



## LESSON 2

# THE ROOTS OF THE CONSTITUTION

### UNIT 1

#### Constitutional Underpinnings of the U.S. Government (≈10%)

##### **WHY DID WE COME UP WITH THE ARTICLES OF CONFEDERATION (AND A CONFEDERATION)?**

- Declaration of Independence >> Revolutionary War >> Articles of Confederation (1781) and its weak central government
- U.S. began as a confederation (a “firm league of friendship”)
  - Weak national government – true power is in the hands of the state legislatures
  - States retained sovereignty (they kept their power)
  - Unicameral Congress in which each state had one vote
  - No executive branch or judicial branch
- Flaws
  - Congress lacked the power to levy taxes; had to ask the states for revenue
  - Congress lacked the power to regulate or promote commerce among the states
  - No chief executive and no national judiciary
  - No national currency
  - Laws required passage by 9 of the 13 states
  - Amendments required unanimous consent of all 13 states
  - Weak and inadequate central government

##### **CHANGE IS COMING**

- Annapolis Convention in 1786 called for a convention to amend the Articles of Confederation
- Shays' Rebellion acted as a catalyst to strengthen the Articles of Confederation

##### **CONSENSUS – WHAT WERE THE THINGS THAT THEY AGREED UPON AT THE START?**

- All delegates supported republican government (representative republic); scrap Articles
- Common philosophy was a general framework of government favoring the protection of property
- States would determine voting qualifications; suffrage for property owners only
- Provisions designed to increase the economic powers of the central government
- Agreed on national government consisting of a supreme legislative, executive, and judiciary branch
- Agreed on the need for a strong executive and an independent judiciary
- Stronger national government, but not tyrannical

##### **CONFFLICT AND COMPROMISE**

- The Virginia Plan (favored by more populous states)
  - Representation based on population and/or monetary contributions to the national government by the state
- The New Jersey Plan (favored by small states)
  - Representation would be equal among the states
- The Connecticut Compromise

- Created a bicameral congress – two legislative houses
  - One house in which representation would be based on population – only form of direct democracy in original Constitution for elected officials (Virginia Plan = House of Reps) and in which all bills for raising or appropriating money would originate
  - Second house in which each state would have an equal vote (New Jersey Plan = Senate)
- North-South Compromises
  - Ratification of treaties
    - Southern delegates insisted on a two-thirds vote (supermajority) in the Senate before presidents could ratify treaties
  - Three-fifths Compromise
    - Issue of counting slaves for representation in the House of Representatives
    - For every five slaves, they would count as three people for representation in the House
    - North happy because South has to pay more taxes
    - South happy because they get more reps
  - Slave Trade compromise
    - Forbidding Congress the power to tax the export of goods from any State, and, for 20 years, the power to act on the slave trade.
- Election of the President
  - Life term v. annual election >> compromise of a 4-year term.
  - Method of election:
    - Some wanted election by Congress.
    - Some wanted election by state legislatures.
    - Some wanted direct election.
    - Compromise: Electoral College system.
- Other issues
  - Constitution establishes Supreme Court, but Congress may establish inferior courts

### **TO ADOPT OR NOT TO ADOPT? - FEDERALISTS VERSUS ANTIFEDERALISTS**

- Main debate was primarily about the scope of power of the central government
  - The Federalists wanted a stronger national government and weaker state governments (balanced relationship between federal and state governments)
  - The Anti-federalists wanted a weaker national government and stronger state governments
- Federalists:
  - Views
    - Elites most fit to govern
    - Feared "excesses" of democracy
    - Favored strong central government
- Antifederalists:
  - Views
    - Feared concentration of power in hands of elites
    - Believed that government should be closer to the people
    - Feared strong central government, favored stronger state governments
    - Feared the lack of Bill of Rights (which would be added later to protect individual liberty) – their strongest argument
- *The Federalist Papers* (Hamilton, Madison, Jay) helped the ratification process

## **FREE RESPONSE QUESTION (FRQ) REVIEW**

1. The Constitution was an attempt to address problems of decentralization that were experienced under the Articles of Confederation.
  - (a) List three problems of decentralized power that existed under the Articles of Confederation. For each problem you listed, identify one solution that the Constitution provided to address the problem.
2. The United States Constitution established a democratic government but also contained several provisions that limited majority rule. Throughout the next two centuries, the role of majority rule in the United States government and politics continued to change.
  - (a) Explain two ways the United States Constitution limited majority rule.
3. The United States Constitution's ratification resulted from a political process that required compromise between the Federalists and Anti-Federalists. Many of the debates in government today continue to reflect the concerns of each perspective.
  - (a) Compare the positions of Federalists and Anti-Federalists regarding the power of the national government.
  - (b) Describe two features of the original Constitution that have led to a growth in the power of the national government.
  - (c) Explain how each of the following additions to the Constitution addressed Anti-Federalist concerns.
    - First Amendment
    - Tenth Amendment
4. The framers of the Constitution devised a federal system of government that affected the relationship between the national and state governments.
  - (a) Compare state sovereignty under the Articles of Confederation and under the Constitution.
5. The Constitution limited the power of the national government and restricted popular control; however, citizen participation has changed over time.
  - (a) Explain how the following features of the Constitution limited the people's ability to influence the national government.
    - Electoral college
    - Selection of senators before the Seventeenth Amendment
6. The Constitution limited the power of the national government and restricted popular control; however, citizen participation has changed over time.
  - (a) Explain how the selection of senators prior to the Seventeenth Amendment limited the people's ability to influence the national government.

## MULTIPLE CHOICE (MC) REVIEW

1. As the Revolutionary War widened to include all thirteen colonies, the 1777 Congress established a new national government under which of the following?
  - (A) Articles of Confederation
  - (B) Declaration of Independence
  - (C) *The Federalist Papers*
  - (D) Gettysburg Address
  - (E) Doctrine of Natural Rights
2. What was the **first** form of government that was planned for the newly independent United States?
  - (A) a federal system
  - (B) a unitary system
  - (C) a confederation system
  - (D) a libertarian system
  - (E) a monarchy
3. What was Shays's Rebellion?
  - (A) the initial uprising by the Americans against the British in 1753
  - (B) a demonstration of the need for every state to deal with domestic unrest on its own
  - (C) a revolt by slaves in South Carolina that led to the inclusion of the three-fifths compromise in the Constitution
  - (D) an uprising by farmers in western Massachusetts protesting mortgage foreclosures
  - (E) a suppression by the U.S. Marines
4. Most delegates to the Constitutional Convention accepted the idea of \_\_\_\_\_.
  - (A) state supremacy
  - (B) direct democracy
  - (C) tyranny of the majority
  - (D) republican government
  - (E) executive hegemony
5. The three-fifths compromise was mainly a compromise between which of the following?
  - (A) Whigs and Democratic Republicans
  - (B) northern and southern states
  - (C) Federalists and Antifederalists
  - (D) large and small states
  - (E) the Senate and the House of Representatives
6. As a delegate from a small state at the Constitutional Convention, you would have been most likely to support which of the following as the basis for representation in the legislature?
  - (A) the Connecticut Plan
  - (B) the bicameral plan
  - (C) the supremacy clause
  - (D) the Virginia Plan
  - (E) the New Jersey Plan
7. What did the Federalists favor?
  - (A) strong state governments, relative to the central government
  - (B) a strong central government, relative to the state governments
  - (C) an all-powerful central government
  - (D) strong ties to Native American tribes
  - (E) strong economic ties to Europe
8. What was *The Federalist*?
  - (A) a book written by George Washington explaining the reasons for American independence
  - (B) a book written by Thomas Jefferson while he was in Paris as the U.S. Ambassador to France
  - (C) a device by the Antifederalists to encourage opposition to the Annapolis Convention
  - (D) editorials published in newspapers in the southern states to convince them that the proposed Constitution would leave states with the same powers they had under the Articles of Confederation
  - (E) a series of essays written to encourage ratification of the proposed Constitution
9. Under the Constitution as ratified, members of the Senate were
  - (A) chosen by the state legislatures
  - (B) appointed by the governor
  - (C) elected by the people
  - (D) selected by the House of Representatives
  - (E) chosen through the electoral college