

Chapter 8 Notes

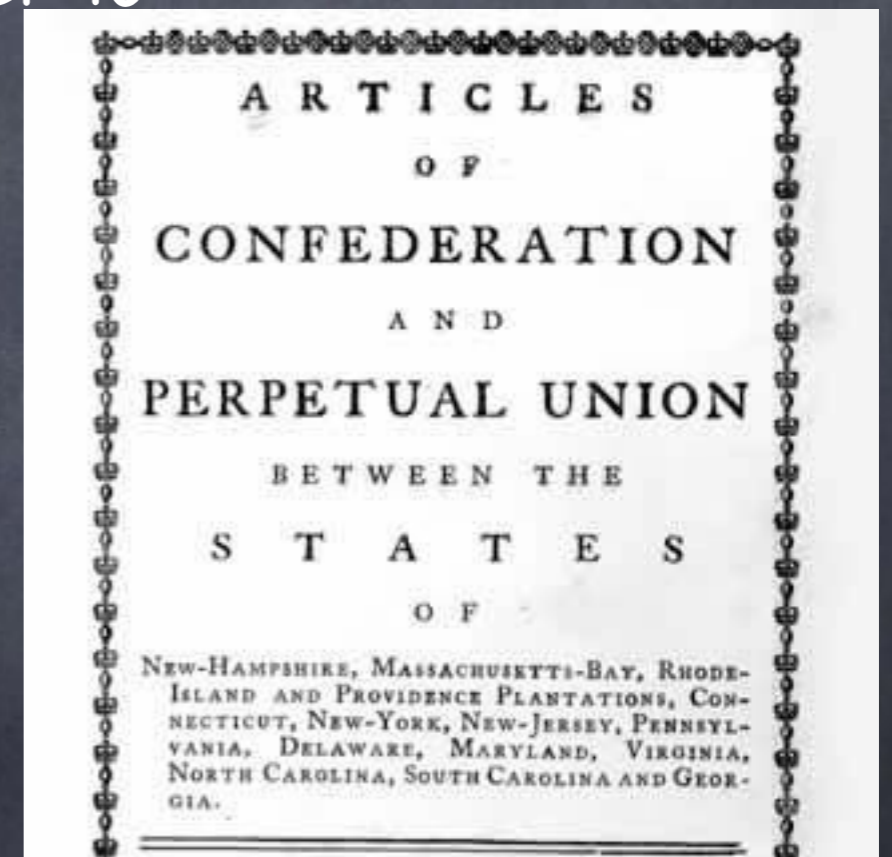
"Creating the Constitution"

Topic: The Constitution

Essential Question: How and why was the United States' Constitution created? What were some of the compromises involved in its creation?

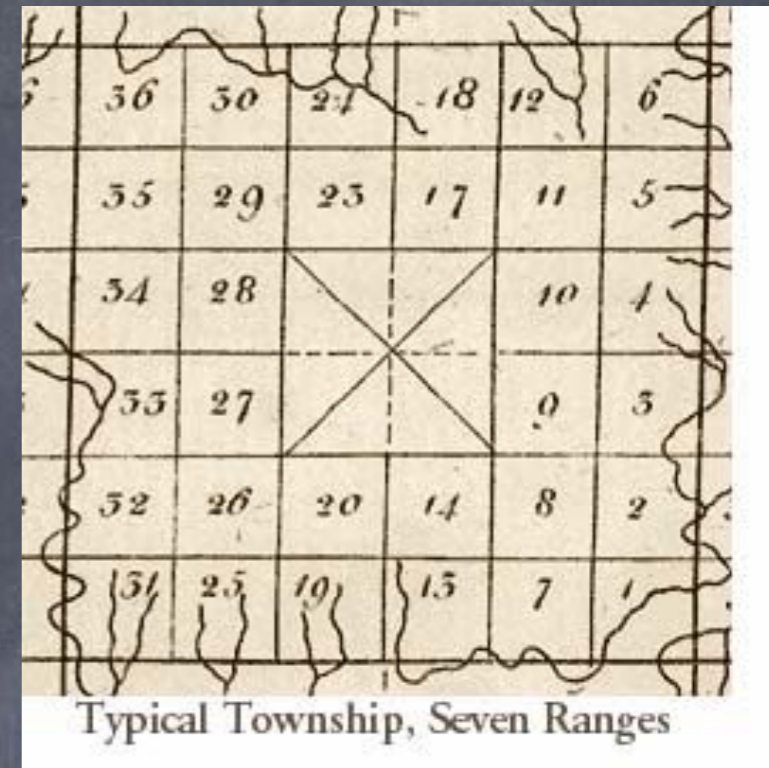
Governing the New Nation

- Articles of Confederation – plan of government for the 13 states
 - “League of friendship” between the states
 - Gave **Congress** (the governing body in which each state had one vote) the power to
 - make war and peace
 - raise an army and a navy
 - print \$\$\$
 - create a postal system
 - They did NOT have the power to collect taxes.



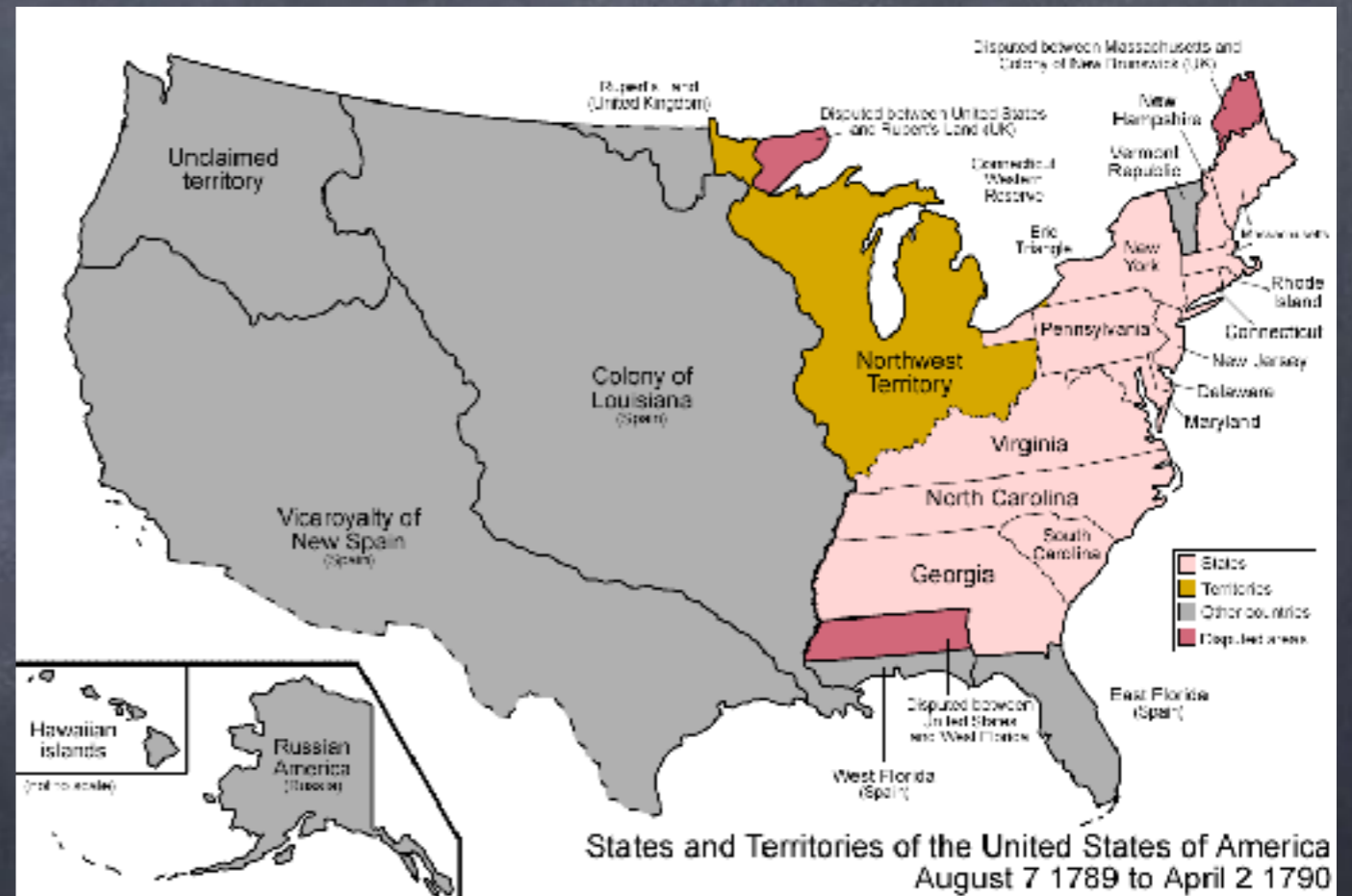
Accomplishments

- Needed an orderly way of dividing up and selling the “new” lands.
- Land Ordinance of 1785: divided land up into 6-mile squares called townships.
- Townships were then divided into 36 sections of 640 acres each.
- One section was set aside for schools (yay!); the rest were open for settlers.



The Northwest Ordinance

- This Congressional law divided the Northwest Territory into smaller territories, each governed by a territorial governor. When a territory had 5000 free adult males, it could create its own legislature (lawmaking body).
- When its population reached 60000, the territory could apply to become a state.
- Slavery was banned in the Northwest Territory.



Shays' Rebellion

- Congress had power to mint money, but had no gold or silver to back the paper money. (Why?)
- States printed their own currencies. Some states' money was worth more than others.
- Massachusetts: farmers could not pay debts and taxes, so were required to sell their assets (land, livestock). The farmers rebelled--led by Daniel Shay, a former Bunker Hill hero. Congress had no Army, so could not stop them from closing down courthouses and seizing weapons from the national arsenal.
<https://www.youtube.com/watch?v=YOR9O9mUObE>
- This indicated that there was no unity in the colonies, and that there was no real respect for the "national" government. The government was weak and vulnerable to attack

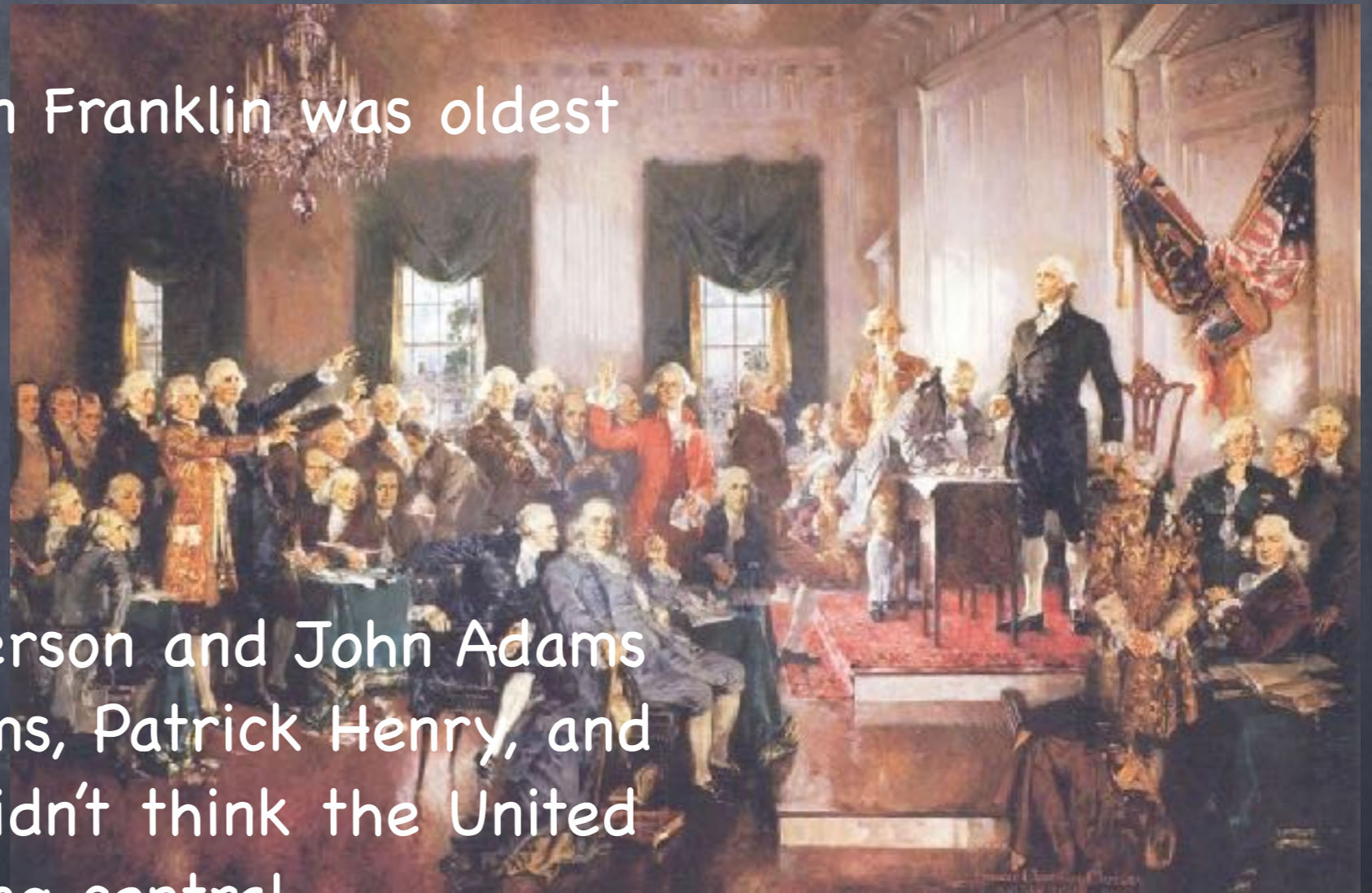


May 1787 – The call for a Constitutional Convention

- Shay's Rebellion was a strong sign that the Articles of Confederation weren't working.
- Delegates from 12 of the colonies attended in Philadelphia, Pennsylvania (where they'd signed the Declaration of Independence 11 years before!).
 - Rhode Island boycotted, afraid of a strong national government
- George Washington = president of the convention.

The delegates

- “The well-bred, the well-read, and the well-fed”
- Average age: 42. Ben Franklin was oldest at 81.
- 1 in 3 owned slaves
- 2/3 were lawyers.
- Missing: Thomas Jefferson and John Adams (in Europe); Sam Adams, Patrick Henry, and John Hancock (they didn't think the United States needed a strong central government).



James Madison

The “father” of the Constitution



- Came from Virginia
- Addressed the Convention more than 200 times – was an important part of its creation!
- Kept detailed notes (not C-notes) when he wasn't speaking; it is from his 600–page note collection that we know what went on.
- Rule of Secrecy: the delegates vowed to keep what went on during the Convention secret; they did not speak of it to the press.

So why did it take so long?

- All delegates believed in the principles of the Declaration of Independence--life, liberty, and the pursuit of happiness.
- They agreed that governments should come from the "consent of the governed"--meaning, no government is valid or OK unless the people are okay with it.
- They believed that the best kind of government was a republic: governed by elected representatives
 - a government of the people...But what people? Most states only allowed free, white males to vote
- **Main debate:** How much power should the federal government have?
 - Too strong - could threaten individual liberties
 - Too weak - can't do its job of protecting liberty and property

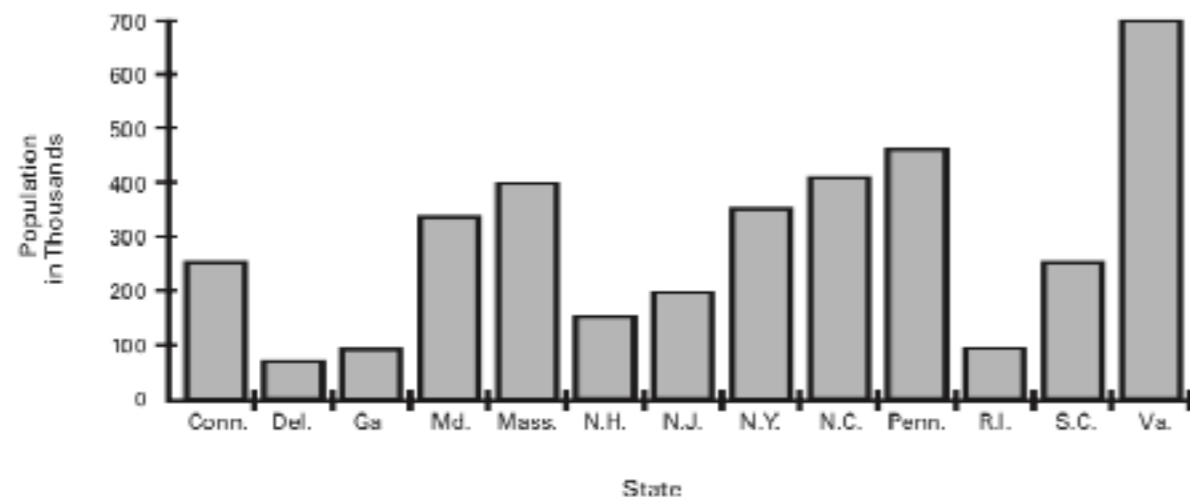


https://www.youtube.com/watch?v=uihNc_tdGbk

Issue: States' representation

- Another Main Debate: Should representation be based on population?
 - Large states said yes, smaller states said no

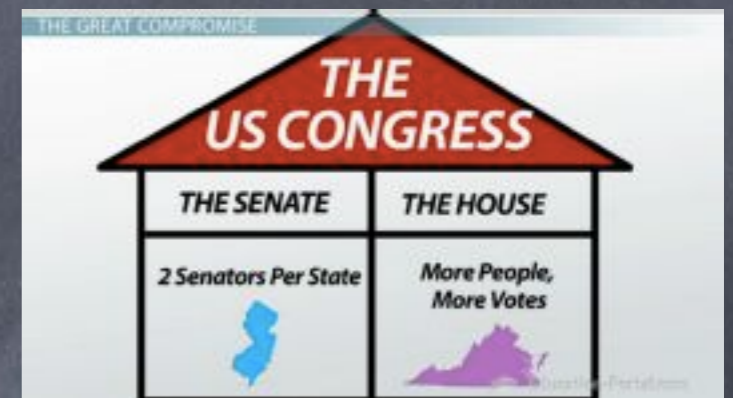
Population of States, 1790



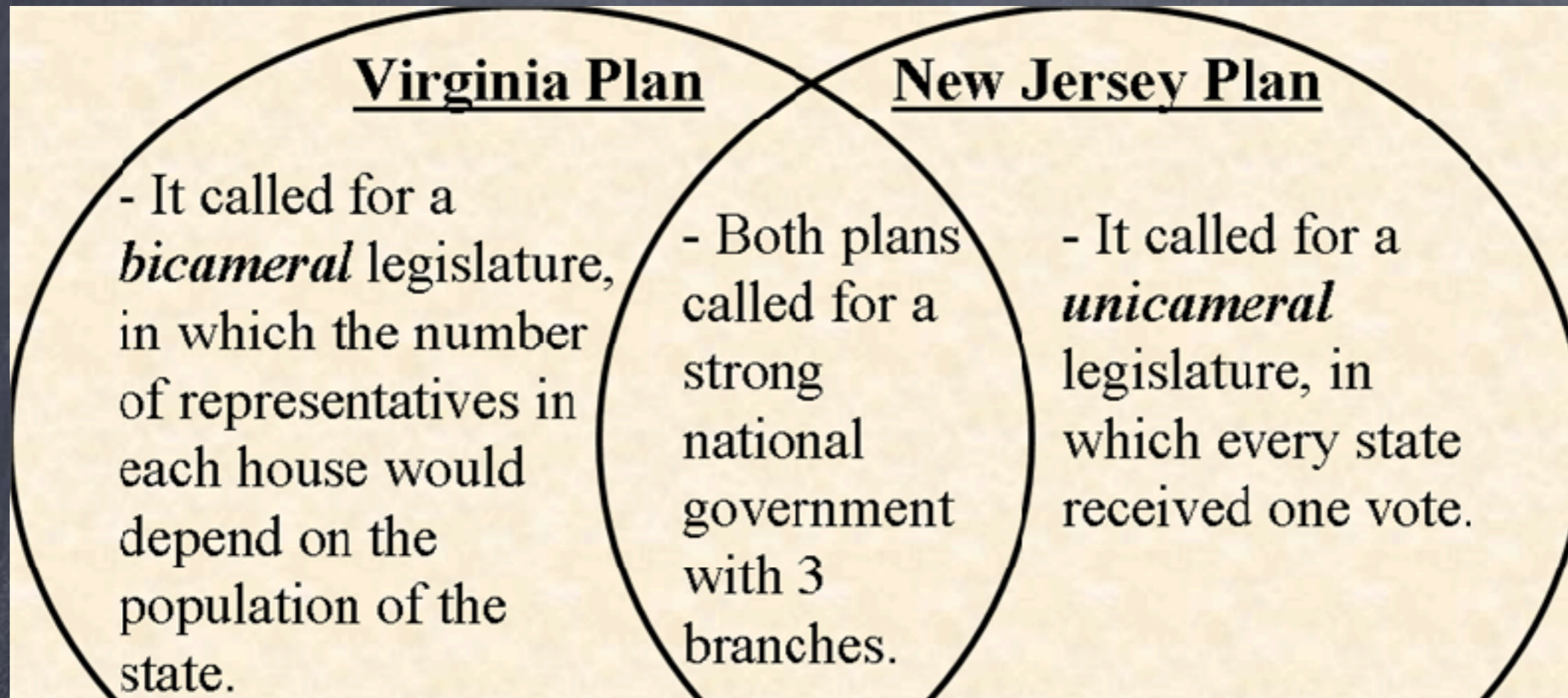
- **Virginia Plan (Most populous state)**
 - Strong national government with three branches (parts).
 - Legislative (congress) – make laws
 - Number of Representatives – based on state population
 - Executive – carry out the laws
 - Judicial (court system) – apply and interpret laws
- **New Jersey Plan (a smaller state)**
 - Equal representation in Legislative Branch
 - Agreed on the three branches

The Great Compromise

- Small states with smaller populations didn't like the Virginia Plan; they didn't trust the larger states not to abuse their power.
- Compromise: Two-house Congress
 - House of Representatives:** made up of representatives from each state, based on population
 - Senate:** represents the states. Each state would have two senators regardless of population.



The Great Compromise



Great Compromise



- It provided for a bicameral Congress.
 - A. House of Representatives – each state is represented according to its population (satisfied the VA Plan)
 - B. Senate – each state has 2 Senators (satisfied the NJ Plan)
- * Both houses of Congress must pass every law.

Issue: How Should Slaves Be Counted?

- So how did slave population get figured into this representation?
- 90% of slaves lived in the South.
- Southerners wanted slaves to be counted as people when determining representation. WHY?
- Northerners: "Oh rilly? Will they get a vote, or are they considered property?"

WHY?

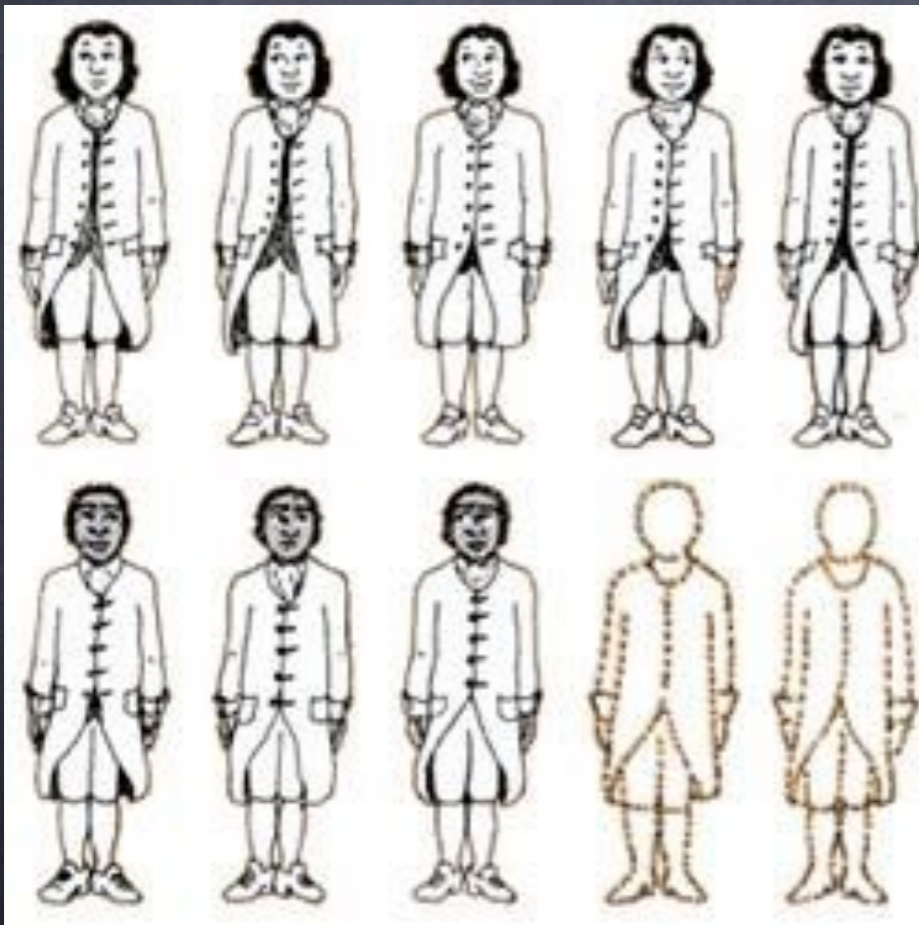
'Cuz more population =
More Reps =
More laws to
Keep Slavery

<p>SOUTHERN STATES</p>  <p>I WANT SLAVES TO BE COUNTED FOR POPULATION SO WE CAN HAVE MORE REPRESENTATIVES IN COURT, BUT I DON'T WANT THEM TO COUNT FOR TAXES. THAT WAY WE CAN HAVE MORE REPRESENTATION THEN THE NORTHERN STATES AND STILL GET OFF THE HOOK FOR TAXES</p>	<p>THE 3/5 COMPROMISE</p> <p>TO MAKE IT FAIR FOR BOTH SIDES, 3/5 OF THE SLAVES IN A STATE WOULD BE COUNTED AS POPULATION AND TAXES.</p>	<p>NORTHERN STATES</p>  <p>I WANT SALVES TO BE COUNTED FOR TAXES, SINCE WE DONT HAVE MANY SLAVE UP HERE IN THE NORTH. THOUGH I DONT WANT THEM TO COUNT FOR POPULATION BECAUSE THAT WOULD GIVE THE SOUTHERN STATES MORE POWER IN CONGRESS, AND WE DONT WANT TO BE OVER POWERER BY THE SOUTHERN STATES</p>
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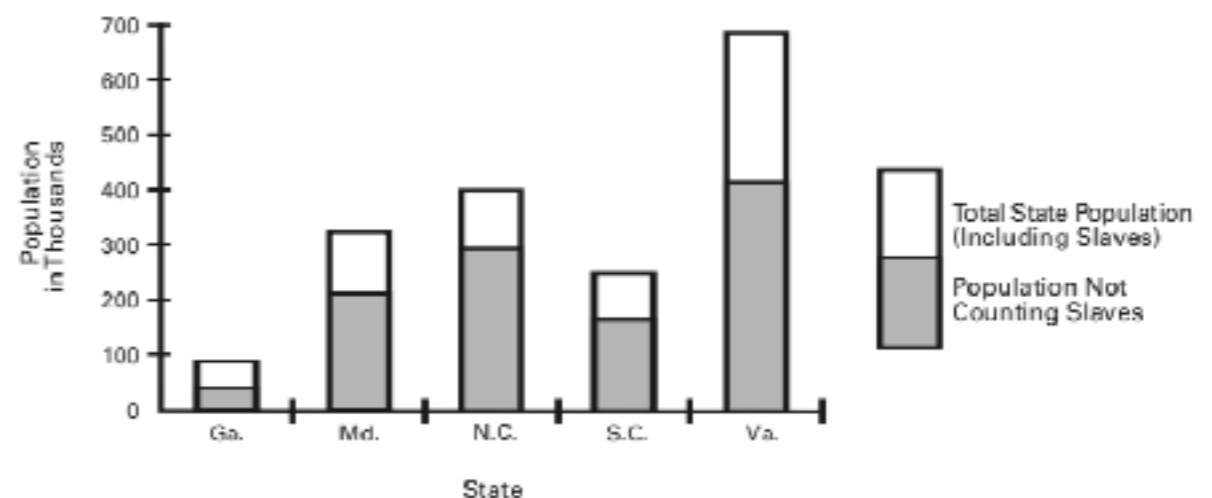
The 3/5 Compromise

- Although many Americans were uneasy about slavery (Ben Franklin founded an antislavery society), the Southern economy was dependent on slave labor, and they were not ready to abolish slavery.

- Compromise: each slave would be counted as 3/5 of a person for the purposes of representation.

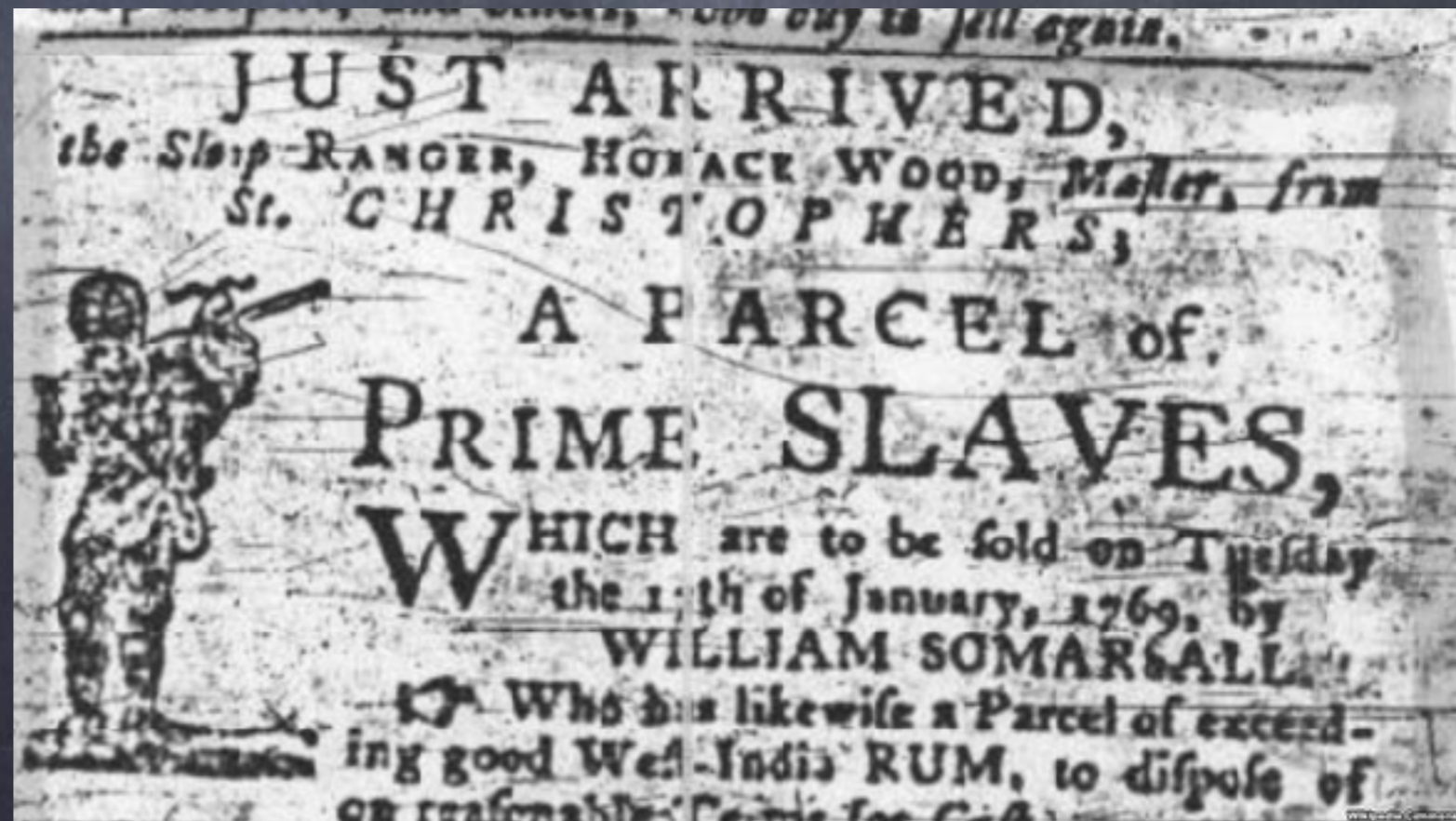


Comparative Population Counts for Southern States, 1790



Issue: The Slave Trade

- The proposal was to give Congress control over trade between the states as well as other countries.
- Southern States: worried Congress would make importing slaves from Africa illegal.
- Many Northern states had already outlawed the slave trade.
- Most of the delegates at the Convention were anti-slavery.



- Congress was given the power to control trade, but NOT on exports going to other countries.
- Congress could NOT interfere with the slave trade for 20 years--till 1808.
- To appease the Southern states, Congress added the "fugitive slave clause," which forced the return of escaped slaves even if they were caught in a free state.

Compromise:

Ten Dollars REWARD.

RAN away on the night of the 29th instant, a Negro Man named HARRY, between 30 and 34 years of age, his complexion between that of a molatto and black, about five feet ten inches high, rather lean than fat inclined, chews tobacco and is fond of drink, speaks good English and Low Dutch, and tells a very pleasing story, but is a great liar; he is a turner and chair-maker by trade, and very handy at almost any kind of business: He had on when he went away a homespun short coat of a lightish colour, linen trousers, a good homespun great coat a little of a mixed lightish colour, a tow and linnen old shirt: Took with him a fine white shirt, and a long blue broad-cloth coat with metal buttons; the long coat is well worn. It is likely he will sell his great coat or blue coat to get drink. Whoever takes him up and secures him in any gaol, and gives information, so that his master may get him again, shall be entitled to the above reward.

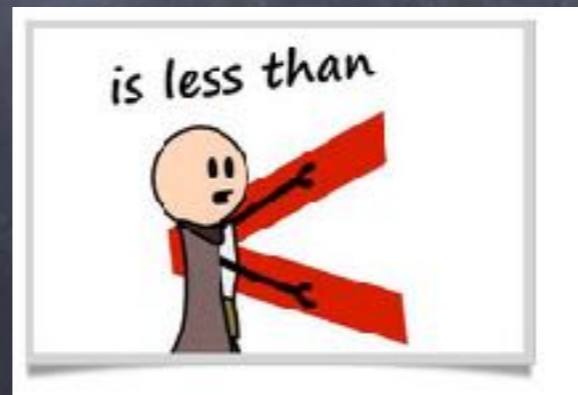
JAMES COLE.

New-Brunswick, State of New-Jersey, Sept. 30, 1795.

NEW-BRUNSWICK—Printed by ABRAHAM BLAUVELT.

Issue: the Chief Executive

- The framers believed they needed a strong leader; but some were still paranoid about King George III.
- One executive? Three? Franklin and the Virginia delegates wanted three, believing that a trio could do better than one person.
- They compromised on one executive, called the **President**, but limited the term of office to four years. They also allowed for a **Vice President** in case the President died in office.



But who elects the President?

- Some framers: Congress should. (The two houses--House of Representatives and Senate)
- Others: The people should elect the President.
- Still others: Specially chosen voters--called "electors" should choose the president, to make it fair for the entire country.

Compromise: The Electoral College

- Created specifically to elect the president
- The Electoral College has as many electors as does Congress.
- Originally, the electors voted for one of two candidates they wanted for president, and the one who got the most votes became president; the runner-up was vice-president.
- The Electoral College was created before the United States had political parties and before we had instant communication. It seems antiquated to many people today.
- A candidate for President can be elected without a majority of the popular vote, so long as the candidate receives a majority of the Electoral College votes.

In 2000, Al Gore won the popular vote, but George W. Bush won the electoral vote, and therefore became our 43rd President.



Then, in 2016, Hillary Clinton won the popular vote, but Donald Trump won more votes in the Electoral College...



The long, hot summer

- The Constitutional Convention took all summer, and at the end was ratified (approved) by at least nine states (a majority of the 13).
- September 17, 1787 – Constitution Day
- Created two “parties”
 - Federalists: supporters of the Constitution
 - James Madison, Alexander Hamilton, John Jay
 - Anti-Federalists: against the Constitution; worried about taxes, that the federal government would have too much power

15 minutes

- Review your notes. Fill in any gaps--ask your friends, look at chapter 8 in History Alive!
- Create QUESTIONS that can be answered by your notes.
- Answer the two EQs using formal response in the summary section of the FIRST page of notes.
- Finish for homework if necessary