

Chapter 5 Review (Key People, Places, Terms)

- **Great Land Ordinances** - 1785 and 1787
 - **The Land Ordinance of 1785** – required new townships to set aside a parcel of land for public education and stipulated that the sale of public lands would be used to pay off the national debt. The settlement of the Old Northwest would thus be orderly in contrast to the relatively unorganized settlement in the South.
 - **The Northwest Ordinance of 1787** – established guidelines for attaining statehood, whereby territories with at least 60,000 people could apply for statehood; if accepted by Congress, the new state would have equal status with other states. Moreover the Northwest Ordinance banned slavery north of the Ohio River, thereby guaranteeing future free states in the Midwest.
 - **While these examples show the success of the Articles, the new central government was fraught with complications from the onset.** In order to avoid tyranny and abuse of power by the new central government, the Articles did not allow for the taxing of citizens to raise revenue.
- **Adam Smith- The Wealth of Nations:** republican and self-interest idea (m.c.) – **Believed that *Republicanism* is a great philosophy along with capitalism. He also believed that a good citizen will help the economy.**
- **Inflation** – the currency was depreciating more – with the government not being able to tax the citizens, the crippled American economy due to broken trade relations, and a depreciated currency, further drove the new nation into a crisis.
- **Constitutional Delegates**
 - **Founders/Framers** – Known as the **Founding Fathers:** George **Washington**, James Madison, Alexander Hamilton, Gouverneur Morris, Robert Morris, Ben Franklin, and George Mason.
- **Consent** – “The President . . . shall nominate, and by and with the Advice and **Consent of the Senate**, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law. . . .”
- (Article II, Section 2, Clause 2)
- **Constitutional government** – a government whose rules and policies are limited by a constitution.

- **Higher law** - the concepts and ideas of the Constitution are the "higher law" in the United States of America, things which a government cannot create or destroy. Among these concepts and ideas is the notion that the people are sovereign and that legitimate governments must be based on popular consent. Because the Constitution was ratified by the representatives of the people, it is a document, in both word and deed, created by and for "we the people."
- **Separation of powers** - 3 branches (Montesquieu idea)
- **Checks and balances** - eq. Triangle - no branch has more power than any other (=)
- **Legislative branch** - bicameral - congress: senate and HOR
- **Executive branch** - **ENFORCE LAWS** President: has many powers - signs bills to become laws, commander in chief
- **Judicial branch** - **Make sure laws are constitutional** - **judges**
- **Veto** - The president's constitutional right to reject a decision or proposal (bill) made by Congress (veto), so it does not pass.
- **Common Law** - the part of English law that is derived from custom and judicial precedent rather than statutes
- **Popular sovereignty** - not on test
- **Representative government** - Government with representatives/people ruling
- **Daniel Shays** - The leader of Shays Rebellion when farmers rebelled b/c of high state taxes
- **Springfield, Massachusetts** - During Shay's Rebellion, they tried to take over courthouse here
- **Ratification** - Nine of the 13 states were required to adopt the national constitution. The discussion would rage on for almost a year.
- **Philadelphia Convention** - Convention to write Const.
- **Proportional representation** - representation based on/ proportional to states population - HOR - VA PLAN
- **Equal representation** - same amount of reps for each state - SENATE - NJ PLAN
- **Virginia Plan** - Edmund Randolph and the delegates from larger states proposed this plan that favored their states. It called for representation in both houses to be based solely on population or proportional representation.
- **New Jersey Plan** - A rebuttal to the VA Plan put forth by the small states, led by William Paterson of NJ. It asked for equal representation to a unicameral legislative body, regardless of the number of citizens of a state.

- **Connecticut Plan/Compromise (the Great Compromise)** – A proposal by Roger Sherman that said large states were appeased in that the lower chamber, or the **House of Representatives**, would be comprised of members that reflected the population of individual states. Small states would be appeased by representation in the upper chamber, or **Senate**, as it was comprised of membership that was equal regardless of state population. Large states stood to gain more from this compromise, as revenue bills would only go through the lower chamber, thus easing the possible tax burden that large states would more likely have to pay.
 - A quote from Sherman says, "That the proportion of suffrage in the first branch should be according to the respective number of free inhabitants and that in the second branch or Senate, each state should have one vote and no more."
- **Enumerated powers – Found in Article 1, Section 8** "This government is acknowledged by all, to be one of enumerated powers. The principle, that it can exercise only the powers granted to it, would seem too apparent, to have required to be enforced by all those arguments, which its enlightened friends, while it was depending before the people, found it necessary to urge; that principle is now universally admitted."
- **Necessary and Proper clause (Elastic Clause)**- In Article 1, Section 8 "The Congress shall have Power - To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."
- **Ex post facto laws** – Article 1, Section 9 and 10: a law that retroactively changes the legal consequences of acts committed prior to the enactment of the law. Both the federal and state government are prohibited from passing these types of laws.
- **Three-fifths clause (compromise)**- A clause to allow a slave to be counted as three-fifths of a person for the purposes of taxation and representation in the Congress. It was proposed in July 1787 during the drafting of the U.S. Constitution at the Constitutional Convention. It was negated by the Thirteenth Amendment.
- **Fugitive slave clause** – When first adopted, this clause applied to fugitive slaves and required that they be extradited upon the claims of their enslavers. This practice was eliminated when the Thirteenth Amendment abolished slavery.
 - States that: "No Person held to Service or Labour in one

State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.”

- There were two groups who debated ratification of the Constitution:
 - **Federalists** – those in favor of the Constitution and a strong central government. They were usually northern merchants who had close ties with British trade networks.
 - **Anti-Federalist** – those in opposition to the Constitution and in favor of strong states’ rights. They usually hailed from small southern farms or western homesteads.
 - **Biggest Problem** – No Bill of Rights at first. to protect individual freedoms and state sovereignty.
- **Ratifying conventions** – when document was complete had to return to home state to campaign for ratification - 9/13 required.
- **The Federalist Papers** – To encourage ratification in New York, James Madison, Alexander Hamilton, and John Jay penned a series of 85 powerful essays collectively. The papers were the **Common Sense** of the ratification period, urging ratifying conventions to set aside emotions when they considered the Constitution.