Chapter 5: The Constitution of the United States

Section 1: Government by the States

I. Early Government
A. In the years following the Revolution, Americans thought of themselves as citizens of individual states, not of a common nation.
   1. The United States was not a nation as much as it was a confederation, an alliance of separate governments that work together.
B. State governments had more power than the national government. Individual state constitutions were important during this period.
   1. A constitution is a plan of government that describes the different parts of the government and their duties and powers.
C. In 1777, the Continental Congress adopted a set of laws to govern the United States.
   1. These laws were called the Articles of Confederation.
   2. Approved in 1781, the Articles established a limited national government, in which most of the power lay with the states.

II. The Articles of Confederation (Compared and contrasted to today’s national government)
A. Today’s National Government
   1. Consists of three branches of government:
      i. The legislative branch, or Congress, is responsible for making laws.
      ii. The executive branch, headed by the President, executes laws passed by Congress.
      iii. The judicial branch is made up of the courts and judges who interpret and apply the laws.
B. The Articles of Confederation
   1. Consisted of only one branch of government: the legislative branch, or Congress.
   2. Congress carried out the duties of both the legislative and executive branches.
   3. No national court system existed.
   4. Congress could declare war and borrow money, but lacked the power to tax.

III. Opposition to the Articles
A. Americans generally agreed that their new nation should be a democracy, a government by the people. Specifically, they desired a republic, a government run by the people through their elected representatives.
   1. Economic Problems
      i. Huge amounts of public and private debt were creating economic chaos in the new republic. Many upper-class critics of the Articles felt that this problem was due to citizens having too much power in their state legislatures
   2. Concerns About Weak Government
      i. A group called the Nationalists felt that a weak national government could not keep order. They argued that European history had demonstrated that people were not naturally wise enough to have so much power over their own affairs.

IV. The Annapolis Convention
i. In 1786, Nationalists held a conference in Annapolis, Maryland, to discuss economic problems. Although the conference itself accomplished little, delegates agreed to call another convention in Philadelphia in 1787.
A. Shays’ Rebellion
1. Causes of Shays’ Rebellion
   i. In order to help pay off its large debts, Massachusetts passed the heaviest direct tax ever. This tax had to be paid in specie, gold or silver coin, rather than paper money.
   ii. A group of farmers led by Daniel Shays rebelled against these taxes in a crisis which came to be known as Shays’ Rebellion.
   iii. Farmers drove off tax collectors and forced courts to close when their petitions were rejected. Soon, open conflict raged as angry crowds rioted.
2. Effects of Shays’ Rebellion
   i. Congress had no money to raise an army to counter Shays’ Rebellion. It also could not force states to pay for one.
   ii. The Massachusetts state government raised an army that quieted the rebellion.
   iii. However, Shays’ Rebellion demonstrated to many prominent Americans that a stronger national government was needed to avoid civil unrest.
Section 2: The Constitutional Convention

I. The Convention Assembly
A. In May 1787, delegates from 12 of the 13 colonies met in Philadelphia to try to fix the problems of the new United States government.
B. This meeting, known as the Constitutional Convention, produced the United States Constitution, the document that has governed the United States for over 200 years.
C. One particularly influential delegate at the Constitutional Convention was James Madison of Virginia.
   1. Before the convention, Madison spent a year thinking about how to create a new government.
   2. At the convention, he took detailed notes that would later become the best record of the proceedings.
   3. For his role, he became known as “the father of the Constitution.”

II. Divisions at the Convention
A. The convention in Philadelphia had been empowered only to amend, or revise, the Articles of Confederation, not to replace them. However, two plans for a new national government emerged at the convention.
B. The Virginia Plan
   1. Proposed a bicameral, or two-house, national legislature
   2. Each state would send representatives in proportion to the number of its citizens.
   3. The new legislature would have the power to tax; the right to regulate foreign and interstate commerce; to veto, or prohibit from becoming law, any act of a state legislature; and to use force against a state, should that state defy national authority.
C. The New Jersey Plan
   1. Proposed a unicameral, or one-house, national legislature, and the creation of executive and judicial branches
   2. Each state would send the same number of representatives to the legislature.
   3. The new legislature would have the right to tax and to regulate foreign and interstate commerce.

III. Reaching Agreements
A. In the Great Compromise, delegates agreed to create a legislative branch made up of two houses. One house, the Senate, would have the same number of representatives from each state.
   1. In the other house, the House of Representatives, representation would be based on state population.
B. Another difficult issue was whether or not to include enslaved persons when determining a state’s population and therefore its representation. According to the Three-Fifths Compromise, three fifths of a state’s slave population would be counted when determining representation.
C. After further debate, the convention approved the final draft of the United States Constitution on September 17, 1787.
   1. The strengths of the Constitution have helped it endure for more than 200 years.

IV. Government Structure
A. Federal and State Powers
   1. The Constitution created a federal system of government, in which power is shared among state and national authorities.
   2. In a federal system of government, powers are divided into three categories:
      i. Some powers are reserved for the states only.
      ii. Others are delegated to the federal government only.
      iii. Still others, called concurrent powers, are held by both the federal government and state governments.
B. Separation of Federal Powers
   1. Within the federal government, a separation of powers was created to prevent any one of the three branches of government from acquiring too much power.
   2. Each branch has its own area of authority, but no one branch has complete power over the government.
   3. The Constitution also set up a system of checks and balances, in which each branch has the power to check, or stop, the other branches in certain ways. This system prevents the misuse of power by any one branch.

V. Congress, the President, and the Federal Courts
A. Congress
   1. “Makes the law”
   2. Each of the two houses of Congress was granted different powers. Each was also designed with different methods of election and different term lengths, making the House more receptive to public opinion and the Senate more stable.
B. The President
   1. “Carries out the law”
   2. The President would be chosen by a group of electors from each state. The candidate with the majority of votes in the electoral college, or group of electors, would become President. The President was granted enormous powers, including the power to veto acts of Congress and to appoint judges for the federal courts.

C. The Federal Courts
   1. “Interpret the law”
   2. The Constitution calls for one Supreme Court and several lesser courts, although the details of the federal court system were intentionally left vague. Supreme Court justices would be appointed for life by the President with the consent of the Senate.

Section 3: Ratifying the Constitution

I. The Federalist View
A. For the Constitution to become law, 9 out of the 13 states had to ratify, or approve, it. Special conventions called in each state would decide whether or not to ratify the Constitution.
B. Those who favored the Constitution were called Federalists. The Federalists included many Nationalists, such as George Washington, James Madison, and Alexander Hamilton, who favored a strong national government.
D. To make their case for the Constitution, the Federalists wrote a series of 85 essays, collectively known as The Federalist. One issue addressed in these essays was that one powerful faction, or group concerned only with its own interests, could not control the government under the Constitution.

II. The Anti-Federalist View
A. Those who opposed the Constitution were called anti-Federalists.
   1. Anti-Federalists believed that the Federalists’ plan threatened state governments and the rights of individuals.
B. The anti-Federalists included older revolutionary figures such as Patrick Henry, people in isolated areas who had less need for a strong national government, and some former Nationalists who wanted a national government but were unhappy with the Constitution.
C. According to the anti-Federalists, a President would be too similar to a king, a figure whose control American patriots had fought to escape. Anti-Federalists also objected to the proposed federal court system.
D. While the Federalists feared the people more than government, the anti-Federalists feared government more than the people.

III. Why the Federalists Won
A. The Federalists had several advantages over the anti-Federalists. These included:
   1. The Federalists drew on the widespread feeling that the Articles of Confederation had serious flaws.
   2. The Federalists were a united, well-organized national group, while the anti-Federalists tended to consist of local politicians who did not coordinate their activities on a national level.
   3. The Federalists had an actual document and plan which they could defend. The anti-Federalists had no constructive plan of their own to offer.
   4. The Federalists had the support of George Washington, a respected Revolutionary War hero.
B. Delaware, New Jersey, and Connecticut quickly ratified the Constitution. In June 1788, New Hampshire became the ninth and final state needed to ratify the Constitution.

IV. For and Against the Bill of Rights
A. For the Bill of Rights
   1. Many Americans believed that the national Constitution, like most state constitutions, should include a clear declaration of the rights of the people.
   2. In September 1789, Congress proposed twelve constitutional amendments, largely drafted by James Madison and designed to protect citizens’ rights.
   3. Ten of these amendments were ratified by the states. These ten amendments became known as the Bill of Rights.
B. Against the Bill of Rights
   1. Most Federalists saw no need for these amendments.
   2. These Federalists claimed that under the Constitution, the people and the government were the same. Therefore, the people needed no additional statements to protect their rights.
C. The Bill of Rights

| Amendment 1 | Freedoms, Petitions, Assembly |
| Amendment 2 | Right to bear arms |
| Amendment 3 | Quartering of soldiers |
| Amendment 4 | Search and arrest |
| Amendment 5 | Rights in criminal cases |
| Amendment 6 | Right to a fair trial |
| Amendment 7 | Rights in civil cases |
| Amendment 8 | Bail, fines, punishment |
| Amendment 9 | Rights retained by the People |
| Amendment 10 | States’ rights |
Section 4: The New Government

I. The New Leaders
   A. On April 30, 1789, George Washington took the oath of office as the first President of the United States.
      1. Washington’s inauguration, or official swearing-in ceremony, was attended by thousands.
   B. Leading Federalist John Adams of Massachusetts became Vice President.
      1. Washington also selected a Cabinet, a group of federal leaders who both advise the President and head national agencies.
   C. Washington’s Cabinet included many prominent Americans.
      1. He named Edmund Randolph of Virginia to the post of Attorney General and kept Henry Knox as Secretary of War.
      2. Thomas Jefferson was named Secretary of State and Alexander Hamilton became Secretary of the Treasury.

II. Jefferson and Hamilton
   A. Secretary of State Jefferson
      1. After serving several years as ambassador to France, Thomas Jefferson returned to the United States in 1789. He quickly became involved again in domestic affairs, or the country’s internal matters.
      2. In addition to being a politician, Jefferson was a planter, writer, and inventor. His interest in architecture led him to build several homes, including his most famous, Monticello.
      3. Jefferson was not a strict Federalist and later became one of Washington’s harshest critics.
   B. Treasury Secretary Hamilton
      1. Alexander Hamilton was chosen to head the government’s largest department, the Department of the Treasury.
      2. Hamilton had been an officer in the Continental Army during the Revolution, where he had carried out important military missions.
      3. In contrast to Jefferson, Hamilton believed that governmental power, properly used, could accomplish great things.

III. Washington’s Government
   A. Washington knew that during his first administration, or term of office, he and his officials were establishing precedents for how to govern.
      1. A precedent is an act or statement that becomes an example, rule, or tradition to be followed.
   B. Washington worked to establish a tone of dignity in his administration.
      1. The President held regular receptions for government officials and was escorted by soldiers when he traveled.
      2. Although he felt that such pomp was necessary to command respect, others saw these activities as reminiscent of a king and his court.
   C. In 1792, Washington won unanimous reelection. His second term, however, became marked by criticism and controversy.

IV. Planning a Capital City
   A. The Need for a Capital City
      1. During Washington’s first year in office, the government resided in New York City.
      2. In 1790, the capital was moved to Philadelphia while a new capital could be planned and built.
      3. The Residence Act of 1790 specified a 10-square-mile stretch of land on the border between Maryland and Virginia for the new capital. This area, to be called the District of Columbia, would be governed by federal authorities, not by either state.
   B. Planning the District of Columbia
      2. The District of Columbia, later renamed Washington, District of Columbia, was designed to echo the beauty and structure of European capital cities.
      3. The federal government moved there in 1800.
      4. Today, Washington, D.C., remains the most visible legacy of the Federalists’ belief in the power and dignity of the new government.