The Development of the Constitution

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What Colonists Want?

- Land-owning population who would vote in place of a King on governmental decisions.
- Equality.
- **Self-Rule**

- What about slaves?
Colonists claim that they are being taxed without representation in the British Parliament.
1.) **Virtual Representation** — colonialists had pseudo representatives in the British parliament.

- Since the Atlantic lies between England and the colonies British argue that it would be useless to have actual colonists in the parliament.
- Not elected by colonists. But not every British subject has the right to vote, so does this matter?
2.) Colonists not being taxed as much as British residents (not even close).
   - In 1765 British subjects are taxed 26 times more than the colonists in America.

3.) Colonists aren’t even paying enough in taxes to cover the costs of maintaining the colonies.
   - In 1765 *Stamp Act* is proposed and colonists object. *Stamp Act* raises 180,000 pounds of year. The costs of the military protecting the colonies is 225,000 pounds.
4.) A majority of Americans did not even support the revolution.
   - At best 40% are Whigs, 40% are neutral, and 20% are Tory.
   - More likely (and John Adams suggested this) the division was $\frac{1}{3}$ Whigs, $\frac{1}{3}$ Neutral, and $\frac{1}{3}$ Tory.

**Whigs** — those who supported the revolution.
**Tory** — those who did not support the revolution.
Types of Electoral Outcomes

- **Plurality** — Who ever receives the most votes wins.
- **Majoritarian** — Who ever receives 50% plus one of the votes wins.
5.) Colonists actions sometimes bordered on totalitarian.

- **14 August 1765** — Colonists stone and pillage Andrew Oliver’s house. Colonists also burn Oliver in effigy.
Why did the Colonists rebel?

**Self−Rule** — They had always ruled themselves and when the British started to encroach on that right they got mad.

- Always had elected their own royal governors.
1 **British Law** — Colonists argued that the British rule violated British law.

2 **Natural Rights** — Rights that human beings innately possess.
Convince foreign powers that they were actually going to rebel against the British.

Try to convince the remaining neutral colonists that revolution was their best option.
Argues that the King tried to establish absolute tyranny in the colonies.

**Tyranny** — “A form of government in which the ruling power exploits its authority and permits little popular control (KGK, 793).”

“He has kept among us, in times of peace, Standing Armies, without the Consent of our legislatures - He has affected to render the Military independent of and superior to the Civil Power (Morgan, 160).”
Initial Constitutions

Characteristics of Initial Constitutions

- Most were made during American Revolution.
- They are written.
- They limit executive power.
- Bar the executive from the legislative branch.
- Most have bicameral legislatures (exceptions GA and PA)
- None are direct democracies.
Revised Constitutions

By late 1770’s states begin to revise constitutions to limit popular power

1. **Constitutional Convention** — “special assembly of the people that would meet only for the purpose of writing the constitution and that would never (except under extraordinary circumstances) meet again (Brinkley, 148).”
   - Made it such that legislatures could not arbitrarily change the constitutions as they pleased.

2. Increased executive power.
   - Fixed executive salary, veto, appointment powers, etc.
Articles of Confederation

1. In effect from 1781–1789.

2. Congress is the only source of national authority.
   - Congress has the power to: international affairs, war, appropriate/issue/budge money.
   - Congress does not have the power to: institute taxes, call a draft, regulated trade.
   - For troops and taxes Congress had to send requests to the states.

3. President was the presiding officer of the Congress.

4. Each state had a vote in the Congress.
   - Nine states had to agree for anything to pass.
   - Constitutional amendments required 13 votes (there were 13 states).
No national currency meant that exchange rates were volatile and interstate trade was discouraged.

Economic Depression (1784–1787) illustrates the lack of a good money supply.

Citizens Rebellions against debt laws (e.g. Shay’s rebellion).
Founding Fathers

- Founding fathers meet at Constitutional Convention in 1787.
  - Founding fathers are on average 44 years old, well-educated, well-off, and fear the potential turbulence of democracy.
- 55 members at the convention.
- Majority of states must approve changes.
Common Sense

- Written by Thomas Paine in 1776.
- Bible is cited many times.
- Argued...
  1. Monarchy is bad.\(^1\)
  2. British Constitution is bad.\(^2\)
  3. Revolution is inevitable.
  4. Colonists could win the revolution.
  5. Colonists don’t need British for protection.

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\(^1\)“Governments by Kings was first introduced into the world by Heathens (Paine, 9).”

\(^2\)“But the constitution of England is so exceedingly complex, that the nation may suffer for years together without being able to discover in which part the fault lies, some will say in one and some in another, and every political physician will advise a different medicine (Paine, 5).”
Republican Government

- **Direct Democracy** — All government actions must be popularly supported.

- **Republican Government** — Citizens delegate power to elected officials.
Competing views of Congress

Virginia Plan – (proposed by James Madison)

- Bicameral Legislature.
- Lower chamber would be proportional to each state’s population, and directly elected.
- Upper chamber would be elected by the lower chamber after receiving nomination lists from the state legislatures.
- Lower chamber also elects executive and judicial branch members.
- Congress would have enforcement power which allowed them to create any law and veto any state law.
- Federal government could summon military to deal with non-cooperative states.
- Council of Revision would be made up of executive and judicial members who could veto legislative actions (but they were elected by the legislature!).
Competing views of Congress

- **New Jersey Plan**
  - Each state gets one vote.
  - Simple majority to pass laws.
  - Preserves states rights.
Compromise on the Congress

- House of Representatives proportional to state populations.
- Senate is made up of two members from each state (elected by state legislatures).
- States are not critical in the chambers (in and of themselves), instead member coalitions are crucial.
- Enumerated/expressed powers are given.
Constitutional Amendments

• Amendments may be proposed by:
  1. \( \frac{2}{3} \) of both houses of the Congress.
  2. \( \frac{3}{4} \) of the state legislatures may call a constitutional convention which may propose amendments.

• Amendments may be approved by:
  1. \( \frac{3}{4} \) of the state legislatures.
  2. \( \frac{3}{4} \) of the state constitutional conventions.

• Congress has discretion of approval method.