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Chapter 9  
The Confederation and the Constitution  
1776-1790

## The Pursuit of Equality

The Continental Army officers formed an exclusive hereditary order called the **Society of the Cincinnati**. **Virginia Statue for Religious Freedom**: created in **1786** by Thomas Jefferson and his co-reformers; stated that religion should not be imposed on anybody and that each person decided his/her own faith. The Philadelphia **Quakers** founded the first **anti-slavery society** in **1775**.

The 1st Continental Congress called for the complete **abolition of the slave trade** in **1774**. Several northern states went further and either completely abolished slavery or provided the gradual emancipation of slaves. No states south of Pennsylvania abolished slavery.

**Civic Virtue**: the idea that democracy depended on the unselfish commitment of each citizen to the public good.

**Republican Motherhood**: the idea that the mother was selflessly devoted to her family; this was described as the model of a proper republican mother.

### Constitution Making in the States

In **1776**, the 2nd Continental Congress called the colonies to draft **new constitutions**. Massachusetts called a special convention to draft its constitution and then submitted the final draft to the people.

As **written** documents, the state constitutions were intended to represent a **fundamental law**, superior to the short-lived impulses of ordinary legislation.

In the Revolutionary era, the capitals of New Hampshire, New York, Virginia, North Carolina, South Carolina, and Georgia were all moved westward.

### Economic Crosscurrents

Economic democracy preceded political democracy.

After gaining its independence, the United States had limited trade with Britain, so it had to start making more products "in-house."

The post-war economy was not very good, and many Americans were poorer after the war.

### Creating a Confederation

Shortly before declaring independence in 1776, the 2<sup>nd</sup> Continental Congress appointed a committee to draft a written constitution for the new nation. The finished product was the **Articles of Confederation**. It was **adopted** by Congress in **1777** and it convinced France that America had a genuine government. The Articles of Confederation wasn't **ratified by all 13 colonies until 1781**.

### The Articles of Confederation: America's First Constitution

The 13 colonies were joined together for joint action in dealing with common problems such as foreign affairs.

**Congress had 2 major handicaps**: 1) It had no power to regulate commerce, and this loophole left the states free to establish conflictingly laws regarding tariffs and navigation. 2) Congress couldn't enforce its tax collection program. The states were NOT required to pay the government taxes, they were merely asked.

The Articles of Confederation had many faults, but it was a stepping stone towards the Constitution.

### Landmarks in Land Laws

**Land Ordinance of 1785**: stated that the acreage of the Old Northwest should be sold and the proceeds should be used to help pay off the national debt.

**Northwest Ordinance of 1787**: a uniform national land policy; created the Northwest Territories and gave the land to the government, the land could then be purchased by individuals; when a territory had 60,000 people, it might be admitted by Congress as a state, with all the privileges of the 13 other states.

### The World's Ugly Duckling

Britain declined to make any commercial treaty with the colonies or to repeal its Navigation Laws (required the use of British ships to trade with Britain). Lord Sheffield argued in his pamphlet that Britain could win back America's trade without repealing the navigation laws.

The **British remained in the Americas** where they maintained their fur trade with the Indians. The American states did not honor the treaty of peace in regard to debts and Loyalists. The British primarily stayed because they wanted to keep the Indians on their side in case the Americans decided to

attack Canada.

Spain was openly unfriendly to the Americans. It closed off the Mississippi river to commerce in **1784**.

### The Horrid Specter of Anarchy

**Shay's Rebellion:** occurred in western Massachusetts in **1786**; impoverished back-country farmers, who were losing their farms through mortgage foreclosures and tax delinquencies, attempted to enforce their demands of cheap paper money, lighter taxes, and a suspension of property takeovers; led by Captain Daniel Shays. The uprising was crushed but it led to changes in laws.

### A Convention of "Demigods"

In **1786**, Virginia called for a **convention at Annapolis, Maryland** to deal with the issue of **interstate commerce**. Alexander Hamilton saved the convention from collapsing (delegates from only 5 states showed up). He called Congress to meet in Philadelphia the next year to fix **entire fabric of the Articles of Confederation**.

Alexander Hamilton was an advocate of a powerful central government.

On **May 25, 1787**, 55 representatives from every state except for Rhode Island were sent to Philadelphia to discuss how the government should operate. (**Constitutional Convention**) George Washington was elected as the leader.

### Patriots in Philadelphia

The delegates hoped to save the revolutionary idealism and make it into a strong political structure.

### Hammering Out a Bundle of Compromises

Some of the delegates decided they would **scrap** the old Articles of Confederation, contradicting instructions from Congress to revise it.

The "**large-state plan**" was proposed by **Virginia** and was the first suggested framework of the Constitution. It said that a state's representation in Congress should be based upon the state's population.

**New Jersey** presented the "**small-state plan**." It centered on equal representation in Congress without regards to a state's size or population.

A "**Great Compromise**" was eventually agreed upon. It called for representation by population in the **House of Representatives**, and equal representation in the **Senate**. Each state would have 2 senators.

The new **Constitution** also called for a President. Because of arguments over if the slaves would count towards the general population of the state, the "**three-fifths compromise**" was created. The new Constitution also called for the **end of the slave trade by the end of 1807**. All new state constitutions except Georgia's forbade overseas slave trade.

The Constitution was meant to be a broad document. It grew out of **common law**, in which it is unnecessary to be specific about every possible detail.

Rhode Island was not present at the Constitutional Convention.

### Safeguards for Conservatism

The members of the Constitutional Convention **agreed economically** (they demanded sound money and the protection of private property), and they **agreed politically** (they favored a stronger government with 3 branches and with checks and balances system).

### The Clash of Federalists and Anti-federalists

**Anti-federalists** opposed the stronger federal government because they feared it would take away the power of the common man. They were led by Samuel Adams, Patrick Henry, and Richard Henry Lee. The anti-federalists mostly consisted of the poorest class.

**Federalists** were led by George Washington and Benjamin Franklin. Most of the Federalists lived in the settled areas along the seaboard. Overall, they were wealthier, more educated, and better organized than the anti-federalists. They also controlled the press.

### The Great Debate in the States

Delaware, Pennsylvania, New Jersey, Georgia, Connecticut, Massachusetts, Maryland, South Carolina, and New Hampshire were the first 9 states to sign the Constitution. Virginia, New York, North Carolina, and Rhode Island were the only states to not sign it. (**4 Laggard States**)

**The Four Laggard States**

Virginia and New York eventually ratified the Constitution before it was put into effect. Rhode Island and North Carolina were the last states to ratify it, and they did so only after the new government had been in operation for a few months.

These 4 states did not want to ratify the Constitution, but they could not safely exist as the only states "outside of the fold."

**A Conservative Triumph**

The architects of the Constitution believed that every branch (executive, judiciary, and legislative) effectively represented the people.

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