

Major Issues of the Constitution

The Constitution in the Course: Search on such words as treason, speech, press, religion, republic, republican (not the political party after 1850s, but a form of government) in the Constitution. Look at the sorted list on powers. Click [here for a quick comparison of the Articles of Confederation and the Constitution](#). Link Address: 1783_1787_Major_Issues_Constitution_Differences_Between_AofC.htm

Yellow = during the Articles of Confederation period **Pink** = Related to Slavery **Blue** = during the New Republic period

You are also expected to know the Constitutional issues in the Learning Quiz on the Constitution.

What Problems Are the Constitution's Framers Trying to Solve or What Solutions Are They Trying to Keep?

Date	What's the Situation?	What's the Problem? What's the Solution in the Constitution?
1777	Articles of Confederation – a republic. Its basic rules: 1. Unanimous vote to change the system – That's 13 of 13. 2. 9 of 13 to pass a law (such as a tariff) 3. Can't tax, but can print money and borrow	The solution: Continue the republic (a representative democracy) But eventually the framers will recognize that those 3 basic rules of the Articles are a problem.
1777+	State governments (elected) and state constitutions created Note: slavery is a state law	The solution: Continue this. Example: PA abolishes slavery; the South's colonial codes become state "slave codes."
1779	Virginia Statute of Religious Freedom Who wrote it? Thomas Jefferson	Virginia votes in 1785 for no established church. The solution: Part of the Constitution covers freedom of religion
1781	Articles of Confederation – States ratify	-
1781, 1783...	No support for a tariff (a tax collected at a port) for revenue	Problem: No income The solution: Congress must be able to tax and Congress must be able to pass laws (something true for all below) by shifting - from 2/3 (66+%) vote of the states - to just being more than 50% vote of the representatives with the Constitution
1783	Philadelphia insurrection by unpaid military (one of several)	Problem: No income to pay what the nation owed even to our military The solution: Congress must be able to tax.
	Treaty of Paris - US to protect Loyalists, pay debts (US doesn't) - British to leave Ohio Valley (Br also doesn't)	Problem These commitments become part of the problems.
	1 st (of many) state begins to pass protective tariffs to keep out British manufactured goods	Problem Imagine this pretend, simplified example: - 2 neighboring states in the US, one with a tariff of .10 cents on British widgets valued at \$2.00 and one with a tariff of \$1 on the same widget.

Date	What's the Situation?	What's the Problem? What's the Solution in the Constitution?
		<p>In other words, one state's citizens can have a British widget for \$2.10, but the other state's citizens pays \$3.00</p> <ul style="list-style-type: none"> - Crafty citizens in the .10 cent state haul imported widgets across the state line and then sell them for say \$2.75—THUS wiping out the usefulness of the protective tariff while making a .65 personal profit per widget. <p>The solution: Congress must be able to regulate interstate (between states) commerce.</p>
1784	Spain blocks Americans from lower Mississippi	<p>Problem Americans in the west can only cheaply market their grains if they can put their crops on barges in the rivers that feed the Mississippi River and float downstream to the Gulf and New Orleans and thus to the great global markets.</p> <p>The solution: Congress must be able to get passable treaties.</p>
	Issue of British Commercial Treaty plus British merchants trade with the state with the lowest tariff.	<p>Problem: The varied protective tariffs mean states compete with each other.</p> <p>The solution: Congress must be able to regulate commerce with foreign nations and be able to get passable treaties.</p>
	Draft of Northwest Ordinance (passed in 1787) -Who writes the first draft? Thomas Jefferson	<p>The Northwest Ordinance is usually talked about as the only positive action of the Articles of Confederation era. It established:</p> <ul style="list-style-type: none"> - Process for full statehood (not continuing colonial status as the British did) where an area became a territory with appointed governor, then when it had enough population wrote a state constitution and asked to be admitted, and finally when admitted had equal voting rights with any other state (no matter how old) - No slavery - Sale of public lands to support public education (Additional information not in your textbook) <p>The solution: Continue this.</p>
	States governments (PA, SC, NC, NY, RI, NJ, GA) issuing paper money	<p>Problem: Paper money not backed by real assets leads to deadly inflation.</p> <p>The solution: Only Congress must be the only level of government that can print or coin money.</p>
1786	Annapolis Convention – interstate commerce issues, but only 12 delegates Daniel Shays's Rebellion (remember what the word means?)	<p>The solution: Congress must be able to regulate interstate (between states) commerce.</p> <p>Problem: Unpaid veterans, state taxes, currency and debtors/creditors</p>

Date	What's the Situation?	What's the Problem? What's the Solution in the Constitution?
		The solution Congress must guarantee that mobs (even well intentioned) can't take over government, including of a state.

Tip: If you want to know more about the men in the Shays's Rebellion, here is a brief explanation:

- The men are farmers and veterans of the American Revolution. They were **not** paid and have only certificates **promising** payment from the Articles of Confederation government.
- They have only their farms as a way to feed their families and pay their state taxes (levied by the legislature made up predominantly of merchants).
- They are dealing with issues they did not cause and that are beyond their powers.

Nonetheless what they did no nation could afford to let happen. They blocked the courts with armed force to stop foreclosures on their land. They are put down, but eventually others will try to help them.

What Happens at the Convention, What Are the Major Factions, Who Is Not Represented, and What Are the Major Structures of Government?

Date	Major Issues	Details
1787-05 -09	Philadelphia Convention - Why change government rules - Why a convention (a meeting of delegates elected for specific purpose)?	Shays's Rebellion (see above) has terrified leaders in this country enough that they were willing to change the rules for how the national government works. In the period after 1776, the former colonies and now new states had experimented with using a convention to create new state constitutions. The states had experimented with conventions for this reason: <ol style="list-style-type: none"> 1. Think for a minute about how legislatures work when they create laws. If the Ohio legislature in 2019 passed a law saying people can raise pigs in cities, but in the next legislative session in 2020 they pass a law saying people cannot raise pigs, which law is true? The last law wins. If it was not the last law that won, people would not have a reason to vote differently in the next election—and this time for candidates who promised no more pig farms. 2. On the other hand, having a convention of elected delegates write a Constitution moves the process away from the changeable legislature. (The Constitution does contain a section on how it can be amended.) The solution: Write the national Constitution in a convention.
	- Who are the factions there? - Big state/small state	The solution: Like most arrangements in the Constitution, this splits the difference: <ul style="list-style-type: none"> - House of Representatives and representation based on the number of people in the state pleased big states (PA, NY, VA) - Senate with 2 votes per state pleased small states (NJ, MA)

Date	Major Issues	Details
	- Slave owners	Slave owners got: <ul style="list-style-type: none"> - 3/5 of slaves counted toward their representation in the House of Representatives (and taxation) - Fugitive slave return - No ending of the slave trade until 1808
	- Creditors	"No state shall ... coin money; ... make anything but gold and silver a tender in payment of debts."
	- What about....?	Not women Not Africans or African Americans in the prior English colonies Not Native Americans as citizens (as nations within the nation)
	- What major structures beyond the legislature	President <ul style="list-style-type: none"> - Election every 4 years but by the electoral college (and how the South benefited) <ul style="list-style-type: none"> o Not by the vote of Congress o Not by the vote of citizens <p>Note: Congress can impeach the President</p> <ul style="list-style-type: none"> - Executes the laws Note: Congress—not the Constitution and not the President—set up the specific departments (War, Treasury, State) and the Attorney General and the Postmaster General - Foreign policy Note: Senate must vote for treaties. Note: like the Constitution and federal laws, treaties are also the "supreme Law of the Land" - Commander and chief Note: only Congress can declare war. <p>Supreme Court and its Chief Justice</p> <ul style="list-style-type: none"> - Interprets the Constitution - Has some appellate responsibilities <p>Note: Congress set up the federal judicial system, including the number of justices.</p>

How Does the Ratification of the Constitution Occur?

Date	Major Issues	Details
1787-1788	Federalists and <i>Federalist Papers</i>	Federalists = name that minimizes the strong central government desired by the framers and maximizes attention on the 2 levels of government (central and state) that existed in the plan. Federalist Papers = Publications in newspapers to try to convince states to ratify the Constitution. Who writes it? = James Madison, Alexander Hamilton, and John Jay. Madison argues for a republic (government by elected representatives) , not a democracy. The Constitution's framers reject democracy, aristocracy, and monarchy.

Date	Major Issues	Details
		If you want to be sure of their support for the republic, go into the Constitution Study Tool and enter the letters repub. Then try the first letters of the other 3 forms of government listed. The only one you'll find is republic
	Anti-Federalists	Anti-Federalist? = men such as Patrick Henry, Sam Adams, John Dickinson Why? Such issues as: <ul style="list-style-type: none"> - Secrecy of the convention. - That the focus of government shifted from the states to the central government. - That there was no statement of rights preserved to the people and the states - Method used to replace the Articles of Confederation -
1789	What's the method of approval of the Constitution?	Method used to replace the Articles of Confederation = 9 of 13 states 5 states asked for a Bill of Rights. Federalists had argued against that saying it was unnecessary.
1789	Bill of Rights	In running for a seat in the House of Representatives, Madison promised his constituency that he would work for the Bill of Rights. He went through existing lists of rights and came up with 12, of which 10 were later ratified by the states.

What Are the Clauses on Republican Government and on Slavery in the Constitution? (No 13th Amendment until 1865)

The right columns say what article, section, and paragraph the clauses are from. The links to definitions in these rows only work within the online Constitution

republican government	Section 4. The United States shall guarantee to every state in this union a republican form of government,	IV	04	- a
-----------------------	--	----	----	-----

Sections from the Constitution also provided in many sections of the course.

Issue	Text of the Constitution	A r t i c l e	S e c t i o n	P a r a g r a p h	A m e n d m e n t
Amendment process	Article V The Congress, whenever two thirds of both houses shall deem it necessary, [So, what is the only way the South can stop an amendment?] shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing	V	-	- a	

Issue	Text of the Constitution	A r t i c l e	S e c t i o n	P a r a g r a p h	A m e n d m e n t
	<p>amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states {After the Missouri Compromise, where will the South get more states? The North?}</p> <p>, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided [Bullets and bold added and highlight to show the clause below]</p> <ul style="list-style-type: none"> • that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; • and that no state, without its consent, shall be deprived of its equal suffrage in the Senate. 				
Slavery and the number of representatives that Southern white male voters could vote for	<p>Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons¹.</p> <p>Caution: Do not assume. The number of slaves increases the number of representatives in the House that white men in the South can elect.</p> <p>Tip: Could this clause go away with an Amendment? Yes.</p>	I	02	03a	
Slavery and purchase of slaves from slave traders sailing to the United States	<p>Section 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight [1808], but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.</p> <p>Caution: Congress passed a law during Jefferson’s presidency to end the slave trade in the 1st year it could be ended.</p>	I	09	01	

¹ Phrase used for slaves

Issue	Text of the Constitution	A r t i c l e	S e c t i o n	P a r a g r a p h	A m e n d m e n t
Slaves escaping to free states	<p>No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.</p> <p>Caution: Do not assume. What did the Northerners agree to at the writing of the Constitution?</p> <p>Tip: Could this clause go away with an Amendment? Yes.</p>	IV	02	03	

Copyright C. J. Bibus, Ed.D. 2003-2020

WCJC Department: History – Dr. Bibus
Contact Information: 281.239.1577 or bibusc@wcjc.edu
Last Updated: 2020
WCJC Home: <http://www.wcjc.edu/>