Chapter 2

Government
The way the United States government is organized, its powers, and its limitations, are based on ideas about government that were brought to these shores by the English colonist. Three of the most important principles they brought with them were: 1. ordered government 2. limited government 3. representative government
All of these principles were in existing British works: the Magna Carta-1215, the Petition of Right-1628, and the English Bill of Rights-1689. But the British got them from earlier civilizations like the Roman Empire, which once occupied much of England.
The British saw a need for *ordered government*, many of the offices established early on still exist today. i.e. the offices of the sheriff, coroner, tax assessor.

The English settlers also did not believe in having a government that was all powerful, this contributed to the principle of *limited government*. This concept was included in the Magna Carta in 1215.
Landmark English Documents: 

The Magna Carta, which means the Great Charter, included such fundamental rights as: the right to a trial by jury, due process of law, protection against the arbitrary taking of life, liberty and property. The Magna Carta was originally intended to protect the rights of the upper class, but over time was extended to include the poor. It established the principle that the monarchy did not have absolute power.
The Petition of Right-limited the king’s power. The king could no longer imprison his critics without trial by jury, he could not declare martial law, nor could he rule by military force. The petition challenged the idea of the “divine right” of kings—even the monarch must obey the law of the land.
The Bill of Rights-written by the Parliament in 1689 in an effort to ward off abuses of power by the monarchs. This was in response to previous rulers who abused the authority of the throne. It prohibited a standing army during peacetime and required all parliamentary elections to be free. It included the right to a fair and speedy trial, freedom from excessive bail and from cruel and unusual punishment.
The Colonies-An Experiment in Government

The 13 original colonies were established over a period of 125 years. The first permanent colony founded in North America was founded in Jamestown, Va. in 1607. The last, Georgia, was formed in 1733.

The colonies were settled for various reasons:
1. Virginia was settled as a commercial venture-the first inhabitants were employees of the VA. Company
2. Massachusetts was first settled by people searching for greater personal and religious freedoms.
3. Georgia was settled as a haven for debtors escaping the harsh poor laws of England. Each colony was established by charter (written grant of authority from the king.)
There were 3 different kinds of colonies:
1. royal-subject to direct control of the crown, the King named a governor as the chief executive. The legislatures were bicameral-the upper house consisted of a council-appointed by the King, the lower house consisted of individuals elected by property owners qualified to vote. Colonial legislatures could influence the Governors because they shared the power of the purse—the power to tax and spend—including money to pay the Governor
The legislatures learned that this could be a very important tool!
2. proprietary-were established by land grants from the King to individuals. The Governors were picked by the proprietor, governments were much the same as they were in the royal colonies.
3. charter-these colonies were established by charters granted to the colonists themselves, and were largely self-governing. White male property owners elected the Governor, but the King had to approve of the Governor before he could take office.
Section 2 - The Coming of Independence

The colonists were used to a large amount of self-government because England was 3,000 miles away, and it took 2-3 months to sail to England.

When George III came to the throne in 1760, Britain started dealing more firmly with the colonies. Restrictive trade acts, and new taxes were imposed—mostly to compensate the British troops in America. The colonists objected to paying taxes they had no part in levying—taxation without representation.
The colonists made several attempts at unification prior to 1770: 
1. The New England Confederation-formed by the New England settlements in 1643 for defense against the Native Americans. 
2. The Albany Plan-1754-seven of the northern colonies met to discuss trade problems and the danger of attack by the French and Indians. Benjamin Franklin wrote the plan, but it was ahead of its time, and it was denied by the king.
3. The Stamp Act Congress-In 1765, nine colonies sent representatives to New York, the representatives composed the Declaration of Rights and Grievances against the taxes imposed by the British. Parliament repealed the Stamp Act. The significance of the Stamp Act Congress—it was the first time the colonies united to oppose the British.
In 1774, the Parliament passed the Intolerable Acts, Massachusetts and Va. called a meeting of all the colonies. 55 delegates attended the First Continental Congress. They sent a Declaration of Rights, protesting the British colonial policies to George III.

At the close of the meeting, the representatives agreed to a second congress in May of the following year.
By the time the second congress met, the Revolutionary War had begun. One of the first acts of the Congress was to organize the *Continental Army*, with George Washington as its Commander in Chief. The Second Continental Congress became by force of circumstance, the nation’s first national government (1776-1781). The Declaration of Independence—was almost entirely the work of Thomas Jefferson.
The Declaration of Independence states: That all men are created equal, that they are endowed with certain unalienable rights, that governments are instituted among men, and that when a government becomes destructive, it is the right of the people to abolish it.

In 1776 and 1777, most of the states adopted written constitutions. The Massachusetts constitution, written in 1780 is the oldest of the present-day state constitutions. It is the oldest written constitution in force anywhere in the world today.
The first state constitutions differed in details, but had some common features:
1. the governors had little power
2. most power was given to legislatures
3. elective terms were short, usually 1-2 years.
Section 3-The Critical Period

The Second Continental Congress developed the Articles of Confederation to serve as a binder to unite the 13 colonies. The Articles established a “league of friendship”. The government established by the articles was simple. They created a unicameral congress-each state had one vote. The Congress elected the president from the members of the Congress.
There were no judicial or executive branches of government.

Powers of the Congress:
1. it could make war and peace, but it had to ask the states for soldiers
2. it could set up a monetary system
3. it could borrow money

The States agreed to the Articles, and agreed to abide by decisions of the Congress.
Weaknesses of the Articles:
1. the Congress did not have the power to tax. It could only raise money by asking the States for money or by borrowing money from the States.
2. the Congress did not have the power to regulate trade between the States-this would lead to big problems.
3. The Congress lacked the power to make the States obey the Articles of Confederation or the laws it made.
The Articles could only be changed with the consent of all 13 states, as a result, no amendments were ever added to the Articles of Confederation. When the Revolutionary War ended, the magnitude of the political and economic problems the United States faced soon began to surface.
States began to tax each others goods, and even banned some trade. Rebellions broke out in many places due to the economic chaos. Shay’s Rebellion was a protest in Massachusetts protesting the loss of property to tax collectors.

Those who stood the most to lose by the chaos, large property and business owners began to demand change.
Va. and Maryland led the way when they sent delegates to Mount Vernon and Annapolis to recommend a federal plan for regulating commerce. This meeting was so successful, Va. and Maryland called for a meeting of all the states...this led to the Philadelphia Convention also known as the Constitutional Convention.
Section 4-Creating the Constitution

In May, 1787, 55 delegates, from every state except Rhode Island, met to change the Articles of Confederation. Once they were at the Convention however, they knew the best approach was to form a new government for the United States. Members included Benjamin Franklin, George Washington, and James Madison—men who had a lot of political experience, wealth, and prestige. Thomas Jefferson and John Adams were not in attendance, because they were serving as ambassadors abroad.
James Madison is known as “the Father of the Constitution” because he contributed more to its writing than any other delegate.
Several plans were introduced:

1. Virginia Plan—written by James Madison, called for 3 separate branches of government: executive, legislative and judicial. The congress would be bicameral, with the number of representatives for each state determined by population or the amount of money the state provided for the government. The powers of the national government would be greatly expanded.
2. New Jersey Plan-written by William Paterson, called for a government set up much like the one created by the Articles of Confederation. It would have a unicameral congress, with each of the states represented equally. The major argument regarded representation in the Congress.
3. The Connecticut Compromise:
1. agreed the Congress should have 2 houses
2. agreed the States should have equal representation in the upper house—the Senate
3. agreed the States should base representation in the lower house—House of Representatives—on population.
Other compromises: Three-Fifths Compromise-the question of slavery-and how slaves should be counted as part of the population. South Carolina’s slave population constituted 43% of its total population. The compromise stated slaves would be counted as 3/5 of a person for the purpose of representation AND for the purpose of determining any Direct tax imposed by the national government.
The Commerce and Slave Trade Compromise—the southern states were afraid the new government would tax the export of their goods to finance the new government. This compromise said the Congress did not have the power to tax the goods exported from any state, it also said they could not act on the issue of slave trading for a period of at least 20 years.
Section 5-Ratifying the Constitution
Two opposing groups formed regarding the ratification of the Constitution: the Federalist-those in support of ratification of the Constitution, including James Madison and Alexander Hamilton the Anti-Federalist-those against the ratification of the Constitution, including Patrick Henry, Thomas Jefferson
The two features of the new Constitution that drew the most fire:
1. the increased power of central government
2. the lack of a bill of rights

Delaware was the first state to ratify the constitution. In order for the new Constitution to succeed, however, it was imperative that New York and Va. ratify the Constitution—both states were important in terms of size, money and political influence. Va. and New York both finally ratified the constitution in 1788, and in April 1789, the new government’s first president was elected—George Washington.