

CONSTITUTION: A consensual document that establishes fundamental principles and the general procedures that are the basis for any given society.

- Consensual, meaning broad-based support
- Reflects views, ideals and beliefs at time of writing
- Incorporates change through both interpretation and formal amendment.

HISTORICAL ANTECEDENTS

■ Anglo-Saxon Liberalism

Rights of Man Philosophy

A well-read leadership class

Common law tradition

■ Colonial settlement patterns

Develops individual state traditions

Isolation breeds self-reliance

Develops “American” cultural identity

■ Revolt against England

Violation of basic common law contract

Lack of representation

Cost

■ Political experience and documents

Colonial legislatures

State constitutions

Declaration of Independence

ARTICLES OF CONFEDERATION

Based on a “firm league of friendship.”

Emphasized state sovereignty (article II)

Emphasis on common defense

Legislative dominance (no court or executive)

9 of 13 needed for legislative acts

No enforcement of legislative acts, “shall abide”

KEY POINTS OF FAILURE OF ARTICLES

Monetary Confusion: each state had own currency;

inflation was also a problem

Economic Rivalry: taxes and imposts on interstate

commerce favored states with ports

Boundary Disputes

Lack of Tax Payments: threatened national

sovereignty

F. The Call for a Convention

What, then, led to the writing of the Constitution? In 1785, delegates from Virginia and Maryland met to work out an agreement on problems of navigation and commerce on the Potomac River and Chesapeake Bay. Because the conference was unsuccessful, the Virginia legislature called a general economic conference to meet in Annapolis, Maryland, in September 1786. The Annapolis Conference was also a failure, for only twelve delegates appeared to represent five states whose interests were mainly commercial: New York, New Jersey, Pennsylvania, Delaware, and Virginia. The report of these delegates, under the leadership of Alexander Hamilton of New York, observed that the situation of the United States under the Articles had become "delicate and critical." It recommended that all the states appoint commissioners to meet in Philadelphia on the second Monday of the following May (1787) "to devise such further provisions as shall appear to them necessary to render the Constitution of the Federal government adequate to the exigencies of the Union."

Immediately after the Annapolis Conference several of the states began to name delegates to the meeting. In February 1787, Congress itself finally endorsed the movement for a convention.

... for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government and the preservation of the Union.

All the states except Rhode Island eventually responded by appointing delegates to the Constitutional Convention that was to meet in Philadelphia in May 1787.

Some Interesting Facts

By 1700, 3/4 of the total acreage in the state of New York belonged to 11 people.

In Virginia, 1,732,000 acres were owned by 7 people.

Tenant farmers paid 1/3 to 1/2 of their crop to the landlord and the interest on agriculture loans ranged between 25% to 40%

Property qualifications disenfranchised 1/3 of all white males.

The property qualifications to hold office were very steep

In the New Jersey Legislature 1,000 pounds sterling = \$1 million today

In the South Carolina state Senate 7,000 pounds sterling

The central government under the Articles was plagued by its inability to raise money. They were to be paid from "voluntary" state contributions.

\$4 million was due July 1, 1781, only \$50,000 had been received.

\$6 million was due September 1, 1781, only \$125,000 received.

The Continental Congress had twice been evicted from its quarters in New York City for nonpayment of rent.

The Congress couldn't pay the expenses of the messenger who brought the news of Cornwallis' surrender.

CONSTITUTIONAL CONVENTION

Had to Balance Three Concepts and Needs:

- States Rights and Sovereignty
- Individual Rights
- Need for a Stronger National Government

Begins with Competing “Plans”

- Virginia Plan (based on population)
- New Jersey Plan (state equality)

GREAT COMPROMISE

- Bicameral Legislature
- Bias Towards Legislative dominance

Creation of the Executive:

- Selection method (legislative, states, people)
- Powers (veto, military, budget and appointment)
- Tenure

National Courts

A Supreme Court to decide interstate issues

Inferior courts created by Congress

A Practical Document

- Interstate Issues (Article 4)
- Slavery (deferred)
- Bill of Rights?