Chapter 2 Notes

* (The original colonies were founded by whom? English.) The English brought with them, political ideas that had been developing in England for centuries. 2 basic principles are key to English political thought:

1. Limited Government-the concept that the monarch’s power, or government, was limited and not absolute.
   * + Magna Carta (1215)- the English nobles were unhappy with the policies of King John and so they forced him to sign this document at Runnymede. The nobles believed the MC would protect people from unjust punishment and the levying of taxes without popular consent (loss of life). This is important because it is where the beginning ideas of limited government began.
     + Petition of Right-King Charles I took the throne of England in 1625. He wanted to be as powerful as Louis XIV. When Parliament went into session in 1628, they forced Charles to sign the Petition of Right. This limited the power of the king. One way, for example, the king could not collect taxes without Parliament’s consent. This eventually led to the English Civil War of the 1640s (1642-1646).
     + English Bill of Rights-following the English Civil Wars, the monarchy was restored but the same conflicts returned. The big question was: who has the final authority? In 1688, England removed King Charles II from the throne and invited Mary II (daughter of the king) and her husband William III to be the new monarchs. This peaceful transfer of power is known as the Glorious Revolution. William and Mary recognized Parliament as supreme and the English Bill of Rights was passed. This document set clear limits on the monarch:
2. Monarchs do not have absolute power. They rule with the consent of the people’s representatives in Parliament.
3. Monarch must have Parliament’s consent to suspend laws, levy taxes or maintain an army.
4. Monarch cannot interfere with parliamentary elections and debates.
5. The people have a right to petition the government and to have a fair and speedy trial by a jury of their peers.
6. The people should not be subject to cruel and unusual punishments or to excessive fines and bail.

The English Bill of Rights is important because its influence was immediately felt by the American colonies. The colonists believed the document applied to them and that they had the same rights as the people living in Britain. (The king had a different idea. He saw the colonists as subject of the British Empire. These differing ideas will be a major cause for the rebellion.)

1. Representative Government-a government in which the people elect delegates to make laws and conduct government. Britain’s Parliament was a representative assembly with the power to enact laws.

The English founded 13 colonies along the eastern coast of North America between 1607 and 1733. (Georgia, South Carolina, North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, New Hampshire, Massachusetts, Delaware, Connecticut, Rhode Island)

Each colony had its own government consisting of a governor, legislature, and a court system. These governments did exercise some authority, however, the British believed the colonists owed their allegiance to the monarch. Democratic ideas began to grow rapidly in the colonies. Keep in mind, these ideas were not of the democracy we know today. Women and slaves could not vote and property qualifications remained for men who wished to vote. Also, religious dissent was not tolerated by the colonists. Despite this, colonial governments established practices that became a key part of the nation’s system of government:

* A written constitution
* A legislature of elected representatives
* The separation of powers between the executive and the legislature
* A key feature of the colonial period was government according to a written plan. The Mayflower Compact­ that was signed by the Pilgrims in 1620 was the first of many colonial plans for self-government. The Pilgrims realized they needed rules to govern themselves if they were to survive in the new land. They agreed to choose their own leaders and to make their own laws, which they would design for their own benefit. Later, the Pilgrims would establish colonies and in 1636 would adopt the General Fundamentals, the first system of laws in the English colonies.
* In 1639, another colony was established in Connecticut. There they drew up America’s first formal constitution, or charter, called the Fundamental Orders of Connecticut.
* Colonial charters divided the power of government. The governor, the king’s agent in the colonies, had executive power, while the legislative assembly had the power to pass laws. Colonial courts heard cases. This idea of separation of powers was learned by the colonists from Charles-Louis Montesquieu, an Enlightenment Thinker, in his work, *The Spirit of Laws*.
* The colonists’ legislature became the training grounds for the political leaders who wrote the Constitution.

Section 2

* For many years, the colonies maintained a peaceful relationship with Britain and were allowed to make their own decisions with little interference. Two events greatly changed the relationship between the colonies and Britain:
  + French and Indian War- This war began as a struggle between the French and the British over lands in western PA and OH. Britain won and gained complete control over the eastern third of North America and virtually eliminated France’s power here. This meant the America colonists no longer needed the British to defend them from the French. Another big impact of this war was the cost to Britain. Left with a large war debt, Britain felt the colonists should pay up.
  + George III became king in 1760 and he had very different ideas about how the colonies should be governed.
* To help pay for the French and Indian War, the British government placed taxes on sugar, glass, paper and other products. The Stamp Act of 1765 imposed the first direct tax on the colonists. It required them to pay a tax on all legal documents, pamphlets, newspapers and even dice and playing cards. Parliament also passed strict trade laws that benefited Britain and not the colonies. With all of this, Britain’s revenue, the money a government collects from taxes and other sources, from the colonies increased; as did colonial resentment.
* In 1773, the situation reached a boiling point when a group of colonists, dressed as Indians, dumped 342 chests of British tea into the Boston Harbor. This protest became known as The Boston Tea Party. This is *important* because it led to the passing of the Intolerable Acts, which included the withdrawing the right of the Massachusetts Colony to govern itself.
* The Intolerable Acts prompted Virginia and Massachusetts to call a general meeting of the colonies. Delegates from all the colonies except Georgia met in Philadelphia on September 5, 1774, for the First Continental Congress. Key leaders included Patrick Henry, Samuel Adams, and George Washington. The delegates decided to impose an embargo, an agreement prohibiting trade, on Britain and agreed not to use British goods. King George responded saying the New England governments were in a state of rebellion.
* On April 19, 1775, the Battle of Lexington and Concord occurred. This was the first battle of the Revolutionary War.
* Shortly after the battle, delegates from all 13 colonies met in Philadelphia for the Second Continental Congress. Here they immediately assumed the powers of a central government. They chose John Hancock of Massachusetts as president. Hancock was a well-known colonial leader as well as a very wealthy merchant. He was well-placed to help raise funds for an army. George Washington was appointed commander of the Continental Army. Although it had no constitutional authority, the Second Continental Congress served as the acting government of the colonies throughout the war. (It purchased supplies, negotiated treaties and rallied support for the colonists’ cause.)
* After the Revolutionary War had been raging for more than a year, the Congress named a committee of John Adams, Benjamin Franklin, Thomas Jefferson, Robert Livingston, and Roger Sherman to prepare a written declaration of independence. The committee appointed Jefferson to write the draft. On July 4, 1776, the final draft was approved by the Congress. John Hancock was the first of the 56 delegates to sign. The Declaration of Independence is one of the most famous documents in history. This was the first time in history a country had been founded on the principles of human liberty and consent of the governed. It inspired the French Civil War of 1789. It has also been used as a model for other nations in their own efforts to gain freedom.
* The Declaration contains 3 main parts:

1. A statement of purpose and basic human rights.
2. List of specific complaints against King George III (justification for the break from GB).
3. Stating the colonists’ determination to separate from GB since their efforts to reach a peaceful solution had failed, they were left with no choice.

* In 1777, a committee appointed by Congress presented the Articles of Confederation. The Articles basically continued the structure and operation of the government that had been set up by the Second Continental Congress. It created a confederation, or “league of friendship,” among the 13 states rather than a strong central government. By March 1781, all 13 states had ratified, or approved, the Articles.
* The Articles of Confederation:
  + a unicameral, or single-house, legislature (Congress)
  + no federal court system and disputes were settled among the states
  + each state had one vote in Congress, no matter its size or population
  + each state legislature selected its own representative to Congress, paid them, and could recall them at any time
  + Congress had only those powers specifically mentioned in the Articles
* Weaknesses of the Articles:

1. Congress did not have the power to levy or collect taxes
2. Congress did not have the power to regulate trade
3. Congress could not force anyone to obey the laws it passed or to abide by the Articles of Confederation
4. Laws needed the approval of 9 of the 13 states. Usually, delegates from only 9 or 10 states were in Congress at any time making it very difficult to pass laws.
5. Amending the Articles required all states to agree. (It was impossible and so the Articles were never amended)
6. The central government did not have an executive branch. Without an executive there was no unity in the policies and no way to coordinate the work of the different committees.
7. The government had no national court system. (State courts enforced and interpreted national laws) The lack of a court system made it difficult for the central government to settle disputes among the states.

* Achievements of the Articles of Confederation:

1. It established a fair and consistent policy for settling and developing the lands west of the Appalachian Mountains. This is its greatest achievement as what to do with western lands was one of the most hotly debated issues of the era. Their solution was each state ceded, or yielded, its claims in the west to the central government so that Congress could make a national plan for the area. Congress then passed 2 land ordinances, or laws providing for surveying and division of the territory. This supported a principle advocated by Thomas Jefferson: once territories reach a certain population, they can achieve statehood on an equal basis with the original 13 states.
2. A 1783 peace treaty with Britain where they officially recognized American independence.
3. Congress set up the departments of Foreign Affairs, War, and the Treasury, each under a permanent secretary. This development set a precedent for the creation of cabinet departments under the Constitution of 1787.
4. It provided each state give “full faith and credit” to the legal acts of other states and treat one another’s citizens without discrimination. This provision was also carried over to the Constitution.

* In 1785, George Washington invited representatives from both states to his home in Mount Vernon to discuss their differences over currency, import duties, and navigation on the Potomac River and Chesapeake Bay. This successful meeting eventually led to a convention in Philadelphia in 1787. Its purpose was to regulate commerce among the states and to propose changes to make the national government more effective. Among these men were Alexander Hamilton of NY and James Madison of VA. This meeting set the stage for the Constitutional Convention.
* (((((At the Constitutional Convention, several men stood out as leaders. Washington’s presence ensured people would trust the convention’s work. Benjamin Franklin was a leader in the debates, despite his age (81). James Madison is called the Father of the Constitution because he was the author of the basic plan of government that the convention eventually adopted.)))))
* Although the convention originally met to revise the Articles, they ended up abandoning the former government and begin again. Some key agreements made by the convention:
  + Idea of limited and representative government
  + Separation of powers
  + Limit the power of the states to coin money or interfere with creditors’ rights
  + Stronger national government
* The debates and compromises of the convention were not over these fundamental ideas. Rather, they dealt with how to put these ideas into practice.
* The Virginia Plan-this plan proposed a government based on 3 principles”

1. A strong national legislature with 2 chambers (the lower to be chosen by the people and the upper to be chosen by the lower). This legislature could bar any state laws it found unconstitutional.
2. A strong national executive to be chosen by the national legislature
3. A national judiciary to be appointed by the legislature

* With some modifications, the Virginia Plan became the basis of the new constitution.
* The smaller states fought the Virginia Plan because they wanted a less-powerful government with more independence for the states. Their counterproposal was called The New Jersey Plan, which called for government based on keeping the major feature of the Articles, a unicameral legislature with one vote per state. They also proposed a stronger Congress who could impose taxes and regulate trade, a weak executive consisting of more than one person all chosen by Congress and a national judiciary with limited power chosen by the executive.
* It looked as though the convention would totally reject the NJ Plan and go back to revising the Virginia Plan. However, the convention became deadlocked over the issue of should the states be represented in Congress on the basis of population or should they be represented equally, regardless of population. The debate became so bitter that it looked like the convention would dissolve.
* A special committee presented The Connecticut Compromise, which suggested that the legislature have 2 parts: 1) House of Representatives with state representation based on population and 2) Senate with two members from each state. The larger states would have the advantage in the House of Reps where representation was based on population yet the smaller states would be protected by the Senate where each state would have equal representation.
* Another debate arose over how many reps each state would have in the House of Reps. (Southern states wanted to count slaves for representation numbers. The northern states wanted the south to count slaves for taxation purposes but not for representation.) A second compromise called The Three-Fifths Compromise, which said only 3/5 of slaves would be counted for both tax and representation purposes.
* On September 17, 1787, the final draft of the Constitution was ready. 39 delegates signed it. For it to become law, 9 or the 13 states had to ratify it. Even though the Constitution went into effect on June 21, 1788, when New Hampshire became the 9th state to ratify, the political debate over ratification lasted until May 29, 1790.
* The great debate over ratification quickly divided the people in the states. One group, called The Federalists, favored the Constitution and was led by many Founding Fathers. The other group, The Anti-Federalists, opposed the new Constitution.