

GENESIS OF OUR REPUBLIC

I. Sources of the U.S. Constitution

- A. English Concepts of Government
- B. Principles of the *Magna Carta* (1215 A.D.) and *English Bill of Rights*.
- C. Writings of 18th century Enlightenment thinkers such as John Locke and Baron de Montesquieu.
- D. American Colonial and Revolutionary War experience
- E. American Revolutionary literature:
***Common Sense*, Corresponding Societies, *Declaration of Independence*
- F. State Constitutions: Common Features?
- G. *Articles of Confederation*.

II. Beginnings of National Government

- A. First Continental Congress, 1774 (Sept. 5 -- Oct 26), in Philadelphia.
 - 1. Georgia unrepresented.
 - 2. Protested the Intolerable Acts of March, 1774.
 - 3. Adopted a Declaration of Rights.
 - 4. Agreed to stop use of British goods (boycott).
 - 5. Established a Continental Association to oversee enforcement of the boycott.
 - 6. Agreed to meet again in May, 1775, unless grievances were redressed.
 - 7. British measures became more repressive.
- B. Second Continental Congress, May 10, 1775 - March 1, 1781, in Philadelphia.
 - 1. Fighting had already started—Lexington/Concord, April 19th.
 - 2. First National Government.
 - 3. *Declaration of Independence*, 1776
 - a. June 7: Richard H. Lee proposed independence; motion tabled to give Thomas Jefferson and his committee time to draw up the declaration.
 - b. **July 4**: The Declaration was approved by 56 delegates.
 - 4. *Articles of Confederation*
 - a. Our First National Constitution: 1781 -- 1789.
 - b. Characteristics include: sovereignty of the individual States and a limited unicameral Congress.
 - c. Weaknesses?

III. Critical Period, the 1780s

- A. Bickering States
- B. Shay's Rebellion
- C. 1785 -- Alexandria (Mount Vernon) Conference.
 - 1. Representatives from Maryland and Virginia met and negotiated their differences over tariffs and navigation on the Potomac River.
 - 2. Va. proposed a general conference to be held at Annapolis, Md. Purpose?

D. 1786 -- Annapolis Convention

1. Representatives from 5 States (4 other States appointed delegates who failed to attend, and 4 had taken no action at all).
2. The Convention adjourned on Sept. 14, with the recommendation that the States appoint delegates to meet in Philadelphia the following year for the "purpose of revising the Articles of Confederation."

E. 1787 -- **Philadelphia Convention/Constitutional Convention** (May 25 - Sept. 17)

1. Members from 12 States ----Rhode Island = unrepresented.
 - a. Members generally conservative--concerned more with order than liberty.
 - b. Most delegates belonged to the professional and propertied classes.
 - c. 74 were appointed; maximum attending = 55.
 2. Purpose of convention evolves from merely changing the *Articles of Confederation* to completely replacing them with a new structure/Constitution.
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IV. **Formation of the U.S. Constitution -- Major Compromises**

A. **The Connecticut Compromise -- The Great Compromise**

1. Major controversy = how to determine representation in Congress???
 - a. Virginia Plan (Gov. E. Randolph & James Madison) ---representation based on population.
 - b. New Jersey Plan (William Peterson) -- representation based on equality of States (exact same number of reps. from big and small States.)
2. "Connecticut solution" = BICAMERAL Congress.
 - a. House of Representatives --- membership based on population (big States get more reps.)
 - b. Senate ---Membership based on equality of States (all States get two Senators each).

B. **Three-Fifths Compromise**

1. Controversy surrounding how population for purpose of representation and taxation would be counted. Slave (6) v. Non-Slave States.
2. Solution = Black slaves were to be included at 3/5 of their number.

C. **Commerce and Slave Trade Compromise**

1. Congress given control over both foreign and inter-state commerce
B U T
2. Congress was forbidden to levy taxes on exports or to prohibit the importation of slaves prior to 1808 (Art. I., sec. 9, cl. 1 & 4).

D. **Presidential or Electoral College Compromise****

1. Controversy = how to select the President?
 - a. Direct election by the people???
 - b. Election of the President by Congress???
2. Solution = Established an indirect method of electing the President by State Electors, the number of Electors from each State to be equal to its total representation in Congress, and to be chosen by methods determined by its (each State's) legislature.

V. **Adoption and ratification of the U.S. Constitution**

A. Of the 42 delegates, 39 signed the Constitution on Sept. 17, 1787.

B. 3 non-signers were Gov. E. Randolph, G. Mason and E. Gerry.

C. Article 7 stated that the Constitution would go into effect with ratification of 9 of the 13 States.

D. Delaware ratified first; New Hampshire, ninth.

E. In New York, *The Federalist Papers* (essays in defense of the Constitution) were authored by "Publius" = Alexander Hamilton (51), James Madison (26) and John Jay (5). (Hamilton & Madison co-authored 3 essays.)

VI. **Our Federal Constitutional Government Organized**

A. 1788 -- Sept. 13, the Confederation Congress:

1. Chose New York as the capital city.
2. Designated the 1st Wed. in Jan. election day for the Electoral College.
3. Designated the 1st Wed. in Feb. voting day for the Electoral College.
4. Designated the 1st Wed. in Mar. as Inauguration Day.

B. 1789 -- April 6, First Quorum in the First Congress which had 81 members.

C. 1789 -- April 30, G. Washington was INAUGURATED AS FIRST PRESIDENT. (delayed by lack of a quorum in March.)

D. 1789 -- Nov. 21, North Carolina ratified the U.S. Constitution.

E. 1790 -- Rhode Island ratified the U.S. Constitution.

F. 1790 – Federal Government moves to Philadelphia

G. 1800 – Federal Government moves to the District of Columbia (“federal city” of Washington) which was now federal property because of a land grant donated by Maryland and Virginia.

ENLIGHTENMENT

In the late 1600's and 1700's, great thinkers called PHILOSOPHES began to use scientific reasoning to explain how society should be organized. This period became known as the AGE OF REASON, and the ideas of the philosophes formed a movement called the ENLIGHTENMENT.

Most Enlightenment philosophes shared a belief that human beings were naturally good and that their most important quality was the ability to think and reason. They based their ideas on the philosophy of Ancient Greece and the Renaissance, and they were inspired by the discoveries of Scientific Revolution thinkers such as Sir Isaac Newton. Newton used mathematics to prove that the physical world runs like a clock according to natural laws like the law of gravity. The philosophes believed that careful reasoning could lead them to discover natural laws for human society.

In the 1700's, people in England, France and the North American colonies became excited by the writings of the philosophes. The philosophes took a new look at religion, economics, social problems and government. Lively discussions of their views were a major form of entertainment, and Enlightenment ideas spread quickly.

Enlightenment ideas about government were especially important. During this period, European countries were ruled by kings and queens who claimed that they had absolute power directly from God. Three Enlightenment thinkers, JOHN LOCKE, JEAN JACQUES ROUSSEAU and BARON DE MONTESQUIEU promoted the revolutionary idea that political power comes from the people.

Englishman John Locke (1632 - 1704) wrote about government in two essays called ON CIVIL GOVERNMENT. Locke's main idea was that all people have the basic natural rights of life, liberty and property, and they will agree to obey a government that protects these rights. This agreement between the people and their government was called the Social Contract. Locke further argued that if government did not protect these rights, the people should overthrow the government and replace it.

In THE SOCIAL CONTRACT, French philosophe Jean Jacques Rousseau (1712 -1778) also developed the idea that government was the result of an agreement between the people and those who ruled them. Rousseau said that the social needs of a people were reflected in a common understanding that he called the "General Will." The "General Will" led the people to form a government to meet their needs. Unlike Locke, Rousseau did not believe that people should change their form of government once it was established.

Another French philosophe Baron de Montesquieu (1689 - 1755) wrote about how government should be structured. In his book, THE SPIRIT OF THE LAWS, Montesquieu wrote that there were three separate powers of government that should be divided up among different groups or individuals. The legislative power was the power to make the laws, the executive power was the power to enforce or carry out the laws, and the judicial power was the power to interpret the laws. Montesquieu felt that no one part of government should have more power than the others. If political power was balanced, then the freedom and rights of the people would be protected.

The works of Locke, Rousseau and Montesquieu greatly influenced the leaders of the American and French Revolutions. Locke's ideas can be found in the American DECLARATION OF INDEPENDENCE and THE UNITED STATES CONSTITUTION, and the French Revolution's DECLARATION OF THE RIGHTS OF MAN is based on the ideas of Rousseau. Finally, the three separate branches of government found in the UNITED STATES CONSTITUTION are directly related to the contributions of Montesquieu.