

1 ☐2 ☐3 ☐4 ☐ **I. A Shaky Start Toward Union**

- Disruptive forces stalked the land:
 - Departed Tories left political system inclined toward experimentation and innovation
 - Economy stumbled post-Revolution
- Yet thirteen sovereign states:
 - Shared similar political structures
 - Enjoyed rich political inheritance
 - Were blessed with good political leaders

5 ☐ **II. Constitution Making in the States**

- Constitutional Congress in 1776 called on colonies to draft new state constitutions:
 - Asked colonies to summon themselves into being as new states
 - Sovereignty of new states would rest on authority of the people
 - Connecticut and Rhode Island merely retouched their colonial charters
 - Others would write new constitutions

6 ☐ **II. Constitution Making in the States (cont.)**

- Massachusetts called for special convention to draft its constitution and then submitted final draft to the people for ratification:
 - Once adopted, constitution could only be changed by another constitutional convention
 - Its constitution remained longest-lived constitution in world

7 ☐ **II. Constitution Making in the States (cont.)**

- Common constitutional features:
 - As *written* documents, constitutions represented *fundamental* law, superior to ordinary legislation
 - Most contained bills of rights— protect prized liberties against legislative encroachment
 - Most required annual election of legislators
 - All created weak executive and judicial branches

8 ☐ **II. Constitution Making in the States (cont.)**

- In new governments, legislatures were granted sweeping powers:
 - Democratic character reflected by presence of many from recently enfranchised western districts
 - Their influence was demonstrated when some states moved capitals into interior

9 ☐ **III. Economic Crosscurrents**

- Economic changes:
 - States seized control of former crown lands
 - Land was cheap and easily available
 - In America, economic democracy preceded political democracy
 - Revolution also stimulated manufacturing

10 ☐ **III. Economic Crosscurrents (cont.)**

- Drawbacks of economic independence:
 - Most British commerce reserved for loyal parts of the empire
 - American ships now barred from British and British West Indies harbors
 - Fisheries were disrupted
- Americans could freely trade with foreign nations
 - New commercial outlets (e.g., China in 1784) partially compensated for loss of old ones

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13 ☐ **III. Economic Crosscurrents (cont.)**

- War spawned demoralizing speculation and profiteering.
- State governments borrowed more than they could repay.
- Runaway inflation ruined many.
- Average citizen was worse off financially at the end of Revolution than at start.
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14 ☐ **III. Economic Crosscurrents (cont.)**

- Whole economic and social atmosphere was unhealthy:
 - A newly rich class of profiteers was conspicuous
 - Once-wealthy people were destitute
- Controversies leading to Revolution had bred:
 - keen distaste for taxes
 - encouraged disrespect for laws in general

15 ☐ **IV. Creating a Confederation**

- Second Continental Congress:
 - Little more than a conference of ambassadors
 - Was totally without constitutional authority
 - Asserted some control over military and foreign policy
- In all respects, thirteen states were sovereign:
 - Coined money
 - Raised armies and navies
 - Erected tariff barriers

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16 ☐ **IV. Creating a Confederation (cont.)**

- Articles of Confederation:
 - Adopted by Congress in 1777, but not ratified by states until 1781
- Chief point of contention was western lands:
 - 6 states had no holdings beyond Allegheny Mtns
 - 7 (esp. New York & Virginia) held huge acreage
 - Land-rich states could use trans-Allegheny tracts to pay off debts

17 ☐ **IV. Creating a Confederation (cont.)**

- Unanimous approval of Articles by all thirteen states was required:
 - Maryland held out until March 1781 to get agreement by New York to surrender its western lands
 - Congress pledged to dispose of these vast areas for “common benefit”
 - Promised to carve out a number of “republican” states, which overtime would be admitted to union
 - Pledge redeemed in Northwest Ordinance of 1787 (see Map 9.1).
 - Disposal of western lands helped encourage union

18 ☐19 ☐ **V. The Articles of Confederation: America's First Constitution**

- Articles of Confederation:
 - Provided for loose confederation or “firm league of friendship”
 - thirteen independent states linked together to deal with common problems, such as foreign affairs
 - Congress was chief agency
 - No executive branch
 - Judicial issues left almost exclusively to states

20 ☐ **V. The Articles of Confederation: America's First Constitution (cont.)**

- Congress, though dominant, was hobbled:
 - Each state had a single vote
 - All important bills required support of nine states
 - Any amendment to Articles required unanimous ratification
 - Congress was weak—and was purposely designed to be weak

21 ☐ **V. The Articles of Confederation: America's First Constitution (cont.)**

- Two major weakness of Articles:
 - Congress had no power to regulate commerce
 - Congress could not enforce its own tax-collection
- Congress could advise, advocate, and appeal:
 - In dealing with states, it could not coerce or control
 - Nor could it act directly on individuals

22 ☐ **V. The Articles of Confederation: America's First Constitution (cont.)**

- New Congress, with paper power, was less effective than Continental Congress.
- Yet, Articles proved to be a landmark:
 - As first written constitution of Republic, Articles were significant step toward later Constitution
 - Outlined general powers of national government
 - Kept alive ideal of union and held states together
 - Witho Articles, great leap from old Association of 1774 to current

Constitution not possible

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24 ☐ **VI. Landmarks in Land Laws**

- Passages of public domain legislation:
 - Old Northwest = area northwest of Ohio River, east of Mississippi River, south of Great Lakes
 - Land Ordinance of 1785 (see Map 9.2) set up orderly process to sell land in Old Northwest and use proceeds to pay national debt:
 - After surveyed, land divided into townships, then into sections
 - Sixteenth section sold to fund education

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26 ☐ **VI. Landmarks in Land Laws
(cont.)**

- Northwest Ordinance of 1787:
 - Governance of old Northwest -- how nation would deal with its colonies:
 - First temporary tutelage, then permanent equality
 - First, two evolutionary territorial stages under subordination to federal government
 - Once a territory had 60,000 inhabitants, it could be admitted by Congress as a state
 - Ordinance forbade slavery in old Northwest

27 ☐ **VII. The World's Ugly Duckling**

- Relations with Britain remained troubled:
 - England refused to send a minister to America
 - Declined to negotiate a commercial treaty or to repeal Navigation Laws
 - Closed West Indies trade to the states
 - Tried, with help of Allen brothers of Vermont, to annex rebellious area to Canada
 - Maintained a chain of trading posts on U.S. soil
 - Continued fur trade with Indians

28 ☐ **VII. The World's Ugly Duckling:
(cont.)**

- Spain was openly hostile to new Republic:
 - Controlled all-important Mississippi River on which pioneers shipped their produce
 - In 1784 Spain closed river to American commerce threatening West with strangulation
 - Claimed large areas north of Gulf of Mexico
 - Schemed with Indians to keep Americans east of Appalachians
 - Because Spain & Britain influenced Indians, America unable to exercise control over half of its territory (see Map 9.3).
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30 ☐ **VII. The World's Ugly Duckling
(cont.)**

- France, America's friend, cooled off now that Britain humbled
- North African pirates ravaged America's Mediterranean commerce
- New nation too weak to fight pirates and too poor to pay bribes.

31 ☐ **VII. The Horrid Specter of Anarchy**

- Economic problems, mid-1780s:
 - System of raising tax money was breaking down
 - Interest on public debt was escalating
 - Some states were levying their own duties
 - Some were printing depreciated paper money
- Shays's Rebellion in western Massachusetts:
 - Impoverished farmers lost land through mortgage foreclosures and tax delinquencies

32 ☐ **VII. The Horrid Specter of Anarchy
(cont.)**

- Led by Captain Daniel Shays, desperate debtors demanded:
 - State issue paper money, lighten taxes, and suspend property takeovers

- Hundreds attempted to enforce demands
- Massachusetts authorities responded by raising small army and skirmishes occurred
- After 3 Shaysites killed and one wounded, movement collapsed

33 ☐ **VII. The Horrid Specter of Anarchy (cont.)**

- Shays's followers were crushed, but memory remained:
 - Massachusetts passed debtor-relief laws
 - Shays's outburst caused fear among propertied class
 - Civic virtue insufficient to rein in self-interest
 - Needed stronger central government to block “mobocracy”

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35 ☐ **VII. The Horrid Specter of Anarchy (cont.)**

- How critical were conditions under Articles?
 - Conservatives, protecting their wealth, exaggerated seriousness of nation's plight
 - They sought to amend Articles to create more muscular central government
 - Both friends and critics of the Confederation agreed it needed strengthening, but disagreed over how much its powers should be increased
 - Economy actually improved, late 1780s

36 ☐ **IX. A Convention of “Demigods”**

- Annapolis convention of 1786:
 - Called to deal with commercial disputes
 - Nine states appointed delegates, only 5 attended
 - Alexander Hamilton got convention to call for meeting in Philadelphia in 1787 to bolster entire fabric of Articles of Confederation
 - Eventually Congress agreed to a convention “*for the sole and express purpose of revising*” Articles
 - Each state sent representatives, except Rhode Island

37 ☐ **IX. A Convention of “Demigods” (cont.)**

- 55 emissaries from 12 states convened in Philadelphia on May 25, 1787
- Sessions were held in secrecy, with armed sentinels at doors
- Caliber of participants was extraordinarily high—"demigods," Jefferson called them
- Most were lawyers with experience at state constitution-making
- George Washington was elected chairman
- Benjamin Franklin served as elder statesman
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38 ☐ **IX. A Convention of "Demigods"**
(cont.)

- James Madison's contributions were so notable he was dubbed "the Father of the Constitution"
- Alexander Hamilton advocated a super-powerful central government
- Most Revolutionary leaders of 1776 were absent
- Jefferson, J. Adams, and Thomas Paine in Europe
- Samuel Adams & John Hancock were not elected
- Patrick Henry was elected from Virginia, but declined, declaring he "smelled a rat."
- Time had come to fashion a solid political system
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40 ☐ **X. Patriots in Philadelphia**

- The 55 delegates:
 - A conservative, well-to-do body of lawyers, merchants, shippers, land speculators, moneylenders
 - Not a single person from the debtor groups
 - Young (average age 42) but experienced statesmen
 - Nationalists, more interested in preserving young Republic than stirring popular democracy
 - Hoped to crystallize evaporating pools of Revolutionary idealism into stable political structure that would endure
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41 ☐ **X. Patriots in Philadelphia**
(cont.)

Wanted a firm, dignified, & respected government:

- Believed in republicanism, but sought to protect American experiment from weakness abroad and excesses at home
- Wanted central government to control tariffs in order to secure commercial treaties from foreign nations
- Determined to preserve union, forestall anarchy, and ensure security of life & property against uprisings by “mobocracy”
- Curb unrestrained democracy rampant in several states
- Motivated by fear
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42 ☐ **XI. Hammering Out a Bundle of Compromises**

- Some delegates decided to completely *scrap* Articles of Confederation
 - Despite explicit instructions from Congress to *revise*
 - Were determined to overthrow existing government by peaceful means (see Table 9.1)
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44 ☐ **XI. Hammering Out a Bundle of Compromises (cont.)**

- Proposals:
 - Virginia Plan—“large-state plan”: representation in both houses of bicameral Congress would be based on population—an arrangement that advantaged larger states
 - New Jersey Plan—“small-state plan”: provided for equal representation in unicameral Congress, regardless of size and population
- Bitter debate Because small states feared Virginia scheme would allow domination by large states

45 ☐ **XI. Hammering Out a Bundle of Compromises (cont.)**

- The Great Compromise:
 - Larger states gained representation by population in House of Representatives (Art. I, Sec. II, para. 3 see the Appendix)
 - Smaller states were appeased by equal representation in Senate (Art. I, Sec. III, para. 1)

- Agreed that all tax bills or revenue measures must originate in House, where population counted more heavily (Art. I, Sec. VII, para. 1).
- Compromise broke deadlock

46 ☐ **XI. Hammering Out a Bundle of Compromises (cont.)**

- The final Constitution was:
 - Short Because grew from Anglo-American common law legal tradition
 - Provide flexible guide to broad rules of procedures rather than detailed laws
 - The original (unamended) Constitution contained just 7 articles and took about 10 pages to print

47 ☐ **XI. Hammering Out a Bundle of Compromises (cont.)**

- The President:
 - Broad authority to make appointments to domestic offices, including judgeships
 - Power to veto legislation
 - Not absolute power to wage war
 - Congress retained crucial right to *declare* war
- Constitution a bundle of compromises:
 - Elect president indirectly by Electoral College rather than by direct means

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49 ☐ **XI. Hammering Out a Bundle Compromises (cont.)**

- A state's share of electors based on total of its senators and representatives in Congress (see Art. II, Sec. I, para. 2)
- Slavery and Constitution (see Table 9.2):
 - Three-fifths compromise: slave as three-fifths of a person for representation (see Art. I, Sec. II, para. 3)
 - Slave trade could continue until end of 1807 (see Art. I, Sec. IX, para 1).

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51 ☐ **XII. Safeguards for Conservatism**

- Agreement among delegates was large:

- Economically, they demanded sound money and protection of private property
- Politically, they favored a strong government with three branches, and with checks & balances
- Rejected manhood-suffrage democracy

52 ☐ **XII. Safeguards for Conservatism (cont.)**

- Erected safeguards against excesses of “mob”:
 - Federal judges were appointed for life
 - President to be elected *indirectly* by Electoral College
 - Senators were chosen *indirectly* by state legislatures (see Art. I, Sec. III, para. 1)
 - In House of Representatives, qualified (propertied) citizens permitted to choose their officials by *direct* vote (see Art. 1, Sec. II, para. 1).
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53 ☐ **XII. Safeguards for Conservatism (cont.)**

- Democratic elements in new charter:
 - Stood on two great principles of republicanism
 - Only legitimate government was one based on consent of the governed
 - Powers of government should be limited—in this case by a written constitution
 - Virtue of the people, not authority of the state, was ultimate guarantor of liberty, justice, and order
 - After 17 weeks—May 25 to September 17, 1787—only 42 of original 55 remained to sign Constitution
 - 3 of 42 refused to sign

54 ☐ **XIII. The Clash of Federalists and Antifederalists**

- Framers foresaw that nationwide acceptance of Constitution would be difficult:
 - Unanimous ratification by all thirteen states required by still-standing Articles of Confederation
 - Because Rhode Island certain to veto, delegates stipulated that when 9 states had approved through specifically elected conventions, Constitution would be supreme law in those states

(see Art. VII).

55 ☐ **XIII. The Clash of Federalists and Antifederalists (cont.)**

- American people were handed a new document (see Table 9.3):
 - Antifederalists—opposed a stronger federal government
 - Federalists—supported a strong federal government

56 ☐ **XIII. The Clash of Federalists and Antifederalists (cont.)**

- Antifederalists (Samuel Adams, Patrick Henry, Richard Henry Lee) were states' rights devotees (see Map 9.4), backcountry dwellers, small farmers, paper-moneyites and debtors
- Federalists (George Washington, Benjamin Franklin) were those who lived on seaboard, wealthy, educated, better organized
- Antifederalists argued document drafted by elite would weaken states & threaten individual liberties

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58 ☐ **XIV. The Great Debate in the States**

- Special elections held for members of ratifying conventions (see Table 9.4)
 - Candidates—federalist or antifederalist—were elected based on whether they were for or were against Constitution
 - Four small states quickly accepted Constitution
 - Pennsylvania was first large state to ratify
 - Massachusetts presented challenges, including demand for bill of rights

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61 ☐ **XIV. The Great Debate in the States (cont.)**

- Once assured of such a protection, Massachusetts ratified by margin of 187 to 168
- Three more states then signed
- New Hampshire was the last
- All but Virginia, New York, North Carolina, and Rhode Island had taken shelter under “new federal roof”

–Document officially signed on June 21, 1788

62 ☐ **XV. The Four Laggard States**

- Virginia:
 - Provided fierce antifederalist opposition
 - They claimed document was death warrant of liberty
 - Federalists G. Washington, J. Madison, and John Marshall lent influential support
 - After intensive debate, state convention ratified it 89 to 79
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64 ☐ **XV. The Four Laggard States (cont.)**

- New York:
 - Alexander Hamilton joined John Jay and James Madison in a series of federalist newspaper articles
 - The Federalist Papers were most penetrating commentary ever written on Constitution
 - Most famous one is Madison's *Federalist* No. 10
 - Refuted that it was impossible to extend a republican form of government over a large territory
 - New York finally yielded, ratifying by count of 30 to 27
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65 ☐ **XV. The Four Laggard States (cont.)**

- North Carolina, after a hostile convention, adjourned without taking a vote
- Rhode Island didn't summon a convention, rejected Constitution by popular referendum
- Two most ruggedly individualist centers remained true to form

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67 ☐ **XV. The Four Laggard States (cont.)**

- No lives were lost, but riots broke out in New York and Pennsylvania.
- Lots of behind-the-scenes pressure on delegates who had promised to vote against Constitution.

- Last four states ratified, not because they wanted to, but because they had to:
 - Could not safely exist outside new nation

68 ☐ XVI. A Conservative Triumph

- A minority triumphed—twice:
 - A militant minority of radicals engineered military Revolution that cast off British constitution
 - A militant minority of conservatives engineered peaceful revolution that overthrew inadequate Articles of Confederation
 - A majority had not spoken:
 - Only $\frac{1}{4}$ of adult white males voted for delegates to ratifying conventions

69 ☐ XVI. A Conservative Triumph (cont.)

- Conservatism was victorious, but principles of republican government were maintained through a redefinition of popular sovereignty:
 - Antifederalists claimed only legislatures could represent the people
 - Federalists claimed each branch of new government could represent the people
 - With self-limiting system of checks and balances among 3 branches, Constitution reconciled conflicting principles of liberty and order

70 ☐ XVII. The Pursuit of Equality

- Equality was watchword everywhere:
 - Most states reduced property-holding requirements for voting
 - Ordinary men and women demanded to be addressed as “Mr.” and “Mrs.”
 - Employers called “boss,” not “master”
 - Pretentious Continental Army officials who formed Society of the Cincinnati faced ridicule

71 ☐ XVII. Pursuit of Equality (cont.)

- Protracted fight to separate church and state resulted in notable gains:
 - Anglican Church disestablished; reformed as Protestant Episcopal Church
 - Struggle to separate religion and government proved fierce in Virginia

–In 1786 Thomas Jefferson and co-reformers won with passage of Virginia Statute for Religious Freedom (see Table 5.1).

72 ☐ **XVII. Pursuit of Equality (cont.)**

- Egalitarian sentiments challenged slavery:
 - Philadelphia Quakers in 1775 founded world's first antislavery society
 - Several Northern states called for either abolishing slavery outright or for gradual emancipation
 - Even in Virginia, a few idealistic masters freed their slaves

73 ☐ **XVII. Pursuit of Equality (cont.)**

Revolution of sentiments was incomplete

- Domestic slave trade grew dramatically
- Most of North end slavery only gradually
- No state south of Pennsylvania abolished slavery
- In both North and South, law discriminated against freed blacks and slaves alike

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74 ☐ **XVII. Pursuit of Equality (cont.)**

- Why not more rapid changes:
 - Fledgling idealism of Founding Fathers was sacrificed to political expediency
 - A fight over slavery would fracture fragile union
 - “Great as the evil (of slavery) is, a dismemberment of the union would be worse” James Madison (1787)
 - Nearly a century later, slavery did wreck Union—temporarily

75 ☐ **XVII. The Pursuit of Equality (cont.)**

- Also incomplete was extension of equality to women:
 - New Jersey's new constitution (1776) for a while allowed women to vote
 - In general civil status of women not changed

76 ☐ **XVII. The Pursuit of Equality**

(cont.)

- Central to republican ideology was:
 - Civic virtue—democracy depended on unselfish commitment of each citizen to public good
 - Who could better cultivate virtue than mothers to whom society entrusted moral education of young
 - Idea of “republican motherhood” elevated women to prestigious role as special keepers of nation's conscience

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78 ☐ **XVII. The Pursuit of Equality**
(cont.)

- Educational opportunities for women expanded so wives and mothers could better cultivate virtues demanded by Republic
- Republican women now bore responsibility for survival of nation

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