

## Unit 1 – The Constitution

- **HS 25** – Describe the elements of early governments that are visible in U.S. government structure.
- **HS 26** – Define and compare/contrast U.S. republican government to direct democracy, socialism, communism, theocracy, oligarchy.
- **HS 6** – Analyze ideas critical to the understanding of history, including but not limited to: Tyranny, Great Compromise, Poll Tax, and Republic.

### Lecture #1: Roots of American Government

- From the Declaration of Independence to the Constitution, the Founding Fathers looked to classical history as a reliable guide to their successful experiment in building a lasting republic.
- American government heritage developed from the:
  - Greek traditions of government
  - Roman traditions of government
  - English traditions of government.
  - Philosophers in the Age of Reason

*“Let us study the law of nature; search into the spirit of the British Constitution;... think about the great examples of Greece and Rome; set before us the conduct of our own British ancestors.”*

– John Adams

- Athens, Greece:
  - World’s first *direct democracy*: a form of government in which laws are made directly by the citizens.
  - Wisdom of all the citizens together was superior to the wisdom of one ruler.
  - Some American colonists in early colonial towns held Town Hall Meetings – discuss ways to improve community life and vote on local issues.
  - Citizenship in Athens was limited

*“What Athens was in miniature, America will be in magnitude. The one was the wonder of the ancient world; the other is becoming the admiration of the present.”*

– Thomas Paine

- Ancient Rome
- American colonial legislature resembled a representative form of govt. = Rome
- 509 B.C. - Roman founded a *republic*: a government in which representatives were elected to make laws.
  - Representatives are elected to make laws
  - Elected representatives called senators conducted govt. business
- Citizenship in Rome also limited.

*“This ‘American Experiment’ [is like nothing] we have seen since the days of the Roman Republic.”*

– Thomas Jefferson, 1795

- 1215 A.D. - Magna Carta (“Great Charter”)
  - This document listed rights that not even the monarch could take away (fair trial, free travel, etc...)
    - it limited the power of the monarch
  - English nobles were strong enough to challenge royal power – King John was forced to sign it in 1215
  - Rights within the Magna Carta were only given to nobles (it was eventually given to all citizens)
  - This was an important first step in gaining basic freedoms
- English Bill of Rights
- Once the monarch’s power had been limited, a representative government soon followed.
- Parliament was established in the late 1200’s (England’s first representative government)
  - Over the centuries, Parliament gradually became more powerful than the monarch
- 1689 – The English Bill of Rights was passed

- limits the monarch's power further
- cannot limit free speech
- collect taxes without parliaments approval
- English Bill of Rights listed the rights not only for nobles, but for all citizens.
- The English Bill of Rights and the Magna Carta provided protections against *tyranny* – a cruel and oppressive government or ruler

Two principles we borrowed from England:

**1<sup>st</sup> Principle:** Limiting the Power of Government

- Magna Carta (1215):  
Limited the power of the King
- English Bill of Rights:  
Added Right to a trial  
King had to abide by the laws

**2nd Principle:** Representative Form of Government

- Parliament was made up of two Houses:
  - House of Lords: Landed Gentry
  - House of Commons: Elected by the People
    - Start of the bicameral legislature

*Bicameral* – “two house”

- The Magna Carta and the English Bill of Rights gave English citizens and American Colonists certain rights that Government could not take away.
- A representative form of government (legislature) utilizes elected representatives to make decisions.

The Age of Reason:

- 1600s and 1700s – many European philosophers wrote that people have the power of reason: the ability to think clearly.
- *natural rights* – rights people are born with and that no government can take away.
- John Locke
  - The writings of John Locke had so much influence that he has sometimes been called “the intellectual ruler of the eighteenth century”
- John Locke
  1. ...believed all people are born with certain unalienable rights: Life, Liberty, and Property
  2. ...supported a representative government
  3. ...supported natural rights (rights given at birth)
  4. ...believed that government serves the people, people do not serve the government
  5. ...believed that the purpose of government is to protect natural rights: the right to life, liberty and property
- John Locke also said that if the government is not protecting your natural rights, it is your obligation to revolt against it.
  - Any government that is abusive SHOULD NOT be obeyed.
- Montesquieu
  - *Separation of Power* - dividing the power between three branches of government:
    - Executive Branch: enforce the laws (governor; president)
    - Legislative Branch: make the laws (congress; parliament)
    - Judicial Branch: interpret the laws (judges)
  - No branch of government could gain too much power - checks and balances

## Lecture #2: ARTICLES OF CONFEDERATION

- Explain the key ideals and principles found in the Articles of Confederation.
  - Identify and Explain the weaknesses of the Articles of Confederation.
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- What is *federalism*?
    - The constitutional relationship between U.S. state governments and the federal government of the United States
  
  - The Articles of Confederation :
    - The first constitution (“*written plan for government*”) of the United States
    - Was adopted by Continental Congress in 1777 and approved in 1781
    - Established a national legislature (called the Continental Congress)
      - Continental Congress was a loose collection of delegates from 13 separate states.
      - Most authority really rested with the state legislatures, not the federal Continental Congress.
  
  - According to the Articles, the United States was a confederation between the 13 states
    - A “league of friendship and perpetual union”
  
  - How the Articles of Confederation worked:
    - Each state had created a constitution, or plan for government.
      - Basically 13 separate, independent states (or nations) with strong governments – state constitutions limited government power:
        - Term limits for governor
        - 3 branches (executive, legislative judicial)
  
    - 1777 – 2<sup>nd</sup> Continental Congress drew up plans for a loose confederation, or alliance of independent states
      - The Articles of Confederation
  
  - This plan for government was very weak because the founders were terrified that things would go back to the way they were with England – a strong Central government that would become tyrannical.
  
  - The Articles of Confederation
    - States retained sovereignty
      - They were a higher authority than central (federal) government
    - Created a weak central government
      - Called for a national legislature in which each state would have one vote.
        - Single house of Congress
      - No Executive branch (President)
      - No Judicial branch (court system)
        - Each state maintained its own court system.
  
  - Congressional Powers in the Articles of Confederation:
    - Make war and peace
    - Send and receive ambassadors
    - Enter into treaties
    - Raise and equip a Navy
    - Maintain an Army by requesting troops from the states
    - Fix standards of weights and measures
    - Regulate Indian affairs
    - Establish Post Offices
    - Decide disputes among states

### Strengths of the Articles of Confederation:

- 1 – Signed peace treaty with England in 1783
  - Gave U.S. rights to all land from the Atlantic Ocean to the Mississippi River.

## 2 – Land-Use Policy in the West (1785-1787)

- Northwest Ordinance of 1787 – encouraged the development of the Great Lakes region
- Policy for the development of new territories
- Policy that territories would be developed on an equal basis with the original states

### Weaknesses of the Articles of Confederation:

WEAKNESSES	OUTCOME
Congress had no power to levy or collect taxes.	The government was always short of money.
Congress had no power to regulate foreign trade.	Quarrels broke out among states and trading with other countries was difficult.
Congress had no power to enforce its laws.	The government depended on the states for law enforcement.
Approval of nine states was needed to enact laws.	It was difficult to enact laws.
13 states needed to approve amendments to the Articles.	There was no practical way to change the powers of government.
The government had no executive branch.	There was no effective way to coordinate the work of government.
There was no national court system.	The central government had no way to settle disputes among the states.

### AND no national currency!

- The Revolutionary War cost \$50,000,000
  - The American colonial government had to borrow money from other nations to help finance the war.
  - Once victory was assured the new United States had to figure out how to pay it off.
    - Was it the responsibility of the federal government?
    - Was it the responsibility of the states?
    - Who was responsible?

### Shays' Rebellion :

- 1786 - A series of attacks on Massachusetts courthouses by a small band of farmers led by Revolutionary War Captain Daniel Shays.
  - A small band of 2,000 angry farmers from western Massachusetts marched on the Massachusetts Courthouse to protest their taxes, debts, etc...
- The Revolutionary War was very expensive – states had MASSIVE war debts to pay off.
  - Farmers like Daniel Shays, fought in the Revolutionary War, returned home, and found that they owed back taxes, couldn't pay the debts.
    - This led to foreclosure and property being confiscated.
  - Shays rebellion were angry at having to pay their creditors – losing their farms and property.

### Shays' Rebellion :

- Neither Congress nor the state was able to raise a militia to stop Shays and his followers.
  - Eventually, a privately paid force was assembled to do the job.
  - This rebellion showed weakness in the Articles of Confederation.
- This led to a call for a full-scale meeting of the states in Philadelphia the following May (1787) to discuss the Articles of Confederation and possible solutions.
  - This meeting will become known as the *Constitutional Convention*.