

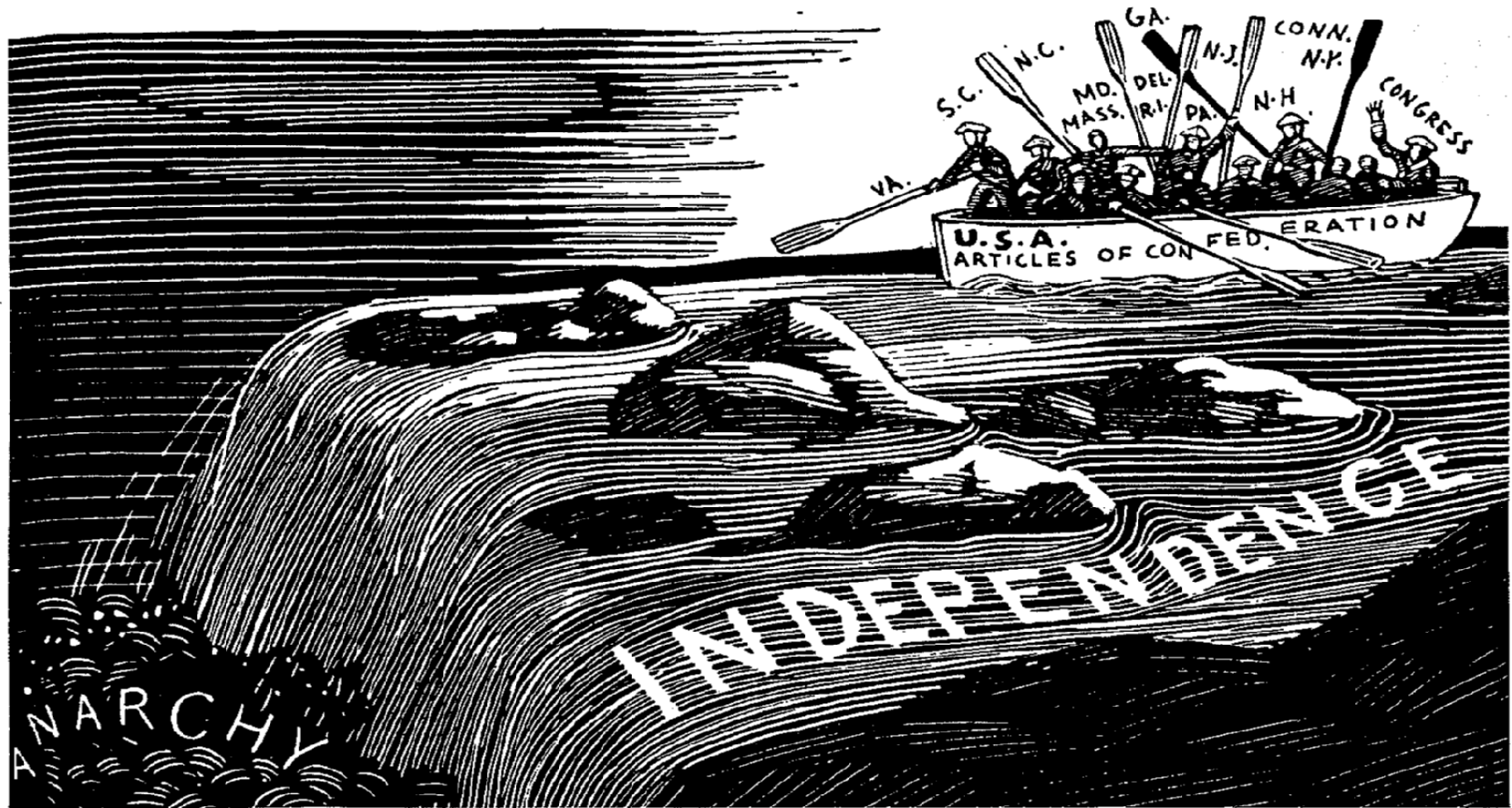
Creating the Constitution

A Presentation Based on the
Georgia Standards of Excellence
(GSE) Objectives for High School
History Students

SSUSH5: Investigate specific events and key ideas that brought about the adoption and implementation of the United States Constitution.

SSUSH5a: Examine the strengths of the Articles of Confederation, including but not limited to the Land Ordinance of 1785, Northwest Ordinance of 1787 and their influence on westward migration, slavery, public education, and the addition of new states.

THE CRITICAL PERIOD: 1783 - 1789



From Philip Darl, *Visualized American Government*, Oxford Book Company, New York, 1940

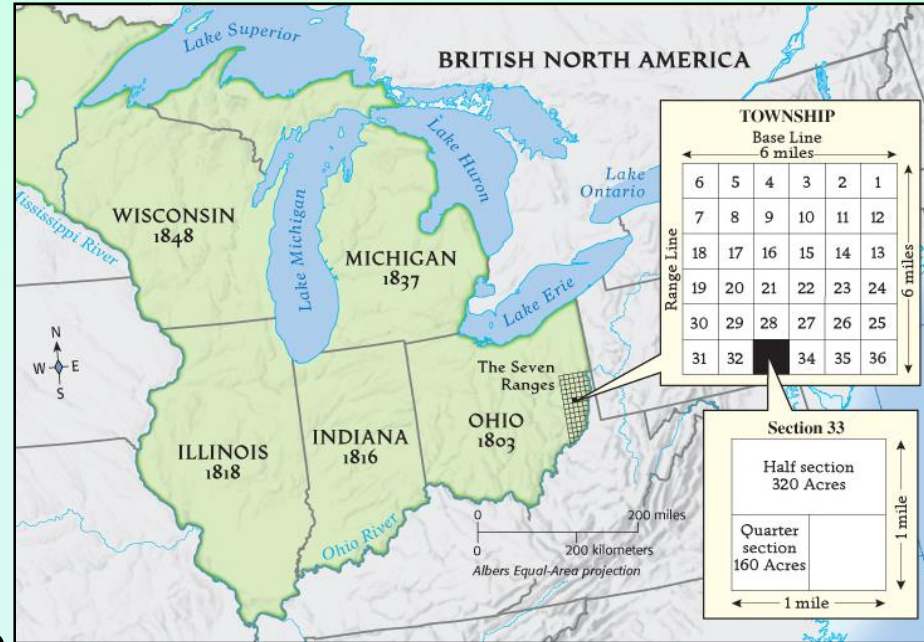
The Articles of Confederation and Perpetual Union

- Prior to the war ending, the Continental Congress adopted the **Articles of Confederation** in 1777 as the colonies' **first form of centralized government**.
- The Articles officially went into effect on March 1, 1781, but they essentially operated in the same ways in which the Continental Congress had run things since 1775.
- The Articles were a plan for a loose union, or **confederation**, which came under the authority of the Continental Congress.
- Under the Articles, each colony became known as a “**state**.”



The Land Ordinance of 1785

- Along with the later Northwest Ordinance, the Land Ordinance of 1785, set up an orderly way of settling the new territory.
- The Land Ordinance called for surveying and dividing the area into townships of six square miles, then subdividing townships into 36 one-square mile sections.
- These sections were sold for a minimum of \$640 per section by the government to help raise money and to provide new lands for settlement.
- Income from the 16th section of each township sold went to support public education
- Because an entire section was too expensive for most individual buyers, wealthy speculators bought much of this land, sub-divided it, and then sold it for a profit.



The Northwest Ordinance (1787)

The Northwest Ordinance provided for the following:

1. It set rules for how territories were governed and how they could become states.
2. It guaranteed freedom of religion, property, and trial by jury.
3. It forbade slavery, emphasizing the division between northern and southern states
4. It set aside land for support of public education
5. When the population reached 5,000 males, they were allowed to elect a legislature.
6. When the population reached 60,000, they could apply for statehood after drafting a republican constitution

Question: What ordinances were passed to entice settlers to move into the new territory?

SSUSH5b: Evaluate how weaknesses in the Articles of Confederation and Daniel Shays' Rebellion led to a call for a stronger central government.


Five Weaknesses in the Articles of Confederation

1. Central government had no power to tax.
 - Government had trouble raising money to pay its increasing debts, &
 - the military threatened mutiny.
2. Central government could not enforce treaties.
 - Foreign governments became angry when agreements not met.
 - As a result, Britain left troops in America over this issue.
3. Each state had one vote in Congress.
 - States with large populations had the same influence as smaller ones.
4. Congress had no power to regulate trade.
 - States began to impose high tariffs on each other, hindering trade.
5. Amending Articles required the states' unanimous consent.
 - This made it almost impossible to adapt to changing needs.

Why the Articles failed

- The Articles were designed to be weak because the colonies did not want a powerful central government. (Why?)
- In fact, the Articles proved to be too weak, that is, central government was too limited in what it could do.


POWERS GRANTED BY THE ARTICLES OF CONFEDERATION




- Congress could raise armies
- Congress could declare war
- Congress could sign treaties

POWERS WITHHELD BY THE ARTICLES OF CONFEDERATION

- Congress could not raise revenue through taxes
- Congress could not regulate trade and collect tariffs



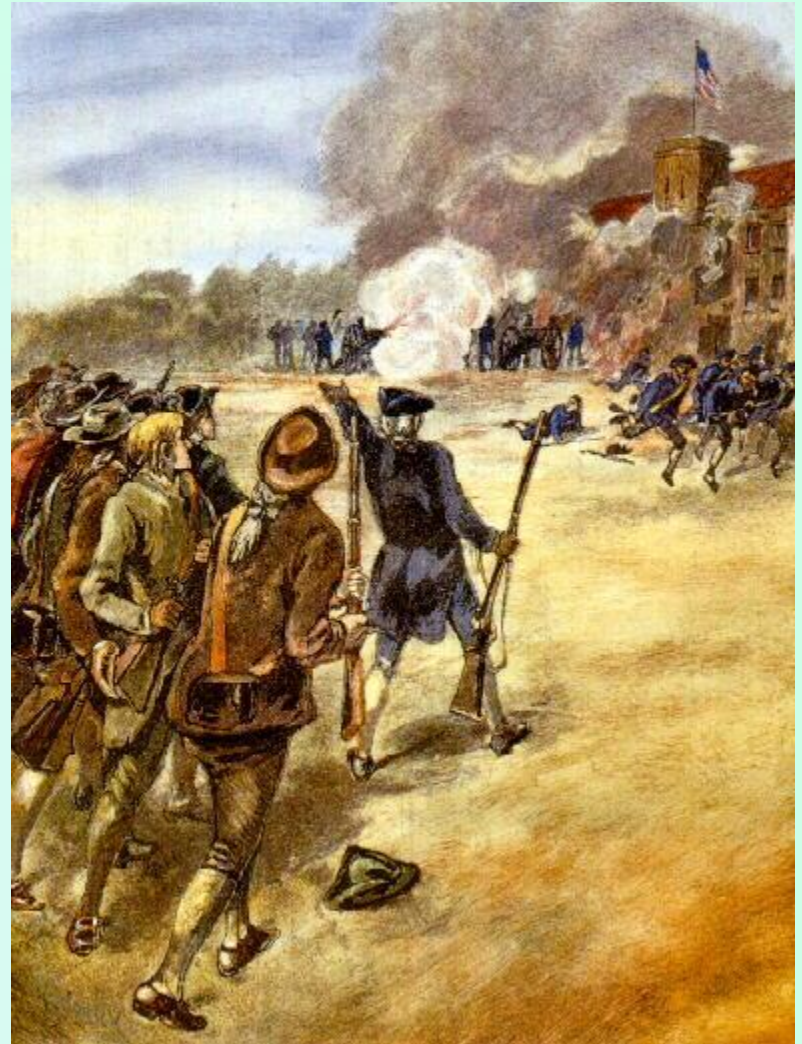


Some Weaknesses of the Articles of Confederation	
Provision	Problem Created
Congress has no power to tax	Weak currency and growing debt Inability to pay army leads to threats of mutiny
Congress has no power to enforce treaties	Foreign countries angry when treaties are not honored; for example, Britain keeps troops on American soil
Every state, despite size has one vote	Populous state not equally represented
Congress has no power to regulate commerce	Trade hindered by states imposing high tariffs on each other
Amendment requires unanimous vote of states	Difficult to adapt articles to changing needs

Shays' Rebellion

- To pay war debts, Massachusetts raised taxes, which heavily affected farmers.
- When farmers couldn't pay the high taxes, their farms were taken.
- In **1786**, **Daniel Shays**, a farmer and former Continental Army captain, led a rebellion in protest of the taxes.
- Massachusetts asked the Confederation government to help end the rebellion, but the government under the Articles had neither the army nor money to do so.
- Still, the rebellion was put down by local militia, and although 14 rebels were convicted and sentenced to death, all were either pardoned or set free after brief prison terms.

Why would farmers be upset about paying taxes to the government?



Shays' Rebellion and Changes to the Articles of Confederation

- Though unsuccessful, Shays' Rebellion caused concern for those in power that states might take property away from the wealthy.
- The event also convinced many people that a stronger national government was needed.
- Shays' Rebellion, and the weaknesses of the Articles, convinced the Confederation Congress that a convention of the states was needed in order to revise the Articles.
- In May 1787, delegates began meeting in Philadelphia at a Constitutional Convention to revise the Articles.

SSUSH5c: Explain the key features of the Constitution, including the Great Compromise, limited government, and the Three-Fifths Compromise.



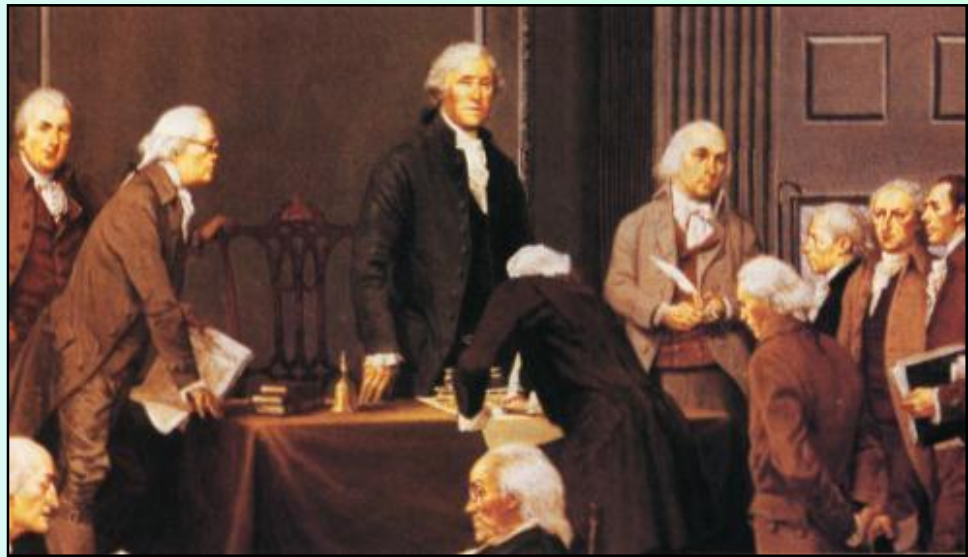
The Constitutional Convention

- The delegates in Philadelphia eventually decided not to revise the Articles, but rather to write an entirely new document.
- The meetings were kept secret to avoid outside pressure and opinions.
- The result of this convention was the creation of a new constitution that changed the government's design from confederation to federal republic.



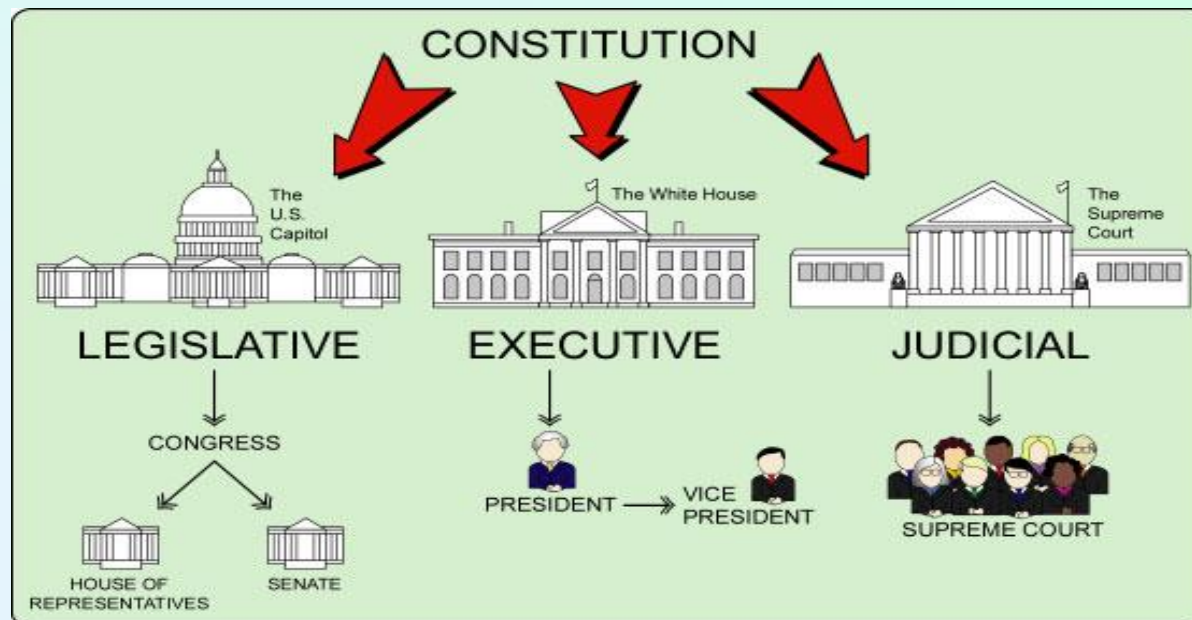
The Great Compromise

- The Great Compromise solved the problem of how states would be represented in the new government by setting up a **bicameral** (two house) legislature called **Congress**.
- This compromise (aka the Connecticut Compromise) was a merger of the Virginia and the New Jersey plans.
- One house, the **Senate**, would consist of two representatives from each state. This appealed to the smaller states. (Why?)
- The other house, the **House of Representatives**, would set the number of delegates from each state based on the size of each state's population. This appeased the larger states.



Separation of Powers refers to the creation of branches of government to prevent the concentration of power in one person or group and provide for checks and balances.

1. The **legislative branch** makes the laws.
 - It is made up of the two houses of Congress:
 - **Senate:** Each state has two Senators
 - **House of Representatives:** Number of Representatives based on population
2. The **executive branch** is headed by the President. It implements and enforces the laws passed by Congress.
3. The **judicial branch** is a system of federal courts that interprets laws.
 - It is composed of the Supreme Court and a number of lower courts.



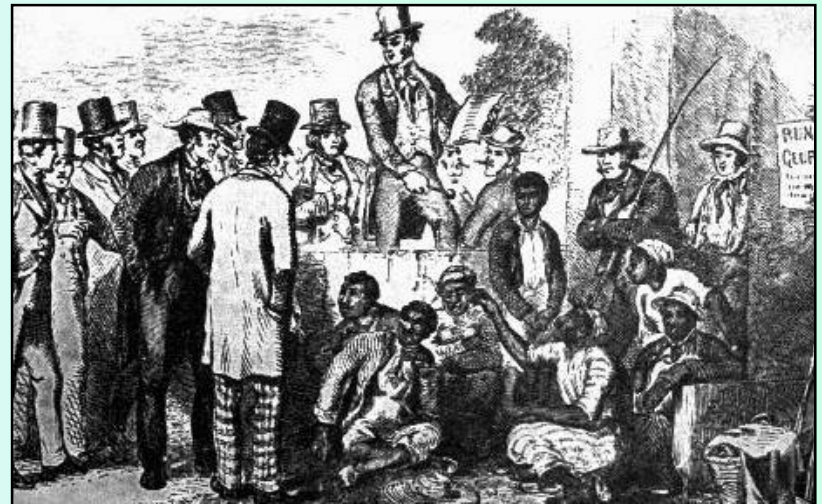
Limited Government

- **The framers (authors) of the Constitution feared abuse and misuse of power, especially after their experiences with British rule.**
- **Thus, in Article I of the Constitution, they specifically described which powers the federal government has and does not have.**
- **Other provisions for limited government regarding individuals' rights and liberties appear in the Bill of Rights (i.e., the first ten amendments (changes) to the constitution).**



The Issue of Slavery

- Southern states wanted to count the slaves in their states as part of their population when determining representation in the House: the larger a state's population, the more representatives they got to have in the House.
- Northerners opposed this partly because Southern states would have more power and partly because slaves could not vote or pay taxes.



The Three-Fifths Compromise

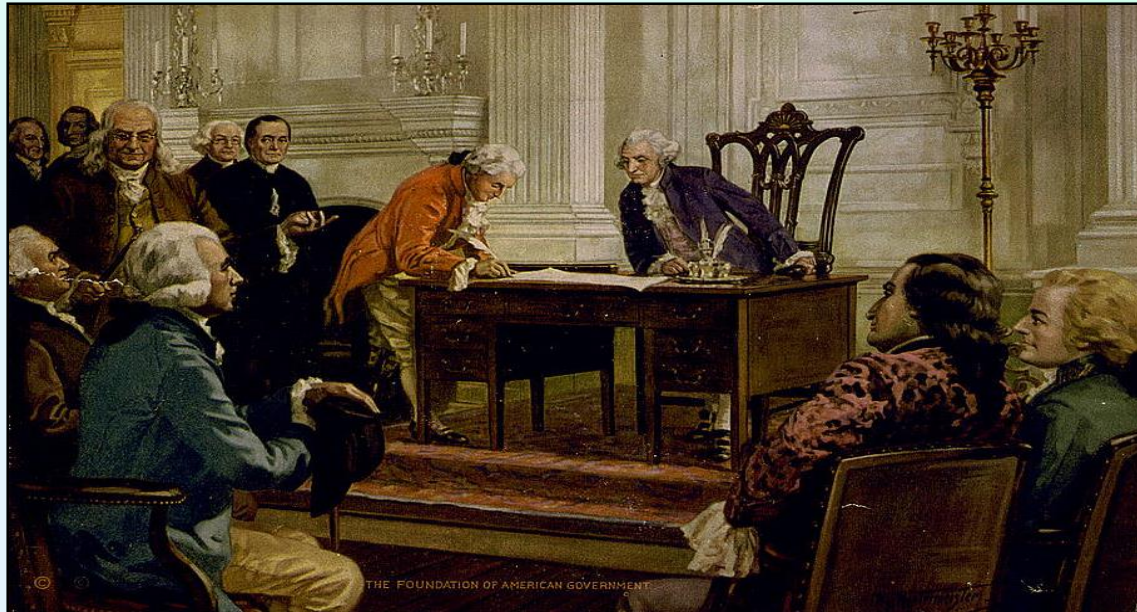
- A solution to the slavery representation issue was reached with the Three-Fifths Compromise.
- Every five enslaved people would be counted as three free persons for purposes of taxation and for representation in the House.

The Issue of Slavery

- Southerners also wanted the Constitution to forbid government interference in the slave trade and limit Congress' power to regulate trade.
- As a compromise, the delegates decided:
 1. **The new Congress could not tax exports.**
 2. **The slave trade could not be banned until 1808.**

Constitutional Convention

- In September 1787 the Confederation Congress approved the new Constitution.
- The remaining task was to convince at least nine of the thirteen state governments to **ratify** the document in order for it to take effect.



The Constitution, Part Two: Debate Over Ratification and the Bill of Rights

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SSUSH5d: Evaluate the major arguments of the Anti-Federalists and Federalists during the debate on ratification of the Constitution, The Federalist Papers, and the roles of Alexander Hamilton and James Madison.

Ratifying the Constitution

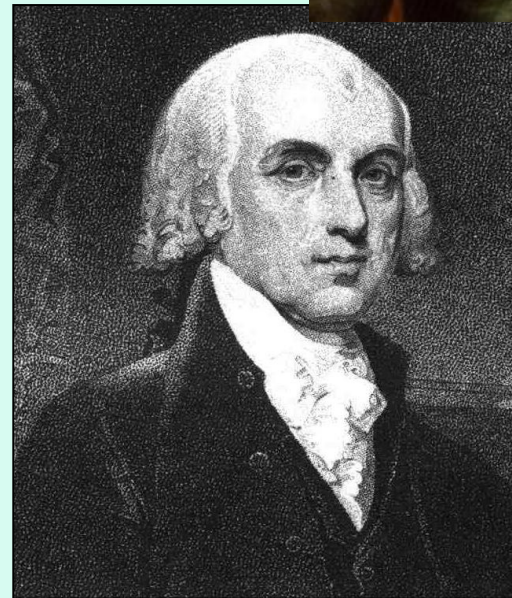
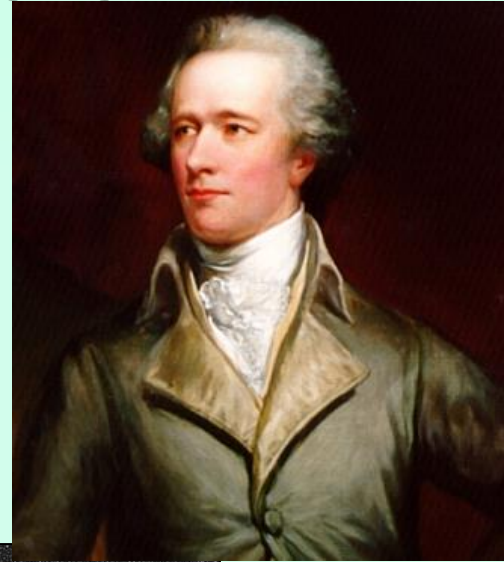
- For the Constitution to take effect, nine of the thirteen states had to ratify, or vote in favor of it.
- Two groups emerged in the ratification debate:
 1. **Federalists**, who **supported ratifying** the Constitution, and
 2. **Anti-Federalists**, who **opposed** the Constitution

What the Federalists Believed

- that the system of **checks and balances** would protect the rights of the people
- that **the President would lead the government, but would have power checked** by the legislative branch's power to impeach
- that though the **federal (national) government** would have supreme power, states would retain many of their powers
- that the power to tax imports and regulate trade would help American businesses

Prominent Federalists

- George Washington, Benjamin Franklin, Alexander Hamilton, James Madison, and John Jay were Federalists.

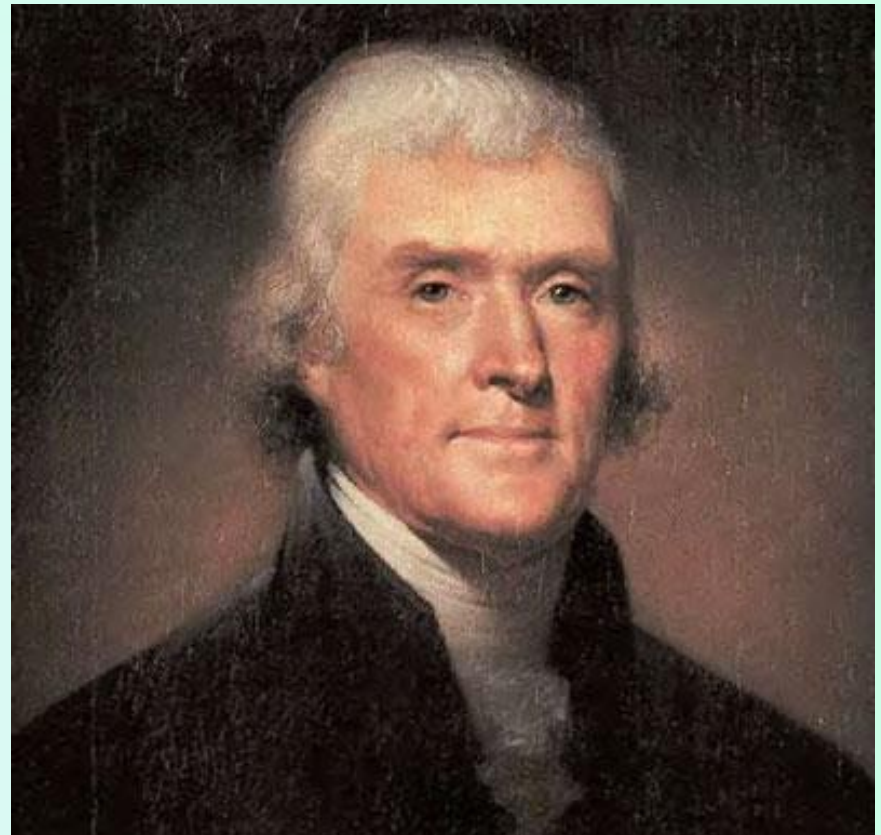


What the Anti-Federalists Believed

- in the need for a national government, but they were concerned over who would retain supreme power to rule, the states or the national government
- that the Constitution must have a Bill of Rights to insure individuals' freedoms

Prominent Anti-Federalists

- **Thomas Jefferson**, Samuel Adams, John Hancock and Patrick Henry were Anti-Federalists



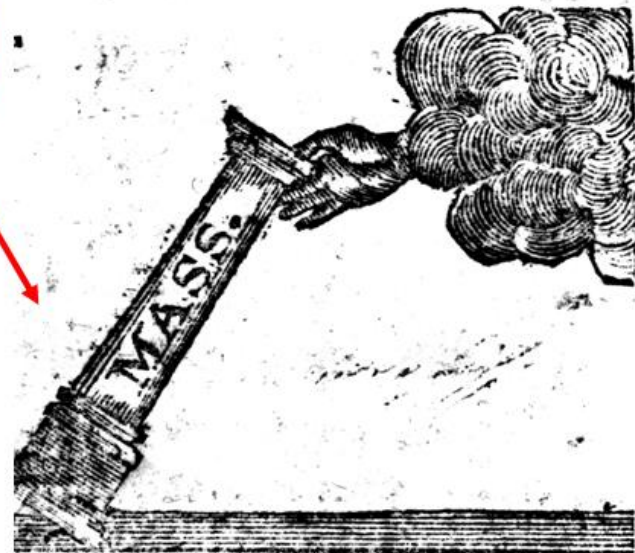
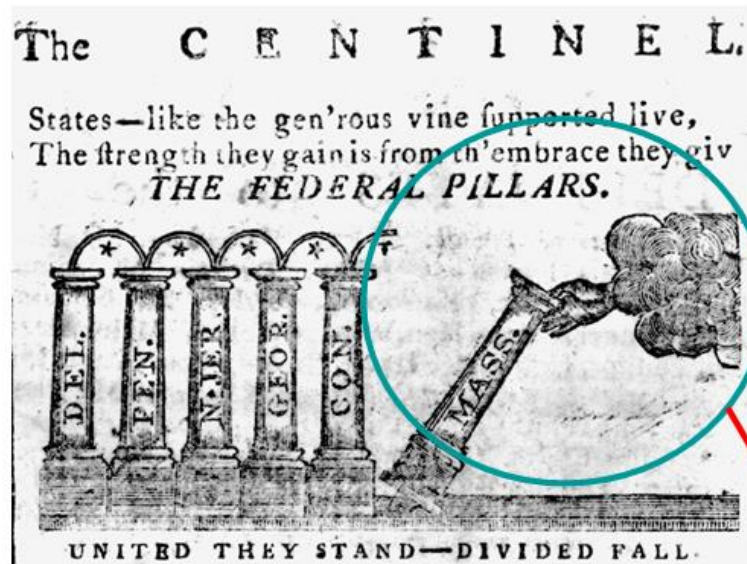
A Mixed Debate

- Although many of the Federalists were wealthy Easterners (such as large landowners and wealthy merchants) and many Anti-Federalists were western farmers, this was not a debate along class or economic lines: many Anti-federalists were prominent Easterners or wealthy, and many Federalists were of more meager stations in life (small farmers, tradespeople, et al.).

The Federalist Essays

- *The Federalist* is a collection of 85 essays written by **James Madison**, **Alexander Hamilton**, and John Jay.
- Published in New York newspapers, and later combined into book form, *The Federalist* essays were a way of explaining to the people how the Constitution would work and why it was needed.

An early political cartoon examining the ratification of the Constitution



What do you think is happening in this part of the picture?

Ratifying the Constitution

- Five states ratified the Constitution within a month, but many Anti-Federalists held out until a bill of rights was added.
- To sway Anti-Federalists in Virginia, Federalists (particularly **James Madison**) promised to add a bill of rights if the Constitution was ratified.
- In New York, **Alexander Hamilton** and John Jay stalled the voting until nine states had ratified, which meant the new government would go into effect even if New York failed to approve it.
- Had New York failed to ratify, they would have been geographically isolated, i.e., surrounded by a separate country!
- By May 1790, all thirteen states had ratified the Constitution.

The Bill of Rights

- **SSUSH5e: Explain how objections to the ratification of the Constitution were addressed in the Bill of Rights.**

The Bill of Rights

- The Bill of Rights are **the first 10 Amendments** (or changes) to the Constitution
- These amendments were drafted by James Madison.
- They were added as part of an agreement between the Federalists and Anti-Federalists.

Subjects of the Bill of Rights

- The first eight Amendments protect the rights of individuals from the federal government.
- The 9th Amendment, states that the people have other rights not listed.
- The 10th Amendment states that powers not given to the federal government are reserved, or given to the states or the people.

Individual Rights: The 1st Amendment

- The 1st Amendment serves as an example of how people's individual rights are protected from the federal government.
- The 1st Amendment guarantees:
 - Freedom of religion
 - Freedom of the press
 - Freedom of speech
 - Freedom to assemble
 - Freedom to petition for redress

Actual Text of the 1st Amendment

- “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Other Individual Rights

- Amendments II through VIII express the rights of individuals to bear arms, be free of quartering soldiers except in war, be free from unreasonable searches or seizures, be informed of charges against them if prosecuted, not be forced to testify against themselves, have fair and speedy trials, have an impartial jury, not face excessive bail, and other rights.

Amendment IX

- “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”
- This amendment states that people have other rights not written in the Constitution, and that nothing in the Constitution should be interpreted as nullifying those rights.

Powers of the States and the People: Amendment X

- “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”