**The Articles of Confederation Mystery**

These documents will discuss the original government set up in the United States of America…one that most people don’t know about!

It’s your job to inform them.

**A Meeting to Revise the Articles of Confederation**

**Why were the Articles of Confederation put into effect?**

 In 1776, the Continental Congress started to draft a new government for the colonies. They believed that the colonists needed to be united by a central government in order to win independence. However, it was hard to write a constitution all the states would approve. Many colonists were reluctant to give up their state’s power to a national government. This was the effect of colonists being more loyal to their states than the new nation they were trying to create. Another issue surrounding the creation of a new government was the fear of “tyranny.” The colonists were fighting a war to get out from under the British tyranny and did not want to be subjected to another government’s tyranny. Therefore in 1777, the Continental Congress developed the Articles of Confederation which created an alliance of independent states.

 **Summary of the Articles of Confederation**

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| **Government Under the Articles**\* Unicameral Legislature\* One vote per state\* 2/3 majority needed to pass legislation\* Unanimous vote needed to amend Articles  |
|  **Weaknesses of the Articles****\*** No national executive \* No national court system\* National government could not collect taxes\* National government could not raise an army\* National government could not regulate trade  |
|   **Problems under the Articles**\* Currency Problems: Many states printed their own money. The national currency, meanwhile, became almost worthless\* Intrastate Commerce: States placed tariffs on each other's goods. This, combined with currency problems, led to a sharp decline in intrastate commerce\* Foreign Trade: Other countries placed tariffs and trade restrictions on US goods; the US was not able to reciprocate. The absence of a strong navy also left US merchant ships vulnerable to pirates.\* Foreign Affairs: The inability of the national government to raise an army left the US vulnerable. For example, key provisions of the Treaty of Paris, which ended the Revolutionary War, were not enforced. As a result, the British continued to occupy forts in the Northwest territory -- landed that had technically been ceded to the US.  |
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**The Constitution Mystery**

These documents will discuss the founding and structure of our current system of government in the United States. Where do you think the ideas for this document came about?

**News about the Constitution**

On the 17th of September, the Constitution was presented to the American public. The instrument, with its accompanying resolutions, was, by the unanimous order of the Convention, transmitted to Congress in the following letter: IN CONVENTION, *September* 17, 1787.

SIR:

We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most advisable.

The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the General Government of the Union; but the impropriety of delegating such extensive trust to one body of men is evident: hence results the necessity of a different organization.

It is obviously impracticable in the Federal Government of these States to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be preserved; and, on the present occasion, this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety--perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus, the Constitution which we now present is the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State is not, perhaps, to be expected; but each will, doubtless, consider, that had her interest alone been consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that Country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, we have the honor to be, sir, your excellency's most obedient and humble servants. By the unanimous order of the convention.

GEO. WASHINGTON, President,

*His Excellency the President of Congress.*

**The Preamble to the Constitution**

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

**Main Ideas in the Constitution**

The six main ideas that encompass the Constitution are:

1. Limited Government – is when the government is restricted in reference to governing powers by which are limited by prescribed laws and within a constitution. Ex. The United States government.
2. Republicanism – the observance of a republican form of government, in which the voters elect representatives to govern them. Ex The United States government.
3. Checks and Balances – a system, in which each branch of government can check, or control, the actions of the other branches. Ex. Presidential veto can turn down a law passed by Congress, but Congress can override a veto with two-thirds vote.
4. Federalism – the division of power between states and the national government. Ex. The government can control interstate trade (going across states) but cannot control intrastate trade (trade within the state).
5. Separation of Powers – the principle by which the powers of the government are divided among the separate branches. Ex. The Legislative Branch makes the laws, the Executive enforces the laws, and the Judicial Branch review the law and checks that it’s Constitutional.
6. Popular Sovereignty – the idea that the people hold the final authority in government. Ex. The people elected the president and in the early 1800’s allowed people to vote in order to determine if the state would be a free or slave state.

**The Bill of Rights**

The Bill or Rights are the first 10 Amendments to the Constitution. These amendments protect individual rights against government intrusion.

* **First Amendment**: Freedom of religion, speech, press, the right to assemble peacefully, and the right to petition the government for a redress of grievances.
* **Second Amendment**: The right to bear arms.
* **Third Amendment**: No Soldier shall be quartered in any house without the consent of the owner.
* **Fourth Amendment**: The right against unreasonable searches and seizures.
* **Fifth Amendment**: The right to not self-incriminate or not be tried for the same crime twice. Also no person shall be deprived of life, liberty, or property without due process of law.
* **Sixth Amendment**: The right to a speedy and public trial, by an impartial jury.
* **Seventh Amendment**: The right to have a jury of your peers.
* **Eighth Amendment**: Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
* **Ninth Amendment**: The list in the Constitution, of certain rights, shall not be understood to deny other rights given to the people.
* **Tenth Amendment**: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

**The Enlightenment Mystery**

The Enlightenment was a period of time prior to the American Revolution which provoked great thought about the nature of man and how governments should be run in Europe. Do you see any reflections of these ideas in the American government?

THE LEVIATHAN by Thomas Hobbes

**Human Equality:**

Nature has made men so equal, in the faculties of the body and mind; as that though there be found one man sometimes manifestly stronger in body, or of quicker mind than another, yet when all is reckoned together, the difference between man and man, is not so considerable. . .For such is the nature of men, that howsoever they may acknowledge many others to be more witty, or more eloquent, or more learned; yet they will hardly believe there be many so wise as themselves. . . .

**The State of Nature:**

From this equality of ability, arises equality of hope in the attaining of our ends. And therefore if any two men desire the same thing, which nevertheless they cannot both enjoy, they become enemies. . . .Hereby it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war, as is of every man, against every man. For war consists not in battle only, or the act of fighting, but in a tract of time, wherein the will to contend by battle is sufficiently known. In such condition there is no place for industry [meaning productive labor, not .industry. in modern sense of factories], because the fruit thereof is uncertain, and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building . . . no knowledge of the face of the earth; no account of time; no arts; no letters; no society; and, which is worst of all, continual fear and danger of violent death; and the life of man, solitary, poor, nasty, brutish, and short.

OF CIVIL GOVERNMENT by John Locke

**The State of Nature:**

To understand political power aright, we must consider what state all men are naturally in, and that is, a state of perfect freedom to order their actions and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature; without asking leave, or depending upon the will of any other man. . . .The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions: for men [are] all the workmanship of one omnipotent and infinitely wise Maker; all the servants of one sovereign master, sent into the world by his order, and about his business. . . .

**Reason:**

Men living together according to reason, without a common superior on earth, with authority to judge between them, is properly the state of nature. God, who hath given the world to men in common, hath also given them reason to make use of it to the best advantage of life, and convenience. The earth, and all that is therein, is given to men for the support and comfort of their being. Nothing was made by God for man to spoil or destroy. And thus, considering the plenty of natural provision there was a long time in the world, and the few spenders . . . there could be then little room for quarrels or contentions about property so established.

Men were born inherently equal and have the right to life, liberty and the pursuit of happiness.

THE SPIRIT OF THE LAWS by Charles Montesquieu

**Of Political Liberty and the Constitution of England:**

Political liberty is to be found only in moderate governments; and even in these it is not always found. It is there only when there is no abuse of power: but constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it will go. To prevent this abuse, it is necessary, from the very nature of things, that power should be a check to power. The political liberty of the subject is a tranquility of mind arising from the opinion each person has of his safety. In order to have this liberty, it is requisite the government be so constituted as one man need not be afraid of another. When the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty. . . .Again, there is no liberty if the judiciary power be not separated from the legislative and executive. In perusing the admirable treatise of Tacitus on the manners of the ancient German tribes, we find it is from that nation the English have borrowed the idea of their political government. This beautiful system was invented first in the woods. . . .Neither do I pretend by this to undervalue other governments, nor to say that this extreme political liberty ought to give uneasiness to those who have only a moderate share of it. How should I have any such design; I who think that even the highest refinement of reason is not always desirable, and that mankind generally find their account better in mediums than in extremes?

THE SOCIAL CONTRACT by Jean Jacques Rousseau

Man is born free, and everywhere he is in chains. Many a one believes himself the master of others, and yet he is a greater slave than they. . . . [T]he social order is a sacred right which serves as a foundation for all others . . . now, as men cannot create any new forces, but only combine and direct those that exist, they have no other means of self-preservation than to form...a sum of forces which may overcome the resistance, to put them in action . . . and to make them work in concert. This sum of forces can be produced only by the combination of man; but the strength and freedom of each man being the chief instruments of his preservation, how can he pledge them without injuring himself, and without neglecting the cares which he owes to himself? This difficulty, applied to my subject, may be expressed in these terms: To find a form of association which may defend and protect with the whole force of the community the person and property of all its members and by means of which each, coalescing with all, may nevertheless obey only himself, and remain as free as before. Such is the fundamental problem of which the social contract furnishes the solution. In short, each giving himself to all, gives himself to nobody . . . We see from this formula that the act of association contains a reciprocal engagement between the public and individuals, and that every individual . . . is engaged in a double relation. . . . the social pact . . . includes this engagement . . . that whoever refuses to obey the general will shall be constrained to do so by the whole body; which means nothing else than that he shall be forced to be free.