

Critical Period and a New Constitution

I. Post-Revolutionary Era (1783-1787)

- A. Critical Period in U.S. History (winning revolution was the easy part)
- B. Building a nation from scratch....no precedent to follow....truly an “experiment” (even if one believes that there was no revolutionary change)
 - 1. How to govern? Who would maintain power?
 - 2. division of authority between federal government and states
 - 3. economic policies (especially tariffs---taxes on imported goods)
 - 4. defending against foreign enemies

II. Results of Revolution (why such a critical period)

C. Political

- Pro
 - ✓ ability to create a new type of Government based on the principles of the Declaration (supposed to work this way but a very ideal document)
- Con
 - ✓ Must write new state constitutions
 - ✓ Must create a fair and expedient court system
 - ✓ Must develop the ability to raise revenue through taxation
 - ✓ Loyalist remnants in colonies (how to treat fairly)

D. Economic

- Pro
 - ✓ Trade with foreign countries should increase
 - ✓ American manufacturing should be stimulated
 - ✓ Westward expansion should resume
- Con
 - ✓ Smuggling profits gone (always higher in a black market)
 - ✓ Guaranteed market (Great Britain) for raw materials gone
 - ✓ Inflation (currency issue---many of the colonies have their own currencies with varying relative value)
 - ✓ Post-war debt

E. Social

- ✓ separation of church and state (in theory but no mention in the Constitution)
- ✓ changes in women’s roles (not necessarily rights but new respect as the “moral conscience and keepers” of the nation---Republican Motherhood)
- ✓ slavery challenged (anti-slavery societies emerge and failed attempts at abolishing altogether in constitution)-----signs of Egalitarianism(equality for all)
- ✓ voting requirements changed in many states (all white males, not just property owners)---still not a federal law

III. Eventual Failure of the Articles of Confederation (see other posting)

IV. New system of Government (The Constitution)

Terms (you will have to apply these to examples on an evaluation)

1. **Republicanism**- a political order in which power lies with the consent of the people who elect representatives to exercise that power for them.
2. **Federalism**- a political order in which power is divided between the national and state governments thus limiting central authority.
3. **Popular Sovereignty**- concept that all authority for government flows from the people

4. **Limited Government**- powers of government are limited by the constitution of the U.S. through three distinct branches of Government
5. **Separation of Powers**- the idea that each branch of government has its own responsibilities and limitations
6. **Checks and Balances**- each of the three branches of government exercises some control over the others thus sharing power among them.

Constitution

7 Articles

1. Legislative Branch
2. Executive Branch
3. Judicial Branch
4. States relations with each other
5. Amending the Constitution
6. General, Misc. Items
7. Ratification of the Constitution

27 Amendments (present day)

1-10 (Bill of Rights)

I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

II. A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

III. No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

V. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

VII In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

IX. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

The other 17 amendments will be covered gradually throughout the year

Government Structure (general overview)

1. Legislative

- Senate (equal representation---2 per state)---upper house
 - *initially selected by each State's legislature, 17th Amendment changes to direct election by the people
- House of Representatives (based on population)---lower house
 - *always directly elected by the people
 - *does maintain ability to decide Presidential elections if no candidate receives a majority of electoral votes (1800, 1824)

2. Executive

- President- approve/veto laws, enforce laws, commander and chief
 - *elected by the Electoral College
- Vice President- traditionally more a symbolic role but also serves as the President of the Senate (could cast a tie breaking vote)
- Cabinet- advises the President (Secretary of) ---# of Cabinet Members has varied throughout the history of the U.S.
 - *President nominates and then the Senate confirms

3. Judicial

- Federal Court System with the Supreme Court as the highest court
 - *President nominates and then the Senate confirms
- Supreme Court- initially 5 Justices but now there are 9 Justices (1 Chief Justice, 8 Associate Justices)