

ROOTS OF THE AMERICAN CONSTITUTIONAL EXPERIMENT

During the Revolutionary War, the Continental Congress wrote the Articles of Confederation to provide unity for the separate states that loosely formed the new country. The Articles allowed state governments to retain their powers, and the newly formed central government had severe limitations.

Declaration of Independence >> Revolutionary War >> Articles of Confederation (1781-1789) 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
 - States retained all powers not specifically granted to Congress
 - Unicameral Congress in which each state had one vote, regardless of population or size
 - 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
 - Amendments required unanimous consent of all 13 states
 - Weak and inadequate central government

The weaknesses evident in the Articles of Confederation allowed the states to focus on their own powers. With no central government to control them, the states taxed each other, printed their own money, made treaties with foreign governments, and often refused to uphold the laws of the Confederation government. States quarreled over borders and tariffs, the country was badly in debt, and foreign countries saw the lack of a strong central government as weakness that could easily be exploited. Many leaders began to push for a government strong enough to settle disputes, to regulate commerce, and levy limited taxes. An important turning point occurred when farmers in western Massachusetts, in debt and unable to pay their taxes, rebelled against foreclosures, forcing judges out of court and freeing debtors from jails. Shays' Rebellion was eventually controlled, but it encouraged leaders to seek a stronger central government.

Weaknesses of the Articles of Confederation	→	How the Constitution Remedied Weaknesses
Articles created a "league of friendship" between the states	→	Constitution created a federal system of government
Congress could not tax; Only request contributions	→	National government was given the power to tax
Congress could not regulate interstate trade/foreign commerce	→	Congress given power to regulate commerce and foreign trade
No separate executive to enforce the acts of Congress	→	Article II created a separate executive department whose job is to enforce the laws of Congress
No national judiciary to handle state disputes	→	Article III created a national judiciary with a Supreme Court and lower courts as established by Congress
States and national gov't had the authority to coin money	→	Only the national government has the authority to coin money
Each state had one vote, regardless of size or population	→	States are represented based on population in the House of Representatives and equality in the Senate
Nine of 13 states required to pass legislation	→	Bills need a simple majority in both houses of Congress
Unanimous consent required to amend the Articles of Confederation	→	Two-thirds of Congress and three-fourths of the states are necessary to amend the Constitution

CONSENSUS AT THE CONVENTION

The founders' common belief in a balanced government led them to construct a government in which no single interest dominated. They were concerned with the "excesses of democracy" demonstrated by Shays' Rebellion and they agreed with John Locke that government should protect property.

Benjamin Franklin - a strong proponent of liberty and equality - proposed that all white males have the right to vote, but most delegates believed that only property owners should have the franchise. In their view, ordinary people would either scheme to deprive property owners of their rights or become the "tools of demagogues." In the end the founders did not include specific voting requirements in the Constitution, leaving each state to decide voter qualifications for its citizens.

The founders had consensus on the following issues:

- 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