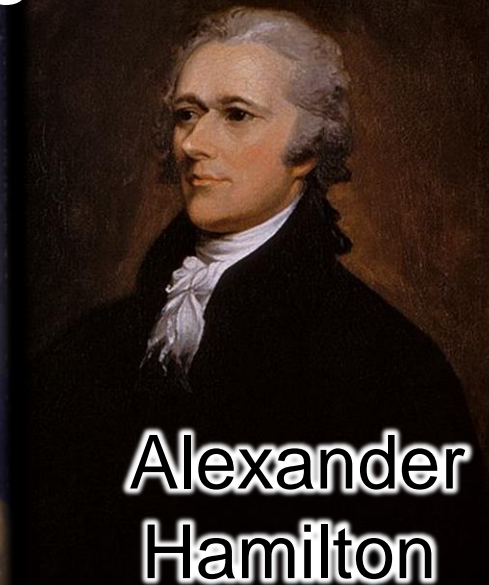
New York to accept the Cons



James
Madison



John Jay

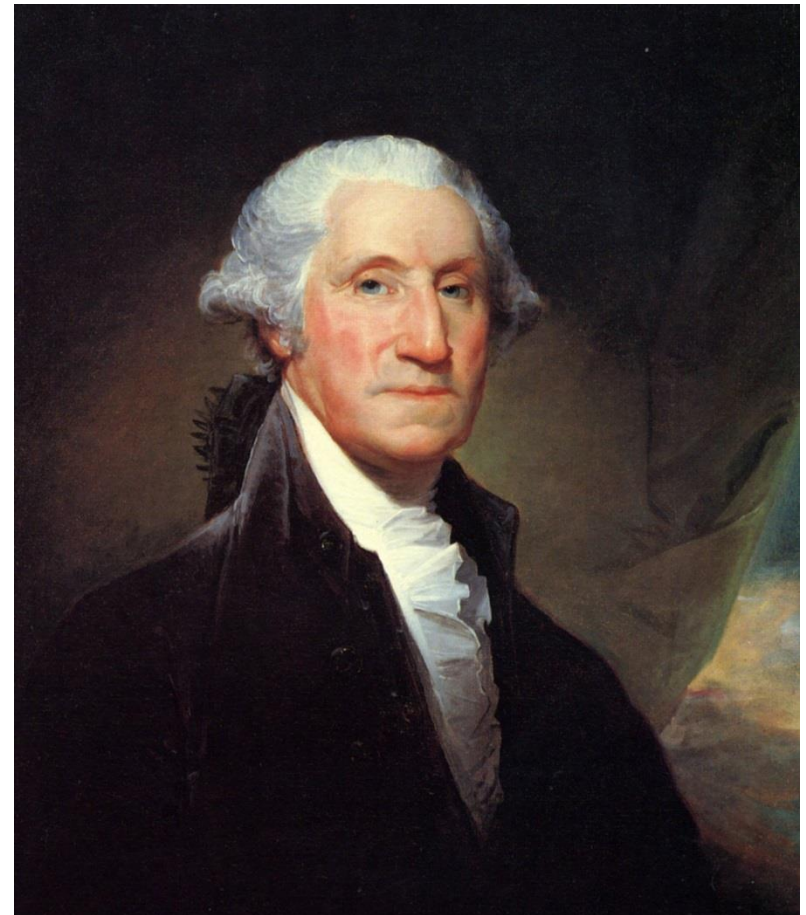


Alexander
Hamilton

“Ambition must be made to counteract ambition . . . If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the

The Federalists

- Federalists were in favor of the immediate **ratification of the Constitution**. Most of the men present at the Constitutional Convention fell into this category. They believed that it was essential to grant the central government more power quickly, and that the Constitution be ratified, **without a Bill of Rights**.



George Washington, Alexander Hamilton, James Madison, and Ben Franklin were all Federalists, encouraging the immediate ratification of the Constitution in 1787 – 1788.

The Antifederalists

- Men and women who **opposed the ratification** of the Constitution were known as Antifederalists. Patrick Henry, Elbridge Gerry, George Mason, and Mercy Otis Warren were some of the most outspoken opponents of the Constitution. Most sought to have a **Bill of Rights added** to the document.



THE

Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent an accumulation or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government, will best ensure the beneficial ends of its institution

RESOLVED

by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz^{ts}

ARTICLES in addition to, and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

Article the first.... After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

Article the second.... No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

Article the third.... 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.

Article the fourth.... A 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.

Article the fifth.... No Soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Article the sixth.... The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Article the seventh.... No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall he be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Article the eighth.... In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defence.

Article the ninth.... In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Article the tenth.... Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

The Bill of Rights

Antifederalists generally opposed the Constitution because they feared it would not guarantee individual rights. **James Madison proposed the Bill of Rights** in 1789, at the first Congress. Twelve amendments were proposed, and ten would be immediately ratified by the states two years later in 1791. Another, the twenty-seventh amendment to the Constitution, was passed 202 years later, in 1993.

THE AMERICAN CONSTITUTION

VI. RATIFYING THE CONSTITUTION

Bill of Rights

Formal summary of citizen's rights & freedoms

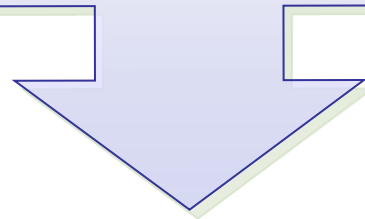
- Antifederalists feared strong Nat'l Govt would suppress speech, press, religion, trials
- many delegates would not vote for ratification w/o a Bill of Rights

I MAY DISAGREE
WITH WHAT YOU
SAY, BUT I WILL
DEFEND TO THE
DEATH YOUR RIGHT
TO SAY IT.

—Voltaire

Under **federalism**, power was divided between the states and the federal government.

The Constitution promoted a **separation of powers** into distinct executive, legislative, and judicial branches. Each branch has **checks and balances** on the others.



This prevented the concentration of power in any one branch of the federal government.

The Checks & Balances System

Executive

Congress has power to:

- Override Presidential veto
- Reject treaties and presidential appointments
- Impeach and remove

Checks the President
Checks the Congress

President has power to:

- Grant pardons
- Appoint judges

President has power to:

- Veto laws
- Make treaties and foreign policy
- Appoint federal officials
- Propose laws

Supreme Court has power to:

- Decide laws unconstitutional

Supreme Court has power to:

- Decide actions unconstitutional
- Interpret treaties

Checks the President
Checks the Supreme Court

Legislative

Checks the Congress
Checks the Supreme Court

Judicial

Congress has power to:

- Propose amendments to overturn court decisions
- Create lower courts
- Impeach and remove
- Reject appointments

System of Federalism

National Government

Delegated Powers:

- Maintain army and navy
- Declare war
- Coin money
- Regulate trade between states and with foreign nations
- Make all laws necessary for carrying out delegated powers

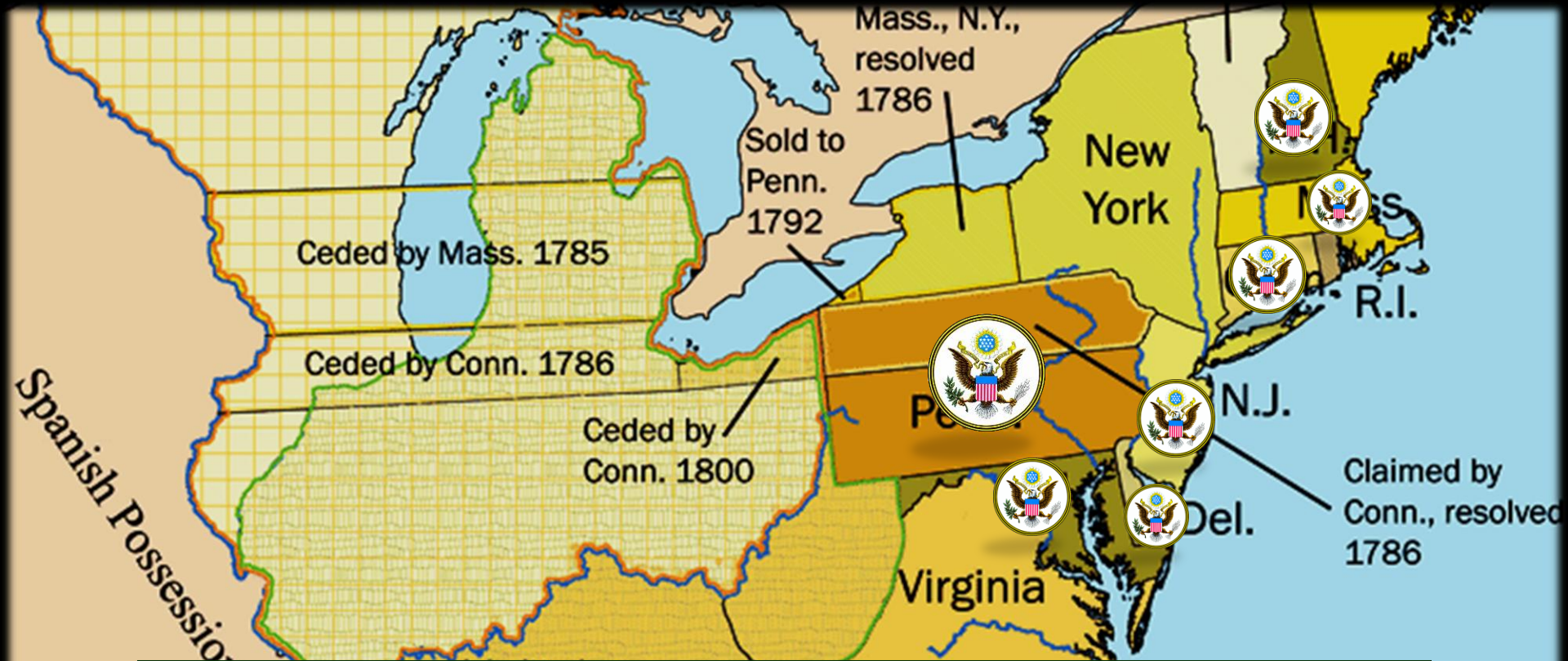
Concurrent Powers:

- Enforce laws
- Establish courts
- Borrow money
- Protect the safety of the people
- Build roads
- Collect taxes

State Government

Reserved Powers:

- Conduct elections
- Establish schools
- Regulate business within a state
- Establish local governments
- Regulate marriages
- Assume other powers not given to the national government or denied to the states



5. (June 1788) Constitution was officially adopted after nine states had ratified



THE AMERICAN CONSTITUTION

VI. RATIFYING THE CONSTITUTION

Why the Feds Won -

1. the Articles had serious probs.
2. Feds had a specific plan - the Constitution
3. Feds were well organized
4. Compromised w/the Bill of Rights
5. Feds had . . .



George Washington

The Chronology of Events

1781 – The Articles of Confederation are ratified.

1786 – Shays' Rebellion in Western Massachusetts.

1787 – The Northwest Ordinance is passed.

1787 – The Constitutional Convention begins.

1787 – The Great Compromise - Bicameral Congress.

1787 – The Three-Fifths Compromise – Slavery in America.

The Chronology of Events

1787 – 1788 – The Federalist Papers are written.

1788 – The Constitution is ratified and becomes the law of the land.

1789 – 1791 – The Bill of Rights are proposed and then ratified by the states.

1794 – The Whiskey Rebellion is put down by President George Washington.