

The Declaration of Independence and the Articles of Confederation

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American colonies had their own elected assemblies

- Levy taxes
- Pass laws
- Experience in self-government

Voting

- By 1750, $\frac{1}{4}$ to $\frac{1}{2}$ of the male population still could not vote
- White male property owners could vote
 - Slow progress to expanding voting access

Home rule

- Colonies generally handled domestic affairs
 - Geographic + economic reason
- Assemblies gained power via “the power of the purse”
 - Raising and spending money
- Consequences
 - Commerce and security (free-riding)
 - Benefitting from Britain’s defenses
 - Britain individually deals with colonies
 - Colonies’ collective action problem
 - Individuality of colonies

Road to independence

- Dismantle home rule
- French and Indian War / Seven Years War
- Ended 1763
- Financial situation of Britain
 - Taxes in Britain
 - Already highly taxed
 - Taxes in the colonies
 - Want more money from the colonies

Colonial response

- Stamp act (1765)
- “No taxation without representation” and home rule
 - Angered by the lack of representation rather than the the actual tax
 - Did not want to be in the British parliament but wanted a voice in the process
- Stamp act congress
 - Collective congress by all the colonies
 - Calls for representative government and condemns the tax
 - Development of protest organizations
 - Ex. Sons of liberty

Townshend Revenue act (1767) and Tea act (1773)

- Boston tea party (1773)
 - Sons of liberty dressed as mohawk indians
 - Dumped 3 ships of tea into the harbor (British East India Company)
 - Resulted in restraining acts and coercive acts (1774)
 - Colonists got shipped off to Britain for trial if they participated in insurrection

Colonial response part 2

- First continental congress (1774)
- Adopts declaration of American rights
 - Reiterate the idea of representation
 - Instated a trade blockade
 - Committees of observation
 - Local groups of citizens to enforce the declaration of American rights
- Second continental congress (1775)
 - First action
 - Ask state governments to adapt Republican form of government
 - The assemblies had been shut down by Britain
 - Bicameral legislature and a governor; currency; army
 - For each state

Colonial response part 3

- Adopts the declaration of independence (1776)
 - Formal separation of colonies from British rule
 - Individualism, freedom, equality, nd rule based on popular consent
 - Uncertainty among colonists; divided on whether to want to split from Britain
 - Concerns of ability to break away; seen as a risk

- Some skirmishes already happening
 - Lexington and Concord, other battles

People

- The elites of the colonies
 - Only 1% of people in the colonies were college-educated
 - These elites had knowledge of philosophy; well-learned
- Jefferson: wrote declaration of independence
- Influence
 - John Locke (1632 - 1704)
 - Thomas Hobbes (1588 - 1679)
 - Edmund Burke
 - Radical ideas that the people grant power for someone to rule on their behalf
- Thomas Paine
 - Common sense (January 1776)
 - Representatives to serve the will of the people
 - Representation had a stake in the community
 - Independent republic
 - Elected officials have a stake in the communities they live in
 - Elected from their communities

Declaration of Independence

- “...Governments are...deriving their just powers from the consent of the governed”
- “...Whenever...Government becomes destructive... it is the Right of the People to alter or to abolish it, and to institute new Government”
- “...Governments long established should not be changed for light and transient causes”
- List of grievances, including taxation without representation
 - Jefferson's grievance about slavery removed
 - Southern state representatives made sure it was removed
- Let to revolutionary war
 - Even though not officially ratified until 1781, the Articles of Confederation were essentially in effect

Articles of Confederation (1781)

- New form of government
- National and state government relationship
- Highly decentralized
- States' free-riding

Weaknesses

- States (the elected officials), not the people chose representatives
- State could override decisions
- Little power to tax
 - States control taxes
 - Lack of national tax
 - States didn't want to pay
- Major legislation: super-majority
 - 9 of the 13 states had to agree to any major law passed
 - The state governments were so different
 - Hard to agree on anything
- No single currency
- No national military
- No executive branch
- No national judicial system
- Amendments to the Articles: unanimous consent

Shay's rebellion (1786)

- Revolutionary war veteran and farmer
- Post-war taxes, debt
- Foreclosures
- Back pay for veterans
- First marched on Massachusetts state court in 1786 to demand to stop foreclosing
- Springfield armory in 1787
 - Massachusetts militia stopped it

The Constitutional Convention

- Philadelphia, PA
- 12 of 13 states
- Patrick Henry (VA) "smelt a rat"
 - Wanted state rights
- Delaware told the delegates to not agree to anything that would hurt Delaware
- Rhode Island did not show up
- They were not ready to scrap the articles of confederation
 - Alexander Hamilton wanted to scrap it
 - James Madison wants big government
- Virginia Plan
 - bicameral legislature
 - House of representatives
 - Chosen by citizens

- Senate
 - Chosen by house of representatives
- Both dependent on state population
- State legislatures
 - No role
- Executive and courts
 - Chosen by house of representatives
 - Created a council of revision
- National government could veto state laws
- House and senate pass laws
- Council of revision accepts or rejects
- Legislature can override veto
- non-compliance of states
 - They would send the military after them
- New Jersey Plan
 - Unicameral
 - States rights but taxation and commerce
 - Simple majority, not supermajority
 - Supreme court limited in scope
 - Plural executive
- What are the plans
- Who proposed them
- Great Compromise (Connecticut Compromise)
 - Bicameral legislature
 - House of representatives
 - The citizens choose them
 - population-dependent
 - Senate
 - The state legislatures choose them
 - Each states get 2
 - Lower house (House of representatives) has “power of the purse”
 - Taxation-related bills have to originate here
- Power sharing
- Representation
- Separation of powers
- Checks and balances

Compromises and collective action

- States and representatives (role of the citizens; role of the state legislatures)

- “Power of the purse”
- Broad and specific powers of Congress
 - (enumerated powers, Article I, section 8)
 - Commerce clause: military, taxes
 - Necessary and Proper Clause
 - If it's necessary and proper to do it than congress can do it
 - Elastic clause

Constitution

- Formally established a government system
 - Separation of powers and checks and balances
 - Article I
 - Congress
 - House of Representatives
 - Terms of office
 - House
 - Two year term
 - Frequent elections give people the opportunity to change their minds
 - Senate
 - 1/3 and continuity
 - Staggered elections
 - Was originally elected by state legislatures, states wanted a say in long term things like foreign policy
 - Article II
 - Executive Branch
 - Avoid consolidation of power
 - “Take care clause”
 - President executes the laws
 - The bureaucracy’s job is to execute the law with presidential guidance
 - Power to declare war; not the president
 - “Advice and consent”
 - President gets advice and consent from senate
 - Approval and judicial and executive appointments
 - Needs approvals for appointments by the Senate
 - Electoral college
 - Article III
 - United States Supreme Court
 - Appointment for life
 - Responsive to law, not people are politics

- Lasts over presidencies
- More nonpartisan
- Not forced to be put in front of the people for election and re-election
- And other courts which Congress may establish
- “Supremacy clause” again
- Judicial review
- Article VI
 - Supremacy clause
 - The federal laws consistent with the constitution is the supreme law of the land
- Article I, sect 8
 - Necessary and proper clause
- Levy taxes
- States cannot regulate interstate commerce
- Coining money
- Article II and independently elected executive
- Large majorities to amend
- Congress can establish lower courts

Power to the people?

- Election of US Senators
- Electoral college
- Voting rights limited
- Slavery not abolished
 - 3/5 compromise

Bill of rights

- First 10 amendments to the constitution

The Amendment process

- Proposal (2 / 3)
 - 2 / 3
- Ratification (3 / 4)

Ratification debate

- The constitution and protection of individual liberty
 - Federalists v. Anti-Federalists
 - Debate over “Bill of Rights”
 - Bill of attainder
 - Passing a law to declare someone guilty

- Ex-post facto
 - Can arrest someone for something they did that became a crime later
- Both of the above were prohibited in constitution
- Bill of rights ratified in 1791

Federalist papers

#10

- Factions
 - Special interest groups
 - Find a way to control the effect of factions
- Republic

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- Separation of powers
- Checks and balances
- “Ambition counteracts ambition”

Checks and balances

- Congress/Supreme Court
 - Supreme court can declare laws passed by congress unconstitutional (judicial review)
 - Or other federal courts
 - All federal judges are confirmed by the US Senate
 - Congress decides the size of the court
 - Congress can impeach federal court judges
- Executive/Supreme Court
 - Supreme court can declare executive branch actions unconstitutional
 - Executive appoints justices
- Executive/Congress
 - President can veto congress bill
 - 2 / 3 of congress (both houses) can override a veto and pass a law
 - An executive order is an order that a president gives to a bureaucratic agency (without going through congress)
 - President advice and consent from senate
 - Need this in order to ratify treaties
 - Executive agreements bypasses the senate
 - Need it to be done quickly

- If they think they can't pass the treaty via senate