

Chapter 9

The Confederation and the Constitution, 1776–1790





I. The Pursuit of Equality

- Changes in social customs-Mr. & Mrs.; boss v. master; indentured servitude attitudes.
- Society of Cincinnati
- Growth of trade organizations and changes in inheritance laws.
- Anglican Church re-formed to Episcopal Church. Disestablished everywhere.
- Virginia Statute for Religious Freedom-Jefferson role
- Impact on slavery? Did attitudes change? Where?

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- Equality for women? Abigail Adams views.
- Civic virtue and the importance of mothers-
"republican motherhood">some educational
opportunities expanded.

II. Constitution Making in the States

- Massachusetts-oldest constitution in the world-submitted to the people for ratification.
- Common features in state constitutions:
 - a) written contracts that defined the powers of government
 - b) fundamental law
 - c) bill of rights
 - d) annual election of legislators
 - e) weak judicial and executive branches
 - f) legislatures given broad powers
- State legislatures look more representative
- Several state capitals moved westward towards the interior.

III. Economic Crosscurrents

- Former crown lands seized. Some Loyalists land cut up into smaller pieces>benefitted smaller owners.
- Economic democracy preceded political democracy
- British imports cut in half-more American manufacturing
- American shipping hurt by loss of British stuff
- New commercial outlets (free trade) were a positive economic development; however general economic picture was not rosy; war debt, profiteering, inflation. People perhaps worse off after the war than before.






IV. A Shaky Start Toward Union

- A name or a true nation?
- Hard economic times-Britain flooded American market with surplus goods.
- But, people were hopeful-great leaders like Washington, Jefferson, Madison, Adams

V. Creating a Confederation

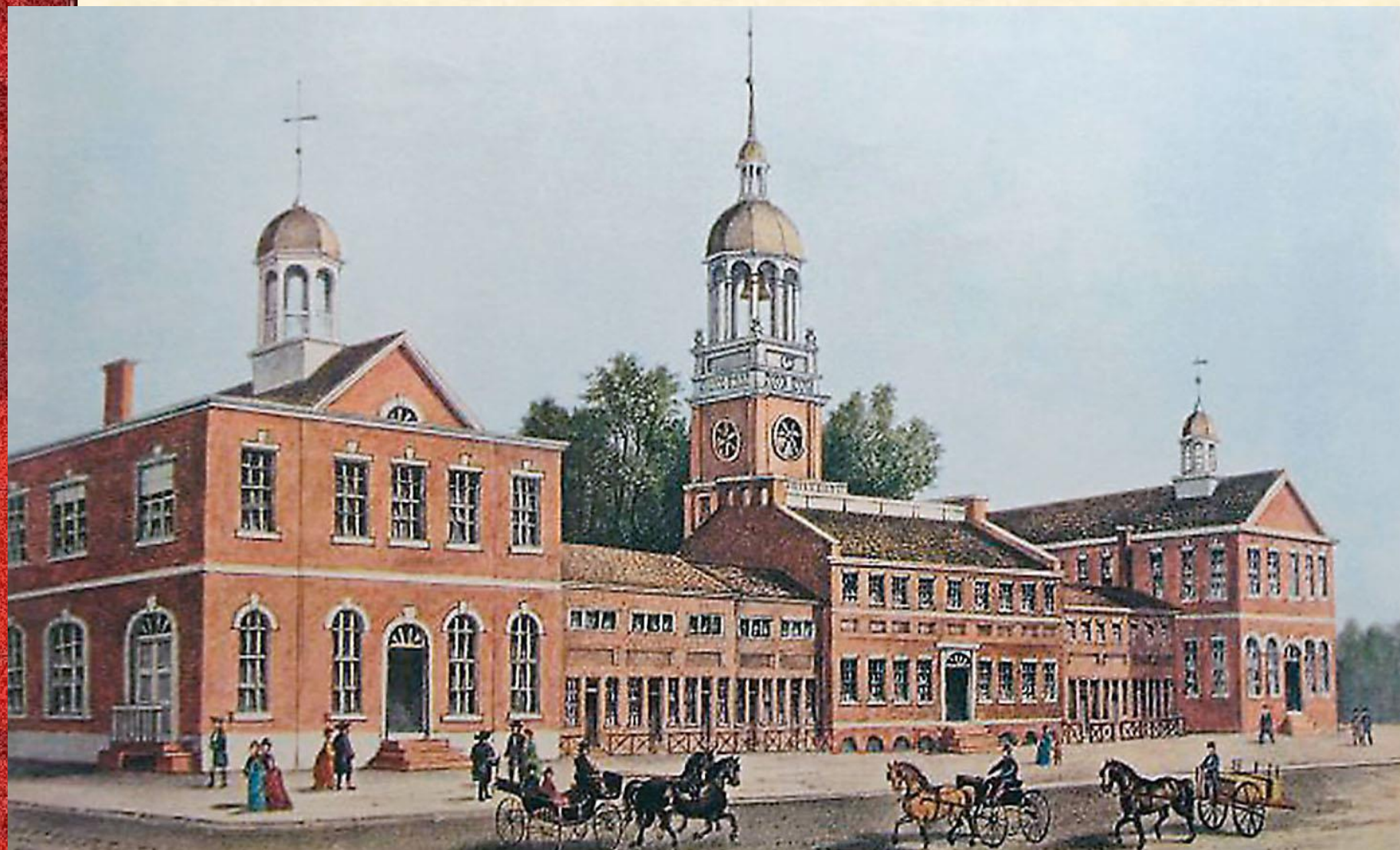
- A plan of government-the Articles of Confederation
- Process of approval or ratification
- What was necessary to ratify it?
- What became a “bond of union”?

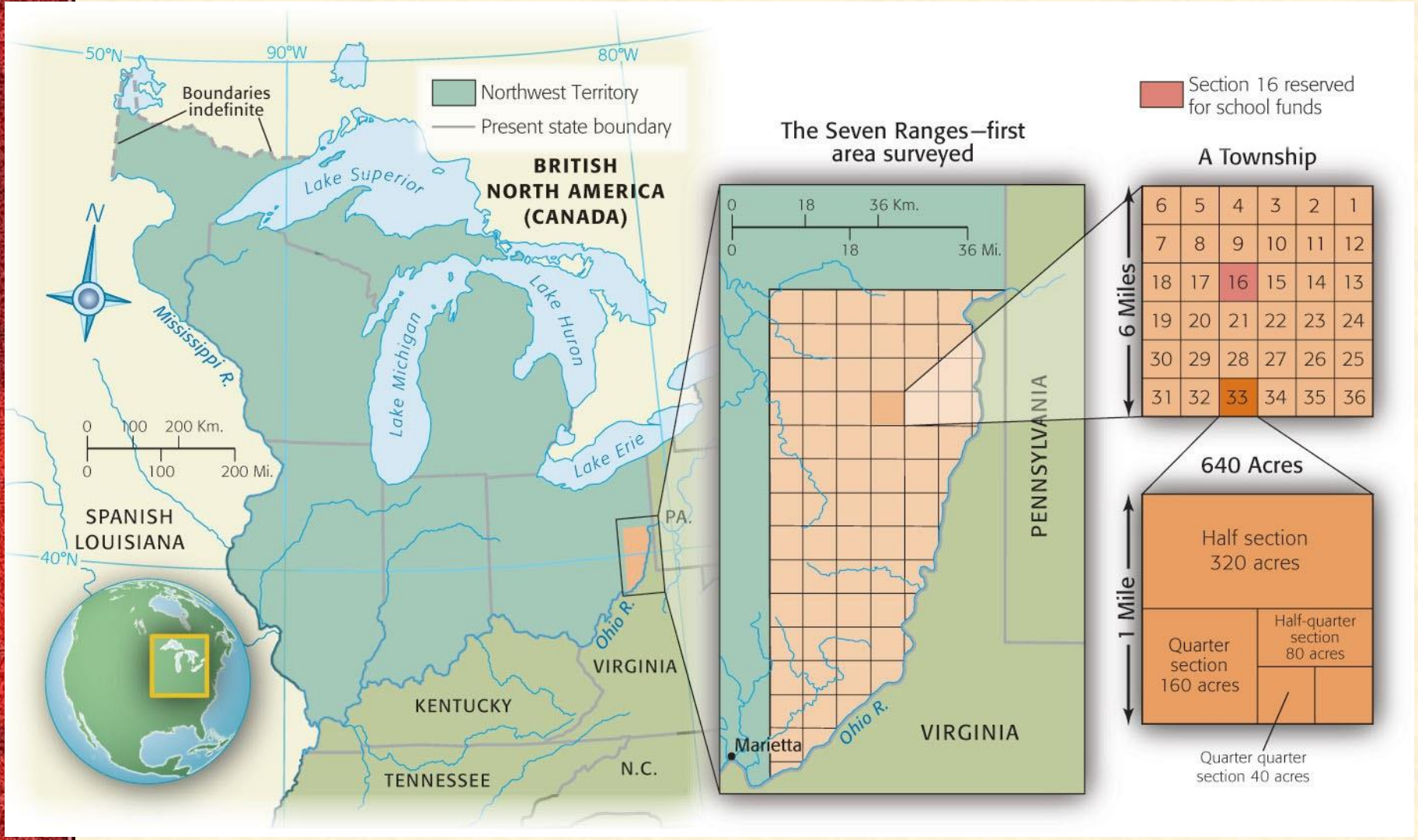




VI. The Articles of Confederation: America's First Constitution

- Provisions of the Articles of Confederation
- Strengths of the Articles
- More importantly, the weaknesses of the Articles





VII. Landmarks in Land Laws

- Land Ordinance of 1785-dealt with land northwest of the Ohio River and east of the Mississippi R and south of Great Lakes originally; provided the land should be sold-proceeds used to pay off national debt; land was surveyed; divided into townships (36 sq. mi.) and sections (36 sq. mi.); the 36th section set aside for public education. Very orderly process in Old Northwest-sharp contrast to south of the Ohio River
- Northwest Ordinance of 1787

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- Northwest Ordinance of 1787- how would the territory of the Old Northwest be governed?
Two territorial stages-1) subordinate to federal government (territorial governor and courts)
2) when population reached 60,000, apply for statehood with U.S. Congress; forbade slavery in Old Northwest-existing slaves grandfathered in.
- The plan worked so well, it was carried over to other frontier territories

VIII. The World's Ugly Duckling

- Britain continued Navigation Laws with U.S. and refused to enter into commercial treaty with U.S.
- British continued to hold forts and trading posts along the northern frontier. Sought to annex a rebellious area in Vermont (Allen brothers). Justified by saying U.S. had not honored treaty (treatment of debt and Loyalists). Actually, Britain was nurturing relationship with natives and trade with them. They served as buffer between U.S. and Canada.

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- U.S. Congress had little power to deal with British problem.
- Spain unfriendly to U.S. and controlled mouth of the Mississippi. In 1784, Spain closed access to Americans.
- Spain claimed a large area north of Gulf of Mexico granted to the U.S. by the British-also had a fort at Natchez (disputed soil)
- Britain and Spain stirred up Natives towards antagonizing Americans in the frontier.
- Pirates in North African states ravaging Med, commerce. (Barbary Coast)



IX. The Horrid Specter of Anarchy

- Economic problems- states were refusing to pay-U.S. does not have the ability to raise revenue>interest on the national debt was piling up.
- Individual states embroiled in boundary disputes.
- Some states had imposed duties on goods from neighboring states.
- Some states printing paper money. What is its value? Caused economic issues. Favored debtors over creditors.

Shay's Rebellion

- Daniel Shays- Massachusetts farmer-former Revolutionary War captain and war veterans rebel (mostly small farmers). Many farms were being foreclosed upon. Attacked courthouses, stopped foreclosure proceedings, etc. Wanted paper money, lighter taxes, and suspension of foreclosures. Who has the power and authority to do anything about it?
- Massachusetts with the support of wealthy families raised a small mercenary army and the rebellion was crushed. But it showed the weakness of the Articles of Confederation. Concerned about “democratic despotism”, “mobocracy”. Perhaps a stronger central government was needed.



X. A Convention of “Demigods”

- Virginia called for a convention to be held at Annapolis in 1786. 9 states appointed but only 5 attended. Alexander Hamilton engineered the calling of another convention to be held at Philadelphia in 1787. This would become the Constitutional Convention.
- All states except R.I chose delegates-all appointed by state legislatures-a select group of propertied men chosen as delegates.
- 55 delegates met in Philadelphia on May 25, 1787. Meetings were conducted in secrecy. George Washington elected chairman. James Madison, Alexander Hamilton.
- Who was not there?

XI. Patriots in Philadelphia

- Generally speaking, who were the delegates
Were there some common characteristics?
What were their goals? Did they bring any bias to the Convention?
- On what was there consensus? Economic role, protect private property, republican form of government, degree of democracy, consent of the governed, limited government
- What were the issues that would require compromise?

XII. Hammering Out a Bundle of Compromises

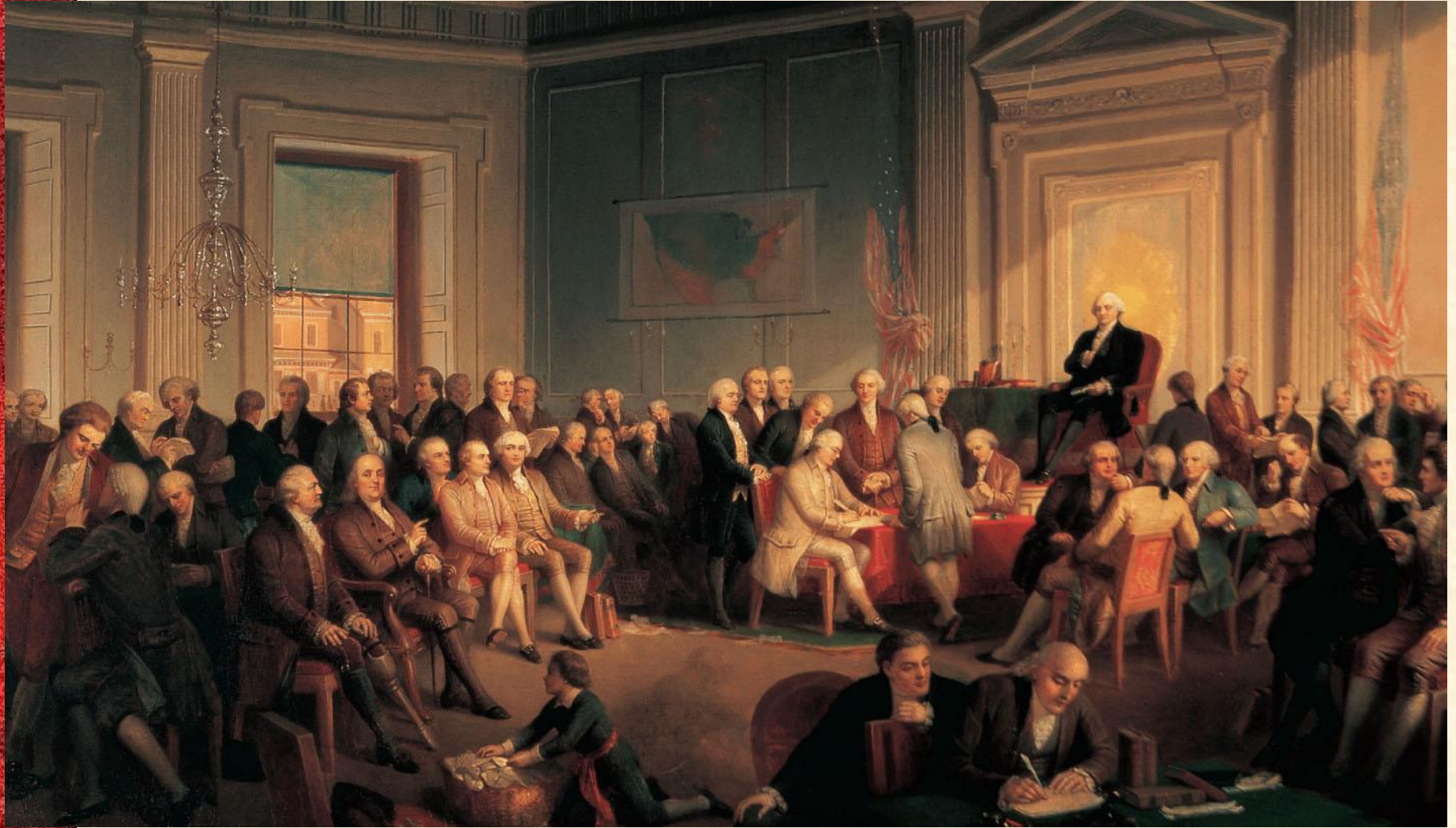
- The issue of political representation regarding the states. Equal or by population. a. Virginia Plan (large state) b. New Jersey Plan (small state) c. Connecticut Compromise (Great Compromise)
- Basic characteristics- short (7 articles, ten pages), came out of common law, flexible.

A Bundle of Compromises

- A robust but restrained executive (presidency)
- Electoral College to elect president
- Three-fifths Compromise
- Compromise on the slave trade

TABLE 9.1 Evolution of Federal Union

Years	Attempts at Union	Participants
1643–1684	New England Confederation	4 colonies
1686–1689	Dominion of New England	7 colonies
1754	Albany Congress	7 colonies
1765	Stamp Act Congress	9 colonies
1772–1776	Committees of Correspondence	13 colonies
1774	First Continental Congress (adopts The Association)	12 colonies
1775–1781	Second Continental Congress	13 colonies
1781–1789	Articles of Confederation	13 states
1789–1790	Federal Constitution	13 states



XIII. Safeguards for Conservatism

- How was the Constitution “conservative”? What does that mean?
- Protect against excesses of the “mob”!
- Federal judges appointed; Senators chosen by state legislatures; President elected by the Electoral College; Only H of R directly elected by the people and that was to a short term of two years. Other top officials appointed-not elected.
- Voter qualifications?
- 39 signed the Constitution-3 declined

XIV. The Clash of Federalists and Antifederalists

- 9 states needed to ratify by convention. (Article VII)
- Factions developed over the issue of ratification-those who supported it (the Federalists) and those who didn't (the Antifederalists)
- The Federalists-George Washington, James Madison, Alexander Hamilton, John Jay, Benjamin Franklin- the more wealthy, educated people along the seaboard-better organized, controlled the press.

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- Antifederalists- Patrick Henry, Samuel Adams, Richard Henry Lee-State's right proponents, backcountry dwellers, small farmers.
- What were the antifederalists biggest complaints?-aristocratic, a standing army, loss of state sovereignty, District of Columbia, 2/3 to ratify, loss of annual elections, no Bill of Rights, no reference to God

TABLE 9.2 Strengthening the Central Government

Under Articles of Confederation	Under Federal Constitution
A loose confederation of states	A firm union of people
1 vote in Congress for each state	2 votes in Senate for each state; representation by population in House (see Art. I, Secs. II, III)
Vote of 9 states in Congress for all important measures	Simple majority vote in Congress, subject to presidential veto (see Art. I, Sec. VII, para. 2)
Laws administered loosely by committees of Congress	Laws executed by powerful president (see Art. II, Secs. II, III)
No congressional power over commerce	Congress to regulate both foreign and interstate commerce (see Art. I, Sec. VIII, para. 3)
No congressional power to levy taxes	Extensive power in Congress to levy taxes (see Art. I, Sec. VIII, para. 1)
Limited federal courts	Federal courts, capped by Supreme Court (see Art. III)
Unanimity of states for amendment	Amendment less difficult (see Art. V)
No authority to act directly upon individuals and no power to coerce states	Ample power to enforce laws by coercion of individuals and to some extent of states



XV. The Great Debate in the States

- Special elections > conventions
- 4 small states quickly ratify
- Penn first large state; Massachusetts overcomes early opposition by narrow margin-it was very important state.
- Federalists give solemn promise mto add a bill of rights.
- New Hampshire becomes 9th state. June 21, 1788 officially adopted, but Virginia and New York had not ratified yet along with North Carolina and R.I.

TABLE 9.3 Ratification of the Constitution

State	Date	Vote in Convention	Rank in Population	1790 Population
1. Delaware	Dec. 7, 1787	Unanimous	13	59,096
2. Pennsylvania	Dec. 12, 1787	46 to 23	3	433,611
3. New Jersey	Dec. 18, 1787	Unanimous	9	184,139
4. Georgia	Jan. 2, 1788	Unanimous	11	82,548
5. Connecticut	Jan. 9, 1788	128 to 40	8	237,655
6. Massachusetts (incl. Maine)	Feb. 7, 1788	187 to 168	2	475,199
7. Maryland	Apr. 28, 1788	63 to 11	6	319,728
8. South Carolina	May 23, 1788	149 to 73	7	249,073
9. New Hampshire	June 21, 1788	57 to 46	10	141,899
10. Virginia	June 26, 1788	89 to 79	1	747,610
11. New York	July 26, 1788	30 to 27	5	340,241
12. North Carolina	Nov. 21, 1789	195 to 77	4	395,005
13. Rhode Island	May 29, 1790	34 to 32	12	69,112

XVI. The Four Laggard States

- Fierce opposition in Virginia (largest state) led by Patrick Henry but Virginia ratified 89-79. (hard to survive as an independent state)
- New York heavily anti-federalist; Federalist led by Alexander Hamilton. He, John Jay, and James Madison write the *Federalist Papers*, 85 essays published in newspapers and elsewhere promoting ratification. The *Federalist Papers* are the best commentary ever written on the Constitution and still sold in book form. Federalist #10 the most famous defends republican form of government in such a large territory

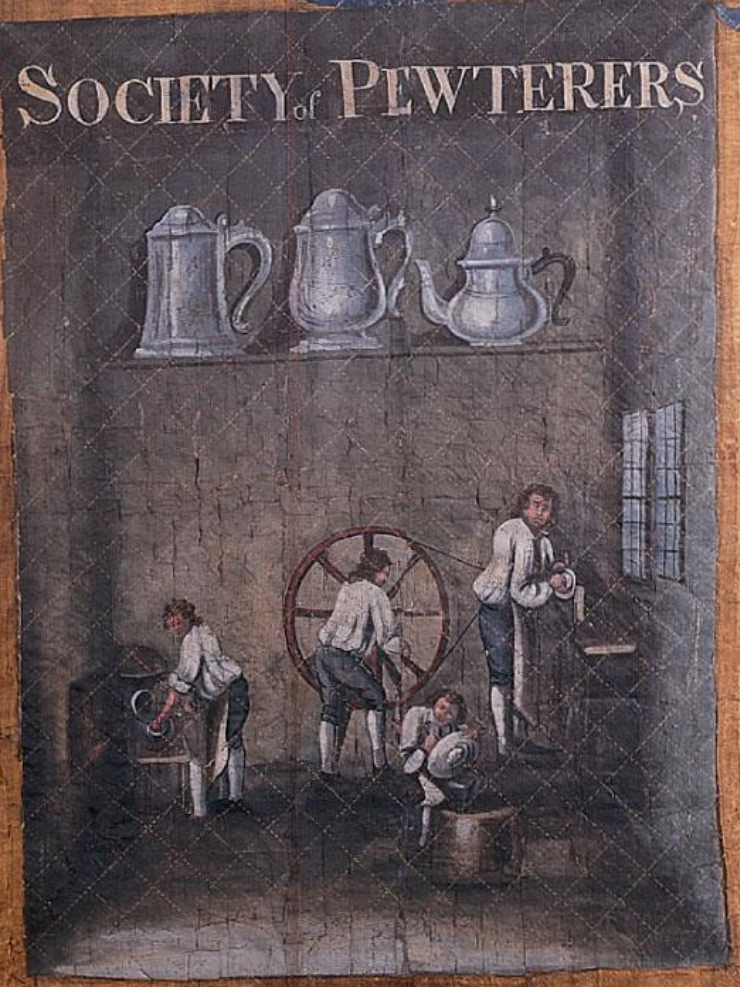
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- Close vote: 30-27. Delegates realized it would be hard to prosper apart from the union. Also proposed 32 amendments to the Constitution.
- Hostile convention in North Carolina did not take a vote. R.I. did not summons a convention-rejected it by popular referendum. The two last states would not ratify for several months and even then, unwillingly.
- Fight for ratification very contentious. Some riots and disturbances. Last four ratified because they had to. They could not safely exist outside of the union.



The Federal Plan Most Solid & Secure
 Americans Their Freedom Will Enjoy
 All Arise Shall Flourish in Columbus Land
 And All her Sons Join as One Social Band.

SOCIETY of PEWTERERS

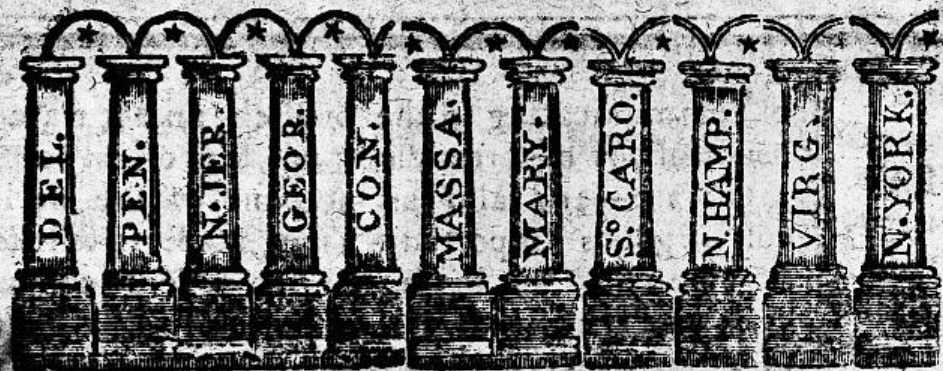


XVII. A Conservative Triumph

- A minority triumph
- Only $\frac{1}{4}$ of population involved in the process.
- Safeguards had been erected against “mob-rule” excess. Some would have argued it had put government out of the reach of the people-the people’s sovereignty was in a single branch of government-the legislature. Federalists would argue the people were represented in all three branches of government-republicanism had been preserved. The Constitution had reconciled the conflicting principles of liberty and order. (Read p.177-178)

REDEUNT SATURNIA REGNA.

On the erection of the Eleventh **PILLAR** of the great Na-
tional **DOME**, we beg leave most sincerely to felicitate "OUR DEAR COUNTRY."



Rise it
will.



The foundation
good—it may yet
be SAVED.

The **FEDERAL EDIFICE.**

CHRONOLOGY

1774 First Continental Congress calls for abolition of slave trade

1775 Philadelphia Quakers found world's first anti-slavery society

1776 New Jersey constitution temporarily gives women the vote

1777 Articles of Confederation adopted by Second Continental Congress

1780 Massachusetts adopts first constitution drafted in convention and ratified by popular vote

1781 Articles of Confederation put into effect

1783 Military officers form Society of the Cincinnati

1785 Land Ordinance of 1785

1786 Virginia Statute for Religious Freedom
Shays's Rebellion
Meeting of five states to discuss revision of the Articles of Confederation

1787 Northwest Ordinance
Constitutional Convention in Philadelphia

1788 Ratification by nine states guarantees a new government under the Constitution