**Formation of the first governments of the 13 colonies:**

* Highly Influenced by:
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - Contracts, Juries, *stare decisis*
  + English Tradition
    - Natural rights:
      * rights inherent in human beings, not dependent on government
    - Consent of the governed:
      * government derives its authority by sanction of the people
    - Limited Government:
      * certain restrictions should be placed on government to protect natural rights of citizens
  + English Religion (mix of Protestantism and Catholicism)

**What influenced the colonists?**

* What ideas influenced the first colonial governments?
  + Hebrews-
    - (Ten Commandments) – laws based on morals
  + Greeks-
    - (direct democracy) – everyone participated directly (smaller society)
  + Romans-
    - (Classical republic) – elect people to represent you. People practice “civic virtue”. Promotion of the common good. Moral education.
* Old English Documents
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - (1215) first document to limit the King’s power
    - Established Due Process
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - (1678) government must tell you what you are being held for and show evidence against you.
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - (1628) Government could not tax without consent
    - Government could not quarter troops
  + \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
    - (1689) Parliament replaced dominant power of King (legislative supremacy)
    - Trial by jury
    - No cruel and unusual punishment
    - Right to bear arms

**The Declaration of Independence:**

* 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 powers from the consent of the governed.

**The Declaration of Independence the Grievances:**

* Second part; “He has . . .”
* Lawyer-like dissertation making the case against Great Britain
* Taxation without representation
* Unjust trials
* Quartering British soldiers
* Abolition of colonial assemblies
* Policy of mercantilism

**The Declaration of Independence the Statement of Separation:**

* Last four paragraphs
* Announcing to the world that the colonists had no choice but to revolt
* Not only the colonists’ right, but their duty to change the government that oppresses
* “…we mutually pledge to each other our Lives, our Fortunes, and our sacred honor.”

**The Rise of Republicanism:**

* Colonists opposed to any strong central government in the colonies
* Opposed to rule by the British
* Opposed to any permanent Union of the States
* Each state was seen as the sovereign authority and the only legitimate ruling force

**Articles of Confederation:**

* First functioning Government
* Ratified in 1781
  + *While* Revolution is in progress
* Most *real* power with the States
  + Binding was a ‘rope of sand’
  + Lots of quarrelling between the states
* Just *one* Congress
  + Unicameral (one house)
  + each State had 1 representative
  + it took 9/13 States to pass a law
  + it took 13/13 States to approve a treaty or amend the Articles
  + No executive or judicial branch
  + Could pass laws, make treaties, declare war & pace, borrow money, and create a postal system

**Weaknesses of the A of C:**

1. Congress couldn't require States to obey national laws (no Judicial branch)
2. The central government has little power over foreign trade
3. The Confederation has no effective military force.
4. Each state issues its own coins and paper money
5. The Confederation must ask states for money to support the federal Government
6. Changes in the Articles require a unanimous vote of the thirteen, makes it impossible to change the constitution
7. At least nine states are required to decide major issues

**We NEED a stronger Government!!!**

* “Shays Rebellion” scares a lot of people
  + A Small Rebellion of Massachusetts farmers
  + Series of attacks on courthouses by a small band of farmers led by Revol.War Captain Daniel Shays to block foreclosure proceedings
  + Economic elite concerned about Articles’ inability to limit these violations of individual’s property rights
* Can’t decide what to do with the Northwest Territory
* Have a ‘Constitutional Convention,’ to rework the Articles
  + Philadelphia in May 1787
* End up creating a new Constitution