
Chapter 5: The Articles of Confederation, the Constitution of The United States and the Federalist Period

Chapter Objective:

This chapter is designed to instruct the student about the second phase of the American Revolution; the student will be able to explain the difficulties in taking revolutionary theories and turning them into a workable form of government.

Chapter Topics:

Articles of Confederation and the United States Constitution

- 1) Growth to the West
 - a) The Northwest Ordinance
 - b) Land Ordinance of 1785
 - c) Ohio River Forts
 - d) Spanish trouble
- 2) Commercial and Financial Problems with the Confederation
 - a) Commercial problems
 - b) Financial problems
 - c) Move to change
- 3) Constitutional Convention
 - a) Leadership
- 4) Compromises of the Convention
 - a) Congress
 - b) Commercial Powers
 - c) The Executive
 - i) Powers
 - ii) Electoral College
 - d) The Judiciary
 - e) Amendments
- 5) Federalists and Anti-Federalists

The Federalist Period

- 1) Initiating a New Government
- 2) Hamilton's Financial Plan
 - a) Bank of the U.S.
 - b) The Whiskey Rebellion

Chapter 5: The Articles of Confederation, the Constitution of The United States and the Federalist Period Daily Lesson Plans

- 3) Origins of Political Parties
 - a) Federalists
 - b) Republicans
 - c) Diplomatic Problems
 - i) Citizen Genet
 - ii) British abuse of American commerce
 - iii) The Jay Treaty
 - iv) The Pinckney Treaty
- 4) President John Adams
 - a) Election of 1796
 - b) XYZ Affair
 - c) Undeclared naval war with France
 - d) The Alien and Sedition Acts
 - e) Kentucky and Virginia Resolutions
 - f) Election of 1800
 - g) 12th Amendment

Procedures:

The majority of this section will employ the lecture-discussion model.

Application/Reflection:

The student will be able to explain the difficulties involved in the eventual success of the American Revolution. The student will be able to evaluate the reasons for the success of the American Revolution.

Materials List:

For Teacher: Teacher Lesson Plan. **For Student:** Student Workbook and notebook for taking notes from lecture.

Chapter 5: Day 1 (Slide 1)

Procedure:

On the first day of each new chapter, the teacher should return corrected tests from the previous chapter and review the correct answers with students. The objectives of the new chapter should be explained to the students, as well as an overview of the Chapter Topics as contained in the chapter outline given above, and approximate due dates for assignments. The first homework, Chapter 5: Vocabulary #1 (from the Student Workbook) should be assigned. The following material should be covered with lecture and discussion.

Chapter 5: The Articles of Confederation, the Constitution of The United States and the Federalist Period Daily Lesson Plans

Vocabulary:

List vocabulary words (*italic in the Content Background that follows*) on the board.

Homework:

Chapter 5: Vocabulary #1 (due on Day 3)

Original Source Paper:

Students will submit a one-page, handwritten summary of the article from the Independent Journal. (due on Day 6)

Content Background and Lecture Support:

With the disappearance of British control, numerous ideas about how the colonies, now states, should govern themselves were being debated. There was basic agreement on the need to protect popular freedoms such as religion, trials by jury and a free press, but what implement should be used to protect such rights was the real debate. There was early agreement that there should be regular or annual elections, and that the individual states could decide issues of suffrage. There was also agreement that any overall form of government should have as little power as necessary. There were also many ideas about separating the powers of any such unified government.

In the end, these discussions produced the first form of the American government: *the Articles of Confederation*. This was a type of government that was developed by people who did not trust government but realized its necessity. The Articles would allow certain powers to be held by a central government, but the ability to use those powers would reside with the individual states. Under the Articles of Confederation the central government could maintain (but not raise) an army and navy, make declarations of war and handle international treaties and foreign policy, but it could not directly tax citizens, draft soldiers or issue trade regulations. This central government had many powers but no way to use them.

Specific problems of the Articles were numerous. For example, it took a unanimous vote to amend any of the Articles, which gave each state veto powers over the rest. There was no executive branch, no prime minister, secretary or president that could be seen as a national leader. A large problem would develop out of the fact that there was no federal or central legal system; each state would be playing by different rules that made interstate business almost impossible. Finally, with the inability to collect import or export taxes, the central government would have no revenue whatsoever.

Chapter 5: The Articles of Confederation, the Constitution of The United States and the Federalist Period Daily Lesson Plans

With this weak version of a national government, the American States set out to deal with their initial issues: post-war inflation, an increase in manufacturing, the opening of a vast western frontier, and slavery.

Chapter 5: Day 2 (Slides 2-3)

Procedure:

Class begins with a brief review of the assignments and material covered thus far, as well as a reminder that their first homework will be due on Day 3. The teacher should discuss the process of writing the Original Source papers, the first of which will be due on Day 6. The teacher should engage students by asking for a brief review of the material covered during the preceding class, as well as the previous day's vocabulary. The teacher should offer a brief comment on the material to be covered in this class.

Vocabulary:

List vocabulary words (*italic in the Content Background that follows*) on the board.

Content Background and Lecture Support:

To begin, we shall look at the issues dealing with the ownership and settlement of the western lands. Many of the original states had claimed great quantities of western lands as their own. This raised the basic question of whether there would be only the original 13 states or if more were to be created, and if so, how? Thomas Jefferson suggested that the new territory be divided into ten equal sections that would be admitted as states when they reached a certain population figure. Powerful Virginia land speculators, hoping to make a profit, opposed Jefferson's plan. In 1787 a law was passed called *the Northwest Ordinance*, and it would become the dominant law to deal with the admission of new territories to the country. It was specifically designed only to deal with the territories of the Ohio River valley, but it would set the process that would be employed well into the twentieth century. Territory belonging to America would begin as unorganized territory under the governance of the national government. When this territory reached a population of 5,000 it could organize itself into a territory with its own territorial legislature. The final stage occurred at the population mark of 60,000, when the territory could draft a state constitution and apply for admission as a state. This was a practical arrangement, and all seemed well pleased. What went unnoticed was a detail that held that any new territory applying for statehood would be free of slavery. This was unimportant when talking about Ohio or Indiana, but it would come up during the discussions about Missouri.

Chapter 5: The Articles of Confederation, the Constitution of The United States and the Federalist Period Daily Lesson Plans

Of more practical importance was how to break up the land into sizes that could be sold. In *the Land Ordinance of 1785*, a simple process was set out. Land would first be surveyed into six square mile sections called *townships*; these would then be divided into six individual *sections* of 640 acres each. A 640 acre section was the smallest size that the government would put up for sale; the price was only a dollar an acre, but there was no credit. Most Americans could not raise \$640.00, nor could they use that much land. This would give birth to a highly lucrative real estate industry.

Chapter 5: Day 3 (Slides 4-12)

Procedure:

Class begins with a brief review of the assignments and material covered thus far, as well as collection of their first homework. The teacher should engage students by asking for a brief review of the material covered during the preceding class, as well as the previous day's vocabulary. The teacher should offer a brief comment on the material to be covered in this class. Homework (Chapter 5: Vocabulary #2) should be assigned, and students told that it is due on Day 6.

Vocabulary:

List vocabulary words (*italic* in the Content Background that follows) on the board.

Content Background and Lecture Support:

Another truism in history is that internal confusion breeds external aggression. America had won a war of independence, but now it had to defend what it had won. The forts that the French had built along the Ohio River in prelude to the French and Indian war were still in the possession of British troops. In the Treaty of Paris, the British had agreed to remove these troops and hand over the forts, but that had not taken place, and there was nothing the Articles of Confederation government could do about it.

There were also a number of problems, both immediate and potential, with the Spanish. Spain controlled New Orleans, and with that they controlled usage of the Mississippi River. During the 1780's Spain allowed Americans full access, but that could change at any time. There was also a boundary dispute between the United States and Spain over a piece of land referred to as the *Yazoo Strip*. Finally, there were almost constant native attacks coming out of Spanish Florida and raiding into the southern American territories, and these were perceived as being fermented by the Spanish to keep an American population out of the Gulf Coast. It was clear that the country had specific threats, but that the governmental system was inadequate to deal with them.

Chapter 5: The Articles of Confederation, the Constitution of The United States and the Federalist Period Daily Lesson Plans

Economically, the Confederation system was no better. Without the ability to regulate trade through the use of tariffs and duties, the economy was at the mercy of foreign markets. With no federal authority, there was no entity to deal with trade problems as they occurred between the several states. Also, the inherent problems of each state maintaining its own currency would bring constant inflation to the American money supply. The economy needed to be dealt with expeditiously, as there was a massive debt left from the war that could not be paid. Also, in the winter of 1786-87 *Daniel Shays* and many like-minded veterans of the Revolution began to take matters into their own hands when debt collectors tried to take their lands for non-payment. These veterans were in default on their loans due to the fact that they had not yet been paid for their service in the war!

A series of informal meetings began to take place throughout the colonies to address these issues. In 1785, a meeting was held at *Mt. Vernon*, the home of George Washington, which would lead to a larger meeting in Annapolis that would call for the holding of a national convention to overhaul the Articles of Confederation. What came to be known as the *Constitutional Convention* would convene in Philadelphia, on May 14, 1787.

This would be different than the previous meetings of the Continental Congress in that these deliberations would be held in secret. The idea that the document insuring the openness of the American government was developed behind shut doors is certainly ironic, but the reasons revolved around the notion that the framers did not want pieces leaking out until the entire project was completed. James Madison from Virginia would offer a template with his attempt to write a constitution. His ideas favored the larger states too much, but the basic design was kept. Benjamin Franklin and George Washington, the two most respected men in the country, were there to lend credibility to the enterprise. As time went on and the secrecy became more of an issue, it was the presence of these men that allowed the Convention to finish its work. Patrick Henry, author of the Virginia Resolves, did not attend, as he believed no central government could be trusted. John Adams and Thomas Jefferson were away as American ambassadors to Britain and France, respectively, yet both would make contributions through the post. In general, the framers of the Constitution were young, educated and wealthy, but rather than design a government that would favor those of their own class, they were guided by the principle of practicality. They would get one shot at this, and whatever they created was going to have to work in the real world.

Sometimes the Constitutional Convention is referred to as the "*Constitution of Compromises*." This moniker originates with the general tone of compromise that was present throughout the meetings. Shelby Foote, a noted historian, holds that most people view the word compromise as failure. He disagrees, and states that the ability to compromise has always been one of the great strengths of the American form of government, with the Civil War being the only time that a compromise failed to be reached. The greatest compromise that would have to be reached was how to settle the question of representation in the Congress that would be fair to both large and small states. The solution itself was an example of compromise, and came to be known as *the Great Compromise*. An

Chapter 5: *The Articles of Confederation, the Constitution of The United States and the Federalist Period Daily Lesson Plans*

agreement was reached that would provide for a two-house legislative body to be referred to as the Congress. In the House of Representatives, seats would be appointed to states based on population size. In the Senate, each state would be given two seats. This arrangement provided for security to the small states, but still allowed for a population advantage to the more heavily populated states. The question surfaced during these debates about whether slaves should be counted in population figures.

The Northern states said no, the Southern states said yes, and in a totally amoral compromise it was decided that slaves would count as three-fifths of a person for the purposes of representation.

In discussions designed to settle questions of federal powers over commerce, there were many disagreements between Northern and Southern representatives. It was eventually agreed that the federal government would have control over foreign and interstate trade, but the states would have control over commerce within their own state lines. There was no such compromise to be reached when the discussion of whether to continue to allow the importation of slaves came up; the discussion was tabled for a period of twenty years. As to the power of the federal government to place taxes or tariffs on international trade, it was settled that the federal government could tariff foreign goods coming into the country, but not American goods being exported.

As to other basic powers of the federal government, the Constitution provided the doctrine of *enumerated powers*. This doctrine held that any powers not specifically given to the federal government in the Constitution stayed with the states. Two very different interpretations would develop around this doctrine.

Chapter 5: Day 4 (Slides 13-15)

Procedure:

Class begins with a brief review of the assignments and material covered thus far, as well as a reminder that their homework, including their first Original Source paper, will be due on Day 6. The teacher should engage students by asking for a brief review of the material covered during the preceding class, as well as the previous day's vocabulary. The teacher should offer a brief comment on the material to be covered in this class.

Vocabulary:

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Chapter 5: The Articles of Confederation, the Constitution of The United States and the Federalist Period Daily Lesson Plans

Content Background and Lecture Support:

The question of including an executive branch in the new government garnered much debate. There were many delegates who still believed that the country should not have one. Eventually, the idea of a President who would be elected to four-year terms was agreed to. The first problem to arise was that of how a presidential election could be done in an equitable manner. In a straight one-man one-vote election, candidates from the heavily populated Northeast would have an overwhelming advantage. To lessen this advantage, a system similar to the compromise in the legislative branch was designed; it would be called the *Electoral College*. Each state would be granted a number of electors based on the combination of that state's votes in the House and the Senate; if a state had two senators and six representatives, they would hold eight electoral votes. When a candidate won the election in that specific state, he would receive all of that state's electoral votes. This did give an advantage to winning the larger states, but the enormity of the advantage was greatly lessened. The person with the most electoral votes became President and the runner-up would be awarded the Vice-Presidency. In the event of a tie, the election would be decided by the House of Representatives.

The powers of the chief executive were clearly drawn out. The president would have the power to execute laws passed by Congress or veto them as he saw fit, but Congress would maintain the power to *override* a Presidential veto with a two-thirds vote. He would have the power to call Congress into session, and the President could make treaties on behalf of the country if he first received the advice and consent of Congress. The President would also carry the title of *Commander-in-Chief*, with power over all branches and aspects of the military; this power was to ensure that the military would always be under the control of elected civilian leadership. And the President would have the power to make appointments of people to many federal positions. This was quite a vast amount of power, but all of it was tempered by the power of the Congress. In presidential vetoes and Congressional overrides we can see the *checks and balances system* taking shape.

There was almost no debate surrounding the need for a federal legal system. At the top of this system, operating as the highest court in the land, would be *the Supreme Court*. Judges, or Justices, would be nominated by the President, and then approved by Congress. Their appointments would be for life; the idea was to place them out of political reach, where their decisions could be based solely on the law. The power of the Supreme Court to rule on the constitutionality of laws, which is called *judicial review*, was not explicitly stated nor denied in the Constitution. Most courts have assumed it throughout American history.