

The Articles of Confederation and the Constitution – Ch. 9 “The Confederation and the Constitution,” *The American Pageant*, pp. 171-189 (from Brasher)

Overall main idea: *The weaknesses of the Articles of Confederation led to the creation of the Constitution, which was ratified after considerable debate between Federalists and Anti-federalists.*

Creating a Confederation

Main idea: *States hesitated to ratify the United States’ first national government, the Articles of Confederation, until arguments over new western territories were resolved.*

The Continental Congress was basically just a conference of ambassadors from each state, but not an official national government with any power

The states were established first as sovereign (having their own authority and power), then they tried to establish a national government that united all of the states

The Articles of Confederation were written after the Declaration of Independence and adopted in 1777

Big argument over western lands – seven of the states, especially New York and Virginia, had claims to the land while six of them did not; the six who did not argued that the other seven had unfair advantages because of the land, even though all thirteen fought to secure it; land could be sold to pay off debts and create state revenue

The six states without western land claims held out longer to approve the Articles of Confederation until the seven with land (esp. NY and VA) pledged to turn it over to the new national government; this national government then would distribute proceeds of the land to all states; this helped unify the fledgling nation, as none of the states wanted to lose their land or its money by abandoning the national government

The Articles of Confederation: America’s First Constitution

Main idea: *The Articles of Confederation were a weak union of sovereign states, with few controlling powers, that would provide a transition to the Constitution.*

Articles of Confederation:

States still held most power, but joined together into the Confederation for common issues, like foreign affairs

Single house of Congress; each state had one vote, no matter the size or population

No separate executive or judicial branch

Important laws required nine out of thirteen votes; amendments required a unanimous vote of all thirteen

No power to regulate commerce

No enforcement of tax collection; it was voluntary

Little power to directly control or coerce states, but merely appeal and suggest

Still, the Confederation was much different and much more democratic than any European government of the time; it was a stepping stone to the Constitution and played its role until the Constitution could be created after the war

Landmarks in Land Laws

Main idea: *The Articles of Confederation provided an effective long term solution to new land acquisition.*

Old Northwest – north and west of Ohio River, south of Great Lakes, east of Mississippi River

Land Ordinance of 1785 – surveyed and sold lands of the Old Northwest using a grid for

townships, sections, and acres; the money went to the national government to pay off the national debt from the Revolutionary War; each 16th section of each township was set aside to pay for public education; it provided an orderly method of land sale that contrasted to the South later

Northwest Ordinance of 1787 – established how the new lands of the Old Northwest would become part of the U.S.; first they would be territories under the control of the federal government; when they acquired enough population, they could apply for statehood and become equal to the rest of the states; it also did not allow slavery to be established

These two ordinances were the bright spot of the Confederation, as they solved the problem of how to acquire new territory without falling into the colonial trap that the British fell into and led to the American Revolution

The World's Ugly Duckling

Main idea: *The Articles of Confederation had little power to manage its problems in foreign affairs with Britain, Spain, France and the Mediterranean.*

Britain refused to send a minister to the US for eight years; refused to make a treaty or repeal its trade restrictions; closed the West Indies trade

Britain continued to station agents in trading posts and forts along the American borders, influencing Indians and scheming with disgruntled Americans; they claimed the failure of Americans to uphold their end of the Treaty of Paris as an excuse

The Confederation Congress had little power to deal with these British problems nationally, such as regulating commerce with them

Spain controlled the Louisiana Territory (west of the Mississippi River) and the Florida territory and was imposing its influencing on trading posts, forts, and Indians also; it blocked American access to the Gulf of Mexico, cutting off western farmers from trade

France demanded repayment of loans from the Revolution and restricted its trade with the U.S.

North African pirates in the Mediterranean attacked American ships and enslaved its crews; the US was too weak to fight or bribe and the Confederation had no power to do otherwise

The Horrid Specter of Anarchy

Main idea: *Economic problems erupted after the Revolutionary War that the Articles of Confederation could little control or resolve.*

States did not agree, fighting over boundaries and tariffs; some refused to pay taxes to the Confederation; debt was piling up and credit abroad was worsening; some states issued near-worthless paper money

Shays' Rebellion – 1786, Daniel Shays led a rebellion of debt-ridden backcountry farmers against the Massachusetts government and their creditors; they demanded paper money, less taxes, and restrictions on property foreclosures; Massachusetts raised a small force and put down the rebellion, but it frightened many Americans

Massachusetts passed debt-relief laws soon after

Many Americans began to fear the “mobocracy” and anarchy of armed groups with too much freedom that could not be controlled easily under the Confederation

Though conditions started to improve, many Americans began to talk of strengthening the Articles or creating an entire new system with a stronger central government

A Convention of “Demigods”

Main idea: *The Confederation Congress called for a convention of talented, fresh but experienced representatives to improve the Articles of Confederation in Philadelphia in 1787.*

Control of inter-state and foreign commerce was the spark of the Constitutional Convention, called by a failed Annapolis, MD convention and the Congress; its sole purpose was to revise the Articles of Confederation

Constitutional Convention – 1787, 55 delegates from 12 states (minus Rhode Island) met in Philadelphia to revise the Articles of Confederation and created the new government based on what we now call simply the Constitution; among those present:

George Washington – elected chairman of the convention; well respected from the Revolution

Benjamin Franklin – 81 years old, but well-respected and experienced

James Madison – short Virginian, 36 years old, studied government and law, later to be known as “The Father of the Constitution”

Alexander Hamilton – tall, New York, 33 years old, favored a strong central government and aristocratic rule; “the people are turbulent and changing; they seldom judge or determine right.”

Most of the Revolutionary leaders of 1776 were absent; a new generation of leaders was emerging along with the old

Patriots in Philadelphia

Main idea: *The mostly conservative delegates to the Constitutional Convention aimed to create a new government with more central power to control trade easier, enforce laws, and prevent dangerous uprisings of “mobocracy.”*

Delegates were conservative, propertied and relatively wealthy; mostly lawyers, but also merchants, shippers, land speculators and lenders; 19 out of 55 were slave owners; they were nationalist—interested in preserving the nation rather than allowing it to turn over to the common people and their states

The delegates wanted a strong, respected government that could control tariffs and commerce, both within states and with other countries; they also wanted to prevent further uprisings like Shays’ Rebellion and be able to deal with them more easily

Hammering Out a Bundle of Compromises

Main idea: *The convention’s deadlock was broken by a series of compromises over representation and slave trade.*

The delegates decided to scrap the Articles and completely start over on a new government, despite what the Congress had instructed

Heated debates and deadlock occurred, and it looked as if the convention might be a failure

The Virginia Plan – proposed by large Virginia, representation in Congress would be based on population

The New Jersey Plan – proposed by NJ, representation in Congress would be equal for each state, regardless of population (as in the Articles)

The Great Compromise – Congress would be divided into two houses (bicameral):

The House of Representatives (a.k.a. “The House”) – based on population, as in the Virginia Plan

The House of Senate (a.k.a. “The Senate”) – based on equality, regardless of population, as in the New Jersey Plan

Every tax or revenue bill had to originate in the House of Representatives

New, stronger, bigger executive branch was created for the President, with broad authority over appointments of officials and judges; veto power over laws; commander in chief of military

Electoral College – method of indirectly electing the President, based on representatives; if no majority, the election was settled by one vote from each state

Three-Fifths Compromise – every five slaves were counted as three persons for the purposes of determining representation in Congress, to satisfy the Southern states
Slave trade was determined to continue until 1808

Safeguards for Conservatism

Main idea: *The Constitution was based on Republicanism but included more conservative safeguards against the dangers of too much democracy.*

Division of Powers – power in the federal government was divided into three branches: Legislative (Congress – created and debated laws); Executive (President and others – enforced laws); Judicial (Courts and judges – interpreted laws)

Federalism – division of power into Federal (national), state, and local branches of government

Checks and balances – the system of government where different branches checked and balanced each other so that power was divided and limited, so no one person or group could become a tyrant over the rest

Constitutional delegates did argue a lot, but they more agreed than disagreed; they all shared similar views on: stable money and private property protections; a stronger national government than the Articles of Confederation, divided and limited; and protections against “mobocracy”—not enough control, too much liberty and power to the common people that would endanger the nation (like Shays’ Rebellion)

Protections against “mobocracy”:

Federal judges were appointed for life

The President had more power and was elected indirectly, by the Electoral College, not by the people

Senators were elected indirectly by states

Only the House of Representatives was elected directly by the people

Still, it was Republican-based:

Self-government that did ultimately come from the people – “We the people...”

Representatives were to be virtuous and look out for the public good

Limited government to prevent aggressive power and tyranny

Federal government was strengthened: ***See chart on page 182***

The Clash of the Federalists and the Antifederalists

Main idea: *Disagreements over the ratification of the Constitution divided the U.S. into Federalists and Antifederalists.*

Under the Articles of Confederation, a unanimous agreement of the states was required for an amendment; the Constitutional Convention delegates (“the framers”) went around the Articles and submitted the Constitution to the people through specially elected conventions, in effect, attempting to peacefully overthrow the old government and install a new one; they claimed that only nine out of thirteen states were required to enact the new government

Americans were somewhat surprised, as no one expected a new governmental proposal to be created, but merely an amendment of the old one; a fierce debate erupted:

Federalists – those who supported the new Constitution; included the wealthy, lenders, settled eastern seaboard, planters, more educated, better organized; included George Washington, Benjamin Franklin, Alexander Hamilton, James Madison; controlled most of the press

Antifederalists – those who were against the new Constitution; included states’

rights advocates, older generation revolutionaries, backcountry dwellers, poorer citizens, debtors; included Sam Adams, Patrick Henry, and Richard Henry Lee; they argued the Constitution was antidemocratic and aristocratic, that states' rights were being submerged, and that individual liberties were being squashed without a Bill of Rights

The Great Debate in the States

Main idea: *The Constitution was officially adopted in 1788, when nine of the thirteen states had ratified it after considerable debate, yet four states still held out.*

Four states quickly ratified the Constitution; Delaware is now considered the first official state as they were the first to ratify, in Dec. 1787

Massachusetts narrowly ratified in 1788 after the Federalists assured the Antifederalists of a future Bill of Rights; also, just because the Antifederalists opposed the Constitution didn't mean they had a better idea; many of them were still not happy with the Articles either

Nine states had ratified to make the new government official, but four states, especially large New York and Virginia, held out to make its final union still uncertain

The Four Laggard States

Main idea: *The four hold out states eventually ratified the Constitution, but mainly because they would have struggled to exist outside of the new union.*

Virginia ratified only after New Hampshire had become the ninth state to ratify, thus making the new government official anyway; Patrick Henry helped lead the Antifederalists; the state barely ratified

The Federalist essays/papers – published anonymously but written by James Madison, John Jay and Alexander Hamilton as brilliant arguments for the Federalist cause of the Constitution; influenced much of New York; yet they also barely ratified mainly because it would have been difficult to survive outside of the new union

Rhode Island and North Carolina held out last, as usual in the colonial era; they joined months after everyone else

A Conservative Triumph

Main idea: *Conservative propertied Federalists, a minority in America, won the debate over ratification of the Constitution.*

Federalists were a minority of Americans, just as the Revolutionaries were a minority of Americans

Technically, the states all seceded from the old government under the Articles and then joined the new government under the Constitution

Only about 25% of adult white males, mostly with property, had voted for the delegates who ratified the Constitution; if it had been submitted to all males, it probably would have been defeated

The Constitution achieved a balance of Republicanism and conservative control, order and power for the well-born and wealthy; it emphasized liberty but also boundaries and limits

Overall main idea: *The weaknesses of the Articles of Confederation led to the creation of the Constitution, which was ratified after considerable debate between Federalists and Antifederalists.*