

Chapter 9: The Confederation and the Constitution (1776—1790)

The Pursuit of Equality

Recall

Notes

- most states reduced property-holding requirements for voting
- commoners wanted to be addressed as "Mr." and "Mrs."
 - reserved for wealthy, highborn
- employers were called "boss" instead of "master"
- servitude unknown by 1800s
 - status violated democratic ideals
- Continental Army officers formed the **Society of Cincinnati**, exclusive hereditary order
- several states were drunk on republicanism and decided to get rid of primogeniture
- fight for separation of church and state
 - Congregational Church was still legally established in New England territories
 - Anglican Church lost credit for being British and reformed as the Protestant Episcopal Church and got **disestablished**
 - in Virginia, Thomas Jefferson and some Baptists won with the passage of the **Virginia Statute for Religious Freedom**
- slavery was challenged
 - Philadelphia Quakers founded the first antislavery society in 1775
 - no state south of Pennsylvania abolished slavery
 - laws still heavily discriminated against blacks
 - prevented from purchasing property, holding jobs, educating their children, interracial marriage
 - *"Great as the evil [of slavery] is, a dismemberment of the union would be worse."* - James Madison
 - the union split later during the civil war
- women served in the military disguised as men
- republicanism depended on **civic virtue**, the idea that democracy depended on the unselfish commitment of each citizen to the public good
 - mothers
 - **republican motherhood** elevated the status of women so they could get education and raise children better

Constitution Making in the States

Recall

Notes

- Continental Congress in 1776 told all the colonies to rewrite their constitutions into states
- Massachusetts constitution could only be changed by the constitutional convention

- imitated in drafting the federal constitution
- American constitutions were supposed to represent a fundamental law
 - bills of rights, requirement to reelect representatives
 - weak executive and judicial branches so that the government couldn't take over again
- many commoners and poor folks in the West had the ability to vote
 - relocated capitals westward
 - made really conservative Americans uncomfortable

Economic Crosscurrents

Recall

Notes

- states took control over crown lands
- Loyalists had their property confiscated and split up to sell
- cheap land was available and there weren't many aristocracies to overthrow
- British goods were cut off and people were forced to make their own
- independence had many economic drawbacks
 - American ships were turned away at British and British West Indies ports
 - fisheries disrupted, bounties for storage abruptly ended
- commercial outlets compensated for loss of old ones
 - free trade with foreign nations
 - Yankees went to the Baltic and China Seas
- demoralizing extravagance, speculation, profiteering
- Congress failed to curb inflation
 - many previously wealthy people were poor
 - new class of rich profiteers
- the whole war had sparked distaste for taxes and the government

A Shaky Start Towards Union

Recall

Notes

- it was hard to create a new type of government
 - especially when people don't even trust the authority
- people preached "natural rights" and thought people in power were sketchy
- Patriots were united towards a cause as they fought during the war, but now that the war was over, they had lost that unity
- hit rock bottom in 1786 when England tried to flood the American market
- *"Of foreign gewgaws let's be free
And wear the webs of liberty."*
- still hopeful signs
 - 13 states had similar governmental structure
 - rich political inheritance from England and self-government

- George Washington, James Madison, John Adams, Thomas Jefferson, Alexander Hamilton

Creating a Confederation

Recall

Notes

- colonies raised money, raised armies and navies, made tariff barriers
- after declaring independence in 1776, Congress drafted a constitution for a new nation called the **Articles of Confederation**
 - ratified by all 13 colonies 8 months before the victory at Yorktown
 - translated into French after the victory at Saratoga to show France that the colonists were serious about their freedom
- states argued over the Western land
 - Maryland refused to agree with **REVIEW THIS**
 - Congress said they would use the land for the "common benefit"
- fertile land was now controlled by the government
 - if states wanted to profit off that land, they had to remain in the Union
 - pioneers purchased farms from the federal government
 - looked to national government rather than state
 - uniform national land policy was finally made possible

The Articles of Confederation: America's First Constitution

Recall

Notes

- no executive branch because George III left a bad taste
- judicial arm was left to the states
- each state only had one vote
 - population imbalances
- to pass a bill meant that it needed to gain 9 votes
- to make an amendment to the Articles meant unanimous ratification
- Congress was purposely designed to be weak so that it could not gain too much power over Americans
 - no power to regulate commerce
 - couldn't enforce tax-collection program
- could suggest directions for each state to go in, but could not directly change laws
- could not protect itself from getting slapped around by Pennsylvania soldiers
- although the Articles of Confederation were weak, they were a landmark in government
 - stepping stone towards the present-day Constitution
 - outlined general powers exercised by central government
 - making treaties
 - establishing a postal service

Landmarks in Land Laws

Recall

Notes

- Congress of Confederation allowed an area of land known as the **Old Northwest** to be collected from the states
 - northwest of the Ohio River, east of the Mississippi, south of the Great Lakes
- **Land Ordinance of 1785** said that the Old Northwest should be sold and the money used to pay off the national debt
 - divided into townships of 36 square acres with 36 sections of one square mile each
 - section 16 was dedicated to public school
- **Northwest Ordinance** of 1787 figured out how government of new colonies would work
 - the land was subordinate to the federal government before it became a colony with the same rights as the other colonies after reaching a population of 60,000
 - banned slavery in the northwest

The World's Ugly Duckling

Recall

Notes

- foreign relations, especially with London, were still full of tension
 - refused to send a minister to America's "backwoods" capital
 - Britain declined to make a commercial treaty or repeal the Navigation Laws
 - Lord Sheffield argued that Britain would win back America's trade anyway
 - officially closed off trade from the West Indies to the United States
 - Yankees smuggled
- redcoats still held trading posts on northern U.S. soil and traded with Indians
- main purpose for Britain to stay in America was to keep trade with the Indians and defend Americans against Canada if it was needed
- really patriotic Americans were unhappy with how Britain was being handled
 - demanded Congress impose restrictions on their imports
 - some states purposefully lowered their tariff policy to attract more trade
- Spain, although an enemy to Britain, disliked the U.S.
 - held control over the mouth of the Mississippi
 - 1784 Spain closed the river to American commerce and claimed a large part of the Gulf of Mexico, including Florida
 - schemed with Indians to take land in Georgia and North Carolina
- French, now less angry that Britain was defeated, started demanding more of the U.S.
 - wanted to be repaid money for war aid
- pirates from North Africa were ravaging America's Mediterranean commerce and enslaving Yankee sailors
 - British had purchased protection and the colonies were previously included, but not anymore

- United States too weak to fight and too poor to bribe
- John Jay hoped the American people were humiliated enough into forming a government that was actually respected abroad

The Horrid Specter of Anarchy

Recall

Notes

- economic downfall still persisted in the mid 1780s
- system of raising money was breaking down
 - some states refused to pay at all and complained about "King Congress"
- public debt was piling up
- other countries' impression of the U.S. was evaporating
- individual states were getting out of hand
 - quarrels over boundaries started a few small battles
 - some states were taxing imports of their neighboring state's goods
 - many started to use paper money, which was basically worthless
 - *"Bankrupts their creditors with rage pursue;
No stop, no mercy from the debtor crew."*
- **Shay's Rebellion** starts in Massachusetts in 1786
 - impoverished Revolutionary War veterans were losing farms
 - wanted Massachusetts to issue paper money, lighten taxes, and suspend property takeovers
 - Massachusetts hired a small army to stomp out the Rebellion
 - three Shaysites were killed in Springfield
 - the rebellion was over but the fear remained
- Jefferson feared "democratic despotism"
- the revolution had created "mobocracy"
 - civic virtue was no longer capable of keeping in greed and self-interest
- republicanism was too shaky to build a strong government off of
 - someone suggested they import a European monarch to carry on George III's failure
- how to have states' rights but still strong central government
- nation state was actually brightening before the Constitution was drafted
 - states stopped issuing worthless money
 - by 1789 there was less drama in the commercial world

A Convention of "Demigods"

Recall

Notes

- government wanted to control commerce so a constitutional convention was called in 1786
 - nine states appointed delegates but only five actually showed up

- Alexander Hamilton called up Congress to summon a convention in Philadelphia next year to deal with the entire Articles of Confederation
 - every state chose representatives to send except Rhode Island who was still busy printing paper money
- 55 emissaries from 12 states showed up in Philadelphia on May 25
 - sessions were held in complete secrecy
 - Jefferson thought they were "demigod" caliber
 - most members were lawyers who had already tried making a constitution in the past
- George Washington was unanimously selected chairman
 - Benjamin Franklin was 82 and extremely talkative
 - James Madison was 36 and dubbed "the Father of the Constitution" for all the work he did
 - Alexander Hamilton, only 32, spoke for five hours to advocate for a super strong central government
 - only convinced one person: himself
- most Revolutionary leaders were absent, like Thomas Jefferson, John Adams, Thomas Paine, Samuel Adams, John Hancock, Patrick Henry
 - Patrick Henry was chosen as a delegate from Virginia but he declined, stating that he "smelled a rat"

Patriots in Philadelphia

Recall

Notes

- 55 delegates consisted of lawyers, merchants, shippers, land speculators, moneylenders
 - nobody was from the poorer debtor groups
 - average age was about 42
- wanted to make a firm, dignified, respected government
 - wanted central authority to have power in tariffs and deal with foreign nations
 - preserve the union and not have it fall into anarchy
 - prevent uprisings by "mobocracy"
 - ensure life and property safety
- Daniel Shays was like another Founding Father, fear stood in the 56th chair

Hammering Out a Bundle of Compromises

Recall

Notes

- some delegates wanted to complete scrap the Articles of Confederation
 - wanted to overthrow the government peacefully
- **Virginia Plan** proposed a bicameral Congress should be based on representation, which would give larger states an advantage
 - some feared would allow big states to band together and control the small states

- **New Jersey Plan** wanted to give equal representation in a unicameral Congress that sent the same delegates per state, regardless of land size or population
- the **Great Compromise** ended up with the House of Representatives and the Senate being formed, appeasing both parties
 - since big states held more power in the House, delegates agreed to have every tax bill start in the House where it counted more
- final constitution was kind of short
 - didn't need to specify every single small detail, unlike the Anglo-American **common law**
 - broad rules of procedure rather than fixed laws
- when **civil law** traditions prevailed, constitutions were longer and contained more elaborate legal codes
- new Constitution provided an executive branch that had power but was still contained
 - have broad authority to make appointments to domestic offices as well as veto power over legislation
- president has the power to wage war but Congress has to declare it
- electing the president by the Electoral College
 - large states had the advantage in popular voting
 - small states had power if there was no clear majority
- debate over whether slaves counted as a person in representation
 - the North said no, and that saying slaves were people was the equivalent of saying horses were people
 - slaves would end up counting as 3/5 of a person, **three-fifths compromise**
- most states wanted to stop the slave trade, but Georgia and South Carolina, whose labor depended on slaves, said no
 - all new state constitutions forbade overseas slave trading except for Georgia

Safeguards for Conservatism

Recall

Notes

- delegates generally saw eye to eye on economic issues
- wanted a stronger government with three branches
- Daniel Shays still frightened the conservative-minded delegates
 - delegates created safeguards against excesses of the "mob"
 - president was to be indirectly selected by the Electoral College
 - senators were indirectly chosen by state legislatures
 - only representatives of the House were chosen by direct vote
- new government still stood on democratic values and two principles of republicanism
 - only legitimate government is based on the consent of the governed
 - powers of the government should be limited by a written constitution
- "*We the people*,"
- only 42 of the original 55 delegates remained at the end of 17 weeks, and only 39 of them actually signed it

The Clash of Federalists and Antifederalists

Recall

Notes

- delegates recognized that nationwide acceptance of the Constitution was not easy
 - they knew that Rhode Island would veto the new Constitution
 - made a new rule that said when 9 states had given their approval, the Constitution would be the supreme law of the land
 - an appeal over Congress and over the legislature
- American people expected a patch up Articles of Confederation but got the Constitution instead
 - **antifederalists** rose up against **federalists** over the government
 - people like Samuel Adams, Patrick Henry, and Richard Henry Lee were antifederalists and they had followers from the poorest classes
 - people like George Washington and Benjamin Franklin supported the federalists who lived along the seaboard and were overall wealthier than the antifederalists
 - controlled the press and better organized-
- antifederalists thought the Constitution was a "gilded trap"
 - drawn up by aristocratic delegates so it was antidemocratic
- created an antifederalist stronghold, the District of Columbia
 - called Benjamin Franklin "a fool from age" and George Washington "a fool from nature"

The Great Debate in the States

Recall

Notes

- four small states accepted the Constitution instantly
- Pennsylvania only agreed after irregularities had been fixed by a convention
- if the Constitution failed in Massachusetts, it would've failed everywhere else
 - Boston held an antifederalist majority with Shaysites and Samuel Adams
 - antifederalists were concerned over how it was a debate over the Articles of Confederation, which were old, or this new Constitution
 - concerned for no bill of rights
 - ratified it by a vote of 187 to 168
- all states but Virginia, New York, North Carolina, and Rhode Island had ratified it but the document was officially adopted on June 21, 1788

The Four Laggard States

Recall

Notes

- Virginia had fierce antifederalist opposition
 - finally ratified 89 to 78
- Alexander Hamilton favored a strong central government, but still allied with the federalists to win New York

- Hamilton, along with John Jay and James Madison, wrote a series of articles called **The Federalist**, which were published in New York newspapers
 - New York ended up yielding 30 to 27
- Rhode Island and North Carolina both rejected the idea completely and didn't even complete a vote, but ended up ratifying because they couldn't survive outside of the Union

A Conservative Triumph

Recall

Notes

- minority of American radicals and of conservatives had won America, both overthrowing Britain and the Articles of Confederation
 - 11 states seceded from the Confederation, leaving 2 behind
- only about 1/4 of adult white males had supported delegates to ratify the Constitution
- conservatism was victorious, safeguards had been established
 - federalists believed they were on course to economic and political stability
- delegates conserved republicanism through popular sovereignty
 - every branch of government is represented by the people
- Constitution elevated Revolutionary War ideas but set boundaries to them
 - conservatives and radicals together created the heritage of the republican revolution