

Creating the Government (1781 – 1789)

I. The Critical Period

A. Articles of Confederation

- First form of government for the United States
 - Attempted to split the power between the states and national government
1. Strengths – Successes
 - [Land Ordinance of 1785](#) – plan to survey the land in the NW territory
 - [Northwest Ordinance of 1787](#) – divided the NW Territory and established requirements for the admission of new states
 2. Weaknesses
 - Nation lacked unity
 - Weak national government – founders feared too much power in government
 - Congress could not regulate trade
 - Each state had 1 vote regardless of population
 - 9 out of 13 states needed to agree to pass a law
 - All states needed to agree to amend the Articles

B. The Confederation Encounters Problems

1. Political Problems
 - Country lacked national unity
 - Article could not be amended without the consent of all the states
2. Economic Problems
 - Huge war debt
 - Congress lacked the power to tax or regulate trade
3. Borrowers vs. Lenders
 - Struggle between creditors and debtors – people who lent the states money favored high taxes – high taxes sent farmers into debt
4. Foreign Relations Problems
 - Britain refused to evacuate forts along the Great Lakes
 - Spain closed the Mississippi River to American shipping
5. Social Problems
 - Shays' Rebellion

***** Americans feared giving the national government too much power – result was a government that lacked the power to handle the nation's problems

II. Drafting the Constitution

A. Call for Convention

1. [Shays's Rebellion](#) – farmer's rebellion – sent panic throughout the nation
2. [Annapolis Convention](#) – held to discuss problems with interstate trade – only 5 states send representatives – delegates agreed to meet the following year

B. The Constitutional Convention

- Who: 55 delegates from 12 states
- What: Convention to address the problems of the nation
- When: May of 1787 through the summer
- Where: Philadelphia
- Why: To revise the Articles of Confederation

C. Compromises of the Convention

Issue: How should each state be represented in the legislature?

1. Virginia Plan

- Bicameral legislature
- Representation based on population
- System of Checks and Balances
- Favored large population states

2. New Jersey Plan

- Single house legislature
- Equal representation (1 vote/state)
- Legislature the power to tax
- Favored small populations states

3. The Great Compromise

- Created a 2 house legislature – sets up Congress
- House of Representatives – representation based on population
- Senate – equal representation (2 votes per state)

4. 3/5 Compromise

- Issue: Should slaves be counted for representation/taxation?
- Solution: 3 out of every 5 slaves would count for representation/taxation

5. Slave Trade Compromise

- Issue: Should Congress regulate foreign trade? – Could it end slavery?
- Solution: Power to regulate trade, cannot discuss the slave trade for 20 years

D. Features of the Constitution

1. Federalism – the division of power between the states and national levels

- States – reserved powers – powers not given to the national government
- National – delegated powers – specifically written in the Constitution

2. Separation of Powers – division of power into 3 branches of government

- **Executive** – President – enforces laws
- **Legislative** – Congress – makes laws
- **Judicial** – Supreme Court – interprets laws

3. Checks and Balances – ability of each branch to limit the power of the others

- Executive – veto, appoints justices
- Legislative – impeachment, overrides vetoes, approves justices
- Judiciary – judicial review

4. Electoral College – chooses who will be President – number of electors equals the number of Senators + Representatives

5. Amendments – way to change the Constitution

- Amendments need to be approved by a 2/3 vote then ratified by $\frac{3}{4}$ of the states

III. Ratifying the Constitution

A. Federalists vs. Anti-federalists

1. Procedures for Ratification

- **Ratification** – official approval by the people of the United States
- Each state held a special convention to vote for or against the Constitution
- 9 out of 13 states needed to approve the Constitution

2. Opposing sides

a. Federalists

- Supported the Constitution – favored a strong central government
- **Federalist Papers** – series of 85 essays defending the Constitution
- George Washington, John Adams, James Madison, Alexander Hamilton

b. **Anti-federalists**

- Opposed a strong central government
- Wanted a guarantee of rights and freedoms – Bill of Rights
- Thomas Jefferson, Patrick Henry, Samuel Adams

B. The Bill of Rights Leads to Ratification

1. Why a Bill of Rights?

- People feared a strong central government
- Argued the Constitution weakened the states which protected the people

2. Ratification of the Constitution

- Federalists agreed to add a Bill of Rights
- Delaware 1st state to ratify
- New Hampshire the 9th state - fulfilled the requirements
- Lacked New York and Virginia – struggle to ratify
- 1789 Constitution goes into effect
- Rhode Island approves the Constitution in 1790

3. Adoption of the Bill Of Rights

- **Bill of Rights** – 1st ten amendments – listed rights and freedoms
- 1st eight amendments spell out personal liberties
- 9th amendment rights are not limited to those written in the Constitution
- 10th Amendment – states have powers not given to the National government