

Chapter 2: Origins of American Government

Section 1: Our Political Beginnings

Lecture Notes

Key Terms:

limited government; representative government; Magna Carta; Petition of Right; English Bill of Rights; charter; bicameral; unicameral

A. Overview

The government of the United States was built upon three basic ideas acquired by the English from ancient civilizations. In this section, students will learn what those ideas are, the names of important documents in which those ideas were expressed, and how the three ideas contributed to the character of the American colonial governments.

B. Basic Concepts of Government. The shape of American government is based on the following English political ideas:

1. **Ordered (Structured) Government** -- Colonists from England saw the need for orderly regulation of their relationships with one another.
2. **Limited Government** -- The idea that government is not all-powerful. **Limited government** is that basic principle of the American system of government; that government is limited in what it may do, and each individual has certain rights that a government cannot take away.
3. **Representative Government** -- The idea that government should serve the will of the people. **Representative government** is that system of government in which public policies are made by officials who are selected by the voters and held accountable to them in periodic elections

C. Landmark English Documents

1. The **Magna Carta** -- Magna Carta established the principle of limited government and fundamental rights of English citizens. This 1215 document introduced such fundamental rights as trial by jury and due process of law.
2. The **Petition of Rights** -- The Petition of Rights limited the monarch's authority and elevated the power of Parliament while extending the rights of the individual. Challenged the idea of the divine right of kings, declaring that even a monarch must obey the law of the land.
3. The **English Bill of Rights** -- The Bill of Rights redefined the rights of Parliament and the rights of individuals. No standing army, required parliamentary elections.

D. Government in the Colonies

Each colony was established on the basis of a **charter**, a written grant of authority from the king.

1. **Royal Colonies** -- Royal Colonies were subject to the direct control of the crown and run by appointed governors, who were advised by council.
2. The **Proprietary Colonies** -- Proprietary Colonies were owned by wealthy individuals who appointed governors, who were advised by councils. **Unicameral (one house).**

Pattern of government: King named governor. Council also named by king, who was advisory. In time, council became the upper house of the colonial legislature. **Bicameral** (two-houses) It also was the highest court in the colony. The lower house was elected by those property owners qualified to vote. In Royal colonies, the governors and their councils shared the power of the purse. Judges were appointed by governor, with advice of council. Laws passed required approval of governor and king.

3. The **Charter Colonies** -- Charter Colonies were governed by the colonists themselves through elected governors, who were advised by councils. Charters granted to the colonists themselves. Bicameral legislature whose laws were not subject to the approval of the crown or governor. Judges appointed by legislature, but appeals to the king.

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Section 2: The Coming of Independence

Lecture Notes

Key Terms:

Albany Plan of Union, boycott, constitution, popular sovereignty

A. Overview

For a period of more than 100 years, from the formation of colonial governments in the 1600s until 1760, the colonies were very much like sovereign states, although they were united under the central government in England. In § 2, students will learn how the colonies' relationships with each other and with England changed in the mid-1700s and what caused these changes

B. Royal Control

1. Because of the great distance from England to America, royal control of the colonies was relaxed for much of the colonial period. Self-government made more possible.
2. Each colonial legislature assumed broad lawmaking powers. Power of the purse became very important. Colonial legislatures held the power to vote on money to pay the governor's salary, thus, they were able to persuade governors to bend to their will.
3. After 1760 Parliament imposed new taxes and restrictive regulations, (largely to support British troops in North America), acts that provoked colonial protests of "no taxation without representation."
4. Colonists saw little need for presence of troops since the french had been defeated and their power broken in the French and Indian War.
5. The colonists considered themselves British subject loyal to the crown, but took issue with Parliament's right to control their local affairs. Colonists resented having to pay taxes that they had no part in levying.

C. Growing Colonial Unity

1. Early Attempts — In the 1600s some colonies banded together temporarily to defend themselves (against Native Americans) forming the New England Confederation, but the experiment of a union failed.

2. The Albany Plan — Franklin's Albany Plan of Union called for annual meetings to deal with issues of common concern, but the colonial governments turned down the plan.

3 . The Stamp Act Congress — Harsh tax and trade policies caused colonists to meet to denounce the practices and to organize boycotts and other acts of protest. A boycott is the refusal to buy or sell an opponent's goods in order to influence his/her behavior. Prepared Declaration of Rights and Grievances against the British policies and sent it to the king (George III).

4. New law passed to tie colonies closer to Crown. Rebellion and boycotts ensued. To boycott is to act together in abstaining from using, buying, or dealing with as an expression of protest or disfavor or as a means of coercion.

5. March 3, 1760, Boston Massacre took place, with British troops firing into a jeering crowd, killing 5.

D. The First Continental Congress

1. In 1774 the Intolerable Acts caused colonists to send delegates to a meeting (First Continental Congress) to discuss matters and to make plans for action.

2. By 1776 the colonists' unhappiness with taxation without representation came as a surprise to the British King. The Congress sent a Declaration of Rights to the King, protesting taxes and restrictions.

E. The Second Continental Congress

1. In 1775 Second Continental Congress met, but by now the Revolution had begun. Notable newcomers included Franklin and Hancock. Hancock was selected president.

2. The Congress organized a government and established an army, led by George Washington.

3. The Second Continental Congress served as the first national government until the Articles of Confederation went into effect. From the signing of the Declaration of Independence to March 1, 1781.

4. The Congress was unicameral, exercising both legislative and executive powers. Each colony had one vote. Executive functions were handled by committees of delegates.

F. The Declaration of Independence

1. The Declaration announced the United State's independence from Great Britain and listed the reasons for rebellion. Almost all the work was Jefferson's. Independence is announced in first paragraph, remainder listed reasons for rebellion.

2. The Declaration listed various "self-evident" truths.

G. The First State Governments

1. Congress urged each colony to adopt their own constitution.

2. Most States wrote and adopted their own constitutions. The first State constitutions differed, sometimes widely, in detail. Yet they shared many common features. What they did have in common though, included very little real power vested in the governor; political authority given to the legislatures; and, short elective terms.

A constitution is that system of fundamental laws and principles that prescribes the nature, functions, and limits of a government or another institution.

H. Common Features of New States

1. Popular Sovereignty — The States' governments existed by the consent of the governed. Popular sovereignty is that principle that insists that government can exist and function only with the consent of the governed. It is the people who hold the power; it is the people who are sovereign.

2. Limited Government — The power of the State's governments was restricted.

3. Civil Rights and Liberties — Each State clearly announced the rights of its citizens. Seven of the new constitutions contained a form of a "bill of rights."

4. Separation of Powers and Checks and Balances — Each new State government was organized with independent branches of government.

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Section 3: The Critical Period

Lecture Notes

Key Terms:

ratification, Articles of Confederation

A. Overview

The first years of the United States were very difficult. Although the colonies had agreed that they wanted independence from England, no real and permanent National Government existed. In § 3, students will learn about early steps taken to form a National Government, what problems arose during the Critical Period, and what events led to the Constitutional Convention.

B. The First National Constitution

1. The **Articles of Confederation** formed a confederation among the States. Formal approval, i.e., ratification was needed. Articles established "firm league of friendship" among the States who came together "for their common defense and security of their liberties and their mutual and general welfare."

Ratification defined: The process of securing formal approval.

2. Government Structure — Government under the Articles was a unicameral legislature with no executive or judiciary. Delegates chosen annually, as determined by the States. No executive or judiciary (functions handled by committee of Congress). Congress chose one of its members as "president," but not President of the United States.

3. Powers of Congress — Most powers related to common defense and foreign affairs.

4. State Obligations — The States agreed to accept several obligations to the central government, but retained many powers of government for themselves. Required to give full faith and credit, and generally accept horizontal federalism. States retained powers not given to the Congress.

5. Weaknesses — The government lacked the power to tax, or to regulate trade between the States, and had no power to make the States obey the Articles. Congress had no power to regulate trade between the States. Could exercise powers only with the consent of 9 of 11 State delegations. The main reason that no amendments were ever added to the Articles of

Confederation was that amendments needed the consent of all 13 State legislatures.

C . The Critical Periods, the 1780s

1. Revolutionary War ended with Treaty of Paris in 1783.
2. Disputes among the States highlighted the need for a stronger, more effective National Government. Bickering, distrust and jealousy. Several entered treaties with foreign governments, although prohibited.
3. Economic chaos also resulted from a weak central government. Minted their own money, taxed each other's goods. Debts went unpaid. Violence broke out in several places, including Shay's Rebellion which was a protest against the loss of their property to tax collectors.
4. Demands grew for stronger government. Movement grew in 1785.

D. The Meetings at Mount Vernon and Annapolis

1. Maryland and Virginia, plagued by trade problems, agreed to a trade conference for the purpose of recommending a federal plan for regulating commerce. First met at Alexandria, VA in March, 1785. Moved to Mount Vernon at Washington's invitation. Virginia Assembly called to a "joint meeting of all the States to recommend a federal plan for regulating commerce." Joint meeting set for Annapolis, MD to discuss trade, but only 5 of 13 States attended. Another meeting called for Philadelphia.
2. A majority of States convened in Philadelphia to improve the Articles of Confederation. This meeting became the Constitutional Convention.

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Section 4: Creating the Constitution

Lecture Notes

Key Words:

Framers; Virginia Plan; New Jersey Plan; Connecticut Compromise; Three-Fifths Compromise; Commerce and Slave Trade Compromise

A. Overview

Framers of the Constitution shared the same basic beliefs about government. In Section 4, students will learn what an arduous process creating the Constitution was, and how problems were resolved through compromise.

B. The Framers

Framers: Those who actively were involved in the drafting of the Constitution.

1. The delegates to the Constitutional Conventions were young, average age of 42.
2. They were remarkably well educated and experienced in politics. Of 74 delegates, thirty one had attended college.

C. Organization and Procedure

1. George Washington was elected president of the convention.
2. Procedural, each State could cast one vote on an issue, and a majority of votes were needed to carry any proposal. Rule of secrecy in effect.
3. James Madison kept Notes and was held in highest esteem. Became a floor leader and deservingly has title of "Father of the Constitution."

D. The Decision to Write a New Constitution

1. The Philadelphia Convention was called to revise the Articles of Confederation.
2. Most delegates agreed that writing a new constitution was necessary.

3. Edmund Randolph of Virginia moved that a national government be established consisting of the three branches of government. With that, convention moved from revising Articles of Confederation to writing a new constitution.

E. The Virginia Plan

1. The Virginia Plan called for a strong National Government with three separate branches.
 - a. Legislature would be bicameral; representation based on population or on amount of money State gave to support national government.
 - b. Members of House of Representatives elected by popular vote. Senate members chosen by the House from lists of persons nominated by the State legislatures.
2. It favored large States because the number of votes in the legislature would be based on a State's population.
3. Congress would choose a national executive and a national judiciary.

F. The New Jersey Plan

1. The New Jersey Plan resembled the Articles of Confederation, but with increased power of the Federal Government to tax and regulate trade.
2. It favored small States because each state was given equal representation in the legislature.

G. The Connecticut Compromise

1. Disagreement over representation in Congress caused tempers to flare.
2. The Connecticut Compromise settled the conflict.
 - a. Congress to be composed of two houses. In Senate, equal representation. In House, based on population.
 - b. Often called the "Great Compromise" in that it settled a primary dispute.

H. The Three-Fifths Compromise

1. The question arose of whether slaves should be counted in the populations of Southern States. Southern States conveniently suggested that they should be counted. Northerners obviously took the other side.
2. The delegates agreed to count slaves as three-fifths of a person for purposes of representation and taxation.

I. The Commerce and Slave Trade Compromise

1. Congress was forbidden to tax exports. Southerners feared taxation on tobacco exports.
2. Congress could not act on the slave trade for at least 20 years.

J. A "Bundle of Compromises"

1. Great differences of opinion existed among the delegates.
2. Compromise was necessary on many issues.
3. Framers agreed on many basic issues, e.g., central government, popular sovereignty, limited government, representative government, separation of powers, and checks and balances.

K. Sources of the Constitution

1. The Framers were all well educated.
2. Delegates drew from history, current political thought, and from their own experiences.
3. Much of the language came from the articles. Number of provisions came from State constitutions.

L. The Convention Completes Its Work

1. The convention approved the Constitution.
2. Most delegates agreed that the Constitution was not perfect, but was the best that they could produce.

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Section 5: Ratifying the Constitution

Lecture notes

Key Terms:

Federalist; Anti-Federalists

A. Overview

Although considered one of the greatest documents ever written, when the Constitution was put to the States for approval, it met with a huge opposition from Anti-Federalists. In Section 5, you will learn who the Federalists and Anti-Federalists were, why the Anti-Federalists at first rejected the Constitution, and the drama of the debate and ratification of the Constitution.

B. Ratification

1. Remember that under the Articles of Confederation, unanimity of the states was required for changes. That is what led to the drafting to a new constitution. Under the new constitution, nine of the states had to ratify. Not a simple majority of the states.
2. **Federalists** favored ratification, stressing the weaknesses of the Articles. Included James Madison and Alexander Hamilton. Wanted more federal power.
3. **Anti-Federalists** opposed it, attacking ratification process, absence of mention of God, to the denial to the States of a power to print money. Included such notables as Patrick Henry, John Hancock and Samuel Adams. Included two future Presidents, Jefferson and Monroe. The Anti-Federalists were so powerful during the ratification process largely because many of their leaders had also led during the Revolutionary War.
4. Debate about ratification involved the follow objections, among others:
 - (a) the increased power of the central government (MAJOR OBJECTION);
 - (b) the Constitution lacked bill of rights (MAJOR OBJECTION);
 - (c) God was not mentioned in the document
 - (d) the Constitution did not allow States to print money.

5. Free speech, freedom of the press, and freedom of religion, all later contained in the Bill of Rights, were not explicitly guaranteed during the ratification process.

6. Success was achieved when Virginia and New York ratified the document in the summer of 1788. Ratification of the Constitution in those states was crucial because they were two of the largest, most populous states. Didn't give ratification a simple majority.

C. Inauguration of the New Government

1. The ratification process in New York gave rise to *The Federalist*, a collection of 85 essays written in support of the Constitution. Said to be the most convincing commentary on the meaning of the Constitution.

2. The new government assembled in its temporary capital, New York City, in March 1789.

3. In April 1789, George Washington was elected President of the United States.