

Monday - 19 -

State Constitution Making

- I. Need to Establish Fundamentality - people had no choice -
- II. Problem of Amending -
- III. Problem of Enumerating Rights -
- IV. Effort to Establish a Mixed-Balanced Government
- V. Separation of Executive from Legislature -

- A. Legislature's Existence
- B. Enumeration of Executive's Power -
- C. Limited Executive's Appointment Power -
- D. Judicial Tenure - separate from executive.
- E. Systematic Representation - districts in state
- F. Residency Requirement -
- G. Prohibit Plurality - all equal

VI. Establishment of Ideal Terms

- A. Religion and the State

1. Jefferson's Act for Establishing Religious Freedom

- B. Relation of State to Property

- 1. property qualification for executive - (10005 prop)
- 2. property qualification to vote
- 3. primogeniture and entail ended where necessary

- C. Status of Individual before the Law

- D. Status of Women

- E. Slavery

- 1. why slavery survived

not in agreement
states effect
long cut 3 years
some fast only 1 yr

Justice of Peace
some elected
by people
not common

Cons. Exec had to much power
make legislative free of
exec will
assembly or legislature
meet - gov could call
of legislature
2- enumerate exec

Personnel - among gov
my resolution divided
cheap to buy
good as labor supply

general rule to go to population
instead of geographical - had to reside in
district he represented (almost
universal)

The Articles of Confederation

- I. John Dickinson Draft - put together doc 1777 - 1781 redraft
- A. Unicameral - permanent league of friendship
- B. Limited U.S. Government Control
- C. No Executive coin - borrow -
- D. Taxing Basis
- II. Challenges to It
- A. Representation
- B. Taxation
- C. U.S. Control of the West

legislational goal.
doc under which
similar to act of conf in
civil war.

not essential
solution

- 1. states end their western land claims
- 2. Land Ordinance of 1784, 1785, and Northwest Ordinance (1787)

plurality - not one office at a time
no distinct notion of separation of power.

unicameral
1 state - 1 vote

republican of state -
st const did not establish a sup of state +
govt.

mass Congreg -
new England to 1830 - ~~strong~~ to cut churches
most colonies - began to develop because no
dominant church -

Jefferson's act for est. freedom.
should separate church -

~~not~~ not done away with but groundwork
for such a qualification.

2nd Issue - State to Property

Trad notion in Engl Soc. had to have prop
to hold office.

- 70% men owned property,
1. no stake in Society,
 2. "independent if no owning of Property."
- trad. English Concepts -

neither repudiated in st Constitutions

property of state
5 states specific had prop qual. for
voting -

tools -

pat N.H. If you paid Taxes -

Full tax on "head" or "man"

Premogenitor & entail - If a man dies without -
est to oldest son
people can specify who
inheritance could not go.

The Constitution

I. Three Interpretations

- A. John Fiske (1880s): *argued - art of conscraped - abt govt weak - Interpretation point.* Economic Chaos *as a result*
- B. Charles Beard (1913): Suppressed Conservative Oligarchy
- C. Gordon Wood, Creation of the American Republic, 1776-1787 (1969)

Progressive interpretation

rural and economic interest of south

II. Three Essential Groups

- A. National Financial Group: Robert Morris
 1. Continental Impost
 2. National Commercial Group
- B. National Commercial Group
- C. Diplomatic Group: John Jay

III. Forming the Constitution

- A. The Annapolis Convention, September, 1786
- B. The Delegates and the Convention, May-September, 1787
- C. No Disagreement on Adding Powers to Federal Government

no contest no contest supreme ct. no contest

1. taxing powers (Article I, Section 8)
2. commerce clause - *Indians*
3. judiciary branch (Article III) *federal ct system*
4. prohibition on states (Article I, Section 10) *one effort tax*
5. limits on congressional commercial power (Article I, Section 9)

D. Recast Thinking on Fundamental Points

1. that size leads to factionalism
 - a. James Madison's use David's Hume's idea
 - b. Federalist #10 and #51 - multiplicity of groups

E. Problem of Dual State System

1. Virginia plan - *new nation - federated state - states would have powers - state powers which would people obey.*
2. supreme law of the land clause (Article VI)
 - a. insurrections led by individuals

D. Separation of Powers

1. the scheme
2. Why a Senate? Federalist #62
3. a place act (Article I, Section 2)

IV. Ratification Process (Article VII)

- A. State Conventions Rather Than Legislatures
- B. Isolation of Those Who Opposed Ratification
- C. Good Chance for 9 States
- D. Why it Passed
 1. bill of rights issue
 2. no major interests hurt
 3. force of exclusion

Solving minor problems. governance of a national govt accomplishment. 1st generation of Revolution are considered spec power

art of confederation

1776 - John Dickinson - key phrase - a permanent league of states. Friendship
1- unicameral govt - each state one vote
2-

- Five aspects of power*
- 1- external relations *law of shipping*
 - 2- power over issues of sea - shipping
 3. coin money - bc
 - 4- borrow money
 - 5- be in trade with Indian
 - 6- settle disputes bet states
 - 7- limit boundary claims & create new states

Independent: state would collect taxes for fed govt. dependent to govt from states. (over)
major slave states didn't want Art 5. Tax based on emp. real estate

Challenges in 3 point
1- representation in congress
small states in congress large states didn't like
smaller power because
hard to challenge
separate states
national govt would
bank on?

- 3 - Nat'l govt had control of West -
- 1 - states - sea to sea charters
 - 2 - States had to cede western lands
issue had ratification to 1781.
1st N.Y., Virginia,

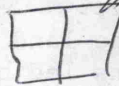
Really not ideological - Pragmatic
 central art ratified - 9 names
 Virginia had own sec of foreign affairs.

1 - art did create a national govt.

* series of land acts

1785 1784 Land Ordinance -
 set up a means by which to survey lands
 36 square miles 1" x 1" = townships
 units of Counties - Counties unit of states

~~1785~~ buy a section = 3600 acres.
 unique to am -
 eventually reduced
 to 1/4 section



set aside 4 sections - held by federal govt &
 sold by Fed govt.

min price - \$4 an acre.

one section for public education.

Size of states from West land
1787 N.W. ordinance - specified land N of Ohio
 run created into no less than 3
 nor more than 5 states.

self-govt in territories.

could become 60,000
 state when

Pres. appt gov -

people would have territorial legislators
 could become states when pop became 60,000.

no slavery N of Ohio run
 first surveying in Ohio.