one of the most important political movements in recent years has been the emergence of the Tea Party. Angered by what they see as a mushrooming national debt, government interventions in the economy, the flood of illegal immigrants, and the declining role of Christian values in government and society—and fueled by dire opposition to Barack Obama—Tea Party activists burst on the scene in the winter of 2009. They have since played an important role in elections and the development of public policy.

But why would they call themselves the “Tea Party?” As you might guess, this label is in reference to the Boston Tea Party in 1773. This was when a group of colonists, calling themselves the Sons of Liberty, gathered to protest the Tea Act and other moves by the British Government. They raided trade ships in the Boston Harbor, throwing imported tea overboard. This incident has taken on the status of an iconic event in American history; an example of when patriots banded together to battle against an oppressive government. School children are taught of the valor of Samuel Adams and the other patriots as they struggled for freedom. Ah, the brave, heroic struggle for liberty! So it certainly makes sense that contemporary political activists would be drawn to a “Tea Party” label.
In the last few years legions of conservative political activists, calling themselves the Tea Party, have had an important impact on American politics.
MyPoliSciLab Video Series

1. **The Big Picture**  Find out how the U.S. Constitution is different from other countries’ constitutions. Author Daniel M. Shea discusses the unique features of the U.S. Constitution and offers some explanations for why it remains effective and powerful, despite its flaws.

2. **The Basics**  Since the Bill of Rights, the Constitution has only been amended 17 times. Learn about the Constitution’s original purpose and what circumstances will be required if ever it should be amended for an 18th time.

3. **In Context**  Who were the founding fathers? What challenges did they face when ratifying the Constitution? By getting inside the founders’ heads, Costas Panagopoulos explains how we can continue to keep the spirit of the Constitution alive today.

4. **Thinking Like a Political Scientist**  Understand how the Constitution affects the behavior of the institutions of government—including the president. Costas Panagopoulos lays out what topics fascinate constitutional scholars the most today and demonstrates why the Constitution encourages the different branches to act strategically.

5. **In the Real World**  How well does the system of checks-and-balances really work? Decide whether each branch effectively checks the others—particularly, whether Congress should have the power to oversee the bureaucracy—by examining the failed “Fast and Furious” case and how it was resolved.

6. **So What?**  How does the Constitution affect you? In this video, author Daniel M. Shea discusses why the Constitution remains a relevant part of American politics more than 200 years after it was written and argues that you cannot really understand the current political situation without first studying its historical context.
But there is another side to the Sons of Liberty, a perspective rarely told. We venerate these men and women because of their passion, but gloss over the fact that their fight against the British was often violent, centering on fear and intimidation. Numerous customs houses and stores were set ablaze, and scores of government agents, tax collectors, and citizens who supported the Crown were assaulted. We might think tar and feathering a quaint penance, but it was a torture that nearly killed the victims. By some accounts, this brutal act of pouring boiling tar on someone was carried out on two dozen British Government officials.

**HOW DOES OUR NATION’S FORMATIVE PERIOD CONTINUE TO SHAPE CONTEMPORARY POLITICS?**

One of the true virtues of the American political system has been the rejection of violent activism. It has sprung up from time to time, most notably during the Civil War, but unlike other nations, we usually seek political change through nonviolent means. It is certainly reasonable and appropriate for contemporary activists to be proud of those at the Boston Tea Party—and to use that name. They were patriots who fought for a cause, and by doing so help set the sails of one of the greatest democratic experiments the world has ever known. Yet all Americans should also be proud that since those early years we have rejected violence, intimidation, and torture. We venerate political activism, but also civil discourse and a respect for different opinions. It is one of the great virtues the American system that average citizens believe their engagement can change the course of public policy, and that these acts need not be violent.

**The Nature of Government and Politics**

**2.1 Identify the difference between government and politics.**

In real ways, government is all around us. Government is the formal structures and institutions through which binding decisions are made for citizens of a particular area. We might also say that it is the organization that has formal jurisdiction over a group of people who live in a certain place. Government is not the process by which things take place in a political system; rather, it is the “rules of the game” and the structures (the institutions) that make and enforce these rules. However, the rules of the game can, and do, shape the political process. For example, due in large part to the Supreme Court’s view that giving and spending money during elections is akin to speech, and thus protected by the First Amendment of the Constitution (government), money has become a fundamental aspect of the elections process (politics).

In the United States, institutions include legislatures like city councils, state legislatures, Congress, executives like mayors, governors, the president, the courts, the bureaucracy, and a few independent agencies, such as the Federal Reserve System. However, political parties, interest groups, and public opinion are key elements of our political system but not formal parts of the governmental structure.

This definition of government helps clarify the different types and layers of government. The rules and formal structures of a city government apply to the people living in that city. The rules of a school or club government apply only to the students in that school or the members of that club.

What does it mean to be “under the rule of the government?” At the most basic level, this suggests that government has the power to enforce its regulations and collect the resources it needs to operate. Rules can be enforced in many ways. One way,
called *civil law*, is for citizens to be required to pay money as a penalty for breaking a rule. *Criminal law*, by contrast, prescribes that citizens who do not follow regulations pay a monetary penalty (a fine), be removed from society for a period of time or even permanently through a sentence of death or of life imprisonment without parole, or both. Taxation is the most common way to collect revenue to make the government run.

The words *power* and *authority* are related to government’s ability to enforce its rules and collect resources. *Power*, in the political context, is the ability to get individuals, groups, or institutions to do something. Power determines the outcome of conflicts over governmental decisions; it charts the course of public policy. When the ranks of an interest group grow to the point that governmental decision makers are forced to listen, that group is said to have power. If a handful of corporate elites can persuade public officials to steer public policy their way, they have power.

*Authority* is defined as the recognized right of a particular individual, group, or institution to make binding decisions. Most Americans believe that Congress has the authority to make laws, impose taxes, or draft people into military service. We may not like the decisions made in Washington, in our state capital, or at city hall, but we recognize that in our system of government, elected officials have the authority to make those decisions. However, many people balk at the idea of appointed bureaucrats making regulations, given that they are not elected, which means that they don’t have to answer to the people, only to those who appointed them. Thus bureaucrats have power but lack authority.

Some individuals, groups, and institutions have both power and authority. Congress has the authority to make laws, and federal law enforcement units have the power to enforce those laws. Perhaps the best contemporary example of when power and authority collide would be the individual health insurance mandate. Barack Obama signed into law the Patient Protection and Affordable Care Act in the spring of 2010 after a very contentious, drawn-out process. The controversy has not abated, as repealing “Obamacare” has become a rallying cry of the Republican Party. One of the most contentious aspects of the law is a fine for those who do not have health insurance by 2014. Supporters of the law argue that to keep health care costs down, everyone must have insurance. Setting aside the validity of this argument, others contend that the federal government does not have the authority to make individuals buy insurance. It might have the power to prohibit certain acts, but it does not have the authority to punish someone for inaction. Needless to say, the federal courts have been asked to resolve this issue. A final term to consider is *politics*. Politics is the process by which the character, membership, and actions of a government are determined. It is also the struggle to move government to a preferred course of action. All citizens might agree that a change is needed, but how to reach the desired goal can be hotly disputed. Given that governmental decisions create winners and losers—that is, acts by the government rarely please everyone—politics is a process that causes many to be left frustrated and at times angry. Moreover, politics can prove to be a slow process. The famous German sociologist Max Weber once suggested that politics is the “strong and slow boring of hard boards,” and this makes good sense.¹

The key difference you should keep in mind is that politics is the process, whereas government involves the rules of the game. An analogy that might be helpful is as follows: The baseball rulebook is long and complex. It states how runners can arrive at first base safely, how outs are made, and how a team wins. Most rules are clear and have remained the same for generations. But the actual conduct of the game is another matter. The rulebook says nothing about split-finger fastballs, change-ups, bunts, intentional walks, double steals, pitching rotations, closers, stoppers, line-up strategy, and other aspects of how the game is played. The rulebook represents government; the way the game is played is politics (see Figure 2.1).
### Types of Governments

Governments come in many forms and modes of operation. Perhaps the best way to think about these differences is to focus on two critical questions: Who is allowed to govern? And how are governmental decisions reached? In terms of who is allowed to set the rules and regulations and to enforce them, there are several broad possibilities. **Monarchy** is a system of rule in which one person, such as a king or queen, possesses absolute authority over the government by virtue of being born into a royal family and inheriting the position. Monarchies have been the most common form of rule in world history, and they are still in place in some nations around the globe. For example, Saudi Arabia still relies on a royal family for ultimate authority. In history, few monarchies were truly “absolute”; kings were normally limited by custom and by the need to consult powerful groups. But in theory, the monarch’s authority was unlimited. Almost all kings and queens today head **constitutional monarchies** in which they perform ceremonial duties but play little or no role in actually governing their country. Examples include the United Kingdom, Spain, Belgium, the Netherlands, and Japan.

A **dictator** is also a sole ruler, but often this person arrives at the position of power through a violent overthrow of the previous government, such as Sudan’s Omar Al-Bashir. Sometimes contemporary dictators, such as North Korea’s Kim Jong-un, succeed to power like a king or queen on the death of a parent. Like an absolute king, a dictator theoretically has unlimited control of the government, but again this power is often limited by the bureaucracy, the military, the ruling party, or even members of the dictator’s family.

---

**Figure 2.1 Government and Politics: What’s the Difference?**

It is important that you understand the difference between government and politics. We suggest government is analogous to the official rules of baseball, and politics is similar to how the game is actually played.

- **What is another analogy that might help you and your classmates better understand the difference between governmental institutions and the political process?**

**Source:** www.usconstitution.net
In some forms of government, a small group, such as military leaders or the economic elite, holds the reins of power. This is known as elitism or oligarchy (rule by a few). Decisions in such systems are often made through a council. Some have suggested that Russia has become an oligarchy in recent years due to the growing power of a small group of leaders. Pluralism occurs when a number of groups in a system struggle for power. In a pluralist system there are multiple centers of power. Consider the arduous battle over health care reform in the United States. Just a sampling of the concerned groups included the insurance industry lobby, hospitals, health care professionals, labor unions, health reform advocates, conservative groups, liberal organizations, and so forth. On nearly every contentious issue there are multiple groups struggling to shape the outcome.

A democracy is a political system in which all citizens have a right to play a role in shaping government action—a mechanism often referred to as popular sovereignty. Citizens in a democracy are afforded basic rights and liberties, as well as freedom from government interference with private actions (that is, liberty). In a direct or pure democracy, all citizens make all decisions. Some tiny Swiss cantons (states) operate in this way, and a small number of communities in the United States are governed through town hall meetings, where everyone in the community has a say in making town policy.

Finally, a republic is a system of government in which a small group of elected representatives acts on behalf of the many. If these representatives closely follow the wishes of their constituents (the people they are sent to represent), and if they are elected through a fair and open process in which everyone has the same opportunity to participate, the system is considered a representative democracy. The United States is a republic—as are most of the industrialized nations of the world (though some are constitutional monarchies). Whether or not we are a true representative democracy, however, is a point of dispute.

The second important question to consider is how decisions are reached in a government. In a totalitarian regime, leaders have no real limits on how they proceed or what they do. Formal constitutions might exist in such regimes, seemingly full of limits on power, but in practice, such limits are meaningless. Totalitarian governments control—or at least try to control—almost every aspect of society. The term totalitarian was invented in the 1920s by Benito Mussolini in Italy, although in practice, his government exercised less than total control. Nazi Germany, the Soviet Union under Joseph Stalin, China under Mao Zedong, and present-day North Korea are the clearest examples of truly totalitarian dictatorships. Under a dictatorship, there may be an individual ruler, a small group, or even a number of groups, but none of these acknowledges any formal limitations.

In an authoritarian regime, government policies are kept in check by informal limits, such as other political forces (maybe political parties), the military, and social institutions (for example, religious groups). Leaders face real limits, but there are no formal or legal restrictions. A good example would be the African nation of Chad, and its leader, General Idriss Déby Itno. The nation's constitution stipulate that the President be elected, but once in office he is given exceptional powers—including the ability to appoint a prime minister and a cabinet, and to remove judges and other public officials at his will. Thus, Déby has ruled Chad with an iron fist since the early 1990s, leading this nation to be ranked at the top of corrupt governments across the globe. But his powers are not absolute, however. In recent years opposition political parties have gained some strength, likely fueled by recent democratic movements throughout Africa and the Middle East. And of course there are the politics of oil. A few years ago the World Bank lent Chad money to construct a 1,000 mile oil pipeline under the conditions that much of the revenues help alleviate the widespread poverty. When Déby moved to divert proceeds from food aid to purchase arms, the World Bank quickly cut off funding, leading to a backlash among many of his constituencies. When there are both informal and legal limits, the system is a constitutional government. In the United States, for example, government action is controlled by strong social and political forces (including religions, interest groups, political parties, and the media) and by what the laws, the courts, and the Constitution allow (see Table 2.1).
### Table 2.1 Types of Government Systems

<table>
<thead>
<tr>
<th>Government Systems</th>
<th>Definition</th>
<th>Examples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Who Is Allowed to Participate?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monarchy</td>
<td>Individual ruler with hereditary authority holds absolute governmental power</td>
<td>Bhutan, Saudi Arabia, Swaziland</td>
</tr>
<tr>
<td>Constitutional Monarchy</td>
<td>Monarch figurehead with limited power, actual governing authority belongs to another body</td>
<td>Denmark, Japan, United Kingdom</td>
</tr>
<tr>
<td>Dictatorship</td>
<td>Individual ruler with absolute authority, often comes to power through violent uprising</td>
<td>Hussein’s Iraq, North Korea</td>
</tr>
<tr>
<td>Oligarchy</td>
<td>A small group of the rich or powerful controls most of the governing decisions</td>
<td>Tunisia, 20th-century South Africa, Pakistan</td>
</tr>
<tr>
<td>Pluralism</td>
<td>Multiple centers of power vying for authority</td>
<td>Canada, Great Britain, United States</td>
</tr>
<tr>
<td>How Are Decisions Reached?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pure Democracy</td>
<td>Citizens make all governmental decisions</td>
<td>Some Swiss states, some towns in New England</td>
</tr>
<tr>
<td>Representative Democracy</td>
<td>Citizens elect representatives to carry out government functions</td>
<td>United States, Germany, France</td>
</tr>
<tr>
<td>Totalitarian Regime</td>
<td>Leaders have no limits on authority</td>
<td>Nazi Germany, 1920s Italy</td>
</tr>
<tr>
<td>Authoritarian System</td>
<td>Leaders have no formal legal restraints on authority but are limited by informal forces (i.e., the military, religious forces)</td>
<td>South Korea, Singapore, Taiwan, Chad</td>
</tr>
<tr>
<td>Constitutional System</td>
<td>Government has both informal and legal restraints on the exercise of power</td>
<td>United States, Germany, France, Mexico</td>
</tr>
</tbody>
</table>

### Pathways of Change

**Overthrow and Revolution**

Many would suggest the past few years have been bad for many of the world’s dictators. A key change has been the overthrow of several autocratic regimes in the Middle East, namely in Tunisia, Egypt, Bahrain, and Syria. The revolution and subsequent killing of Mumaur Kadaffe in Libya represented an important change, as did massive democratic protests in Kuwait, Morocco, Jordan, Oman, and other nations. Collectively, these uprisings have been dubbed Arab Spring or the Arab Awakening. But democratic change seemed to be occurring in other regions as well. For example, there was massive protest against one-party rule in Russia in 2011, and open elections in Burma the year before.

Others would suggest the reign of dictators is far from over, however. In North Korea, the death of one dictator was followed by the ascendance of his son, Kim Jong-un, another dictator. Ukraine seems to have taken a turn away from an open, democratic society, and Turkey’s Islamist government seems ever-more autocratic. Russia’s Vladimir Putin shows few signs of relinquishing powers, and little change seems to be happening in China. As noted by one commentator, “[A]uthoritarian states are more nimble than before, learning from their counterparts’ past missteps. As much as we hate to admit, dictatorships, like wealthy bankers on Wall Street, are not going to go away.” And there are even signs that many of the Arab nations that jettisoned their dictators may be struggling to gain their democratic footing.
Early Governance in America

2.3 Describe how forces in Colonial America helped set the stage for the American Revolution.

In 1620, a tiny group of English people consisting of 41 men and an unknown number of women and children sailed across the Atlantic to what was called at the time the New World. They were crammed into a leaky old ship called the Mayflower. Some members of this band would later be dubbed the Pilgrims, because they were coming to America in hopes of finding religious freedom. But other passengers were not part of this religiously motivated group. All of the Mayflower passengers were bound for Virginia, where they expected to join an English colony that had been founded a few years earlier, in 1607. Unfortunately, the place where they landed—New England—was outside the recognized boundaries of Virginia, and the captain of the ship refused to go any farther because winter was coming. When spring arrived, the captain took his ship back to England, leaving the passengers on the coast of New England.

Recognizing that they were stuck in this bleak place, the Pilgrim leaders insisted that everyone, Pilgrim and non-Pilgrim alike, sign the Mayflower Compact, a document legalizing their position as a “civil body politic” under the sovereignty of King James I. Most important for our concerns is that these people, finding themselves in a place outside the jurisdiction of English rule, sought a system where laws, not a small group or a single person, would rule their society.

From the Mayflower Compact until the American Revolution, a mixed system characterized colonial governance. On the one hand, most of the colonies were established through charters from England. There was no question that these settlements would be governed under English rule. Governors were appointed by the Crown to oversee different colonies and were responsible only to the king. On the other hand, the New World was an ocean away. Settling an untamed wilderness created its own set of problems, and ideas favoring self-governance grew in intellectual circles both in America and in England. The compromise came in the form of colonial assemblies. Here, colonists elected representatives to speak on their behalf and to counsel the governors on the best courses of action. Every colony had an assembly, usually located in the largest city. These bodies had little legal authority. But while the governors did not have to listen to the advice of the assemblies, they often did so in order to win the esteem of citizens. This mix of appointed rule and self-governance seemed to work, at least at first.

Two developments upset this balance. First, many colonists brought with them the political customs and traditions from their homeland, meaning that the debate over the extent of royal authority in the conduct of government came along as well. As in England, those supporting the Crown were often the wealthiest, having received immense land grants and special privileges from the king. Those who were not part of the political in-group were deeply suspicious of the favored elite, and their numbers swelled as the years passed. On top of this, if a local governing authority proved oppositional, colonists had the option of simply packing up and moving. This made opposition to royal and elite control easier.

Second, and more significantly, new financial pressures were thrust on the colonists in the mid-1760s. The French and Indian War in North America, which began in 1754 and ended nine years later, pitted Great Britain against France. The war, part of a larger Anglo-French struggle for global power, began over control of the upper Ohio River valley. However, the larger issue was which nation would eventually control the continent. Most of the settlers in this area were British, but the French had entered into trade agreements (and later a military alliance) with many Indian tribes. Through a series of spectacular military engagements over the course of several years, the British defeated the French and took control of North America, with relatively little colonial assistance.
All wars are expensive, but given that this one had been waged an ocean away, the price of protecting Britain’s New World empire proved very high. Facing massive debt and grumbling taxpayers, Parliament, with the king’s blessing, looked for new ways of raising revenue. Because the war had been fought to protect the colonists, it seemed logical that they should bear much of the responsibility for paying the bill. Thus began a period known as the Great Squeeze, in which Parliament passed one measure after another—including the Sugar Act (1764), the Stamp Act (1765), the Townshend Acts (1767), and the Tea Tax (1773)—all designed to wring as much revenue from the colonists as possible. To make matters worse, the Great Squeeze came after more than a generation of what was called “salutary neglect,” a policy of casual, loose enforcement of trade laws in the colonies. Parliament had hoped that this freedom would stimulate greater commercial growth, leading to greater profits for British investors. Parliament’s decision to raise revenue through a number of taxes after a century of trade freedom proved a bitter pill for the Americans.

In truth, the new taxes were not severe, and colonial Americans were probably among the least taxed people in the Euro-American world at the time. But the colonists were in constant fear of the corruption that, in their eyes, a faraway and arbitrary government could impose on them. (“Corruption” to eighteenth-century Americans included the distribution of government favors to what we would today call “special interests.”) It seems, then, that the colonists’ obsession about corruption and tyranny and their insistence on guaranteeing limited, accountable government became fundamental to Americans’ ideas of just governance—surely an explicit theme in the Constitution. The relationship between the royal governors and the colonial assemblies soured. Because it was the duty of the governors to enforce these unpopular revenue-raising acts, they became the targets of colonial outrage.

PATHWAYS of Action

The Trial of Peter Zenger

One of the themes of this book is that political change can come through different pathways. The trial of publisher Peter Zenger is a vivid illustration of how the court system can be used not only to protect individual liberties, but to draw attention to emerging issues, thus changing political culture.

During much of the pre-Revolution period, relations between the royal governors and the colonists were generally congenial. But in the 1730s, the New York Province was ruled by Governor William Cosby, a notorious scoundrel. By all accounts, Cosby was a greedy, unsavory character and after he replaced the popular Chief Justice Lewis Morris with one of his friends, criticism grew intense. Soon a group was formed and an opposition newspaper founded. After a series of critical articles, the publisher of that paper, Peter Zenger, was thrown in jail for libel. He stayed there for eight months.

The story of the corrupt governor and the group that dared challenge his rule spread throughout the colonies. The best lawyer in land, Andrew Hamilton of Philadelphia (no relation to Alexander Hamilton), was hired to defend Zenger. Rather than suggest Zenger was innocent of the charges, Hamilton spoke passionately at the trial about the right of citizens to air grievances and the necessity of a free press: “It is a right, which all free men claim, that they are entitled to complain when they are hurt. They have a right publicly to remonstrate against the abuses of power in the strongest terms…. ” The jury freed Zenger and Hamilton’s defense of rights and liberties planted the idea in the American psyche that no public officials, no matter how powerful, should be above criticism.
In the 1830s, French writer and philosopher Alexis de Tocqueville traveled around the United States taking notes. His subsequent book, *Democracy in America*, suggested our system was a “grand experiment,” a bold effort to create a popular government. He was right. But the idea of a democracy, a limited form of government, did not emerge quickly or with any particular event. Rather, it was an idea that emerged over decades; a broad notion that was eventually blended with the unique circumstances of colonial life, British politics, dynamic personalities, and world affairs. This timeline charts some of the more important philosophical foundations of our system of government. It ends with the ratification of the Bill of Rights but you should realize that this list of ideas, documents, and events has grown, and will continue to grow, for generations. Ours’ is a democracy in motion, a system ever-moving toward a “more perfect union.”
1765

Stamp Act Resolutions:
The Virginia House of Burgesses considers a series of resolutions in bitter opposition to Stamp Act. Remarks by Patrick Henry are widely circulated. Similar remarks made in Massachusetts by John Adams are also widely spread.

1775

The Declaration of Causes for Taking Up Arms, July 6:
Written by a committee at the Second Continental Congress, this document outlines the illegal efforts of the British Parliament to extend its jurisdiction into the colonies after the French and Indian War.

1776

Common Sense, January 10:
This is a pamphlet written by Thomas Paine. It eloquently and powerfully lays out the grounds for the American Revolution.

Virginia Declaration of Rights, June 12:
This document outlines the inherent rights of men and the right to rebel against “inadequate” governments.

The Wealth of Nations:
A justification for a capitalist economic system, philosopher Adam Smith suggests in this book that when an individual pursues self-interest, the entire society benefits.

Declaration of Independence, July 4:
The Second Continental Congress adopts a committee resolution, penned by Virginia delegate Thomas Jefferson, to declare independence from England.

1786

Virginia Statute of Religious Liberty:
A powerful justification for a division between church and state.

1787

The Constitution of the United States, September 17:
The Constitution is drafted and sent to the states for ratification.

1788

Constitutional Ratification, June 21:
The requirement of ratification by nine states is met when New Hampshire agrees on this date. Rhode Island, the last of the 13 states, ratifies the Constitution on May 29, 1790.

1787

The Constitution of the United States, September 17:
The Constitution is drafted and sent to the states for ratification.

1788

Constitutional Ratification, June 21:
The requirement of ratification by nine states is met when New Hampshire agrees on this date. Rhode Island, the last of the 13 states, ratifies the Constitution on May 29, 1790.

1787

The Constitution of the United States, September 17:
The Constitution is drafted and sent to the states for ratification.

1788

Constitutional Ratification, June 21:
The requirement of ratification by nine states is met when New Hampshire agrees on this date. Rhode Island, the last of the 13 states, ratifies the Constitution on May 29, 1790.

1787

The Constitution of the United States, September 17:
The Constitution is drafted and sent to the states for ratification.

1788

Constitutional Ratification, June 21:
The requirement of ratification by nine states is met when New Hampshire agrees on this date. Rhode Island, the last of the 13 states, ratifies the Constitution on May 29, 1790.

1787

The Constitution of the United States, September 17:
The Constitution is drafted and sent to the states for ratification.

1788

Constitutional Ratification, June 21:
The requirement of ratification by nine states is met when New Hampshire agrees on this date. Rhode Island, the last of the 13 states, ratifies the Constitution on May 29, 1790.

1787

The Constitution of the United States, September 17:
The Constitution is drafted and sent to the states for ratification.

1788

Constitutional Ratification, June 21:
The requirement of ratification by nine states is met when New Hampshire agrees on this date. Rhode Island, the last of the 13 states, ratifies the Constitution on May 29, 1790.

1791

Bill of Rights Adapted, December 15:
The first ten amendments to the Constitution, lays out a series of individual protections, rights, and liberties.

Critical Thinking Questions

1. Given this list of impressive, important documents, which do you believe has the greatest impact on your day-to-day life? Put a bit differently, which of these documents shape the way average Americans conduct their lives?

2. What’s next? That is, if you were responsible for composing a document that would add to this list, what issues would you confront? Are there topics that the authors of these documents—all white men, by the way—could not have imagined, but are fundamental in any modern democracy?
The American Revolution

2.4 Identify the core principles of the American Revolution.

The causes and meanings of the American Revolution are best broken into two broad categories: financial (pragmatic) and ideological. With regard to the financial concerns, the Great Squeeze made life in the colonies harder and the prospects for a profitable future seem dimmer for all colonists. The Stamp and Sugar acts were viewed as tyrannical, and the backlash against them was fierce. Parliament also passed many measures that placed lands in the western regions under British control. Because land represented profits—from sales of acreage, lumber, or farm products—many colonists saw this move as unbearable. The Acts for Trade were an additional series of moves by Parliament to channel money back to the commercial class in Great Britain. King George III (along with Parliament) sought to save money by demanding that each colony pay for the upkeep of the British soldiers occupying its territory. On a practical level, the Revolution was about the money.

At a deeper level was a growing desire among Americans to create a system in which all citizens (at least all white, male, propertied citizens) would have a say in the conduct of government and in which basic freedoms of life and liberty would be protected. Echoing this idea, one of the rallying cries during this period was “No taxation without representation.” The essence of self-governance, Americans argued, was the ability to control taxes. After Parliament imposed yet another revenue-raising measure, this time giving the bankrupt but politically powerful East India Company a monopoly on importing tea into the colonies, a band of enraged colonists, disguised as Indians, stormed a merchant ship in Boston Harbor in the dark of night and threw the company’s tea overboard. As noted in the introduction of this chapter, for many colonists, the so-called Boston Tea Party was a galvanizing event that rallied patriotic sentiment. For Parliament and George III, the event reflected growing unrest in the colonies—it was an act of insolence that had to be punished and suppressed. Parliament quickly passed five new measures, which the British called the Coercive Acts and the colonists referred to as the Intolerable Acts. In short, these were punitive measures, designed to punish the rebellious colonists: One act closed the Port of Boston; another altered the Massachusetts government to bring it under British control; another made the quartering of soldiers in colonial homes easier; and so forth. Of course, these new measures only stoked the flames of rebellion.

Taxation without representation was not the only ideological issue. The old splits over parliamentary prerogatives were transformed into a debate on the exact nature of self-governance. The colonists had grown accustomed to an unprecedented level of freedom. In Great Britain and throughout Europe, laws and customs limited access to trades and professions, controlled land usage, and compelled people to belong to established churches. The Pilgrims had come to the New World in search of religious freedom, and in large measure, they had found it. The generations that followed began to consider and demand what they saw as their “rights.”

During this period, a good deal of attention was paid to the writings of great philosophers on the rights of citizens and the proper conduct of government. The English political theorist John Locke (1632–1704), in particular, had written a number of widely read essays on the subject, most notably Two Treatises of Government, which first appeared in 1690. Locke argued that all legitimate governing authority is based on the consent of the governed and that all individuals have “natural rights.” Later, in the eighteenth century, the Scottish economist Adam Smith (1723–1790) wrote about the importance of limiting government in order to protect the economic rights of citizens.

In the colonies, a number of people started to write on liberty, including a young Massachusetts lawyer named John Adams (1735–1826), who would later become president of the new nation. In 1765, he began publishing a series of essays in which
he offered a fervent defense of patriotism. “Liberty must at all hazards be supported,” he argued. The writings struck an immediate chord, noted one historian. That same year, a group of delegates from the colonies gathered to discuss the new Stamp Act and to consider responses to it. The Stamp Act Congress produced the Declaration of Rights and Grievances, a powerful statement on the rights of citizens that was widely circulated. A decade later, when Americans found themselves debating the fateful step of seeking independence, Thomas Paine (1737–1809) wrote a highly influential and persuasive tract, Common Sense, promising freedom, equality, and the prospect of democracy.

The Declaration of Independence

By September 1774, in the aftermath of the Coercive Acts and the Boston Tea Party, events seemed to be spinning out of control. Every colony except Georgia sent delegates to the First Continental Congress in Philadelphia. At this point, few openly spoke of breaking ties with Great Britain; most still hoped to find a compromise that would protect the rights of Americans and pull back the harshest tax measures. Still, in the absence of dramatic changes by George III and Parliament, the delegates called on the colonists to boycott all British goods.

Matters did not improve. Within a year, the royal governor of Massachusetts, Thomas Gage, ordered his troops to seize what was believed to be a growing supply of arms from the colonists at Concord. Before the 700 red-coated British troops sent from Boston reached Concord, however, 77 “Minutemen” (militia) met them at the small town of Lexington. Shots were fired, and the Minutemen retreated. The Redcoats pressed forward, but by the time they arrived at Concord, the Patriot forces had swelled to more than 300. After another battle, the royal troops had to retreat and were attacked repeatedly as they marched back to Boston. In the end, some 270 British soldiers and 95 colonists were killed. The event sent shockwaves throughout the colonies and across the Atlantic Ocean. The wheels of war had been set in motion.

Although there was still strong sentiment in America for reconciliation with Great Britain, many of the delegates who attended the Second Continental Congress in 1775 considered compromise impossible. They understood that war had, in fact, begun. But they still had to convince others throughout the colonies that armed rebellion was their only remaining chance. Not all Americans were convinced. British oppression had been real, but a war for independence was an altogether different matter. Many of those who had protested British abuses still remained loyal to England. At the very same time that delegates were arriving at Philadelphia, petitions were circulating in towns and villages throughout the colonies calling for reconciliation with Great Britain. Something needed to be done to convince more colonists to rebel, to move with force toward a system of self-governance. A committee of five was formed, and the task of writing a clearly written rationale for rebellion was given to a young, rather shy delegate from Virginia by the name of Thomas Jefferson.

Jefferson's Declaration of Independence is today regarded as one of the most lucid statements ever written on the rights of citizens and the proper role of government in a free society. It is one of the world’s great democratic documents and has been an inspiration to people yearning for freedom around the globe. As one recent writer noted, even today, “you can still get a rush from those opening paragraphs. ‘We hold these truths to be self-evident.’ The audacity!” The core of the statement can be found in just 83 words:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights Governments are instituted among Men, deriving their just power from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government….
Rarely has more been said in so few words. Let us examine this passage in detail.

First, Jefferson presents a notion of **natural rights**. That is, individuals possess certain privileges—certain guarantees by virtue of being human. Second, these rights are **not** granted by government but instead by God, whom Jefferson calls the Creator. They cannot be given, nor can they be taken away. Third, Jefferson introduces the **social contract theory**, drawn in large measure from the writings of John Locke. Humans have the option of living alone in what Locke called “the state of nature.” According to this theory, humans originally lived without government or laws, enjoying complete personal freedom. Yet the state of nature meant “a war of all against all,” in which—in the words of another philosopher, Thomas Hobbes—life was “solitary, poor, nasty, brutish, and short.” To end this perpetual conflict and insecurity, people created governments, thereby giving up some of their freedoms in order to protect their lives and their property. Fourth, Jefferson agreed with Locke that governments, having been created by the people to protect their rights, are limited; they get their powers from the will of the people and no one else. (In arguing this, Locke was attacking the traditional claim that kings ruled by the will of God.) Finally, said Jefferson (again following Locke), when a government fails to respect the will of the people—that is, when it appears no longer to be limited—it becomes the right, indeed the obligation, of citizens to change the government. This passage is Jefferson’s call for revolution.

How effective was the Declaration of Independence in rallying support behind the Revolutionary cause? This is a difficult question to answer because there were no accurate ways to measure public opinion in those days. While we know that many New Yorkers were so inspired on hearing these words that they toppled a statue of King George and had it melted down to make 42,000 bullets for war, many balked at joining the Revolution and even enlisted in the British Army. We also know that public support for the Continental Army, headed by George Washington, lagged considerably throughout the Revolution. Most Americans were deeply suspicious of professional armies, fearing them as a threat to liberty. There were no mechanisms to collect funds to support the Continental Army; state contributions were very stingy, which helps explain the terrible conditions that the troops suffered at Valley Forge in the winter of
1777–1778. And many citizens remained cautious about joining in the bold gamble for independence, especially if it seemed to threaten their economic future. We often point to the valor of soldiers at Valley Forge, but fail to recognize that the very reason for the widespread starvation was because area farmers chose to sell their produce to the British Army—who were willing to pay a higher price.

Either way, war had begun between the most powerful nation in the world—Great Britain—and the American colonies. At first, things looked grim for the Patriot cause, and many Americans feared that all would be lost within a matter of weeks. By December 1776, the end seemed near. But three startling developments seemed to turn the tide.

First, with bold leadership from George Washington, the Continental Army was able to gain a few high-profile victories, which served to assure patriots and foreign governments that the war could, in fact, be won and that financial contributions to the war effort would not be wasted.

Second, from 1776 to 1783, Thomas Paine espoused the virtues of democracy in his sixteen famous “Crisis” papers. Their tone is apparent in the famous opening of “The American Crisis, Number 1,” published on December 19, 1776, when Washington’s army was on the verge of disintegration:

> These are the times that try men’s souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph.

This was powerful writing, and Washington ordered the pamphlet read to all of his troops.9

Third, the French government decided to support the Revolutionary forces. This decision came, after a prolonged diplomatic effort spearheaded in Paris by Benjamin Franklin, upon news that the Americans had inflicted a serious defeat on the British Army at Saratoga in October 1777. Financial support, arms and ammunition, and military assistance from the French government proved immensely helpful—particularly on occasions when the prospects for victory still seemed bleak.
The Colonial Experience and the Pathways of Change

Having some gripes with your government is one thing; deciding to break away and form a new government is quite another. A move of this sort would seem especially momentous given that in 1776 Britain had the world’s most powerful army and navy. It has been said that the signers of the Declaration of Independence assumed they were signing their own death warrants. Barbara Ehrenreich writes, “If the rebel American militias were beaten on the battlefield, their ringleaders could expect to be hanged as traitors.”

How did things come to this? Ideas of liberty, equality, and self-governance—captured so well by Jefferson’s pen—had simmered throughout the colonies for decades. Jefferson’s prose captured a sentiment, but he did not bring the idea of democracy to life. Like flowers bursting from the ground after a long winter, liberty and equality were destined to blossom in the American soil. Also, as we noted in Chapter 1, page 000, governments whose citizens yearn for liberty are stable only if those citizens have avenues of change—that is, the means to move public policy in new directions as times and circumstances change. What pathways of change had been available to the colonists? Could they have elected a new government or petitioned the courts for redress? Might average citizens have effectively lobbied members of Parliament, an ocean away? Their protests, such as the Boston Tea Party, were met with additional acts of repression. There seemed no option for change. Their only recourse was to declare independence and prepare for war. In a very real way, the American Revolution underscores the importance of our pathways concept.

Student Profile

Heroines of the Revolution?

A good number of elementary and high school texts recount the story of Molly Pitcher. It seems that Washington and his troops were suffering from excessive heat and a barrage of enemy cannon fire during the Battle of Monmouth in 1778. Pitcher is passing out water to the men, when suddenly her husband is killed. She drops the water bucket and takes her husband’s place loading the cannon. Her courage inspires the soldiers and they win the battle. Washington later bestows a medal of honor on the lady warrior.

What a wonderful story. Too bad it’s not true. It was common for women to travel with troops; they were called “camp followers.” These women were critically important for cooking and washing, and for caring for injured soldiers. They played an important role in the war, to be sure. But as for the records of the battle at Monmouth, or any other engagement, the name of “Molly Pitcher” never shows up. And there are few records to suggest women fired cannons or guns during battles.

The story of Deborah Sampson is a bit different, however. Born into abject poverty, Sampson was an indentured servant through her teens. She was self-educated and by the time she was 21 had become a true believer in the cause of liberty. Rejecting the supporting role that women played in the war, Sampson made herself a man’s suit and enlisted under the alias of Robert Shurleff. Back home in Middleborough, Massachusetts, rumors circulated that she had dressed in man’s clothing and enlisted, and she was excommunicated from the First Baptist Church. Yet, Sampson fought with valor in number of important battles and was wounded four times—including taking a bullet to the thigh. She was forced to care for these wounds herself, not wanting her gender to be disclosed. In 1882, nevertheless, she fell sick from a fever and when examined by the attending doctor the secret was revealed. The young soldier—too young to shave—was actually a woman. She was given an honorable discharge and later a veteran’s pension. Years later she was even invited to give lectures on the adventures of a woman soldier in the Revolution.
Another interesting issue to ponder is what might be the right course for those who perceive no viable pathways of change. If you think that your government is no longer listening to your concerns—the concerns of average citizens—and that there is no way to bring the system back in line, must revolution follow? Is not Jefferson clear that under such circumstances revolution is justified? In 1787, Jefferson claimed that “the tree of liberty must be refreshed from time to time with the blood of patriots and tyrants.” And have we seen this process played out in American history since the Revolution? Indeed we have.

**Myth Exposed**

The Continental Army’s winter at Valley Forge in 1777–1778 was a defining event for the patriot forces and for the outcome of the war. Many Americans believe that the starvation and deplorable conditions the soldiers endured was caused by the British Army—that Washington’s army was cut off from supplies and provisions but somehow they made it through the winter. In truth, Washington selected this site, about 20 miles outside Philadelphia, for the winter encampment precisely because there were so many farms in the area and because the land was exceptionally fertile. Surely there would be ample provision in this area. What he found, however, was that most of the farmers in the area sold their products to the British Army instead of the Continental Army because they could get more money. “The supply problem,” writes historian Joseph Ellis, “while catastrophic in its immediate consequences, was eminently solvable…. A veritable caravan of grain and livestock flowed from the countryside into the city to feed British troops....” Two points might be gleaned from this brief anecdote. First, as noted in this chapter, financial gain was closely linked to notions of liberty. Second, many colonists were committed to the cause of the Revolution, but many others were either indifferent to the effort or loyal to the British.

**The Articles of Confederation**

Less than a week after the signing of the Declaration of Independence, the Continental Congress set to work drawing up a system of government for the self-declared independent American states. After a year’s effort, the model that emerged was called the Articles of Confederation. The idea was to draw the 13 states together but, at the same time, to allow each state to remain independent. In this system, the central government could coordinate and recommend policies, but it had no ability to enforce these policies if the states refused. An analogy would be today’s United Nations, where each nation has one delegate and one vote and the representative serves at the discretion of the home government. On paper, at least, this Congress had power to conduct foreign affairs, wage war, create a postal service, appoint military officers, control Indian affairs, borrow money, and determine the value of the coinage. But the Articles did not give the national government the power to force its policies on the states, nor did it allow the levying of taxes to support the federal government (see Table 2.2). It was up to the states to contribute to the federal government’s support as they saw fit, just as each member nation of the United Nations contributes what it wishes to the UN budget. And the Articles said nothing about judicial matters.
The fact that the Articles guarded state sovereignty is really not surprising. In a very real way, our first system of national government was designed to be the opposite of what colonists had experienced under authoritarian, centralized British rule. It was also widely believed at the time that democracy was possible only when government was local.

### Limitations of the Articles of Confederation

The Articles of Confederation failed for several reasons. First, the national government had no way to collect revenue from the states or from the states' citizens. No government can survive without some means of obtaining the resources it needs to operate. Second, the national government had no way of regulating commerce. Third, the national government was unable to conduct foreign affairs—that is, to speak to other nations with a unified voice. Fourth, the mechanism to alter the Articles proved too difficult, as any change required the unanimous consent of all 13 states. So even if adjustments, such as giving the national government the power to collect taxes, could have improved matters, the chances of achieving unanimous agreement to do so were slim.

Yet another shortcoming of the Articles was the lack of leadership and accountability within the national government. There was no one in charge. This issue of accountability came to a head in 1786 with an event that rocked western Massachusetts.

During the mid-1780s, the nation had experienced an economic depression. Particularly hard-hit were farmers, who received much less for their crops than in previous years due to a flood of imports. Desperate for relief, a group of farmers led by Daniel Shays, a veteran Patriot militia captain who had fought against the British at Bunker Hill in 1775, gathered to demand changes. Frustrated that their calls for help seemed to fall on deaf ears at the state legislature, Shays's forces grew to nearly 2,500. Soon violence broke out as the group clashed with state militia forces. The governor and state legislature appealed for assistance in putting down the protest, which they argued had deteriorated into a full-blown riot. But there was no person or group outside Massachusetts to take the call for assistance, and no help was available.

Many of the rebels were captured and sentenced to death for treason, but all were later pardoned. Yet **Shays’s Rebellion** had a profound impact on the future of our nation, because it suggested that liberty and freedom—that is, an open democratic society—carried risks. A few months after the uprising in Massachusetts, a meeting was organized to revise the Articles. This was the **Constitutional Convention**.
Shays’s Rebellion: An Alternative Look

Why would Shays and his 2,500 followers turn to violent protest? Were there no other pathways for change?

Money, especially specie or “hard money” (silver and gold coin), became very scarce throughout the United States in the 1780s, resulting in a severe depression that lasted nearly a decade. But not everyone was affected the same way. Hardest hit were working-class citizens and small farmers. Because these people had little or no hard money with which to pay their debts, bank foreclosures skyrocketed. By the mid-1780s, demands for action grew louder. Very much in keeping with the structure of government during this period, people’s cries for assistance were directed to the state legislatures. “Stay laws” were passed by state legislatures to postpone foreclosures, and “tender laws” allowed farmers to use agricultural products (rather than hard money) to help pay loans. Partly as a result, inflation surged, and as paper money became more widespread, it became easier to use this inflated currency to pay off debts, such as the mortgage on a farm.15

However, in Massachusetts, the legislature dragged its feet. What made this state different? For one thing, business interests dominated the state legislature. Instead of helping small farmers, the legislature saw fit to levy heavy taxes in an attempt to pay off the state’s wartime debts, with most of the money going to wealthy business owners in Boston. From this vantage point, Shays’s Rebellion broke out because the channels of the democratic process were not working in Massachusetts. There seemed to be no other viable pathway for change, and so violence erupted.

This perspective also allows us to reconsider the motivations of the delegates to the Constitutional Convention. Today, many believe that the aim of that meeting was to fine-tune the democratic process and create a stronger national government. In some ways, this is true. But the policies of the state governments designed to protect farmers and laborers during the depression of the 1780s created hardship for a different group—the economic elite. As noted earlier, there are always winners and losers in politics, and during this period, much that was given to the farmers was taken from business owners and bankers. Perhaps, then, some of the rationale for calling delegates to Philadelphia was to revise the Articles in order to make sure that state governments could not limit the “liberty” of the economic elite.

The Constitutional Convention

Assess how compromises at the Constitutional Convention shaped our political system.

In late May 1787, some 55 delegates from every state except Rhode Island came together at the Pennsylvania State House in Philadelphia for the purpose of proposing changes to the Articles of Confederation. Congress itself had authorized the meeting, but it did not expect that the Articles would be completely replaced by a new system of government. The delegates were not “average” men but rather included many of America’s leading political, economic, and social figures of the time. (Thomas Jefferson, then serving as U.S. minister to France, was not present.) In a move designed to lend legitimacy to the event, George Washington was selected as the convention’s presiding officer and on May 29, the delegates set to
work. Interestingly, and perhaps contrary to what you might think, the convention deliberated in total secrecy—even to the extent of nailing the windows shut!

Opening the convention, Governor Edmund Randolph of Virginia offered a series of resolutions that amounted to an assault on the Articles. Rather than attempting to modify them, Randolph argued, the Articles should be dumped altogether. The delegates agreed; something new and vastly different was needed. Small groups were formed, charged with drawing up plans for a new government. In the end, five plans were submitted for consideration, but the delegates quickly narrowed their consideration to two.

The first was the **Virginia Plan**, named for the home state of its principal author, James Madison. The delegates from the more populous states favored it. Table 2.3 provides an overview of what the new government would look like under this plan.

<table>
<thead>
<tr>
<th><strong>TABLE 2.3 THE VIRGINIA PLAN</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Have three branches of government—a national legislature, an executive, and a judiciary.</td>
</tr>
<tr>
<td>• Force each of the branches to rely on the others.</td>
</tr>
<tr>
<td>• Grant each branch the ability to keep an eye on the other two so that no one segment of the government becomes too powerful.</td>
</tr>
<tr>
<td>• Have a legislature with an upper and lower house, with members of the lower house chosen by the people in the various states and the upper chamber made up of legislators chosen by the lower house from a list of nominees put forward by the state legislatures.</td>
</tr>
<tr>
<td>• Allow each state a number of seats in the national legislature based on its population (thus the larger states would have more delegates and the smaller states fewer).</td>
</tr>
<tr>
<td>• Have an executive, selected by the legislature and serving a single term.</td>
</tr>
<tr>
<td>• Have judges who would be appointed to the bench by the legislature for life terms.</td>
</tr>
<tr>
<td>• Establish a “council of revision,” with members from both the executive branch and the judiciary, which would review all national and state laws; this body would have some control over national legislation and an absolute veto over state legislation.</td>
</tr>
<tr>
<td>• Be supreme over the state governments—that is, acts of the new national government would override state law.</td>
</tr>
</tbody>
</table>

Most delegates agreed with the core idea of the Virginia Plan—that the central government should be strengthened. Yet big differences in population between the states seemed a problem. The most populous states were Virginia, Pennsylvania, North Carolina, Massachusetts, and New York; the smallest states included (besides absent Rhode Island) Georgia, Delaware, Connecticut, and New Jersey. Delegates from the smaller states realized that this scheme would put them at a real disadvantage in the national government—a smaller state’s interests would be overwhelmed by those of the larger states. Opposition to the Virginia Plan grew. William Paterson of New Jersey offered an alternative approach. His **New Jersey Plan** was designed to stick closer to the Articles of Confederation and create a system of equal representation among the states: Each state would have the same number of national legislators. Table 2.4 is an overview of this plan.

Although it might seem that both models were similar in terms of the supremacy of the national government, this was not the case. A national legislature was at the core of both plans, but under the New Jersey Plan, each state would have equal say in the making of public policy. Since a majority of state governors could change the makeup of the executive council, this plan was more state-centered and in keeping with the confederation model that underlay the Articles. In contrast, the Virginia Plan clearly laid out what was called at the time a “consolidated government”—one that all but absorbed the states.

### The Great Compromise

All the delegates at the convention knew that the legislative branch was critical, but the argument over the allocation of seats in the legislature nearly ended the proceedings: “Delegates conferred, factions maneuvered, and tempers flared.”16 The dispute was serious, because the delegates believed that if the new national government had real powers (as they all hoped), control of the legislative branch would be critical.
The issue also boiled down to different views of representation: a state-based approach versus an individual-based approach. It should be remembered that at this time most Americans felt loyalty to their state over any sort of national allegiance. At the time, even Thomas Jefferson considered Virginia, not the United States, “my country.” A widespread sense of national citizenship did not emerge until after the Civil War, some 80 years later. So the argument over representation came down to which states would have more sway in the new system, and delegates of the smaller states were not about to join a union that would put their own people at a disadvantage. States were the units to be represented, not the citizens within each state. But the large states relied on an individual-based notion of representation. The new national government should speak on behalf of citizens, not states. If one state had significantly more citizens than another, it was self-evident that the bigger state would have more national representatives.

On June 30, 1787, Roger Sherman of Connecticut presented a compromise plan: The national legislature would have a House of Representatives, based on proportional representation (as under the Virginia Plan), but a second branch, the Senate, would contain an equal number of representatives from each state (as under New Jersey Plan). This Great Compromise, sometimes called the Connecticut Compromise, settled the matter (see Table 2.5). Few of the delegates were completely satisfied. Indeed, some walked out of the proceedings, but most agreed that it was the best possible solution. Several of the states had tried this in their own legislatures, with much success. The plan was accepted, and the convention continued.

This compromise—the creation of a Senate with an equal number of representatives from each state—has proved incredibly significant through our history. Time and again, a handful of Senators from sparsely populated states, representing a mere fraction of the overall public, has stopped a piece of legislation in its tracks. Coupled with procedural rules that give small groups of senators exceptional powers (namely the filibuster), the Senate has become the epicenter of the policy process. (This topic is discussed in greater detail in Chapter 6). Some would argue that the Senate is one of the least democratic institutions in our government. Others would argue that it is

<table>
<thead>
<tr>
<th>Issue</th>
<th>Virginia Plan</th>
<th>New Jersey Plan</th>
<th>Compromise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Source of Legislative Power</td>
<td>Derived from the people and based on popular representation</td>
<td>Derived from the states and based on equal votes for each state</td>
<td>A mix; from the people for one house, from the states for the other</td>
</tr>
<tr>
<td>Legislative Structure</td>
<td>Bicameral</td>
<td>Unicameral</td>
<td>Bicameral; one house of equal representation, and another based on population</td>
</tr>
<tr>
<td>Executive</td>
<td>Size undetermined; elected and removable by Congress</td>
<td>More than one person; removable by state majority</td>
<td>Single executive; removed by impeachment</td>
</tr>
<tr>
<td>Judiciary</td>
<td>Life tenure, able to veto legislation in council of revision</td>
<td>No power over states</td>
<td>Life tenure, judicial review ambiguous</td>
</tr>
<tr>
<td>State Laws</td>
<td>Legislature can override</td>
<td>Government can compel obedience to national laws</td>
<td>National supremacy</td>
</tr>
<tr>
<td>Ratification</td>
<td>By the people</td>
<td>By the states</td>
<td>Ratification conventions in each state, thus allowing both the people and the states to be involved</td>
</tr>
</tbody>
</table>

TABLE 2.4 THE NEW JERSEY PLAN
- Have three parts of government—a national legislature, an executive council, and a judiciary.
- Have a legislature consisting of one body, in which each state would have one vote.
- Have a multiperson executive council, chosen by the legislature, with the responsibility of executing national laws; its members could be removed by a vote of a majority of state governors.
- Have a judiciary appointed by the executive council.
- Have a national legislature with the ability to tax the states, proportional to their population.
- Be supreme over the state governments, with the national legislature having the right to override state law.

The Great Compromise/Connecticut Compromise
An agreement at the Constitutional Convention that the new national government would have a House of Representatives—in which the number of members would be based on each state's population—and a Senate—in which each state would have the same number of representatives.
an institution that reflects state interests and also leads to careful, incremental policy change. As we have tried to highlight throughout this chapter, developments during the formation period continue to shape contemporary politics.

**The Three-Fifths Compromise**

If one of the chambers of the national legislature was to be based on population (the House of Representatives), and if taxation was to be fixed around each state’s population, how would the inhabitants of each state be counted? The delegates quickly agreed that a census (a complete count) would be conducted every 10 years, and this was written into the Constitution. But who might be counted as an inhabitant was a vastly more difficult matter. Here we find one of the most distressing parts of the Constitutional Convention. The issue boiled down to slavery. More than 90 percent of the slaves in North America at that time lived in five American states: Georgia, Maryland, North Carolina, South Carolina, and Virginia. The delegates from these states argued that for the purposes of allocating House seats, slaves should be counted. This was quite a twist, given that slaves were considered property and were not given any rights of citizenship in these states—and the delegates from the northern states retorted as much. Yet given the huge slave populations in the southern states (40 percent or more in some states), not counting them would prove significant. If slaves were not counted, the southern states would have just 41 percent of the seats in the House; if slaves were counted, the South would have 50 percent.

Once again, the convention came to a standstill, delegates threatened to bolt, and a compromise was reached. Population would be used to determine each state’s delegation to the House of Representatives, and slaves would be counted as three-fifths of a white person. Put a bit differently, five slaves would equal three white persons in the census. Slaves would not be allowed to vote or to have any of the rights that Jefferson had written about in his Declaration, but they would be counted as inhabitants—or rather as three-fifths of an inhabitant—in order to get both sides to agree to the Constitution. Our history is filled with such tragic ironies.

**The Sectional Compromise**

Still another deal reached at the Constitutional Convention—what James Madison and some historians have called the most important compromise—related to slavery and commerce. Many Northerners hated slavery and pointed out the irony of celebrating the American Revolution and creating a free nation while preserving the institution of slavery. However, southern delegates were not about to join a government that stripped them of their slaves, and even Northerners realized that abolishing slavery would shatter the South’s economic base. According to one observer, “The subject haunted the closed-door debates.”

Most delegates agreed that the new Congress would have the power to regulate commerce, but many also worried about the potential for abuse. This was a very important power. Southern delegates in particular worried that because the House of Representatives would be based on proportional representation and the power to regulate commerce would reside in the new national government, their states’ economic future was at risk. They argued that Congress should require a supermajority (a two-thirds vote, rather than a simple majority) whenever it attempted to regulate commerce. The northern delegates said no, once again worried about giving too much power to less populous states.

This led to another compromise: The Atlantic slave trade would be protected for at least 20 years. Article 1, Section 9, Clause 1 of the Constitution prohibited Congress from stopping the importation of slaves from overseas until 1808. (Slave trading within and among states was not mentioned.) In exchange, it was agreed that a simple majority of both houses of Congress would be needed to regulate commerce. Sometimes it is difficult to see how the acts of the framers have a direct
bearing on our lives. Rest assured, congressional regulation of commerce has, and continues, to shape the world in which we live—from the products we buy at the store, to the roads we drive on, to what we watch on television. Defenders of the new health care law, discussed previously, argue that the individual mandate provision is constitutional because of the broad powers given to Congress to regulate commerce. In short, this is one compromise that has proved extraordinarily important throughout the centuries.

The U.S. Constitution

Identify the core principles of the Constitution.

One of the tragic ironies of our nation’s formative years is that while notions of freedom and liberty warmed the hearts of patriots, slavery was sanctioned in the Constitution. It took two centuries and the courageous acts of men and women, like these civil rights demonstrators in Birmingham, AL, to advance the cause of liberty.

Why do you suppose there was such a gap between what was preached and what was practiced?

On September 17, 1787, following five hot, argumentative months, the delegates to the Constitutional Convention finished their work. After hearing the clerk read the entire document, Ben Franklin rose to the floor to remark that although the form of government they had drafted was not perfect, it was the best that could have been achieved under the circumstances. He then made a motion that each delegate sign the final version. Thirty-nine of the original fifty-five who had begun the convention did so.

Most Americans believe that our Constitution is one of the greatest schemes of government ever devised—due in no small measure to the overarching structural framework that created a vibrant yet controlled government, a system that is both rigid and flexible. Much more will be said of the provisions in the Constitution in subsequent chapters, but some key points are outlined here.

The Constitution breaks down into seven articles:

Article I: The Legislative Branch (Congress)
Article II: The Executive Branch (President)
Article III: The Judicial Branch (Courts)
Let us consider several core principles embodied in the Constitution:

- **Three Branches of Government.** Understanding both the complexity of governance and the potential for corruption, the framers saw fit to create a system with different branches of government—legislative, executive, and judicial. The legislature would make the laws, the president would enforce the legislature's will, and the judicial branch would interpret the laws and resolve disputes according to the law.

- **Separate Institutions Sharing Powers.** One of the greatest challenges the framers faced was creating a system that was neither too weak nor too strong. A weak government would suffer the fate of the Articles of Confederation, but too strong a government might lead to corruption and an excessive concentration of power, minimize the role of the states, infringe on individual rights, and perhaps collapse in civil war. The framers believed that they had found a middle ground through the granting of specific powers for each branch while at the same time making each branch partly dependent on the others for carrying out its duties. This is called the *sharing of powers*.

---

**Figure 2.2** SHARED POWERS, CHECKS AND BALANCES

Many applaud this unique system of government in which each branch is somewhat dependent on the others, and each branch is in some ways checked by the others. Our system’s longevity would suggest this model works, but others argue that this model makes change difficult—especially when different political parties control other branches of the government.

*What do you think? Does this system favor pathways for change, or does it stifle the will of the people?*
We will say a lot more about the powers and duties of each branch and the connections between the branches in the chapters that follow, but a few examples might be helpful here. Although Congress passes laws and appropriates funds, the executive branch enforces these laws and spends the money. The judicial branch can pass judgment on disputes that arise, but it must rely on the executive branch to enforce its rulings. The president can negotiate treaties with other nations, but the Senate must ratify these agreements before they take effect.

- **Checks and Balances.** Just as each branch shares powers with the others, each branch is limited (“checked”) by the other two. That is to say, each branch can review, and in some ways restrict, the acts of the other branches. For instance, Congress passes laws, but the president can veto proposed legislation—and if both houses of Congress can put together a two-thirds vote, they can override a presidential veto. The president can be impeached by the House and, if convicted by a two-thirds vote in the Senate, can be removed from office. Federal judges can likewise be removed by impeachment and conviction. The judiciary can invalidate acts of Congress or the president when they are considered unconstitutional, but Congress and the states can enact amendments to the Constitution that get around judicial decisions (see Figure 2.2).

- **Representative Republicanism.** The framers wanted to create a limited government, a government “by the people,” but they worried that the whims of public opinion would lead to an unstable government and perhaps even mob rule or “anarchy.” The government, as Madison would later remark, should “enlarge and refine” the public’s will. Representative republicanism proved to be the solution. The system would not be a direct democracy—where each person has a say on all public matters—but rather a representative republic—in which a small group of elected leaders speak and act on behalf of the many. Members of the House are elected directly by the voters; under the original Constitution, senators were to be selected by the state legislatures (a provision that changed to direct popular election when the Seventeenth Amendment was adopted in 1913); and the president would be chosen by an electoral college—envisioned in 1787 as a gathering of a small group of notable leaders in each state to select the federal chief executive. The Constitution rests firmly on the representative Republican principle.

- **Federalism.** None of the framers intended to create a centralized government; instead, they envisioned a system in which a viable national government would undertake certain responsibilities and state governments would handle others. This is known as federalism—a system of government in which powers and functions are divided among different layers of the system. The Constitution clearly defines many of the powers of the national government, which are referred to as the **expressed powers**. State governments were considered closest to the people and thus best able to look after their health, safety, and well-being. These powers were called **police powers**. The national government, for its part, would focus on commercial matters, foreign affairs, and national security. The precise division of powers between the federal government and the states has been an ongoing, often heated issue for two centuries. Much of the energy behind the recent Tea Party movement, for example, centers on what they believe to be usurpations by the federal government.

- **Reciprocity Among the States.** Although the Constitution permitted each state a degree of independence, delegates to the convention were concerned that citizens should be treated equally in every state. The framers had in mind, for example, that a marriage in one state would be recognized in other states. Two “comity” clauses accomplished this goal. The full faith and credit clause (Article IV, Section 1) said that each state must accept the legal proceedings of the other states, and the privileges and immunities clause (Article IV, Section 2) mandated that out-of-state citizens have the same legal rights as citizens of that state. While on vacation in New York, for instance, you have the same rights as people living there. Needless
to say, the issue of gay marriage has rekindled a vigorous debate over the scope of state reciprocity. Should the marriage of a gay couple in Vermont be recognized in other states?

- **A Fixed System Open to Change.** The framers had in mind a rather fixed scheme of government, something that would not change with the winds of public opinion or the shifting personnel of government. What good would a constitution be if it could be changed each time new issues emerged or new people took office? At the same time, they recognized that their document was not perfect and that new pressures would arise as the nation grew and society changed. The outcome was to create a difficult but navigable route for change. The Constitution can be amended by a total of four procedures, as noted in Figure 2.3. The amendment process entails two steps: proposal and ratification, and there are two approaches for each step.

Since the Constitution’s ratification, there have been thousands of proposals for constitutional amendments, but only 27 have made it through the journey to formal amendment. The first 10 amendments, which make up the Bill of Rights (see Table 2.6), were enacted during the very first session of Congress, in large part as a response to criticisms of the original Constitution by its opponents during the ratification process. It would seem that the framers accomplished their goal of creating a fixed structure that could also be changed at critical times. The Bill of Rights and several of the other amendments are discussed in greater detail in subsequent chapters. Also, you will find an annotated discussion of all 27 amendments in the Appendix at the end of this book.

---

**Figure 2.3 How the Constitution Can Be Amended**

The framers wanted to create a fixed system, but at the same time allow for some modifications under certain circumstances.

- With just 27 amendments since 1789, would you say they got things right?
TABLE 2.6 THE FIRST 10 AMENDMENTS TO THE CONSTITUTION (THE BILL OF RIGHTS)

<table>
<thead>
<tr>
<th>Safeguards of Personal and Political Freedoms</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Freedom of speech, press, and religion, and right to assemble peaceably and to petition government to redress grievances</td>
</tr>
<tr>
<td>2. Right to keep and bear arms</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Outmoded Protection Against British Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Protection against quartering troops in private homes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Safeguards in the Judicial Process and Against Arbitrary Government Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Protection against “unreasonable” searches and seizures by the government</td>
</tr>
<tr>
<td>5. Guarantees of a grand jury for capital crimes, against double jeopardy, against being forced to testify against oneself, against being deprived of life or property without “due process of law,” and against the taking of property without just compensation</td>
</tr>
<tr>
<td>6. Guarantees of rights in criminal trials, including right to speedy and public trial, to be informed of the nature of the charges, to confront witnesses, to compel witnesses to appear in one’s defense, and to the assistance of counsel</td>
</tr>
<tr>
<td>7. Guarantee of right of trial by a jury of one’s peers</td>
</tr>
<tr>
<td>8. Guarantees against excessive bail and the imposition of cruel and unusual punishment</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Description of Unenumerated Rights and Reserved Powers</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Assurance that rights not listed for protection against the power of the central government in the Constitution are still retained by the people</td>
</tr>
<tr>
<td>10. Assurance that the powers not delegated to the central government are reserved by the states, or to the people</td>
</tr>
</tbody>
</table>

---

Myth Exposed

Many Americans believe that the goal of the participants at the Constitutional Convention was to create a more democratic system. This was only partially true. While the delegates were anxious to establish a limited government—a government that responded to the wishes and concerns of citizens—their foremost goals were to create a stable system and to provide the national government with real powers. In actuality, many of the provisions in the Constitution limit the direct role of citizens, including the Electoral College, the indirect election of Senators (changed by the Seventeenth Amendment), the lengthy terms for members of the Senate, and the lifetime appointment of federal judges. The idea was to slow the democratic process and to create a powerful, stable, new government.

---

The Struggle over Ratification

2.8 Analyze how the ratification debate structured the nature of our democracy.

Reaching agreement at the Constitutional Convention on the framework of government was the first step. But for the Constitution to become the law of the land (replacing the Articles of Confederation), it would have to be ratified by 9 of the 13 states. Most contemporaries also understood that if larger states, such as Virginia, Pennsylvania, and Massachusetts, failed to ratify the document, the chances for the long-term success of the new government were slim. The framers said that nine states were needed, but most hoped that ratification would be unanimous. The document was sent to the states, where special ratification conventions would be held. The use of conventions was significant because it signaled the issue should be decided by a group of citizens, not simply by state legislators.

As soon as the ratification process began, two sides emerged. The Constitution’s supporters became known as Federalists, and its opponents were called Anti-Federalists. Both sides took their dispute to state capitals, to city halls, to taverns, and to kitchen tables across the nation. In the end, the matter was settled peacefully.

**Federalists**

Supporters of the ratification of the U.S. Constitution. James Madison was one of the leading Federalists during this time. By the late 1790s, it was the name given to one of the first political parties, headed by Alexander Hamilton and John Adams. Many of the early Federalists, such as Madison, later joined the Democratic-Republican Party, in opposition to the Federalist Party.

**Anti-Federalists**

Opponents of ratification of the U.S. Constitution in 1787 and 1788. This group worried that the new system would give the national government too much power, at the expense of state rights and individual liberties. (Note that those opposed to the Federalist Party in the late 1790s were not Anti-Federalists but rather Democratic-Republicans.)
How Long Did It Take to Ratify the Constitution?

Americans today overwhelmingly support the principles of the Constitution, but after the Framers adjourned on September 17, 1787, three years passed before all thirteen states approved the document. The ensuing ratification debate was an inherently political game of multiple moves, in which the Constitution was kept alive by relatively narrow majorities, particularly in two strategically located states.

**Ratification Timeline**

- **Sep. 17**: Constitutional Convention adjourns.
- **Sep. 28**: Congress sends Constitution to the states.
- **Mar. 24**: Rhode Island rejects in referendum.
- **Aug. 2**: North Carolina adjourns without ratifying.
- **Apr. 1**: Congress achieves quorum.
- **Apr. 28**: MD, 63–11
- **May 23**: SC, 149–73
- **June 21**: NH, 57–47
- **June 25**: VA, 89–79
- **July 26**: NY, 30–27

**The United States in 1790**

**New York** was an important center of commerce. Located between New England and the mid-Atlantic states, holding the Republic together would have been difficult without New York.

- **21%**: VA
- **11%**: NC
- **10%**: NY
- **9%**: PA
- **5%**: NJ
- **4%**: NH
- **7%**: CT
- **2%**: RI
- **2%**: DE
- **9%**: MD
- **2%**: SC
- **7%**: GA

Half of all Americans were southerners, and two-in-five southerners were **Virginians**. It was the political and economic center of the South, and the source of the intellectual force behind the Constitution.

*Percentages indicate population of state.*

**Investigate Further**

**Concept**: Why did it take three years to ratify the Constitution? The first states to ratify the Constitution did so with a strong majority of support for the document. But as those states signed on, opposition in remaining states grew, and the ratification debate intensified.

**Connection**: Which states were most closely divided on ratification? The debate intensified in two strategic states: New York and Virginia. Ratification in those two holdout states was necessary in order to lend legitimacy to the new government.

**Cause**: What were the issues of the debate? Written in support of the new government, The Federalist Papers addressed New Yorkers’ concerns about federal power. For Virginians, the sticking point was a Bill of Rights, which James Madison promised to introduce in the new Congress.
through logic, persuasion, eloquence, and deliberation. It was the first test of our new take on democracy—and we passed.

The Federalists believed that a representative republic was possible and desirable—especially if populated by citizens “who possess [the] most wisdom to discern, and [the] most virtue to pursue, the common good of society.” The Anti-Federalists countered with the argument that representatives in any government must truly reflect the people, possessing an intimate knowledge of their circumstances and their needs. This could be achieved, they argued, only through small, relatively homogeneous republics, such as the existing states. A prominent Anti-Federalist put it this way: “Is it practicable for a country so large and so numerous [as the whole United States] … to elect a representative that will speak their sentiments? … It certainly is not.”

### The Federalist Papers

Persuading citizens that the Constitution should be approved was no simple matter. Today the battle for public opinion would be fought on cable news programs, through television and radio advertisements, in direct mail, and over the Internet. In the late 1780s, the battle raged in interpersonal settings, such as formal meetings or casual tavern conversations, and in newspapers and pamphlets, which were often read aloud in group settings or passed from hand to hand. Three leading Federalists—James Madison, Alexander Hamilton, and John Jay—teamed up to write a series of essays, known collectively as *The Federalist Papers*, on the virtues of the Constitution. These 85 essays were published in a New York City newspaper, because New York State, where Anti-Federalist sentiment ran high, was a key battleground in the campaign for ratification. The three authors adopted the *nom de plume* Publius (Latin for “public man”).

Step by step, *The Federalist Papers* worked their way through the most fought-over provisions in the Constitution, laying out in clear logic and powerful prose why each element was necessary. The essays also explained what the framers had been thinking in Philadelphia while hammering out the document. Indeed, in many places, the Constitution is vague, and if you are interested in understanding what the framers had in mind, *The Federalist Papers* are the best place to look. Constitutional lawyers and Supreme Court justices still cite them.

*Federalist No. 10*, written by James Madison (reprinted in the Appendix) was particularly important. Madison begins with a detailed discussion of the dangers of “factions,” groups that form to pursue the interests of their members at the expense of the national interest. “Measures,” Madison notes, “are too often decided, not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority.” What can be done about factions? Madison takes the reader through different alternatives, suggesting that suppressing them would be a huge mistake: “Liberty is to faction what air is to fire.” Instead, he presents a two-part solution. First, if the faction is less than a majority, then the “Republican principle” will solve things, meaning that elected officials, representing the wishes of a majority of constituents, will do the right thing. But if the faction constitutes a majority, which often happens in a community or a state, Madison writes,

Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other.

Using powerful, direct reasoning, Madison explains why one large nation is preferable to many smaller ones—thus challenging the logic of many political theorists who argued that only small democracies could survive. *Federalist No. 10* is a lucid justification for forming the United States of America, and Madison’s insistence on this seeming paradox makes him one of the greatest political philosophers of all time.
Another important essay is *Federalist No. 51*, also written by Madison. Here he explains the logic behind the sharing of powers and the essence of checks and balances. It is an awkward scheme of government, he admits, but also the best way to give the new government power but not *too much* power. “If men were angels, no government would be necessary,” he writes. And “if angels were to govern men, neither external nor internal controls on government would be necessary.” Since neither condition prevails, other precautions are needed. Madison proposes that “ambition must be made to counteract ambition”—a truly innovative idea, since all Republican thought for 2,000 years had focused on schemes to make citizens more virtuous. In brief, a system of shared powers and of checks and balances would secure the democratic character of the government. Madison also introduces a “double security”: Not only will each branch of the national government be dependent on the others, the federal system itself—in which powers are divided between national and state governments—will help secure the rights of the people. Madison’s argument is incredibly innovative when viewed from the standpoint of classical political theory. It had always been assumed that virtue (truly good citizens) could ensure the survival of a republic—a view that stretched back to Plato in ancient Greece. Madison, by arguing that ambition can be harnessed and checked by other ambitions through a layered system of governments, was turning political theory on its head.

### The Anti-Federalists’ Response

The Anti-Federalists offered clear and thought-provoking counterarguments, many of which also appeared in newspapers. Some of these essays, published under the byline Brutus (the name of the ancient Roman Republican leader who had assassinated Julius Caesar to stop him from establishing a monarchy), called attention to the very nature of democracy. Echoing traditional Republican ideology, one of the important Brutus essays insists that large governments could not heed the wishes of average citizens: “If respect is to be paid to the opinion of the greatest and wisest men who have ever thought or wrote on the science of government, we shall be constrained to conclude, that a free republic cannot succeed over a country of such immense extent ....” What is more, if we want legislators to speak on behalf of citizens, as democracy demands, these leaders must know the interests of their constituents. When districts are large, as they would have to be in the proposed government, the number of constituents per legislator would be excessive. How could a legislature actually know the wishes of 30,000 residents, the number proposed for House districts? (Today there are more than 660,000 residents per House district!) The Anti-Federalists further argued that the president would inevitably build up too much power and dominate the other branches. Indeed, much of their concern centered on Article II of the Constitution, the office of president. Their worries were only slightly eased by the realization that if the Constitution were ratified, George Washington, with his spotless reputation for honesty and patriotism, would be chosen as the first president. One of the arguments against ratification of the Constitution that continues to be used today against the current political system is what appears to be the expanding scope of presidential powers.

Finally, the Anti-Federalists argued that the Constitution did not contain provisions to protect individuals. There were checks on each branch of government but none against the government’s infringement on individual rights and liberties. This omission would seem glaring, yet Madison took exception to the criticism, arguing that the national government would be limited exclusively to the powers outlined in the document. It could not infringe on the rights of citizens, because it did not have the power to do so. The absence of such provisions, argued Madison, would be a clear check. But many people found this “protection by omission” worrisome.

In response to these objections, the Federalists gave in: If the states would ratify the Constitution, they agreed that the first matter of business for the new government
would be to amend the Constitution to include a list of individual safeguards—a list of individual protections, which became known as the *Bill of Rights*. With this guarantee, the tide of public opinion shifted, and by June of 1788, the necessary nine states had ratified the Constitution (see Figure 2.4). In the end, all the states did so. (North Carolina at first rejected the Constitution but then hastily reconvened a ratification convention after the other states had accepted the document. Rhode Island also at first rejected the Constitution and then waited until 1790, when its convention finally voted to join the Union.) The vote in many of the state conventions was quite close. In New York, the margin was 30 to 27; in Massachusetts, 187 to 168; in New Hampshire, 57 to 47; in Virginia, 89 to 79; and (eventually) in Rhode Island, 34 to 32.

The Federalists kept their word and moved to amend the Constitution with the goals of protecting individuals from government infringements. Numerous changes were offered, and eventually 12 amendments were voted on. Ten of these amendments were successful—all passed in 1791. One additional draft amendment did not receive ratification by three-fourths of all the states until 1992, whereupon it finally became the Twenty-Seventh Amendment. This amendment delays any increase in compensation for members of Congress by at least one election cycle.

It is important to understand that the arguments advanced by the Anti-Federalists have not faded into the history books. The essence of many policy disputes center on the proper role of government and the powers of particular branches of the government. For instance, in response to the tragic events on 9/11, George W. Bush and the Congress moved quickly with a package of measures to protect citizens—dubbed the Patriot Act. But does the government, even under extreme circumstances, have the right to tap telephones without warrants? Can the federal government shape local school policies, as it did through No Child Left Behind, or tell citizens where they can and cannot build their homes, as directed by Environmental Protection Agency? Should all business matters fall under the purview of Congress’s commerce powers? Does “commerce” extend into health care policy and the ability of Congress to require citizens to have insurance? Again, many of the concerns voiced in recent years by both conservative and liberal activists center on the proper role of the federal government. Thus many of worries of the Anti-Federalist have been given new life in recent years.

**A Second Revolution?**

We often assume that the war against the British had a singular focus, even though two names for the conflict are often used interchangeably: the War for Independence, and the Revolutionary War. These names suggest different ways of interpreting the same event. To some observers, the war was about breaking away from British control. A distant government had imposed laws and taxes on Americans without the input of Americans. British citizens had rights and liberties that were for some reason not extended to those citizens living in the new lands. After repeated appeals, it seemed only proper that a new nation be established—the better to protect these liberties. After victory had been won, there would be a return to the established order, much as before. Liberty and equality were wonderful theoretical constructs, but day-to-day rule should be entrusted to enlightened gentlemen, to whom ordinary people should accord great deference. Those holding this perspective argued that “once the state and national constitutions secured the election of rulers, they warranted obedience, rather than suspicion, from the people.”

To others, the war was not only about independence but also about a dramatic change in the nature of governance. It was about shifting control from a small group of elites to *all* citizens. It was a revolution in governance and in thinking about
Clearly, support for ratification of the Constitution was more robust in some parts of the country than others. Why was this true? Do you think commercial interests might have been an important factor?


The “Spirit of ’76” was about liberty, equality, and the creation of a limited government. “The Revolution had been a social upheaval,” this side argued, “a transformation that had won equal rights, liberties, and opportunities for common men by defying domestic aristocrats as well as British rule.”

The distinction between these perspectives was very important during the early years, as we began the difficult process of taking our first steps as a sovereign nation. The matter came to a head in the late 1790s as big issues—namely, a series of economic and foreign policy questions—pulled Americans into a debate about the role of average citizens in governance. Alexander Hamilton, Washington’s secretary of the treasury, proposed a series of measures that he believed would secure the nation’s long-term economic future. But these policies seemed to help the business class at the expense of the poor. As for foreign policy, our allegiance in the war between England and France was fiercely debated. Should we help England, our principal trading partner, or France, our ally in the Revolution? The group in power during this period, led by the second president, John Adams, had adopted the name Federalists (inspired by the leaders who had worked to get the Constitution ratified a few years earlier). The other group, led by Thomas Jefferson and James Madison, had begun referring to itself as the Republicans or the Democratic-Republicans, the distant precursor of today’s Democratic Party.

The ferocity of the debate and the depth of feelings on each side seemed to threaten the nation in its infancy. Republicans believed that the economic policies of
the Federalists and their moves to stifle criticism were an assault on free government. For many people, the issue boiled down to the role of average citizens in society and in the conduct of government. Things came to a head during the election of 1800, which pitted John Adams against Thomas Jefferson. Jefferson narrowly defeated his former friend. Republicans swept into the Congress and state legislatures across the nation.

Beyond policy changes, the election of 1800 marked three critically important events. First, one administration (led by the Federalists) was removed from power peacefully, being replaced by its political rival. A “Second Revolution” had occurred without violence—a rarity in history. This in itself was a stunning success for the new government. As noted at the start of this chapter, early on Americans rejected violence as an acceptable means of bringing about change. Second, efforts to stifle criticism of government leaders, through the Alien and Sedition Acts (measures passed by Adams and the Federalists), backfired. The notion of “legitimate opposition” took hold, meaning that it would be healthy for our system to have an out-of-power group keeping an eye on the in-power group. Third, the election of 1800 seemed to signify that there should be no privileged class in American politics. The process set in motion by the Declaration of Independence was indeed a revolution, not simply a war for independence.

**CONCLUSION**

One of the virtues of our political culture has been the widespread celebration of our formative period. However, a vibrant democracy did not arrive with the Boston Tea Party, the signing of the Declaration of Independence, the victory of the Continental Army, the ratification of the Constitution, or any other event. Rather, the American story has been one of triumphs and tragedies, great achievements and monumental setbacks, fits and starts. The early period began the journey of liberty and equality in our country, but most observers would agree that we have not yet arrived at a final destination.

We might also underscore the interplay of political power, authority, and legitimacy. As noted, even though a government might have the power to compel action by citizens, it may not have the authority; the cry of “no taxation without representation” by the Sons of Liberty clearly echoed this notion. But after independence was secured, the tables were turned. On paper, the Articles of Confederation seemed to give Congress an avenue for collecting funds, but the scheme contained few provisions to impose the will of the national government on the states. The central government simply lacked power. And of course, the true challenge of the framers was to find a balance between power and legitimacy.

Another theme springing from these pages is the importance of political participation. Citizens stood up, demanded liberty and freedom, and forged their own system of government. We often hear that the framers were an atypical lot—much wealthier and better educated than average citizens. Although this may be true, we still need to remember the role played by average men and women during this period, not the least of which were the patriots who helped fill the ranks of the Continental Army and local militias and also young citizens like Deborah Sampson. Our democracy would have stumbled—indeed, it would not have taken its first step—were it not for the hard work of citizens fighting for a better life and a better system of government. Widespread political and civic engagement has been one of the many things that has distinguished the American system of government.

Finally, we opened this chapter with a story about how change is pursued in our system. As colonists came to believe in individual liberties and their right to
participate in the conduct of government, they felt more frustration over British rule. The Revolution was about creating a limited government—a government that would reflect the concerns of the people. Yet the framers had to fashion a system that was both responsive to popular will and stable. In some very real ways, the Constitution limits the democratic process and harnesses the will of the people, with the goal of creating a powerful, secure system of government. On its face, you might be hard-pressed to label the original Constitution (before the amendments) a plan to enhance democratic principles. But thanks to changes to the original framework (the Bill of Rights in particular) and the toil and sacrifice of countless citizens, numerous pathways have emerged to make the system more democratic.

So as conservative activists mobilize in opposition to Barack Obama and the perceived failings of the federal government, they gladly take the name “Tea Party Activists.” But they reject the violence and intimidation of the Sons of Liberty. Instead, they move hard to win elections, lobby decision makers, and pull together grassroots initiatives. The scheme of government created by Madison and his colleagues is not perfect, but the fact that violence is rarity says a great deal about the success of Constitution. The framers sought a democratic system, but also a stable, peaceful political process. While Americans might balk at particular policies, there is an abiding faith in the system—devotion to a structure of government that allows average citizens to play a meaningful role in the process of change. If this were not true—if there were few routes to change the course of government—we can certainly imagine frustration and violence in the early years of our republic would have been much more common.

**Confronting Politics and Policy**

Throughout the course of our nation’s history, a number of constitutional provisions have proved to be controversial. One of those areas of recurrent dispute has been the precise reach of the federal government. As noted in this chapter, one of the key differences between the Articles of Confederation and the Constitution is that the latter boasts explicit powers (detailed mostly in Article I). Yet, the Tenth Amendment—the last of the Bill of Rights—provides states with certain powers. It states, “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 idea behind the amendment was simple: Lay a foundation for state prerogative, and assuage fears of a large, tyrannical federal government. But as the federal government moved into more and more aspects of American life, and as judicial decisions buttressed broad federal powers, the Tenth Amendment seemed to lose relevance. In the past few years, however, there has been a growing movement, mostly among conservative activists, to reign-in the federal government by adding new life to the Tenth Amendment. In 2010, for example, a group of about 35 Republican members of Congress formed the Tenth Amendment Taskforce. Its goals are to draw greater attention to issues of states’ rights, monitor threats to state prerogatives, and to advance proposals that would give more power to state governments and local communities.

One proposal that has proven particularly controversial is for certain state governments to take control of federal lands. In Utah, for instance, the state legislature and the governor passed a resolution calling on the federal government to “return” millions of acres of federal lands to the state by 2014. Most notably, the state would lay claim to the Grand Staircase-Escalante National Monument in southern Utah, some the 1.9-million-acre set aside by President Bill Clinton in
1996. This measure, and many others like it, is strongly backed by state’s rights advocates. But, as you might imagine, many are opposed to such measures, particularly as they relate to national lands and forests.

**ACTION STEPS**

1. Do you agree that the federal government has been given too much power in recent decades, and that steps should be taken to return some of these powers to the states?

2. Where do other Americans stand on these types of issues? For example, do a majority of citizens believe that the federal government has become too powerful?

3. If you do believe in “reinvigorating the Tenth Amendment,” would you go so far as to shift control of lands from federal to state control? If so, would that include national parks?

4. What other issues of this sort will emerge in the coming years?
How did early events lead to the creation of a democracy in the United States?

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
<th>Critical Thinking Questions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1620</td>
<td>Signing of the Mayflower Compact</td>
<td>What if the Pilgrim leaders had not insisted that everyone sign the Compact legalizing their position as a “civil body politic”? What if the Pilgrim leaders had instead tried to set up a monarchical system similar to what they had experienced in England?</td>
</tr>
<tr>
<td>1700–1764</td>
<td>Salutary Neglect</td>
<td>What if British elites had imposed stricter trade laws from the start? If early American colonists had not experienced salutary neglect, would they have been as motivated to revolt against the later regulations?</td>
</tr>
<tr>
<td>1764–1776</td>
<td>Great Squeeze</td>
<td>Why weren’t the colonists sympathetic to Parliament’s call for them to help pay the debt from the French and Indian War, especially when it had been fought to protect the colonies?</td>
</tr>
<tr>
<td>1700s</td>
<td>Writings of Democratic Philosophers</td>
<td>Why was the notion of a “limited government” so radical at the time?</td>
</tr>
<tr>
<td>1776</td>
<td>Signing of the Declaration of Independence</td>
<td>What if Jefferson had not been such a skilled writer? Or what if the Declaration had never been written? Would as many colonists have rallied behind the revolutionary cause?</td>
</tr>
<tr>
<td>1775–1783</td>
<td>American Revolution</td>
<td>If the American Revolution was about freedom and liberty, how do we explain the oppression of blacks, women, Native Americans, and many other groups in the generations that followed?</td>
</tr>
<tr>
<td>1791</td>
<td>Bill Clinton</td>
<td>What if the Bill of Rights had limited the actions of state governments in addition to the federal government from the start? How would this have impacted later civil rights struggles?</td>
</tr>
</tbody>
</table>

Democracy did not arrive with the signing of the Declaration of Independence, the American Revolution, the ratification of the Constitution, or any other singular event. Yet, many events in the formative years planted the seeds of a more just system. Our nation’s democratic character continues to blossom and evolve today. —If it’s true that each generation confronts battles over fundamental democratic principles, what are the great issues of our day? How do they compare to the battles fought by previous generations?
On MyPoliSciLab

Review the Chapter

The Nature of Government and Politics

2.1 Identify the difference between government and politics, p. 37

Before beginning our exploration of American government, it is important to understand the difference between government and politics, power and authority, and legitimacy. Government refers to the official rules and institutions that structure the development and implementation of public policy (what government does). Politics, on the other hand, refers to the various ways individuals and groups seek to influence the final outcome of policy disputes. A governmental entity is said to have authority if there is a legal foundation for a particular action. Legitimacy means that most citizens believe an action taken is proper. Thus, authority is based on institutional elements, but legitimacy is based on perceptions. For example, while the federal government might have the authority to regulate elementary school curricula, many think this should be done at the local level.

Types of Governments

2.2 Differentiate between different types of governments, p. 39

There are many types of governments, the foremost distinguishing characteristics being who is allowed to participate and how decisions are made. Using these two dimensions, systems such as monarchies, oligarchies, and totalitarian regimes are more easily understood. In brief, as the number of participants in a system expands, the system moves more toward a democracy. This section also explores the differences between a democracy and a republic. In a direct democracy, all citizens participate in all policy questions, but in a republic, citizens ask others—usually elected officials—to make policy decisions.

Early Governance in America

2.3 Describe how forces in Colonial America helped set the stage for the American Revolution, p. 42

During the pre-Revolution period, governance was not exactly democratic. Royally appointed governors ruled most colonies with few checks by citizens. Yet, the seeds of a democratic movement were planted. For example, most colonies had assemblies, where delegates came to discuss issues of concern, and to provide reports and suggestions to the governors. We might say that these were budding legislative institutions. Moreover, notions of liberty and equality were increasingly discussed during this time.

The American Revolution

2.4 Identify the core principles of the American Revolution, p. 46

When Abraham Lincoln spoke of our nation’s birth as “Four score and seven years ago,” he was referring to the Revolution and to the signing of the Declaration of Independence, not to the ratification of the Constitution in 1789. This is because the core of the “American experiment” in self-governance springs from this revolutionary period. Ideas of liberty, equality, self-governance, and economic advancement set in motion a revolution, and later a new, democratic system of government.

The Articles of Confederation

2.5 Determine the reasons for the failure of the Articles of Confederation, p. 51

Our first stab at self-governance was a flop, because there was no way for the new national government to regulate commerce, raise needed funds, or conduct foreign policy. Most significantly, the system was unstable, ready to collapse at any moment. However, the experience under the Articles of Confederation shaped the motivations of the framers, thus shaping the Constitution and our system of government.

The Constitutional Convention

2.6 Assess how compromises at the Constitutional Convention shaped our political system, p. 53

We often hear that the framers came to the Constitutional Convention eager to create a stronger national government. But the truth is more complex. Numerous, often conflicting motivations drove this historic event, and from these concerns our Constitution was born. The many compromises, such as dividing power between states and the federal government, and between branches of government, also speak to the interests of the framers and to the nature of our political system. We have a democracy, but also a system of government that seeks to “enlarge and refine” the public will.

The U.S. Constitution

2.7 Identify the core principles of the Constitution, p. 57

The Constitution is made up of both broad principles, such as the sharing of powers and the checks and balances, and specifics, such as the enumeration of congressional powers. In order to understand how our government operates, both elements must be acknowledged. For example, while
the Constitution affords Congress the duty to create public policy, the bicameral legislature may lead the Senate to have a very different take on a policy questions. Added on top of this, the president can veto legislation and is also responsible for implementation of legislation. And, finally, the courts may declare all or parts of legislation unconstitutional.

**The Struggle over Ratification**

2.8 Analyze how the ratification debate structured the nature of our democracy, p. 61

While Lincoln might have been right to assert that our nation began in 1776, this does not mean that who we are as a people was defined at that point. There have been numerous transformative events in our history, and this short section takes a look at the election of 1800. Here, political parties—each representing different versions of what they believed was “just” public policy—fought to win the presidency. In the end, the Jeffersonian Republicans won the contest, and John Adams was sent into private life. More importantly, the election of 1800 showed that the new system of government could change leaders and policies peacefully—a rarity in world history at that time. Perhaps political parties were not so bad; they could even play an important role in the new system of government.

**Learn the Terms**

- Power, p. 38
- Authority, p. 38
- Monarchy, p. 39
- Constitutional Monarchy, p. 000
- Dictator, p. 39
- Oligarchy, p. 40
- Pluralism, p. 40
- Democracy, p. 40
- Republic, p. 40
- Representative Democracy, p. 40
- Totalitarian Regime, p. 40
- Authoritarian Regime, p. 40
- Constitutional Government, p. 40
- Pilgrims, p. 42
- Mayflower Compact, p. 42
- French and Indian War, p. 42
- Great Squeeze, p. 43
- Thomas Paine, p. 47
- Natural Rights, p. 48
- Social Contract Theory, p. 48
- Shays’s Rebellion, p. 52
- Constitutional Convention, p. 52
- Virginia Plan, p. 54
- New Jersey Plan, p. 54
- Great Compromise, p. 55
- Connecticut Compromise, p. 55
- Sharing of Powers, p. 58
- Expressed Powers, p. 59
- Police Powers, p. 59
- Bill of Rights, p. 60
- Federalists, p. 61
- Anti-Federalists, p. 61
- *The Federalists Papers*, p. 63

**Test Yourself**

2.1 Identify the difference between government and politics.

Which of the following is an important element of the American political process?

a. the expansion of presidential powers
b. the mushrooming role of money in politics
c. our federated government, with states having some powers and the national government having others
d. the enumeration of congressional powers
e. checks and balances

2.2 Differentiate between different types of governments.

Which of the following best describes the system in the United States?

a. We boast a pure democracy.
b. All citizens must participate in the shaping of public policy.
c. We have a constitutional system.
d. We have a representative democracy.
e. Both c and d.

2.3 Describe how forces in Colonial America helped set the stage for the American Revolution.

The Mayflower Compact was an important chapter in the development of a limited government because it

a. established who would be the rulers.
b. established the electoral process.
c. created a bill of rights.
d. established that the new government would have a set of laws that all must follow.
e. created an open, democratic process.

2.4 Identify the core principles of the American Revolution.

What drove the colonists toward revolution?

a. their suspicions about the British monarchy
b. the “Big Squeeze”
c. a century of “salutary neglect,” which gave colonists a sense of independence from England
d. emerging notions about the role of average citizens in the conduct of government
e. all of the above
2.5  Determine the reasons for the failure of the Articles of Confederation.
Under the Articles of Confederation, Congress
a. could request money from the states.
b. could NOT regulate commerce.
c. could NOT collect taxes from citizens.
d. boasted an equal number of members from each state.
e. All of the above.

2.6  Assess how compromises at the Constitutional Convention shaped our political system.
The “Great Compromise” at the Constitutional Convention refers to the decision to
a. count a slave as equivalent to three-fifths of a vote in determining the number of representatives allocated to each state in the House.
b. allow congressional representation to both reflect a state’s population and represent each state equally (regardless of population).
c. protect the Atlantic slave trade for at least 20 more years.
d. grant strong executive powers to the president but limit his tenure in office to two terms.
e. establish a singular executive—that is, one person as president.

2.7  Identify the core principles of the Constitution.
Why is it logical to describe our system of government as both rigid and flexible?
a. It is possible to add amendments to the Constitution, but only through an intricate and challenging process.
b. Power-sharing by way of checks and balances makes it unlikely that any one branch or individual officeholder could seize control of government.
c. Rigidity implies stability; flexibility implies the possibility of major change at any time.
d. The courts can override acts of Congress, but they must do so with a “super majority.”
e. All of the above.

2.8  Analyze how the ratification debate structured the nature of our democracy.
Why do constitutional lawyers and scholars still make reference to The Federalist Papers?
a. because The Federalist Papers are so relevant to presidential acts of power
b. because citing The Federalist Papers is a requirement of federal judicial procedure
c. because The Federalist Papers offer a comprehensive explanation of Constitutional principles and intentions
d. because these documents chart how citizens should behave in a pure democracy
e. none of the above

Explore Further

IN THE LIBRARY

ON THE WEB
Many theorists have written about the relationship between power and authority. This Web site offers some thoughts from Montesquieu, an eighteenth-century French philosopher whose writings had a great impact on the framers of our political system: http://www.lonang.com/exlibris/montesquieu/sol-02.htm.
Numerous Web sites chart differences between types of governments around the world. Two of interest include http://home.earthlink.net/~kingsidebishop/id2.html and http://www.stutzfamily.com/mrstutz/WorldAffairs/typesofgovt.html.
To learn more about the formative years in American history, visit the Library of Congress’s America’s Story Web site at http://www.americaslibrary.gov/cgi-bin/page.sgi.
To better understand some of the developments from the first 100 years of our nation’s history, visit From Revolution to Reconstruction: http://educ lett.rug.nl/~usa.
For general information on numerous early American documents, try the Avalon Project at Yale University at http://avalon.law.yale.edu.
Visit the Annenberg Learning Center: A Biography of America at http://wwwlearner.org/biographyofamerica.
Learn about the periods before, during, and after the Constitutional Convention at the History Place Web site at http://www.historyplace.com.
To access the Declaration of Independence, the Constitution, and other key documents in our nation’s history, see the Library of Congress, Primary Documents in American History at http://memory.loc.gov/ammem/help/constRedir.html.
For an online, searchable copy of The Federalist Papers, see http://www.law.ou.edu/hist/federalist.
For an online look at the Anti-Federalist Papers, see http://www.angelfire.com/pa/sergeman/foundingdocs/antifedpap/main.html.