

Name: _____ Pd: _____

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1	1	1	1	1	1	1
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The Roots of Government

U.S. History – Learning Target Track Sheet

Unit 3: The Constitution and Roots of Government

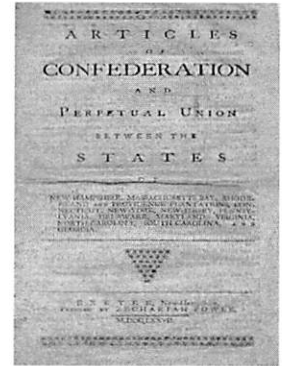
Big Idea Question: What ideas are behind the roots of the American Constitution?

<u>Learning Target</u>	<u>Vocabulary</u>
Check #1: I can...	
Check #2: I can...	
Check #3: I can...	

Questions (Form questions about the main ideas of each section of notes. Helpful hint: Questions could be based on interpreting, showing examples, cause and effect, summarizing the main idea, inferring a what if, etc.)

I can determine why the Articles of Confederation failed.

The Original Intent of the Articles of Confederation:



Government Under the Articles:



John Hanson

Major Weaknesses of the Articles:

Who was Daniel Shays? Why was this rebellion so important?



Summary (Summarize the main idea/s of the notes on this page into 1-2 statements. Helpful Hint: fit the main idea into a core theme.)

Activity 2: The Problems with the Articles of Confederation

Read the following document and complete the Questions for Analysis.

The Articles of Confederation, 1777 (ratified in 1781)

<http://www.yale.edu/lawweb/avalon/artconf.htm>

Articles of Confederation and perpetual Union between the states of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Article I. The Style of this Confederacy shall be "The United States of America".

Article II. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

Article III. The said States hereby severally enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever...

Article V. For the most convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislatures of each State shall direct, to meet in Congress on the first Monday in November, in every year, with a power reserved to each State to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No State shall be represented in Congress by less than two, nor more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees or emolument of any kind.

Each State shall maintain its own delegates in a meeting of the States, and while they act as members of the committee of the States.

In determining questions in the United States in Congress assembled, each State shall have one vote...

Article VI. No State, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance or treaty with any King, Prince or State; nor shall any person holding any office of profit or trust under the United States, or any of them, accept any present, emolument, office or title of any kind whatever from any King, Prince or foreign State; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more States shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue...

No vessel of war shall be kept up in time of peace by any State, except such number only, as shall be deemed necessary by the United States in Congress assembled, for the defense of such State, or its trade; nor shall any body of forces be kept up by any State in time of peace, except such number only, as in the

judgement of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such State; but every State shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and constantly have ready for use, in public stores, a due number of filed pieces and tents, and a proper quantity of arms, ammunition and camp equipage.

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies...

Article VIII. All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.

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.

Article IX. The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article -- of sending and receiving ambassadors -- entering into treaties and alliances...

The United States in Congress assembled shall have authority to...ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses -- to borrow money, or emit bills on the credit of the United States, transmitting every half-year to the respective States an account of the sums of money so borrowed or emitted -- to build and equip a navy -- to agree upon the number of land forces, and to make requisitions from each State for its quota, in proportion to the number of white inhabitants in such State; which requisition shall be binding, and thereupon the legislature of each State shall appoint the regimental officers, raise the men and cloath, arm and equip them in a solid-like manner, at the expense of the United States...

The United States in Congress assembled shall never engage in a war, nor grant letters of marque or reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war, to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine States assent to the same: nor shall a question on any other point, except for adjourning from day to day be determined, unless by the votes of the majority of the United States in Congress assembled...

Article XIII. Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State...

Activity 2: The Problems with the Articles of Confederation

Directions: Read the Articles of Confederation (assigned for Activity 2) and answer the following questions.

Question	Answer
What is the role of the state governments under the Articles of Confederation?	
What specific things can the state governments NOT do, according to the Articles of Confederation?	
What are the responsibilities of Congress under the Articles of Confederation?	

<p>What are the specific powers of Congress?</p>	
<p>How are delegates selected for Congress?</p>	
<p>What is the process for voting on resolutions in Congress?</p>	
<p>What is the procedure by which Congress was to raise funds?</p>	

State: _____

Resolution #1: A request to raise \$1,000,000 in revenue from the states to pay foreign debts owed to France and Great Britain from the Revolutionary War. Each state will pay its proportion based on annual state wealth

What problem does your state have with this proposal?

Resolution #2: A request to raise \$500,000 in revenue from the states to pay soldiers' pensions and back-pay still owed from the Revolutionary War. Each state will pay its proportion based on population.

What problem does your state have with this proposal?

Resolution #3: A request to raise \$750,000 in revenue from the states to pay for supplies to the army and to build three new U.S. naval ships. Each state will pay its proportion based on land value.

What problem does your state have with this proposal?

Resolution #4: A bill to levy an import tax on certain farm goods to pay for construction of a road connecting Pennsylvania and Virginia. The road is meant to make trade and commerce easier between Northern and Southern states. For every \$100 of cattle, rice, indigo and grain imported into any state (whether from another state or a foreign country), a \$5 tax will be collected.

What problem does your state have with this proposal?

Resolution #5: A bill to levy an export tax on tobacco to fund the building of four new U.S. military posts in the Western territories. For every \$100 of tobacco exported from any state, a \$5 tax will be collected.

What problem does your state have with this proposal?

Resolution #6: A bill to levy a tax on imported manufactured iron works to protect local iron works manufacturers. For every \$100 of manufactured iron works imported into any state from a foreign country, a \$10 tax will be collected.

What problem does your state have with this proposal?

Resolution #7: A bill meant to encourage Southern states to reduce their reliance on slave labor. This bill would levy a tax on all farm goods produced by slave labor. For every \$100 of tobacco, rice or indigo produced by slave labor and exported from any state, a \$20 tax will be collected.

What problem does your state have with this proposal?

Resolution #8: A bill to place limits on the importation of farm foods (including cattle and grain) into New York, Pennsylvania and New Jersey to protect local farmers. New York can only import \$75,000 worth of cattle and grain from another state; Pennsylvania can only import \$100,000 worth of cattle and grain from another state; and New Jersey can only import \$25,000 worth of cattle and grain from another state

What problem does your state have with this proposal?

Resolution #9: A bill to levy a tax on exported rice to raise money for military outposts along the Canadian border. For every \$100 of rice exported from any state, a tax of \$3 will be collected

What problem does your state have with this proposal?

Resolution #10: A treaty with Great Britain to share the waters off the New England coast for fishing and whaling between Americans and Canadians. The treaty will also allow Canadian furs and timber to be imported into the U.S. tax-free, but all furs and timber exported from one state and imported into another will be taxed \$1 for every \$100 exported. In exchange, Great Britain will dismantle four military outposts along the border with Massachusetts' northern territory of Maine

What problem does your state have with this proposal?

Name

Period

Articles of Confederation	
Provisions	Weaknesses
1	
2	
3	
4	
5	
6	

Name

Period

Record what each group reports for each part of the articles of confederation.

1

8

2

9

3

10

4

11

5

12

6

13

7

3 Convention Proceedings and Compromises

As you read, think about answers to these questions:

- ★ What decisions did the delegates make in the opening days of the Convention?
- ★ In what ways was the Virginia Plan different from the New Jersey Plan?
- ★ Which of the compromises reached by the Convention were most important?
- ★ What important sources influenced the work of the delegates?
- ★ What final steps did delegates take to finish the Constitution?

★ The Convention Opens

The Constitutional Convention did not get off to a smooth start. Although James Madison arrived in Philadelphia a full 11 days before the Convention was scheduled to begin and George Washington arrived a day early, only a handful of delegates from two states showed up in the Pennsylvania State House on May 14. Spring rains and muddy roads delayed the arrival of many of the delegates for days.

quorum the minimum number of members who must be present for the valid transaction of business

Finally, on May 25, the Convention achieved a *quorum*. On that day 29 delegates from nine states gathered in the east chamber of the State House. They unanimously elected George Washington president of the Convention and went on to adopt several rules of procedure.

Altogether the Framers met 89 of the 116 days from May 25 through their final meeting on September 17. Of the 55 delegates who ultimately participated in the Convention, an average of 40 attended the daily sessions during those four months. The full number of 55 was not reached until August 6, when John Francis Mercer of Maryland arrived and was seated.

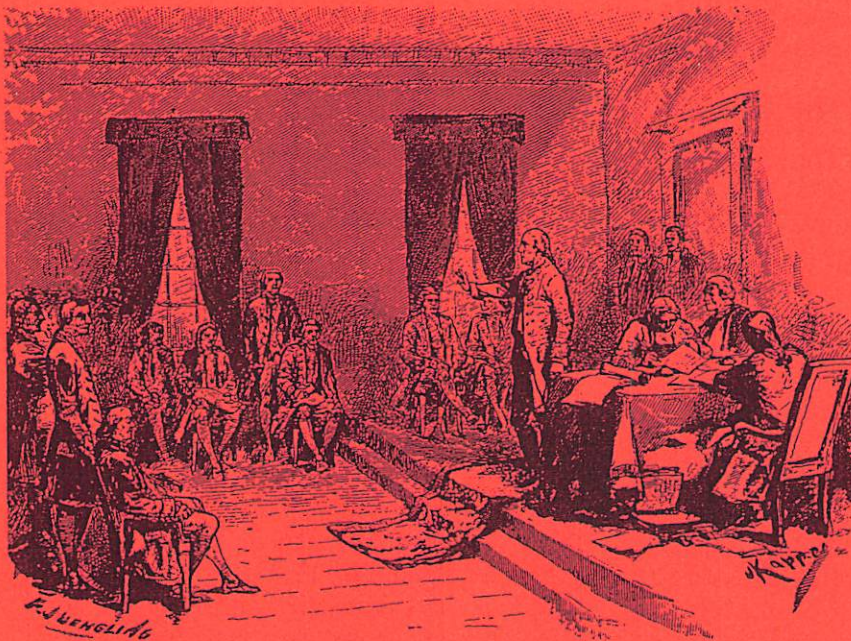
The Need for Secrecy. When the delegates adopted the rules of the Convention, they decided that all debates and discussion should be kept secret. Although there was criticism of this decision — from Thomas Jefferson, for one — the delegates had good reasons for agreeing to it. The Convention had already attracted much public attention and speculation. By adopting a secrecy rule, delegates hoped to protect themselves from outside pressure and insure their ability to speak their minds freely. To enforce secrecy they placed sentries at the State House doors. On the whole, the rule was well kept.

The Decision to Write a New Constitution. The Congress of the Confederation had called for a Federal Convention “for the sole and express purpose of revising the Articles of Confederation.” The delegates shared a strong sense of urgency about the task ahead of them. It was clear that the Articles did not give the government the power it needed to resolve the squabbles and misunderstandings that had arisen between the states. “If no Accommodation takes place,” wrote Caleb Strong of Massachusetts, “the Union itself must be dissolved.”

Even before the Convention began, many of the delegates believed that more was needed than a simple revision of the Articles. James Madison had been working on an outline of a new constitution for weeks. Alexander Hamilton declared that the Articles “are fit neither for war nor peace” and that the nation “is

sick and wants powerful remedies." George Washington, normally a cautious man, wrote, "My wish is that the Convention may probe the defects of the [Articles] to the bottom, and provide radical cures."

Just five days into the Convention, on May 30, the delegates adopted a proposal put forth by Edmund Randolph of Virginia. The proposal stated clearly that, rather than merely revise the Articles of Confederation, the delegates would write a completely new constitution.



On September 17, 1787, delegates from the 12 states represented at the Convention signed the new Constitution. The strong disagreements that had threatened the success of the Convention were settled by "a bundle of compromises."

★ The Virginia and New Jersey Plans

In the early weeks of the Convention, the delegates spent much of their time debating the merits of two very different proposals.

The Virginia Plan. A day before the Convention's momentous decision to create a new government, Edmund Randolph had also put forward the first plan for the new constitution. Written largely by James Madison, the "Virginia Plan" called for a new government with three separate branches: *legislative*, *executive*, and *judicial*. The plan proposed a two-house national legislature, or Congress, consisting of the House of Representatives and the Senate. Representation in both houses was to be based upon a state's population. Voters in each state would elect the members of the House of Representatives which, in turn, would choose the members of the Senate from lists of persons nominated by state legislatures.

According to the Virginia Plan, Congress would have all the powers it held under the Articles plus the power to make laws for the states, to override state laws, and to force states to obey national laws. Congress would also choose members of the judiciary and a president, who would serve for seven years.

Some delegates who feared giving too much power to a central government objected to the authority that the Virginia Plan

legislative having the power to make laws

executive having the power to carry out laws

judicial having the power to tell what laws mean and decide if they are carried out fairly

proportional representation A system of representation based on differences in population size between areas

gave Congress over state legislatures. The main subject of the debate, however, was *proportional representation*. Delegates from small states, such as New Jersey and Delaware, protested that this system would give larger states too much power in the national government.

The New Jersey Plan. After two weeks of debate William Patterson of New Jersey proposed an alternate plan. Like the Virginia Plan, the "New Jersey Plan" called for three branches of government and gave the central government the power to raise taxes, regulate trade, and enforce national laws.

But the plan also suggested that each state, large or small, have an equal voice in Congress, just as it had under the Articles. According to the New Jersey Plan, Congress would consist of only one house, to be elected by the state legislatures, not directly by the people. The federal executive, moreover, would include several people who would be chosen by Congress. This multi-person executive would have the power to appoint the federal judiciary.

In effect the New Jersey Plan maintained the major features of the Articles of Confederation. The Virginia Plan, on the other hand, pictured a new and more powerful national government. The delegates argued the strengths and weaknesses of these two plans for weeks. At times the debate grew heated, and several delegates on both sides of the issue threatened to withdraw. It looked for a while as if the conflict would destroy the Convention.

★ A "Bundle of Compromises"

Although the Framers debated a number of critical points, it is important to remember that they agreed on many of the basic issues they faced. The delegates were all dedicated to the concepts of *popular sovereignty* and of limited national government. Most did not question for a moment the wisdom of a representative system of government. The principles of separation of powers and of checks and balances were also accepted by a majority of delegates. Their differences, in other words, did not concern fundamental questions.

The disputes that arose were, nonetheless, serious and threatened the success of the Convention on several occasions. In the end the Constitution was born out of a series of imaginative *compromises*

The Great Compromise. Just when it seemed that the debate over the Virginia and New Jersey plans would bring the Convention to an end, Roger Sherman of Connecticut offered a compromise proposal to the delegates. It proved to be the central compromise of the entire Convention. The Great Compromise — or Connecticut Compromise, as it is sometimes known — proposed that the Congress should consist of two houses, a House of Representatives and a Senate. In the House, a state's representation would be based upon current population. This satisfied the heavily populated states. In the Senate each state would have two representatives. This pleased the small states.

On July 16 delegates narrowly accepted Sherman's plan. This vote not only had a lasting impact on the government of the United States, but marked a turning point in the Convention as

popular sovereignty
self-government based on the will of the people

compromise a settlement of differences in which each side gives up something

well. The willingness to compromise on this crucial issue opened the door for other compromises.

The Three-Fifths Compromise. The acceptance of the Great Compromise immediately raised a new question for the Convention. It was a question that split northern and southern delegates: Should slaves be counted as part of the population? Southerners, who wanted to increase their representation in the House, answered yes. Northerners protested, arguing that slaves couldn't vote and shouldn't be counted.

After another long and bitter dispute, the Framers again compromised. They agreed that three-fifths of the slaves in any state would be counted in population figures. The southerners won more representation as a result of this compromise, but they also agreed that all taxes levied by Congress should be based on these figures. In short the southerners could count their slaves, but they would also have to pay for them.

Today the Three-Fifths Compromise seems curious and morally troubling to most people. Through it the Framers seemed to be giving their indirect approval of slavery. They also seemed to be saying that a black person was only worth "three-fifths" of a white person. The compromise was removed from the Constitution with the passage of the Thirteenth Amendment, which abolished slavery, in 1865.

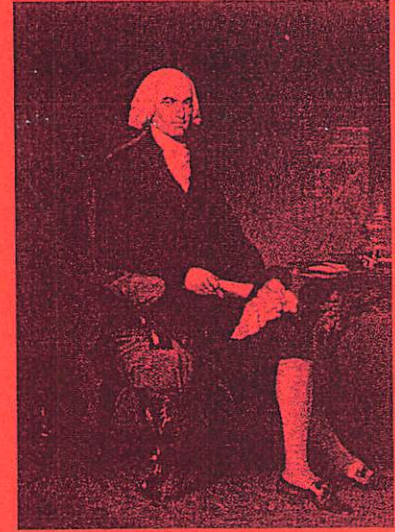
The Commerce and Slave Trade Compromise. The South's economy was more dependent on the export of agricultural products than the North's. Consequently, southern delegates worried that northern business interests would try to hurt the interests of the agricultural South. Before they would agree to give the national government the power to control national and international trade, southerners insisted that Congress be forbidden the authority to tax the export goods of any state.

The southern delegates also argued that the slave trade was a crucial element of their region's economy. By contrast many northerners wished to abolish it completely. According to the compromise the delegates finally worked out, Congress could not abolish the slave trade for a period of at least 20 years after the Constitution went into effect.

Other Compromises. Although the above three compromises were the most significant in the making of the Constitution, there were many others. As a result, some historians have called the Constitution a "bundle of compromises." Or as Benjamin Franklin said, the delegates spent much of their time "sawing boards to make them fit." Many sections of the Constitution — those dealing with the selection of the president, the treaty-making process, the structure of the national court system, and the amendment process — all took their final form as a product of give-and-take among the Framers. Without compromises these issues could never have been resolved.

★ Sources of the Constitution

The Framers did not create the Constitution out of thin air. Well educated and widely read, they were familiar with the governments of Greece and Rome, as well as those of contemporary



"If men were angels," James Madison wrote, "no government would be necessary." Madison played a key role in planning the new government and making the Constitutional Convention a success.

England and Europe. As discussed in Chapter One, they also knew the political writings of their time, including Baron de Montesquieu's *The Spirit of the Law*, Jean Jacques Rousseau's *Social Contract*, and John Locke's *Two Treatises of Civil Government*.

Even more important, perhaps, was the Framers' own colonial experiences. Many of them had stood behind the *Declaration of Independence* and helped shape the Articles of Confederation and their own state governments. Some of what went into the Constitution came directly, sometimes word for word, from the Articles. A number of provisions were also drawn from various state constitutions.

★ The Convention Completes Its Work

On August 6 the delegates asked a Committee of Detail to assemble the various resolutions they had passed. During the next month this group produced a document of 23 clauses. Then the Committee on Style, headed by Gouverneur Morris, put the Constitution into its final, clear, concise form.

The delegates assembled in the State House for the last time on September 17. Few were completely happy with the document they had worked so hard to create. Many probably agreed with Benjamin Franklin, who pledged his support with these words:

Mr. President, I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information or fuller consideration, to change opinions, even on important subjects, which I once thought right, but found to be otherwise. It is, therefore, that the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others.

I cannot help expressing a wish that every member of the Convention who may still have objections to it, would with me, on this occasion doubt a little of his own infallibility — and to make manifest our unanimity, put his name on this instrument.

In these sentiments, Sir, I agree to this Constitution with all its faults. . .

Franklin's speech may well have swayed some of the undecided delegates. Of the 41 still attending the Convention, 38 from 12 states came forward to sign the Constitution. Of the three who refused to sign — Edmund Randolph, George Mason, and Elbridge Gerry — Randolph later supported Virginia's ratification of the Constitution.

When they gathered in Philadelphia in May, most of the delegates believed that they were simply going to revise the Articles. Some, like Washington and Madison, feared that the convention might end in stalemate and failure. Yet in a few short months the delegates had set up the framework for a lasting government. Their work, however, was not over. Winning the approval of the states — perhaps an even more difficult job — still lay ahead.

Section 3 Review

1. Defining Constitutional Terms

Write a brief definition for each of the following terms.

- a. quorum _____
- b. legislative _____
- c. executive _____
- d. judicial _____
- e. proportional representation _____
- f. popular sovereignty _____
- g. compromise _____

2. Reviewing Social Studies Skills: Putting Events in Sequence

Rewrite the following list of events in chronological order.

- The Three-Fifths Compromise is reached. 1. _____
- The delegates sign the Constitution. 2. _____
- The New Jersey Plan is introduced. 3. _____
- The delegates decide to write a new Constitution. 4. _____
- The Virginia Plan is introduced. 5. _____
- The Great Compromise is reached. 6. _____

3. Reviewing the Main Idea

Write a brief answer — one or two sentences — for each of the following questions.

- a. What important decisions did the delegates reach in the first few days of the Convention?

- b. How were the Virginia and New Jersey plans similar, and how were they different?

- c. What compromises were most crucial to the success of the Convention? _____

- d. What were some of the writings and experiences that helped the delegates create the Constitution? _____
- e. What did the delegates do to complete the process of writing the Constitution? _____

4. Critical Thinking Skills: Understanding the Constitution

On a separate piece of paper, answer the following question in a brief paragraph.

How would the Constitution and the system of government it created have been different if they had been based on the New Jersey Plan?

Questions (Form questions about the main ideas of each section of notes. Helpful hint: Questions could be based on interpreting, showing examples, cause and effect, summarizing the main idea, inferring a what if, etc.)

I can describe the structure of the Constitution and provide examples of how these methods & ideas apply today.

The US Constitution aka the _____; fathered by _____

Basic Principles:

- Popular Sovereignty
- Limited Government
- Separation of Powers
- Federalism

Remember Shay's????

What were the important outcomes of the Constitutional Convention?

VA

NJ

CN

What was needed in order for the Constitution to be ratified?

How is the Constitution structured, or laid out?

- Article I
- Article II
- Article III
- Article IV
- Article V
- Article VI
- Article VII

Use the space below to jot down some points you were NOT PREVIOUSLY AWARE OF regarding the first 3 articles of the Constitution:

Important Amendments:

- Amendments 1-10 –
- 13th –
- 14th –
- 15th –
- 18th –
- 19th –
- 21st –
- 22nd –
- 24th –
- 26th –

Summary: Explain how the Constitution exemplifies the idea of Separation of Powers

Handout A

The Federalist Papers

If men were angels, no government would be necessary. – James Madison

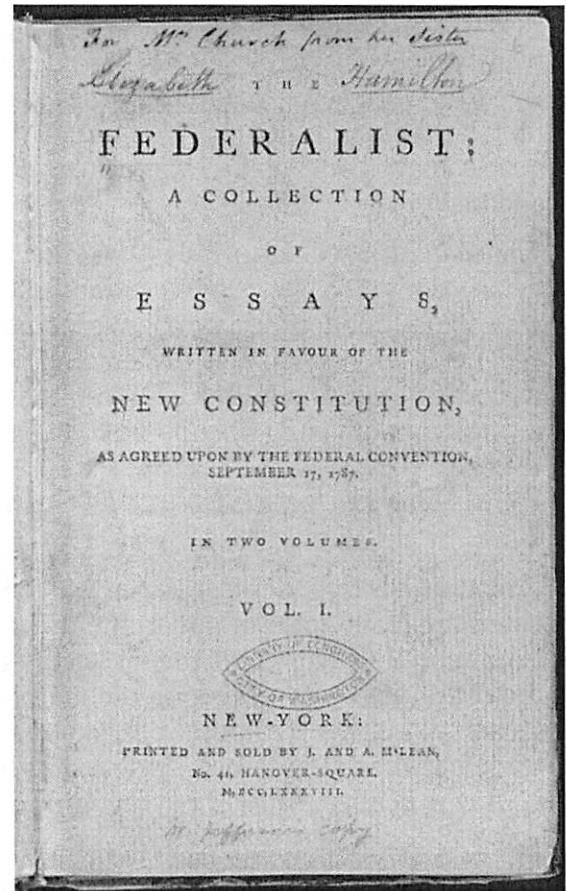
During the Revolutionary War, Americans set up a new national government. They worried that a strong central government might crush their rights as had the British government. They wanted something new, so they drew up a plan of government called the Articles of Confederation. Each state approved it.

This document created a national government that had little power. The government could not raise taxes, nor could it control trade among the states. It could not even draft soldiers into an army. Each state was only loosely bound to the others.

When the war ended in 1783, it seemed that the United States might break into 13 separate countries. The United States was in debt, and trade among the states was difficult.

By 1787, something had to be done. Delegates from the 13 states met in Philadelphia. Many wanted a new national government. It had to be strong enough to hold together the new nation, but it could not be too strong. It must not take away their freedom.

Over the summer, the delegates wrote a new plan for government: the Constitution. The delegates signed the Constitution on September 17, 1787. The Constitution would be the “law of the land,” but first it had to be approved by nine of the 13 states. The signers knew that approval of the Constitution would not be easy since many people opposed it. People in every state talked about one question: Should they accept the new Constitution?



Title page of the first collection of *The Federalist Papers* (Wikimedia Commons)

Hamilton, Jay, and Madison

Just days after the new Constitution was signed, many New York newspapers began to attack it. They said that the new Constitution took away the rights Americans had won in the Revolution.

Alexander Hamilton was a lawyer from New York who had helped write the Constitution, and he was the only delegate from New York who signed it. The others had refused to sign, because they agreed with the critics in the newspapers. Hamilton feared that New York might not approve the Constitution and decided to write essays arguing with the critics.

Hamilton wanted a strong central government. He even favored one stronger than the one outlined in the new Constitution. But Hamilton supported the Constitution as a great improvement over the Articles of Confederation. In October 1787, he published his first essay defending the Constitution. He signed it using the Roman name “Publius.” (Political writers then often used pen names.) Hamilton soon asked two other men, James Madison and John Jay, to write articles. They also used the name “Publius.”

James Madison is sometimes called the Father of the Constitution. He played a major role at the Constitutional Convention. As a delegate from Virginia, he kept notes of the talks and wrote much of the Constitution. John Jay had helped negotiate the Treaty of Paris, which ended the Revolutionary War, but had not helped write the Constitution. He was serving as secretary of foreign affairs, a diplomatic office, when Hamilton asked him to help write the essays.

Hamilton, Madison, and Jay wrote 85 essays for the New York papers. The essays drew much praise, and many people outside of New York wanted to read them. One New York newspaper printed the essays as a book (in two volumes) called *The Federalist*. By this time, most people knew that "Publius" was actually Hamilton, Jay, and Madison.

The Federalist was also called the *Federalist Papers*. It helped convince New Yorkers that the Constitution was a good model for a new government. Today, the *Federalist Papers* helps us understand what the writers of the Constitution had in mind when they drafted that amazing document 200 years ago.

What The Federalist Papers Said

The *Federalist Papers* addressed issues about the Constitution. In Federalist Paper, No. 23, Hamilton listed the main goals of government. One was "common defense." This meant keeping law and order at home and protecting the nation from "external attacks." Another big goal was to control trade between states and with other nations. A third goal was dealing with "foreign countries."

In Federalist Paper, No. 51, Madison told why government is needed. "If men were angels, no government would be necessary." He then explained why government needs checks on it. "If angels were to govern men," no checks would be needed. "In framing a government which is to be administered by men over men," he continued, "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." In other words, government had to have power, but not too much power.

The *Federalist Papers* explained how the Constitution set up such a government. Much of the *Federalist Papers* explained three basic ideas behind the Constitution:

1. The Constitution separates the powers of the national government.
2. The Constitution creates a federal form of government.
3. The Constitution sets up a republic.

In the Press,
and speedily will be published,
THE
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A Collection of Essays written in fa-
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By a Citizen of New-York.
Corrected by the Author, with Additions
and Alterations.
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PHILO-PUBLIUS,
AND THE
Articles of the Convention,
As agreed upon at Philadelphia, Septem-
ber 17th, 1787.

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Advertisement for *The Federalist*, 1787, using the pseudonym "Philo-Publius" (Wikimedia Commons)

Comparing the Articles of Confederation and Constitution

The Articles of Confederation set up the first government of the United States. The Constitution was written to replace this government with a new government. The Federalists supported the Constitution. The Anti-Federalists opposed it. Here is a comparison of the governments set up by the two documents.

	Articles of Confederation	Constitution
Executive Branch	No executive branch.	President elected by electoral college. Has checks on legislative and judicial branches.
Judicial Branch	No judicial branch. Each state had its own court system.	System of federal courts headed by the U.S. Supreme Court. (Each state still had its own court system.)
Legislative Branch	Congress. Each state had 1 vote. The Congress elected a president to preside over Congress.	Two houses of Congress: Senate: Each state has two senators. House of Representatives: Membership based on the population of the state.
Passing a Law	Nine of the 13 states must vote in favor of it.	A majority in each house must pass it and the president must sign it.
Power over States and Individuals	Had power over states only. Thus it created a federal government.	Had power over states and individuals. Thus it created both a federal <i>and</i> national government.
Amending	To change the Articles, every state had to agree.	Two ways to change the Constitution: (1) Passed by 2/3 of both houses of Congress and 2/3 of the state legislatures. (2) Constitutional Convention called by 2/3 of state legislatures.
Raising an Army	No power to raise an army. Could only ask states to send soldiers.	Power to raise an army.
Taxing	No power to tax. Could only ask states for tax money.	Power to tax.
Controlling Trade	No power to control trade between the states or with other nations.	Power to control trade.
Bill of Rights	None.	None in original document. The first 10 amendments to the Constitution make up the Bill of Rights.

Separation of Powers

The Constitution puts many checks on government. One is called the **separation of powers**. Congress, the president, and the courts have separate powers. Congress makes laws, the president carries them out, and the courts say what the laws mean. In Federalist Paper, No. 47, Madison told why the powers of government should be separated. He said: Putting “all powers . . . in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.” In other words, giving one person or group all the power will unjustly take away other people’s freedom.

Federalism

Another check on government is **federalism**. The Constitution lists the powers of the national government and reserves all other powers for the states. This dual system of state and national governments is known as federalism. As Madison explained in Federal Paper, No. 46, the federal system lets state governments, which are closer to the people, meet the “personal interests of the people.” The states also serve to check the power of the federal government.

A Republic

The *Federalist Papers* emphasized that the Constitution created a republic. A republic is a representative democracy, which is a system in which people elect those who govern them. A republic relies on the consent of the governed. In Federalist Paper, No. 39, Madison defined a republic as a government that gets its powers from the people and is run “by persons holding their offices . . . for a limited period, or during good behavior.”

Madison went on to point out that the Constitution follows these rules. The people directly elect the members of the House of Representatives and indirectly choose the president and senators. (Under the Constitution, Senators were elected by the state legislatures. The president was elected by the Electoral College.)

The Constitution set the terms for president (four years), senator (six years), and member of Congress (two years). It gave federal judges life terms (as long as they show “good behavior”).

In Federalist Paper, No. 78, Hamilton explained why judges should serve such long terms. He said that the courts must protect the Constitution, and life terms for judges will give them an “independent spirit.” Judges must know that they don’t have to agree with Congress or the president to keep their jobs. “This independence of the judges,” Madison wrote, “is equally requisite to guard the Constitution and the rights of individuals . . .”

Many thinkers believed that a republic could not work in a large country. They thought it could only work properly in states or cities where people knew the community and could work for the common good. In a large country, they argued, the government is far from the people, and special interests, or factions, would take over.

In Federalist Paper, No. 10, Madison responded that large republics actually prevented special interests from taking over. Madison said that in a large republic, “. . . you take in a greater variety of . . . interests; you make it less probable that a majority . . . will have a common motive to invade the rights of other citizens . . .” In other words, in a large republic, the special interests balance each other out.

The *Federalist Papers* stressed that the Constitution was setting up a government that would preserve freedom. The new government would be strong enough to protect the nation, but it would not be too strong as to take away people’s freedom. Its powers would be limited and checked through federalism and the separation of powers. It also would be a republic, based on the consent of the governed.

The Anti-Federalists

Those opposed to the Constitution were called the Anti-Federalists. They also wrote essays in New York newspapers. They, too, used Roman pen names: “Brutus” and “Cato” and some others.

They made several points.

First, they said that Congress, the president, and the courts would have too much power, more power than the old British government. The British had crushed American freedom. They said the government created by the Constitution would also.

Second, they wanted the states to keep their power. They thought that only small governments, close to the people, could insure freedom. A strong national government would not listen to the people.

Third, they said that the Constitution should have a bill of rights.

This last point struck a chord. Many people wanted a bill of rights. They had just fought a war to be free and did not want the new government to take away their rights.

In Federalist Paper, No. 84, Hamilton said that a bill of rights was not needed. He said the new government would not have the power to abuse people's rights. He asked: Why say "that things shall not be done which there is no power to do?"

Approval of the Constitution

By June 1788, most states had approved the Constitution. But several states still had not. The two biggest states, New York and Virginia, were still debating. To get these states to approve the Constitution, the Federalists promised that a bill of rights would be added to it. With this promise, the states approved the Constitution.

James Madison was elected to Congress from Virginia. When the first Congress met in 1789, he saw it as his duty to add a bill of rights to the Constitution. He drafted proposed amendments to the Constitution. Congress passed 10 of the amendments, and these amendments are called the Bill of Rights. They list many rights: freedom of speech, freedom of religion, right to a jury trial, and many other rights that Americans today still think are important to a free society.

The Constitution was not perfect. It did not outlaw slavery. This was not done until after the Civil War when the 13th Amendment was added. The Constitution also did not give women the right to vote. This was not done until after World War I when the 19th Amendment was adopted.

Over the years, other changes to the Constitution have been made. In 1913, the 17th Amendment let the people of each state, instead of the state legislature, elect senators. In 1951, the 22nd Amendment limited presidents to two terms in office.

In all, only 27 amendments have been added to the Constitution. It created a democratic government that has lasted more than 200 years. The *Federalist Papers* helped create this government.

Federalists vs. Anti-Federalists Review Questions

- 1. What was the Articles of Confederation? Why did it fail? How did its failure lead to the writing of the Constitution?**
- 2. What are the main differences between the Articles of Confederation and the later Constitution in terms of the Executive Branch, Judicial Branch, Legislative Branch, Passing a Law, and Power over States and Individuals (the first five items on the chart)?**
- 3. What are the main differences between the Articles of Confederation and the Constitution in terms of Amending, Raising an Army, Taxing, Controlling Trade, and the Bill of Rights (the last five items on the chart)?**
- 4. What was the Federalist Papers? Who were the authors and how was their work published?**
- 5. What did Hamilton consider three main goals of government? Why did Madison believe government was necessary, and also why it needed checks?**
- 6. What were the three basic ideas behind the Constitution expressed in the Federalist Papers? How did the Constitution set up a strong government that preserved freedom?**
- 7. Hamilton said that judges need an "independent spirit." What did he mean? What were the arguments for and against a republic?**
- 8. Why did the Anti-Federalists oppose the Constitution? What do you think was their strongest point? Why?**
- 9. Why did the Federalists oppose a bill of rights? Do you agree? Explain. How did the Bill of Rights get added to the Constitution? What are some examples of rights that were protected?**
- 10. Why do people today think the Federalist Papers is important? What other changes to the Constitution have been made since the Bill of Rights was added?**

4 Ratification

As you read, think about answers to these questions:

- ★ How did the Federalists and Anti-Federalists view the new Constitution?
- ★ Which states contained the strongest opposition to the Constitution?
- ★ What were the first acts of the new government?

ratify to give formal approval

censure to express disapproval

The *Federalist Papers* were a series of newspaper articles written by James Madison, Alexander Hamilton, and John Jay. These articles persuaded many undecided delegates at the New York ratifying convention to vote in favor of the Constitution.

T H E
F E D E R A L I S T :
A D D R E S S E D T O T H E
P E O P L E O F T H E S T A T E O F
N E W - Y O R K .

N U M B E R I .
Introduction.

AFTER an unequivocal experience of the inefficiency of the existing federal government, you are called upon to deliberate on a new constitution for the United States of America. The subject speaks its own importance; comprehending in its consequences nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire, in many respects, the most interesting in the world. It has been frequently remarked, that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable of entering into a permanent union, of establishing good government from reflection and choice, or whether they are forever doomed to depend, for their political constitutions, on accident and force. If there be any truth in the remark, the crisis, at which we are arrived, may with propriety be regarded as the era in which

★ Drawing the Battle Lines

The delegates in Philadelphia knew that getting the states to *ratify* the new Constitution would not be easy. The initial reaction of some representatives in the Congress of the Confederation confirmed their fears. A group of these representatives offered a resolution to *censure* the Convention for going beyond Congress' instructions to revise the Articles of Confederation. After a brief debate this motion was defeated, and on September 28 Congress submitted the new document to the states for their consideration.

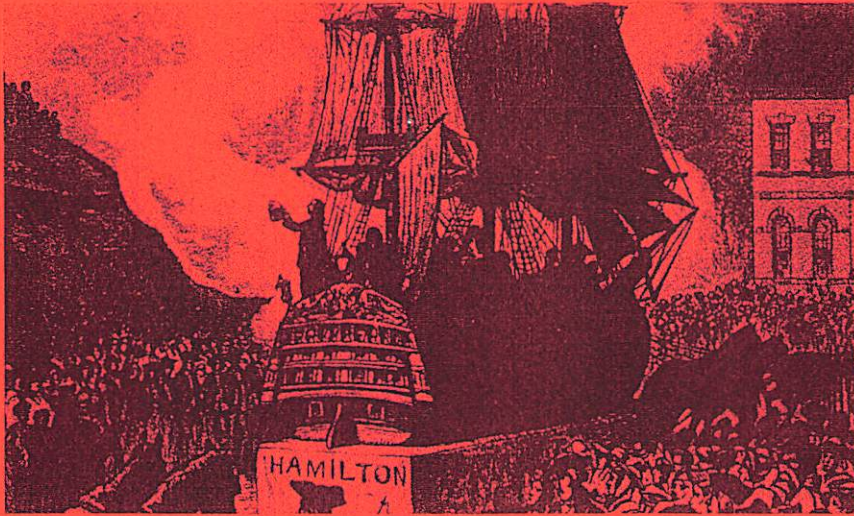
Procedures. Foreseeing the strong opposition to the new Constitution, the Framers wisely decided to set up a process that would improve its chances of ratification. Rather than sending it to state legislatures, the delegates asked that it be sent to state constitutional conventions for approval. The voters in each state would elect representatives to serve in these conventions. This plan guaranteed that the people would decide the fate of the Constitution rather than state governments that had an interest in keeping power for themselves.

In Article VII of the Constitution the Framers also provided that "the ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States . . ." This provision greatly improved the odds of the new Constitution's being approved. Thus one or two states could not block the formation of a new government.

The Federalists. As soon as the Constitutional Convention had ended, a majority of the delegates went to work to ensure the ratification of the document they had produced. These leaders and other supporters of the Constitution came to be known as Federalists because of their desire for a strong national government. They stressed the weaknesses of the Articles and argued that only a new government based on the proposed Constitution would have the authority to solve the nation's many serious problems.

Among the most active and influential of the Federalists were James Madison, Alexander Hamilton, and John Jay. They wrote a series of newspaper articles designed to sway the decision of the New York ratifying convention. Now known as the *Federalist Papers*, these 85 essays answered many of the objections of citizens who opposed the Constitution. They remain among the best discussions of the American system of government.

The Anti-Federalists. The opponents of the Constitution, who were known as Anti-Federalists, objected to the Constitution for many reasons. Most of them believed that the document made the



This float, symbolizing the "ship of state," appeared in a New York City parade celebrating the state's ratification of the Constitution. Alexander Hamilton, after whom the float is named, led the fight for ratification.

national government too strong and gave the President too much power. Many felt that the indirect method of electing the President and Senate removed government too far from the people. Some objected to the ratification process itself.

Perhaps the most serious criticism that the Anti-Federalists directed at the Constitution was that it lacked a bill of rights to protect citizens' individual liberties. They worried that the new government might threaten the freedoms they had just fought a revolution to protect. As a result, they strongly urged that state conventions reject the Constitution.

★ Ratifying the Constitution

Delaware became the first state to ratify the Constitution on December 7, 1787. Pennsylvania, New Jersey, Georgia, and Connecticut followed within a month. In Massachusetts, a stronghold of Anti-Federalist sentiment, the delegates were more evenly divided. After a heated debate the state convention ratified in February 1788, by a vote of 187 to 168.

Four months later, in June, New Hampshire became the ninth state to approve the blueprint for a new government. Although technically the Constitution could have gone into effect at that point, Virginia and New York had not yet voted to ratify. Without these two heavily populated and important states, the new government could not hope to succeed.

Virginia and New York. Virginia delegates James Madison and Edmund Randolph had played a crucial role in creating the Constitution. Yet among those opposed to ratification were such well-known and respected Virginia politicians as Patrick Henry, George Mason, and Richard Henry Lee. They worried that the Constitution did not contain enough safeguards to protect the individual liberties of the people. Henry went so far as to call the document "the most fatal plan that could possibly be conceived to enslave a free people."

Although George Washington was not a delegate to the ratifying convention, his strong support for ratification proved decisive. Together with Madison, he was able to sway a reluctant Thomas Jefferson and several other wavering delegates. Even so, the margin of approval was only 89 to 79.

dissent to disagree or withhold approval

"... a bill of rights is what the people are entitled to against every government on earth."

— Thomas Jefferson

successor a person or thing that replaces or follows another

When the New York convention first convened, fully two thirds of the delegates, led by Anti-Federalist Governor George Clinton, opposed the Constitution. Fortunately, Hamilton and other supporters of the document were able to delay the convention's final vote for several weeks. During this period, a number of the delegates changed their minds after reading the persuasive *Federalist Papers*. News of the votes in New Hampshire and Virginia also helped the Federalist cause. On July 26 New York ratified the Constitution by the narrow margin of three votes.

Although Rhode Island and North Carolina initially rejected the Constitution, the votes by Virginia and New York guaranteed the future of the new government. The two *dissenting* states did not approve ratification until after this government had begun to operate: North Carolina in November 1789, and Rhode Island in May 1790.

The Call for a Bill of Rights. When Massachusetts ratified the Constitution, the state convention proposed a series of amendments to guarantee citizens' rights. Several other states — including Virginia, New Hampshire, and South Carolina — based their approval of the Constitution on the condition that a bill of rights be added. Thomas Jefferson himself wrote to Madison that "a bill of rights is what the people are entitled to against every government on earth."

Without promising the addition of a bill of rights, it is possible that the Federalists might never have won their fight to ratify the Constitution. If the Constitutional Convention had included a bill of rights in the original document, the battle for ratification would have been far less difficult.

★ Forming a New Government

When New York finally ratified the Constitution, celebrations took place in cities around the country. On September 13, 1788, in its last act under the Articles, the Congress of the Confederation paved the way for its *successor*. It chose New York City as the country's capital and called for January elections.

Choosing a President and Congress. On January 7, 1789, the states that had ratified the Constitution chose presidential electors. A month later, on February 4, those electors voted. Congressional elections were also held during this period.

The new Congress convened in Federal Hall, on Wall Street, on March 4. Because it lacked a quorum, Congress could not count the electoral vote until April 6. On that day it found that George Washington had been elected President and John Adams, Vice President. Three weeks later, Washington took the oath of office as the first President of the United States.

The First Congress consisted of 59 representatives and 26 senators. One of its first moves was to pass the Judiciary Act of 1789, which established a federal judiciary.

Drafting and Ratifying the Bill of Rights. Many of the states had ratified the Constitution with the understanding that a bill of rights would be added. The First Congress passed a series of 12 amendments in 1789. Written by James Madison, the ten of these amendments that were ratified came to be known collectively as the Bill of Rights. Chapter 3 will examine the Bill of Rights in greater detail.

Section 4 Review

1. Defining Constitutional Terms

Write a brief definition for each of the following terms.

- a. ratify _____
- b. censure _____
- c. dissent _____
- d. successor _____

2. Reviewing Social Studies Skills: Finding Evidence

To answer each of the following questions, write down the *exact* sentence from the lesson that contains the answer.

- a. According to the Framers, how many states had to approve the Constitution to ratify it?

- b. What three important and influential Virginians opposed the Constitution? _____

- c. Why did the Massachusetts ratifying convention propose that a bill of rights be added to the Constitution? _____

3. Reviewing the Main Idea

Write a brief answer — one or two sentences — for each of the following questions.

- a. What was the difference between the Federalists' and Anti-Federalists' positions on the new Constitution? _____

- b. In which states was the opposition to the Constitution large and well organized? _____

- c. What important actions did the First Congress take in 1789? _____

4. Critical Thinking Skills: Understanding the Constitution

On a separate piece of paper, answer the following question in a brief paragraph.

Why did the promise of a bill of rights convince many delegates at state ratifying conventions to vote in favor of the Constitution?