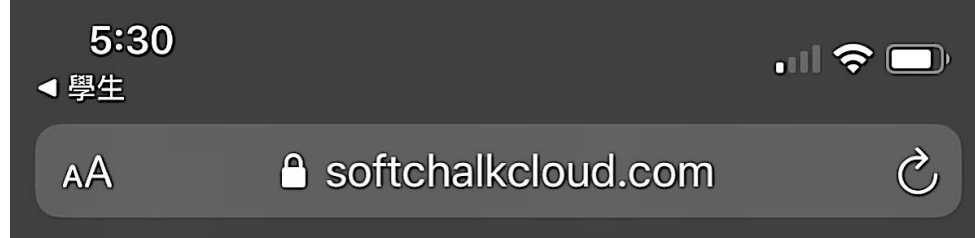


Compromise: Federal vs State Power

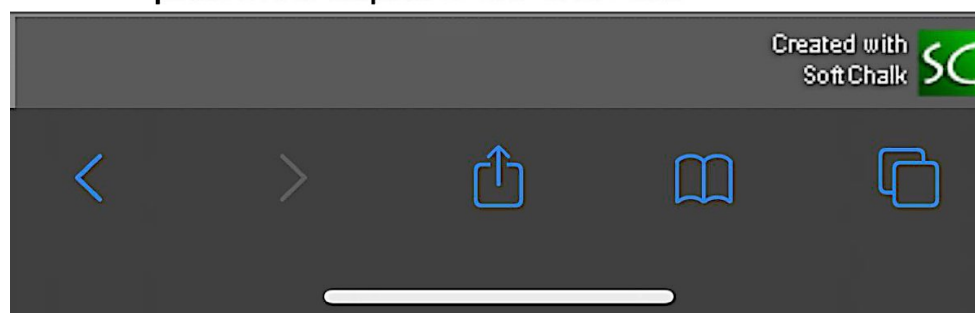


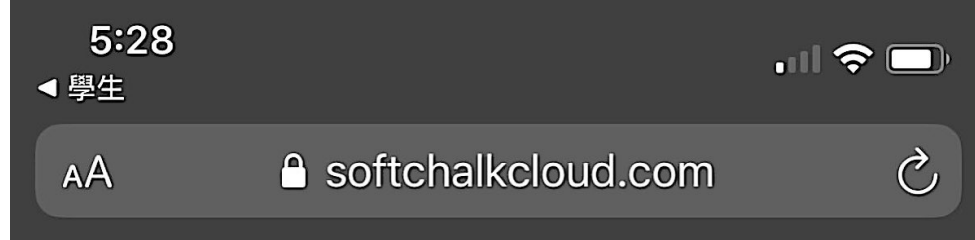
The constitution created a system called **federalism**, which meant that there was a division of responsibilities and powers between the national government and the states. Federalism is itself a compromise, between having a stronger national government than under the Articles of Confederation, while still maintaining significant state power and areas where only states could legislate.

To combat what most delegates to the Constitutional Convention saw as "democracy run amok" in the state legislatures—passing laws too favorable to debtors and people who owed taxes—the new Constitution granted the national government

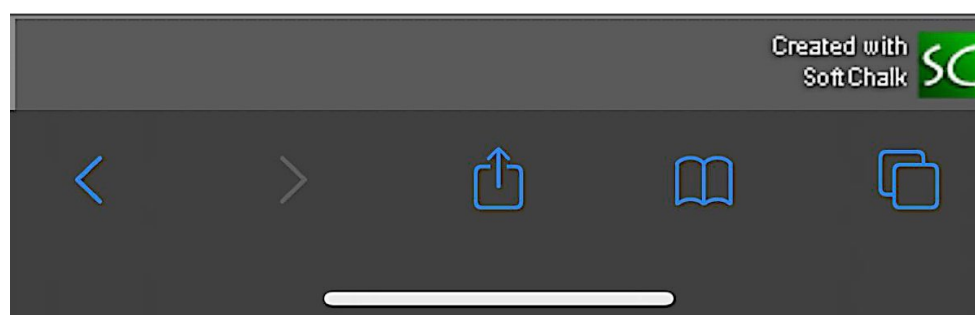


But one of the things that was most unique about the delegates is that **most were nationally, rather than locally, minded**, placing them in the minority of Americans. Most Americans at the time still thought of themselves primarily as citizens of a local area or a state, not of the still-new United States, and viewed local representation as the truest reflection of their voice. On the other hand, most constitutional convention delegates were looking to create a stronger *national* government, even at the expense of state power. Of the thirty delegates that had served in the military during the Revolutionary War, most had served in the Continental Army, which brought together soldiers from every state and was a national army. Most, 42 of 55, delegates had served in the Continental Congress, and had personal experience with the





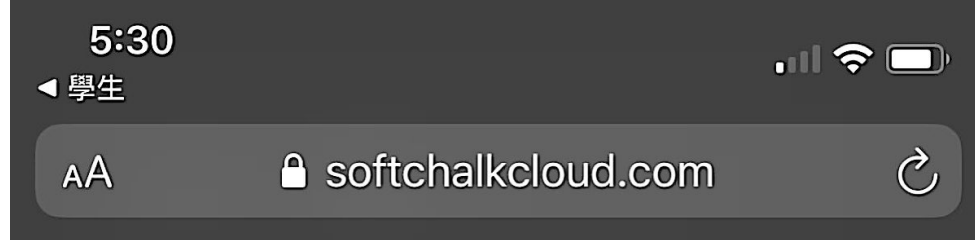
When the Revolutionary War ended in 1783, the U.S. suddenly became an independent nation and a republic, and had to decide how to be both. This first decade of the new United States ended up being a contentious one, with citizens debating who would have what rights, whether states would pass debt relief laws and continue printing money or not, and how the federal government would pay off its war time loans (which we discussed last week). Two primary concerns became apparent in this first decade of the new nation that made some Americans start to talk about the need for a stronger constitution and a new form of national government that would be better able to cope with the challenges of independence.



Concerns about "Too Much Democracy"

The first was growing concerns among some elite (i.e., wealthy) Americans that there was an "excess of democracy" flourishing in some state and local governments. Events like **Shays' Rebellion** and commoners using their voting power to elect representatives that voted for debt relief, inflation, and the interests of small farmers, concerned some elites, among them a lot of the founding fathers. They worried that the **property rights of the minority (creditors and the wealthy) were being overwhelmed by populist majorities (farmers) in many states.**

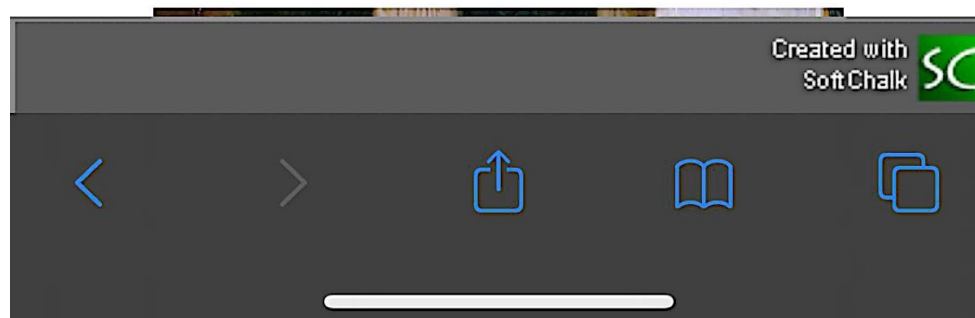




together soldiers from every state and was a national army. Most, 42 of 55, delegates had served in the Continental Congress, and had personal experience with the challenges of holding together a diverse nation through the war and weak Articles.

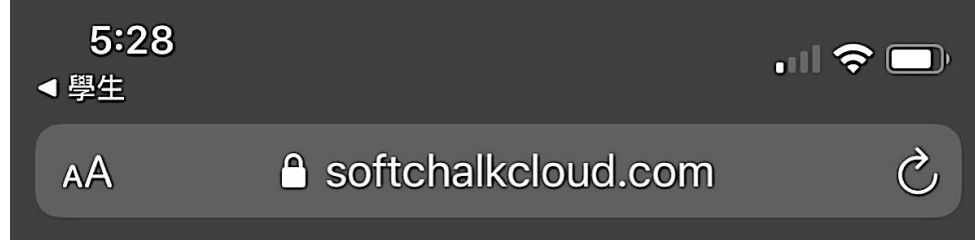
Do you think it matters that the framers of the Constitution were not particularly representative of Americans at the time?

How might their "like-mindedness" have influenced their position regarding changes to the U.S. government? What voices were excluded from the Constitution? Watch these two videos, which offer some insights into these questions:



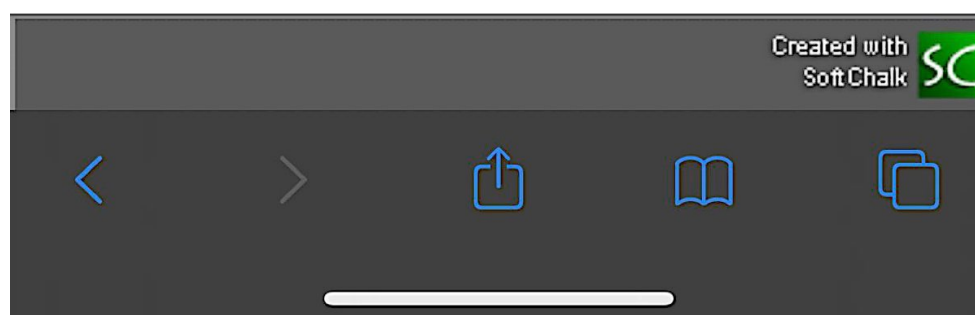
-But Congress
was granted
more
enumerated
powers than
desired by the
New Jersey
plan

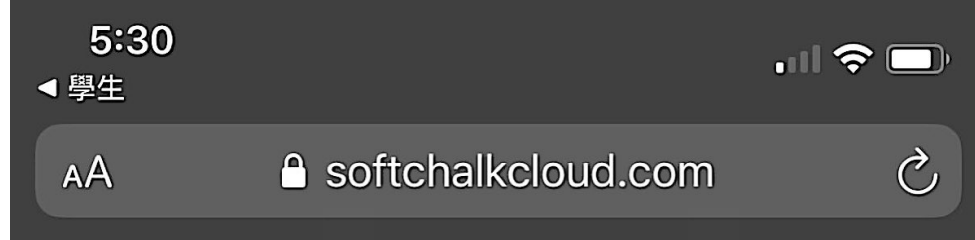
- Two house legislature (bicameral)
- Equal representation in upper house of Congress (Senate)
- Proportional representation based on population in the lower house of Congress (House of Representatives)



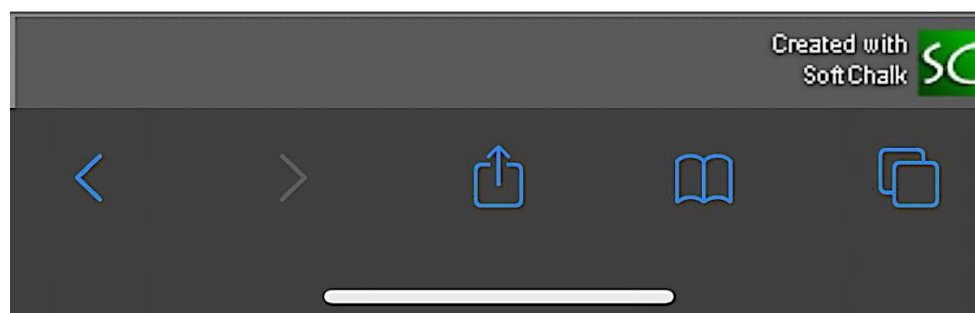
Why was there a Constitutional Convention?

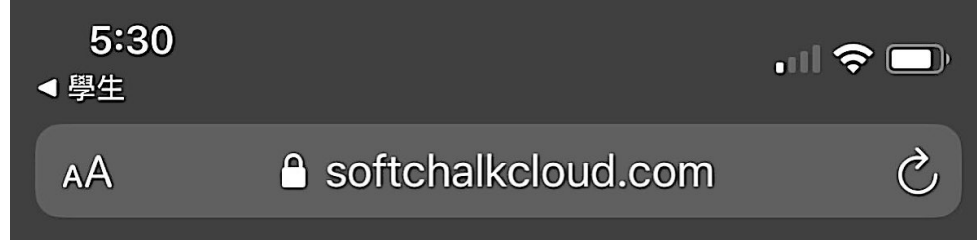
It is important to understand that the Constitution, in addition to outlining our current form of national government, is a ***historical document***. It was written at a specific time and place in history, and as a result, we can't really understand the document without understanding the historical context in which it was written—the **tumultuous 1780s**.





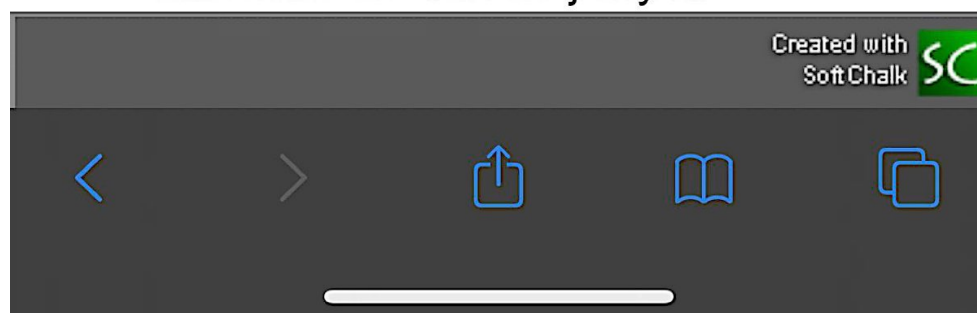
like-minded men." **All were white, male, well educated, and mostly wealthy (some very much so), making them very different from most Americans at the time.** At a time when the vast majority of Americans were small farmers, sixteen of the delegates were plantation owners, thirteen were lawyers, fourteen were merchants, and ten were bankers or financiers. Twenty-five owned slaves. Most of the delegates also belonged to the group that worried that perhaps democracy and revolutionary rhetoric had gone too far in the few short years since the end of the Revolution. Delegates frequently referenced Shays' Rebellion (which had ended just a few months before the convention) as a compelling argument in favor of a stronger federal government.

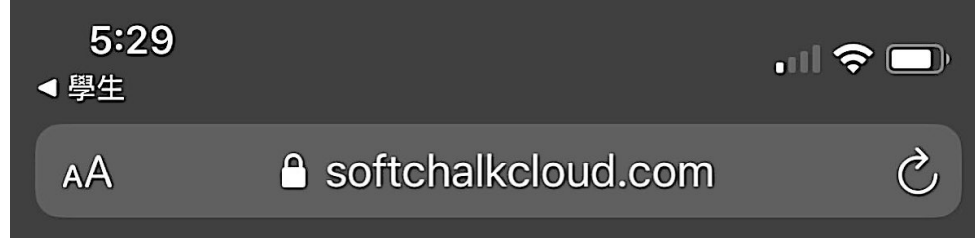




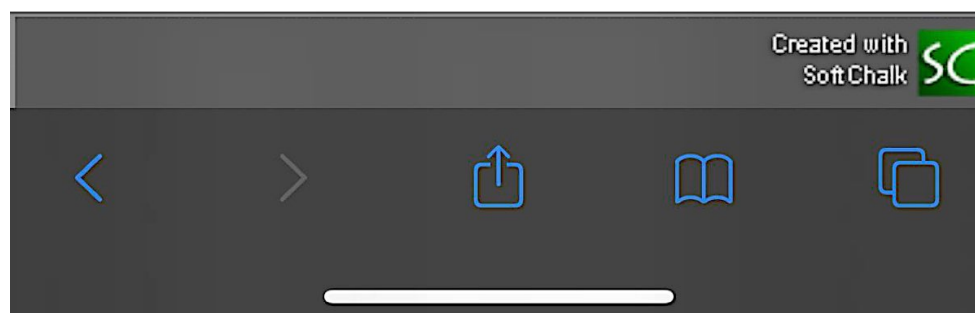
The Constitutional Convention: A Gathering of Like-Minded Men

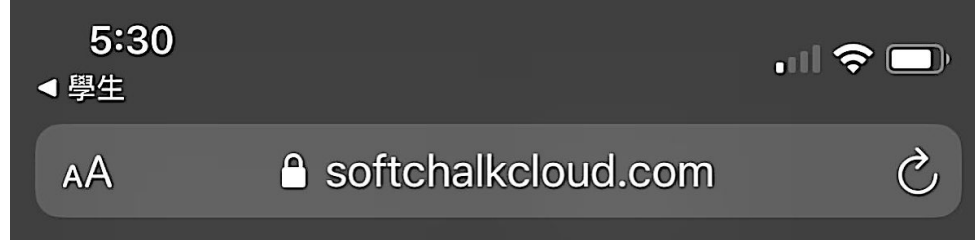
The 55 delegates who met in Philadelphia were what some historians have called "a gathering of like-minded men." **All were white, male, well educated, and mostly wealthy (some very much so), making them very different from most Americans at the time.** At a time when the vast majority of





For some leaders, the post-war 1780s seemed to **proved that ordinary Americans weren't capable of governing themselves responsibly**: that they were too volatile and prone to supporting radical policies. (Keep in mind, of course, that farmers and commoners saw nothing radical in voting to support their personal interests, but there has always been class conflict over economic policies.) As a result, many founders started to have second thoughts about the additional rights and voting power that had been given to more commoners (albeit almost exclusively still property-owning white men) after the Revolution. Some started to express the sentiment that if states could not, or would not, ensure that debts and taxes were paid, perhaps a stronger national government was needed to protect the rights of creditors.

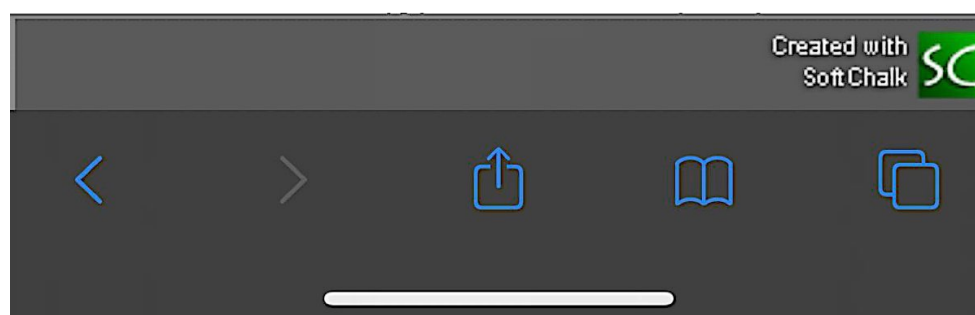




equal vote in the Continental

Congress. Passing any law required nine of the twelve states to agree, which rarely happened, and any amendments to the Articles (such as giving the Congress the ability to levy taxes) required the unanimous support of all states. So while the Continental Congress did try several time to amend the Articles to allow Congress to regulate commerce, impose tariffs, raise revenue, or establish a judiciary, in every case, a single state could and did block these reform efforts.

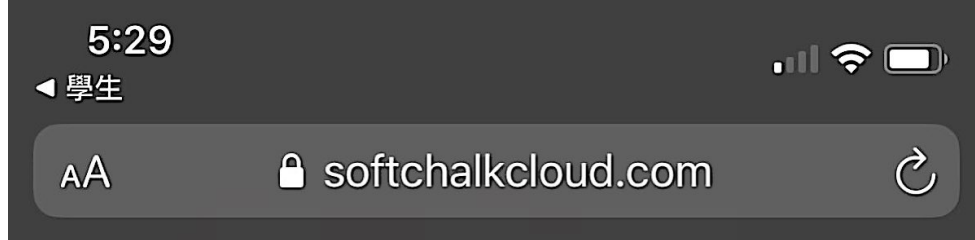
Faced with financial and foreign policy problems if the U.S. couldn't repay its wartime debts, and with political upheavals in many states, by the end of the 1780s, most Revolutionary leaders felt the U.S. needed a stronger national



Faced with financial and foreign policy problems if the U.S. couldn't repay its wartime debts, and with political upheavals in many states, by the end of the 1780s, most Revolutionary leaders felt the U.S. needed a stronger national government if it were to survive. It was within this context of turmoil that delegates from every state (except Rhode Island) agree to meet in Philadelphia in May 1787 to amend the Articles of Confederation.



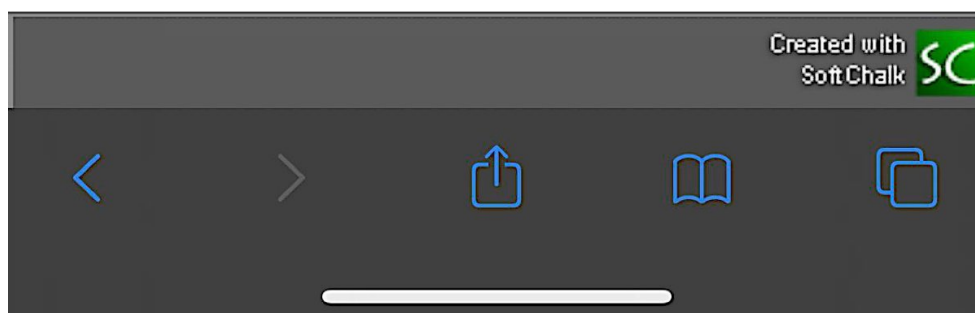
Constitutional Convention, held in Philadelphia from May to September 1787

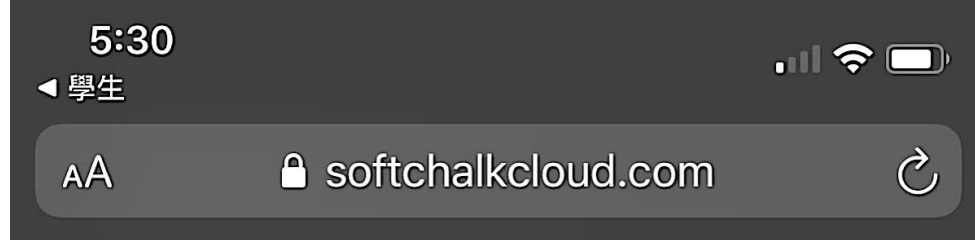


Weakness of the Articles of Confederation

The first post-war decade also **exposed the potentially dangerous limitations of the Articles of Confederation**. The Continental Congress, created to unify the states to fight the Revolution, was less capable of accomplishing the necessary tasks of a *peacetime* government. Remember from the last lesson that the Continental Congress had few specific powers under the Articles, and most law-making powers remained in the hands of the states (which now seemed to be controlled by commoners).

By way of refresher from last week, what were the **specific powers that the Continental Congress had?**



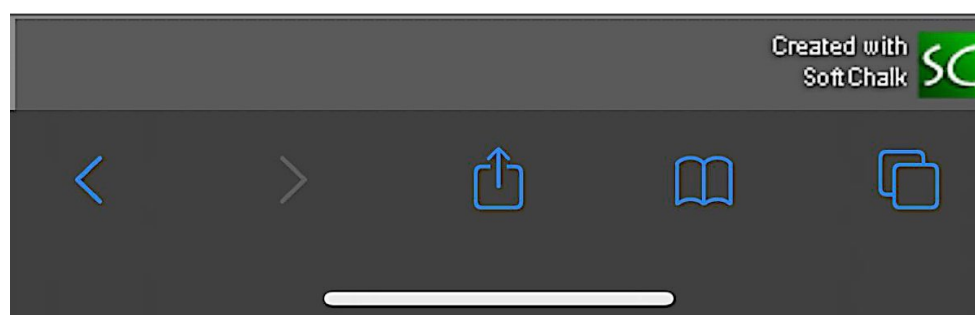


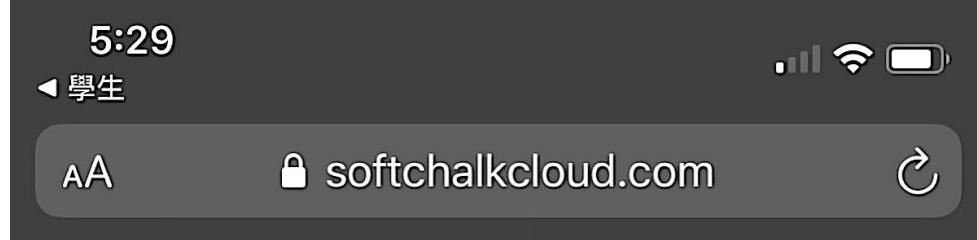
delegated technically acted
unconstitutionally in creating a new
constitution.

In many ways, the Constitutional Convention was a rebellious as Shays' Rebellion—a group of citizens taking the government into their own hands. As one representative to the Constitutional Convention, James Wilson, argued, "The House on fire must be extinguished without a scrupulous regard to ordinary rights." To many American leaders, the U.S. in the 1780s had become a house on fire, in need of stronger national government to put out the flames of too much democracy.

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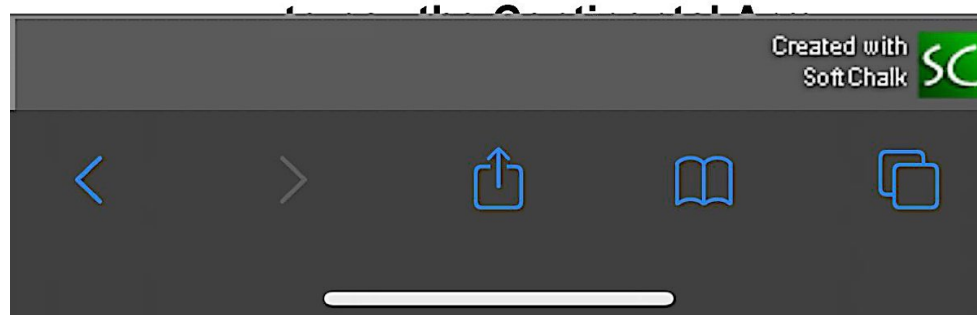


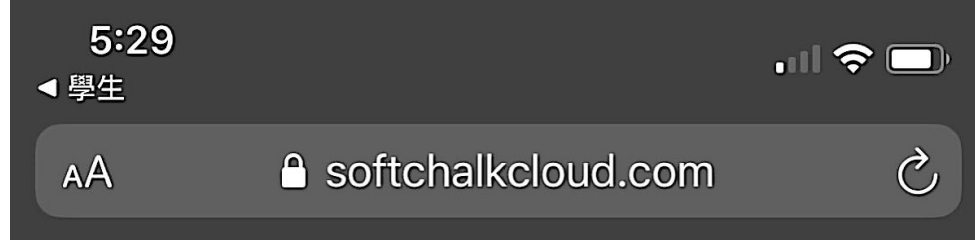


The biggest limitation of the Articles of Confederation—the lack of ability to raise funds for the national government—became clear at the end of the war.

- The U.S. had borrowed a lot of money from wealthy citizens and France to pay for the Revolution. But without the ability to raise funds via taxes or tariffs on imports and exports, the **Continental Congress had no way to repay those loans**. If the young U.S. defaulted on loans to a foreign country, it would have serious ramifications for the entire nation: other countries might cut off trade with the U.S., or France might even attack the U.S.

- The **Continental Congress didn't even have the funds**



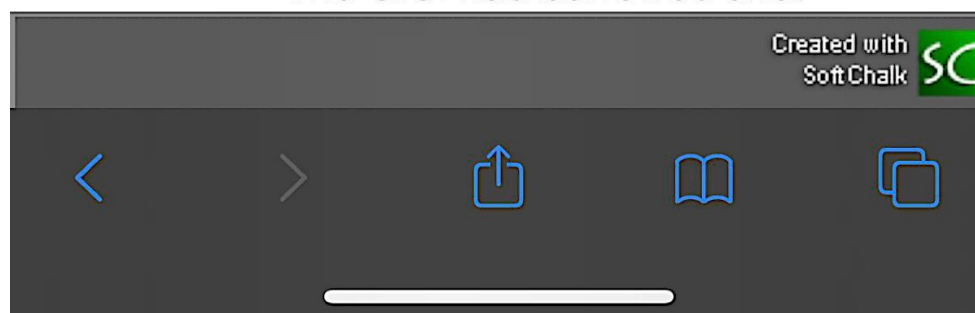


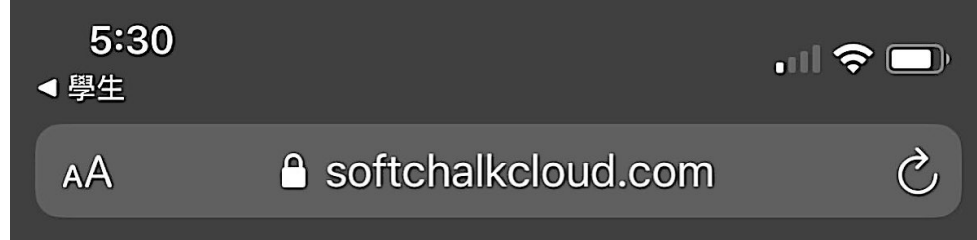
By way of refresher from last week,
what were the **specific powers that
the Continental Congress had?**

- Could declare war, conduct foreign affairs, and make treaties with other governments
- Lacked an executive branch—so had no real national leader
- Had no financial resources—the Congress couldn't levy taxes or regulate commerce, so the budget of the U.S. came from voluntary contributions of states.

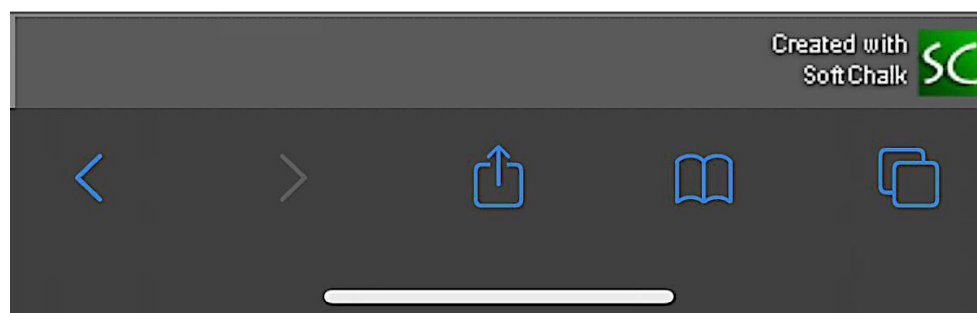
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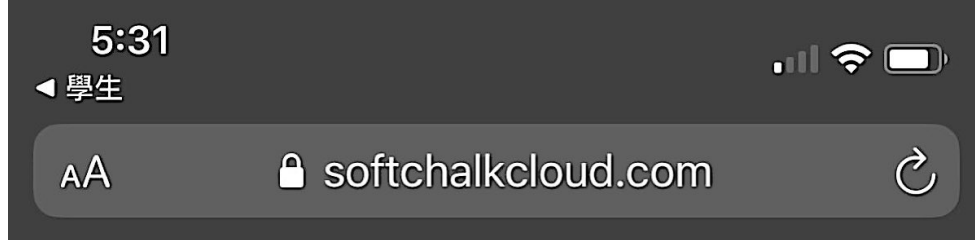
- The U.S. had borrowed a lot





This **Constitutional Convention** was intended to address two main issues: the weakness of the current national government, and the growing fears of some Americans that the states, and commoners, had too much power. Initially, the meeting was to *amend* the Articles of Confederation (probably to add taxation and a few other powers), and that was the only thing the states had agreed to in sending delegates to the meeting. However, once the delegates met in Philadelphia, it quickly became clear that *most* (but not all) of the delegates wanted to dump the Articles entirely and create a brand new document to structure the U.S. government. By ignoring their instructions from the states, the delegates technically acted unconstitutionally in creating a new constitution.

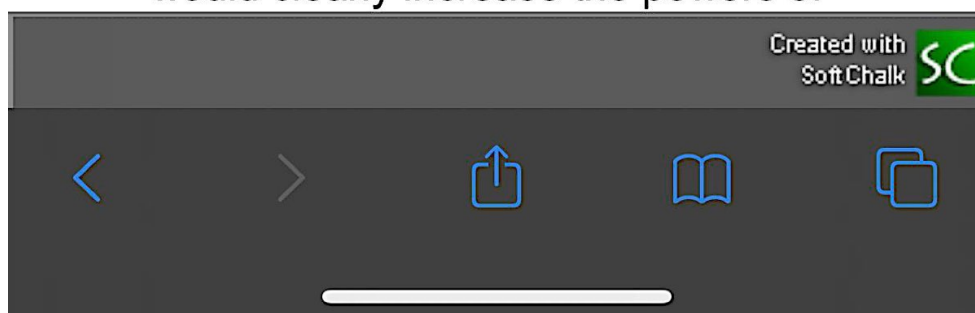


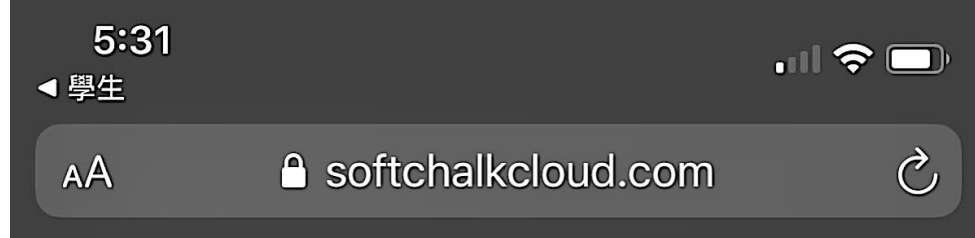


Compromise: Big States vs Small States

One of the biggest divisions at the Constitutional Convention was between big (or populous) states and small (less populous)

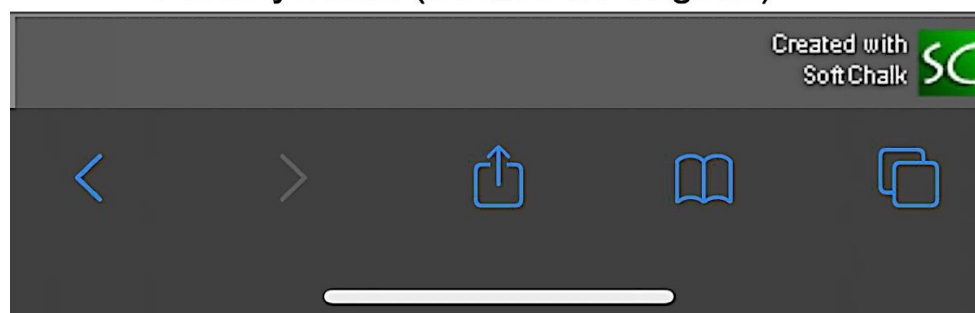
states. Virginia, one of the most populous states in the union, proposed a plan written by James Madison that advocated for creating a stronger national government. Madison's plan demonstrated a strong desire to rein in the power of the states, especially their ability to pass debt and taxpayer protections. Under the Virginia Plan, the national Congress would be able to pass legislation in "in all case where the states are incompetent," which was an intentionally vague standard that would clearly increase the powers of





an intentionally vague standard that would clearly increase the powers of Congress (particularly over what they had been under the Articles of Confederation). The **Virginia Plan** also called for Congress to be able to veto state laws (which again would take a lot of power away from the states). Madison, however, argued that if states continued to pass laws that infringed upon creditor's right to collect debts, Congress needed to be able to veto those laws.

The Virginia Plan also allocated more power to larger states, by establishing a two-house legislature, with representation in both based on a state's population, known as **proportional representation**. Unsurprisingly, the most populous states, including Massachusetts and Pennsylvania (as well as Virginia)

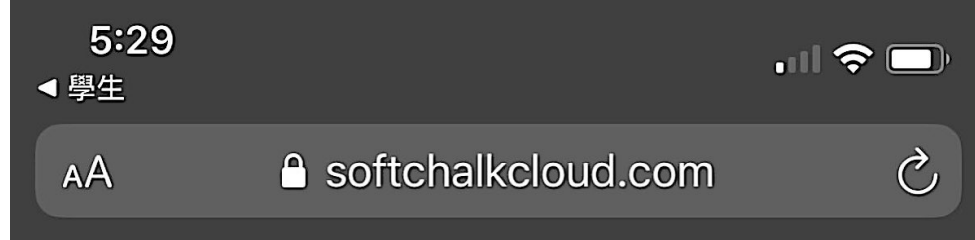


a Plan

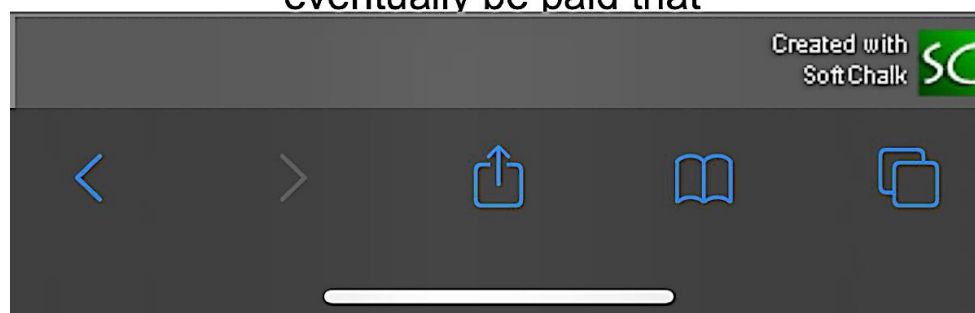
New Jersey Plan

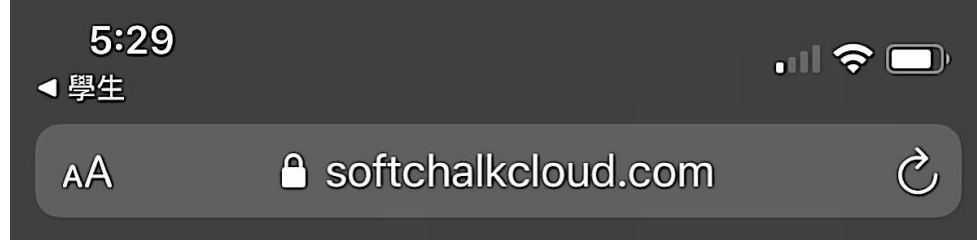
significantly
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 two house
 legislature
 (bicameral)
 representation
 based on
 population—
 proportional

- Revised the
 Articles of
 Confederation
 only slightly
 - Added right
to tax,
regulate
commerce,
and execute
federal laws
 - Retained
very strong
state
sovereignty
 - One house
legislature
(unicameral)
- Each state
would have one
vote in
Congress—



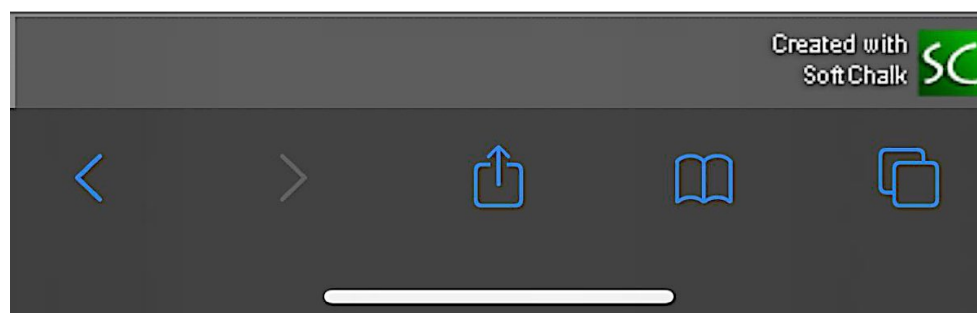
- The **Continental Congress** **didn't even have the funds to pay the Continental Army soldiers** who had fought to secure independence from Britain, which again would have serious ramifications. In the cold early spring of 1783, as the US and Britain were negotiating a peace treaty to end the war, soldiers were still waiting impatiently to be paid for their wartime service. In the midst of growing frustration, a group of American officers met secretly to discuss ways to pressure the Congress to live up to their obligations to the soldiers, including perhaps a military takeover of the U.S., if Congress refused to provide the promised backpay and pensions. It was only General Washington's personal assurance that soldiers would eventually be paid that





military takeover of the U.S., if Congress refused to provide the promised backpay and pensions. It was only General Washington's personal assurance that soldiers would eventually be paid that prevented a military coup from potentially toppling the American government almost before it had begun.

Under the Articles of Confederation, each state had an equal vote in the Continental Congress. Passing any law required nine of the twelve states to agree, which rarely happened, and any amendments to the Articles (such as giving the Congress the ability to levy taxes) required the unanimous support of all states. So while the Continental Congress did try several time to amend the Articles to allow



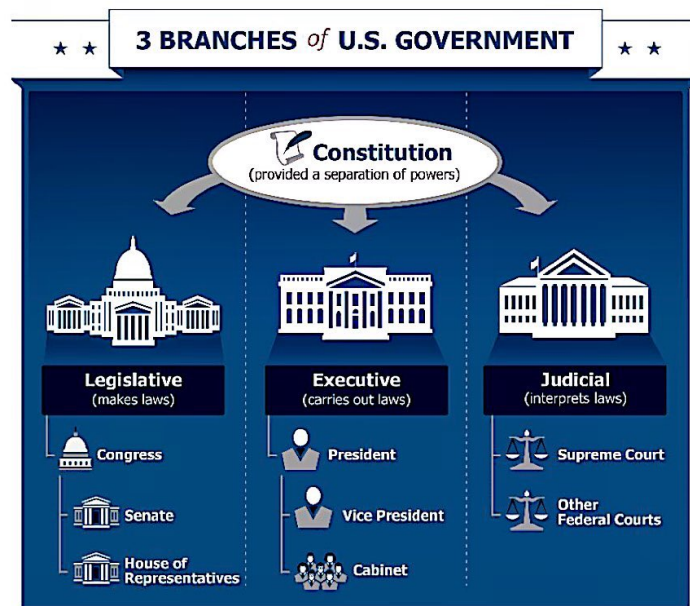
Virginia Plan

- Significantly strengthened the national government
 - Congress would be able to legislate "in all case where the states are incompetent"
 - Congress could veto state laws
 - Two house legislature (bicameral)
- Representation based on population—proportional

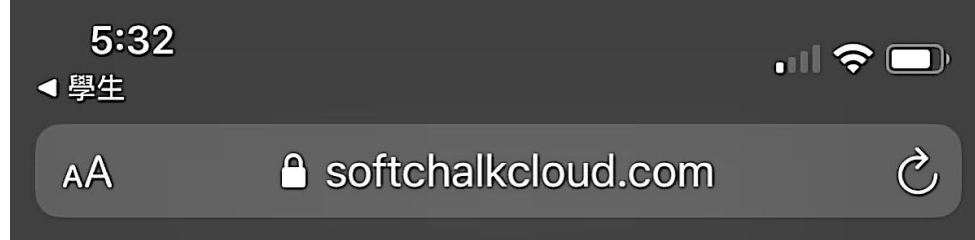
New Jer

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power was divided between the legislative (Congress), executive (President), and judicial (courts) branches, with checks on each.



However, while the Constitution significantly strengthen the national government (especially in comparison to the Articles of Confederation), the **individual states still retained a fair amount of autonomy** under the federal system. Only certain specific and

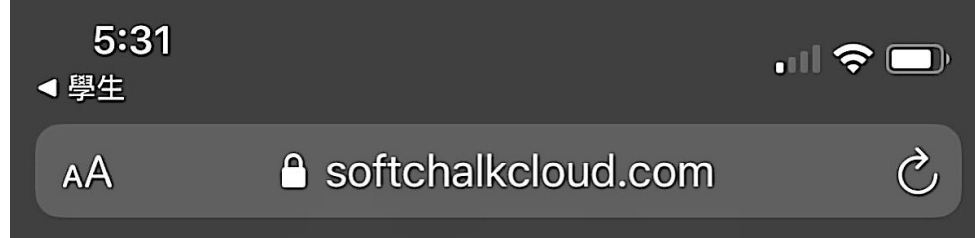


While the Virginia and New Jersey plans were the most discussed, there were many other proposals put forth for how to change the national government. For example, Alexander Hamilton, a representative from New York, proposed a radical plan that was almost a return to monarchy. He proposed a very strong executive branch, with a president who served for life (almost like a king), and called for the virtual elimination of state power.

The final constitution represented a compromise between the Virginia and New Jersey plans.

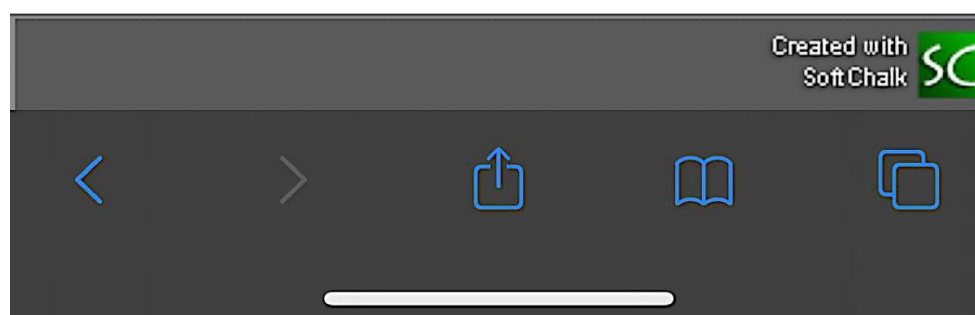
This "**Great Compromise**" acknowledged both the logic of large population centers having more representatives, and the need of smaller states for a voice in the national government.

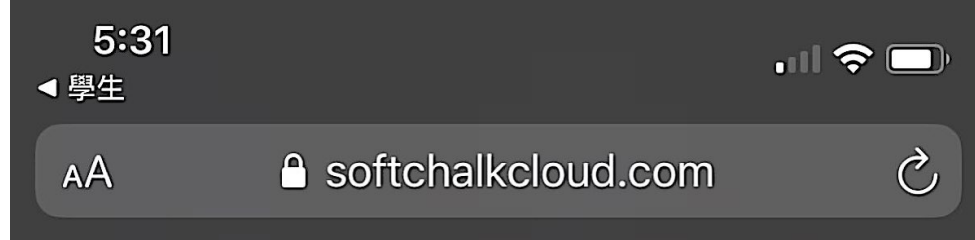




tenuous nature of the Constitutional Convention can be hard for us, as modern Americans, to understand. From a 21st century perspective, the unification of the 13 states seems all but inevitable. To those 55 men, however, the continuation of the U.S. probably seemed more improbable than inevitable.

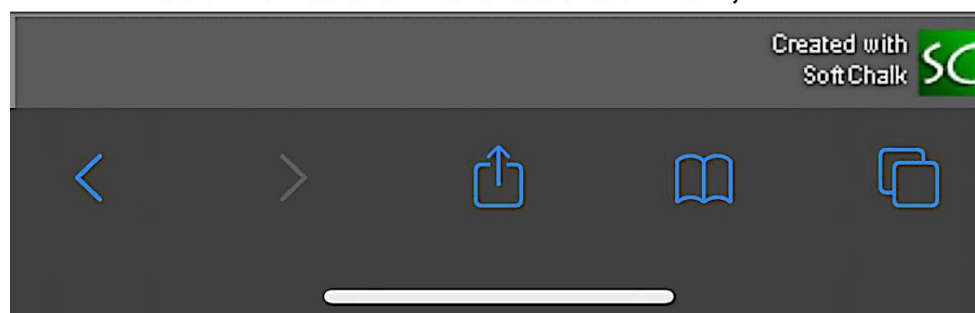
Holding the states together as a nation, and creating a new system of government that would be ratified by the people, required a lot of compromises between states with very different histories and interests. **Let's take a closer look at some of the major compromises struck at the convention, which have shaped our country in profound ways.**





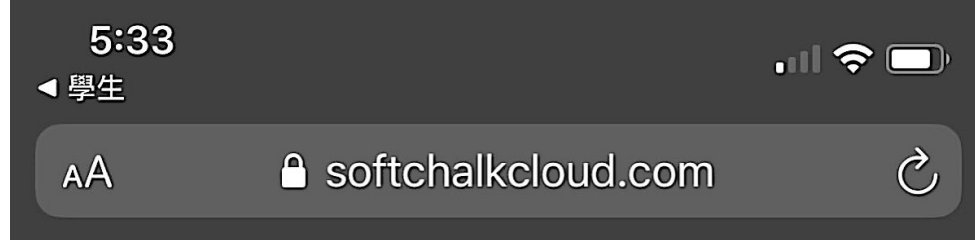
Constitutional Compromises

The Constitutional Convention was marked by conflict, contingency, compromise, and uncertainty. More than once, delegates threatened to walk out of the convention and destroy the consensus needed to enact a new government. Even more problematically, some threatened to form a union with only likeminded states and break apart the only recently unified United States. The tenuous nature of the Constitutional Convention can be hard for us, as modern Americans, to understand. From a 21st century perspective, the unification of the 13 states seems all but inevitable. To those 55 men,

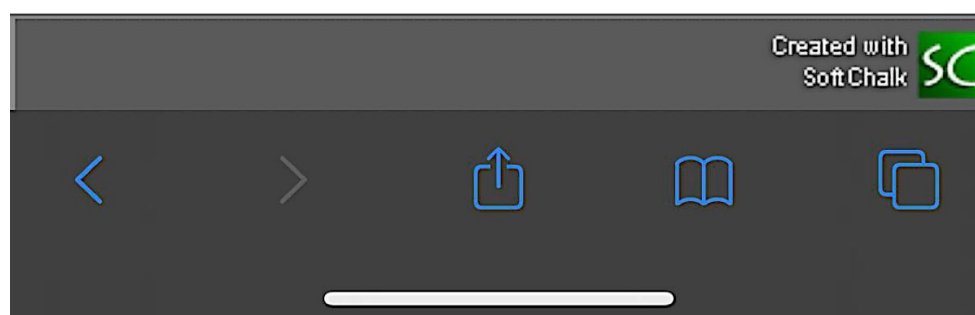


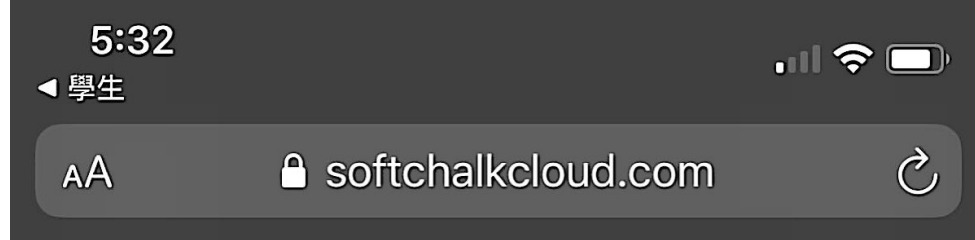
"The Great Compromise"

- Congress couldn't "legislate in all cases where states are incompetent" or veto state laws
 - But Congress was granted more enumerated powers than desired by the New Jersey plan
- Two house legislature (bicameral)
- Equal representation in upper house of Congress (Senate)



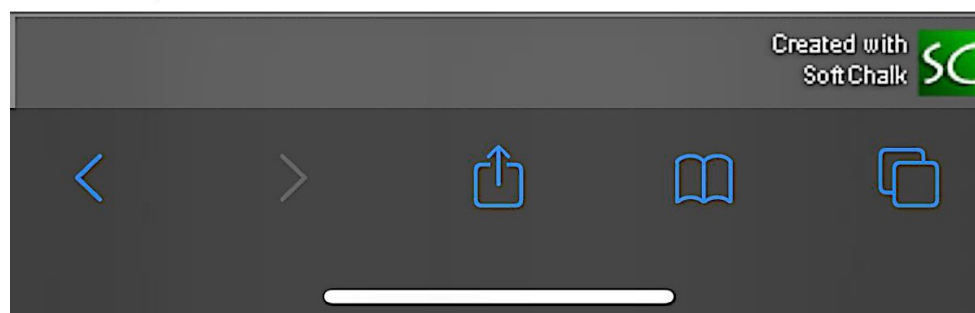
However, while the Constitution significantly strengthen the national government (especially in comparison to the Articles of Confederation), the **individual states still retained a fair amount of autonomy** under the federal system. Only certain specific and stated powers were given to national government in the Constitution, and ***all other powers*** remain in the hands of the states. The maintenance of strong states should not be too surprising, given the historical context. In 1787, the unity of the states was only about ten years old, and they had been used to operating as independent colonies for a century or more. Most states still had far more historical, religious, and cultural differences than common interests.

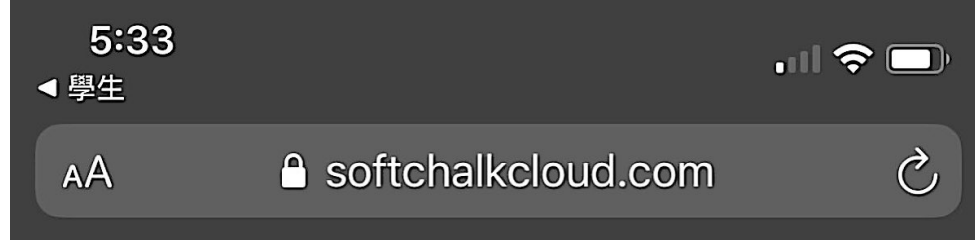




The less populous state of **New Jersey**, countered with a plan that opposed proportional representation, and instead proposed maintaining a one-house legislature with each state having one vote, or **equal representation**. In general, the New Jersey Plan advocated *fixing*, rather than replacing, the Articles of Confederation by granting the Continental Congress the right to tax, regulate commerce, and execute federal laws. The New Jersey Plan, however, maintained strong state sovereignty and most law-making powers would still reside in the states.

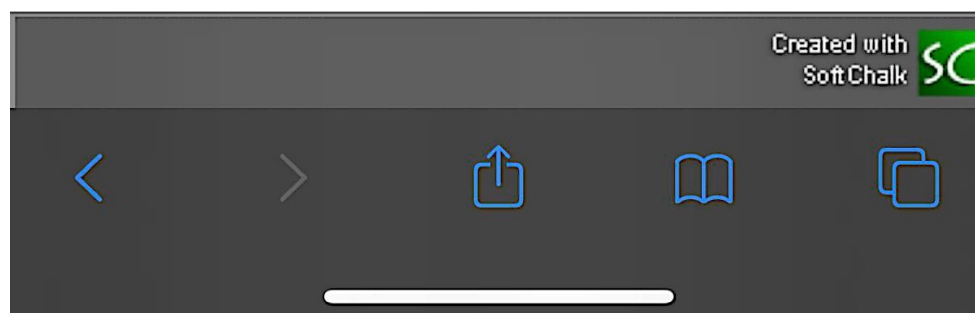
While the Virginia and New Jersey plans were the most discussed, there

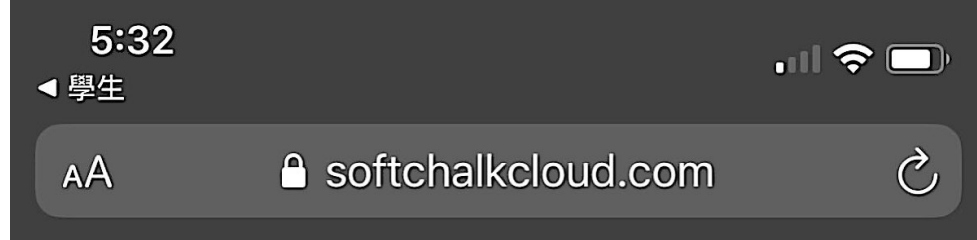




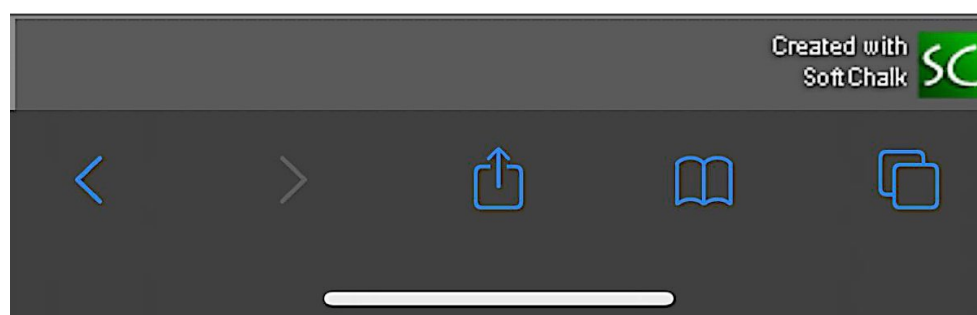
Writing creditor-protection language into the Constitution, the passage prohibited states from creating inflation (which would help farmers) by printing money, or from passing any law that prevented creditors from collecting debts owed to them. James Madison even touted this passage as "the soul of the Constitution," indicating that at least some framers saw limited the "excess of democracy" as a key reason to amend the Articles of Confederation and create a stronger national government.

The Constitution also increased national power by creating a **strong executive branch**, in the form of a new President. To prevent abuse, power was divided between the legislative (Congress), executive





To combat what most delegates to the Constitutional Convention saw as "democracy run amok" in the state legislatures—passing laws too favorable to debtors and people who owed taxes—the new Constitution granted the national government more powers than it had under the Articles of Confederation. The national government gained the right to levy taxes, and put the national government in charge of printing currency (which states could no longer do) to end the debate in states over currency and inflation. In fact, Article I, Section 10 of the Constitution specifically prohibited states from passing the types of debt-relief laws that supporter of Shays' Rebellion had supported:



legislate "in all case where the states are incompetent" -Congress could veto state laws -Two house legislature (bicameral) representation based on population—proportional representation supported mostly by larger states	regulate commerce, and execute federal laws -Retained very strong state sovereignty -One house legislature (unicameral) • Each state would have one vote in Congress—equal representation • Supported primarily by smaller states
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The less populous state of **New**