

Inherited Political Traditions

- Governing Principles:
 - Government arises from the **consent of the governed**.
 - Power should be **divided** among separate institutions.
 - Citizens' rights must be protected.

Consent of the Governed

- Thomas Hobbes, *The Leviathan* (1651).
 - Without government, in the “state of nature,” life would be “solitary, poor, nasty, brutish, and short.”
 - Hence people formed a **social contract**.
- Hobbes was a monarchist, not a republican.

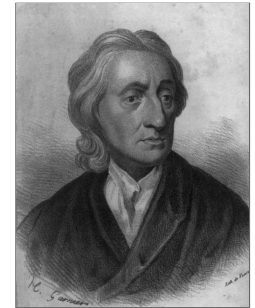


Separation of Powers

- John Locke's *Second Treatise on Government* (1690)
 - Also based on consent of the governed, although people did not give up their natural rights
 - But no need to concentrate power in one ruler
 - Legislative power
 - Executive power
 - Baron de Montesquieu, in *The Spirit of the Laws* (1748), later added judicial power as well.

Natural Rights

- Locke also argued government should protect individuals' natural rights to “life, liberty, and property.”
- Revolution might be justified if government failed to secure those rights.

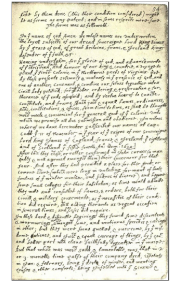


Taxation without Representation

- Colonists were asked to help with cost of keeping troops in colonies after the French and Indian War (also known as the *Seven Years' War* in Europe).
- 1765, imposition of the Stamp Tax on the colonies:
 - Already in use in Britain, where taxes were higher than in the colonies
 - Colonists had never paid a direct tax, had no voice.
 - Believed this violated the spirit of the *Magna Carta*: the principle that the people's representatives had to approve of taxes and spending.

The Experience of Self-Government

- Colonial legislatures dated back to Virginia's House of Burgesses in 1619.
- Plymouth colonists agreed to the *Mayflower Compact* in 1620.
- Distance from imperial government meant colonists effectively ran their own affairs most of the time; governors often “went native” too.



The War for Independence

- Colonists' resentment of British taxation culminated in open conflict at Lexington and Concord in 1775.
- *Second Continental Congress* met in Philadelphia; efforts to broker compromise unsuccessful.
- Thomas Jefferson built on Locke's ideas in drafting the *Declaration of Independence*, approved on July 4, 1776.
- War officially ended with the Treaty of Paris (1783).

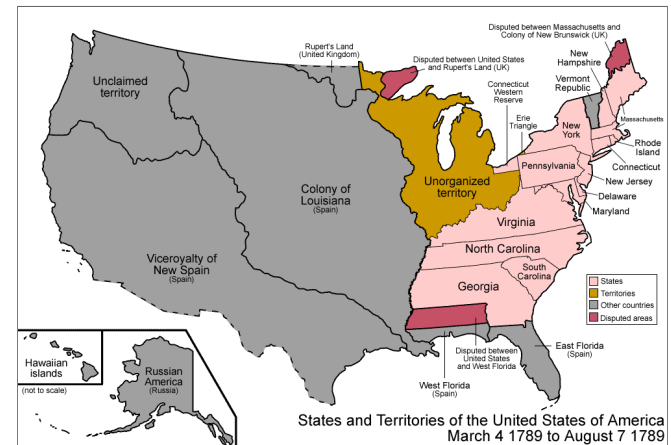
The Articles of Confederation

- “Firm league of friendship”—each state saw itself as independent and *sovereign*.
- Continental Congress was granted limited powers:
 - Could not tax directly; requested contributions to national budget from the states instead.
 - Could declare war, but not raise an army directly.
 - Could coin money; but could not stop states from doing so as well.
 - States could tax imports and exports to other states.
 - Supermajority (2/3) required to take most actions; unanimity required to alter Articles.

Threats to a New Nation

- U.S. had won the war with Britain, but British colonies remained nearby.
- Spain and France retained colonies to the west and south.
- British had previously managed relations with Native Americans.
- American shipping was no longer protected from piracy by Britain's navy.
- Internal dissatisfaction.

Threats to a New Nation



Toward the Constitution

- Preceded by the Annapolis Convention in 1786:
 - Only five states were represented.
 - Recognized need for reform; called on states to send delegates to a convention in 1787.
- **Shays' Rebellion** (1786–87) made additional states realize need to improve on the Articles.

The Constitutional Convention (1787)

- In 1787, more delegates came to Philadelphia to consider reforms.
 - Initial purpose: revise the Articles.
 - Most states favored some revisions.
 - Rhode Island the exception.
 - Individuals in opposition stayed away: notably, Patrick Henry.
 - Ten delegates abandoned convention; another three refused to sign.

The Constitutional Convention

- The Virginia Plan (proposed by Madison and Randolph) had support of more populous states.
 - System would be dominated by the national Congress.
 - Called for representation in Congress based on states' population or wealth.
 - Less populous states feared they would be dominated by Virginia and New York.

The Constitutional Convention

- Delegates from smaller states favored the New Jersey Plan instead:
 - Three branches with different powers.
 - Kept one chamber of Congress with each state having one vote.
 - Did not grant Congress broad powers
 - Instead, Congress had a limited number of enumerated powers.

The Connecticut Compromise

- A majority of states supported the Virginia Plan.
- Small states considered leaving and thus ending the convention.
- Committee appointed to resolve the issue.
- Solution: split the difference with a **bicameral legislature**.
 - Big states: House seats based on population.
 - Small states: equal seats per state in the Senate.

Tariffs and Trade

- Northern states favored taxes on imports and exports to protect domestic industry, raise money; opposed the slave trade.
- Southern states opposed trade tariffs, particularly on exports; favored continuation of slave trade.
- Compromise: no export tariffs, but national government could tax imports; slave trade permitted until at least 1808.

Representation and Taxation

- Direct taxes were to be *apportioned* based on population.
- Northern states favored counting everyone for taxation but only non-slaves for representation.
- Southern states favored the opposite.
- Solution: the **three-fifths compromise**.
Equalized representation between the agrarian south and commercial north.

Constitutional Compromises

- Using vague language
 - The “necessary and proper” or “elastic” clause.
 - **Judicial review.**
 - The **supremacy clause.**
- Leaving decisions to the states:
 - Voting qualifications.
 - The Electoral College.

A Stronger, More Flexible Government

- Congress could now levy taxes.
- Congress regulates interstate, international trade.
- Only national government can mint coinage.
- Independent executive and judicial branches.
- Congress can act with simple majorities, subject to veto.

Amending the Constitution

- Congress can propose amendments (by two-thirds majority in both chambers), or 2/3 of states can request a constitutional convention.
- Constitutional amendments require 3/4 of states to agree; can be ratified by either:
 - state legislatures.
 - special ratifying conventions.

Ratifying the Constitution

- In 1787 and 1788, voters chose delegates to ratification conventions in each of the 13 states.
- *Federalist Papers* (Hamilton, Madison, Jay)
 - Campaigned for ratification of the Constitution.
- Anti-Federalists (including Patrick Henry)
 - Opposed the Constitution; thought it centralized power too much.

The First National Elections

- Federalists won by persuading 11 of the 13 states to ratify the Constitution:
 - Several states only agreed after Federalists agreed to propose a **Bill of Rights**, against Hamilton and Madison's original wishes.
- March–April 1789: Washington takes office as president, new Congress begins operations.

Criticisms of the Constitution

- Secretive, unseemly process.
- Did not work within existing legal framework to amend Articles of Confederation.
- Powers of the President and courts poorly defined.
- The Electoral College.
- Did not guarantee basic liberties in the states.
- Shortfalls related to the need for ratification:
 - Slavery and the right to vote.
 - Needed to win support of white, male, propertied population.

Achievements of the Constitution

- Created unified nation capable of defending itself.
- Facilitated the country's economic development:
 - Outlawed separate state currencies.
 - Outlawed state tariffs.
- Created flexible, enduring institutions.