

The establishment of the United States of America



POLITICS & CONTROVERSIES

Circumventing the Confederation



- **SEPTEMBER 1786: MEETING AT ANNAPOLIS, MARYLAND BETWEEN REPRESENTATIVES FROM FIVE STATES**
- **LED BY ALEXANDER HAMILTON, JOHN DICKINSON AND JAMES MADISON**
- **AFTER SHAYS REBELLION: A CONVENTION AUTHORIZED THE STATE LEGISLATURES TO “REMEDY DEFECTS OF THE ARTICLES OF CONFEDERATION”**
- **MODERATES/CONSERVATIVES/NATIONALISTS ARE INTENT ON ENDING THE CONFEDERATION FOR A NEW CENTRALIZED SYSTEM OF GOVERNANCE**
- **MEETING SCHEDULED IN FEBRUARY 1787**

Framing a centralized Constitution



- **THE ELITE OF THE SETTLER COMMUNITIES;
SLAVEHOLDERS, WEALTHY MERCHANTS, LAWYERS**
- **MEET FROM 25TH OF MAY TO 17TH OF SEPTEMBER**
- **OBJECTIVE IS TO CREATE STRONG CENTRALIZED
GOVERNMENT**
- **CONSERVATIVE/MODERATE/NATIONALISTS HAVE THE
UPPER HAND**
- **JAMES MADISON IS THE ARCHITECT OF THE VIRGINIA
PLAN BUT EDMUND RANDOLPH IS GIVEN THE TASK OF
PRESENTING IT**

The Virginia Plan



- **EDMUND RANDOLPH GIVES READING OF PLAN**
- **THREE-TIERED STRUCTURE OF GOVERNMENT**
 - **EXECUTIVE BRANCH**
 - **TWO HOUSES OF CONGRESS**
 - **SEPARATE JUDICIAL BRANCH**
- **PROBLEMS: SEATS IN CONGRESS WILL BE APPORTIONED TO THE STATES ACCORDING TO THEIR POPULATION**
- **SMALLER STATES OBJECT TO VIRGINIA PLAN**

New Jersey Plan



- **WILLIAM PATERSON**
- **UNICAMERAL LEGISLATURE WITH EQUAL VOTING**
- **POWERS TO THE CENTRAL GOVERNMENT FOR TAXATION**
- **FOR REGULATION OF INTERSTATE COMMERCE**
- **FOR FOREIGN COMMERCE**
- **THIS PLAN IS MORE ACCEPTABLE TO THE CONSERVATIVE/MODERATE/NATIONALIST FACTION**

The final proposed document



- **REPRESENTATION IN THE LOWER HOUSE WILL BE BASED ON POPULATION (FAVORS THE POPULOUS STATES),**
- **REPRESENTATION IN THE UPPER HOUSE WILL BE EQUAL (FAVORS LESS POPULOUS STATES)**
- **NORTH-SOUTH COMPROMISE OF 1787: SLAVES WILL BE COUNTED AS “THREE-FIFTHS” OF A WHITE PERSON FOR PURPOSES OF REPRESENTATION IN LOWER HOUSE AND TAXATION**
- **OFFICE OF PRESIDENT: POWERFUL OFFICE, CHECKED BY CONGRESSIONAL IMPEACHMENT**
- **ELECTION TO PRESIDENCY INDIRECT; BY ELECTORAL COLLEGE**
- **HOUSE OF REPRESENTATIVES TAKES OVER IF COLLEGE FAILS ON DECISION**

The controversial ratification process



- **17 SEPTEMBER, 1787: THIRTY - NINE DELEGATES SIGN PROPOSED CONSTITUTION**
- **THEY ANTICIPATE HEAVY OPPOSITION TO THEIR PLANS, THEREFORE THEY PUT IN A CLAUSE STATING:**
- **ONLY 9 STATES NEED TO RATIFY & CAN DO SO IN SPECIAL STATE CONVENTIONS THEREBY BYPASSING REGULAR STATE LEGISLATURES**
- **NATIONALISTS - CONSERVATIVES PUT THEIR OPPONENTS ON THE DEFENSIVE BY CLAIMING THAT THEIR OPPONENTS ARE *ANTI - FEDERALISTS***
- ***IN REALITY; ANTI - FEDERALISTS ARE THE REAL FEDERALISTS!***

The objections of the Anti – Federalists



- **THE REFERENCE TO “THE STATES” IS STRICKEN, REPLACED BY “THE PEOPLE”**
- **“THE PEOPLE” – A VERY BROAD EXPRESSION – COULD BE USED TO BYPASS BOTH THE PROPOSED CONGRESS & THE INDIVIDUAL STATES – PATRICK HENRY OF VIRGINIA**
- **ARTICLE ONE: ‘CONGRESS SHALL HAVE THE POWER...TO PROVIDE FOR THE GENERAL WELFARE”**
- **EXTREMELY VAGUE DECLARATION; *ANYTHING CAN BE CONSTRUED AS BEING FOR THE GENERAL WELFARE***
- **‘COMMERCE CLAUSE’ – MADISON VIEWS IT AS A BRAKE ON NEGATIVE ACTIONS BY THE STATES BUT INCREASINGLY IT IS USED IN A ‘POSITIVE’ MODE AT THE EXPENSE OF THE POWER OF THE STATES**

The objections of the Anti – Federalists



- **10TH AMENDMENT SEEMS LIKE A RESTRAINT ON THE POWERS OF THE FEDERAL GOVERNMENT BUT IS LEFT DELIBERATELY VAGUE**
- **THE SUPREME COURT, IF IT GIVES ITSELF JUDICIAL REVIEW OVER CONGRESS, CAN DECIDE THAT THE POWERS GIVEN THE TO THE FEDERAL ENTITY ARE VAST AND THOSE TO THE INDIVIDUAL STATES LIMITED**
- **LUTHER MARTIN, DELEGATE FROM MARYLAND:**
- **“THE FRAMERS OF THE CONSTITUTION ARE CRYPTO – MONARCHISTS WHOSE WISH IT WAS TO ABOLISH AND ANNIHILATE ALL THE STATE GOVERNMENTS, AND TO BRING FORWARD ONE GENERAL GOVERNMENT...OF A MONARCHICAL NATURE...UNDER CERTAIN RESTRICTIONS AND LIMITATIONS”**

The objections of the Anti – Federalists, 1787 – 2014



- **SINCE THE CIVIL WAR, INCREASINGLY THE EXECUTIVE AND JUDICIAL BRANCHES HAVE TAKEN POWER AWAY FROM INDIVIDUAL STATES**
- **E.G. ABRAHAM LINCOLN DURING THE CIVIL WAR**
 - **THE NEW DEAL PROGRAMS**
 - **GEORGE W. BUSH & BARACK OBAMA ADMINISTRATIONS POST – 2001 HAVE CLAIMED POWERS OF A ‘UNITARY’ PRESIDENCY; DRAWING POWERS OF THE CONGRESS INTO THE OFFICE OF THE EXECUTIVE**
 - **THE WARNING OF LUTHER MARTIN**

The fears of the Anti – Federalists realized? Centralization of federal power, 1787 – 2014



- **1820S: ONCE THE UNITED STATES SUPREME COURT BEGINS TO ENGAGE IN *JUDICIAL REVIEWS*, THE ABILITY OF *INDIVIDUAL STATES* TO CHALLENGE OR RESTRAIN THE FEDERAL GOVERNMENT BECOMES INCREASINGLY DIFFICULT**
- **1861 – 1865: AS PRESIDENT DURING THE CIVIL WAR ABRAHAM LINCOLN CONCENTRATES UNPRECEDENTED POWERS INTO THE OFFICE OF THE NATIONAL EXECUTIVE**
 - **IGNORES THE SUPREME COURT**
- **1932 – 1940: DURING THE NEW DEAL ERA THE FEDERAL GOVERNMENT'S REGULATORY POWERS EXPAND FURTHER**

The objections of the Anti – Federalists realized?

Centralization of federal power, 1787 – 2014



- **1947: PRESIDENT TRUMAN USES THE NATIONAL SECURITY ACT TO CREATE THE CENTRAL INTELLIGENCE AGENCY, AT THE *PRESIDENT'S* DISPOSAL WITH SWEEPING POWERS IN ITS MANDATE**
- **1975 – 1976: SENATOR FRANK CHURCH (IDAHO) & CONGRESSMAN OTIS PIKE (NEW YORK) LEAD INVESTIGATIONS IN THE ULTRA – SECRET *COINTELPRO* ('COUNTER – INTELLIGENCE PROGRAM') INITIATED BY THE FEDERAL BUREAU OF INVESTIGATION**
- **THE CHURCH & PIKE COMMITTEES ALSO UNCOVER THE CIA'S OVERSEAS OPERATIONS WHICH INCLUDED NUMEROUS SUBVERSIVE ACTIONS AND THE OVERTHROW OF THIRTY FOREIGN GOVERNMENTS (IRAN & GUATEMALA – 1953, CHILE – 1973)**

The objections of the Anti – Federalists realized? Centralization of federal power, 1787 – 2014



- **THE ACTIONS OF THE CHURCH & PIKE COMMITTEES FORCE BACK THE CENTRALIZATION OF POWER AT THE FEDERAL LEVEL**
- **SEPTEMBER 2001: IN THE AFTERMATH OF THE ATTACKS ON NEW YORK, THE *PATRIOT ACT* ONCE AGAIN GRANTS THE OFFICE OF THE PRESIDENT UNLIMITED POWERS**
- **SINCE 1942 THE UNITED STATES HAS NOT FORMALLY DECLARED WAR WHEN IT HAS ENGAGED IN ARMED CONFLICT, A *FUNCTION RESERVED FOR THE CONGRESS BY THE CONSTITUTION***
- **SINCE 2001 BOTH THE GEORGE W. BUSH & BARACK H. OBAMA ADMINISTRATIONS HAVE CLAIMED THE POWER TO ENGAGE IN WAR, SURVEILLANCE AND TORTURE WITHOUT AUTHORIZATION FROM CONGRESS**

The objections of the Anti – Federalists realized?

Centralization of federal power, 1787 – 2014



- **PRESIDENT OBAMA HAS CLAIMED THE AUTHORITY TO USE UNMANNED AERIAL VEHICLES (UAV) OR 'DRONES' AND US SPECIAL FORCES TO 'KILL' ANYONE HE DECIDES IS A POTENTIAL THREAT TO NATIONAL SECURITY**

- **HE HAS CLAIMED AND USED THIS POWER TO KILL CITIZENS OF THE UNITED STATES WITHOUT ANY RECOURSE TO TRIAL OR INQUIRY INTO THE CHARGES**
 - **WHISTLE-BLOWER EDWARD SNOWDEN**

 - **MASS SURVEILLANCE OF U.S. CITIZENS (CONTINUATION OF THE COINTELPRO PROGRAMS)**

The controversial ratification



- **CLOSELY FOUGHT VOTING IN MASSACHUSETTS, NEW YORK, VIRGINIA**
- **NATIONALISTS WELL-ORGANIZED; PROMISE BILL OF RIGHTS AND SECOND CONVENTION IF GOVERNMENT FAILS**
 - **21 JUNE, 1787: 9 STATES HAVE APPROVED**
 - **JUNE-JULY, 1787: NEW YORK & VIRGINIA ARE FINALLY PERSUADED BUT WITH PROMISES OF A BILL OF RIGHTS AND NEW CONVENTION IF GOVERNMENT FAILS**

Government for “the People” *but* who are “the People” in 1789



- THEY ARE NOT BRITISH OR EUROPEAN WOMEN
 - 1807: NEW JERSEY RESCINDS RIGHT OF BRITISH/EUROPEAN WOMEN TO VOTE
- THEY ARE NOT PERSONS OF AFRICAN – DESCENT; AS LATE AS 1857 ON EVE OF CIVIL WAR; THE UNITED STATES SUPREME COURT RULED THAT PERSONS OF AFRICAN DESCENT, ENSLAVED OR FREE, HAD NO RIGHTS UNDER THE UNITED STATES FEDERAL CONSTITUTION
 - INSTITUTION OF SLAVERY BECOMES HEAVILY ENTRENCHED IN THE YEARS LEADING UP TO 1860
- THEY ARE NOT INDIGENOUS PEOPLES; WHO ARE MARKED FOR EXTERMINATION IN THE COMING DECADES
 - NORTHWEST ORDINANCE OF 1787 & 1789

Government for “the People” *but* who are “the People” in 1789



- THEY ARE NOT BRITISH/EUROPEAN MEN *WITHOUT* SET CRITERIA OF PROPERTY, WEALTH & EDUCATION
- THE FRANCHISE (RIGHT TO VOTE) ONLY COVERS FIFTEEN TO TWENTY PERCENT OF ADULT BRITISH/EUROPEAN WHITE MALES

Contrast with the French Revolution (1789 – 1799)



- **1792 – 1794: RADICAL PHASE OF FRENCH REVOLUTION
OVERTHROWS FRENCH MONARCHY**
- **INITIATES AN EGALITARIAN SOCIO – ECONOMIC &
POLITIC SYSTEM THAT TARGETS INSTITUTIONS FORMERLY
ASSOCIATED WITH WEALTH & EXPLOITATION**
- **FRENCH REVOLUTIONARY GOVERNMENT ABOLISHES
SLAVERY IN FRENCH TERRITORIES**
- **GEORGE WASHINGTON AND THE CONSERVATIVE
NATIONALISTS ARE HORRIFIED AND DECIDE TO ABANDON
THE ALLIANCE WITH FRANCE CREATED IN 1778**