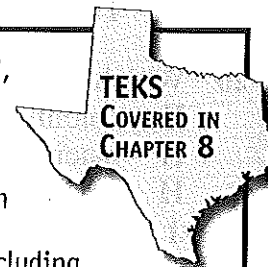


ESTABLISHING A NEW GOVERNMENT, 1777 TO 1788



- **History 1A** Identify the major eras and events in U.S. history through 1877, including the creation and ratification of the Constitution, ... and describe their causes and effects.
- **History 1C** Explain the significance of writing of the U.S. Constitution....
- **History 4C** Explain the issues surrounding important events of the American Revolution, including writing the Articles of Confederation....
- **History 4D** Analyze the issues of the Constitutional Convention of 1787, including the Great Compromise and the Three-Fifths Compromise.
- **History 4E** Analyze the arguments for and against ratification.
- **History 6A** Explain how the Northwest Ordinance established principles and procedures for orderly expansion of the United States.
- **Government 15A** Identify the influence of ideas from historic documents, including *The Federalist Papers*, and selected Anti-Federalist writings on the U.S. system of government.
- **Government 15B** Summarize the strengths and weaknesses of the Articles of Confederation.
- **Government 15C** Identify colonial grievances listed in the Declaration of Independence and explain how those grievances were addressed in the U.S. Constitution....
- **Government 15D** Analyze how the U.S. Constitution reflects the principles of limited government, republicanism, checks and balances, federalism, separation of powers, popular sovereignty, and individual rights.
- **Government 16A** Summarize the purposes for and process of amending the U.S. Constitution.
- **Government 17A** Analyze the arguments of the Federalists and Anti-Federalists, including those of Alexander Hamilton, Patrick Henry, James Madison, and George Mason.
- **Citizenship 20A** Explain the role of significant individuals such as Charles de Montesquieu ... in the development of self-government in colonial America.
- **Citizenship 21C** Summarize a historical event in which compromise resulted in a peaceful resolution.

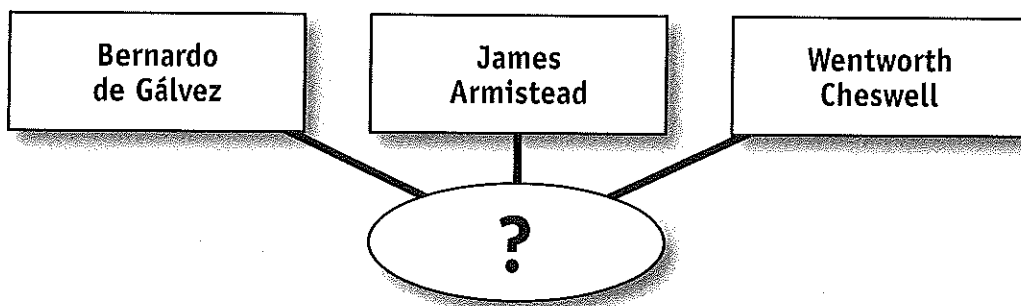
In this chapter, you will learn how Americans established a new system of government after achieving their independence from Britain. You will also learn how the Articles of Confederation proved too weak to govern the new nation, and how a new Constitution was written including writing the Articles of Confederation in 1787 and adopted in 1788.

KEY TERMS AND PEOPLE IN THIS CHAPTER

- | | | |
|-----------------------------|-----------------------------|----------------------------|
| ■ Articles of Confederation | ■ "Three-fifths Compromise" | ■ Limited Government |
| ■ Northwest Ordinance | ■ Commerce Compromise | ■ Amendment |
| ■ Critical Period | ■ Republicanism | ■ Ratification |
| ■ Shays' Rebellion | ■ Federalism | ■ Federalists |
| ■ Constitutional Convention | ■ Checks and Balances | ■ Anti-Federalists |
| ■ "Great Compromise" | ■ Popular Sovereignty | ■ <i>Federalist Papers</i> |

- 19 Which statement is most consistent with the views of Samuel Adams?
 A Taxation without representation is tyranny. **Hist 4(B)**
 B Colonists should be grateful to be part of the British Empire.
 C Citizens, under British rule, should support King George III.
 D The English King deserves respect and loyalty from his subjects.
- 20 Which action by the colonists could be categorized as an act of civil disobedience?
 F colonists throwing British tea into Boston Harbor **Citi 20(C)**
 G placing restrictions on trade with Spain and France
 H paying the stamp tax to British tax collectors
 J firing guns at British soldiers at Lexington and Concord, Massachusetts

Use the diagram and your knowledge of social studies to answer following question.



- 21 Which title best completes this web diagram?
 A Signers of the Declaration of Independence **Hist 4(B)**
 B Participants in the Boston Massacre
 C Heroes of the American Revolution
 D Artists of the Colonial Period

Use the passage and your knowledge of social studies to answer the following question.

“I long to hear that you have declared an independency; and by the way in the new code of laws which I suppose it will be necessary for you to make, I desire you would remember the ladies, and be more generous and favorable to them than your ancestors. Do not put such unlimited power into the hands of the husbands. Remember, men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion....”

- 22 Whose views are represented in this passage?
 F Benjamin Franklin **Hist 4(B)**
 G Haym Solomon
 H Bernardo de Gálvez
 J Abigail Adams
- 23 Why were the colonists angered by issuance of the Proclamation of 1763?
 A It took too much land from Canada. **Hist 4(A)**
 B It gave territory in Florida to France.
 C It limited their freedom to move west.
 D It promoted raids by Native American Indians.

— IMPORTANT IDEAS —

- A. After declaring independence from Great Britain, each colony became an independent state and adopted its own state constitution.
- B. The **Second Continental Congress** enacted the **Articles of Confederation**. This created a loose confederation of states. Each state had one vote in the Confederation Congress, and nine states were needed to pass a law. The Confederation Congress controlled foreign affairs but was unable to raise its own army or collect taxes. It depended on the state governments for support.
- C. The Confederation Congress passed the **Northwest Ordinance** in 1787, establishing principles for the orderly future expansion of the United States. Slavery was prohibited in the Northwest Territory.
- D. During the “**Critical Period**,” (1781–1787), the new nation faced many problems under the Articles of Confederation. States taxed goods from other states, and each state printed its own money, making trade difficult.
- E. In 1786, farmers in Massachusetts rose up in **Shays’ Rebellion**. Although it was put down by state militia, there was no national army if it had spread.
- F. American leaders decided a stronger government was needed. At Annapolis, they decided to invite delegates to Philadelphia to revise the Articles.
- G. The **Constitutional Convention** was held in Philadelphia in 1787. The delegates soon decided to abandon the Articles and write a new constitution.
- H. The delegates agreed that the new government should be based on the principles of **republicanism**, **popular sovereignty**, and **limited government**. They also agreed on the need for a stronger national government.
- I. Several important issues divided members of the Convention. Delegates from larger states wanted representation in Congress by size, while smaller states wanted each state to be equal. The “**Great Compromise**” settled the dispute.
- J. A second issue divided the delegates over the issue of how slaves would be counted towards a state’s representation in Congress. The issue was settled with the “**Three-fifths Compromise**.”
- K. The new constitution established the principles of **federalism**, **popular sovereignty**, **limited government**, **separation of powers**, and **checks and balances** to make sure the new central government would not become too strong.
- L. The **Preamble** of the Constitution stated the purposes of the new government. The delegates also created a process to amend the Constitution.
- M. After the Constitution was completed, the country debated whether to **ratify** (*approve*) it. **Anti-Federalists** believed the new government would be too strong and tyrannical. **Federalists** believed a stronger government was needed and that the principles of federalism and separation of powers were sufficient safeguards to protect individual liberties.
- N. The Constitution was ratified after its supporters promised a **Bill of Rights**.

ESSENTIAL QUESTIONS

- What were the Articles of Confederation?
- What conditions led Americans to change their system of government?
- What issues were resolved at the Constitutional Convention?
- How well did the new Constitution embody the principles of the Declaration of Independence?

WHAT IS GOVERNMENT?

By nature, human beings are social. They must live in communities in order to survive. Communities need to make rules, decide disputes, and protect their members from aggressors. The body given the authority to carry out binding decisions for a community is known as its **government**.

In fact, the word *govern* comes from an ancient Greek word for steering a ship. Just as a pilot guides a ship, a government guides the conduct of the members of a community in their dealings with each other and outsiders. The government makes rules that members of the community must follow, and it has the power to enforce those rules. It represents the community in dealing with other communities.

POWERS OF GOVERNMENT

Governments possess three powers to carry out their authority:

Legislative Power
(to make laws)

Judicial Power
(to apply the laws to
specific situations)

Executive Power
(to carry out the laws)

REPRESENTATIVE DEMOCRACY

Once people are in a situation in which they must create a new government, another question immediately arises — *What type of government should they create?* Creating a government is a matter of great concern to each member of society. Why do they give people whom they hardly know power over their lives? And how much power can be given to a government without encouraging it to threaten their liberties?

Americans had many different types of government from which to choose after independence. They could have created a monarchy, a constitutional monarchy, or a **representative democracy** — rule by popularly elected representatives. In **1776**, the colonists chose to establish a representative democracy. Creating a stable democracy proved to be a difficult challenge.

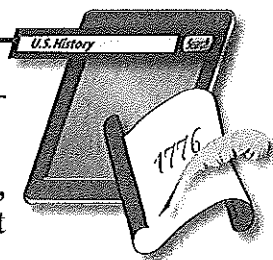
THE ARTICLES OF CONFEDERATION

The first governments of the new United States were actually established at the state, not the national level. After declaring independence, each former colony became an independent state. Colonial charters were rewritten as state constitutions.

Americans also recognized the need for some form of central, or national, government. The Continental Congress itself was inadequate to serve as a permanent form of national government. But because of their recent experiences with British rule, the former colonists were afraid of creating a central government that would be too powerful. The Constitutional Congress drafted the **Articles of Confederation** in 1776 and 1777 to solve this problem.

After the Articles of Confederation were written, the document had to be approved by each state before it could become official. Although the Articles were sent to the states in November 1777, it took almost four years, until March of 1781, for each state to *approve* them in full.

ACTING AS AN AMATEUR HISTORIAN



The thirteen new states finally adopted the Articles of Confederation in 1781. Here are some of its major provisions:

“Article II. Each state retains its sovereignty [supreme power], freedom and every power, jurisdiction and right, which is not expressly delegated to the United States....

Article III. The States hereby enter into a firm league of friendship with each other, for their common defense, the security of their liberties, and their general welfare, binding themselves to assist each other against all attacks upon them....

Article V. In determining questions in the United States in Congress assembled, each State shall have one vote.

Article VI. No State, without the consent of the Congress, shall enter into any conference, alliance or treaty with any king, prince or state.”

★ What were the goals of the new Confederation?

★ Identify one advantage and one disadvantage of one of the articles above.

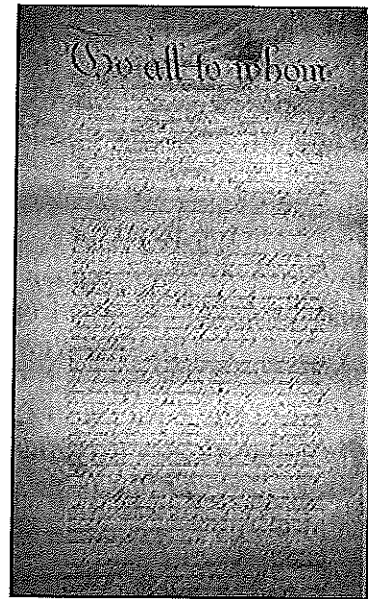
STRUCTURE OF THE CONFEDERATION GOVERNMENT

Members of the Continental Congress feared that individual freedom might be threatened by the national government if it had too much power. Therefore, the Articles of Confederation deliberately placed more power in the hands of the individual states, making the new national government very weak. It was only a loose association — a “league of friendship,” with only one branch of government — the Congress.

POWERS OF CONGRESS

Each state could send several delegates, but had only one vote in the new Confederation Congress. In this way, each state was given equal representation. The powers of the Confederation Congress were extremely limited. It could declare war and settle disputes between states, issue currency, and conduct affairs with Indian tribes and foreign countries. It could also command its own army, but it depended on the states to raise the soldiers for this army. There was no central executive and no national court system in the new government.

The new Congress could not even collect its own taxes. For revenue, each state was given an amount to pay based on the value of its land. This was meant to cover the costs of providing for the nation's "common defense." The Articles of Confederation failed to include a way of requiring a state to turn over its tax monies to the Congress.



The Articles of Confederation

Since the Confederation Congress relied on the states to give it money, it is not surprising that it found itself unable to pay its debts, either at home or abroad. The states failed to supply the Confederation government with enough funds to meet its needs.

The support of nine states was needed to pass most laws, making it difficult for the new Confederation Congress to enact new legislation. The Congress also lacked the power to regulate the national economy. States could even tax goods from other states and issue their own money.

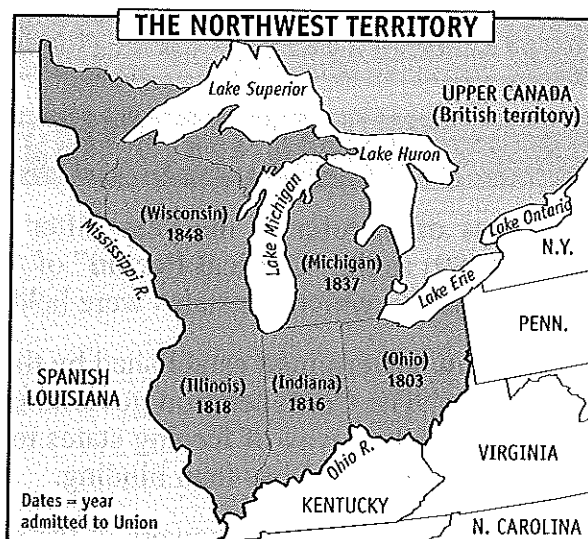
ARTICLES OF CONFEDERATION		
Powers of the Confederation Government	Limits on the Confederation Government	Structure of the Confederation Government
<ul style="list-style-type: none">• Declare war• Negotiate treaties• Manage foreign affairs• Coin (print) money• Establish a postal system• Establish a military from troops contributed by states	<ul style="list-style-type: none">• No power to enforce laws• No national courts to settle disputes between the states• No power to tax• No power to regulate trade: could not put tariffs on foreign goods	<ul style="list-style-type: none">• One branch of government: Congress (a one-house legislature)• One vote in Congress for each state• No national executive• No national courts

ACHIEVEMENTS

Despite its shortcomings, the Articles of Confederation created a national government that had some important achievements. It successfully concluded the peace treaty with Britain, ending the American Revolution. It helped develop the concept of **limited government** — a system in which government has only certain powers and cannot act beyond the powers it was specifically given. The Articles of Confederation also developed the idea that American citizenship included both **privileges** and **immunities** (*rights to take certain actions without penalty*). State governments could not deny these privileges and immunities to citizens who came from other states.

The Confederation Congress also passed the **Land Ordinance of 1785** and the **Northwest Ordinance of 1787**. These acts prohibited slavery in the Northwest Territory, encouraged free public education, and guaranteed both religious freedom and trial by jury. Procedures were also established for governing the **Northwest Territory**, which was divided into smaller territories.

The Northwest Ordinance introduced a method for admitting these territories into the Union as new states once a population of 60,000 people was achieved within each territory. The new states were admitted on terms of complete equality with the original thirteen states.

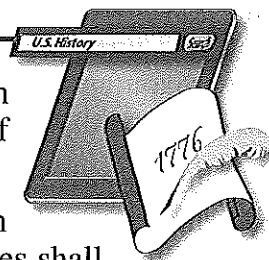


ACTING AS AN AMATEUR HISTORIAN

The Northwest Ordinance of 1787 spurred the westward expansion of the United States. Here is one of the most important provisions of this document:

“Article 5. There shall be formed in the territory, not less than three nor more than five States; And when any of the said States shall have sixty thousand free inhabitants, such State shall be admitted into the Congress of the United States on an equal footing with the original States in all respects, and shall be at liberty to form a constitution and State government: Provided the constitution and government shall be republican, and in conformity to the principles contained in these articles....”

- ★ What requirements did the Northwest Ordinance have for the admission of a territory into the Union as a new state?
- ★ Why was this ordinance such a significant achievement?



APPLYING WHAT YOU HAVE LEARNED

- ★ Make a Venn diagram showing the powers of the Confederation and state governments under the Articles of Confederation.
- ★ Debate the pros and cons of the Articles of Confederation.
- ★ Make a chart showing the structural weaknesses and achievements of the Articles of Confederation.

THE NATION ADOPTS A NEW CONSTITUTION

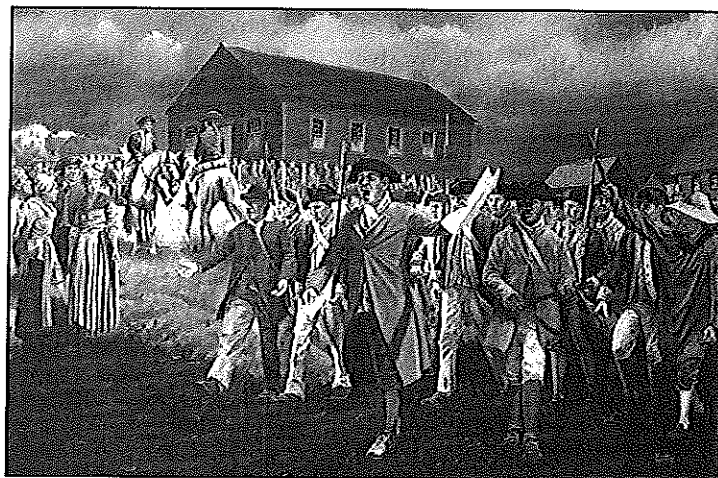
THE CRITICAL PERIOD, 1781–1787

Historians often refer to the years after the adoption of the Articles of Confederation (1781–1789) as the “**Critical Period**” of American history. George Washington described this as a time in which the states were held together by a “rope of sand.”

The new government established by the Articles of Confederation suffered from many weaknesses. The Confederation government had no national executive and could not tax. Because it had no way of forcing states to obey it, the decisions of the Confederate Congress were more advisory than binding.

In seeking to limit the powers of the central government, American leaders had gone too far. They had created a national government with too little power to govern effectively. The new system also did not meet the needs of the growing economy. States were allowed to tax goods from other states; no uniform currency existed; there was a shortage of currency; and unemployment was widespread. The Confederation Congress was unable to protect manufacturing and shipping. Land values saw no rise in value because the government could neither defend its borders nor protect settlers living on the frontier.

Shays’ Rebellion. A crisis soon arose that brought these weaknesses into sharp focus. Poor farmers — many of them former soldiers in the Continental Army — were upset over their growing debts, falling farm prices, and high state taxes. Failure to repay debts at this time often resulted in imprisonment in debtor’s prison. In 1786, an uprising of farmers — known as **Shays’ Rebellion** — broke out in Massachusetts.



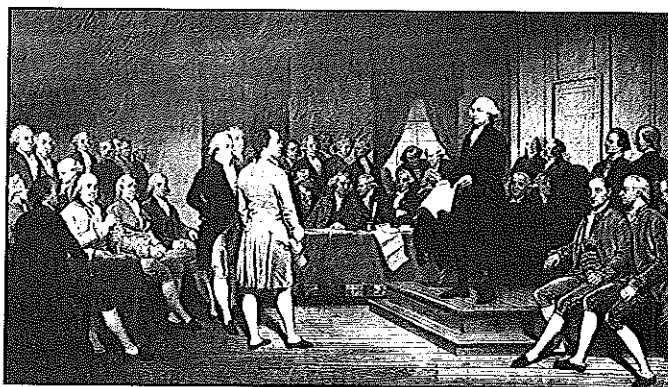
Massachusetts farmers protesting.

The rebels wanted to stop state courts from seizing their property and imprisoning them for unpaid debts. They also wanted the state to issue paper money. There was no national army to put down the uprising if it had spread to other states. Although the state militia was able to put it down, many property-owners across the country now felt the need for a stronger national government.

THE CONSTITUTIONAL CONVENTION

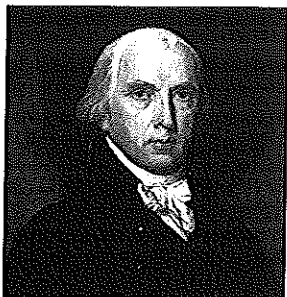
A meeting of representatives at Annapolis in 1786 called for a convention of delegates to revise the Articles of Confederation. Since only five of the 13 states were represented at Annapolis, they agreed to assemble again a few months later in Philadelphia.

In May 1787, representatives from the states met in Philadelphia to revise the Articles of Confederation. George Washington, Benjamin Franklin, and Alexander Hamilton were among the delegates. The representatives quickly agreed on discarding the Articles of Confederation. Instead, they decided that a new national constitution was needed.

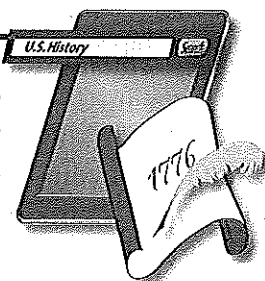


The signing of the U.S. Constitution at Independence Hall

ACTING AS AN AMATEUR HISTORIAN



Although it was agreed that the discussions of the Constitutional Convention were to be kept secret, James Madison wrote down every speech. Madison is known as the “Father of the U.S. Constitution.” If not for his notes, little of what took place at the Constitutional Convention would be known. Below is a speech that Madison gave at the Convention:



“In time of war, great powers are given to the Executive. Constant [fear] of war has the same tendency to make the head too large for the body. A standing military force, with an overgrown Executive, will not be a safe [protector] of liberty. The defense against foreign threats has been the instrument of tyranny at home. Among the Romans it was a standing truth to stir fear of a war, whenever a revolt was threatened. The armies were kept on under the [excuse] of defending [the people, but they] enslaved them.”

- ★ What did Madison mean when he said, “the head [is] too large for the body”?
- ★ What danger was Madison warning against in this speech?

AGREEMENT, DISAGREEMENT, AND COMPROMISE

The delegates at the Constitutional Convention generally agreed on the need for strengthening the national government and for creating a national executive, legislature, and judiciary. But they did not agree on all issues. For example, they could not agree on how states should be represented in the new Congress. Should states be represented according to their size? Another issue concerned slavery. Should the states count their slave populations when determining how many representatives they should have in Congress? A third issue concerned taxes. Should the new national government be able to tax **exports** (*goods sold abroad*)?



Delegates signing the new Constitution.

For a time, it appeared that the Constitutional Convention might even break up over some of these issues, but the delegates finally reached a series of compromises. A **compromise** is an agreement in which each side makes concessions to the other side to resolve the dispute.

The "Great Compromise." The first compromise delegates reached was over state representation. Virginia was a large state. James Madison of Virginia proposed a plan in which each state should be represented in Congress in proportion to its population. Delegates from New Jersey, a smaller state, objected. They proposed equal representation for states, just as they had enjoyed under the Articles of Confederation. Delegates from the large states agreed to a compromise to prevent the departure of the delegates of the small states. Delegates from Connecticut proposed a Congress with two houses to solve the problem.

The "Three-fifths Compromise." A second disagreement concerned the counting of slaves. Southern states wanted slaves to be counted as part of their population for representation in Congress. Northern states, with fewer slaves, opposed this idea. Northern and Southern delegates also disagreed over whether the new Congress should be able to regulate and even outlaw the slave trade. The North wanted Congress to regulate the slave trade, while Southerners opposed this. It also raised the issue of whether slaves would be counted in determining the taxes a state paid the federal government.

THE RISING SLAVE POPULATION

Throughout the colonial and antebellum period, slaves lived mainly in the South. They made up less than one-tenth of the South's population in 1680. By 1790, it had grown to one-third. About 293,000 slaves lived in Virginia alone, making up 42% of all slaves in the nation. North and South Carolina, and Maryland had more than 100,000 slaves each. The South's slave population reached about 1.1 million by 1810.

Year	White	Free Non-White	Slave
1790	1,240,454	32,523	654,121
1800	1,691,892	61,575	851,532

These two disagreements were eventually settled by the following compromises:

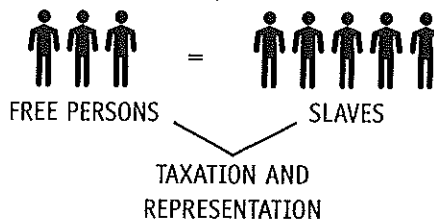
MAJOR CONSTITUTIONAL COMPROMISES

Issue: How should states be represented in the national legislature?

The "Great Compromise:" Larger states felt they should have a greater say in the national government. Smaller states felt each state should have an equal voice. In this compromise, a two "house" (bicameral) legislature was created — Congress. In the House of Representatives, states were represented according to their population size. This allowed states with a larger population to have a greater number of representatives. In the Senate, each state, no matter what its size, would be represented by two Senators. Senators were elected indirectly. All laws needed the approval of both houses of Congress.

Issue: How should slaves be counted?

The "Three-Fifths Compromise:" Southern states wanted slaves counted as part of their population, to have more members in the House of Representatives. The states compromised by agreeing to count every five slaves as three free persons for both taxation and representation.



The "Commerce Compromise." Another dispute involved the taxing of trade. Southern landowners, who sold cash crops to England, feared taxes on exports of their tobacco and other crops. In the "Commerce Compromise," the delegates agreed to prohibit all taxes on **exports** (*goods sold to foreign countries*). Only imported goods could be taxed. The delegates also agreed that Congress could not regulate or limit the slave trade for at least the next twenty years — until 1808.

APPLYING WHAT YOU HAVE LEARNED

- ★ The delegates to the Constitutional Convention probably agreed on more aspects of the new government than they disagreed on. List several of the questions on which the delegates agreed.
- ★ Create a poster about the Constitutional Convention. Show what the delegates agreed on, where they disagreed, and what compromises they made.
- ★ Hold a mock Constitutional Convention in your classroom. Have your teacher assign different roles to members of your class.

ORGANIZATION OF THE NEW GOVERNMENT

As a result of the agreements and compromises reached at the Constitutional Convention, the delegates created a new system of government. The chart on the next page shows the organization of the Constitution itself:

ORGANIZATION OF THE U.S. CONSTITUTION

Preamble. The Preamble states the purpose of the document.

Article I. Defines the powers and structures of the legislative branch (*Congress*).

Article II. Creates the executive branch of government (*U.S. President*).

Article III. Establishes the judicial branch of the government (*Supreme Court*).

Article IV. Outlines the obligations of the states to each other.

Article V. Describes the process by which the Constitution may be altered (*Amendments*).

Article VI. Establishes that the U.S. Constitution is the supreme law of the land.

PREAMBLE TO THE U.S. CONSTITUTION

The **Preamble**, or introduction, to the Constitution began with the words "We the People," emphasizing that the members of the Constitutional Convention were acting as the representatives of the American people as a whole. The Preamble gave six purposes for the new constitution and the government it created. These purposes were to:

"form a more perfect union."

"establish justice."

"insure domestic tranquility (*peace*)."

"provide for the common defense."

"promote the general welfare (*well-being of citizens*)."

"secure the blessings of liberty."

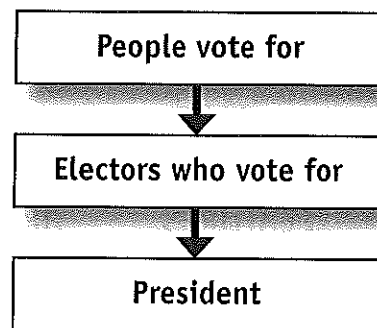
BRANCHES OF THE NEW GOVERNMENT

The Constitution established three branches in the new government:

THE EXECUTIVE BRANCH

The new national executive was the **President**. The President was made Commander-in-Chief of the nation's army and navy. The President was given the power to appoint ambassadors, negotiate treaties, and appoint Supreme Court Justices. As chief executive, the President would also enforce the nation's laws. New laws by Congress also required the President's signature. The President was to be elected for a four-year term.

Because the delegates to the Convention did not entirely trust the common people, they arranged for the President to be chosen by an **indirect election**. Voters would first choose members of the **Electoral College**. Once selected, these electors would then vote to choose the President. Each state is free to choose its electors as it wishes. In the late 1700s, America was largely rural. Most people were farmers who knew little about politics. In this environment, a direct election of the President would probably have been difficult.

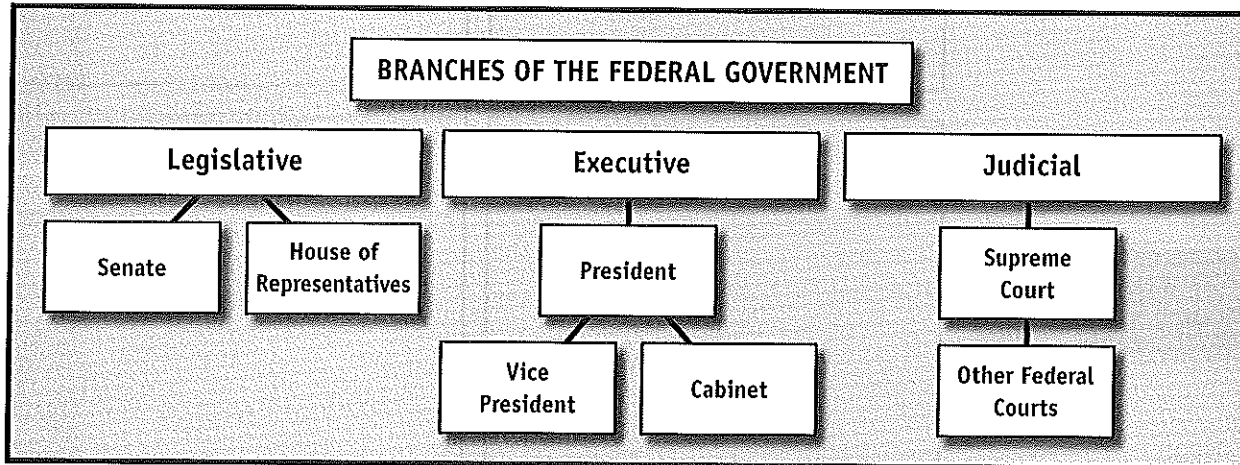


THE LEGISLATIVE BRANCH

The new national legislature was called **Congress**. Based on the “Great Compromise,” it consisted of two houses: the **House of Representatives** and the **Senate**. Congress had the power to make laws, declare war, borrow and issue money, pay for military forces, and regulate commerce (*trade*) between different states or with foreign countries.

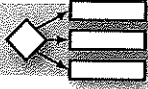
THE JUDICIAL BRANCH

A new national judiciary was created, consisting of the **Supreme Court** and any lower courts later created by Congress. The **Supreme Court** could rule on cases involving either the new Constitution or laws passed by Congress. Its Justices (*judges*) were to be appointed for life by the President, with the approval of the Senate. Life tenure meant that the Justices would not have to run for election and could be completely independent.



APPLYING WHAT YOU HAVE LEARNED

- ★ Select one of the goals listed in the Preamble and explain its importance.
- ★ Make a chart summarizing the powers and duties of the President, Congress, and the Supreme Court. Look in the school library or online for more information about each branch of government.

**LEARNING WITH GRAPHIC ORGANIZERS**

Compare the features of the Articles of Confederation and the U.S. Constitution:

FEATURES**ARTICLES OF CONFEDERATION****U.S. CONSTITUTION**

**Powers of
Government**



**Legislative
Branch**



**Executive
Branch**



**Judicial
Branch**

CONSTITUTIONAL PRINCIPLES

The basic challenge faced by the authors of the Constitution was to create a national government that would be strong, but not so strong that it might undermine individual liberties identified in the Declaration of Independence. To achieve this goal, the new Constitution adopted a number of important principles:

LIMITED GOVERNMENT

One of the most important principles of the U.S. Constitution is the belief that the powers of government should be limited. A self-governing people gives their government leaders only certain specific powers. These are the “just powers” of government mentioned in the Declaration of Independence. Under our system of limited government, our national government has no duties or powers, other than those powers specifically granted to it in the Constitution.

REPUBLICANISM

Americans created a **republican** form of government — a democratic government chosen by the people. A republic describes a government in which decisions are made by elected representatives, not handed down by a king.

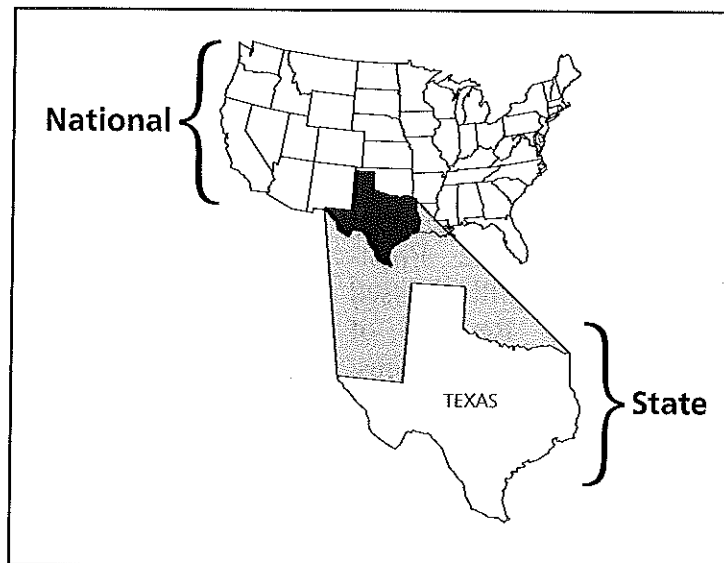
POPULAR SOVEREIGNTY

Another key principle of the U.S. Constitution is that the people are **sovereign** — they hold supreme power. The “just” powers of the government come from the consent of the governed. The people exercise their sovereignty by electing representatives to Congress, and by indirectly electing the President.



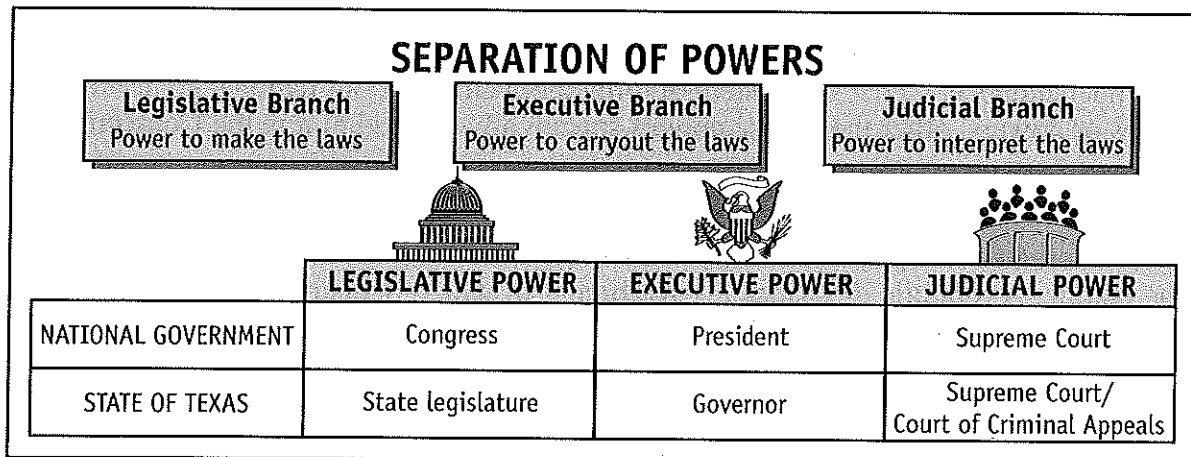
FEDERALISM

The authors of the U.S. Constitution created a “federal republic.” Government powers were divided between the national government and the states. To accomplish this, the writers of the Constitution created a system in which power was shared between the national (or *federal*) and state governments. The federal government treats issues facing the entire nation, while state governments handle local affairs. Because power was divided between the national and state governments, the authors of the Constitution believed the national government would not become too strong.



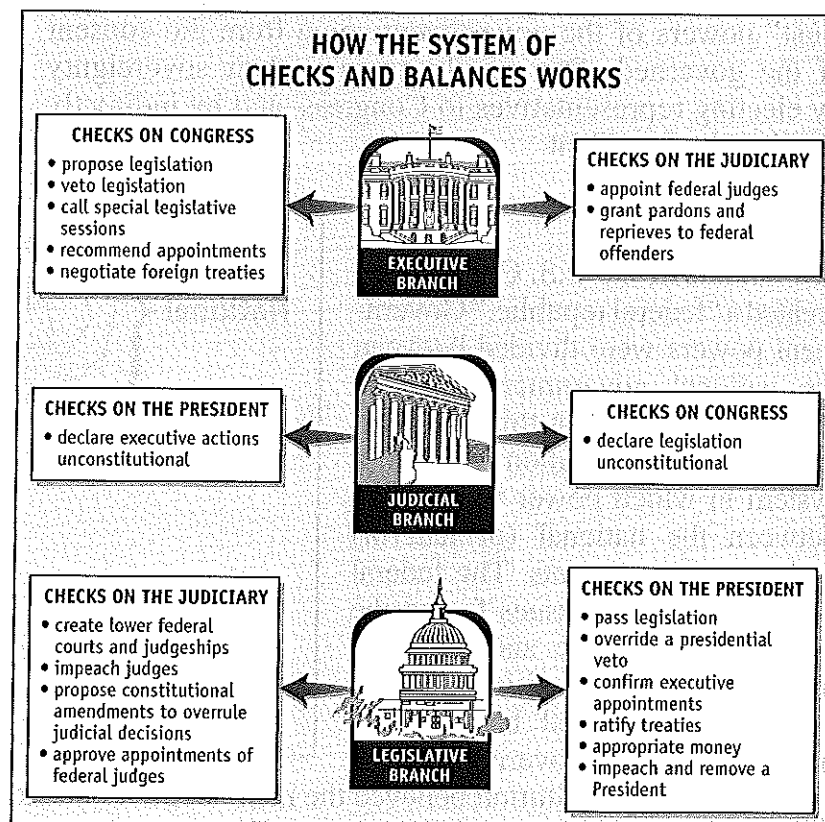
SEPARATION OF POWERS

The framers of the U.S. Constitution sought to change another aspect of the Articles of Confederation. Under the Articles, the national government had just one branch — the Confederation Congress. The framers of the Constitution feared placing too much power in the hands of any one leader or single branch of government. Following the writings of the **Baron de Montesquieu** and the example of most state constitutions, they decided to divide the powers of government among three separate branches: the **Congress**, the **President**, and the **Supreme Court**. As James Madison later explained in the *Federalist Papers*, this separation of powers would act to prevent tyranny and protect liberty.



CHECKS AND BALANCES

To further prevent any one branch from becoming too powerful, the Constitution gave each branch several ways to stop or “check” the other branches. For example, the Senate must approve key Presidential appointments. The President can veto bills passed by Congress. Because of these checks and balances, major actions could not be taken by the federal government without a general agreement among the different branches.

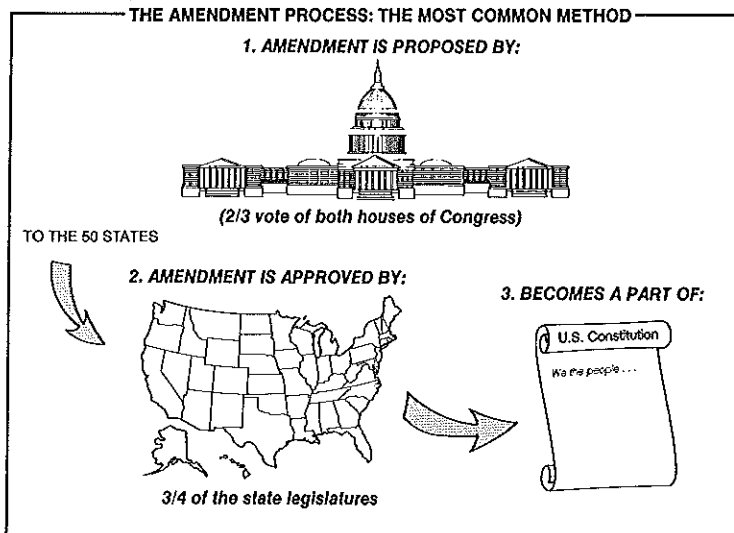


INDIVIDUAL RIGHTS

You will learn about the issues surrounding the protection of individual rights in the next chapter.

PROVISIONS FOR CHANGE: THE AMENDMENT PROCESS

The Constitution included provisions for change. The way the U.S. Constitution keeps pace is through the **amendment process**, which allows changes and additions to the text of the Constitution. To prevent changes for unimportant reasons, the amending process was made more difficult than passing an ordinary law. Although over 200 years old, our Constitution has thus kept up with the changing needs of our nation.



A special “**elastic clause**” in the U.S. Constitution further provided Congress with the power to enact any laws they deemed “necessary” to carry out its other powers. These provisions have made our Constitution into a “living document.” The “elastic clause” has allowed the powers of Congress to increase dramatically since the early 1800s, due in large part to the decisions of the Supreme Court.

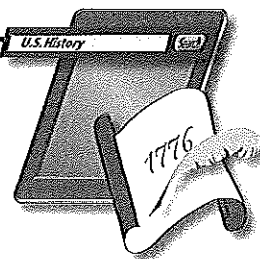
APPLYING WHAT YOU HAVE LEARNED

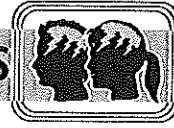
Many of the principles found in the U.S. Constitution were designed to prevent abuses of power. Select two of the principles discussed in this section and describe how they were attempts to prevent an abuse of power.

ACTING AS AN AMATEUR HISTORIAN

The original U.S. Constitution has undergone numerous changes since it was first approved almost 230 years ago.

- ★ Look online or in your school library for a copy of the main part of the Constitution. Use a copy that identifies those parts of the original document that have been crossed out and revised.
- ★ Explain how one of those revisions brought about a change to the *original* U.S. Constitution. Then prepare a two-minute oral presentation to your class, stating whether you agree or disagree with that particular revision to the U.S. Constitution.





Complete the following chart describing the principles of the U.S. Constitution:

[illegible]

The Declaration of Independence (1776) had listed a series of grievances committed by King George III of England against the colonists. A number of those grievances addressed violations by the King of his duties under the English Bill of Rights. Many of the provisions of the U.S. Constitution were included to prevent a repetition of such abuses:

IMPACT OF COLONIAL GRIEVANCES ON THE CONSTITUTION	
Grievances listed in the Declaration of Independence	Where each was addressed in the U.S. Constitution
The King imposed taxes without the consent of the colonists.	U.S. Constitution provides that all taxes must be approved by the House of Representatives.
The King made the military superior to the civil government.	U.S. Constitution provides that the Commander-in-Chief is a civilian — the President.
The King kept a large standing army among the colonists.	Congress has the right to raise and support an army. It determines its size through its control of funds.
The King made judges dependent on his will.	All federal judges are appointed for life.

THE DEBATE OVER RATIFICATION

Members of the Constitutional Convention knew they could not adopt their new plan on their own authority. They decided that before the Constitution could become law, nine states should **ratify** (*approve*) it. Special conventions were held in each state for this purpose.

FEDERALISTS AND ANTI-FEDERALISTS

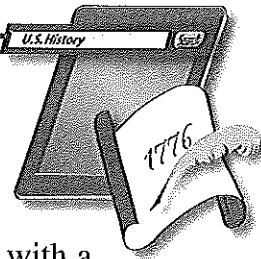
Opponents of the new Constitution were known as **Anti-Federalists**. They included such patriots as **Patrick Henry** and **George Mason**.

ACTING AS AN AMATEUR HISTORIAN

In this address to the Virginia legislature in June 1788, Patrick Henry objects to scraping the Articles of Confederation:

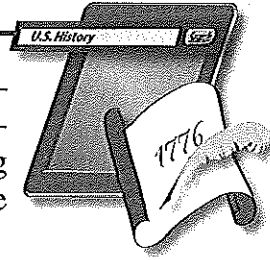
“The Confederation, this same despised government, merits, in my opinion, the highest [praise]; it carried us through a long and dangerous war; it rendered us victorious in that bloody conflict with a powerful nation; it has secured us a territory greater than any European monarch possesses; and should a government which has been that strong and vigorous, be accused of imbecility, and abandoned for want of energy? Consider what you are about to do before you part with this government.... Before you abandon the present system, I hope you will consider not only its defects, but likewise those that of which you are about to substitute for it.”

What arguments does Henry raise against abandoning the Articles of Confederation?



The Anti-Federalists found several major problems in the new Constitution. They argued it would create a central government that would be too strong and might threaten individual liberties. Anti-Federalists feared future government leaders might build a strong army and use it to collect unpopular taxes. The Anti-Federalists also pointed out that there was no bill of rights in the new Constitution to protect individual liberties. Finally, the Anti-Federalists felt that the Constitution gave too much power to the central government at the expense of state governments. Without safeguards for the states, the federal government might undermine their rights, especially on the issues of slavery and taxation.

ACTING AS AN AMATEUR HISTORIAN



New York's ratification was crucial. If New York rejected the Constitution, the new nation would be split in two. New York newspapers published essays in an attempt to sway voters. The following essay was written by an opponent of the new Constitution under the pen name "Brutus":

"Let us inquire whether the thirteen states should be reduced to one republic or not? The territory is vast and has nearly three million [people]. Is it realistic for a country so numerous to elect representatives to speak [for them] without becoming so enormous [it is] unable of carry out public business? A free republic cannot exist in such a large territory. With the population and geographic size of our nation, citizens will have little [familiarity] with those chosen to represent them; many will not even know the character of a majority of those [in] the federal assembly; it will consist of men whose names they have never heard, and whose regard for the public, they are total strangers to."

— Brutus

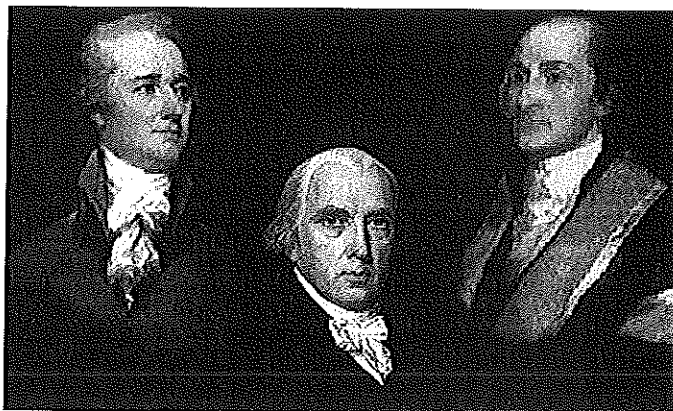
- ★ What argument does "Brutus" raise against supporting the proposed new Constitution?
- ★ Do you agree with "Brutus" on the main point in the passage? Explain your answer.

THE *FEDERALIST PAPERS*

Those favoring the proposed Constitution were called **Federalists**. They argued that a stronger central government was needed to protect the nation from domestic unrest and foreign invasion. They also argued that under the proposed plan, federalism and the separation of powers would prevent any one branch of the new central government from becoming too strong. Therefore, individual liberties would be protected.

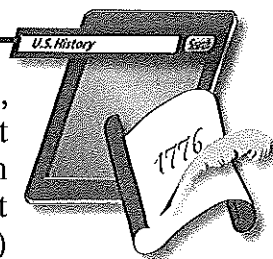
New Yorkers Alexander Hamilton and John Jay, along with Virginian James Madison, wrote the *Federalist Papers*. This was a series of 85 essays that sought to convince Americans that the new nation would not last if the proposed constitution were not adopted.

The *Federalist Papers* helped to persuade Americans to approve the new constitution. Thomas Jefferson called them the best explanation ever written about the principles of government. Some have even call these essays the most significant public-relations campaign in history. To obtain the necessary votes for ratification, supporters promised to add a bill of rights. With this assurance, by the end of 1788, eleven states had voted to **ratify** (*approve*) the U.S. Constitution.



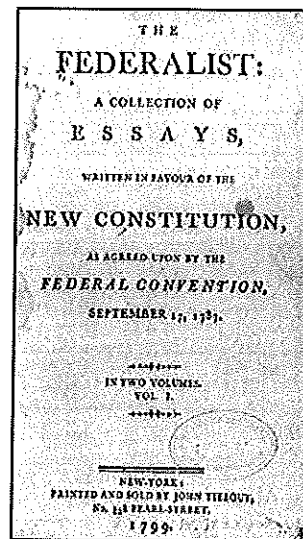
Alexander Hamilton, James Madison, and John Jay — authors of the *Federalist Papers*.

ACTING AS AN AMATEUR HISTORIAN



Many Americans believed, as **Baron de Montesquieu** had written, that liberty was only safe in small societies governed either by direct democracy or by legislatures with small districts. James Madison, in *Federalist No. 51*, argued the opposite. In a large republic, different interests would have to come together to form a coalition (*alliance*) in order to govern the nation. Government was created to prevent politicians or small groups from using government for their own unjust purposes:

“In republican government, the legislative authority dominates. The remedy for this is to divide the legislature into different branches; and to [make] them, by different [methods] of election and different principles of action, as little connected with each other as their common functions will [allow].... In a single republic, all the power surrendered by the people is submitted to ... a single government; and [misusing that power] is guarded against by dividing the government into separate departments. In America, the power surrendered by the people is first divided between two distinct governments, and then the power of each is subdivided among separate departments. Hence a double security arises to protect the rights of the people. Different governments will control each other, at the same time that each will be controlled by itself. If a majority is united by a common interest, the rights of the minority might be threatened. There are two ways of providing against this evil: by creating a will in the community independent of the majority of the society; the other, by comprehending in the society so many separate descriptions of citizens as will render an unjust combination of a majority of the whole improbable, if not impractical.”



What arguments does Madison make to calm fears of some that the new government could threaten people's liberties?

**LEARNING WITH GRAPHIC ORGANIZERS**

Complete the graphic organizer below by describing three arguments used by the Federalists and the Anti-Federalists concerning ratification of the U.S. Constitution.

**FEDERALISTS vs.
ANTI-FEDERALISTS****Federalist Arguments in Support of Ratification**

1. _____

2. _____

3. _____

Anti-Federalist Arguments Against Ratification

1. _____

2. _____

3. _____

CHAPTER STUDY CARDS

Government Under the Articles

- ★ **Articles of Confederation.** (1777–1778)
 - Set up a weak central government.
 - Each state had only one vote in Congress.
 - **Weaknesses:** lacked power to regulate trade; no national court system; lacked power to tax; lacked a national army.
 - **Strengths:** Passed **Northwest Ordinance**, creating procedures to admit new states.
- ★ **Critical Period.** (1781–1787)
 - **Shays' Rebellion.** Massachusetts farmers rebelled against courts foreclosing their farms.
 - Showed the weakness of the Articles of Confederation in putting down rebellions.

Constitutional Convention (1787)

- ★ Convention met in 1787 in Philadelphia.
 - Scrapped Articles of Confederation and agreed to draft a new constitution.
 - **James Madison** kept notes and is known as the "Father of US Constitution."
- ★ Delegates agree to create three government branches.
 - **Executive Branch:** President, chosen by the Electoral College.
 - **Legislature Branch:** two-House Congress.
 - **Judicial Branch:** Supreme Court.
- ★ New national government can raise an army, collect taxes, coin money, regulate commerce between states, and declare war or peace.

The Bundle of Compromises

- ★ **"Great Compromise."** Dealt with the issue of representation in Congress:
 - Large states wanted representation based on population. Small states wanted states to be equal in Congress.
 - Compromise established two houses: states were equal in the Senate; the House of Representatives was based on population.
- ★ **Three-fifths Compromise.**
 - Issue of how slaves should be counted for purposes of representation.
 - Five slaves would count as three persons for both representation and taxation.

Ratification of the Constitution

- ★ **Anti-Federalists.** Were opposed to approval of the new Constitution.
 - George Mason, Patrick Henry
 - Feared central government would be too powerful and threaten individual liberties.
- ★ **Federalists.** Supported approval.
 - Favored a strong central government.
 - James Madison, John Jay, Alexander Hamilton wrote the *Federalist Papers*.
 - They argued that the Constitution had protections to prevent the rise of tyranny. These included the division of powers between the federal government and the states, and the separation of powers between the branches.

Principles of the U.S. Constitution

- ★ **Limited Government**
- ★ **Republicanism**
- ★ **Popular Sovereignty**
- ★ **Federalism**
- ★ **Separation of Powers**
 - Legislative Power
 - Executive Power
 - Judicial Power
- ★ **Checks and Balances**
- ★ **Amending Process**

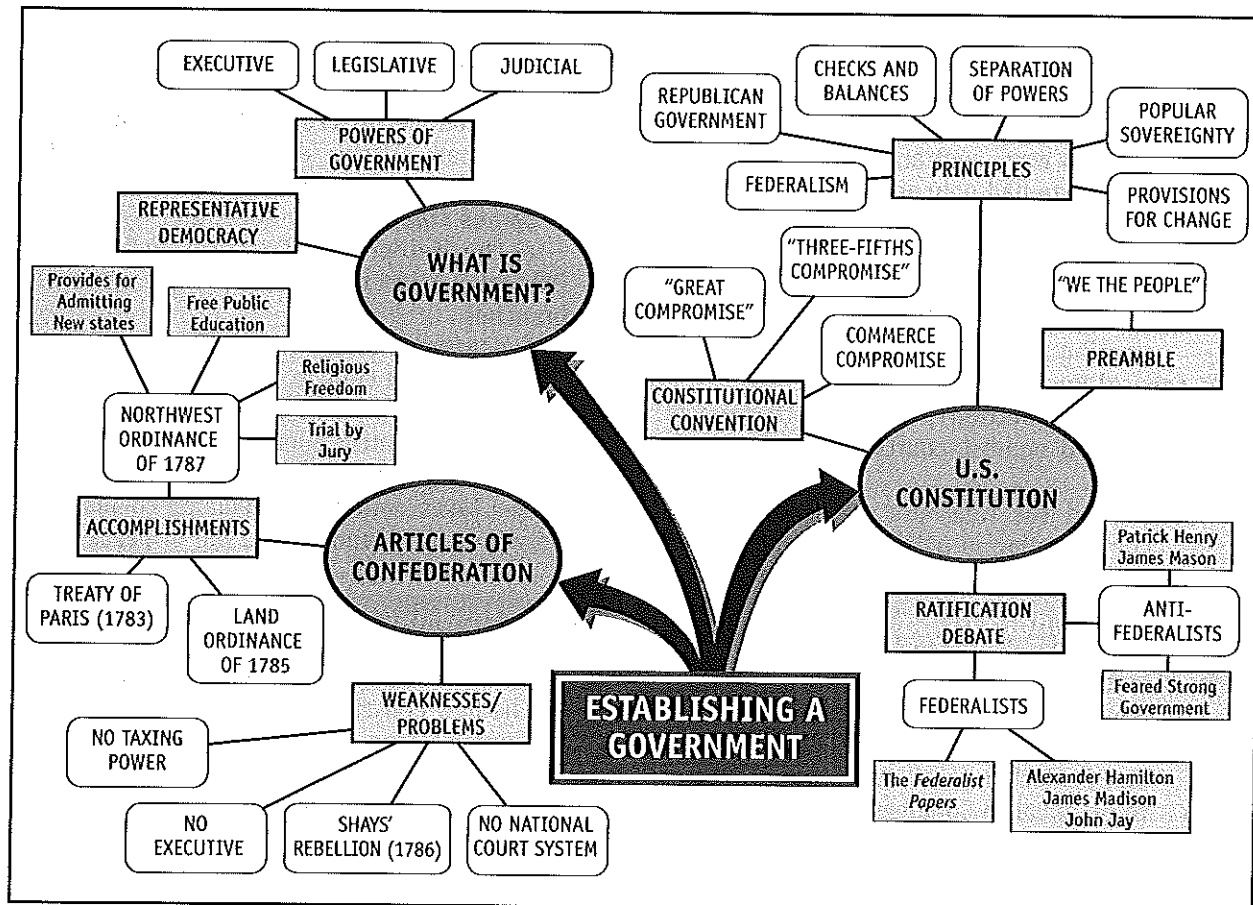
U.S. Constitution (1787)

U.S. Constitution. Was a written plan of government that spelled out the powers and organization of the new national government.

It is important because it:

- ★ Established the institutions of the national government (separation of powers).
- ★ Defined the powers of the national government (federalism).
- ★ Provided a legal basis for the protection of the rights of its citizens.

CHAPTER 8 CONCEPT MAP

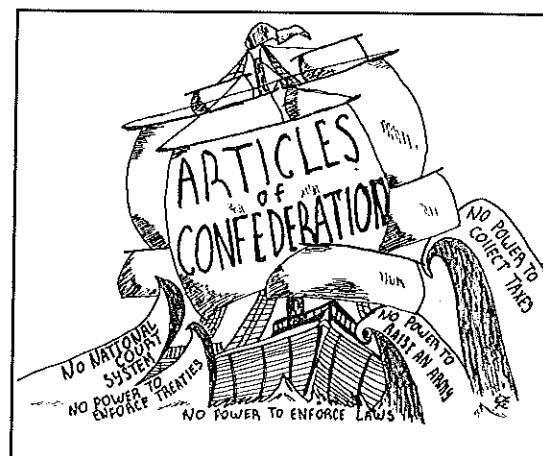


CHECKING YOUR UNDERSTANDING

Use the information in the cartoon and your knowledge of social studies to answer the following question.

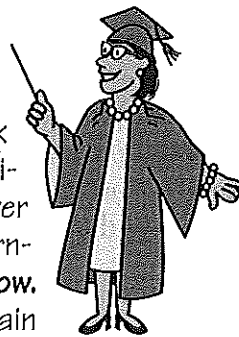
- 1 The main idea of this cartoon is that the Articles of Confederation —
- would carry the nation into the future.
 - had many serious shortcomings.
 - gave the government sufficient powers.
 - created a navy strong enough to protect against foreign invasion.

Hist 15(B)



"Rough Sailing Ahead?"

EXAMINE the question. This question tests your ability to understand a political cartoon. **RECALL what you know.** The cartoonist has drawn a large ship representing the Articles of Confederation. It is sailing through rough waters. The waves are high, threatening to sink the ship. These waves symbolize different shortcomings of the Articles — no national army, no power to enforce treaties, and no power to raise an army. The caption raises the question whether the government under the Articles is in danger of sinking. **APPLY what you know.** You should realize that **Choices A, C, and D** do not really define the main idea of the cartoon. The best answer is **Choice B**, since the cartoonist implies the Articles of Confederation had many shortcomings.



Now try answering some additional questions on your own.

- 2 Why did some of the founders of the American republic consider the lack of a national executive and judiciary under the Articles of Confederation as one of the document's great strengths?
- F They feared a strong central government.
 - G They feared the threat of a foreign invasion.
 - H They were willing to risk tyranny for an effective national government.
 - J They desired to copy the British monarchy.
- 3 The "Three-fifths Compromise" was included in the U.S. Constitution in order to resolve a conflict over the —
- A number of votes needed to approve a treaty in the Senate
 - B number of states needed to ratify a proposed amendment
 - C reimbursement of plantation owners for runaway slaves
 - D counting of enslaved persons for purposes of taxation and representation
- 4 One accomplishment of the national government under the Articles of Confederation was the passage of a law establishing —
- F a central banking system
 - G a process for admitting new states into the Union
 - H the President's right to put down rebellions
 - J the ability of Congress to tax the states effectively
- 5 Which question at the Constitutional Convention was resolved by the "Great Compromise"?
- A How should the President be elected?
 - B Who should control commerce and trade?
 - C What should be the structure of the federal court system?
 - D What formula should be used for Congressional representation?

Use the information in the passage and your knowledge of social studies to answer the following question.

"The proposed Constitution, far from abolishing state governments, makes them an essential part of the national government by allowing them a direct representation in the Senate, and leaves in their possession certain important government powers. This fully corresponds, in every way, with the idea of a federal government."

— Alexander Hamilton, *Federalist No. 9* (1781)

- 6 Based on this passage, which of the following statements would Alexander Hamilton agree with?
- F State governments face the threat of being abolished by the federal government under the new constitution. Hist 15(A)
 - G The states will lack representation in the Senate.
 - H Under the new Constitution, the states will enjoy important powers.
 - J State governments should fear the power of the new national government.
- 7 Which statement describes a characteristic of the national government established by the U.S. Constitution?
- A The powers of the national government were limited. Hist 15(D)
 - B The Supreme Court had the authority to create lower courts.
 - C The President had exclusive control over all government activities.
 - D The states kept the most governmental powers.
- 8 Which grievance in the Declaration of Independence was later addressed by the U.S. Constitution?
- F providing that all taxes must be approved by Congress Hist 15(C)
 - G creating a process for the admission of new states
 - H enacting a law to allow the President to declare war
 - J appointing federal judges for a limited term of office
- 9 The purpose of the amending process in the U.S. Constitution was to —
- A allow the Constitution to adjust for changing times Govt 16(A)
 - B balance power between the state and the national governments
 - C prevent any one branch of the government from becoming too powerful
 - D protect the liberties of individuals from the abuses of government power
- 10 The principle of federalism deals with the division of power between the —
- F President and Congress Govt 15(D)
 - G Senate and House of Representatives
 - H national and state governments
 - J three branches of federal government

Use the information in the passage and your knowledge of social studies to answer the following question.

“He [the President] shall have power, with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, with the advice and consent of the Senate, ambassadors, [and] other public ministers....”

— Article II, Section 2, Clause 2, *U.S. Constitution*

- 11 Which principle of the U.S. Constitution is reflected in this passage?
A checks and balances C popular sovereignty (Hist 15(D))
B amendment process D federalism
- 12 What was a key argument used by the Federalists for ratification of the U.S. Constitution?
F It prohibited the power of the federal government to wage war.
G It provided for construction of a new capital in the South. (Hist 4(E))
H It allowed the slave trade to continue for at least twenty more years.
J It had features that prevented the abuse of government power.
- 13 Which historic document was written in support of ratification of the U.S. Constitution?
A Magna Carta (Hist 15(A))
B Mayflower Compact
C Declaration of Independence
D *The Federalist Papers*

Use the passage below and your knowledge of social studies to answer the following question.

“The nation deserves and I will select a Supreme Court Justice that Americans can be proud of. The nation also deserves a dignified process of confirmation in the United States Senate, characterized by fair treatment, a fair hearing and a fair vote. I will choose a nominee in a timely manner so that the hearing and the vote can be completed before the new Supreme Court term begins.”

— President George W. Bush, 2005

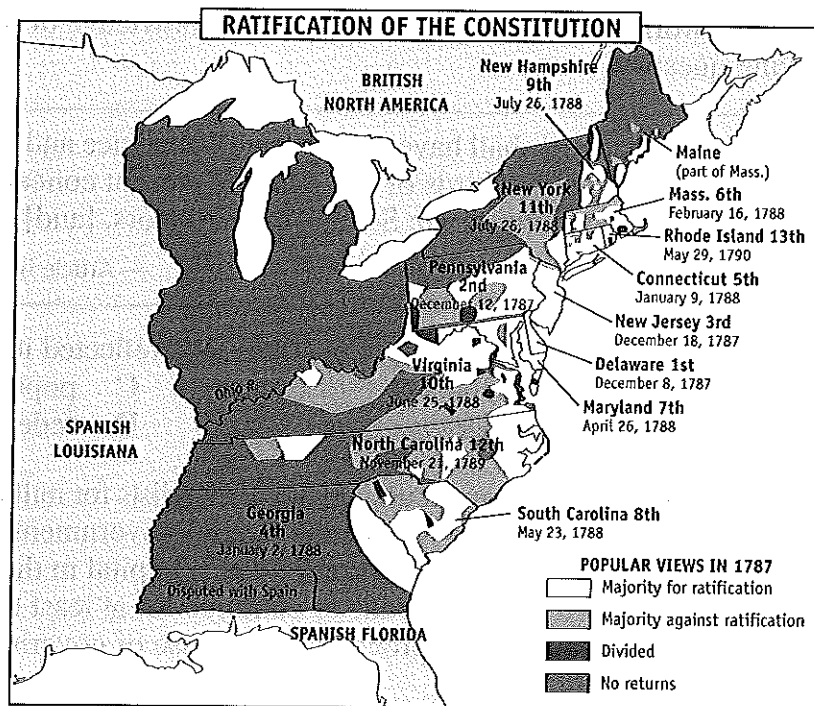
- 14 Which constitutional principle is discussed in this quotation?
F federalism H states' rights (Govt 15(D))
G checks and balances J due process
- 15 Why did the framers of the Constitution create three separate branches of the national government?
A to insure that the legislative branch was bicameral (Govt 15(D))
B to make sure all laws were approved by the Supreme Court
C to make sure that the President was superior to the legislature
D to prevent any one branch of government from gaining too much power

Use the information in the map and your knowledge of social studies to answer the following question.

- 16 Which conclusion about the ratification of the U.S. Constitution can be drawn from the map?

F All states were in favor of ratification.
G Spanish Louisiana strongly favored ratification.
H Rhode Island was the last state to vote for ratification.
J Georgia was the first state to ratify the U.S. Constitution.

Hist 4(E)



- 17 Which action is an example of the system of checks and balances?

A Texas requires at least 180 school days per year.
B An individual pays both state and federal income tax.
C The House of Representatives votes to expel one of its members.
D The Senate approves the President's nomination to the Supreme Court.

Govt 15(D)

Use the newspaper headlines and your knowledge of social studies to answer the following question.

THE EVENING POST <hr/> New Congress to Have Two Houses	The Boston Gazette <hr/> Slaves to Count as Three-Fifths of a Person	THE NEW YORK GAZETTE <hr/> No Tax on Goods Sent out of the Country
---	---	---

- 18 Which conclusion about the Constitutional Convention is best supported by these headlines?

F The President and Congress would have equal powers.
G The Framers of the Constitution were able to compromise on important issues.
H States that were small in area lost power in the new Constitution.
J States with large populations controlled the outcome of the Convention.

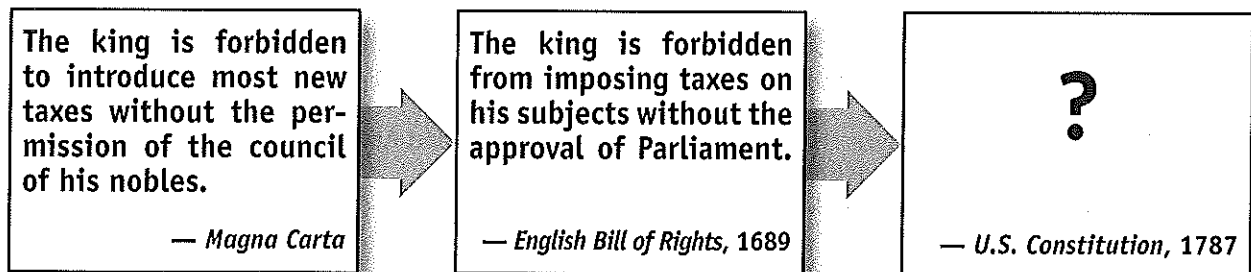
Hist 4(D)

19 What is the purpose of the checks-and-balances system in the U.S. Constitution?

- A to expand the President's treaty-making powers
- B to divide power between the federal and state governments
- C to prevent any one branch of the government from becoming too powerful
- D to allow each branch of the government to veto those laws it objects to

Govt 15(D)

Use the diagram and your knowledge of social studies to answer the following question.

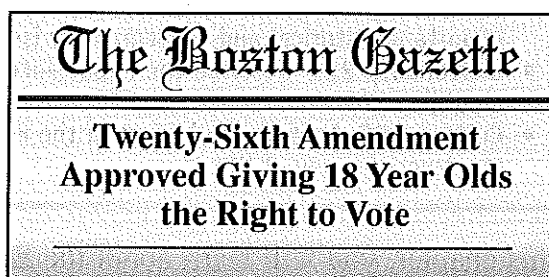
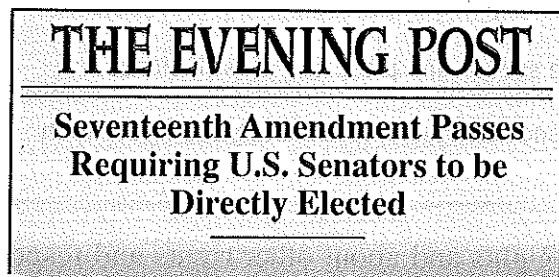


20 Which statement best replaces the question mark in the diagram?

- F The U.S. Congress must pass all taxes.
- G Each year, the President must submit a budget to Congress.
- H Elections in the House of Representatives occur every two years.
- J The Congress cannot spend more than is provided in its budget.

Govt 15(A)

Use the newspaper headlines and your knowledge of social studies to answer the following question.



21 Which best describes the purpose of the amending process shown in these two newspaper headlines?

- A The nation's needs change, requiring revisions to the Constitution.
- B The national government's power must be limited or it will become tyrannical.
- C The states are the rightful enforcers of the provisions of the Constitution.
- D The Constitution was created by the states to serve the states.

Govt 16(A)

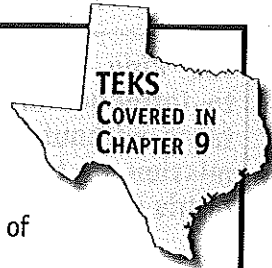
22 Between 1787 and 1789, a major controversy between the Federalists and the Anti-Federalists focused primarily on —

- F expansion of slavery into the territories
- G the wisdom of creating a two-house legislature
- H division of power among different levels of government
- J the issue of ratification of the new U.S. Constitution

Govt 17(A)



THE RIGHTS AND RESPONSIBILITIES OF AMERICAN CITIZENS



- **Government 15C** Identify colonial grievances listed in the Declaration of Independence and explain how those grievances were addressed in the ... Bill of Rights.
- **Government 17A** Analyze the arguments of the Federalists and Anti-Federalists, including ... Patrick Henry and George Mason.
- **Citizenship 19.** The student understands the rights and responsibilities of citizens of the U.S.
 - **Citizenship 19A** Define and give examples of unalienable rights.
 - **Citizenship 19B** Summarize rights guaranteed in the Bill of Rights.
 - **Citizenship 19C** Explain the importance of personal responsibilities, including accepting responsibility for one's behavior and supporting one's family
 - **Citizenship 19D** Identify examples of responsible citizenship, including obeying rules and laws, staying informed on public issues, voting, and serving on juries.
 - **Citizenship 19E** Summarize the criteria and explain the process for becoming a naturalized citizen of the United States.
 - **Citizenship 19F** Explain how the rights and responsibilities of U.S. citizens reflect our national identity.
 - **Citizenship 20B** Evaluate the contributions of the Founding Fathers as models of civic virtue.
 - **Citizenship 21A** Identify different points of view of political parties and interest groups on important historical and contemporary issues.
 - **Citizenship 21B** Describe the importance of free speech and press in a constitutional republic.
- **Culture 25C** Analyze the impact of the First Amendment guarantees of religious freedom on the American way of life.

In this chapter, you will learn about the Bill of Rights and about other rights and responsibilities of American citizens. You will also explore how someone not born in the United States can become a naturalized citizen.

KEY TERMS AND PEOPLE IN THIS CHAPTER

- | | | |
|----------------------|-------------------------|------------------------|
| ■ Bill of Rights | ■ Equal Protection | ■ Self-Incrimination |
| ■ First Amendment | ■ Unreasonable Searches | ■ Bail |
| ■ Freedom of Speech | ■ Eminent Domain | ■ Fourteenth Amendment |
| ■ Right to Petition | ■ Search Warrant | ■ Naturalized Citizen |
| ■ Right of Assembly | ■ Grand Jury Indictment | ■ Responsibilities |
| ■ Due Process of Law | ■ Double Jeopardy | ■ National Identity |