**CHAPTER 7**

**Confederation and Constitution, 1783–1789**

**Learning Outcomes**

* 1. Describe the first state constitutions written and adopted after the United States declared its independence.

**Objectives**

1. Describe the state constitutions written under the Articles of Confederation including their bills of rights.
2. Explain who could participate and why along with the concept of “separation of powers.”
   1. Analyze the federal government as it existed under the Articles of Confederation.

**Objectives**

1. Explain the powers reserved to the federal government and those reserved for the states under the Articles of Confederation.
2. Explain the positive and negative points of the Articles.
   1. Enumerate the most significant issues the United States confronted under the Articles of Confederation, and explain how the Articles failed to live up to the needs of the new country.

**Objectives**

1. Discuss the issue of land settlement in the West, and describe the provisions of the western land ordinances that provided for territories to become states eventually.
2. Explain the most serious issues the United States faced in dealing with other countries under the Articles.
3. Analyze the problems facing the United States because of the extensive debts of the federal government.
4. Detail the events that culminated in the realization that major changes in the Articles were needed.
   1. Explain the need for the Constitutional Convention that met in Philadelphia in 1787, and describe the process of writing the Constitution.

**Objectives**

1. Describe the membership of the Constitutional Convention.
2. Compare and contrast the two major plans presented at the Convention, and explain why certain states supported each of these.
3. Explain the compromise that allowed the drafting of the Constitution to proceed.
   1. Describe and explain the major provisions of the Constitution, especially concerning the separation of powers and the rights given to individual states.

**Objectives**

1. Explain the powers given to the executive, judicial, and legislative branches by the Constitution.
2. Discuss the separation of powers established under the Constitution.
   1. Explain the procedure established for ratification of the Constitution, describe the actions of its supporters and its opponents, and explain how and when ratification was achieved.

**Objectives**

1. Explain the main issues being debated between the Federalists and the Anti-Federalists in regard to ratification of the new Constitution.
2. Discuss the importance to the Anti-Federalists of having a Bill of Rights added to the Constitution.

**Chapter Summary**

State constitutions, with their bills of rights and separation of power, served as a model for the future national government. Most of the bills of rights guaranteed the freedom of the press, the right of popular consent before being taxed, and protections against general search warrants. Most states guaranteed the freedom of religion, although many limited political participation to Christians only. Only briefly in New Jersey were women allowed to vote, a right quickly taken away and not returned for over one hundred years. As they tinkered with various forms of government, each state recognized that creating several different branches of government and giving each different responsibilities prevented one person or one body from becoming overly tyrannical or exerting an excess of authority. This was called the separation of powers.

Crafted during the Revolutionary War, the Articles of Confederation provided the earliest form of very limited national government. The states controlled the funding and thus the policy; inhibiting an effective national response to crises. An inability to raise funds, the need for unanimity to make changes, and a lack of authority over internal trade doomed the Articles from the start.

Three problems plagued the states under the Articles. In the West, the challenges of land integration were successfully tackled as new territories would enter the nation as states. Due to the limitations of the Articles, however, there was no protection provided from foreign enemies and competitors. Even more threatening was the inability to quell internal unrest over unpaid army salaries and rampant inflation. The farmers of western Massachusetts engaged in the short-lived Shay’s Rebellion, demonstrating that the Articles needed to be replaced, a call soon echoing across the colonies among the most prominent Americans such as James Madison, George Washington, and Alexander Hamilton.

In 1787, the Constitutional Convention convened. Some of the most prominent, best educated, yet surprisingly young Americans participated with George Washington serving as the president of the Convention. James Madison came to the Convention with an agenda, summarized as the Virginia Plan. The Virginia Plan sought to: (1) scrap the Articles of Confederation; (2) create a Congress with two houses, known as a bicameral legislature; (3) establish a federal judiciary; (4) establish a president who was elected by Congress; and (5) in general create a centralized system of government in which Congress had veto power over the actions of the states. Membership in Congress would be determined by population, which would clearly favor the large states.

An early schism between small and large states over representation was solved with a compromise; ending slavery was not open for discussion, although the counting of slaves as three-fifths of a person was ratified.

The Constitution that eventually emerged divided the government into three branches. The first branch, the legislative, controlled funding and declared war, among other powers. The second branch, the executive, headed by a president chosen by an Electoral College, served as the commander-in-chief, executed Congressional laws, and maintained veto power over Congressional acts. Appointed by the President, the third branch, the judicial branch, made judgments on constitutional issues that required review. Issues that were not covered by the Constitution were left to the states.

The debate over the new Constitution created a divide between Federalists and anti-Federalists. The former group included some of the most influential political writers of their day who argued that a new federal government would not lead to tyranny. The opposition, the anti-Federalists, admired parts of the Constitution but worried that the federal government would have more power than state governments or over individual people. In June 1788, New Hampshire voted to ratify the Constitution, becoming the critical ninth state and putting the Constitution into functional operation.

The Bill of Rights was to defend against the kind of tyranny that the revolutionaries had encountered in the run-up to the Revolutionary War. The final amendment making up the Bill of Rights pronounced that any power not delegated to the federal government by the Constitution was reserved for the states, thus ensuring a balance of power between the new government and the state governments.

The question then became whether the delegates had developed a workable solution. Only time would tell.

**Chapter Outline**

I. State Constitutions, 1776–1780

* 1. Content
     1. Bills of Rights
     2. Limits on Participation
     3. Separation of Powers
  2. Results

II. The Articles of Confederation, 1777–1787

* 1. Origins
  2. Division of Powers
     1. Powers Reserved for the Federal Government
     2. Powers Reserved for the States
  3. Achievements of the Articles
  4. Weaknesses of the Articles
     1. Inability to Raise Funds
     2. The Need for Unanimity to Make Changes
     3. Lack of Authority over Internal Trade

III. Day-to-Day Operations of the Confederation

1. The Western Problem
   * 1. Land Cessions
     2. Organizing Territories
2. The Problem of Foreign Relations
   * 1. The English
     2. The Spanish
     3. Pirates
3. The Debt
   * 1. Promissory Notes and Bonds
     2. An Angry Army
     3. Angry Farmers
     4. Shays’ Rebellion
4. The Failure of the Articles of Confederation

IV. The Constitutional Convention

1. Membership
2. Preliminary Plans
3. The Virginia (Large States) Plan
4. The New Jersey (Small States) Plan
5. Drafting the Constitution
6. The Great Compromise
7. Slave State versus Free State
8. East versus West

V. The Constitution

1. The Powers Given to Congress
2. The Executive Branch
3. How Elected
4. Powers
5. The Judicial Branch
6. Federal and State Powers
7. Relationship of the Government and the Governed

VI. The Ratification Debate

1. A Slow Start
2. The Federalists
3. The Anti-Federalists
4. The Debate
5. The Bill of Rights

VII. Looking Ahead…

**Suggested Lecture Topics**

1. State Constitutions under the Articles of Confederation: A Study in Contrasts
2. The Articles of Confederation: Positives and Negatives
3. So Much Land! Expanded Settlement Brings New Problems
4. Debt and More Debt: What Was the Answer?
5. The Story of the Constitutional Convention
6. Separation of Powers: What It Is & How It Works
7. The Bill of Rights: An Examination of the Rights of Americans

(7-6). There were at least four reasons why the states ratified the Constitution:

* + - * 1. Small states got apportionment
        2. Georgia needed protection
        3. Rivers of polemical literature like the Federalist Papers
        4. The promise of a Bill of Rights

In an exercise in compromise and the Constitution, have students individually propose a new Constitutional amendment or a modernization of an earlier amendment. In the second stage, have students meet in groups of 3–5 (depending on class size). Have students choose either their best or the one from their group that they believe would get the most votes from the entire class. In the third stage, have students announce their pick and, individually, vote on the best overall change. Tie this activity to the present by discussing in today’s political environment which current topics are open for compromise between the two political parties (such as the form of legislature for the Constitutional Convention) and which are not open to compromise (such as ending slavery for the Constitutional Convention).

**The Reasons Why…**

**Research Topics—Projects and Papers**

Students might choose to complete a project to be presented in class or to write a more traditional research paper. Or instructors, could decide which task they would prefer to have them do. Below are a few topics that are relevant to this chapter. Instructors may, of course, choose to develop their own topics.

1. Students may obtain a list of the men who were delegates to the Constitutional Convention, and gather as much background on them as they can. Bring the findings to class and have a round-table discussion of as many as time permits.
2. Students can prepare a chart on which the major issues of the 1780s are listed. After additional study on the Federalists and Anti-Federalists, students can compile a chart that contains their respective stance on each of these issues.
3. Divide the class into two groups. One side will take the position that a new constitution is needed; the other side will argue that the present Constitution works well. Use specific examples from everyday life.
4. On a large chart, the student can draw a flow chart of today’s court system, starting with the student’s state’s district courts and moving upward to the Supreme Court. He or she can also include the names of Supreme Court Justices, and provide the name of the Chief Justice.
5. Students can go to their local county courthouse and ask to see a map of their county that includes townships or other divisions. They can then assess how closely this compares to the plans included in the Northwest Ordinance for the distribution of land. If their county differs greatly, they can generate some possibilities as to why this is the case.

**Additional www Resources**

“America’s Founding Fathers: Delegates to the Constitutional Convention.” U.S. National Archives and Records Administration.

<http://www.archives.gov/exhibits/charters/constitution_founding_fathers.html>

Roland, Jon. “Selected Works of James Madison.” The Liberty Library of Constitutional Classics.

<http://www.constitution.org/jm/jm.htm>

“A Little Rebellion Now and Then is a Good Thing: A Letter from Thomas Jefferson to James Madison.” [Concerning Shays’ Rebellion] Archiving Early America.

<http://www.earlyamerica.com/review/summer/letter.html>

**Primary Source Discussions**

**Assignment Name: Primary Source Assignment: Articles of Confederation**

*Introduction*: The Articles of Confederation (1777) and the Constitution (1787) are the two frames of government that have guided the United States. Comparing the two, one notices that the Articles do not supply the clear framework of centralized government that the Constitution establishes. The reason for this is simple: the Articles weren't really intended to govern the nation, but rather were designed to facilitate state government and to regulate relations between the various states and with foreign powers. The Constitution, however, emphasized the relationship of the people to the central government. This change is explicit from the outset, as the preamble begins with the phrase, "We, the people. . ." Notice, however, the system of checks and balances in the Constitution that limits the concentration of power in any one branch of the government.

*Visit URL:* *http://college.cengage.com/history/wadsworth\_9781133309888/unprotected/ps/articlesconfed.html*

[The Articles of Confederation](http://college.cengage.com/history/wadsworth_9781133309888/unprotected/ps/articlesconfed.html)

*Instructions*: After reading the introduction and the primary source provided, answer the questions below.

1. What constituted the executive branch? How does that differ from the United States Constitution?

2. How did the government raise revenues? Why did this make it difficult to fight the war against Britain?

3. Why would states with large populations feel that the representation in the legislature favored states with smaller populations?

4. What powers did the government have to regulate foreign affairs?

5. What difficulties did the new government encounter as a result of the weak national government created by the Articles of Confederation?