

The 1787 Constitution

Background

After the American colonies declared their independence they adopted a constitution. It was called the Articles of Confederation. The federal government it established was not very powerful. In 1787, delegates from 12 states met to discuss changing the Articles to make the federal government stronger. When their meeting ended, they had written an entirely new constitution. If the new "Constitution" was ratified by 9 states, it would replace the Articles. Some supporters of the new Constitution wrote editorials under the name "Publius," while opponents often wrote editorials under the name "Brutus."

Ratify the New Constitution By "Publius"

We are at the dawn of a new era in the history of our nation. If we approve the new Constitution, our federal government will be strong enough to preserve our freedom, promote our trade and protect our property.

The Articles of Confederation does not give the federal government enough power. For example, it requires the federal government to raise money by asking the states for it. Consequently the federal government has no money. Foreign nations know this, so they do not take us seriously. The British refuse to abandon forts on our land. The Spanish refuse to let us navigate the Mississippi River. The new Constitution is better because it gives the federal government the power to tax.

Under the Articles, the states can regulate trade. Many states tax each other's products. This makes America seem like 13 separate nations. The free flow of goods from one state to another is necessary for America to prosper. The new Constitution fixes this by forbidding states to tax imports and giving the federal government the sole power to regulate trade that crosses state lines.

Some suggest that the federal government will abuse these new powers to tax and regulate trade. But the Constitution has more checks on the

federal government's power than the Articles does. Under the Constitution, there are periodic elections of the legislature and the executive. In fact, the people themselves elect the President and the House of Representatives. Under the Articles, however, the people do not elect any members of the federal government.

In addition, the Constitution balances the powers of the legislative, judicial and executive branches. For example, the executive can veto the legislature's bills and the judiciary can interpret federal laws. Under the Articles, the legislative branch is all-powerful.

Some say the lack of a Bill of Rights in the Constitution is a weakness. But, it is not necessary. The Constitution lists the powers of the federal government, which means it does not have the power to do anything not on that list. Since the federal government is not granted the power to take away freedom of the press or trial by jury, then it is not allowed to do so.

But, the best feature of the new Constitution is how easily it can be changed. Those who oppose specific parts or think a Bill of Rights should be added should still support the Constitution. After it is ratified, they can offer amendments to fix what they consider weaknesses. We must ratify it now.

Reject the New Constitution By "Brutus"

The Articles of Confederation has its flaws. But, those who support this new Constitution are proposing a cure that is worse than the disease. The new Constitution would give the federal government too much power.

Consider the power to tax. Under the Articles, the federal government must ask state governments for money. It is true that this a flaw that should be fixed.

But the new Constitution gives the federal government the power to impose any taxes it wants on all individuals within all states. State governments know best which taxes are the most appropriate for their states. In some states that may be a property tax, while in others it may be a sales tax.

This flaw in the Articles could have been fixed by giving the federal government the power to tax, but only in those states that fail to give the federal government the money they are asked to give.

The power to regulate commerce is also too broad. I hope the federal government will use this power to eliminate obstacles to trade. But, there are no limits. What is to prevent the federal government from allowing special corporations to have monopolies or regulating all business activities in the name of regulating trade that

crosses state lines? This flaw could have been fixed by simply forbidding states to tax imports.

The Constitution also gives the executive branch too much power. The "President" is made commander of a standing army, with the power to command state militias. Such power is given to an individual who serves a term of not one, two, or even three years, but four years. Some future President will surely use this power to build a huge and expensive army and commit us to unjust and expensive foreign wars.

Finally, the lack of a Bill of Rights is a major flaw. The Articles of Confederation made it clear that all powers not given to the federal government were denied to it. This made a Bill of Rights unnecessary. However, the new Constitution does not clearly state that the federal government only has delegated powers.

If it is not clearly stated that the federal government cannot deny freedom of religion, the press, trial by jury, or conduct unreasonable searches or impose cruel and unusual punishment, then it will find a way to do so.

It is true that the Articles of Confederation must be changed, but the new Constitution is a more dangerous document. Another convention should be called to draft a better constitution.

Name _____ Date _____

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Worksheet**

1) According to Publius, what are two examples of foreign nations not taking the U.S. seriously?

2) According to Publius, what are two ways the Constitution places checks on the power of the federal government?

3) What example does Brutus describe that shows why state governments should be the only ones to set taxes?

4) What changes do you think Brutus would make to the position of President created by the Constitution?

5) Compare and contrast the views of Publius and Brutus on the fact that the federal government must ask states for money.

(Over please)

6) Compare and contrast the views of Publius and Brutus on the fact that state governments have created obstacles to trade. _____

7) Compare and contrast the views of Publius and Brutus on the need for a Bill of Rights in the new Constitution. _____

8) Who do you agree with and what is their most persuasive argument, example or statistic?

9) If you had to find a compromise between the two, what would it be and describe what each side would have to give up in your compromise?
