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Creating the Constitution

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Creating the Constitution



The Articles of Confederation

- During the Revolution, the new United States needed a functioning government
- Modeled after colonial governments
- States would retain sovereignty
- Founders were fearful of concentrated power due to past experience with the British



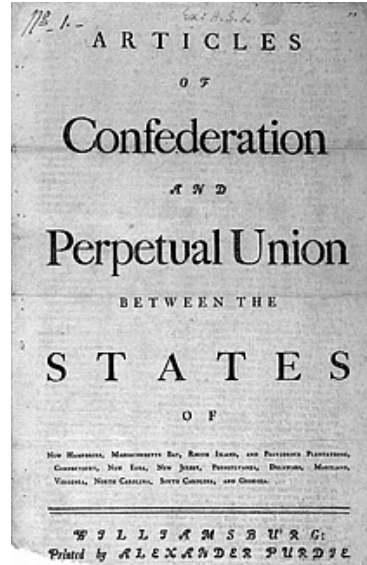
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The Articles of Confederation were crafted from a combination of urgent necessity and past experience. After the colonies declared their independence in 1776, the leaders needed a government to oversee the operation of the war and, if victorious, help the country settle the peace. Fundamental issues needed to be addressed: How much political power should be given to the central government when cooperation among the states was so important? Would France gamble on aiding the fledgling nation if the United States appeared weak? How would the central government speak for all the states while each state maintained its sovereignty?

In 1777, the “Articles of Confederation and Perpetual Union” were drafted and submitted to the states for ratification, but the states didn’t approve the document until March of 1781. The Articles were modeled after the colonial charters, with the legislative branch having supremacy over the other branches. The Articles’ creators made sure that each state would remain sovereign and would retain all power not expressly given to the national Congress. This would insure that all decisions made by the government were subject to discussion and debate and that the states would never face a distant dominant power as when they were colonies under Britain.

A Limited Government

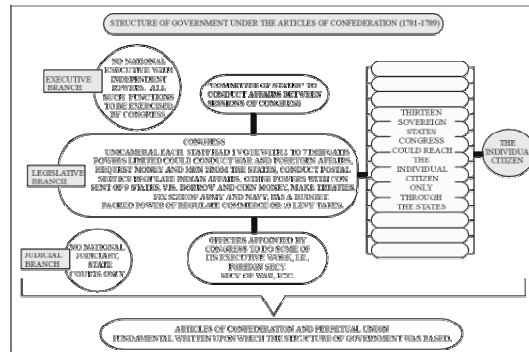
- Articles established a “firm league of friendship” among the states
- Bills were passed on nine of thirteen votes
- Amending the Articles took unanimous consent of the states



The Articles established a government which it characterized as a “league of friendship” for common defense, communication with other nations, and to administer and operate the government. It was assumed that most legislation and enforcement of laws would occur within the states and that laws passed by the national Congress would only be to administer the powers it was given. Even so, any law passed would have to be carried by a “supermajority” of over 67 percent, with nine of thirteen states voting in the affirmative. To further insure that the central government would not be granted any increase in power, any amendment to the Articles needed the unanimous consent of all the states.

Structure of Government

- Unicameral (single house) legislative body
- Each state had one vote regardless of population size
- Congress given sole authority to govern the country
- An executive committee oversaw government when Congress was not in session
- Congress would establish temporary courts to hear disputes among the states



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The creators of the Articles believed that government was an agreement with the people and that power originated from the people. They further believed the best form of government was a republic, in which the people's wishes were addressed by chosen representatives. The legislative body would be elected by and directly responsible to the people.

Soon after independence had been declared, many smaller states expressed concern regarding the overlapping claims to western lands made by many of the states with larger populations. The small states feared their voices would be drowned out if representation was based solely on population. Thus, to equalize representation in Congress, each state had one vote—regardless of the size of its population.

Congress was given the responsibility for governing the country; however, it wasn't given much power to do so. An executive committee was meant to oversee the operations of the government, but it ended up serving more like a cabinet of advisors than as actual leadership. Congress had the authority to establish temporary courts to hear disputes among the states, but these courts could act only as mediators because they and the executive committee had no power to enforce the laws.

Powers Granted to Government under the Articles of Confederation

- Declare war and make peace
- Make treaties with foreign countries
- Establish an army and navy
- Appoint high-ranking military officials
- Requisition, print, and borrow money
- Establish weights and measures
- Hear disputes among the states related to trade or boundaries

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The Articles of Confederation granted Congress important powers to operate the government. When the document was drafted in 1777, the immediate concern was conducting the war and hopefully crafting a favorable peace treaty. To carry out the war, Congress needed the power to make treaties with foreign nations and to establish an army and navy and appoint military officers. Such powers gave Congress authority over affairs with foreign nations.

To help pay for the war and for the operation of the government after independence had been won, Congress would need to requisition funds and to print and borrow money. This requisitioning power allowed Congress to ask the states for funds, which the states would provide if they were able or inclined to do so.

Under the Articles, Congress also had the power to hear disputes among the states related to trade and boundaries. During and after the war, individual states sometimes established tariffs in order to raise revenue and discourage the sale of imports from foreign countries or neighboring states that competed with homegrown products. Other states targeted by these tariffs usually retaliated in kind.

Powers Denied to Government

- No power to raise funds for an army or navy
- No power to tax, impose tariffs, or collect duties
- No executive branch to enforce laws
- No power to control trade among the states
- No power to force states to honor obligations
- No power to regulate the value of currency

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The Articles didn't provide the government with enough authority to fully carry out the tasks it was given. Though Congress could declare war and raise military forces, it couldn't pay for them because it lacked the power to tax. Congress could requisition funds from the states, but had no power to make them part with their money. Congress could borrow money, but had no way to raise funds to pay off the debt except to ask the states for funds. If a state disagreed with the way Congress spent the funds, it would refuse or delay payment.

Congress could appoint a court to hear the disputes between states, but it couldn't enforce decisions the courts made. Thus, if a court ruled in favor of one state over another, the losing state wouldn't have to comply with the decision.

After the war, the Treaty of Paris stipulated that British citizens still living in the former colonies would receive compensation for land or property seized. However, individual states did not force their citizens to make such restitution and Congress had no authority to compel the states to obey the treaty's provisions.

To pay off the debt from the war, Congress was authorized to print money; however, each of the states had the power to print money as well. The resulting increase in currency, combined with a slowdown in the postwar economy, sent the young country into a deep economic depression. Inflation rose so high that the Continental Dollar became virtually worthless.

Accomplishments of the Articles of Confederation

- Administered the seven-year war effort
- Negotiated the Treaty of Paris with Britain in 1783
- Established the Northwest Ordinance of 1787



Map of the land settled in the Northwest Ordinance of 1787

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Though they had many shortcomings, the Articles of Confederation cannot be considered a total failure. Under them, the government operated for nearly 12 years and managed to conduct a successful war of rebellion against what was then the most powerful country in the world.

Under the Articles, the United States also negotiated a very favorable peace treaty in which Britain formally recognized the United States and agreed to remove all British troops from U.S. territory. From the land granted to the United States as a result of the treaty, the country doubled in size, gaining land that today holds the states of Ohio, Indiana, Michigan, Illinois, Wisconsin, and part of Minnesota.

Many historians view the Northwest Ordinance as the most important piece of legislation to come out of this period. The Ordinance provided a method for admitting new states into the Union and for placing them on an equal footing with existing states. Thus, citizens from these new states would enjoy all the rights for which Americans had fought in the Revolution. The Ordinance even provided a bill of rights, something both the Articles and the original Constitution lacked.