

Unit: The Constitution & A New Nation

Lesson: The Constitution

Name _____

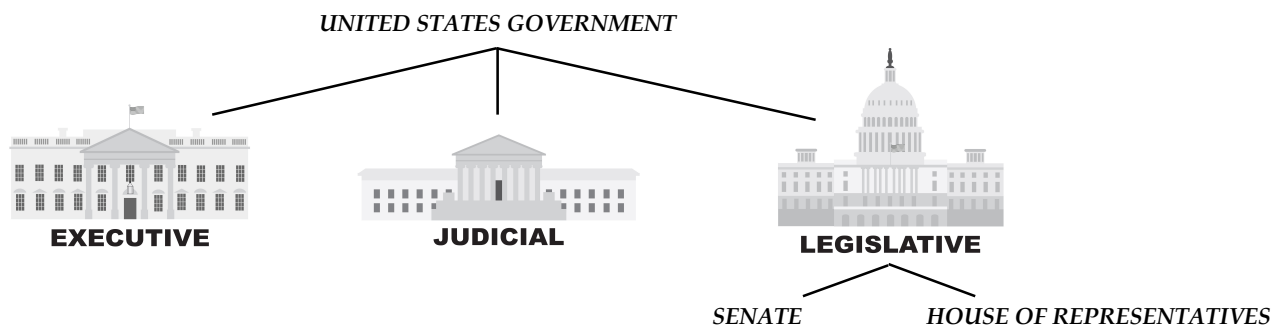
The Articles of Confederation had been the ruling document of the United States government since 1777, but it wasn't **ratified** by all states until 1781. Despite its weaknesses, it remained the country's constitution until 1787. After Shays' Rebellion happened in 1787, US leaders realized the national government needed more power.



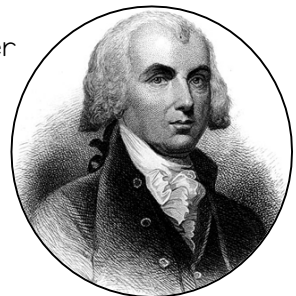
George Washington leading the Constitutional Convention c.1856

George Washington, James Madison, and Alexander Hamilton were among those who called for a meeting to discuss **amending** the Articles of Confederation. The Constitutional Convention met in Philadelphia, Pennsylvania, in May 1787. Fifty-five state delegates met and chose George Washington to lead the process. They originally met to change the Articles of Confederation, but they then decided to rewrite the document and restructure the government. Even though most all the delegates agreed to rewrite the document, disagreements occurred about **representation** in the new government, the power of the national government, and the existence of slavery. The delegates would have to **compromise** on these issues.

During the process, the delegates argued about how much power the national government should hold. Some did not want a stronger national government and wanted state governments to hold the power, while others wanted weaker state governments and a stronger national government. In order to reach an agreement, the framers, or writers, created a limited national government with divided powers. The governmental structure would remain a federal system with national government and state governments sharing power, and there would be three branches sharing power within the national government. The **executive** branch, which would enforce the laws, shared equal power with the legislative branch (law-making) and **judicial** branch (court system). If the legislative branch, known as **Congress**, wanted to pass a law, the executive branch could veto, or deny, it. If the executive branch gave approval to pass a law, the judicial branch could declare the law unconstitutional. This type of system is called checks and balances. No one branch could hold more power than another, and each branch had the ability to keep the power of the other branches under control.



Another debate was the issue of ensuring fair representation of the states in Congress. According to the Articles of Confederation, each state had one vote regardless of population. States with larger populations wanted more influence in the government's legislative decisions, so they wanted to have more representatives in Congress. James Madison suggested the Virginia Plan, which would give states with larger populations more representation in Congress. However, smaller states did not want the larger states to have more influence. The smaller states supported the New Jersey Plan, which would give all states the same number of representatives in the Congress. Also, the New Jersey plan did not include 3 branches of government at the national level. Instead it kept the government structure the same as it was under the Articles of Confederation but gave Congress more power over the states. There were heated debates over this issue at the Constitutional Convention, with the larger and smaller states against one another.



James Madison

The Great Compromise resolved the issue of representation. Congress would consist of two chambers, or parts. This bicameral legislature would include a **House of Representatives**, with representation based on population, and a **Senate**, with equal representation for all states. Citizens of each state

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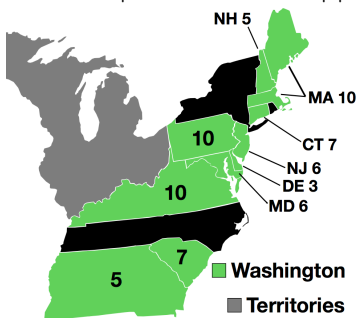
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would elect members of the House of Representatives, and the state legislatures would choose the members of the Senate (the 17th Amendment declares senators are now elected by the people of the state). Any proposed legislation would have to have a majority vote in both chambers to keep states with a higher number of representatives in the House from having too much influence.

Despite the Great Compromise, southern states were still concerned about the larger northern states having too much influence. Southern states depended mainly on producing cash crops and slavery, unlike the northern states which depended mostly on small farm agriculture and industry. The southern states wanted to count enslaved people as part of their population so they could have a greater number of representatives in Congress. The northern states did not agree, so the Three-Fifths Compromise was reached. This plan allowed the southern states to count three-fifths of their enslaved people as part of their population. The southern states also demanded the new national government to allow the slave trade to continue for the following 20 years, and northern states had to return runaway enslaved people to slave holders.

The framers of the Constitution also outlined how the president of the country would be elected, but there were debates regarding this issue, too. At the time, there weren't any national political parties, and communication across the country was limited because of the lack of technology. There was concern that the votes would be spread among regional candidates, and a majority would not be reached. There was also a societal problem. The upper class believed those from the lower class were not educated enough to vote in a



Electoral College votes in 1789

presidential election. In order to reach a compromise, the delegates created what is known today as the **Electoral College**. Each state would choose a number of electors equal to the number of senators and representatives the state had in Congress. These electors would then cast ballots for the candidate they wanted to be president. Today, citizens of the United States still do not vote directly for the president. Instead, they cast their vote for their presidential candidate choice, and the electors are entrusted to cast their ballot for the candidate who won the majority vote in their state.

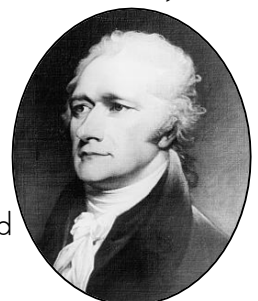
The Constitutional Convention lasted for months, and on September 17, 1787, thirty-nine of the fifty-five delegates signed the draft of the new United States Constitution. The Constitution then had to be sent to each state so the states could ratify it at their state conventions. When the new Constitution was printed in newspapers across the country, many people were shocked. They thought the Articles of Confederation were going to be amended and not thrown out. Those people who did not support ratifying the Constitution were called **Anti-Federalists**. They wanted the power to remain with the states and were fearful of a strong national government. Most people living in rural areas and states with strong economies did not support the ratification of the Constitution because they were concerned they would have to pay higher taxes. The group who did support the Constitution were known as **Federalists**. Most merchants, skilled workers, laborers, and states with weak economies supported the ratification of the Constitution because they liked the idea of the national government regulating trade. Many heated debates took place between these two groups over the state ratification process.



Patrick Henry

Anti-Federalists, like Patrick Henry and George Mason, did not want state governments to give up any of their power to a national government. They argued that the American Revolution was fought to become free from a strong national government (Great Britain). They were also concerned that the Constitution did not describe the guaranteed rights of states or citizens. Anti-Federalists wanted to include a bill that would protect state and citizen rights.

Federalists, like Alexander Hamilton and Madison, believed the limited government structure that had been created would prevent the national government from abusing its power and protect citizens. They argued against listing guaranteed rights because they believed it would limit the rights of states and citizens to only those listed.



Alexander Hamilton

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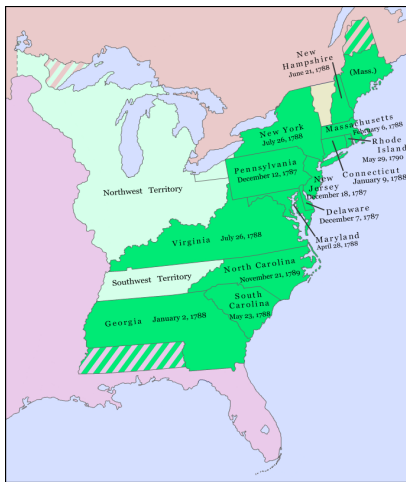
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Nine states needed to ratify the Constitution for it to become official. Delaware, Pennsylvania, New Jersey, Georgia, and Connecticut ratified the Constitution quickly. However, some states believed the delegates at the Constitutional Convention did not have the authority to toss out the Articles of Confederation and write a new document. Federalists and Anti-Federalists clashed at the state conventions, supporting their arguments.

New York and Virginia were two states that were split on ratifying the Constitution. Madison, Hamilton, and John Jay wrote 85 articles between 1787 and 1788 supporting the ratification of the Constitution. These articles are known as *The Federalist Papers*, and they also explained why the government was created in the manner it was. Madison, Hamilton, and Jay used a pseudonym, or fake name, when publishing *The Federalist Papers*. The articles were written under "Publius," and they hoped the articles would convince the people of New York to support the Constitution. The authors used excerpts from the Constitution to strengthen their argument that the document would strengthen the United States and better protect its citizens.

A publication called *Letters from the Federal Farmer* was written from an Anti-Federalist point of view, and it listed the rights that most Anti-Federalists thought should be protected such as freedom of the press and religion, guarantees against unreasonable searches of people and their homes, and the right to trial by a jury. It is widely believed that Richard Henry Lee wrote this publication, but it isn't certain.



Dates when each state ratified the US Constitution

Anti-Federalists continued to argue that the Constitution would not properly protect citizen and state rights. Thomas Jefferson agreed that a lack of protection of citizen rights should prevent ratification, so another compromise was reached. Federalists agreed to include a **Bill of Rights** that would describe guaranteed state and citizen rights if the Constitution was ratified as it was written. Anti-Federalists agreed, and the Constitution was ratified by the required nine states on June 21, 1788, when New Hampshire passed it. By 1791, the majority of states had accepted the Constitution.

Madison wrote the Bill of Rights and proposed the document to Congress in June 1789. The Bill of Rights was accepted by both the Senate and House of Representatives that September, and it was ratified by the states in April 1792. The Bill of Rights are the first ten amendments to the US Constitution, and they are still in effect today.

The Bill of Rights protects citizens from the national government abusing its power. The first eight amendments state the personal liberties citizens have: #1- freedom of religion, speech, and the press; #2- the right to bear arms; #3- soldiers will not be housed in civilian homes without permission of the owner; #4- protection from unreasonable searches and seizures; #5- protections of rights to life, liberty, and property; #6- the right to trial by a civilian jury in criminal cases and be provided a defense lawyer; #7- the right to a trial by civilian jury in civil cases; and #8- excessive bails, fines, and punishments are forbidden. The ninth and tenth amendments ensure that any rights not listed in the Bill of Rights does not mean that citizens or states don't have those rights: #9- the enumeration of certain rights shall not be denied to citizens; and #10- any powers not given to the national government are given to the state governments. Federalists knew it would be impossible to list every right, so they included amendments that would ensure citizens would have other fundamental rights such as the right to travel and the right to own property. It also makes it clear that any power not given to the national government is given to the citizens and states.

However, not every person in the United States was given these freedoms and rights. Native Americans and people who were enslaved were excluded, and women are not mentioned in the Constitution. Some free African Americans were allowed to vote in the northern states, but neither the Bill of Rights nor Constitution protected them from violence or discrimination from whites. Despite these negatives, the US Constitution became a model for other countries around the world that wanted a democratic government.

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SLOTTED NOTES p.1

- Constitutional Convention met in Philadelphia, Pennsylvania, in May 1787 → _____ the Articles of Confederation
- State delegates decided to _____ the document and restructure the _____.
- Many disagreements:
 - _____ in the national government
 - _____ of the national government
 - Slavery
- Many _____ were made.

Who Holds Power?

- Some wanted a _____ national government and _____ state governments.
- Some wanted a stronger national government and weaker state governments.
- _____ national government with _____ powers
- _____ system = national and state governments share power
- Three _____ of government to share power at the national level
 - _____ → enforces law
 - _____ → law-making
 - _____ → court system

Equal But Separate

- _____ and balances → no one branch could hold more _____ than another & each branch had ability to keep the _____ of the other branches under control

US Government

EXECUTIVE

LEGISLATIVE

HOUSE OF REPRESENTATIVES

Representation

- States with _____ populations wanted more representation in Congress → greater influence
- States with _____ populations → NO!!!!
- States with smaller populations wanted _____ representation in Congress → equal influence
- States with larger populations → _____
- _____ → James Madison
 - gives states with _____ populations more representation in Congress
- _____
 - gives states _____ representation in Congress

G _____ C _____

- Congress would have 2 _____ (parts) = _____
- House of _____ → representation based on _____
- _____ → representation _____ for all states
- Any proposed legislation have to have _____ vote in both chambers → kept states with more representation in the _____ from having too much influence

T _____ -F _____ C _____

- Southern states depended on _____.
- Northern states did not.
- Southern states wanted to include _____ people in state populations → more _____ in Congress
- Northern states → _____
- _____ - _____ Compromise:
 - allowed southern states to count three-fifths of their enslaved people as part of their _____
 - let the slave trade continue for the following _____ years
 - demanded northern states to return runaway _____ people to slave holders

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SLOTTED NOTES p.2

E _____ **C** _____

- No national _____ parties
- Communication across country very limited
- Votes could be spread across regional candidates = no _____
- Upper-class believed those from the lower class were not _____ enough to vote for president.
- _____ was created:
 - each state would chose a number of _____ equal to the number of senators and representatives the state had in _____
 - these electors would cast _____ for the candidate they wanted to be president
- TODAY → citizens vote for president & electors are entrusted to cast their ballot for the candidate who won the _____ in their state

-
- Sept. 17, 1787 → 39 of 55 delegates signed draft of the _____
 - Sent to each state to be _____ at state conventions
 - People were _____!!!!
 - _____:
 - did NOT support _____
 - wanted strong _____ governments and weak _____ government
 - rural areas, states with _____ economies
 - _____:
 - _____ ratification
 - wanted _____ national government and _____ state governments
 - states with _____ economies
 - wanted national government to regulate _____

Anti- _____

- Did not want states to give up _____
- Just fought to become _____ from strong national government
- Wanted the Constitution to describe the _____ of states and citizens → wanted to _____ them from the national government

F _____

- Believed _____ government structure would prevent national government from abusing its _____ and would _____ citizens
- Did not want to _____ rights → limit the rights to only those listed

-
- _____ states needed to _____ the Constitution for it to become official.
 - Federalists and Anti-Federalists clashed at state conventions.
 - New York and _____ were split on ratification.
 - *The Federalist Papers*:
 - James _____, Alexander _____, and John _____ wrote 85 articles between 1787 and 1788.
 - supported _____
 - written under " _____ "
 - wanted to convince people to support the _____

-
- *Letters from the Federal Farmer*:
 - written from _____ - _____ point of view
 - explained why _____ should be included in the Constitution
 - freedom of _____ and _____
 - guarantees against unreasonable _____ of people and their homes
 - right to trial by _____

B _____ **of R** _____

- Thomas _____ believed lack of _____ of citizen rights should prevent ratification.
- Bill of Rights would describe guaranteed rights of _____ and citizens IF Constitution was ratified
- Constitution ratified by 9 states on June 21, 1788
- _____ wrote Bill of Rights and proposed to Congress in June 1789.
- _____ by Senate and House of Representatives September 1789
- _____ by states in April 1792
- First 10 _____ to the US Constitution → still in effect today

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SLOTTED NOTES p.3

#1-8 state personal _____ citizens have
(jot down a sketch to help you remember each amendment)

- #1 Freedom of _____, _____, and the _____
- #2 Right to bear _____
- #3 Soldiers will not be housed in _____ homes without permission of the owner
- #4 Protection from unreasonable _____ and _____
- #5 Protection of rights to _____, _____, and _____
- #6 Right to a trial by a _____ jury in criminal cases and be provided a defense _____
- #7 Right to trial by a civilian jury in _____ cases
- #8 Excessive _____, fines, and _____ are forbidden

#9-10 ensure any _____ not listed in the Bill of Rights does not mean that states and citizens don't have those rights

(jot down a sketch to help you remember each amendment)

- #9 _____ of certain rights shall not be _____ to citizens
 - #10 Any _____ not given to the national government are given to _____ governments
 - _____ knew it was impossible to list every _____, so they included amendments #9 and 10.
-
- _____ and people who were _____ were excluded.
 - _____ were not mentioned in the Constitution.
 - Some free African Americans were allowed to _____ in the northern states, but neither the Bill of Rights nor Constitution protected them from _____ or _____ from whites.
 - Despite negatives, Constitution became a model for other countries around the world that wanted a _____ government.