## Unit 2: Creating A New Government – The Critical Period (1776-1787)

The former colonies, now the free and independent **United States of America**, needed to create their own government after winning the **American Revolution**. Many American leaders did not trust powerful governments since America was originally controlled by the English King. Therefore, the first U.S. government, **The** **Articles of Confederation**, was kept weak on purpose. Although this weak government prevented one person from controlling the government, it also proved too weak to make laws and protect the country. The Articles did not allow for taxation or even raising an army. After **Shay’s Rebellion (**a farmer’s rebellion), the Founders knew it was time for a change. Representatives from the now 13 states, met at the Constitutional Convention (1787-1789) to create a new government.

Getting all the states to agree on how a new and more powerful government would operate was not easy. Many **compromises** had to be agreed upon so that all the states could be sure that they would not be overpowered by the new national government. There were many differences especially between Northern and Southern States (over slavery and taxation), big states and small states (over representation in Congress) and **Federalists** (people who wanted a strong **central government**) and **Anti-Federalists** (people who wanted a weak central government). The Compromises included the **Great Compromises** (creating a Bi-Cameral – two-house legislature), the controversial **3/5’s** compromise over how slaves are counted for representation/taxation and the Bill of Rights. The **U.S. Constitution** split the national government up into three branches so that there would be a **separation of powers**. One branch would make the laws (**Legislative- Congress**), another branch would enforce the laws (**Executive – President**), and the third branch would judge and decided the meaning of the laws (**Judicial- Supreme Court**). Power was separated into three branches and each branch was given the ability to limit the power of the other branches. This is called **checks and balances**.

The Constitution also divided power between the national government and state governments. This system is called **federalism** and it allows state governments and the national government to share power and responsibilities. The new government created by the U.S. Constitution was not immediately accepted by all the states. People began to argue for and against the Constitution. Many people felt that the new government was too powerful and would violate the rights of the citizens just as Britain had done. In order to get the Constitution approved, a **Bill of Rights** was added that guaranteed that certain important rights such as freedom of speech would not be taken away by the new national government. These became the **First Ten Amendments.** The Convention also created a **Ratification Process**  to add and change amendments, and **The Elastic Clause** – where the Constitution can change as the needs of the country change over time. Despite all of the compromises, it took a lot of effort to convince people to ratify the Constitution. James Madison, Jon Jay and Alexander Hamilton wrote **The Federalist Papers** to convince the other states and their representatives to do ratify the constitution. In September 1787, the Constitution was ratified. In 1789, George Washington was unanimously voted America’s first President – taking his inaugural oath right here in New York City!

**Regents Vocabulary Words: Write the word and definition in your study book.**

**1) Federalism** – the sharing of power between **state governments** and the **national government**

**2) State Government** – Government in charge of individual states. (NY’s is located in Albany, NY)

**3) Federal/Central/National Government** – Government in charge of the country. (this is located is in DC)

**4) Federalists**- argued for a strong **federal government**

**5) AntiFederalists**- argued for a weak **federal government**, strong state governments and a Bill of Rights

**6) Articles of Confederation**- the first attempt at a US government. It had a weak federal government and didn’t have the power to collect taxes or raise an army.

**7) Shay’s Rebellion –** farmers’ rebellion which convinced people the Articles of Confederation were too weak.

**8) Constitution**- a document that outlines how the government is structured

**9) Amendment**- a change to the Constitution

**10) Bill of Rights**- The first **10 Amendments** to the Constitution that guarantee basic freedoms for citizens

**11) 3/5ths Compromise**- 5 slaves would count as 3 people when determining a state’s representation and taxes.

**12) Great Compromise**- made states with small population and states with large populations happy by creating a **bi-cameral legislature.** It creates the **Senate (**2 representatives from each state) and the **House of Representatives** (each state has an amount of representatives based on its population).

**13) Checks and Balances**- the system where each branch of government can limit the powers of the other branches

**14) Legislative Branch**- branch of government that makes laws called the **Congress**.

**15) BiCameral Legislature** - the two-house system in **Congress** made up of the **Senate** & **House of Representatives**

**16) Senate**- the upper house of Congress where each state gets the same 2 votes

**17) The House of Representatives**- the lower house where each state gets more or less votes based on its population

**18) Bill**- an idea for a law

**19) Veto**- when the President refuses to sign a Congress approved bill into a law

**20) Executive Branch**- branch of government that enforces laws. Run by the president

**21) Electoral College**- a controversial system by which the U.S. President is selected indirectly – each state has a certain number of electors (points) which the president receives based if he wins the popular vote of the state.

**22) Judicial Branch**- the branch of government that interprets the laws. Run by the courts.

**23) Elastic Clause –** part of the Constitution which allows it to “stretch” or change based on needs of the time.

**24) Federalist Papers** – papers written to convince people to support the constitution

**25) Ratify** – approve/give consent.

**Historical context:** below are two quotes from America’s founding fathers on the establishment of a national bank (1791).

**Document 1:**  **Document 2:**

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| *A restrictive interpretation of the word “necessary” is also contrary to this sound maxim* [ideal] *of construction: namely that the powers contained in a Constitution ought to be construed liberally* [made loosely] *in advancement of the public good.*  *The means by which national exigencies [*emergencies] *are to be provided for, national prosperity promoted, are of such infinite variety, extent, and complexity, that there must o necessity be a great latitude* [freedom] *of choice in the selection and application of these means. Hence, the necessity of exercising the authorities entrusted to a government on principle of liberal construction*  *…If the end (purpose of law) be clearly comprehended within any of the specific powers, and if the measure have an obvious relation to the end, and is not forbidden by any particular provision of the Constitution, it may be safely deemed to come within the compass of national authority.*   * Alexander Hamilton on creating a national bank (Bank of the United States) | *I consider the foundation of the Constitution that “all powers not delegated to the United States, nor prohibited by it to the States, are reserved to the States, or to the people” (10th Amendment). To take a single step beyond the boundaries that are specifically drawn around the powers of Congress is to take possession of a boundless field of power, no longer susceptible of any definition.*  *It has been much urged that a bank will give great convenience in the collection of taxes…yet the Constitution allows only the means which are “necessary” not those which are merely “convenient”…there is not one (power) which ingenuity may torture into convenience, in some instance or other, to someone of so long a list of enumerated powers. It would swallow up all the delegated powers, and reduce the whole to one power…Therefore it was that the Constitution restrained them to the necessary means; that is to say, to those means without which the grant of the power would be nugatory (useless).*   * Thomas Jefferson on creating a national bank (Bank of the United States) |

Task: Answer each of the following questions using the documents and your knowledge of social studies in one T.E.A.L. paragraph (5-7 sentences with specific analysis) each

1. **Compare and contrast Alexander Hamilton and Thomas Jefferson’s point of view/perspective on the Constitutionality of creating a national bank.**
2. **Which view of the Constitution (Hamilton’s loose interpretation or Jefferson’s strict interpretation) do you agree with? Which do you think will have the better impact on America moving forward?**