The Confederation and the Constitution

1776 – 1790
Evolution not Revolution

- The American Revolution was not a revolution in the sense of total change
  - Did not suddenly change social and political framework (unlike revolutions in France and Russia)
  - More accelerated evolution than revolution
  - Many people in America did not have to change their lives during the war
Evolution not Revolution

Changes during the Revolution

- 80,000 Loyalists left America, taking a traditionally conservative group out of American politics
- New Patriot elites emerged
- More egalitarian ideas swept America
A Patriot Attack on a Tory
The Pursuit of Equality

- Growth of equality after 1776
  - “All men are created equal”
  - Most states reduced (but did not eliminate) property requirements for voting
  - Ordinary people addressed as “Mr.” or “Mrs.” – before this had only been used for the upper classes
  - Employers called boss instead of master
  - By 1800, indentured servitude was eliminated
  - Growth of trade organizations for artisans
  - End of primogeniture (a system of inheritance under which all the father’s property went to oldest son)
The Pursuit of Equality

- Growth of separation of church and state after 1776
  - The Congregational Church was entrenched in New England and continued to be established (tax-supported)
  - The Anglican Church (associated with the British) was reformed as the Episcopal Church and disestablished
- 1786 – Virginia Statute of Religious Freedom
  - Fierce struggle over established religion finally led to this separation law supported by Thomas Jefferson
The Pursuit of Equality

Antislavery after 1776
- Quakers founded the first antislavery society (1775)
- The Continental Congress (1774) called for the abolition of slavery which most states supported
- Northern states either abolished slavery or provided for gradual emancipation
The Status of Slavery, 1800
The Pursuit of Equality

- Weakness of the drive for equality between blacks and whites after 1776
  - No state south of Pennsylvania abolished slavery
  - Laws still discriminated against blacks in the North and South
    - Blacks could be barred from buying property, holding some jobs, and educating children
    - Laws against interracial marriage were passed
The Pursuit of Equality

- Why did the move to abolition not end slavery?
  - Because the Founding Fathers chose political expediency over idealism.
  - They believed a fight over slavery would have split the nation, preventing a union from being formed.
The Pursuit of Equality

Women’s equality

- Some few women escaped from traditional roles
  - New Jersey briefly allowed women to vote
  - A few women even dressed as men and fought in the Revolution
  - Abigail Adams teased her husband that women might start their own revolution if they did not get political rights

- In spite of this, most women continued in traditional roles
A Typical Colonial Household
The new concept of “republican motherhood” affected women’s status in society:

- Republican ideology – all citizens must make an unselfish commitment to the public good
- Women were entrusted to teach young people moral education and proper republican behavior
- Elevated women’s status and expanded educational opportunities (so they could teach the young)
A Woman in Colonial Times
Teaching Children
Constitution Making in the States

1776 – the Continental Congress asked the states to write new constitutions

- Doing this they created themselves as new states, breaking away from their previous status as colonies
- Sovereignty (supremacy of authority or rule) rested with the people according to republicanism
Constitution Making in the States

- Massachusetts’ constitutional procedures was later copied by the writers of the US constitution.
  - A special convention wrote the constitution.
  - The constitution was then submitted to the people for ratification.
  - It could then only be changed by another constitutional convention.
Constitution Making in the States

- British versus state constitutions
  - The British “constitution” was not a written document, but rather a collection of laws, customs, and precedents
  - American state constitutions were written charters
    - Contracts that defined powers of government
    - Grew out of colonial charters
    - Drew authority from the people, not the king
    - Represented fundamental law, superior to the whims of legislatures
Constitution Making in the States

- Commonalities between state constitutions
  - Most included a bill of rights – specific guarantees of liberties
  - Most required annual election of legislators
  - All created weak executive and judicial branches
  - Legislatures (the most democratic branch) were given the most power
  - Many newly enfranchised westerners now had much more power in state government than they previously had enjoyed
Economic Crosscurrents

- States seized former royal lands
  - Most were cut up into smaller farms, accelerating the spread of economic democracy
  - The excesses of the French Revolution did not happen because the US had land to give to its discontented people
Economic Crosscurrents

- Manufacturing
  - Given a boost from nonimportation (before the war) and the fact that the US was cut off from British imports during the war
  - US had to build its own manufacturing base
  - This happened slowly, however; the US still was mainly a nation of farmers
Economic Crosscurrents

- Economic drawbacks of independence:
  - Britain tried to trade within its empire as much as possible.
  - American ships were barred from British and British West Indies harbors.
  - Navigation Laws and British trade restrictions now affected US ships even more than before independence.
Economic Crosscurrents

- New trading partners (with foreign countries) partially offset the loss of trade with Britain
  - These had not been available before independence
  - US shipping reached Europe, the Baltic area, and even China
Economic Crosscurrents

- Economic and social problems after the war
  - Rampant speculation and profiteering during the war (with profits up to 300%)
  - State governments had borrowed money they couldn’t ever repay
  - Runaway inflation
  - Congress did not pass effective economic laws
  - Average person was probably worse off after the war than before
  - Noisy new rich class of profiteers; once wealthy people (especially Loyalists) were now poor
  - War and revolution led to some disrespect for law and taxes
Inflation in Philadelphia, 1770 – 1790
A Shaky Start Toward Union

- Revolution gave Americans responsibility for the creation and operation of a new government
- Prospects were not good for creation of permanent government
A Shaky Start Toward Union

- Political difficulties
  - Difficult to set up a new government
  - Americans suspicious of authority
  - Lack of unity among colonists
  - Conservative Tory influence gone
  - Americans lost common cause of Revolution
A Shaky Start Toward Union

- Economic difficulties
  - Economic depression hit bottom in 1786
  - British manufacturers flooded American market with goods, killing new American industry
A Shaky Start Toward Union

- Hopeful signs for government
  - 13 states basically alike in governmental structure and had similar constitutions
  - Americans had strong political heritage based on British traditions and their own experience as colonies
  - They also had great political leaders
Creating a Confederation

- From 1776 to 1781 – the colonies considered themselves separate and sovereign states
  - Coined their own money, raised their own armies and navies, and even passed tariffs on goods from other states
- Second Continental Congress
  - Only a conference of ambassadors from 13 colonies, not an actual government
  - Controlled some aspects of foreign policy and military affairs, but without real constitutional authority
Creating a Confederation

- Articles of Confederation
  - In 1776 Congress appointed a committee to create a new government
  - By 1777 the Articles of Confederation were finished
  - The Articles were finally ratified by all 13 states in 1781, only 8 months before the end of the Revolution
Creating a Confederation

- The biggest problem in ratifying the Articles was western land claims
  - 6 states had no claims west of Alleghenies
  - 7 states had claims (including Virginia and New York) based on earlier charter grants
- States with land claims could sell their extra land to pay off debts from Revolution
- States without claims could not do this, although they fought in the Revolution also
- States without land claims wanted western land turned over to the national government
Creating a Confederation

- Approval of the Articles came when states compromised on the land issue
  - The last holdout (Maryland) ratified the Articles when New York and Virginia gave up their western land claims
  - Congress promised to use land for the “common benefit”
    - Would use land to form new states (not colonies) equal to the 13 original states
Western Land Cessions to the United States, 1782–1802
Creating a Confederation

- Impact of the land compromise
  - Unified states behind using the land for common purposes
  - Pioneers moved west, buying land directly from the national government, which weakened local (state) influence
  - A uniform land policy was made possible
The Articles of Confederation: America’s First Constitution

- The Articles were loose confederation; a “firm league of friendship”
  - Independent states who worked together in common problems (like foreign affairs)
- Congress was the primary agency of the government
  - No executive branch
  - Judicial arm left to the states
The Articles of Confederation: America’s First Constitution

- Weakened Congress under the Articles
  - Each state had 1 vote; smaller states had same voice as larger states
  - 9 (of 13) states required for passage of bill
  - Amendments to Articles required unanimity
    - Almost impossible, but fortunate – if it had been easier to amend them, the US might have stayed with the weak Articles instead of replacing them
- Congress could only deal with the governments of the 13 independent states; it could not act directly on individual citizens
- Was purposely made weak; the states had just won control from the British Parliament and did not want a powerful American Parliament
The Articles of Confederation: America’s First Constitution

- Two crippling handicaps of Congress
  - Could not regulate commerce
    - Each state established different and conflicting laws regarding tariffs and navigation
  - Could not enforce tax collection
    - Congress passed quotas for each state
    - States could contribute (or not) on a voluntary basis
    - Congress was lucky to get 1/4 of its quota per year
Weaknesses of the Articles of Confederation

<table>
<thead>
<tr>
<th>Weaknesses of the Articles of Confederation</th>
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<tbody>
<tr>
<td>One vote for each State, regardless of size.</td>
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<tr>
<td>Congress powerless to lay and collect taxes or duties.</td>
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<tr>
<td>Congress powerless to regulate foreign and interstate commerce.</td>
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<tr>
<td>No executive to enforce acts of Congress.</td>
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<td>No national court system.</td>
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<tr>
<td>Amendment only with consent of all States.</td>
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<tr>
<td>A 9/13 majority required to pass laws.</td>
</tr>
<tr>
<td>Articles only a “firm league of friendship.”</td>
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</tbody>
</table>
The Articles of Confederation: America’s First Constitution

- Confederation
  - Supported by colonists after the Revolution as a reaction against powerful European governments
    - Like comparing “heaven and hell” – Jefferson
  - Colonists eventually realized a more powerful central government (federation) was needed
The Articles of Confederation: America’s First Constitution

- The Articles were an important step to the Constitution
  - Outlined the general powers of the central government
  - Kept states together after the Revolution
    - State support for stronger government evolved
    - States would not have supported a stronger government (US Constitution) without an intermediary step (Articles)
Landmarks in Land Laws

- Congress under the Articles still succeeded in passing far-sighted legislation
- Important laws dealt with the Old Northwest
  - Northwest of the Ohio River, east of the Mississippi River, south of the Great Lakes
The Northwest Territory
Landmarks in Land Laws

- Land Ordinance of 1785
  - Land of the Old Northwest was to be sold; money to go to paying off the national debt
  - Land was surveyed and divided into 6 mile square townships
    - Townships were then divided into 36 sections of 1 mile each
    - The 16th section was set aside for public schools
  - Contrasted with land south of Ohio River where chaotic settlement, uncertain ownership, and fraud were common
Landmarks in Land Laws

- **Northwest Ordinance of 1787**
  - Solution to the problem of colonies in western lands
    - First, territories were to learn how to be states in 2 evolutionary steps
    - Then, when a territory had 60,000 people, it was accepted into the Union fully equal with other states
  - Also forbade slavery in Old Northwest, although the few slaves already there were exempted
  - Saved the US from a future revolution of East versus West (if the West had been treated as colonies instead of states equal to the original 13)
  - Used to expand US territory across continent
Land Division in the Old Northwest

Northwest Ordinance, 1787 with final state boundaries

Land Ordinance, 1785, with final sectional division

The Seven Ranges
First Area Survey

Baseline

Detail of Section
1 sq. mile (640 acres)

1/2 section
(320 acres)

1/4 section
(160 acres)

40 acres each

Detail of Township
36 sq. miles

Farms in a rectangular survey area: Muskingum County, Ohio

Farms in an old eastern survey area: Baltimore County, Md.
The World’s Ugly Duckling

- Foreign relations were strained with European powers after the Revolution
- France and Britain worked with Indians to prevent the US from effectively controlling about 1/2 its territory
- Britain also refused to send ambassadors to America for 8 years
The World’s Ugly Duckling

- Trade with Britain
  - British leaders believed trade with America would be renewed without begging the states (because Americans needed trade with Britain more than Britain needed trade with America)
  - Refused to repeal the Navigation Laws
  - Closed American trade with the West Indies (although American smugglers got around this)
The World’s Ugly Duckling

- British scheming in the Northwest
  - Tried to annex Vermont
  - Held a chain of trading posts on American territory
    - Their excuse was because American states had not paid off debts to the British and Loyalists
    - The real reason was to work with Indians to prevent a future American attack on Canada
American Posts Held by the British After 1783

Battle of Fallen Timbers, 1794
The World’s Ugly Duckling

- In response, some Americans wanted restrictions on British imports; this was not successful because:
  - Congress could not control commerce
  - States refused to adopt a uniform tariff policy
  - Some states lowered their tariffs to get more British trade
  - Restrictions probably would have hurt America more than Britain
Spain was also now openly unfriendly to America, even though they had fought with France (against Britain) during the Revolution, though not actually as an American ally.

- Controlled mouth of Mississippi; used by US farmers to ship produce overseas; in 1784 Spain closed this river to American commerce, threatening the West.
- Claimed a large area north of Gulf of Mexico (which had been given to the US by the British in 1783).
- Controlled Florida (which had been conquered by the Spanish during the Revolution).
- Held a fort at Natchez (now Mississippi), on disputed soil.
- Worked with the Indians to stop US expansion at the Appalachians.
Main Centers of Spanish and British Influence After 1783
The World’s Ugly Duckling

- America's former ally France also became less friendly
  - Demanded repayment of debts from during the Revolution
  - Restricted trade with French West Indies and other ports
The World’s Ugly Duckling

- Pirates in North African states threatened US shipping and captured US sailors
  - British had purchased protection, which Americans had benefited from when they were colonies
  - US was now too weak to fight, too poor to bribe
The World’s Ugly Duckling

- Effect of foreign difficulties
  - US leaders in favor of a stronger national government hoped these humiliations would lead to Americans forming a stronger government
The Horrid Specter of Anarchy

- Economic problems in the mid-1780s
  - Some states refused to pay any money to Congress
  - States still complained about the power of Congress
  - The public debt was increasing and US credit abroad was worsening
The Horrid Spectre of Anarchy

- Problems between the states
  - Fighting over boundaries
  - Some states passed tariffs on goods imported from other states
  - Some states printed paper currency that quickly depreciated because it was not backed by gold
The Horrid Specter of Anarchy

- **Shays’ Rebellion**
  - A 1786 rebellion of poor farmers in western Massachusetts
  - Arose because farmers were losing farms because of foreclosures and non-payment of taxes (which were high in order to pay off the states’ Revolutionary War debt)
  - Revolutionary War veteran Daniel Shays led the debtors
    - Demanded state-issued paper money, lighter taxes, and an end of farm foreclosures
    - Marched to courthouses (where foreclosures were conducted) to enforce their demands with guns
Rebels Led by Shays on the Steps of a Courthouse
The Horrid Specter of Anarchy

- Massachusetts government’s response to Shays’ Rebellion
  - A small army (financed in part by the rich) fought the debtors
  - Several rebels were killed and the movement fell apart
  - Shays was condemned to death but later pardoned
  - The legislature also passed debtor-relief laws (one of Shays' demands)
The Horrid Specter of Anarchy

- Effects of Shays’ Rebellion
  - Increased elites’ fears of “democratic despotism”
  - Elites came to fear that the liberty of the Revolution was going too far
  - Many among upper classes began thinking about a stronger national government as a solution
  - Some reactionaries (extreme conservatives) even proposed bringing in a European king to govern America
The Horrid Specter of Anarchy

- How critical were conditions under Articles?
  - Conservatives exaggerated the seriousness to get change (to protect their wealth and status)
  - Poorer people and states’ rights proponents argued that the situation was not that bad
The Horrid Specter of Anarchy

- Many agreed the Articles needed strengthening
  - The key question was how to do this while protecting states’ rights
- America could have gotten by with amending the Articles
  - However, a completely new government saved the US many future problems
The Horrid Specter of Anarchy

- Nationwide problems were getting better as the Constitution was written
- States were returning to sound money based on gold (abandoning worthless paper money)
- The depression was ending and foreign trade was increasing
- If problems were as bad as portrayed by opponents of the Articles, anti-Constitution forces would not have been so strong
A Convention of “Demigods”

- Fighting between states over commerce led to a convention
- 1786 – the Annapolis (Maryland) Convention
  - Called by Virginia to discuss trade issues
  - 9 states sent delegates; only 5 came, so no action could be taken because there was not a majority
  - Hamilton called on Congress to appoint a convention to meet in Philadelphia in 1787
A Convention of “Demigods”

- Congress (under pressure from the states) called for a convention in Philadelphia
  - “for the sole and express purpose of revising” the Articles of Confederation
A Convention of “Demigods”

- All states but Rhode Island (where support for paper money was strong) sent delegates
  - Delegates were appointed by state legislatures, whose members were elected by the voters (who were property holders)
  - Brought together propertied men, but not men who only looked out for their class
A Convention of “Demigods”

- May 25, 1787 – 55 delegates assembled in the red-brick statehouse in Philadelphia
- The small number and secrecy (enforced by guards at the door) allowed compromise
- The delegates were extremely high caliber men
  - Jefferson called them “demigods” (part men, part gods)
  - Most were lawyers; most had experience writing constitutions in their own states
The State House in Philadelphia, Where the Constitution was Written
A Convention of “Demigods”

- George Washington was unanimously elected president; he lent his enormous prestige as the military leader during the Revolution to the convention.

- Benjamin Franklin (81 years old) was the oldest member and took the role of “elder statesman”; he also had to have chaperones after meetings to prevent him from talking.

- James Madison studied government extensively; he was named “father of the Constitution” for his important contributions.

- Alexander Hamilton argued for a powerful national government but convinced no one.
Washington Addressing the Constitutional Convention
A Convention of “Demigods”

- Most of the radicals from the Revolution were not at the convention
  - Thomas Jefferson, John Adams, and Thomas Paine were in Europe (Jefferson and Adams were serving the US government)
  - Samuel Adams and John Hancock were not elected
  - Patrick Henry (a strong supporter of states’ rights) refused to attend because he “smelled a rat”
  - It is probably better they weren’t there; the convention needed leaders to form a constitution, not lead a revolution
Patriots in Philadelphia

- Characteristics of the 55 delegates
  - Conservative and from upper classes: lawyers, merchants, shippers, land speculators, moneylenders; none represented the poorer classes
  - 19 owned slaves
  - They were young (the average age was only 42), but experienced
  - Nationalists who wanted the preservation of the US
  - Were not interested in furthering the extent of popular democracy
Patriots in Philadelphia

- The delegates and government power
  - Believed in republicanism but wanted to protect it from weakness abroad and excesses (of giving too many rights to the poor) at home
  - Wanted a strong, respected government to protect against problems with foreign countries (especially British trade abuses)
Patriots in Philadelphia

- The delegates and democracy
  - Wanted protection against “mobocracy” (extreme democracy)
  - Especially wanted protection of property against the democratic spirit of “leveling” (equalizing) rich and poor
Hammering Out a Bundle of Compromises

Most delegates decided almost immediately at Philadelphia to scrap the Articles of Confederation instead of just revising them (as they had been instructed to do)
Hammering Out a Bundle of Compromises

- Virginia Plan (the “large-state plan”)
  - Representation in bicameral (2 houses) Congress would be based on population

- New Jersey Plan (the “small-state plan”)
  - Representation in unicameral (1 house) Congress would be equal, regardless of size or population (as under the Articles)

- Bitter arguments over these 2 plans almost broke up the convention
### Key Provisions of the Articles of Confederation, the Virginia Plan, the New Jersey Plan, and the Constitution

<table>
<thead>
<tr>
<th></th>
<th>Articles of Confederation</th>
<th>Virginia Plan</th>
<th>New Jersey Plan</th>
<th>Constitution</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Executive</strong></td>
<td>None</td>
<td>Chosen by Congress</td>
<td>Plural; chosen by Congress</td>
<td>President chosen by electoral college</td>
</tr>
<tr>
<td><strong>Congress</strong></td>
<td>One house; one vote per state</td>
<td>Two houses</td>
<td>One house</td>
<td>Two houses</td>
</tr>
<tr>
<td><strong>Judiciary</strong></td>
<td>None</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Federalism</strong></td>
<td>Limited; each state retains full sovereignty</td>
<td>Yes; Congress can veto state laws</td>
<td>Yes; acts of Congress the “supreme law of the states”</td>
<td>Yes; Constitution the “supreme law of the land”; states guaranteed a republican form of government; Supreme Court to adjudicate disputes between states</td>
</tr>
<tr>
<td><strong>Powers of Congress</strong></td>
<td>Conduct diplomacy and wage war; cannot levy taxes or raise army</td>
<td>All powers of Articles of Confederation, plus power to make laws for nation</td>
<td>All powers of Articles of Confederation, plus power to regulate commerce and make states pay taxes</td>
<td>Numerous powers, such as levy taxes, declare war, raise army, regulate commerce, and “make all laws which shall be necessary and proper” for carrying out those powers</td>
</tr>
</tbody>
</table>
Hammering Out a Bundle of Compromises

The Great Compromise
- Larger states got proportional (based on population) representation in the House of Representatives
- Smaller states got equal representation in the Senate
- Every tax or revenue bill had to start in the House (where the people had greater impact)
Hammering Out a Bundle of Compromises

- The president’s powers
  - Powerful, though legally restrained
  - Inspired by the powerful Massachusetts governor who had put down Shays’ rebellion
  - Could appoint domestic officers and veto legislation
  - Had power to wage war, but not power to declare war
Hammering Out a Bundle of Compromises

- Electing the president
  - Compromise between large and small states
  - Large states had advantage in initial voting
    - Number of electors based on total number of representatives and senators
  - Small states had advantage in second round
    - If no candidate got a majority of electoral votes, the election was thrown to the House of Representatives, where each state would have 1 vote
    - Framers believed this would happen often, but it has only happened twice (1800 and 1824)
The Framers’ Plan for the Electoral College

1. Each State would have as many presidential electors as it has senators and representatives in Congress.
2. These electors would be chosen in each State in a manner the State legislature directed.
3. The electors, meeting in their own States, would each cast two votes—each for a different person for President.
4. These electoral votes from the States would be opened and counted before a joint session of Congress.
5. The person receiving the largest number of electoral votes, provided that total was a majority of all the electors, would become President.
6. The person with the second highest number of electoral votes would become Vice President.
7. If a tie occurred, or if no one received the votes of a majority of the electors, the President would be chosen by the House of Representatives, voting by States.
8. If a tie occurred for the second spot, the Vice President would be chosen by the Senate.
The United States According to Electoral College Votes, 2000
Hammering Out a Bundle of Compromises

- Sectional divisions over slavery
  - Should slaves in the South (who could not vote) count as a person in apportioning direct taxes and representation in the House of Representatives?
  - South said “yes”; North said “no”
  - The delegates eventually decided that a slave counted as $\frac{3}{5}$ of a person (this is known as the three-fifths compromise)
Hammering Out a Bundle of Compromises

- Ending the slave trade
  - Most states wanted to end the slave trade
  - However, Southern states (especially South Carolina and Georgia) strongly protested
  - Decided that the slave trade could continue until the end of 1807 (20 years after writing the Constitution)
  - Congress ended the slave trade immediately in 1808
  - Most state constitutions also forbade the slave trade
A Slave Gang on the March to the Coast of Africa to be Sold
A Slave Sold at Auction
Safeguards for Conservatism

- Delegates agreed on all basic principles
  - Economy: sound money and protection of private property
  - Politics: strong government with 3 branches and checks and balances
  - Voting: opposed to universal manhood suffrage (government by “democratick babblers”)

Safeguards for Conservatism

- Safeguards put in place to protect against too much democracy
  - Federal judges were appointed for life
  - The president was elected indirectly by the Electoral College
  - Only for the House of Representatives did (property-owning) citizens vote directly
Safeguards for Conservatism

- Republicanism in the Constitution
  - The only legitimate power was based on consent of the governed
  - Powers of government were limited by the Constitution
  - The virtue of the people (not the power of the state) was where the guarantee of liberty was
Safeguards for Conservatism

May 25 – September 17, 1787 – 17 hot, muggy weeks of compromise

- The Constitution as written did not please everyone
- Only 42 of the original 55 stayed the entire summer
- Only 39 of the 42 people there signed; the other 3 went back to their states to campaign against the Constitution
- Compromise led to a workable solution that most could accept
Signing of the Constitution, 1787
Signing of the Constitution, 1787

SCENE AT THE SIGNING OF THE CONSTITUTION OF THE UNITED STATES

2. Franklin, Benjamin, Pa.
4. Hamilton, Alexander, N.Y.
7. Wilson, James, Pa.
8. Pinckney, Cha., Cotesworth, S.C.
9. Pinckney, Cha., S.C.
10. Rutledge, John, S.C.
12. Sherman, Roger, Conn.
14. McKean, James, Md.
15. Read, George, Del.
17. Spaight, Richard Dobbs, N.C.
18. Blount, William, N.C.
19. Williamson, Hugh, N.C.
20. Junius, Dustin of St. Thomas, Md.
23. Dayton, Jonathan, N.Y.
24. Carroll, Daniel, Md.
27. Langdon, John, N.H.
28. Gilman, Nicholas, N.H.
29. Livingston, William, N.J.
30. Paterson, William, N.J.
32. Clymer, George, Pa.
34. Ingraham, Jared, Pa.
35. Bedford, Gunning, Jr., Del.
36. Bassirey, David, N.J.
37. Dickinson, John, Del.
39. Broome, Jacob, Del.
The Clash of Federalists and Antifederalists

Ratifying the Constitution

Amending the Articles required all 13 states’ approval; Rhode Island was certain to veto the Constitution (it didn’t even send delegates to the convention)

Delegates decided that when 9 states had ratified the Constitution through specially elected conventions, it would be law for those states

- Went over the head of Congress (that had called the convention) and state legislatures (that had sent the delegates)
- Appealed directly to the people (who voted for special conventions to ratify the Constitution)

A divided Congress agreed to this system and sent the Constitution to the people
The Clash of Federalists and Antifederalists

- Antifederalists assembled against the Constitution
  - Generally led by prominent men from the Revolution (such as Sam Adams, Patrick Henry, and Richard Henry Lee)
  - Supporters included states’ rights supporters, the poorest classes (small farmers, backcountry dwellers), and debtors (who feared a powerful central government would force them to pay off their debts)
  - Saw the Constitution as a plot by elites to steal power from the commoners
The Clash of Federalists and Antifederalists

- Federalists supported the Constitution
  - Great leaders like George Washington and Benjamin Franklin
  - Most lived in settled areas and along coast
  - They were generally wealthier, better educated, and better organized
  - Also controlled the press; out of over 100 newspapers in the colonies, only about a dozen were antifederalist
Ratifying the Constitution of 1787
The Clash of Federalists and Antifederalists

- Antifederalist attacks on the Constitution
  - The Constitution was antidemocratic because it had been written by elites
  - Sovereignty of the states was taken away
  - Individual rights were threatened (because there was no bill of rights)
  - Opposed the dropping of yearly elections for congress
  - Feared the creation of a standing army
  - There was no reference to God
  - Questionable ratification procedure (with only 9 states)
The Great Debate in the States

- Special elections held in states to ratify the Constitution
  - Candidates elected based on their pledges for or against Constitution
- 4 small states and Pennsylvania ratified quickly
The Great Debate in the States

- Ratification in Massachusetts
  - Very important because it was the 2nd most populous state
  - The convention had an antifederalist majority; it looked like the state would not ratify, probably dooming the Constitution
  - Federalists guaranteed the first congress would pass a bill of rights (a primary demand of the antifederalists there)
  - Ratified by a close margin
The Great Debate in the States

- Maryland, South Carolina, and New Hampshire followed Massachusetts
- By June 21, 1788 – 9 states had ratified, making the Constitution law for those states
  - However, the Constitution was unlikely to take hold as long as the last 4 states (especially New York and Virginia) did not ratify
The Four Laggard States

- **Virginia**
  - Strong opposition to Constitution, including from Patrick Henry
  - George Washington, James Madison, and John Marshall argued for Constitution
  - Agreed to ratification in a close vote when New Hampshire ratified, since the Constitution was now adopted and Virginia could not remain independent
Patrick Henry
The Four Laggard States

- New York
  - Strongly antifederalist in the state convention
  - Alexander Hamilton, John Jay, and James Madison wrote a series of articles in New York newspapers
    - Powerful explanations of how the Constitution would work
  - Finally ratified by very close vote to be part of the US
    - Also passed 32 amendments and called for a new convention to change the Constitution (which did not happen)
An Advertisement for the Federalist


This work will be printed on a fine Paper and good Type, in one handsome Volume duodecimo, and delivered to subscribers at the moderate price of one dollar. A few copies will be printed on superfine royal writing paper, price ten shillings. No money required till delivery.

To render this work more complete, will be added, without any additional expense, PHILO-PUBLIUS, AND THE Articles of the Convention, as agreed upon at Philadelphia, September 17th, 1787.
The Four Laggard States

- North Carolina
  - Antifederalist convention adjourned without taking a vote
- Rhode Island
  - Did not even assemble convention
  - Constitution was rejected by popular vote
- Both these states ratified Constitution after it had been in operation
- The last 4 states ratified not because they wanted to, but because they had to in order to remain part of the US
Ratification of the Constitution

<table>
<thead>
<tr>
<th>State</th>
<th>Date</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>December 7, 1787</td>
<td>30–0</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>December 12, 1787</td>
<td>46–23</td>
</tr>
<tr>
<td>New Jersey</td>
<td>December 18, 1787</td>
<td>38–0</td>
</tr>
<tr>
<td>Georgia</td>
<td>January 2, 1788</td>
<td>26–0</td>
</tr>
<tr>
<td>Connecticut</td>
<td>January 9, 1788</td>
<td>128–40</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>February 6, 1788</td>
<td>187–168</td>
</tr>
<tr>
<td>Maryland</td>
<td>April 28, 1788</td>
<td>63–11</td>
</tr>
<tr>
<td>South Carolina</td>
<td>May 23, 1788</td>
<td>149–73</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>June 21, 1788</td>
<td>57–47</td>
</tr>
<tr>
<td>Virginia</td>
<td>June 25, 1788</td>
<td>89–79</td>
</tr>
<tr>
<td>New York</td>
<td>July 26, 1788</td>
<td>30–27</td>
</tr>
<tr>
<td>North Carolina</td>
<td>November 21, 1789*</td>
<td>194–77</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>May 29, 1790</td>
<td>34–32</td>
</tr>
</tbody>
</table>

*Second vote; ratification was originally defeated on August 4, 1788, by a vote of 184–84.
A Conservative Triumph

- A minority of Americans had triumphed twice
  - A minority of radicals had carried out a revolution against the British
  - A minority of conservatives had replaced the Articles of Confederation with the Constitution
    - Only 1/4 of adult white males (those with property) had voted for the delegates to the conventions
    - Voting by all males would have sent the Constitution to defeat
A Conservative Triumph

- Constitution conserved the principle of republican government
  - All 3 branches (not just the legislature, as in the Articles) represented people
  - People governed through their representatives, who were limited by checks and balances
Separation of Powers

**Legislative Branch**
Congress
- Passes laws
- Can override President’s veto
- Approves treaties and presidential appointments
- Can impeach and remove President and other high officials
- Creates lower federal courts
- Appropriates money
- Prints and coins money
- Raises and supports the armed forces
- Can declare war
- Regulates foreign and interstate trade

**Executive Branch**
President
- Carries out laws
- Proposes laws
- Can veto laws
- Negotiates foreign treaties
- Serves as commander in chief of the armed forces
- Appoints federal judges, ambassadors, and other high officials
- Can grant pardons to federal offenders

**Judicial Branch**
Supreme Court and Other Federal Courts
- Interprets laws
- Can declare laws unconstitutional
- Can declare executive actions unconstitutional
# System of Checks and Balances

<table>
<thead>
<tr>
<th>Executive Branch</th>
<th>Checks on the Legislative Branch</th>
<th>Checks on the Judicial Branch</th>
</tr>
</thead>
<tbody>
<tr>
<td>(President carries out laws)</td>
<td>Can propose laws</td>
<td>Appoints federal judges</td>
</tr>
<tr>
<td></td>
<td>Can veto laws</td>
<td>Can grant pardons to federal offenders</td>
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<tr>
<td></td>
<td>Can call special sessions of Congress</td>
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<td></td>
<td>Makes appointments</td>
<td></td>
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<tr>
<td></td>
<td>Negotiates foreign treaties</td>
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<tr>
<td>Legislative Branch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Congress makes laws)</td>
<td>Can override President’s veto</td>
<td>Creates lower federal courts</td>
</tr>
<tr>
<td></td>
<td>Confirms executive appointments</td>
<td>Can impeach and remove judges</td>
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<tr>
<td></td>
<td>Ratifies treaties</td>
<td>Can propose amendments to overrule judicial decisions</td>
</tr>
<tr>
<td></td>
<td>Can declare war</td>
<td>Approves appointments of federal judges</td>
</tr>
<tr>
<td></td>
<td>Appropriates money</td>
<td></td>
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<tr>
<td></td>
<td>Can impeach and remove President</td>
<td></td>
</tr>
<tr>
<td>Judicial Branch</td>
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<td></td>
</tr>
<tr>
<td>(Supreme Court interprets laws)</td>
<td>Can declare executive actions unconstitutional</td>
<td>Can declare acts of Congress unconstitutional</td>
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<tr>
<td>Check on the Executive Branch</td>
<td></td>
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<tr>
<td>Check on the Legislative Branch</td>
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</table>

**Executive Branch**
- President carries out laws
- Can propose laws
- Can veto laws
- Can call special sessions of Congress
- Makes appointments
- Negotiates foreign treaties

**Legislative Branch**
- Congress makes laws
- Can override President’s veto
- Confirms executive appointments
- Ratifies treaties
- Can declare war
- Appropriates money
- Can impeach and remove President

**Judicial Branch**
- Supreme Court interprets laws
- Can declare executive actions unconstitutional
- Can declare acts of Congress unconstitutional