

**NEW GOVERNMENT: CONFEDERATION TO CONSTITUTION
FLIP CARD**



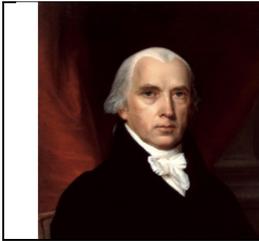
Big Ideas: *Imagine trying to make a new country from scratch. You've just had a war with the only leaders you've ever known, and now you have to step up and lead. You might not know what you want, but you know what you don't want. What is necessary in order to ensure a balanced but effective government, now and forever?*

The events of the American Revolution and War of Independence were still fresh in the minds of the Founders. The government that they created under the **Articles of Confederation** was a direct result of the experiences under the royal governors and the English King and Parliament. Most people did **not** want a strong government because of the troubles leading up to the Revolution (taxes, unfair laws, soldiers in people's homes).

Because Americans were fighting to preserve the rights of their colonial assemblies, they believed **sovereignty** (right to lead and make decisions) rested in their state governments and developed the **confederation** (a **treaty of friendship** between the states) to unite to fight the war. Under the **Articles of Confederation**, authority rested with the states, not with the people. States were represented in a Congress that had a **legislature in which each state had one vote, and all 13 states had to agree to make changes to the Articles**. Each state trained soldiers, made their own rules and printed their own money. The Confederation Congress could make laws but **could not collect taxes** (remember the Sugar and Stamp Acts and how colonists protested). The Confederation **did not have a separate president or executive to make sure laws were followed**, and it **did not have a separate national court system**. People from different states who couldn't agree to solve their problems also couldn't agree on which state's court to go to; even the states fought (sometimes with muskets) over their borderlines because there was no court to help make decisions peacefully.

Articles of Confederation	The Constitution
Sovereignty of state legislatures and governors	Sovereignty resides with citizens ; the Constitution is the supreme law of the land
Each state receives 1 vote in Congress regardless of size; smaller states have same power as larger states.	The Great Compromise: Senate with 2 votes per state (equal representation); House of Representatives may have from 1 to about 50 representatives from a state (based on population)
9 out of 13 states (69%) need to approve legislation (new laws).	50%+1 of both House and Senate , plus the signature of President, and the Supreme Court may rule on constitutionality of a new law.
13 of 13 states (100%) need to agree to amend (change or update) Articles	2/3 of both houses of Congress (66.7%) may amend (change or update) Constitution
Congress could not have an Army , depends on states to share soldiers. Protects citizens from abuse.	Congress can raise an Army to deal with defense.
Congress could only ask states to pay taxes ; states could vote to refuse.	Congress has a right to collect taxes from citizens
No control of trade between states . Each state legislature prints money and sets taxes and tariffs on goods entering and leaving their state.	Interstate trade controlled by Congress; one kind of money , oversight of trade (fair weights and measures) and transportation (roads, ships, later railroads and airports).
No executive (enforcing) branch. President <i>presides</i> over Congress, making sure they follow rules of discussion and debate. State governors enforce laws (and may have ignored those they didn't like).	Executive branch headed by President who executes and enforces laws by choosing Cabinet secretaries to manage different parts of government.
No system of federal courts; only state courts .	Federal court system created to deal with issues between citizens from different states, or the states themselves (boundaries in early years)

The **United States Constitution** was written to solve problems that arose as a result of the weaknesses in the government under the Articles of Confederation. The **Constitution** is based on the idea that the *authority of the government comes directly from the people*. The Constitution starts with the statement “We the People.” Under the Constitution, governing powers are **shared** between the states and the national government in a system known as **federalism**.



James Madison was the **major author of the Constitution**. He served in the first Congress and **wrote the amendments that became the Bill of Rights**. Madison was also a leader of the **Democratic-Republican Party** and was elected the fourth President of the United States.

The Preamble



- ***We the People of the United States***, (power comes from the people, not the states)
- ***in Order to form a more perfect Union***, (improve the government)
- ***establish Justice***, (have a fair system of laws and courts)
- ***insure domestic Tranquility***, (prevent fighting and lawless behavior)
- ***provide for the common defense***, (make sure we have an army that is ready to defend us)
- ***Promote the general Welfare***, (make sure citizens have what they need to live)
- ***and secure the Blessings of Liberty*** (keep our freedoms safe)
- ***to ourselves and our Posterity***, (for the original citizens and future citizens)
- ***do ordain and establish*** (make a new law or set of rules)
- ***this Constitution for the United States of America***.



The **Bill of Rights: the first ten amendments added to the Constitution** to protect the individual rights and freedoms. Some Americans were concerned that the Constitution gave the national government too much power, especially after the American Revolution. **Amendments** (changes) were proposed during the first Congress and sent to the states. Ten of these were ratified. The Bill of Rights **guarantees the rights of individuals and limits the powers of government**.

1. Freedom of religion, speech and assembly [some colonies permitted only one religion; Royal governors closed newspapers they didn't agree with, or sent soldiers to arrest citizens in meetings]
2. Rights of citizens to bear arms (have weapons) [Lexington and Concord]
3. Protection against troops being quartered in private homes [Boston and the Intolerable Acts]
4. Protection from unreasonable searches or having your property taken away
5. Cannot be required to speak about your own guilt or innocence
6. Speedy public trials (no secret courts, and no remaining in prison without a trial)
7. Trial by a jury (12 people who are citizens)
8. Safeguards against cruel punishments (causing a lot of pain) or expensive fees [no torture]
9. People have rights other than those mentioned in the Bill of Rights
10. Powers not given to the federal government belong to the states or the people

You do not need to remember the rights by number, just remember we have these freedoms thanks to the Bill of Rights. American constitutional democracy places important responsibilities on citizens: following rules and laws established by local, state and federal governments, expressing your beliefs and opinions by voting in elections, paying income taxes to support local, state, and federal projects, and serving on a jury to ensure the right of a fair trial to all individuals.

A Three-Ring Government & Party Time!

The powers of the government found in the **United States Constitution** are separated into **three branches of government**: the legislature, the executive and the judicial branches. Each of these three branches has specific powers and are **checked and balanced** by the other branches to ensure that they are in compliance with the Constitution.



The **legislative branch** is the **Congress**, which is **divided into the House of Representatives and Senate**, meeting in the **Capitol building**. In the Senate, the people of each state have equal representation because **each state, no matter its size or population, has two Senators (who serve for 6-year terms)**. In the **House of Representatives the people of the state are represented by a number of representatives based on the population of the state (representatives serve for 2-year terms)**. The principal duty of legislators is writing, debating, and passing bills. The power of the Congress is limited, or checked, because the president must sign bills for them to become law. The president may also veto a bill, sending it back to Congress with his objections. The legislature has the power to check the power of the President by **overriding his vetoes**. The Congress also **approves judges** whom the president has appointed, and checks the power of the President or judges through **impeachment**.



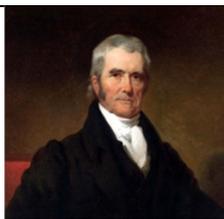
The **President** heads the **executive branch** and lives and works in the **White House**. One of his many jobs is to enforce or carry out (execute) the laws. He may also suggest laws to the legislative branch. The President can check the legislature by **vetoing** any laws with which he does not agree. The President **appoints justices** to the Supreme Court and federal courts but **Congress reviews** these appointments. The President is also the **commander-in-chief** of the United States armed forces. Congress, however, has the power to declare war. The president serve may serve for **two 4-year terms** if elected a second time.



George Washington was elected as the first president. He established *precedents (the first person to do a job sets examples for others to follow)* that were followed by later presidents. For instance, he only served for two 4-year terms. Because Washington was so widely respected as the Commander of the Continental Army during the Revolutionary War he was trusted not to take too much power for the new national government. This trust laid a foundation for trust in the new nation. *George Washington did not belong to either of the new parties (Federalists and Democratic-Republicans), and said parties created unnecessary conflict.*



The duty of the **judicial branch** is to make sure laws are being carried out fairly. The judicial branch includes the **Supreme Court**. The Supreme Court is composed of **nine judges** (an odd number, so no “tie” votes) who **serve for life** as long as they are not impeached. Impeachment is a check on the power of the courts by which judges can be removed from office by the Congress. The Supreme Court checks the legislative branch by making sure that the laws that are made are in agreement with the Constitution. The Court can also check the power of the executive branch. The Supreme Court has a special building in Washington, D.C.



John Marshall was appointed as the third **Chief Justice of the Supreme Court** by President Adams. Marshall strengthened the role of the Supreme Court by asserting the right of the Supreme Court to **review a law and determine whether or it is constitutional before someone broke the law**. This is called **judicial review**. The early courts had waited for a citizen to protest a law was unfair, usually after they broke the law. Marshall was a **Federalist** so he wanted to strengthen the role of the federal government.

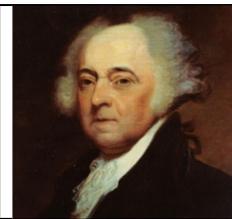
Leaders and Parties

Social and economic differences among Americans helped form **two political parties** in the 1790's, the **Federalists** and the **Antifederalists** (*against Federalists*), or **Democratic-Republicans**.

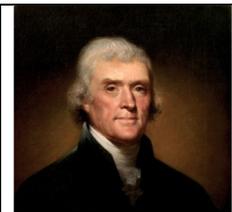


The **Federalist Party** was led by **Alexander Hamilton**. Federalists included businessmen and professional people who believed that the country should grow and expand through industrialization. They felt that the federal government should be stronger than the state governments and should be led by educated people. They wanted their government to be modeled after the British government.

The **Democratic-Republican Party** was led by **Thomas Jefferson**. The Democratic-Republicans included mostly farmers and workers. They believed that most of the power of government should lie in the state governments and that the federal government should remain weak. They admired the French because they believed that the French Revolution was modeled after the American Revolution.



John Adams was elected as the first Vice President of the United States and he served with George Washington. Later he was elected as the second President. As an early leader of the **Federalist Party**, he wanted a strong central government with **strong agreements and treaties with foreign countries, especially England**.



Thomas Jefferson was the first Secretary of State. Jefferson became the leader of the **Democratic-Republican Party** and the third president of the United States. After arguing for years that the government could only do the things the Constitution listed, he had to change his position and argue that he had the power to buy the Louisiana territory from France because the Constitution *didn't say he couldn't*. **He wanted close ties with France**.



Alexander Hamilton was the first Secretary of Treasury. Hamilton wanted the new nation to have strong laws about **money and trade**. Hamilton was the leader of the **Federalist Party** and was a close adviser to President Washington. He was killed in a duel after insulting Vice President Aaron Burr when Burr ran for Governor of New York.

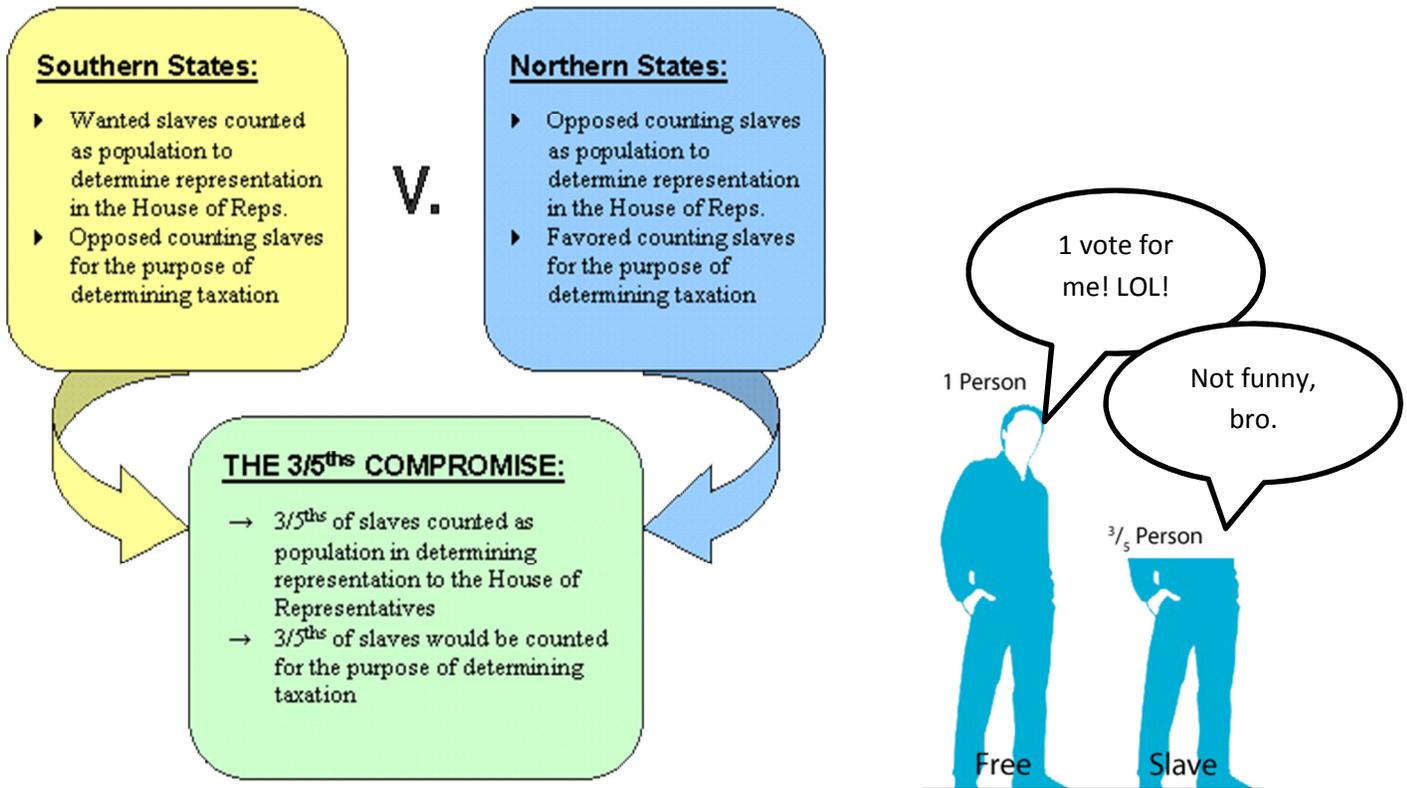
Constitutional Compromises

The Constitution includes several *compromises*—decisions made where two sides agree to a middle path. *Neither side gets exactly what they want, but both sides get something they can live with.*

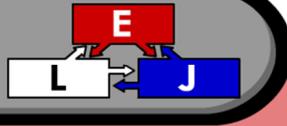


The **Great Compromise** determined that the **House of Representatives** was to be based on **population** (the Virginia Plan), while the **Senate** would be made up of two senators from each state (**equal representation**, the New Jersey Plan).

The **Three-Fifths Compromise**: when the Great Compromise established that the House of Representatives would be based on population, slave owners in the South wanted to count slaves so that they would have a larger representation in Congress. Those in the North argued that if a person was owned they did not have the same rights as a free person and so should not be counted. **The compromise--slaves counted as 3/5 of a “free person.”** Under this North/South compromise, slaves still had no rights and could not vote as **“all other persons.”**



System of Checks and Balances

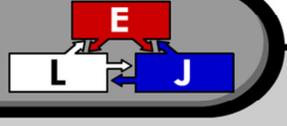


The Executive Branch can...

- sign bills
- veto bills
- call special sessions of Congress
- suggest legislation
- appoint Supreme Court Justices and other federal judges
- grant pardons

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System of Checks and Balances

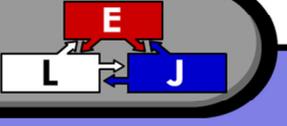


The Legislative Branch can...

- impeach the president
- override vetoes
- refuse to confirm appointments
- refuse to sign treaties
- propose legislation
- determine the budget
- propose constitutional amendments
- remove a judge
- reject judicial appointees

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System of Checks and Balances



The Judicial Branch can...

- declare laws unconstitutional
- declare executive acts unconstitutional

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