

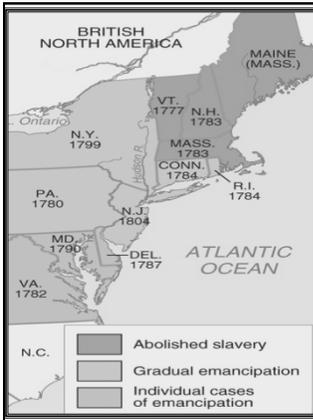
Unit #3
 Chapters 9, 10, 11

The Confederation and the Constitution



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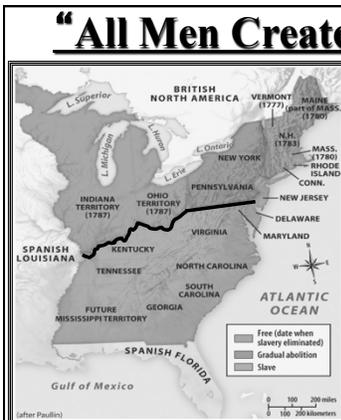




“All Men Created Equal”

- New England states are the first to abolish slavery after the Revolution.
- Middle States would abolish later....
- In 1791, the Quakers formed first Anti-Slavery Society & Underground Railroad
- Southern States would expand slavery after the invention of the cotton gin.
- As country expands, North & South would compromise over the issue of slavery.....

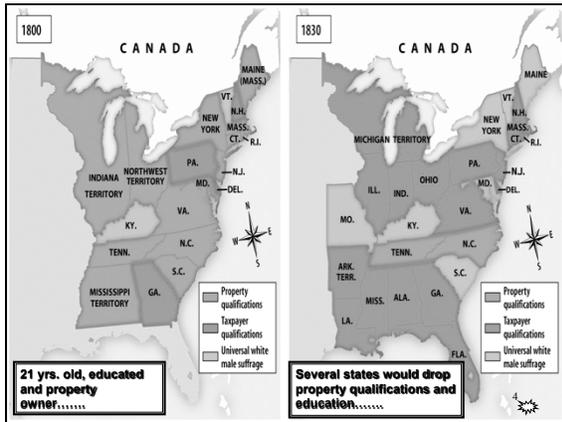
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 slavery



“All Men Created Equal”

- Mason Dixon Line set the precedent over dividing the country over slavery.
- Ohio River would be the dividing boundary between North and South.

3



WOMEN'S RIGHTS



• Abigail Adams—1790' to early 1800' s

Republican motherhood

- Concept that a woman's role was to stay at home and raise the next generation of **PATRIOTS**.
- This was a role to be proud of because a woman's responsibility was to teach and raise their children in **REPUBLICANISM**.



- Supported the abolition of slavery
- Republican motherhood
- Despite their contributions, women's rights did not progress and would remain 2nd class citizens



REPRESENTATIVE DEMOCRACY

- Also referred to as a **republic**
- Concept: Republicanism**
- Government authority comes from the **people who elect officials** that represent their interests
- Promoted the **end of slavery, encouraged education** and sacrifice for the public good

State Constitutions & State Governments

• Common aspects

– **Each state listed the basic rights and freedoms that belonged to all citizens**

- “unalienable rights”
- i.e. jury trial and freedom of religion

– **Separation of powers**

- Legislative powers to an elected two-house legislature
- Executive powers to an elected governor
- Judicial powers to a system of courts

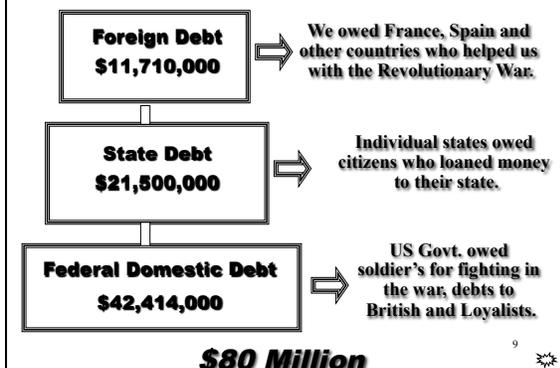
– **All white males with property could vote**

- Based on the assumption that property-owners had a larger stake in government than did the poor and property-less
- Elected officials higher qualifications than the voters

State Constitutions

Popular Sovereignty	<ol style="list-style-type: none"> 1. Popular sovereignty was the basis for every new State constitution. 2. Government can exist and function only with the consent of the governed. 3. People hold power and are sovereign.
Limited Government	<ol style="list-style-type: none"> 1. Limited government was a major feature of each State constitution. 2. Powers delegated to government were granted reluctantly and hedged with many restrictions.
Civil Rights and Liberties	<ol style="list-style-type: none"> 1. In every State it was made clear that the sovereign people held certain rights that the government must respect at all times. 2. Seven of the new constitutions contained a bill of rights, setting out the “unalienable rights”
Separation of Powers and Checks and Balances	<ol style="list-style-type: none"> 1. State governments were purposely divided among three branches: <i>executive, legislative, and judicial.</i> 2. Each branch was given powers with a system of checks and balances.

US DEBT AFTER THE WAR





LAND ORDINANCE OF 1785

- Grid system was created by Thomas Jefferson...
- Structured and organized land policy
- Allowed for a peaceful purchase of land.
- Promoted an orderly expansion westward..
- Confederation Congress convinced states who claimed land out west to cede their land to the US Govt.
- US Govt. was to come up with a fair and reasonable land policy.....Unlike the Proclamation of 1763.....

LAND ORDINANCE OF 1785

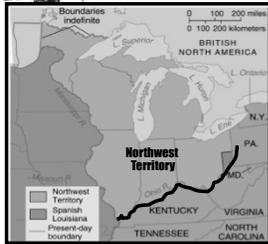
Plot #16 was set aside for public education

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

Public Land sold for \$1.00 to \$2.00 an acre = pay debt

Half section 320 acres
Quarter section 80 acres
Half-quarter section 40 acres

NORTHWEST ORDINANCE OF 1787



- An addition to the Land Ordinance of 1785
- Congress sold land in large blocks, 40, 80, 160, 320 and 640 acres.
- \$1 to \$2 an acre to help pay debt.



- Encouraged settlers to form townships.
- New states formed would be = to original 13
- Influx of settlers causes violence with Indians
- Guaranteed settlers "unalienable rights"

NORTHWEST ORDINANCE



1st STEP

WHEN PEOPLE FIRST SETTLE IN THE AREA:
Congress appoints a governor and three judges to govern the territory



2nd STEP

5,000 FREE ADULT MALES:
Landowners elect a congress to make laws and raise taxes with approval of governor. 1 representative is elected to the US Congress who can debate but not vote.



3rd STEP

60,000 SETTLERS:
Becomes a state, with its own government and constitution. New states admitted with same rights as the original states. No more than 5 states can carved out of this area.

The Northwest Ordinance encouraged ideals of **republicanism** (representative democracy), religious freedom, protection of **liberty and property**, encouraged **education**, admitted new states and no **slavery**.

ARTICLES OF CONFEDERATION

- Our first **constitution (law of the land)** and attempt to create a **democratic government** based on the ideas of **DOI**.
- Written by **2nd Continental Congress** during War and took effect in March 1781... Becomes the **Confederation Congress**
- Founding Fathers were determined not to have a king.....

ARTICLES OF CONFEDERATION

Confederation Government

- ✓ govt. of loosely organized states
- ✓ Each state independent and conducted their own affairs
- ✓ Created a weak national govt. which had little powers to solve US problems
 - ✓ States held more power than US govt.
 - ✓ Would unite in times of crisis.
- ✓ "Treaty of Cooperation between the states"

19 ✨

ARTICLES OF CONFEDERATION

Government Structure	Powers of Congress	State Responsibilities
<ul style="list-style-type: none"> •Congress--1 branch •Confederation Congress •No executive branch or president... •No judicial system..... •One vote per state regardless of size 	<ul style="list-style-type: none"> •Make war and peace •make treaties •build navy and army •settle disputes among states •set up monetary system 	<ul style="list-style-type: none"> •Obey Articles and acts of Congress •provide funds and troops when "requested" by Congress •States regulated own trade and taxed each other •States had their own currency

Major Problem: Created a weak national govt that could not tax, regulate trade or enforce its laws because the states held more power than the National Government. ✨

The Articles of Confederation

The Articles of Confederation established "a firm league of friendship" among the States.

Confederation Congress

- Congress was given the power to declare war.
- Deal with national finance issues.
- Settle disputes among the States.
- Request funds (taxes from states) to pay off debt

Obligations

- The States promised to obey Congress.
- Respect the laws of the other States.
- Most other powers were retained by each State.

Problems with the Articles of Confederation

- Pennsylvania and Maryland were upset with their land holdings
- New York and Virginia were favored with enormous acreage
- Articles of Confederation had to have a unanimous approval
- Maryland was the last to agree on March 1st 1781
- Each state had ONE vote



22

Problems with the Articles of Confederation

- Congress was designed to be weak
- Congress could not regulate commerce
- States made their own conflicting laws
- Although this new confederation was weak it set the stage for the writing and ratification of the Constitution



23

SHAYS'S REBELLION, 1785



Daniel Shays Debtors Protest
1784 to 1785, unfair taxes, debt & foreclosure
Farmer's rebellion to overthrow Mass. Govt.

CONSTITUTIONAL CONVENTION



•The **Constitutional Convention** was a large meeting held in **Philadelphia**, Pennsylvania at **Independence Hall** from May 25 – Sept. 17, 1787 where **55** delegates representing their states.



•They came to revise, change or throw out the AOC & write a new Constitution. 25

CONSTITUTIONAL CONVENTION



GOAL
of the **Constitutional Convention** was how to create a government that did not resemble **King George** but create a gov't. that was powerful enough



- to tax
- regulate trade
- protect private property
- enforce its laws

without taking away the **rights** that were fought for in the American Revolution? 26

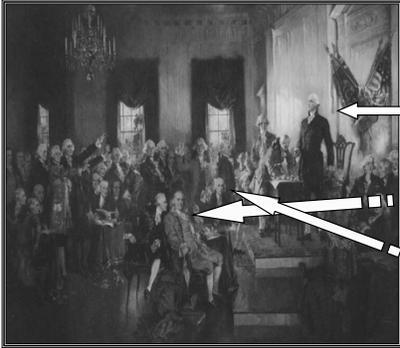
CONSTITUTIONAL CONVENTION



•Many Representatives (delegates) believed the AOC was too weak to solve the problems of the US & “**mobocracy**”.

•The decision was scrap the AOC & start over. 27

FOUNDING FATHERS



•“**Framers**”
Representatives
who wrote the
Constitution.

•President of
Convention
George
Washington

•Father Figure
Ben Franklin

•Father of
Constitution
James Madison

28

Father of the U.S. Constitution



“The writing of the Constitution formed a task more difficult than can be well conceived by those who were not concerned in the execution of it. Adding to the difficulty the natural diversity of human opinions on all new and complicated subjects, it is impossible to consider the degree of concord which ultimately prevailed as less than a miracle.”

•Father of the Constitution & the Bill of Rights

•Believed in a strong central government

•Wrote part of *The Federalist*

•Would become our 4th president

29

“THE FATHER OF THE CONSTITUTION”

- 36 yr. old bachelor, son of a wealthy landowner
 - married at 43 to a 26 yr. old widow (Dolley) - 42 years
- profound reader & thinker (finished 4yr college 2yrs)
 - studied history, government, & law for over a year thinking about how to craft a new gov't.
- shy & disliked public speaking, but a leader
- served in the Continental Congress & VA legislature
- 4th President, elected in 1808. Who are the other 3?
- Active in politics until his³⁰mid eighties.

CONSTITUTIONAL CONVENTION



• First major argument between the delegates was over how many **representatives** each state would have in Congress.

• What type of **Congress** should we have?

• **Large states** (Massachusetts and Virginia) believed the more population, the more representatives in Congress.

• **Small states** (New Jersey and Connecticut) believed each state should have equal representation.

31

VIRGINIA PLAN V. NEW JERSEY PLAN

Issues of representative government would be argued at Constitutional Convention

- | | |
|--|--|
| <ul style="list-style-type: none"> • Virginia Plan proposed by the larger states <ul style="list-style-type: none"> - Establish a national government with 3 branches. - Establish a bicameral Congress. <ul style="list-style-type: none"> • People elect 1 house • That house elects 2nd house - Representation in both houses based on state population | <ul style="list-style-type: none"> • New Jersey plan proposed by small states <ul style="list-style-type: none"> - Establish a unicameral Congress <ul style="list-style-type: none"> • Each state to have 1 vote • Equal representation - States equally represented similar to the Articles of Confederation |
|--|--|

32

Vir vs NJ

GREAT COMPROMISE CREATES CONGRESS

• Great Compromise or Connecticut Compromise
 • New Jersey Plan
 • Virginia Plan



• People to elect their representatives.
 • 2 houses of Congress
 • Bicameral

CONGRESS

HOUSE OF REPRESENTATIVES

- Elected by the people
- Representatives based on population per state.....
- More population the more representatives you have
- 2 year term
- Satisfied larger states

SENATE

- Elected by each state's congress
- Equal representatives
- 2 representatives per state
- 6 year term
- Satisfied smaller states

33

CONSTITUTIONAL CONVENTION



- 2nd major argument between the delegates was how to create an executive (president) which didn't resemble King George III
- How would he be chosen?

Created an Electoral College

- Placed a "**check & balance**" on the people's vote but tried to keep "**representative democracy**" in principle.

34

CONSTITUTIONAL CONVENTION



- 3rd major argument between the delegates was how to **limit the power of government**.
- But, give it enough power to be effective.

Created a system of government

- Separated the powers of government into 3 branches that are co-equal but independent from one another.
- To make sure one branch didn't become too powerful they created a system of checks and balances.

35

3 BRANCHES OF GOVERNMENT SEPARATION OF POWERS



Legislative Branch

- Congress (Art. 1)
- Makes the law

Executive Branch

- President (Art. 2)
- Carries out the law

Judicial Branch

- Supreme Court (Art. 3)
- Interprets the law

3 Branches are separate, have different powers, co-equal and checks & balances on one another to make sure one branch does not get too powerful

36

3/5'S COMPROMISE

•Southern states wanted their slaves to be counted as part of the total population of their state. ***Why?***

•This would give them more representatives in Congress.

•Thus giving them more voting power in Congress and protecting their self-interest of slavery.

40

3/5'S COMPROMISE

•Northern states objected to the South's proposal and would only agree to compromise.

•3 of every 5 slaves would be counted as part of a state's total population.

•It was supported by both North and South

41

3/5'S COMPROMISE

Georgia's Population

White = 300,000

Slaves = 100,000 3/5's of 100,000

3/5's of 100,000 = 60,000

300,000 + 60,000 =

Total Population = 360,000 which would be counted towards representation in Congress.

42

3/5'S COMPROMISE

- Northern states agreed to the 3/5' s Compromise only if the South abolished the Slave Trade by 1807.....
- Agreement was made....North was hoping slavery would eventually fade away and die out .
- This was their step towards abolishing slavery.

43

FOURTH SLAVE LAW

CAUTION!!

COLORED PEOPLE

OF BOSTON, ONE & ALL,
You are hereby respectfully CAUTIONED and advised, to avoid conversing with the Watchmen and Police Officers of Boston.

For since the recent ORDER OF THE MAYOR & ALDERMEN, they are empowered to act as

KIDNAPPERS

AND

Slave Catchers,

And they have already been actually employed in KIDNAPPING, CATCHING, AND KEEPING SLAVES. Therefore, if you value your LIBERTY, and the Welfare of the *Escapistes* among you, *Shun* them in every possible manner, so as may *HELP* them on the track of the most unfortunate of your race.

Keep a Sharp Look Out for KIDNAPPERS, and have **TOP EYE** open.

•Law created at the Constitutional Convention in 1787.

•Escaped slaves captured had to be returned to their plantation owner.

•Not enforced in North and led to the creation of the Underground Railroad.

•Southerners would become bitter and ultimately left the US.

44

CONSTITUTIONAL CONVENTION



•Fifth major argument between the delegates was how to solve the problem over the states having more power than the national government.

Framers created a Federal Government

- Divided the powers of government on a geographic basis.
- They created 3 levels of government.
- National, state and local

45

FEDERAL GOVERNMENT

•Supreme law of the land....

•It is above all levels of government and no act, law or public policy can be in conflict with it.

National Government is over the States.

U.S. government	1
State governments	50
Local governments	87,453
County	3,043
Municipal (city)	19,372
Townships	16,629
School districts	13,726
Special districts	36,683
TOTAL	87,504

DIVISION OF POWERS IN A FEDERAL SYSTEM

Delegated	Concurrent	Reserved
<p style="text-align: center; font-weight: bold;">Powers given to national govt</p> <p style="text-align: center;"><i>Expressed</i></p> <p style="text-align: center;"><i>Implied</i></p> <ul style="list-style-type: none"> Power to tax Make treaties Coin money Establish Post Offices Raise a military Declare war Admit new states Build dams Interstate highways Fund NASA Regulate naturalization Establish courts Recognize new countries Copyright/Patents Weights/measurements Prohibit racism Regulate commerce 	<p style="text-align: center; font-weight: bold;">Powers shared by all 3 levels</p> <ul style="list-style-type: none"> Make/enforce laws Maintain courts Collect taxes Borrow money Charter banks Protect welfare of people Call out the militia 	<p style="text-align: center; font-weight: bold;">Powers given only to the states</p> <ul style="list-style-type: none"> Provide for education Establish local govts Conduct elections Protect public safety Build state highways Raise a state militia Issue licenses Incorporate businesses Regulate trade in state Regulate drinking age Set speed limit Create counties/cities Decide death penalty Marriage definition Medicinal marijuana

US GOVERNMENT IN 1789

States given 40% of governmental powers...States would have some powers to control their own affairs.

New Constitution gave the National Govt. 60% of governmental powers....National Govt. was over the states.....

With the new constitution, the National Government was given the power to tax, regulate trade, enforce its laws and over the states. National Govt. law would always be over the states.

US Government 1781 and 1789

How the Weaknesses of the Articles of Confederation Were Corrected by the Constitution

Articles of Confederation	US Constitution
<ul style="list-style-type: none"> States have most of the power and national govt. has little. No executive to carry out the laws of Congress No national courts—only state courts 9/13 states have to approve a law before it goes into effect Congress has no power to tax Congress can not regulate trade among the states. Each state coined its own money. No national currency. Unicameral Congress Articles only a "firm league of friendship" 	<ul style="list-style-type: none"> States have some power, but most power is given to the national govt. <ul style="list-style-type: none"> Federal Government Electoral College 3 branches of govt. <ul style="list-style-type: none"> Executive—enforces law Legislative—makes law Judicial—interprets law Checks and balances Congress given the power to tax, regulate trade and enforce laws. Only national govt. has the power to coin money Bicameral (2 house) Congress Equal Representation by States and a State's population Constitution established a strong National Govt. over the States, and to form a more "perfect union"

Weaknesses of the Articles of Confederation	New Constitution Ratified in 1789
◆ One vote for each State, regardless of size.	2 houses of Congress
◆ Congress powerless to lay and collect taxes or duties.	Power to tax
◆ Congress powerless to regulate foreign and interstate commerce.	Regulate trade
◆ No executive to enforce acts of Congress.	President
◆ No national court system.	Supreme court
◆ Amendment only with consent of all States.	3/4's of states needed
◆ A 9/13 majority required to pass laws.	Congress makes law
◆ Articles only a "firm league of friendship."	A more perfect Union

Corrections: The New Constitution corrected the weaknesses of the AOC by giving the **national** government more power than the **states** with the ability to **tax, regulate trade and enforce** its laws..
