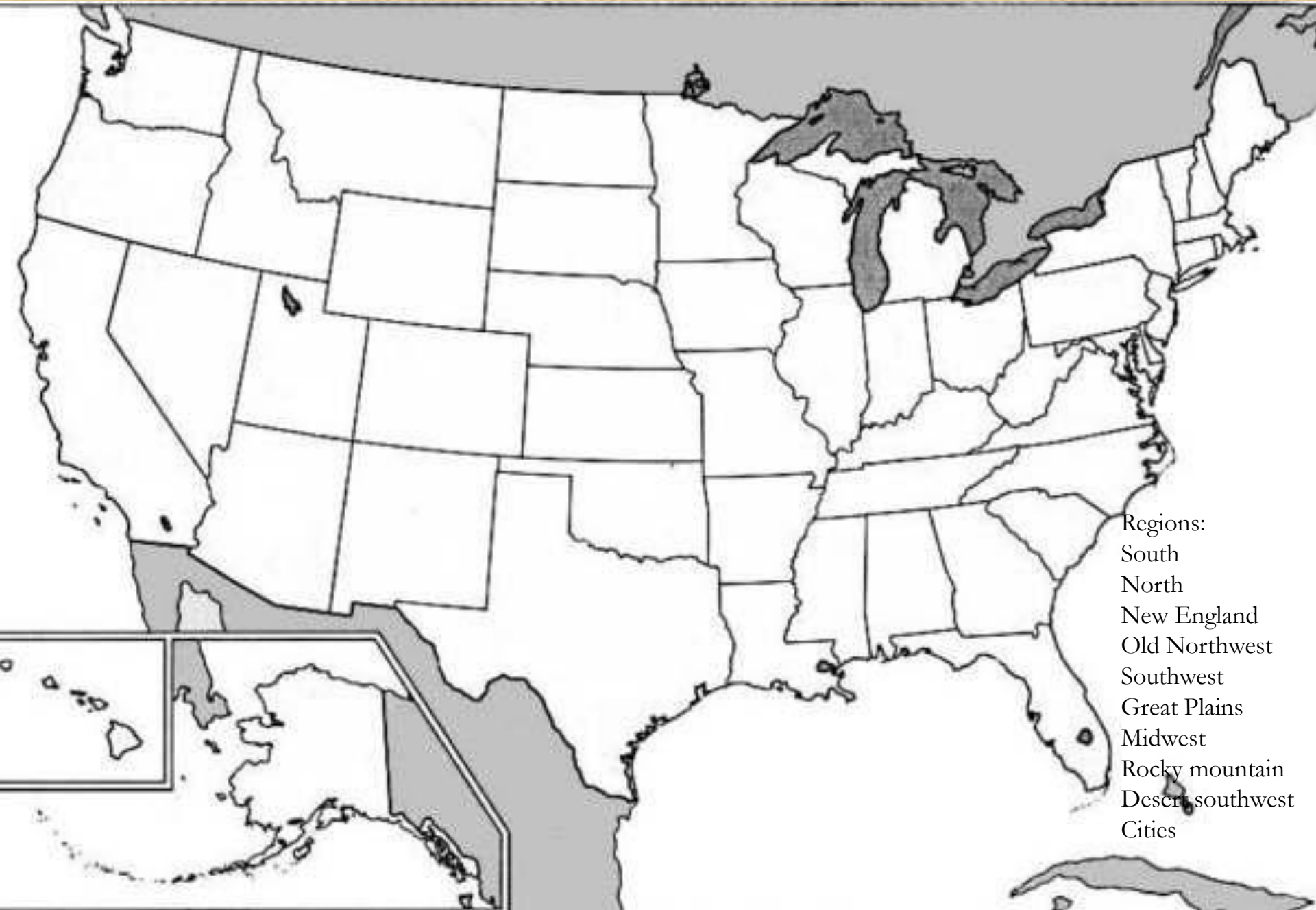


Creating a Constitution

1781-1789

Chapter 5



- Regions:
- South
 - North
 - New England
 - Old Northwest
 - Southwest
 - Great Plains
 - Midwest
 - Rocky mountain
 - Desert southwest
 - Cities



New
Hampshire

New
York

Massachusetts

Rhode Island

Connecticut

New Jersey

Delaware

Maryland

Pennsylvania

Virginia

North Carolina

South
Carolina

Georgia

Florida

Under
Spanish
Control

Mississippi
River

Ohio
River

Atlantic
Ocean

Gulf of Mexico

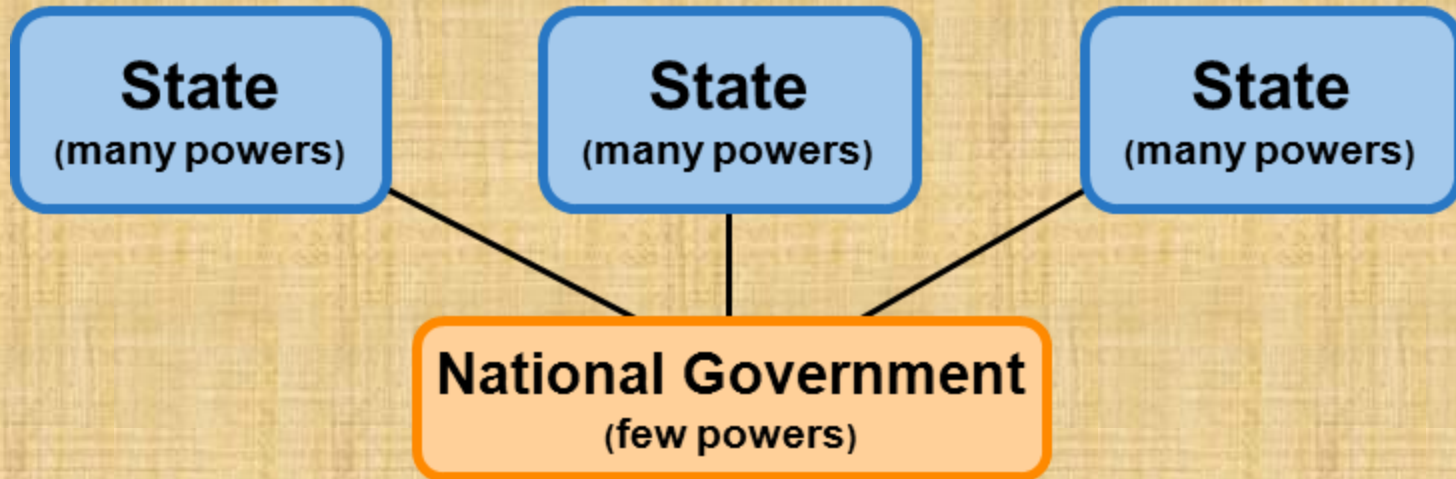
On March 15, 1783, General George Washington arrived in Newburgh, New York. He had come to convince his officers—members of the so-called Newburgh conspiracy—not to rebel against the government.

Many officers were deeply in debt and angry with Congress for not giving them their back pay and pensions. Several had sent an angry letter to other officers arguing that the time had come to take action. When Washington read a copy of the letter, he called a meeting of all high-ranking officers at Newburgh and criticized their “insidious purposes” that threatened the separation between “military and civil” affairs.

Washington then said that he wished to read a different letter, and he pulled out a pair of reading glasses. No one had ever seen him wear them before. “Gentlemen,” Washington began, “you must pardon me. I have grown gray in the service of my country and now feel myself growing blind.” This simple statement drained the tension from the room. Some officers wept. Shortly afterward, the officers pledged their loyalty to Congress. Washington’s integrity had preserved a basic principle—that the army should not interfere in politics.

—adapted from *The Forging of the Union*

Confederation Government



- The Confederation
1777-1789
- Articles are WEAK
national gov.
 - Organization was only
one branch of gov.
Congress
 - No taxing power
- Strong State
Government
- Continental Congress
Debt
- National Lands



Confederation Achievements

- Northwest Ordinance

Acted to create new states equal to the old states.



There would be no American Colonies like Britain.

No Slavery in Old Northwest



WISCONSIN
1848

MICHIGAN
1837

OHIO
1803

INDIANA
1816

ILLINOIS
1818

TOWNSHIP

Base Line

6 miles

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

Range Line

6 miles

Section 19

Half section
320 Acres

Quarter
section
160 Acres

1 mile

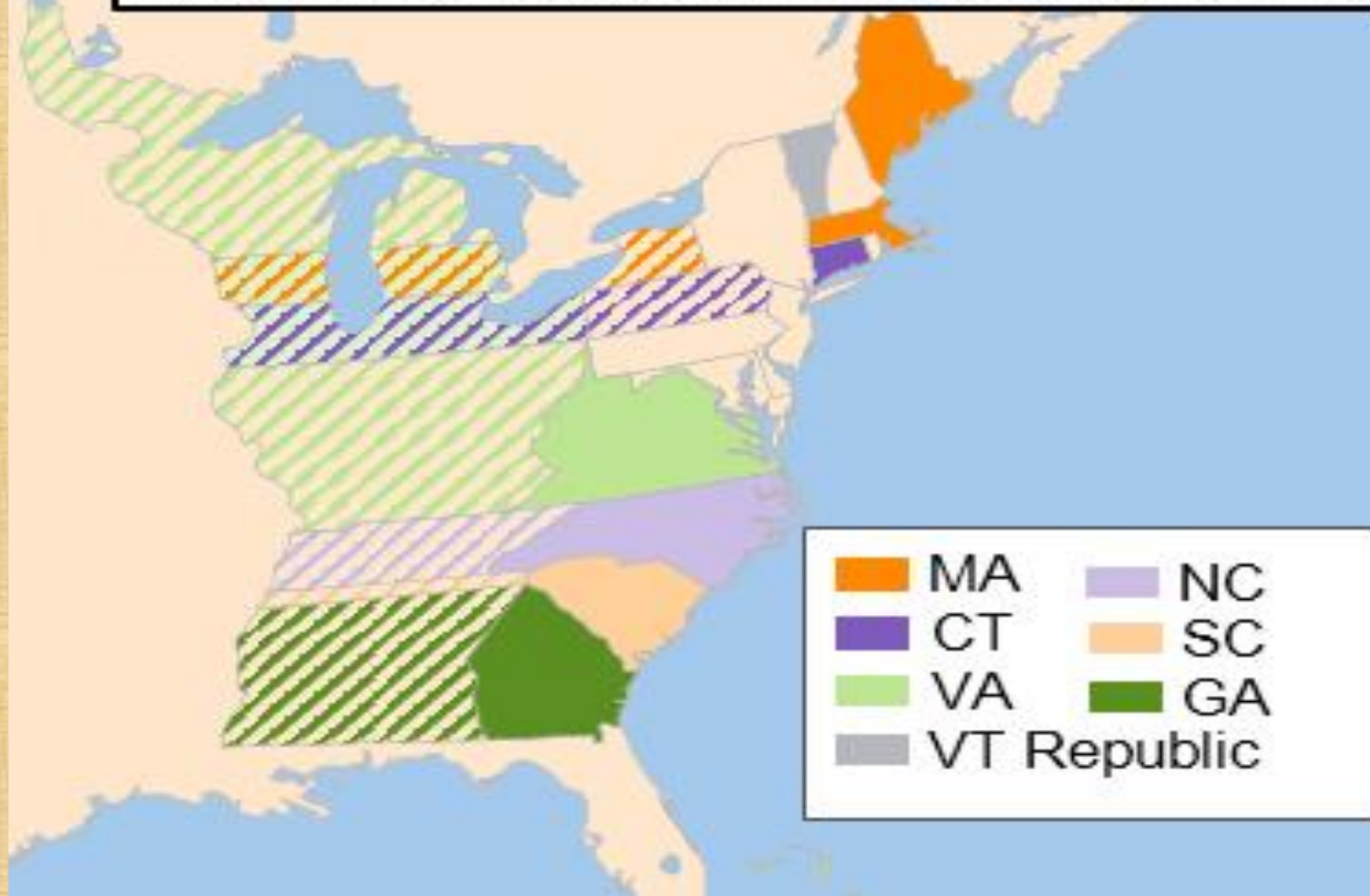
1 mile

0 200 miles

0 200 kilometers

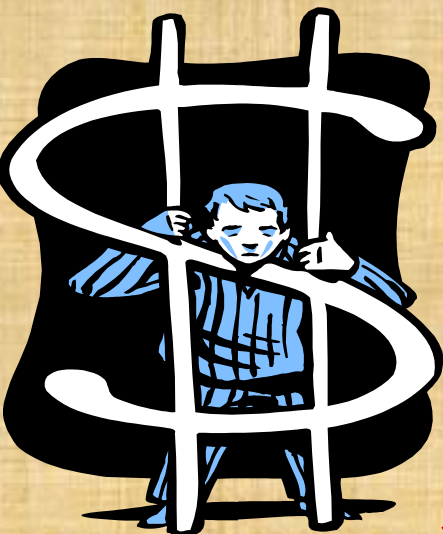
Albers Equal-Area projection

The United States, 1783 with Western Land Claims



•Confederation Problems

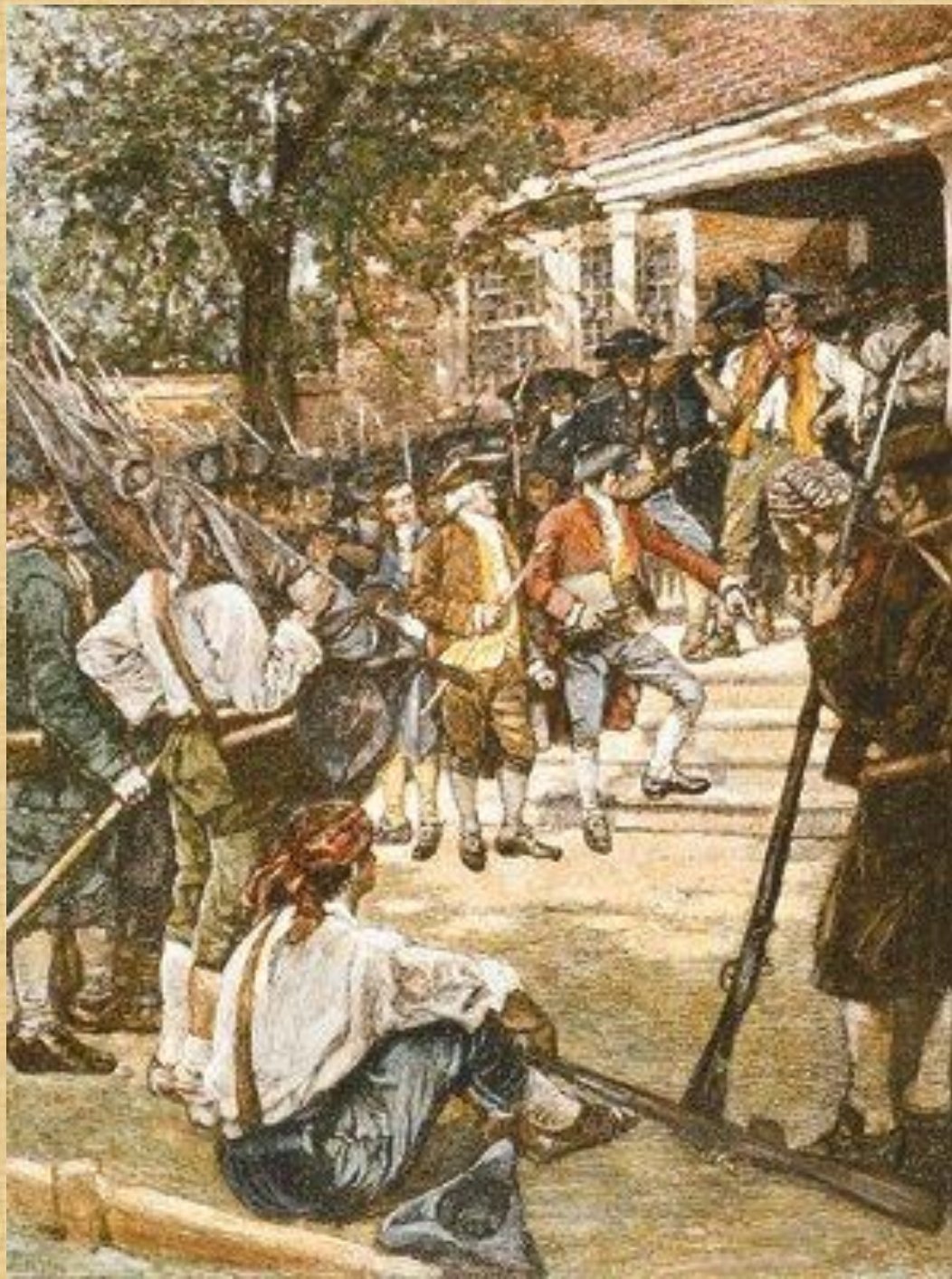
- No regulate Commerce
- No collecting taxes
- No president
- No courts
- National debts



To save American credit from destruction, it was at least necessary that the interest on the public debt should be paid. For this purpose Congress in 1781 asked permission to levy a five per cent. duty on imports. The modest request was the signal for a year of angry discussion. Donkeys fond of reasoning from analogy asked, If taxes could thus be levied by any power outside the State, why had we ever opposed the Stamp Act or the tea duties?

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare . . . shall be defrayed out of a common treasury. . . . The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

---The Articles of Confederation



- Farmers and Continental Soldiers rise up during Shay's Rebellion

- Shays Rebellion
 - Recession
 - Mass. Taxes
 - City vs. Country folk
 - Shut down courts
 - Nation in danger!
- Call for stronger National Government
 - Annapolis Convention-
no progress
 - Philadelphia Convention
 - Washington elected
chairman
 - Honest debate by closed
session
 - 12 states show, except
Rhode Island
 - States Rights vs. Stronger
National Powers



As Benjamin Franklin arrived at the Pennsylvania statehouse on September 17, 1787, he rejoiced with his colleagues about the freshness of the morning air. For 16 weeks, the 81-year-old Franklin had made the short journey from his home just off Market Street to the statehouse. There, delegates to the Constitutional Convention had exhaustively debated the future of the nation. Today, they would have a chance to sign a draft plan for the nation's new constitution.

When it came Franklin's turn to sign, the elderly leader had to be helped forward in order to write his name on the parchment. Tears streamed down his face as he signed. When the remaining delegates had finished signing, a solemn silence enveloped the hall. Franklin relieved the tension with a few well-chosen words. Pointing to the half-sun painted in gold on the back of George Washington's chair, he observed:

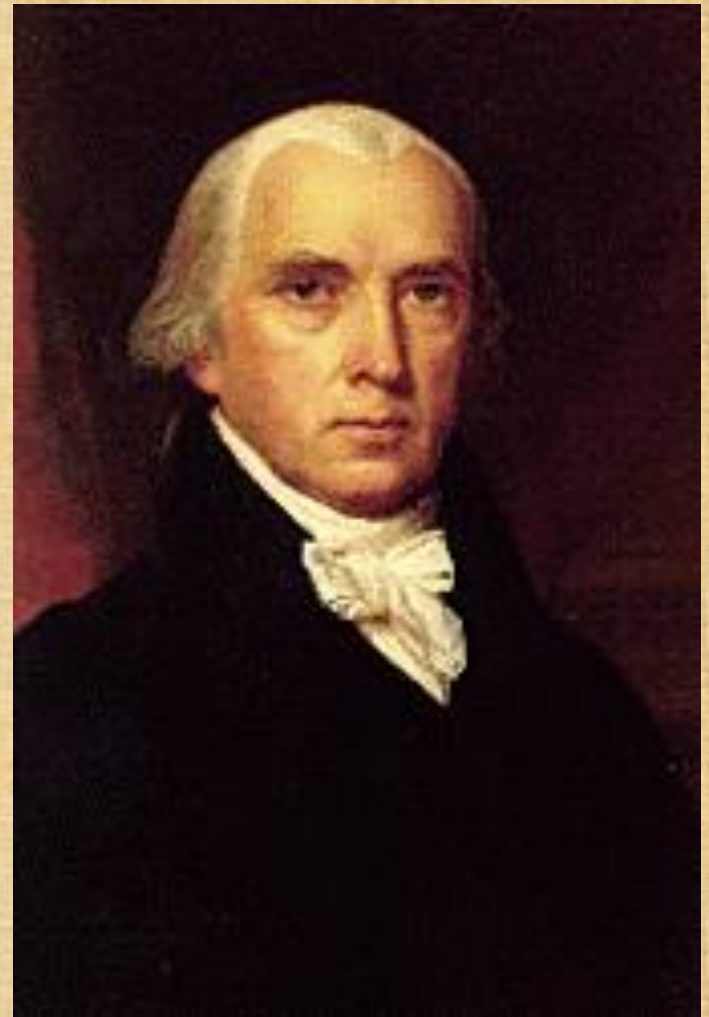
“I have often . . . looked at that [sun] behind the President [of the Convention] without being able to tell whether it was rising or setting; but now, at length, I have the happiness to know it is a rising, and not a setting, Sun.”

—quoted in *An Outline of American History*

- New Constitution
- Nationalists vs. States Rights
- Federalists vs. Anti-Federalists

- **James Madison**
 - Notes at the convention
 - Father of the Constitution

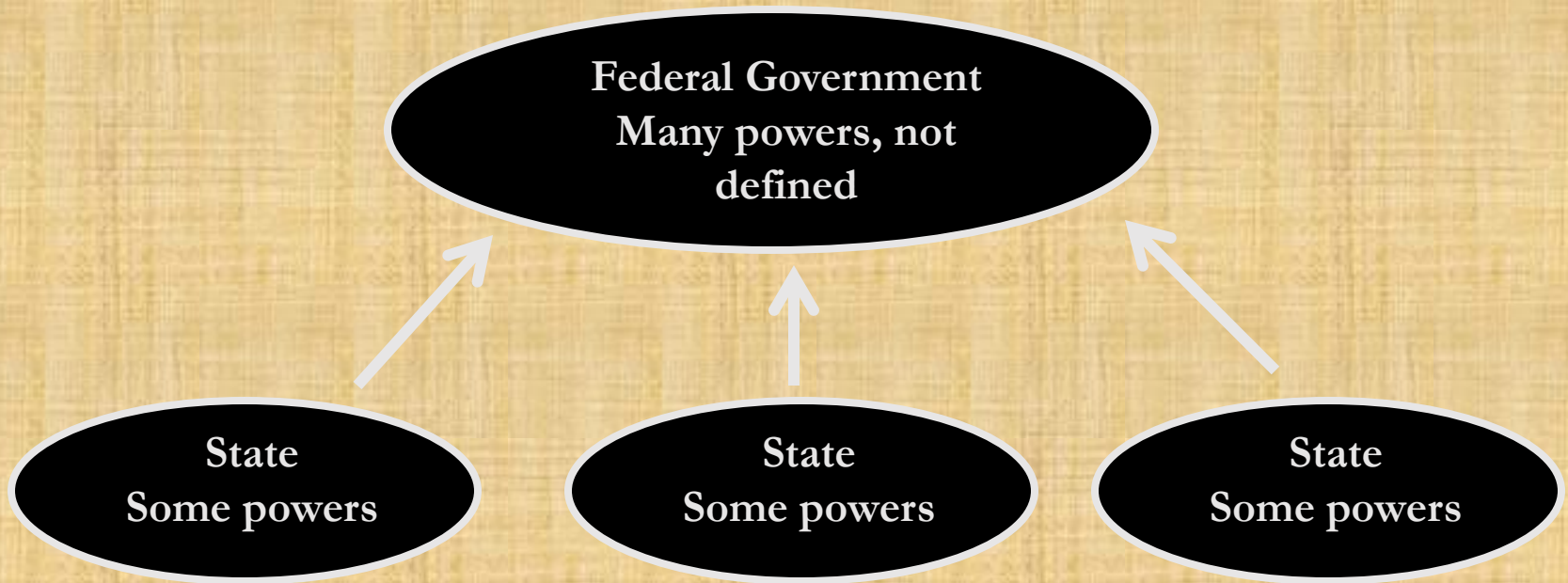
- **Jefferson**
 - Father of the Declaration of Independence





- Plans
- Virginia Plan (Madison)
 - Throw out Articles, start new
 - Favors large population states
 - Two houses based on population
- NJ Plan (Paterson)
 - Favors small states
 - One branch based on one vote per state
 - Not much difference from Articles
 - Would be able to tax
- Connecticut Compromise-Great Compromise (Sherman)
 - Senate would have equal votes per state
 - 2 senators each
- **Ben Franklin**
 - *It's the best we can do!*

Constitutional Government & Federalism



- Separation of powers
 - Power is divided among the three branches of government.
- Federalism
 - Power is divided between the national government and the state governments
- Balance of Power
 - No branch of government has more power than any other.
- Popular sovereignty
 - Government gets its power from the people.
- Limited government
 - A government can only do what its people give it authority to do



- Constitutional Compromises (Conn)

- Great Compromise

- House-pop.
- Senate-Equal

- 3/5 Compromise-Slavery

- 3 branches

- Checks and balances

- Amendments

- Proposal $\frac{2}{3}$ congress
- Ratification $\frac{3}{4}$ states



We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

–Preamble to the Constitution

-father of the Constitution, James Madison



• Three Branches

• Legislative

- Congress
- Makes Law
- Over rides vetoes
- impeaches

• Executive

- President
- Enforces Law
- Vetoes
- Commander in chief

• Judicial

- Supreme Court
- Interprets the Law
- Judges serve for life



•Federalist Papers

- Hamilton
- Madison
- Jay



In the Press,
and speedily will be published,
THE
FEDERALIST,
A Collection of Essays written in fa-
vor of the New Constitution.
By a Citizen of New-York.
Corrected by the Author, with Additions
and Alterations.

*This work will be printed on a fine Paper
and good Type, in one handsome Volume doc-
uments, and delivered to subscribers at the
moderate price of one dollar. A few copies
will be printed on superfine royal writing pa-
per, price ten shillings.*
No money required till delivery.
*To render this work more complete, will be
added, without any additional expence,*

PHILO-PUBLIUS,
AND THE
Articles of the Convention,
*As agreed upon at Philadelphia, Septem-
ber 1786, 1787.*

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But the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department, the necessary constitutional means, and personal motives, to resist encroachments of the others.

The provision for defense must in this...be made commensurate to the danger of attack. Ambition must be made to counteract ambition. The interest of the man, must be connected with the constitutional rights of the place...that such devices should be necessary to control the abuses of government...

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.
---James Madison, Federalists Paper No. 51

In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government...

...We see it particularly displayed in all the subordinate distributions of power; where the constant aim is, to divide and arrange the several offices in such a manner as that each may be a check on the other; that the private interest of every individual may be a centinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the state.

---James Madison, Federalists Paper No. 51

The windows of Virginia's statehouse stood open as Patrick Henry rose to speak. The man who had once declared, "Give me liberty, or give me death!" was fearful for the future of the United States. For most of June 1788, he had argued against accepting the new federal Constitution drawn up in Philadelphia the previous summer.

The afternoon of June 25 marked the final day of debate in Richmond. Henry immediately took aim at the framers of the Constitution. "What right had they to say 'We, the People?'" he demanded. "Who authorized them to speak the language of We, the People, instead of We, the States?" The future of liberty around the world was at stake, he declared. "We have it in our power to secure the happiness of one half the human race." In his closing remarks, Henry announced he would accept the will of his colleagues:

“If I shall be in the minority, I shall have those powerful sensations which arise from a conviction of being overpowered in a good cause. Yet I will be a peaceable citizen. My head, my hand, and my heart, shall be at liberty to retrieve the loss of liberty, and remove the defects of that system in a constitutional way.”

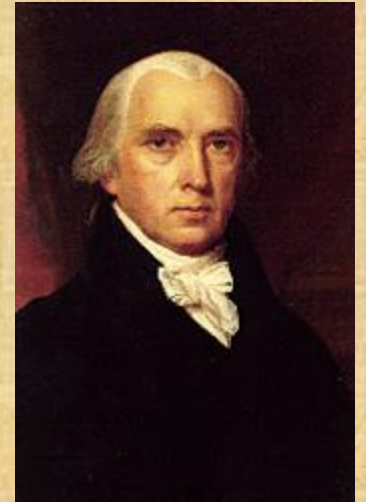
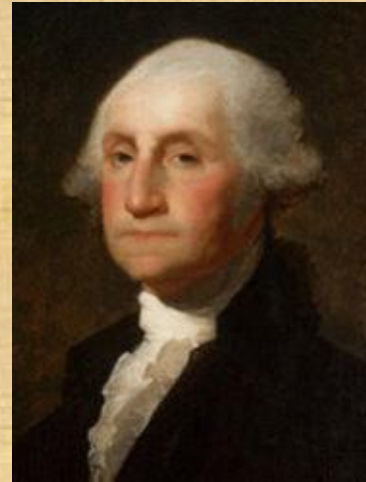
—quoted in *Patrick Henry: A Biography*

- Ratifying Constitution 9 of 13 states

- Federalists-Yes

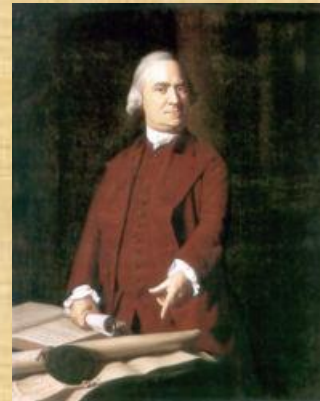
- Compromise with Anti-Federalists

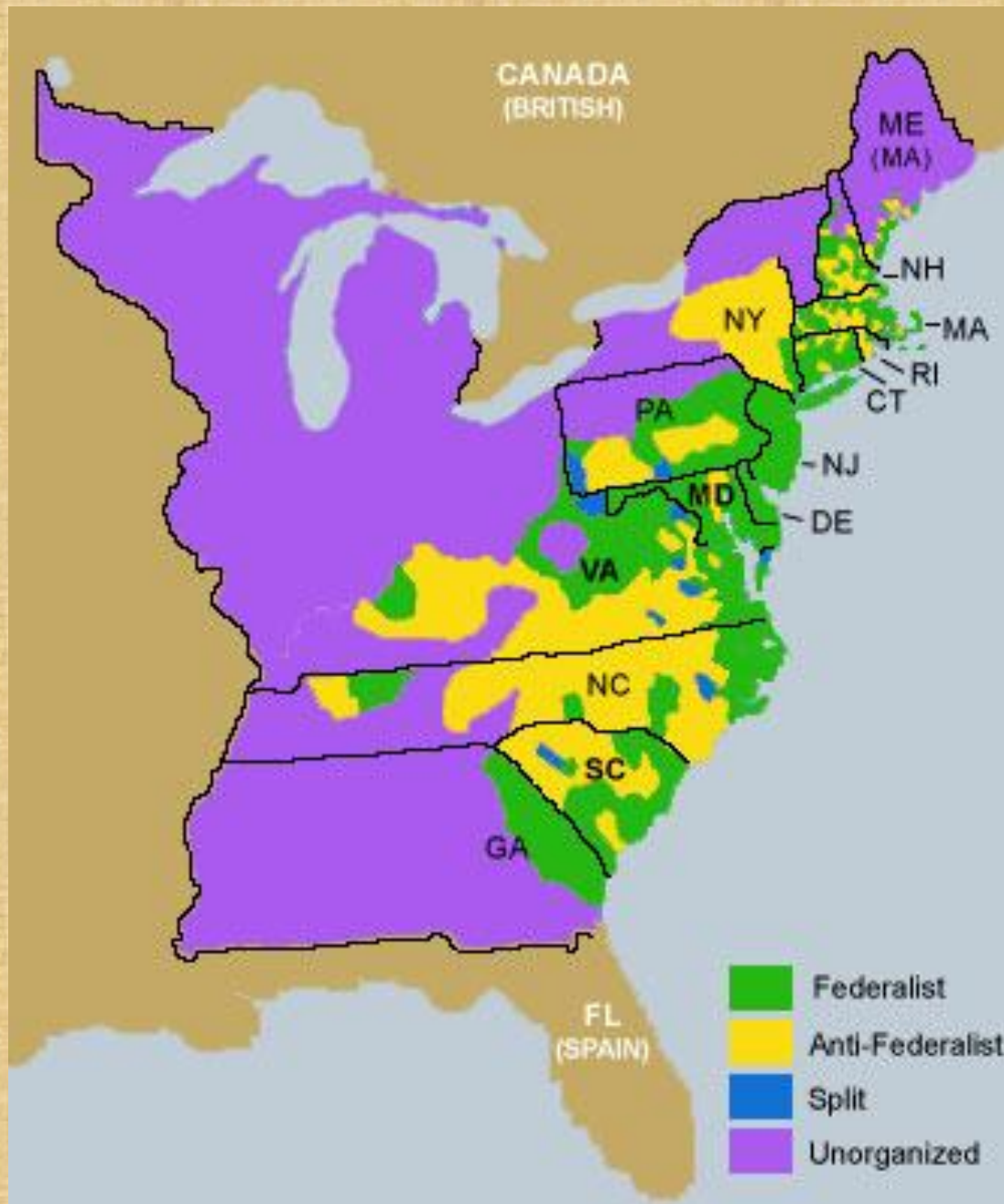
- Madison
- Hamilton
- Jay
- Washington
- Franklin



- Anti-Federalists-No without Bill of Rights

- Hancock
- Henry
- Sam Adams





- Ratification of Constitution
 - Principal supporters
 - Merchant class
 - Moneyed class
 - Principal distracters
 - Small farmers
 - Backwoodsmen

- Federalists' proposal for compromise
- Hamilton's Promise-Pay State's Debt
- Madison's Promise-Bill of Rights
- George Mason-Bill of Rights



These lawyers and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make up poor, illiterate people swallow down the pill expect to get into Congress themselves; they expect to be managers of this Constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks, like the great Leviathan, Mr. President; yes, just like the whale swallowed up Jonah.

--Amos Singletary