

U.S. History

Studies Weekly

GROWTH AND CONFLICT

articles of confederation VS the constitution

When Thomas Jefferson wrote the Declaration of Independence, his focus was on the belief that all people were endowed with "certain unalienable rights," which included life, liberty and the pursuit of happiness. The purpose of government was to protect these rights. The document also stated that governments got power from the people. They had no power in and of themselves, only as it was granted by the people they governed.

As the colonists prepared to break away from Great Britain, it became clear that they needed some sort of document to keep the new country running. The Second Continental Congress drafted the Articles of Confederation in 1777 and sent it out to the states for ratification, or approval. It took until 1781, but the document was eventually approved by all the states.

It didn't take long for the new nation to realize that while the new document was better than nothing, it wasn't up to the task of governing the United States of America. By focusing too much on individual rights, the document left the central government without enough power to rule the nation. Great Britain's central government was too powerful, but the new U.S. government wasn't powerful enough. By the summer of 1787, delegates gathered to change the Articles of Confederation. They quickly decided to throw out the document altogether and write a brand new constitution.

What were some of the weaknesses

of the Articles of Confederation?

According to the document, the only governing body was Congress. There was no one to carry out the laws passed by this group. Congress had only one house, rather than a Senate and a House of Representatives, and each state had only one vote. All laws had to be passed by nine out of the 13 states in order to go into effect.

One of the greatest weaknesses of the document was that it gave Congress no power to collect taxes. Since taxation without representation was such an important issue to the colonists at the beginning of the American Revolution, they did not want grant this power to the central government. This left them with no way to collect money for paying soldiers or running wars. The government could ask the states to donate money, but it had no power to make them pay. The Articles of Confederation also gave all the power over interstate commerce, or doing business from state to state, to the states and didn't give the government the power to create a unified policy for dealing with foreign countries.

The Constitution was written to correct these problems by creating a strong national government that would still protect the rights of the states and individuals. The government would take its power from the people, and would then protect their rights and freedoms, while also passing laws that would allow the country to function and grow.

Differences Between the Articles of Confederation and the Constitution:

Articles of Confederation:

- Congress is made up of one body and each state has one vote.



- Congress has no power to tax.



- There are no executive or judicial branches of the federal government. All legal matters are decided by state courts.



- The states have supreme governing power over the citizens who live there.

Constitution:

- Congress has two bodies; the House of Representatives, based on population and the Senate, with two representatives from each state.



- Congress has the power to collect taxes and other fees.

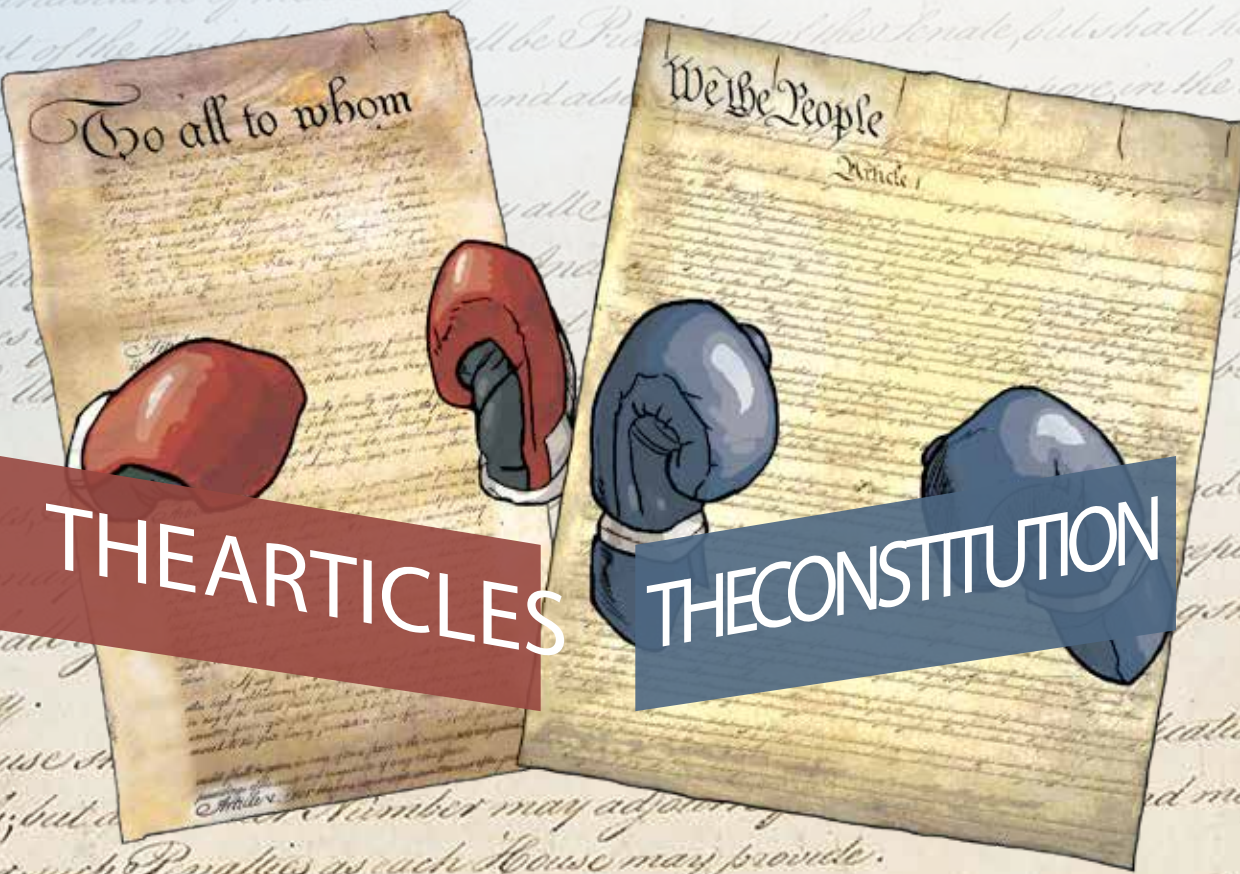


- There is an executive branch to enforce the law and a judicial branch to interpret the law.



- The nation takes its power from the people of the nation. The power of government is divided between the federal and state governments.

Which document did a better job of implementing the ideals included in the Declaration of Independence? The Articles of Confederation tried hard to preserve the freedoms of each individual, but it didn't give the government enough power to actually do that. Because of the failure of the Articles of Confederation, the framers of the Constitution had a much better idea of what the new document needed to be able to accomplish.



THE ARTICLES

THE CONSTITUTION

Hammering out the Constitution

Getting Started

On May 25, 1787, 55 delegates entered the State House in Philadelphia, Pennsylvania, for the opening of the Constitutional Convention. The group had gathered with the specific purpose of revising the Articles of Confederation. It wasn't long before the delegates decided that revising the document was hopeless. The United States was a nation with high hopes and big dreams, and it would take a strong constitution to govern the people of such a place. It turns out that the framers of the Constitution were equal to the task. The road wasn't easy, though, and it took the entire summer to hammer out a document that was up to the challenge.

Thorny Issues: The Question of Power

The main fault of the Articles of Confederation was that it didn't give enough power to the national, or federal, government. The states didn't pay taxes, they traded with foreign nations without permission, they didn't listen to Congress and they fought with each other. The delegates knew they needed to strengthen the federal government, but they were also afraid of giving it too much power. They didn't want to create another tyrannical government like the one they had just escaped.

Dividing the Power Between State and Federal Government

The Virginia Plan

James Madison, a delegate from Virginia, came up with a solution to the problem of dividing the governing power between federal and state governments. He and some other delegates from his state presented the Virginia Plan. This plan gave Congress more power over the states and also provided for an executive branch of national government. This branch would carry out the laws passed by Congress. The plan also included a judicial branch to interpret, or explain, the laws. Most of the delegates had no trouble accepting these points. Negotiations began to get sticky when the smaller states heard what else was included in Madison's plan. It said that states with larger populations, like Virginia, for example, would have more representatives in Congress than the smaller states, like New Jersey.

The New Jersey Plan

It didn't take long for William Paterson, a delegate from New Jersey, to propose a different plan. The New Jersey Plan said that each state, no matter its size, would have the same number of representatives in Congress. As you may have guessed, the large states didn't agree with this idea. They felt that because they had more people, they should also have more say in running the nation. Tempers often flared as the delegates worked throughout the long, hot summer in a stuffy room with no AC and with the windows tightly closed and locked. They didn't want curious Philadelphians to listen in as they worked. As the summer heated up, so did the debate.

The Great Compromise

Roger Sherman of Connecticut came up with an idea that broke the deadlock. He proposed that Congress be made up of two parts, called houses. In the Senate, each state would have two senators, giving both the large states and the small states equal power. In the House of Representatives, the number of representatives would be determined by population. The larger the state, the more representatives it would have. Both sides agreed to the Great Compromise.

Slavery

The next debate came over the issue of slavery. Most of the delegates from the North didn't like slavery and wanted it to end. The delegates from the South relied on slaves to keep their farms and plantations running. Slavery was important to their livelihood and their lifestyle. The North wanted to outlaw the slave trade, but the South disagreed. A compromise was finally reached. The slave trade would be allowed to go on for another 20 years, until 1808, but then it would be outlawed.

The North and South also disagreed

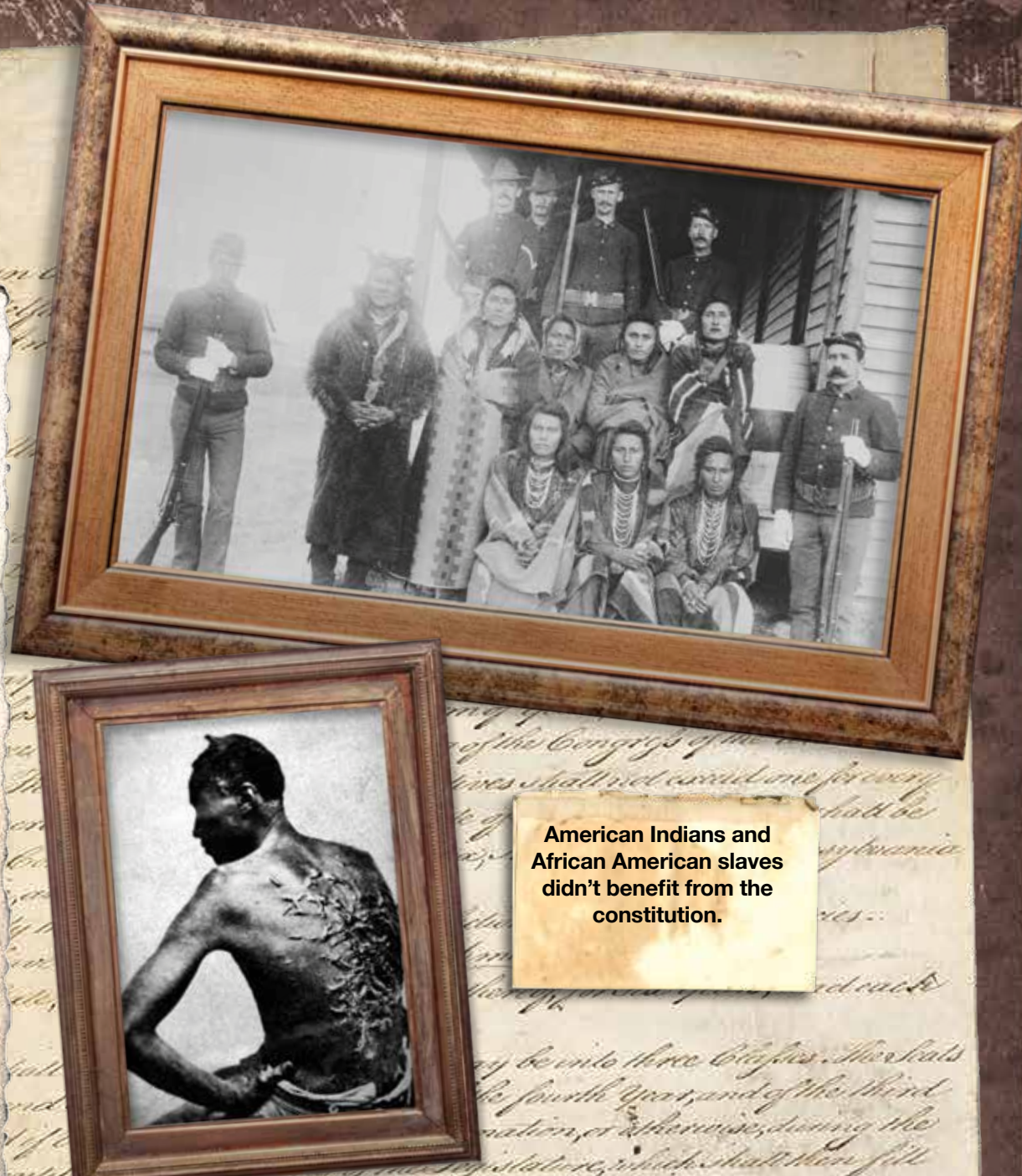
over how to count the slaves when figuring out the population of each state for the purpose of assigning representatives in Congress and collecting taxes. Finally, the Three-Fifths Compromise was agreed upon. Slaves would be counted when figuring out the population of each state, but only three out of every five, or three-fifths, of the slaves would be counted. The issue of slavery was solved, at least for the time being.

Status of American Indian Nations

Another issue that came up during the framing of the Constitution was deciding who would have power to deal with the American Indians. Should it be the federal government, or should the states have this control? James Madison proposed that Congress be given the power to manage all dealings with the American Indians, whether they lived within the boundaries of a state or not. Under the Articles of Confederation, the federal government only had power to deal with American Indians who lived outside of any state boundaries. The final wording of the Constitution said that Congress had power "to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Individual Rights

As the Constitutional Convention came to a close, some delegates, called Anti-Federalists, wanted to add a bill of rights to the document. They felt that many important individual rights weren't specifically spelled out in the Constitution and that adding a bill of rights would protect these rights. George Mason, of Virginia, and Elbridge Gerry, of Massachusetts, demanded that a bill of rights be added, but other delegates, called Federalists, felt that since most states had their own constitutions, along with their own bills of rights, this was unnecessary. On September 17, 1787, 39 of the 55 delegates signed their names to the Constitution, without a formal bill of rights. Failing to add a bill of rights would prove to be a mistake that had to be corrected in the near future.



American Indians and African American slaves didn't benefit from the constitution.

Shall we open the windows?

When the delegates came together to draft the Constitution, there were many challenges ahead. Besides the problems involved in coming up with a governing document that would be accepted by the people of the new nation, there were other snags to deal with as well. The delegates wanted to be able to discuss their ideas and opinions openly, without worrying that their words might appear in the newspaper or be passed around town by gossips. They wanted to be free to share their thoughts, argue back and forth and even change their minds, if necessary. To protect their freedom of expression, the delegates decided to keep their meetings secret. Visitors were not welcome and reporters were not allowed.

It was difficult for some of the more talkative delegates, such as Benjamin Franklin, to keep from slipping some of the happenings of the day into pleasant evening dinner conversations. It may

have been a challenge, but the delegates managed to keep their work a secret until the Constitution was ready to be approved.

An unpleasant side effect of having to meet in secret was that the windows of the convention hall had to be kept closed and the curtains drawn. All during that long, hot summer, the delegates continued to dress in coats, vests, long stockings and powdered wigs, with not a breath of air or the hint of a breeze. No wonder these men sometimes found themselves getting more than a little hot under the collar.

Thomas Jefferson didn't approve of the decision to meet in secret. He was away in France at the time, but he wrote to his friend, John Adams, "I am sorry they began their deliberations by so abominable a precedent as that of tying up the tongues of their members." What's your opinion?

Historic Governing Documents Influence the Constitution

The framers of the Constitution took ideas from many different sources when drafting our new governing document.

Magna Carta:

The Magna Carta (Great Charter) was written in 1215 by a group of wealthy British landowners who demanded that King John sign the document, or they would go to war against him. He signed, but the agreement only lasted 10 weeks. In spite of this, the Magna Carta has been used as a pattern for government in both Great Britain and the United States. Among other things, the Magna Carta said that:

1. The law applied to everyone, including the king.
2. All citizens had the right to a fair trial.
3. People who are taxed should also have some kind of government representation.

English Bill of Rights:

The English Bill of Rights was passed by Parliament in 1689 to set limits on the actions of the ruling king or queen. Some of the most important points of the bill included:

1. Free elections would be held.
2. No armies could be raised during times of peace.
3. No taxes could be charged without Parliament's approval.
4. Members of Parliament had the right to freedom of speech when meeting together.
5. Cruel and unusual punishments were not allowed.
6. Citizens had a right to a fair trial.

Mayflower Compact:

When the Pilgrims landed at Plymouth in 1620, they needed some form of government to keep the colony going. The leaders wrote up a document called the Mayflower Compact and the adult male members of the group signed their names. The document is short, but it said that the group had joined together to create "just and equal laws ... for the general good of the Colony." This document was the first step toward self-government in the New World.



(top to bottom) James Madison, William Paterson and Roger Sherman





Preserving Original Documents

The original copy of the Constitution is on display at the National Archives in Washington, D.C. The main room in this building is called the Rotunda for the Charters of Freedom. The Rotunda displays the original, handwritten copies of the Constitution, the Declaration of Independence and the Bill of Rights. These three important documents are called the Charters of Freedom.

In 1998, the National Archives and Records Administration started a project to clean and protect the Charters of Freedom. They had been encased in special glass for 50 years, but new technology made it possible to hold the documents under even better

and more protective conditions. First, experts carefully pried open the glass cases. Then they examined each word with a powerful microscope to check the condition of the ink. Next, they applied a special gelatin to any bits of ink that were starting to flake away. This was done with a brush so small that each drop of gelatin was no larger than a period at the end of a sentence. Finally, workers cleaned any dust and dirt from the documents and placed each one in its own glass case designed to protect it from aging. These cases are made of titanium and glass specially designed to keep out moisture and air.

If you get the chance to visit the

National Archives, be sure to pay close attention to the beautiful handwriting on the original version of the Constitution. It may even make you want to practice your cursive!



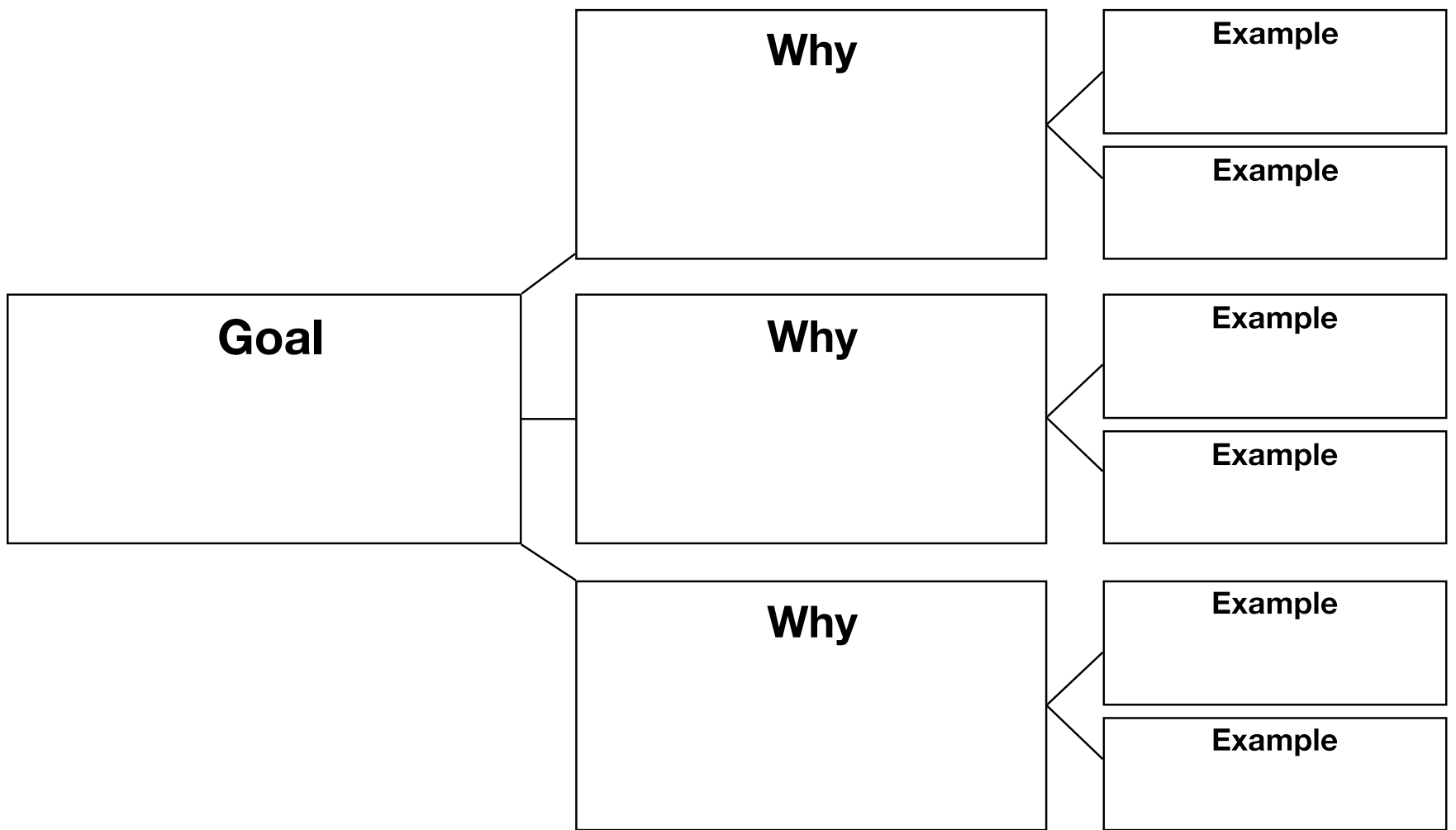
Rotunda for the Charters of Freedom

Out With the Old—In With the New

It didn't take long for the nation to discover that the Articles of Confederation weren't up to the challenge of governing the United States of America. Using the persuasion map below, show why the

Articles of Confederation needed to be replaced if the country was to survive. In the box labeled "Goal," list "Replacing the Articles of Confederation." Then in the boxes labeled "Why," list several

weaknesses of the document, or reasons it needed to be replaced. For each reason, give one or two examples of the problems these weaknesses caused for our new nation.



THINK & REVIEW

1. How did the philosophy behind the Articles of Confederation differ from the philosophy of Great Britain's government? What inherent weakness did this give to the Articles of Confederation?
2. List several major weaknesses of the Articles of Confederation.
3. Compare and contrast the Virginia Plan and the New Jersey Plan. How were they alike? How were they different?
4. What was the Great Compromise? Who proposed it? How did it solve the conflict created by the Virginia and New Jersey Plans?
5. Analyze why the windows in Independence Hall were kept closed during the Constitutional Convention, even though the convention was held during a long, hot summer.
6. Explain how the issue of slavery was addressed by the Constitution.
7. What was the Magna Carta? How did it influence the government of the United States?
8. List several points from the English Bill of Rights that are included in the U.S. Constitution.

LET'S WRITE

Thomas Jefferson was away in France during the Constitutional Convention, but wrote to his friend, John Adams, saying, "I am sorry they began their deliberations by so abominable a precedent as that of tying up the tongues of their members." In three or four paragraphs, explain what you think Jefferson meant by this statement. Do you agree or disagree with Jefferson's stand? Why or why not? Remember to use correct sentence structure, punctuation, spelling and grammar.

Please text anonymous suggestions or concerns about this publication's content. (385) 399-1786