



# **The Origins of the Constitution**



# The Constitution

In this lecture we will cover...

1. The Origins of a New Nation
2. The Declaration of Independence
3. The Articles of Confederation
4. Writing the Constitution
5. The Basic Principles of the U.S. Constitution
6. Methods of Amending the Constitution

# The Origins of a New Nation

- Colonists came to the New World during the 1600s for a variety of reasons including
  - to escape religious persecution
  - find plentiful land
  - and to seek a new start in life.
- The colonists were allowed significant liberties in terms of self-government, religious practices, and economic organization.

# Trade and Taxation

- The British followed a national policy of mercantilism.
- The colonists were outraged. Violent protests began.
- The Sons of Liberty were organized by Samuel Adams and Patrick Henry to act out against the Crown.



# The First Continental Congress

- The Continental Congress met in Philadelphia in September and October 1774.
- They were not yet thinking of open rebellion.
- They called for colonial rights of petition and assembly, trial by peers, freedom from a standing army, and the selection of representative councils to levy taxes.

# The Second Continental Congress

- King George refused the demands of the Continental Congress.
- Thus the Second Continental Congress convened on May 10, 1775, and were united in their hostility toward Britain.
- King George sent 20,000 more troops and the Revolutionary War had begun.

# The Declaration of Independence

- On July 2, 1776 the colonies voted for independence (except New York which abstained).
- On July 4, 1776 the Congress adopted the Declaration of Independence penned by Thomas Jefferson.
- The philosophies that shaped the Declaration of Independence form the theoretical basis for the new government.

# The Articles of Confederation

- The colonists wanted a constitution--a written document that defines rights and obligations and puts limits on government.
- The colonists created a loose league of friendship under "The Articles of Confederation."
- The Articles were created predominantly as reaction to the unitary system used in Britain in which all of the power and sovereignty is vested in the central government.



# The Articles of Confederation

- The government created under the Articles saw the new country through the Revolutionary War.
- However, once the British surrendered in 1781, the country was no longer united by a common enemy and quarrels escalated among the states.
- Under the Articles the Congress had trouble getting a quorum of nine states to conduct business. Even when quorum was made, the states did nothing but bicker.

# Problems Under the Articles of Confederation

- The Congress had no power to tax. States coined their own money and trade wars erupted.
- Congress had no power to regulate commerce among the states or ensure a unified monetary system.
- States conducted foreign relations without regard to neighboring states' needs or wants. Duties, tariffs, and taxes on trade proliferated with different ones in each state.

# Failure of the Articles

- The economy began to deteriorate. Several years of bad harvests ensued. Farmers went into ever-deeper debt.
- Many leaders worried about questions of defense, trade, and frontier expansion.
- Under the Articles, the central government was not strong enough to cope with these problems.
- By 1786, several states had called for a convention to discuss ways of strengthening the national government.

# Daniel Shays's Rebellion

- Before that convention could meet, unrest broke out in America. In Massachusetts, banks were foreclosing on farms and the Massachusetts legislature enacted a new law requiring all debts be paid in cash.
- Daniel Shays, a Revolutionary War veteran, was outraged and frustrated with the new law and the huge debt burden of farmers.
- Shays led a group of 1500 armed and disgruntled farmers to the capital, Springfield. They forcibly prevented the state court from foreclosing on their farms.



# Shays's Rebellion

- Congress authorized the Secretary of War to call up a national militia to respond and appropriated \$530,000 for the purpose. Every state except Virginia refused.
- Finally, a *private* army put down Shays's Rebellion.
- This failure of Congress to protect the citizens and property of Americans was a glaring example of the weakness of the Articles.

# Writing the Constitution

- On February 21, 1787, Congress called for a Constitutional Convention in Philadelphia "for the sole and express purpose of revising the Articles of Confederation."
- In May, the convention met and the Virginia delegation suggested they throw out the Articles and devise a new system of government!
- This act could be considered treason, so they adopted a pledge of secrecy.

# *The Framers*

- May 25, 1787.
- 12 of the 13 states sent delegates to Philadelphia.
- 55 “Framers” attended the meeting. Of the 55, 31 were college graduates, 2 college presidents, 3 professors. 2 would become president and 28 would serve in congress.

# *The Framers*

- The Framers meet in the same room where the Declaration of Independence was signed 11 years earlier.
- George Washington was elected president of convention.
- Each State was given one vote.
- Each delegate was sworn to secrecy.
- They met 89 days.



# *Virginia Plan*

- New government with three separate branches: legislative, executive, and judicial.
- The legislative would be bicameral.
- Congress would have all the powers it had under the Articles of Confederation

# Virginia Plan



George Washington

- The other two branches would join to create the “council of revision.”
- Called for the creation of a truly national government.
- Several states objected.

# *New Jersey Plan*

- Unicameral Congress with each state equally represented.
- Power was mostly powers to tax and regulate trade.
- Executive of more than one person, selected by the Congress.
- Judicial would be selected by the executive and be just one body.

# Connecticut Compromise



John Adams

- The meeting was just about to end before this compromise was offered.
- Congress would be two houses.
- Senate, states represented equally.



# *Connecticut Compromise*

- In the House, representation would be based on the population of the states.
- Combined the features of the Virginia and New Jersey Plans.
- Also called the Great Compromise.



Thomas Jefferson

# The Virginia and New Jersey Plans

- The delegates submitted plans for a new government.
- The Virginia Plan proposed that sovereignty be vested in the people and not the states.
- The New Jersey Plan would have primarily strengthened the Articles by giving Congress the ability to raise revenues and would have kept a unicameral legislature chosen by state legislatures.

# The Great Compromise

- Connecticut offered a compromise taking elements of each plan.
- The legislature would be bicameral with the lower house (House of Representatives) based on population and the upper house (Senate) premised on equal representation for the states.
- Both houses had to pass all legislation so both small and large states were satisfied.

# Different Plans Presented at Convention

	Virginia Plan	New Jersey Plan	Conn. Compromise
Legislative			
Executive			
Judicial			



# Different Plans Presented at Convention

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Legislative	Two Houses Lower based on population Upper selected by lower		
Executive			
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Judicial	National Court and Judges chosen by Congress	One Supreme Court appointed by Executive Supremacy Clause	One Supreme Court chosen by President, approved by Congress Supremacy Clause

# *Three-Fifths Compromise*

- Once it was decided that seats would be based on population, the debate started about what to do with slaves.
- Southern states wanted slaves counted, Northern states disagreed.
- The Northern states finally agreed. Slavery ended in 1865.

# *Ratifying the Constitution*

- There were two groups that dealt with the Constitution-Federalists and Anti-Federalists

# *Ratifying the Constitution*

- Federalists
- Favored the ratification of the Constitution.
- Stressed the weaknesses of the Articles.
- Anti-Federalists
- Against the ratification of the Constitution.
- Did not like the denial of States to print money.



# *Ratifying the Constitution*

- Two major features of the Constitution drew the most fire.

One- The increased powers of the central government.

Two- The lack of a Bill of Rights.

- There was no provision for freedom of speech and religion, nor rights of fair trial.

# *Ratifying the Constitution*

- September 13, 1788 the Constitution was ratified.
- Congress met for the first time on March 4, 1789.

# *Dates to Remember*

## Steps to a More Perfect Union

1774	First Continental Congress
1776	Declaration of Independence
1781	Articles of Confederation
1787	Constitutional Convention
1789	Constitution becomes effective

# The Basic Principles of the U.S. Constitution

- **Federalism** - power is divided among the states and the national government.
- **Separation of Powers** – power was divided vertically through federalism and horizontally through separation of powers among the three branches of government.
- **Checks and Balances** - The power of each branch of government is checked or limited and balanced by powers held by other branches.



# The Basic Principles of the U.S. Constitution

## **The Supremacy Clause -**

Article IV says that federal law is supreme. So if the states and federal government argue, the feds win.

# The Articles of the Constitution

- **Article I** - establishes the legislative branch.
- **Article II** - establishes the executive branch headed by the president.
- **Article III** - establishes the judicial branch.
- **Articles IV** – establishes the "full faith and credit clause" that mandates that states honor the laws and proceedings of another state.
- **Articles IV through VII** - also include rules on the admission of new states to the union, how amendments can be added to the Constitution, prohibits religious tests for holding office, and set out procedures for the ratification of the document.

# Methods of Amending the U.S. Constitution

- **Formal Method –**

Article V creates a two-stage process for amending the Constitution: proposal and ratification.

- An amendment can be proposed by two-thirds of both houses of Congress or
- by two-thirds of state legislatures requesting Congress to call a national convention to propose amendments.
- An amendment can be ratified by a favorable vote in three-fourths of all state legislatures or by such a vote in specially called ratifying conventions called in three-fourths of the states.

- **Informal Method –** The Constitution also changes informally through judicial interpretation and through cultural and social change.