

Chapter Two

The Constitution

Weaknesses of the Articles of Confederation

- Could not levy taxes or regulate commerce
- Sovereignty, independence retained by states
- One vote in Congress for each state
- Nine of thirteen votes in Congress required for any measure
- Delegates to Congress picked, paid for by state legislatures

Weaknesses of the Articles of Confederation

- Little money coined by Congress
- Army small and dependent on independent state militias
- Territorial disputes between states led to open hostilities
- No national judicial system
- All thirteen states' consent necessary for any amendments

The Constitutional Convention

- The Framers (55) attending: men of practical affairs, including Continental army veterans and members of the Congress of the Confederation
- An entirely new constitution was written, although gathering was authorized only to revise Articles
- Primary concern was with defense of liberty as a natural right (Lockean reasoning)

Plans and Compromises

- The Virginia Plan
 - National legislature with supreme powers
 - One house elected directly by the people
- The New Jersey Plan
 - One vote per state
 - Protect small states' interests
- The Great Compromise
 - House of Representatives based on population
 - Two senators per state, elected by state legislatures

Key Principles of Government

- Founders did not intent to create a direct democracy
- Popular rule only in House of Representatives
- Separation of Powers: between branches
- Federalism: power divided between national and state governments

Three Categories of Powers

- **Enumerated powers:** given to national government exclusively; include power to print money, declare war, make treaties, conduct foreign affairs
- **Reserved powers:** given to states exclusively; include power to issue licenses and to regulate commerce wholly within a state
- **Concurrent powers:** shared by both national and state governments; include collecting taxes, building roads, borrowing money, having courts

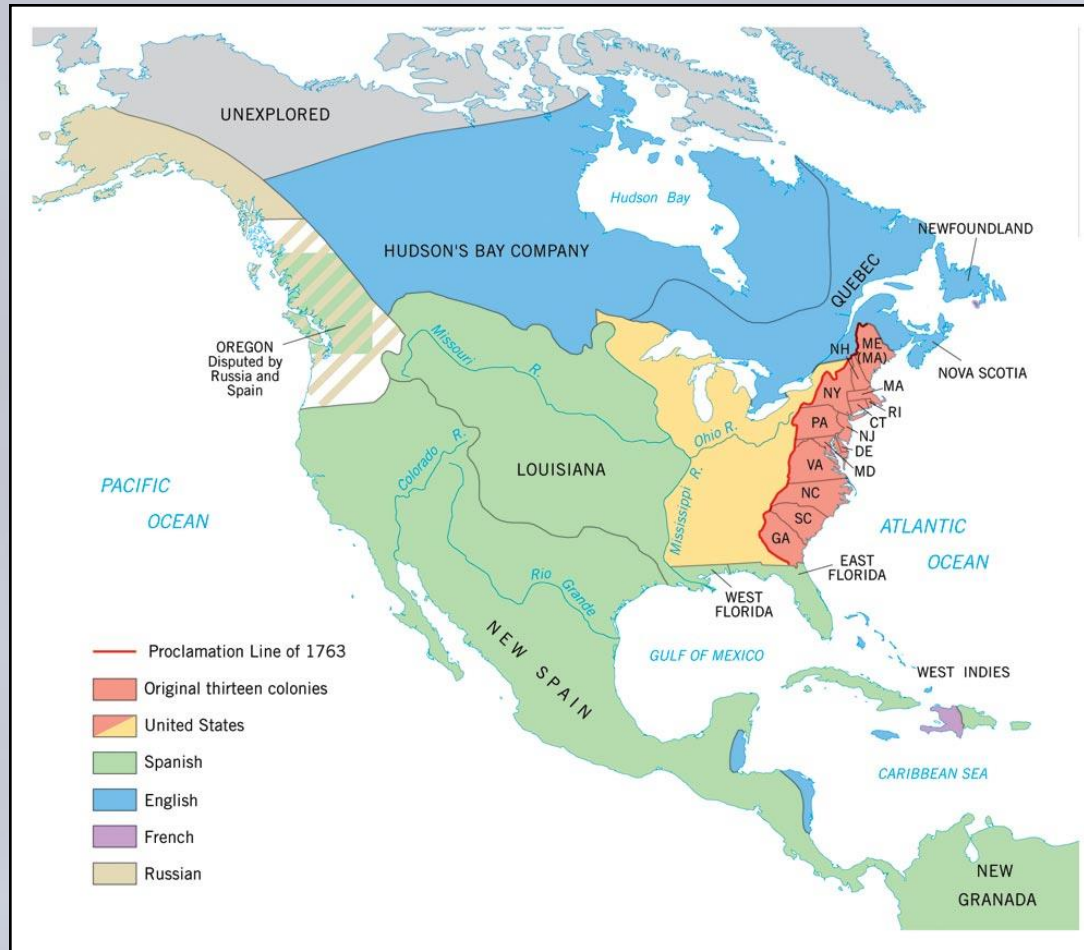
The Antifederalist View

- Liberty could be secure only in small republics
- Nation needed, at best, a loose confederation of states with most of the power wielded by the state legislatures
- If there was a strong national government, there should be many more restrictions on it

Federalist Papers 10 and 51

- Coalitions were more likely to be moderate because they would represent a diversity of interests
- Governments should be somewhat distant from the passions of the people
- No bill of rights was necessary

Map 2.2: Ratification of the Federal Constitution by State Conventions, 1787-1790



The Constitution and Slavery

- House of Representatives Apportionment:
3/5 Compromise
- Congress could not prohibit slave trade
before 1808
- Fugitive Slave Clause

Suggestions for Constitutional Reform

- Reduce separation of powers to enhance national leadership
- Make the system less democratic
- Questions to consider
 - How well has it worked in history?
 - How well has it worked in comparison with other democratic nations?