Ch 9 The Confederation and the Constitution

1. The Pursuit of Equality
   1. American Revolution was not a sudden radical change. Rather it was an accelerated evolution.
   2. Separation of church and state began. The "high-church" Anglican Church was disestablished (it stopped receiving tax money) although the Congregational Church continued is established status. The Anglican Church also became known as the **Episcopal Church** in order to distance itself from its English roots.
      1. To a large degree, life went on as usual—work, church, play.
      2. A change occurred in that with 80,000 Loyalists gone, a large chunk of the conservative wing was absent.
   3. "Equality" was the buzzword of the day.
      1. With many conservatives gone, the door was opened for more equality-minded folks to rule.
      2. Commoners wanted to be called "Mr." and "Mrs.", titles once reserved for the elite.
      3. Slavery and equality were obviously at odds with one another. The beginnings of the anti-slavery movement were gaining steam.
         1. The Continental Congress of 1774 had called for the abolition of slavery.
         2. The Quakers founded the first abolition society in 1775, the world's first.
         3. Caught up in the equality movement, some slave owners were moved to free their slaves.
      4. Women gained little by the equality movement. There were small steps however…
         1. A few women served in the war disguised as men.
         2. The New Jersey constitution permitted women to vote for a while.
         3. The notion of "**republican motherhood**" developed and gave the ladies a great deal of importance. The idea went that the women raised the children and therefore held great power and responsibility with the future of the republic in their hands.
2. Constitution Making in the States
   1. The 1776 Continental Congress called for each colony to write their own constitution and thus move from colony to state.
   2. Massachusetts gave America a "Constitutional Convention." It was a special meeting where the constitution was written, sent to the people for ratification (vote of approval), and could then only be changed by another Constitutional Convention.
   3. Many of the new constitutions shared similarities…
      1. They were *written* documents and thus unchanging without a formal process. Being written, they were *not* based on a king's whims or on court decisions and common law which may change with the current winds.
      2. They reflected *fundamental* law. That is to say, they often dealt more in generalities and less in specifics which could be handled by specific laws passed by a state legislature.
      3. Many had a bill of rights.
      4. Many specified annual elections of legislators (this was out of the desire to keep power with the people and from the fear that rulers in power too long grow comfortable and corrupted).
      5. They established weak executive and judicial branches. Again, this was out of the desire to keep power with the people, not with a governor or judges. Thomas Jefferson had warned that "173 despots [in a legislature] would surely be as oppressive as one (a despot is a dictator)."
         1. The legislative branch was often given nearly all of the power.
   4. New state capitals emerged. Many of these new capitals moved westward, or inland, following the westward migration of people. Examples are Manchester, NH; Albany, NY; Charlottesville, VA; Raleigh, NC; Columbia, SC; and Atlanta, GA.
3. Economic Crosscurrents
   1. Economic changes occurred after the war, but not to a revolutionary degree.
   2. Much of the Loyalist land had been seized and wound up in the hands of the poor. The Loyalists *didn't* see themselves beheaded however, as happened a few years later in the French Revolution.
   3. The myriad of goods and trade that used to come from England stopped. This both hurt and helped America. It hurt in the short run since England was America's top trade partner. It helped in the long run by forcing American industry to get started.
      1. This beginning of industry is not to be over-stated however. Americans were still by a large margin of around 90%, mostly farmers.
      2. Another benefit of losing trade with England was that America was now *open* to trade with any *other* country she wished.
         1. Trade began with the Baltic region of Northern Europe and with China, led by the *Empress of China* hauling the herb ginseng.
   4. Despite the good, the infant America had serious economic troubles.
      1. A haughty crowd of war profiteers had been established which wasn't good for "economic morale."
      2. The war had run up a large debt and inflation.
      3. There was a large class of poor, the stability of the Loyalist class had been shaken, and the new rich were flashy and not trusted.
4. A Shaky Start Toward Union This content copyright © 2010 by WikiNotes.wikidot.com
   1. There were obstacles to building the nation.
      1. Tearing down a nation was easy; but to build a new one and run it was much more difficult.
      2. Unity existed largely only on paper. There was a deep desire by many states to keep to themselves rather than join a union that would rule over them.
      3. The spirits of patriotism, freedom, and independence all worked *against* unity rather than for it.
   2. England waged something of an economic war.
      1. The Brits began to flood the American market with goods at slashed prices.
      2. This struck hard at the infantile American industries that couldn't compete price-wise.
   3. America did have a few things going for it in terms of unity.
      1. The 13 colonies did share roughly the same type of state governments and a rich and similar political tradition.
      2. America was blessed with leaders of the highest quality like Washington, Adams, Madison, Jefferson, and Hamilton.
5. Creating a Confederation
   1. The new states chose a **confederation** as their first government—a loose union of states where a federal and state level exist, yet the state level retains the most sovereignty to rule as they saw fit.
      1. As an example, many states minted their own money and set up their own taxes on imports. (These differences later proved to be problematic).
   2. The **Articles of Confederation** (1777) became the United States' first government. All 13 states needed to approve the articles for them to begin.
   3. A snag in the approval process came up with the western lands and the question of who owned them.
      1. Virginia and New York (and others) had large claims from earlier years over the lands west of the Appalachians.
      2. To make matters worse, many of these claims overlapped one another. Which state would own the land?
      3. Maryland had no land west of the mountains and thought it unfair that some states would get the new lands and be able to profit from them. Hadn't Maryland fought the war just as Virginia had? they reasoned. Maryland withheld their vote.
   4. The compromise that came about said no state would own the land but the new U.S. would.
      1. Eventually, New York backed off on its claim and Virginia did too.
         1. Congress promised to use the western lands for the good of the "common benefit." Eventually, this would become the **Northwest Ordinance** where these lands were divided and sold cheaply.
      2. All 13 states had ratified it by 1781 when Maryland did so and it went into effect.
      3. This situation also became an important bond of unity for the infant nation.
6. The Articles of the Confederation: America’s First Constitution
   1. The main thing to know regarding the Articles is that it set up a very weak government. This was not by accident, but by plan. The reason a weak government was desired was simply to avoid a strong national government that would take away unalienable rights or abuse its power (i.e. England). The weaknesses included…
      1. There was no executive branch (this would be too much like a king).
      2. Congress was weak. Its members were elected annually, a 2/3 vote was needed on important issues, a unanimous vote was needed for amendments (these meant Congress members couldn't get comfortable in office and would have a hard time passing laws).
      3. Congress had restrictions. It couldn't raise a military. It couldn't levy taxes. It couldn't regulate commerce.
         1. The inability to regulate taxes and commerce led states to form their own tax laws and print their own money. This situation became crippling to the nation as a whole.
   2. The Articles of Confederation did provide some benefits…
      1. It did take the next step toward national unity and a step toward forming the U.S. Constitution. Oddly, it did this by being so weak and showing what was needed in the new constitution.
      2. They were a necessary intermediary between complete state independence and the U.S. Constitution. With the Articles in the middle, many states would never have made that jump.
7. Landmarks in Land Laws
   1. The **Land Ordinance of 1785** answered the question, "How will the new lands in the Ohio Valley be divided up?"
      1. This law surveyed the lands and divided it into squares to be sold.
         1. A **section** was 1 mile by 1 mile (1 sq. mile, or 640 acres). A **township** was 6 miles by 6 miles (36 sq. miles, or 36 sections). Each section was numbered and could be sub-divided for sale.
         2. Section #16 was reserved for a school. Either the school was built there or its proceeds went to pay for the school. This measure was a landmark for public education in the U.S.
      2. The standard going-price for land was $1 per acre.
   2. The **Northwest Ordinance of 1787** answered the question, “How will new states be made once people move out there?”
      1. This law said the territory-to-statehood process would go through stages…
         1. Stage 1 — the land was a territory meaning it was simply land owned by the U.S.
         2. Stage 2 — call it "application status". Once a territory got 60,000 inhabitants they could write a state constitution then send it to Congress for approval.
         3. Stage 3 — statehood (if Congress approved the constitution).
      2. This process laid out by the Northwest Ordinance worked very well for many years and for many states to join the nation.
8. The World’s Ugly Duckling
   1. As a new nation, America struggled in its relations with other countries.
   2. Relations with England had several issues…
      1. There was no trade with England. The British would not repeal the Navigation Laws with their restrictions believing America would crawl back to trade on British terms anyway.
         1. The only British "trade" came via American smugglers who were up to their old ways.
      2. The British were up to trickery along the American frontier.
         1. The British connived with disgruntled Ethan Allen and brothers to possibly get Vermont back to England.
         2. Though they were supposed to leave, the British retained several trade posts along the American frontier. They said this was to reclaim losses to Loyalists, but…
         3. More likely, the posts were to be bases to stir up Indian discontent against the Americans.
   3. There were issues with Spain…
      1. The Spanish closed off the mouth of the Mississippi River. This was a serious threat to the trans-Appalachian states which needed the river to export goods.
      2. The Spanish laid claim to parts of Florida (today's Mississippi and Alabama).
      3. The Spanish also stirred up the Indians against the Americans.
   4. There were issues with France…
      1. The French were not as friendly now that England had been humbled. The French wanted their debts paid by America.
   5. There were issues in North Africa…
      1. North African pirates, notably the Dey of Algiers, robbed American ships. The British had paid tribute (or "bully money") and America had enjoyed that coverage. On her own, America was too weak to fight and too poor to pay. This was an embarrassment.
9. The Horrid Specter of Anarchy
   1. In a confederation (like the Articles) states are free to do as they please. Things quickly got out of hand.
      1. States feuded over boundaries.
      2. States taxed other states.
      3. States printed their own paper money.
   2. **Shays' Rebellion** (1786) rocked the nation with a wake-up call.
      1. Daniel Shays’ was disgruntled over difficulties involving farmland mortgages. (Notably, the inability to get land is the same motivation for rebellion as Bacon’s Rebellion back in 1676 in Virginia. And, the desire for land was also the motivator of the Paxton Boys in Pennsylvania in 1764.)
      2. He and friends staged a take-over in parts of Massachusetts. He was stopped, arrested, convicted, sentenced to death, but pardoned.
      3. The importance of Shays’ Rebellion can't be understated. It was that the fear of such violence lived on and paranoia motivated folks to desire a stronger federal government.
   3. The Articles themselves began to be questioned.
      1. The problems listed above were real and seemed in no hurry to leave.
      2. The idea of republican democracy where the people select rulers came into question. Could the common person really be responsible enough to rule? Or, would things simply deteriorate into a "mobocracy" like Shays' Rebellion?
      3. Some people thought the Articles simply needed some strengthening to make them work.
   4. The situation actually did begin to improve by 1787, especially in terms of increased trade and states cutting back on printing paper money.
10. A Convention of “Demigods”
    1. A meeting was called in Annapolis, Maryland to strengthen the Articles.
       1. They wished to mainly address the issues of money, especially commerce.
       2. 9 states were invited but only 5 states arrived which was not a quorum (enough to hold a meeting). They did agree to meet again.
    2. The next meeting became known as the "**Constitutional Convention**" when the U.S. Constitution was written.
       1. 55 delegates met in Philadelphia in May of 1787. 12 of the 13 states were represented (Rhode Island wanted no part of it).
       2. Their goal as laid out by Congress was "the sole and express purpose of *revising*" the Articles, not to pitch it out and start over (which is what they wound up doing).
       3. Attendance (and non-attendance) at the meeting was of such high quality Jefferson called the delegates "demigods." They could be divided into three categories…
          1. Demigods—George Washington (chairman), Ben Franklin, Alexander Hamilton, James Madison.
          2. Revolutionaries overseas were absent from the meeting—Thomas Jefferson (in France on business), John Adams (in England on business), Thomas Paine (in Europe as well).
          3. Patriots who were absent—John Hancock, Samuel Adams, Patrick Henry. These men, especially Adams and Henry, were independent-minded and didn't like the idea of strengthening the government. Their specialty was tearing down governments, not building them up.
11. Patriots in Philadelphia
    1. The men attending the Constitutional Convention were generally young, aristocratic, and well-educated.
    2. These delegates recognized issues were at hand: the inability to maintain order, "runaway democracy" in various states, and pressure/threats from foreign nations.
    3. Essentially, the problem was that the states had too much freedom or independence; the solution was to strengthen the federal government.
12. Hammering Out a Bundle of Compromises
    1. Despite their plans for revision only, the Convention delegates tossed out the Articles and began writing an entirely new Constitution.
    2. The most heated conflict was over the question, "How will representation in Congress be decided?"
       1. The "**Virginia Plan**" (AKA "Large States Plan") proposed that representation would be based on a state's population. They reasoned that the more people a state has, the more representatives they should have in Congress.
       2. The "**New Jersey Plan**" (AKA "Small States Plan") objected to Virginia saying that if Congress went solely by population, then the small states' votes wouldn't matter since they'd simply be always out-voted. They reasoned that states are equal to one another, regardless of the quantity of people living in them, and therefore states should have an equal vote in Congress.
       3. After much debate and a standstill, the "**Great Compromise**" was offered. It said that…
          1. Congress would be bicameral (have 2 houses).
          2. The House of Representatives would be based on state population, following the Virginia Plan.
             1. Bills pertaining to taxation would begin in the House.
          3. The Senate would have 2 senators from each state making them equal, following the New Jersey Plan.
             1. The Senate would approve/reject presidential treaties and appointments.
       4. They agreed to have an executive branch (a president). The president would be commander-in-chief of the military, could veto legislation. But, the president (and the other branches) would be held in check through a system of checks-and-balances on power.
       5. The president would be elected by an **Electoral College** (a group of official presidential voters) rather than by the people. The people were viewed as being too ignorant to elect a president. To be fair, at that time people were less educated and news traveled slowly and without reliability so a voter likely might be ill-informed.
       6. The **Three-Fifths Compromise** answered the question, "How will slaves be counted when determining a state's population?"
          1. Southern states wanted slaves counted (to gain more votes in Congress) and Northern states did not want to count slaves (to retain more votes in Congress). The compromise agreed to count 3/5 of the slaves as part of the state's population.
       7. The delegates agreed to allow states to halt slave importation after 1807. This measure showed signs of the early anti-slavery movement. But, it was something of a hollow measure—by this time, slavery had become self-sufficient and slave importation wasn't really needed anyway.
13. Safeguards for Conservatism
    1. The delegates all agreed that a system of checks-and-balances was needed to prevent any one branch from hording too much power. Conservatives also wanted safeguards from the "mobocracy" or mob rule. They put into place such things as…
       1. Federal chief justices were appointed for life, thus creating stability that conservatives liked.
       2. The electoral college created a buffer between the people and the presidency.
       3. Senators were elected by state legislators who were supposedly educated, *not* by the common people.
       4. Thus, after the American Revolution, the voters actually only voted for 1/2 of 1/3 of the government (only for representatives in the House).
    2. Still, at the base level, power wrested with the people.
    3. By the end of the Constitutional Convention in September of 1887, 42 of the 55 delegates signed it. The others had left in protest or would not sign it.
14. The Clash of Federalists and Anti-federalists
    1. Once written, the Founding Fathers faced an even tougher task—to get the Constitution ratified by the states. They knew that some states would reject it. They knew that most state legislatures would reject it. So…
       1. The Constitution was sent out to the state *conventions* where it would be evaluated and voted upon.
       2. At first, there was surprise because a brand new constitution had been written. The people expected a fixed up Articles of Confederation; that was the purpose of the meeting (the convention had been held in strict secrecy).
    2. Two camps emerged in the ratification debate, Federalists and Anti-Federalists.
       1. The **Federalists** wanted the Constitution ratified.
          1. They wanted a stronger central government to establish and maintain order.
          2. They generally came from the more well-to-do classes, were often former Loyalists, were often property owners, typically lived in the older or coastal areas, and were often Episcopalians.
       2. The **Anti-Federalists** did not want the Constitution ratified.
          1. They believed it gave too much power to the national government. After all, wasn't that what the American Revolution had been fought over?
          2. They were generally from the less-educated classes, were usually farmers, were believers in states' rights, and normally lived in the frontier areas. They were often Baptists or Methodists.
          3. At their root, the Anti-Federalists felt that the Constitution had been written by and for the aristocratic folks and that it threatened people's independence and freedoms.
             1. Their complaints along these lines were (a) a lack of a bill of rights, (b) the riddance of annual elections, and (c) the formation of a standing army. All of these things could be used against the people.
15. The Great Debate in the States
    1. The conventions in each state needed delegates. Elections were held.
    2. Four states ratified the Constitution quickly.
    3. Massachusetts voted for the Constitution, but it was a tough race and a close vote. Folks like Sam Adams campaigned against the Constitution thinking it gave too much power to the federal government.
       1. Massachusetts ratified it with the promise that a Bill of Rights would immediately be written and adopted.
       2. Massachusetts was a critical state, kind of a "tipping point." Had the Constitution failed here, it likely would not have been ratified by the other states.
    4. After three more states ratified it, it became active in June of 1788.
    5. The final hold-outs were Virginia, New York, North Carolina, and Rhode Island.
16. The Four Laggard States
    1. Four states had reservations about adopting the Constitution and held out. But they eventually did ratify it mainly because after 9 states adopted it the Constitution took affect. What would the 4 laggards do, become their own countries? It wasn't practical.
    2. Virginia ratified it in a close vote because New Hampshire was about to adopt the Constitution as state number 9—the number needed to activate it.
    3. New York decided to go with the Constitution due to (a) *The Federalist Papers* of John Jay, James Madison, and Alexander Hamilton and (b) the realization that a future on their own was pointless.
    4. Finally, North Carolina and somewhat disgruntled Rhode Island ratified the Constitution and made it unanimous. They were given considerable pressure to do so and also realized to go-it-alone was not productive.
17. A Conservative Triumph
    1. Like winning the American Revolution where a few patriots had pulled off independence, ratifying the Constitution was a minority victory. This time, the minority was the conservatives.
       1. The patriots were a much more liberal, perhaps radical group. It was now time for the conservatives to pull the pendulum back toward the center.
    2. To ratify the Constitution, an estimated 1/4 of the adult white male population had voted for convention delegates. Most of those voters were landowners.
    3. The conservatives obtained certain measures that eased their minds…
       1. First, a stronger government that could deal with the "mobocracy" such as Shays' Rebellion.
       2. Secondly, the elite or aristocracy had built in certain safeguards to their rule such as the electoral college, permanence of judges, and indirect elections of senators. All of these things meant stability—the number 1 thing on their mind.