

# THE CRITICAL PERIOD

“Tis really astonishing that the same people, who have just emerged from a long and cruel war in defense of liberty, should now agree to fix an elective despotism upon themselves and their posterity.”

*Richard Henry Lee*

## THE ARTICLES OF CONFEDERATION

- ◆ Formation (committee headed by John Dickinson)
- ◆ Ratification (stamp of approval on status quo)
  - ✓ Nearly 5 years from committee to implementation (July 1776 to March 1781)
  - ✓ \_\_\_\_\_ balked at messy western land claims

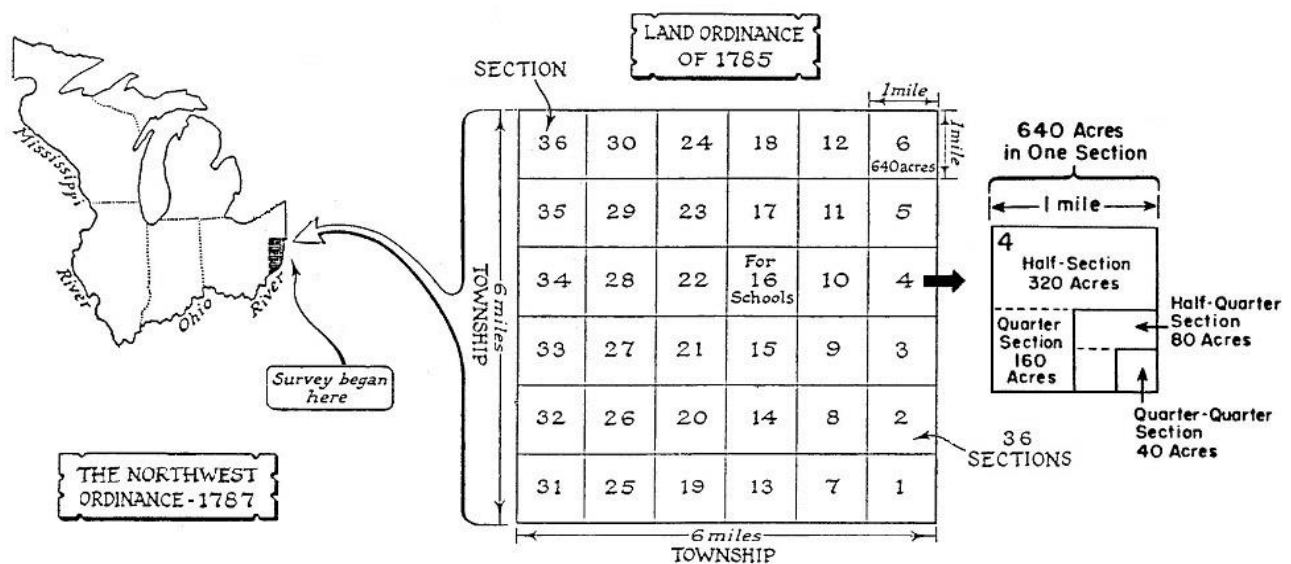


- **vague**
- **exorbitant**
- **disconnected**
- **overlapping**

- ◆ Shortcomings (“league of friendship” only)
  - ✓ Fed’l gov’t denied adequate authority over states (theory of states’ rights)
  - ✓ Unanimous consent req’d for amendment (see one-state stoppage above)
  - ✓ Apparent errors understandable (not accidental)

# WESTWARD EXPANSION

- ◆ Land Ordinance of 1785 (systematic \_\_\_\_\_)
  - ✓ Divided into townships
    - 36 mi<sup>2</sup> (6 mi × 6 mi)
    - section = 1 mi<sup>2</sup> = 640 acres
  - ✓ Made available thru \_\_\_\_\_
    - entire section only @ \$1 per acre minimum
    - land companies sold smaller plots to farmers
    - brilliant economic scheme



- ◆ Northwest Ordinance of 1787 (sanctioned \_\_\_\_\_)
  - ✓ Northwest Territory
    - Ohio River, Mississippi River, Great Lakes
    - Ohio, Indiana, Illinois, Michigan, Wisconsin
  - ✓ Statehood formula
    - territorial governor, secretary, 3 judges
    - 5,000 voters = representative to Congress
    - 60,000 bodies = constitution, then statehood
  - ✓ Bill of rights

# THE ROAD TO PHILADELPHIA

- ◆ \_\_\_\_\_ Conference (March 1785) → \_\_\_\_\_ states
- ◆ \_\_\_\_\_ Conference (January 1786) → \_\_\_\_\_ states
- ◆ Shays's Rebellion (late 1786)
- ◆ Philadelphia Conference (May 1787)
  - ✓ Delegates = "demigods"
    - Washington, Franklin, Madison, Hamilton
    - notable absentees inc. Jefferson, Adamses, more
    - lawyers, planters, merchants, slaveowners
  - ✓ Attendance = irregular/uncertain
    - 74 delegates named; 55 attended (\_\_\_\_\_ states)
    - 30-40 average attendance per session (88)
  - ✓ Purpose = revise Articles of Confederation
    - meetings closed to ensure quality debate
    - Articles abandoned in favor of federalism
    - dramatic power shift (convention extralegal)

# AGREEMENT THRU COMPROMISE

- ◆ Great Compromise
  - ✓ \_\_\_\_\_ Plan vs. \_\_\_\_\_ Plan
  - ✓ Bicameral legislature
- ◆ Three-Fifths Compromise
  - ✓ \_\_\_\_\_ states vs. \_\_\_\_\_ states
  - ✓ Slaves = 3/5 for representation & taxation
- ◆ Commerce Compromise
  - ✓ \_\_\_\_\_ (manufacturing) vs. \_\_\_\_\_ (agrarian)
  - ✓ Uniform trade laws from state to state
  - ✓ All treaties (inc. trade) need 2/3 Senate vote
  - ✓ No export taxes allowed
- ◆ Slavery Compromise
  - ✓ Moral anxiety vs. economic well-being
  - ✓ No interference w/ slave trade until 1808
  - ✓ Tax of \$10 per slave permissible
- ◆ Electoral College Compromise
  - ✓ Direct election vs. alternate selection
  - ✓ System flawed (abolishment later considered)

# RATIFICATION

- ◆ Convention (569 total votes)
  - ✓ 38/41 remaining delegates (+ 1 absentia)
  - ✓ At least one signee from each state
  - ✓ Opposed = Gerry, Mason, Randolph + 4 absent
  - ✓ 7 absent favored; 2 gave no indication
- ◆ Congress (under the Articles)
- ◆ States (9 of 13 req'd)
  - ✓ Delaware #1; \_\_\_\_\_ #9 (June 1788)
  - ✓ Massachusetts, New York, Virginia key states
  - ✓ Of 4 remaining states: 2 prior to implementation; 2 after
  - ✓ 13th state = \_\_\_\_\_
  - ✓ Replaces Articles in March 1789
- ◆ Federalists = strong central gov't
  - ✓ Upper class; lawyers, doctors, ministers; urbanites
  - ✓ Hamilton, Madison, Jay
  - ✓ *The Federalist* (series of \_\_\_\_\_ essays by "Publius")
- ◆ Anti-Federalists = states' rights
  - ✓ Lower class; farmers & laborers; ruralers
  - ✓ Hancock, S. Adams, Clinton, Henry
  - ✓ Three major objections
    - ① no gov't protection of civil liberties
    - ② states' rights denied (esp. "\_\_\_\_\_")
    - ③ not democratic enough
- ◆ Bill of Rights to appease Anti-Federalists (Dec 1791)
  - ✓ Madison used \_\_\_\_\_ as model
  - ✓ States submitted 200+ suggestions
  - ✓ 12 submitted to Congress whittled down to 10
- ◆ The Enduring Constitution
  - ✓ Checks & balances system ensures gov't credibility
  - ✓ Formal amendment process (Article V)
  - ✓ Brevity/lack of detail allows custom & usage