Unit #3
Chapters 9, 10, 11

The Confederation
and the Constitution

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“Slavery”

“All Men Created Equal”

- New England states were 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.

“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.
Several states would drop property qualifications and education requirements for voting eligibility. Abigail Adams, who lived from 1790 to the early 1800s, was a Republican motherhood advocate. She supported the abolition of slavery and was a Republican motherhood proponent. Despite their contributions, women's rights did not progress and remained 2nd class citizens. Republican motherhood was a 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.

Also referred to as a republic, the concept of Republicanism holds that government authority comes from the people who elect officials that represent their interests. It 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**

<table>
<thead>
<tr>
<th>Popular Sovereignty</th>
<th>1. Popular sovereignty was the basis for every new State constitution.</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>2. Government can exist and function only with the consent of the governed.</td>
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<tr>
<td></td>
<td>3. People hold power and are sovereign.</td>
</tr>
<tr>
<td>Limited Government</td>
<td>1. Limited government was a major feature of each State constitution.</td>
</tr>
<tr>
<td></td>
<td>2. Powers delegated to government were granted reluctantly and hedged with many restrictions.</td>
</tr>
<tr>
<td>Civil Rights and Liberties</td>
<td>1. In every State it was made clear that the sovereign people held certain rights that the government must respect at all times.</td>
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<tr>
<td></td>
<td>2. Seven of the new constitutions contained a bill of rights, setting out the &quot;unalienable rights&quot;</td>
</tr>
<tr>
<td>Separation of Powers and Checks and Balances</td>
<td>1. State governments were purposely divided among three branches: executive, legislative, and judicial.</td>
</tr>
<tr>
<td></td>
<td>2. Each branch was given powers with a system of checks and balances.</td>
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</tbody>
</table>

**US Debt After the War**

- **Foreign Debt** $11,710,000
  - We owed France, Spain, and other countries who helped us with the Revolutionary War.
- **State Debt** $21,500,000
  - Individual states owed citizens who loaned money to their state.
- **Federal Domestic Debt** $42,114,000
  - US Govt. owed soldier's for fighting in the war, debts to British and Loyalists.
British were to remove their troops from US soil.... The National Government under the AOC was powerless to force Great Britain to honor the Treaty of Paris, 1783.

Disputed Territorial Claims Between Spain & the US: 1783-1796

State Claims to Western Lands
The Land Ordinance of 1785 created a grid system for land distribution in the Northwest Territory. Thomas Jefferson was involved in its creation. The grid system allowed for a structured and organized land policy, promoting a peaceful purchase of land. It also promoted orderly expansion westward. The Confederation Congress convinced states who claimed land out west to cede their land to the US Government, and the US Government came up with a fair and reasonable land policy. Unlike the Proclamation of 1763, the Land Ordinance of 1785 set aside plots for public education and allowed for the sale of public land at a price of $1.00 to $2.00 per acre to pay off the national debt.
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 equal to original 13 states.
- Influx of settlers causes violence with Indians.
- Guaranteed settlers “unalienable rights”.

- Northwest Ordinance of 1787

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”

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**ARTICLES OF CONFEDERATION**

**Government Structure**
- Congress—1 branch
  - Confederation Congress
  - No executive branch or president...
  - No judicial system.....
  - One vote per state regardless of size

**Powers of Congress**
- Make war and peace
- Make treaties
- Build navy and army
- Settle disputes among states
- Set up monetary system

**State Responsibilities**
- 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.

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**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

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

SHAY'S REBELLION, 1785

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

**GOAL**

of the Constitutional Convention was 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?

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.
"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

"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 his mid eighties.
• 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.

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**Virginia Plan v. New Jersey Plan**

Issues of representative government would be argued at Constitutional Convention

<table>
<thead>
<tr>
<th>Virginia Plan proposed by the larger states</th>
<th>New Jersey plan proposed by small states</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establish a national government with 3 branches.</td>
<td>Establish a unicameral Congress</td>
</tr>
<tr>
<td>Establish a bicameral Congress.</td>
<td>Each state to have 1 vote</td>
</tr>
<tr>
<td>People elect 1 house</td>
<td>Equal representation</td>
</tr>
<tr>
<td>That house elects 2nd house</td>
<td>States equally represented similar to the Articles of Confederation</td>
</tr>
<tr>
<td>Representation in both houses based on state population</td>
<td></td>
</tr>
</tbody>
</table>

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**Great Compromise Creates Congress**

- **Great Compromise or Connecticut Compromise**
  - New Jersey Plan
  - Virginia Plan

- **People to elect their representatives.**
  - 2 houses of Congress
  - Bicameral

**House of Representatives**

- Elected by the people
- Representatives based on population per state, etc.
- 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

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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.

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.

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.
3 BRANCHES OF GOVERNMENT

Separation of Powers

Legislative Branch
Executive Branch
Judicial Branch

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.

<table>
<thead>
<tr>
<th>Legislative Checks</th>
<th>Executive Checks</th>
<th>Judicial Checks</th>
</tr>
</thead>
<tbody>
<tr>
<td>On Executive</td>
<td>On Legislative</td>
<td>On Executive and Legislative</td>
</tr>
<tr>
<td>• Override a veto</td>
<td>• Veto a law</td>
<td>• Declare an act of President or law of Congress unconstitutional</td>
</tr>
<tr>
<td>• Declare war</td>
<td>• Ask for war</td>
<td>• Appoint judges</td>
</tr>
<tr>
<td>• Impeachment</td>
<td>• Propose laws</td>
<td>• Appoint for life</td>
</tr>
<tr>
<td></td>
<td>• Submit legislation, appeal to the people.</td>
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</table>

The American System of Checks and Balances

Congress creates lower courts, may remove judges through impeachment or reappoint judges of judges.

JUDICIAL BRANCH, THE SUPREME COURT and other Federal Courts

"Interprets the law"

Courts may declare acts of Congress to be unconstitutional.

EXECUTIVE BRANCH, THE PRESIDENT

"Carries out the law"

President may veto legislation, recommend legislation, appeal to the people.

Congress makes laws, raises armies and declares war, funds to carry out laws and programs, may appoint and fire ambassadors, postmasters, & other officers.

LEGISLATIVE BRANCH, THE CONGRESS

Makes the law

The Constitutional Convention

The 4th major argument between the delegates was over slavery.

Southern states wanted their slaves to be counted as part of their population because it would give them more representation in Congress.

Northern states wanted to abolish slavery.

Southern States would have left the Constitutional Convention if there was an attempt to abolish slavery.

North and South worked out 2 compromises.
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.

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

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.
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.

Fugitive Slave Law

• 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.

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
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
State governments
Local governments
County
Municipal (city)
Towships
School districts
Special districts
TOTAL

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

Powers given to national govt
Expressed
Implied

Powers shared by all 3 levels
Make/unifor laws
Maintain courts
Collect taxes
Borrow money
Charter banks
Protect welfare of people
Call out the militia

Powers given only to the states
Provide for education
Establish local govt
Conduct elections
Protect public safety
Build state highways
Raise a state milita
Issue licenses
Incorporate businesses
Regulate trade in state
Regulate drinking age
Set speed limit
Create countyciición
Decide death penalty
Marriage definition
Medicinal marijuana

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

#### Articles of Confederation
- 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"

#### US Constitution
- States have some power, but most power is given to the national govt.
- Federal Government
- Electoral College
- 3 branches of govt.
- 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

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

**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.