

# OBJECTIVES

- INTRODUCTION

- How should American institutions of government be structured and organized?

- PART I

- What was the organization of the states under the Articles of Confederation

- PART II

- What were the defects of the Articles of Confederation according to James Madison?
- What does Madison's critique of the Articles of Confederation reveal about the purposes of political institutions in light of his view of human nature?

## ■ Fragment on the Constitution and Union *Abraham Lincoln*

- All this is not the result of accident. It has a philosophical cause. Without the *Constitution* and the *Union*, we could not have attained the result; but even these, are not the primary cause of our great prosperity. There is something back of these, entwining itself more closely about the human heart. That something, is the principle of "Liberty to all"—the principle that clears the *path* for all—gives *hope* to all—and, by consequence, *enterprize*, and *industry* to all.
- The *expression* of that principle, in our Declaration of Independence, was most happy, and fortunate. *Without* this, as well as *with* it, we could have declared our independence of Great Britain; but *without* it, we could not, I think, have secured our free government, and consequent prosperity. No oppressed, people will *fight*, and *endure*, as our fathers did, without the promise of something better, than a mere change of masters.
- The assertion of that *principle*, at *that time*, was *the word*, "*fitly spoken*" which has proved an "apple of gold" to us. The *Union*, and the *Constitution*, are the *picture* of *silver*, subsequently framed around it. The picture was made, not to *conceal*, or *destroy* the apple; but to *adorn*, and *preserve* it. The *picture* was made *for* the apple—*not* the apple for the picture.
- So let us act that neither *picture* or *apple* shall ever be blurred or

- The assertion of that *principle, at that time, was the word, "fitly spoken"* which has proved an "apple of gold" to us. The *Union, and the Constitution, are the picture of silver, subsequently framed around it. The picture was made, not to conceal, or destroy the apple; but to adorn, and preserve it. The picture was made for the apple—not the apple for the picture.*

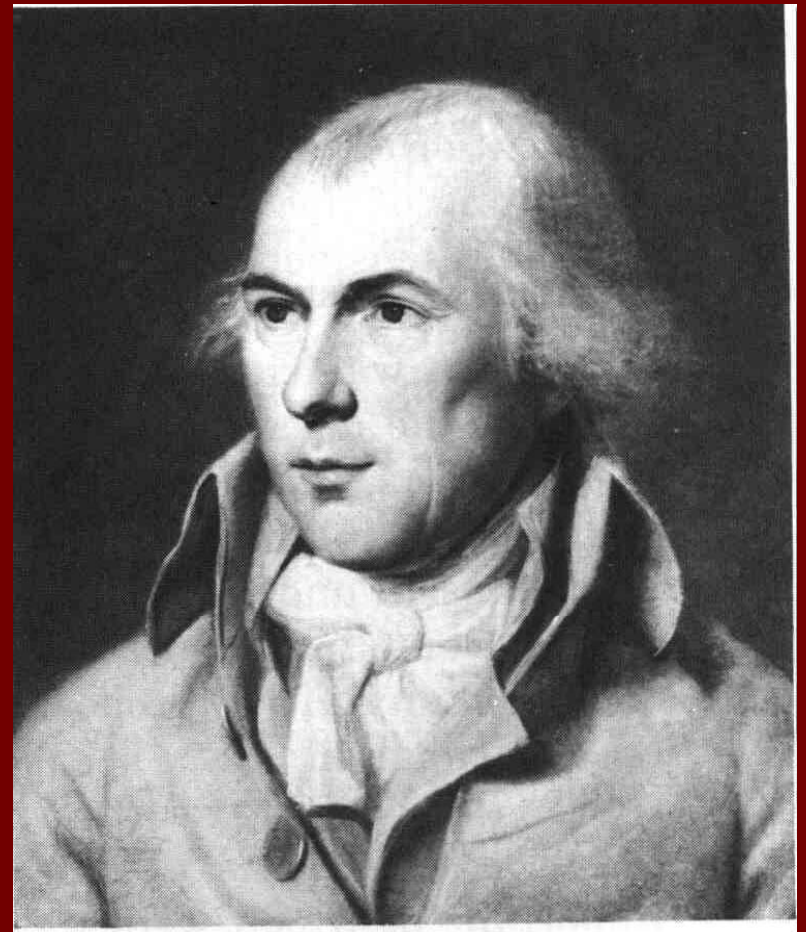


# The Articles of Confederation

- <http://home.earthlink.net/~gfeldmeth/chart.art.html>
- How do the Articles of Confederation differ institutionally from the US Constitution?
- What fundamental principles animating the conception of government under the Articles of Confederation?

# Madison on the Vices of the Political System of the United States (commentary on Articles of Confederation)

- Madison's study of Republics and Federal Systems
- Role in the Constitutional Convention of 1787
- Study of the defects of the Confederacy
- Organization of his treatment



# Vices of the American Political System

- Important Questions to consider
  - WHY IS THIS A SIGNIFICANT PROBLEM FOR THE STATES
  - REASONS FOR THIS FAILURE IN THE STRUCTURE OF THE ARTICLES
  - LESSONS ABOUT CONSTITUTION MAKING
- Division of Treatment
  - First Part (Headings 1-8)
    - External Relations
  - Second Part (Headings 9-12)
    - Internal or Domestic Issues

# External Relations

- 1. Failure of the states to comply with the constitutional requisitions.
- 2. Encroachments by the States on the federal authority
- 3. Violations of the law of nations and of treaties

# External Relations

- 4. Trespasses of the States on the rights of each other
- 5. Want of concert in matters where common interest requires it.
- 6. Want of guaranty to the States of their constitutions & laws against internal violence.
- 7. Want of sanction to the laws, and of coercion in the government of the confederacy
- 8. Want of ratification by the people of the articles of Confederation

# Internal Problems

- 9. Multiplicity of laws in the several States
- 10. Mutability of the laws of the States
- 11. Injustice of the laws of the States.
  - 2 causes
    - 1) Representatives
    - 2) The People
  -

# The Virginia Plan (James Madison)

- A bicameral legislature (two houses)
- Both house's membership determined proportionately
- The lower house was elected by the people
- The upper house was elected by the lower house
- The legislature was very powerful
- An executive was planned, but would exist to ensure the will of the legislature was carried out, and so was chosen by the legislature
- Formation of a judiciary, with life-terms of service
- The executive and some of the national judiciary would have the power to veto legislation, subject to override
- National veto power over any state legislation

# The New Jersey Plan (William Patterson)

- The current Congress was maintained, but granted new powers - for example, the Congress could set taxes and force their collection
- An executive, elected by Congress, was created - the Plan allowed for a multi-person executive
- The executives served a single term and were subject to recall based on the request of state governors
- A judiciary appointed by the executives, with life-terms of service
- Laws set by the Congress took precedence over state law