

Drafting, Drawing & Revising the American Nation

Principles of Government to be Implemented

- ⊗ Natural Rights—Life, Liberty, Property
 - ⊕ Protection of Individual Liberties
 - ⊕ Recognition of Rights & Needs of the Majority
- ⊗ Republicanism
 - ⊕ Classical republicanism--small, homogeneous republics
 - ⊕ Elite republicanism--run by the elite for the benefit of the nation as a whole
 - ⊕ Democratic, Egalitarian republicanism--participatory democracy.
- ⊗ Division of Power within the Nation as a Whole
 - ⊕ Unitary System--one level of government
 - ⊕ Confederation--loose alliance
 - ⊕ Federal System--binary system
- ⊗ Separation of Power within the National Government
 - ⊕ Legislative Branch—Making Laws
 - ⊕ Executive Branch—Enforcing Laws
 - ⊕ Judicial Branch—Judging Laws
 - ⊕ Mechanisms for Checks & Balances

Trends Following the American Revolution

- ⊗ **Social & Cultural Trends**
 - ⊕ Hierarchy & Aristocracy Weakened
 - ⊕ Expulsion of Loyalists & Redistribution of Land
- ⊗ **Attacks on Slavery**
 - ⊕ Gradual Abolition & Emancipation in MA, NH, RI
 - ⊕ State Constitutions End Slave Trade & Slavery itself
 - ⊕ Quakers begin 1st Anti-Slavery Society
- ⊗ **Democratic Trends**
 - ⊕ Women's Suffrage in NJ
 - ⊕ Ratification of State Constitutions by Popular Vote
- ⊗ **Religious Changes**
 - ⊕ Virginia Statutes of Religious Freedom
 - ⊕ Disestablishment of churches in State Constitutions

Articles of Confederation

- ⊗ Represented the Issues of the Revolution
 - ⊕ Fear of Centralized Government
 - ⊕ Political Representation

- ⊕ Fear of Taxation & Standing Army
- ⊕ Created by 2nd Continental Congress in 1777
 - Approved by States in 1781
 - Western Land Cessions Key to Ratification
- ⊗ Based on the fundamental needs of National Defense & Economic Markets/Growth

Successes of Articles

- ⊗ Negotiation of Favorable Treaty of Paris
- ⊗ Land Ordinance of 1785
 - ⊕ Provided for Survey & Sale of Public Land
 - ⊕ Divided Townships into 36 Sections, 1 Mile Square
 - ⊕ Provided a Section for Public Schooling
- ⊗ Northwest Ordinance of 1787
 - ⊕ Established Territorial Status, Governance
 - ⊕ Created Process for Territories becoming States when population reached 60,000
 - ⊕ Slavery Forbidden in Northwest Territories
- ⊗ Establishment of Postal System & attempt at a National Currency

Failures of Articles

- ⊗ Primarily in Economics & Foreign Policy
 - ⊕ Spain Refuses "Right of Deposit" in New Orleans
 - ⊕ France Demands Repayment of Loans
 - ⊕ Britain Enforces Navigation Acts, Retains Forts along Canadian Border
 - ⊕ States Refuse to Pay Taxes, Create own Currency
 - ⊕ States Levy Duties on Interstate Commerce, Quarrel over Boundaries
- ⊗ States Fail to Deal with Domestic Crises—Shays' Rebellion & Fears of "Mobocracy"
- ⊗ Annapolis Convention called to deal with Interstate Commerce, but expands to amend Articles

Constitutional Convention

- ⊗ **Interpretations of Founders' Intent**
 - ⊕ Self-Serving—To Protect Economic & Political Interests of Framers
 - ⊕ Pragmatic—Thorny questions of sovereignty & common national concerns vs. regional issues
 - ⊕ Idealistic—"To form a more perfect Union"
- ⊗ **Participants**
 - ⊕ Secretive--Statesmanship or Deception
 - ⊕ Though many Veterans of Revolution, Thomas Jefferson, Patrick Henry & other heroes missing
 - ⊕ Washington—President of the Convention

- ⊕ Franklin—Serves as Steadying Influence
- ⊕ Madison—Father of the Constitutions

Constitutional Highlights

- ⊕ **Natural Rights** protected within body of Constitution but no explicit protection of Individual Liberties
- ⊕ **Federal System**--State & National Powers, Concurrent Powers
- ⊕ **Separation of Powers** with **Checks & Balances**
- ⊕ **Necessary & Proper Clause** allowed for expansion
- ⊕ **Ratification** Process goes directly to the People
 - ⊕ Consistent with Popular Sovereignty
 - ⊕ End-run around those with a vested interest in status quo--Local & State politicians who stood to lose power to a National Government
- ⊕ **Election Process** ⇒ **Intended Constituency**
 - ⊕ **House of Representatives:** Directly Elected ⇒ Represent the People of District
 - ⊕ **Senate:** Elected by State Legislatures ⇒ Represents the State as a Whole
 - ⊕ **President:** Elected Indirectly by People through Electoral College ⇒ Represents the Nation as a Whole
 - ⊕ **Judiciary:** Not Elected--Appointed & Confirmed ⇒ Represents the Constitutions, Posterity, Truth

Major Compromises

- ⊕ **Genius of the Constitution**
 - ⊕ Represents Rules of Engagement, Not a Complete Blueprint
 - ⊕ Founders recognized that VA, MA & NY had to be in the Union
 - ⊕ Series of compromises on major issues.
- ⊕ **Great/CT Compromise**—Congressional Representation
 - ⊕ **NJ/Small States Plan** proposed by William Patterson—Equal State Representation
 - ⊕ **VA/Large States Plan** proposed by James Madison—Representation based on Population
 - ⊕ Creation of Bicameral Legislature, Senate & House of Representatives
- ⊕ **Three-Fifths Compromise**—Recognition & Acceptance of Slavery
 - ⊕ **Non-Slave States** wanted slaves counted **for taxation** but **not representation**
 - ⊕ **Slave States** wanted slaves counted **for representation** but **not taxation.**
 - ⊕ Determined that 60% of slaves would be counted for both representation & taxation

- ⊕ Promise that Congress would not interfere with slavery for 20 years
- ⊗ **Commerce Compromise**
 - ⊕ Cotton & Tobacco States ⇒ No Taxes on Exports
 - ⊕ Northern manufacturing states ⇒ tariffs on imports to protect American goods & to raise revenue for nation
 - ⊕ Constitution has no tax on exports but Congress had the power to regulate interstate commerce.

Major Ratification Issues

- ⊗ Federalism--States' Rights sacrificed to Strong, Central Government
 - ⊕ Supremacy Clause made Constitution supreme law of the land;
 - ⊕ Elastic/Necessary & Proper Clause allowed for unlimited growth;
 - ⊕ Standing Army & Power to Tax insured that national government had the tools to oppress.
- ⊗ Separation of Powers/Checks & Balances
 - ⊕ Checks & Balances diluted Separation of Powers;
 - ⊕ Branches of government became "partners in crime."

Ratification of Bill of Rights

- ⊗ **1st**—Freedoms of religion, speech, press, assembly, petition
- ⊗ **2nd**—Militias & Right to bear arms
- ⊗ **3rd**—Quartering of troops
- ⊗ **4th, 5th, 6th, 7th, & 8th**—Searches, Rights of Accused, Criminal Trials, Civil Suits, Bail & Punishments
- ⊗ **9th**—Rights not Enumerated
- ⊗ **10th**—Powers reserved to States & People

Filling in the Political Gaps

- ⊗ Organizing the Legislative Branch--Creation of the Committee System & Rules of Order.
- ⊗ Filling in the Executive Branch--Creation of the Cabinet.
- ⊗ Fleshing Out the Judiciary--Passage of the Judiciary Acts (1789 & 1801) to define Article III.
- ⊗ Constitutional Interpretation
 - ⊕ Defining Judicial Review
 - ⊕ Strict Construction—10th Amendment
 - ⊕ Loose Construction—"Necessary & Proper," "Elastic" clause (Article I, Section VIII)
- ⊗ Main Conflicts—Judicial Acts, Cabinet, National Bank, Alien & Sedition Acts, VA & KT Resolutions, Louisiana Purchase

Domestic Economic Policy

- ⊗ Two primary economic problems:
 - ⊕ Debt owed to foreign & domestic creditors;
 - ⊕ Limited nature of American production & trade.
- ⊗ Hamilton's Reports on Public Credit & Manufactures
 - ⊕ Advocated paying off all debt "at par" or face value;
 - ⊕ Assumption of all state debt would bind creditors to nation;
 - ⊕ Protective tariffs & excise taxes as revenue sources for nation;
 - ⊕ Proposed National Bank to protect gov't funds & stimulate business;
 - ⊕ Advocated moving US away from agrarian roots to factory system.
- ⊗ Growing regional divides--Urban/Rural, North/South
 - ⊕ Whiskey Rebellion--Reaction to Hamilton's failure to understand frontier economic reality;
 - ⊕ Assumption angered many southern states that had already paid off debts;
 - ⊕ Hamilton's plan disregarded needs of traditional agricultural exports in favor of future industrial developments.

Foreign Policy--England or France?

- ⊗ French Revolution & Reign of Terror
 - ⊕ Most important issue separating Federalists & Jeffersonians;
 - ⊕ Many believed its influence would initiate second chapter of American Revolution.
- ⊗ Neutrality Proclamation (1793)
 - ⊕ Washington knew US was militarily & economically weak, early entry on wrong side would prove disastrous;
 - ⊕ Would allow US to trade with both sides & prevent a British naval blockade.
- ⊗ Implicit support for Britain?
 - ⊕ Jay's Treaty (1794) did no more than ask Britain to live up to Treaty of Paris, but did avert war;
 - ⊕ Jeffersonian opposition led to formal creation of Democratic Republican Party;
 - ⊕ Jay's Treaty led to French anger & Quasi War with US during Adams Administration;
 - ⊕ Federalist suspicion of France grew after Citizen Genet & XYZ Affairs.

Development of First Party System

- ⊗ Mere Extensions of Factions?
 - ⊕ Madison in *Federalist #10* argued that factions would prevent tyranny of the majority, would be savior of the republic
 - ⊕ Assumed factions were temporary & that Americans would belong to multiple factions.
- ⊗ Political parties fit neither assumptions.
 - ⊕ Federalist & Democratic-Republicans
 - ⊕ Differences existed among Founders during Critical & Constitutional Periods;
 - ⊕ Had little impact while Washington served as unifying symbol;
 - ⊕ Solidified during late Washington Administration & well in place by end of Adams Administration.