

## Setting the Stage - Forming a New Nation

The 13 states that independence brought together to form the United States of America had very different physical and human geographic features. Most of the Southern states were larger than most of the Northern states. However, as the map on the opposite page shows, a state's population often had little relation to its size. For example, the populations of tiny Rhode Island and the much larger Georgia were close to the same.

For the colonists, differences between the states' geographic features raised basic questions about what form the nation's government should take. Should a large state like Georgia have the same voice in government as a small state like Connecticut, which had a greater population? Should Connecticut have as much power as New York, which was larger and had more people, too? At first, the answer to both questions was yes. Under the nation's first constitution, called the Articles of Confederation, each state had one vote in Congress.

In time, however, some people began to question the fairness of this system. Yet, basing a state's political power on its population raised other questions. For example, should a state with both slaves and free people have as much power as a state with no slaves and the same total population? The populations of the Southern states contained a high percentage of slaves, as the maps on this page show. The maps also show that counting only free people would drop most of these states in the population rankings, compared to the Northern states.

Such geographic concerns arose in 1787, when representatives of 12 states met to write a new constitution for the United States. In this unit, you will learn how the delegates handled population-related disputes and other issues in framing the form of government we have today.



## Section 1 - Introduction

When the American war for independence ended, no one was happier than a serious Virginia Patriot named James Madison. And no one was more worried about the future of the United States. While serving in Congress during the war, Madison had tried and failed to get the states to work easily together. He doubted that things would improve now that the war was over.

After declaring independence in 1776, Congress had tried to unite the states under one national government. This proved to be a difficult task. Most members of Congress were nervous about creating a strong central government. They feared that such a government would trample the very rights they were fighting to preserve.

Their solution was a plan of government known as the Articles of Confederation. The Articles created “a firm league of friendship” in which “each state retains its sovereignty, freedom, and independence.” This “league of friendship” was a loose union in which the 13 states cooperated for common purposes. It was run by Congress, in which each state had one vote.

On paper, the Articles of Confederation gave Congress several important powers. It could declare war, raise an army and a navy, print money, and set up a postal system.

In reality, however, these powers were limited by the inability of Congress to impose taxes. Instead, Congress had to ask the states for funds to do anything. All too often, the states ignored Congress’s “humble requests.” The result, said Madison, was that the Articles were no more effective at binding the states into a nation than “a rope of sand.”

In this chapter, you will read about the new nation’s shaky start under the Articles of Confederation. You will also learn how Madison and other leaders met in 1787 to revise the Articles and ended up compromising to form “a more perfect Union.”



## Section 2 - Early Quarrels and Accomplishments

Even before the American Revolution was over, the states began quarreling among themselves. Many of their quarrels were about taxes on goods that crossed state borders. New York, for example, taxed firewood from Connecticut and cabbages from New Jersey. The states also disagreed over boundaries. The inability of Congress to end such disagreements was one of the key weaknesses of the **Articles of Confederation [Articles of Confederation: the first written plan of government for the United States. A confederation is an association of states that cooperate for a common purpose.]** .

**Developing Western Lands** Congress did get the states to agree on one important issue: how to develop the western lands acquired in the Treaty of Paris. At that time, there was no orderly way to divide up and sell these lands. Settlers walked into the wilderness and claimed the land they liked. Disputes over who owned what clogged the courts.

To end this confusion, Congress passed the Land Ordinance of 1785. Under this law, western lands were divided into six-mile squares called townships. Each township was then divided into 36 sections of 640 acres each. One section of each township was set aside to support the township’s public schools. The other sections were to be sold to settlers.



Surveyors proceeded to lay out townships in the Ohio Valley, then known as the **Northwest Territory [Northwest Territory: a region of the United States bounded by the Ohio and Mississippi rivers and the Great Lakes. The region was given to the United States by the Treaty of Paris in 1783.]** . By 1787, the government was ready to sell sections to settlers. This raised the question of how these areas should be governed. Were they to be U.S. colonies or new states?

**The Northwest Ordinance** Congress answered this question in the **Northwest Ordinance [Northwest Ordinance: a law passed by Congress in 1787 that specified how western lands would be governed]** of 1787. This law divided the Northwest Territory into smaller territories, each governed by a territorial governor. As soon as a

territory had 5,000 free adult males, it could elect its own legislature, or lawmaking body. When the population reached 60,000, a territory could apply to Congress to become a state.

The Northwest Ordinance included a list of rights that gave settlers the same privileges as other citizens, except for one. Slavery was banned in the Northwest Territory.

This system of settlement served the nation well. Over time, the United States would continue to establish territories as it spread to the shores of the Pacific Ocean and beyond.

### Section 3 - Shays's Rebellion and the Need for Change

Under the Articles of Confederation, the new nation had serious money problems. The paper money printed by Congress during the war was worthless. Congress had the power to make coins that would not lose their value. But it lacked gold or silver to mint into coins.

The states reacted to the money shortage by printing their own paper currency. Before long, bills of different sizes and colors were distributed from state to state. No one knew what any of these currencies was worth, but most agreed they were not worth much.

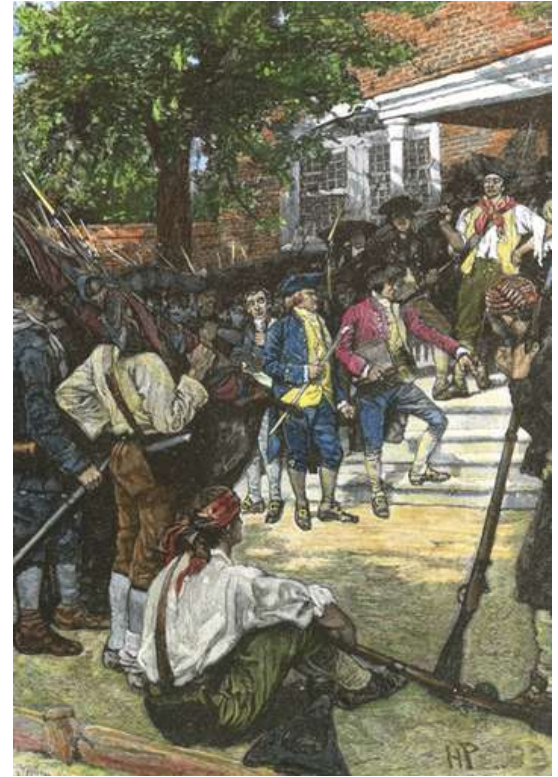
**Massachusetts Farmers Rebel** The money shortage was particularly hard on farmers who could not earn enough to pay their debts and taxes. In Massachusetts, judges ordered farmers to sell their land and livestock to pay off their debts. Led by Daniel Shays, a hero of the Battle of Bunker Hill, Massachusetts farmers rebelled.

In 1786, Shays and his followers closed down courthouses to keep judges from taking their farms. Then they marched on the national arsenal at Springfield to seize the weapons stored there. Having disbanded the Continental army, Congress was unable to stop them.

The Massachusetts government ended Shays's Rebellion in early 1787 by sending militia troops to Springfield to restore order. To many Americans, however, the uprising was a disturbing sign that the nation they had fought so hard to create was falling apart. "No respect is paid to the federal [national] authority," James Madison wrote to a friend. "It is not possible that a government can last long under these circumstances."

**A Call for a Convention** Shays's Rebellion shocked Congress into calling for a convention to consider "the situation of the United States." Each state was invited to send delegates to Philadelphia in May 1787 "for the sole and express purpose of revising the Articles of Confederation."

Madison was ready. For the past year, he had devoted himself to the study of governments, both ancient and modern. The lesson of the past was always the same. A nation that was made up of many groups needed a strong central government, or it would soon be torn apart by quarrels. The question was, would Americans heed this lesson?



### Section 4 - Opening the Constitutional Convention

Philadelphia was already hot and humid when delegates began drifting into the city. On May 25, 1787, the **Constitutional Convention [Constitutional Convention: a meeting held in Philadelphia in 1787 at which delegates from the states wrote U.S. Constitution]** met for the first time in the east room of the Pennsylvania State House (now known as Independence Hall). The Declaration of Independence had been debated in this very room just 11 years earlier. The delegates would meet in the east room summer. On some days, temperatures rose well into the nineties.

The delegates' first action was to elect George Washington president of the convention. No man was more admired and respected than the former commander in chief of the



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Continental army. When the war ended, Washington could have used his power and popularity to make himself a king. Instead, he went home to Virginia to resume his life as an ordinary citizen. But despite his reluctance to return to public life, Washington would play a key role by presiding over the convention and lending it his prestige.

**The Delegates** Fifty-five delegates from 12 states attended the Constitutional Convention. Rhode Island, which prided itself as “the home of the otherwise minded” and feared a strong national government, boycotted the meeting.

Some leaders of the revolution were missing. John Adams and Thomas Jefferson were representing the United States in Great Britain and France, respectively. Others who did not attend included Sam Adams, John Hancock, and Patrick Henry. They feared that a strong national government would endanger the rights of states.

As a group, the delegates were, in the words of a modern historian, “the well-bred, the well-fed, the well-read, and the well-wed.” Their average age was 42. At 81, Benjamin Franklin of Pennsylvania was the oldest. He arrived at the convention each day in a sedan chair carried by four good-natured prisoners from a nearby jail.

Most of the delegates brought extensive political experience to the meeting. More than two-thirds were lawyers. Most had served in their state legislatures or held a state office. Thomas Jefferson was so impressed by the ability and experience of these men that he called the convention “an assembly of demi-gods.”



**The Father of the Constitution** The best prepared of the delegates was James Madison of Virginia. One delegate wrote of Madison, “In the management of every great question he evidently took the lead in the Convention.” Indeed, Madison’s influence was so great that later he would be called the “Father of the Constitution.”

Madison addressed the convention numerous times. When he was not speaking, he took notes. Sitting near the front of the room so that he could hear everything that was said, Madison wrote down nearly every word. All together, his notes covered more than 600 printed pages. From this remarkable record, we know what went on inside the convention day by day.

**The Rule of Secrecy** At the time, however, no one outside the convention knew what was happening. After choosing a president, the delegates voted on rules for the convention. The most important of these was the rule of secrecy. The delegates wanted to feel free to speak their minds without causing alarm or opposition among the general public. They agreed to keep secret whatever was said in the meeting room until their work was done.

One day, Washington was handed some notes that had been dropped in the hall outside the east room. Washington pocketed the paper until the end of debate the next day. Then, in his sternest voice, he lectured the delegates on the importance of secrecy. “I know not whose paper it is,” Washington said as he flung the notes on his desk. “But there it is, let him who owns it take it.” The notes were never claimed. Instead, they lay on Washington’s desk for days.



Like Washington, the delegates took the rule of secrecy seriously. During that long summer, not a single word about the convention debates appeared in any newspaper.

**Shared Beliefs and Clashing Views** Once the convention was organized, the delegates got down to business. As a group, the delegates had much in common. But they also had very different views on many issues facing the new nation.

To be sure, all the delegates were **committed** [committed: to agree or pledge to support someone or something] to the ideals of the Declaration of

Independence. The basic purpose of government, they believed, was to protect the rights to “life, liberty, and the pursuit of

happiness.” And they agreed, in the words of the Declaration, that the “just powers” of governments came from “the consent of the governed.”

In part, these beliefs reflected the ideas of **Enlightenment [Enlightenment: the “Age of Reason” in 17th- and 18th-century Europe. Enlightenment thinkers emphasized using rational thought to discover truths about nature and society.]** thinkers like England’s John Locke. Human institutions, these **liberal [liberal: supporting ideas of freedom, change, and progress]** thinkers had argued, should be based on “laws of nature.” Among these laws were the rights to liberty and equality. The best way to protect these rights, the delegates agreed, was through some form of **republic [republic: a country governed by elected representatives]** .

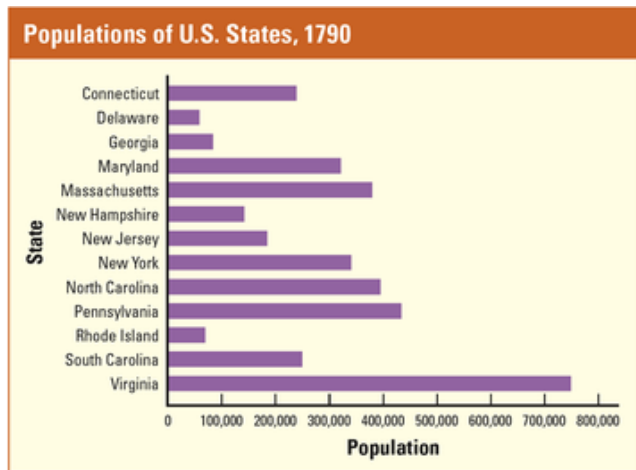
From New England’s town meetings to lawmaking bodies like the Virginia House of Burgesses, Americans had a long tradition of participating in their own government. After the American Revolution, all the states had adopted **constitutions [constitutions: a written plan that provides the basic framework of a government]** that embraced republican ideals. Despite many differences in details, every state had some form of representative government. States had also expanded the rights to vote and to hold office. The state constitutions helped to shape the delegates’ thinking.

Despite the delegates’ broad agreement on a government “of the people,” many questions were left unanswered. For example, who exactly should have a say in a truly “representative” government? Even in liberal Pennsylvania, only free, white males could vote. Some states allowed only wealthier citizens to vote or hold office. Women could not vote in any state except New Jersey. (New Jersey women would lose the right to vote in 1807.)

Perhaps the most troubling question of all was how powerful the national government should be. Many delegates wanted to keep government close to the people by preserving the rights of the states. They feared that a strong national government would threaten individual liberty. Others, including Madison, argued just the opposite. Look at what has happened under the Articles of Confederation, they said, referring to events like Shays’s Rebellion. If the central government is too weak, it cannot do its job of protecting liberty and property.

As they met behind closed doors, the delegates wrestled with these and other issues. Tempers often flared. Several times it seemed the convention might collapse in failure. But in the end the delegates found ways to save the convention—and the nation.

## Section 5 - Issue: How Should States Be Represented in the New Government?



When the convention began, most delegates believed that their task was to revise the Articles of Confederation. To their surprise, the Virginia delegation presented them with a completely new plan of government. After a lengthy debate, the delegates made a bold move. They agreed to throw out the Articles of Confederation and write a new constitution.

While the delegates—later known as the framers—agreed to design a new **framework [framework: a basic set of ideas used to develop a larger plan]** of government, they were divided on a key issue. Where should the government’s power to rule come from? From the states? Or from the people? Under the Articles of Confederation, the answer was the states. James Madison’s answer was that the government’s power should come directly from the people.

**The Virginia Plan** Drafted by James Madison and proposed by Edmund Randolph, the Virginia Plan called for a strong national government with three branches, or parts. A legislative branch would make laws. An executive branch would carry out, or execute, the laws. A judicial branch, or system of courts, would apply and interpret the laws.

Under the Virginia Plan, Congress was to be made up of two houses, the House of Representatives and the Senate. The number of lawmakers that a state could send to Congress depended on the state’s population. States with large populations would have more representatives than smaller states would have.

Delegates from Virginia, Pennsylvania, and other large states liked the Virginia Plan. Having the new government represent people, not states, would give them more representatives and more power in both houses of Congress.

**The New Jersey Plan** Not surprisingly, delegates from the small states disliked the Virginia Plan. Just as the convention was about to vote on it, William Paterson of New Jersey introduced a rival proposal.

Like the Virginia Plan, the New Jersey Plan called for a government with three branches. However, the legislative branch would have just one house, not two. Each state would have an equal vote in Congress, no matter how big or small. This plan, Paterson argued, would keep the small states from being “swallowed up” by their more populous neighbors.

## Section 6 - Resolution: The Great Compromise

The New Jersey Plan was warmly received by delegates from small states. The majority of delegates, however, saw William Paterson’s plan as offering little improvement over the Articles of Confederation and rejected it. But they could not agree on what should replace it.

**Tempers Rise** The debate over representation in Congress continued into July, with tempers rising day by day. To most delegates from large states, representation based on population seemed both logical and fair. “Can we forget for whom we are forming a Government?” asked James Wilson of Pennsylvania. “Is it for *men*, or for the imaginary beings called *States*?”

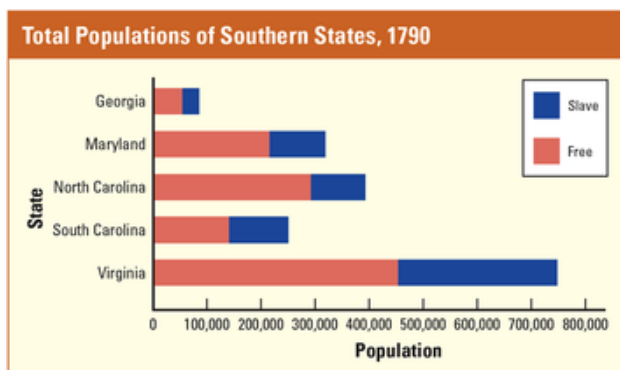
To Wilson, the answer was obvious. But his logic could not overcome the fears of small-state delegates. One hot Saturday afternoon, Gunning Bedford of Delaware tore into the delegates from large states. “They insist,” he said, “they will never hurt or injure the lesser states.” His reply to his own concern was straightforward. “*I do not, gentlemen, trust you!*” If the large states continued in their efforts to “crush the smaller states,” Bedford warned, “the small ones will find some foreign ally of more honor and good faith who will take them by the hand and do them justice.”



Rufus King of Massachusetts was shocked at this reference to foreign powers. He said that he was “grieved, that such a thought had entered his heart.” Still, every delegate knew that Great Britain, France, and Spain were just waiting for the United States to fall apart so they could pick up the pieces.

**A Compromise Is Reached** Finally, a compromise was proposed based on a plan put forward earlier by Roger Sherman of Connecticut. The compromise plan kept a two-house Congress. The first house, the House of Representatives, would represent the people. In this house, the number of representatives from each state would be based on the state’s population. The second house, the Senate, would represent the states. Each state would have two senators, to be elected by their state legislatures. The vote was very close, but the compromise plan was approved. This plan saved the convention and became known as the **Great Compromise [Great Compromise: the plan of government adopted at the Constitutional Convention that established a two-house Congress. In the House of Representatives, representation from each state is based on state population. In the Senate, each state is represented by two senators.]**

## Section 7 - Issue: How Should Slaves Be Counted?



The Great Compromise kept the framers working together. But having agreed to base representation in one house of Congress on state population, they faced a new and difficult question. As Gouverneur Morris of Pennsylvania put it, “Upon what principle shall slaves be computed in the representation?”

**People or Property?** By the time of the convention, nine-tenths of the slaves in the United States lived in the South. Like everyone else, southerners wanted as many representatives in the House as possible. They argued that slaves should be counted the same as any other people in determining representation.

Delegates from the North challenged this idea. Were slaves to be considered people with a right to be represented in Congress? Or were they property? “Blacks are property and are used to the southward as horses and cattle to the northward,” argued Elbridge Gerry of Massachusetts. Most northern delegates agreed. Slaves should be counted only as property that could be taxed like any other property. If slaves were to be counted as people in determining representation in Congress, said Morris, “then make them citizens and let them vote.”

**New Thinking on Slavery** This argument signaled a growing division among white Americans. The Declaration of Independence and the American Revolution forced many whites to reexamine their views on slavery. Some became active in trying to end what they now saw as a great evil. Benjamin Franklin, for example, became president of an antislavery society in 1787. In the North, this new thinking led one state after another to pass laws ending slavery.

Although many southerners were uneasy about slavery, they were not yet ready to abolish it. The South’s economy was still very dependent on the labor of enslaved African Americans. But some southern states did pass laws making it easier for owners to free their slaves.

### **Section 8 - Resolution: The Three-Fifths Compromise**

After a bitter debate, Madison proposed a compromise. Count each slave as three-fifths of a person, he suggested, when determining a state’s population for representation in the House of Representatives. The delegates approved this idea, which became known as the **Three- Fifths Compromise [Three- Fifths Compromise: an agreement made at the Constitutional Convention stating that enslaved persons would be counted as three-fifths of a person when determining a state’s population for representation in the House of Representatives]**, because it seemed the only way to keep the convention moving forward.

**Another Slavery Issue** A dispute over trade raised another issue about slavery. To help business in the North, northern delegates favored giving Congress broad power to control trade between the states and other countries. This proposal made southern delegates nervous. They worried that Congress might try to tax southern export crops such as rice and tobacco. Southerners also worried that Congress would use its power over trade to outlaw the slave trade—the importing of slaves from Africa.

Southerners had reason to be fearful. By 1787, several states had outlawed the slave trade within their boundaries. A majority of the convention’s delegates favored ending the slave trade completely

South Carolina and Georgia, however, objected that their economies would collapse without a constant supply of new slaves. Neither state would agree to any constitution that threatened to end the slave trade

**More Compromises on Slavery** Again, the delegates settled on a compromise. Congress would have the power to control trade, but with two limitations. First, Congress could not place any tax on exports to other countries. Second, Congress could not interfere with the slave trade for 20 years, or until 1808.

To satisfy southerners, the delegates also agreed to a provision known as the fugitive slave clause. This clause said that escaped slaves had to be returned to their owners, even if they were caught in a free state.

Without such compromises, the states might never have come together in a single union. Still, the compromises only postponed the day when Americans would have to resolve the terrible **contradiction [contradiction: a difference between two statements or situations that means they cannot both be true]** between slavery and the ideals of liberty and equality. Meanwhile, generations of African Americans would spend their lives in bondage.

### **Section 9 - Issue: How Should the Chief Executive Be Elected?**

Another major question facing the delegates concerned who would head the new government’s executive branch. Early in the convention, Charles Pinckney urged the creation of a “vigorous executive.” James Wilson followed with a proposal that a single person serve as the chief executive.

A sudden silence fell over the convention. A single executive? The very idea brought to mind unhappy memories of King George III.

Wilson broke the silence by explaining that good government depends on clear, timely, and responsible leadership. Such leadership, he said, is most likely to be found in a single person.

**One Executive or Three?** Edmund Randolph of Virginia disliked this proposal. He preferred a three-member executive drawn from different parts of the country. Three people, he argued, could lead the country better than one.

Benjamin Franklin opposed a single executive for different reasons. “The first man put at the helm will be a good one,” said Franklin, thinking of George Washington. “Nobody knows what sort may come afterwards.” The next chief executive, he warned, might be overly ambitious or too “fond of war.”

In spite of these objections, the framers agreed to a single executive, to be called the president. To keep this leader from becoming too kinglike, they limited the president’s term to four years. A vice president was also to be elected to fill that term if the president died in office.

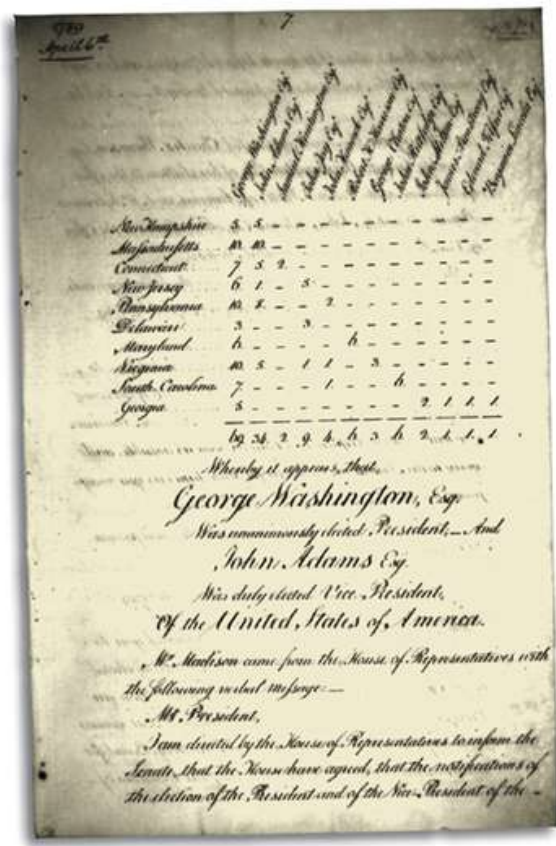
**Choosing the Chief Executive** Equally troubling was the issue of how to choose the chief executive. Some delegates wanted Congress to appoint the president. Gouverneur Morris objected. The president “must not be made the flunky of the Congress,” he argued. “It must not be able to say to him: ‘You owe your appointment to us.’”

Several delegates thought that the people should elect the president. Madison, however, argued that voters would naturally vote for someone from their own state. As a result, this method would not be fair to candidates from small states.

Still others suggested that the president be elected by a specially chosen group of “electors” from each state. Such a group, they felt, would be able to look beyond state interests to make a wise choice for the entire country.

**Section 10 - Resolution: The Electoral College**

After some 60 votes on the issue of how to elect the president, the framers reached another compromise. Neither Congress nor the people, they decided, should choose the president and vice president. Instead, a special body called the **Electoral College** [Electoral College: the group established by the Constitution to elect the president and vice president. Voters in each state choose their electors.] would elect the government’s leaders.



**The Electoral College System** The Electoral College is made up of electors who cast votes to elect the president and vice president every four years. Each state has as many electors in the Electoral College as the number of senators and representatives it sends to Congress. The votes cast by electors are called electoral votes.

The delegates left the method of choosing electors up to each state. Before 1820, state legislatures chose electors in most states. Today, the people choose their state’s electors when they vote in presidential elections. The electors then cast their ballots for president and vice president on a date chosen by Congress.

Originally, the electors voted for two candidates without saying which one they preferred for president or vice president. The candidate receiving the most votes became president. The runner-up became vice president. This system caused great confusion in the election of 1800 and was later changed.

**Political Parties and Elections** The Electoral College system seems very odd to most Americans today. In our age of instant communication, it is hard to appreciate the framers’ concern that voters would not know enough about candidates outside their own state to choose a president wisely.



The delegates could not have predicted how quickly communications would improve in the United States. Nor could they foresee the rise of national political parties. Within a few years of the convention, political parties were nominating candidates for president and educating voters in every state about those candidates.

The Electoral College system still affects presidential elections today. In most states, the candidate who gets the most votes—even if less than a majority—wins all of that state’s electoral votes. As a result, a candidate can win a majority in the Electoral College without necessarily winning a majority of the votes cast across the country. In the presidential election of 2000, George W. Bush won the presidency over Al Gore by getting the most Electoral College votes, even though Gore received more votes than Bush in the popular election.

## Section 11 - The Convention Ends

By the end of summer, the hard work of designing the Constitution was finished. But the new plan still had to be approved by the states.

**Approving the Constitution** The first question before the framers was how many states would have to **ratify [ratify: to formally approve a plan or an agreement. The process of approval is called ratification.]**, or approve, the Constitution before it could go into effect. Should ratification require approval by all 13 states? By a majority of 7 states? The framers compromised on 9 states.

The second question was who should ratify the Constitution—the people or the state legislatures? Ratification by state legislatures would be faster and easier. James Madison, however, argued strongly that the people were “the fountain of all power” and should decide. The majority of delegates agreed. After the delegates signed the Constitution, the document was later ratified at special conventions by delegates elected by the people in each state. However, ratification did not come without difficulty.



**Signing the Constitution** On September 17, 1787, the delegates declared the Constitution complete. As this last meeting began, Franklin shared his final thoughts, which would be printed in more than 50 newspapers.

“I confess that I do not entirely approve of this Constitution,” Franklin began. Then he pointed out that no convention could produce a perfect plan. “It therefore astonishes me,” Franklin continued, “to find this system approaching so near to perfection . . . and I think it will astonish our enemies.” Franklin added that he approved the final plan “because I expect no better, and because I am not sure that it is not the best.” He urged every member of the convention to “put his name to this instrument.”

Not everyone was won over by Franklin’s words. Thirteen delegates left the convention before it ended and so did not sign the Constitution.

Three other delegates—Edmund Randolph and George Mason, both of Virginia, and Elbridge Gerry of Massachusetts—also did not sign. Mason believed it gave too much power to the national government. Gerry refused to sign because he believed the new plan did not protect the rights of the people.

When the signing was over, Franklin confessed that he had often looked at the sun carved on the back of George Washington’s chair and wondered whether it was about to rise or set. “But now,” he said, “I have the happiness to know that it is a rising and not a setting sun.” A new day was dawning for the United States.

## Section 12 - The Constitution Goes to the States

Newspapers in every state printed the Constitution as soon as they could get it. What readers found was a plan that would create a “federal” system of government, in which a strong national government shared power with the states. Before long, the entire country was debating the same issues that had kept the convention in session for four long months.

**The Federalists** Supporters of the Constitution called themselves Federalists. The Federalists argued that the Constitution would create a national government that was strong enough to unite the quarreling states into a single republic.

James Madison, Alexander Hamilton, and John Jay led the Federalist campaign for ratification. In a series of newspaper essays, they recalled the weaknesses of the government under the Articles of Confederation. They showed how the Constitution would remedy those weaknesses by creating a stronger, more effective union of the states.



The Federalist leaders also addressed the fears of many Americans that a strong government would threaten their freedom or take away their rights. The powers given to the government, they pointed out, were strictly limited. In addition, those powers were divided among three branches so that no one branch could become too powerful. The influential articles written by Madison, Hamilton, and Jay were later collected and published as *The Federalist Papers [The Federalist Papers: a series of essays written by James Madison, Alexander Hamilton, and John Jay in support of the ratification of the Constitution by the states]*.

**The Anti-Federalists** Opponents of the Constitution were known as Anti-Federalists. They found much to dislike about the new plan. Congress, they feared, would burden the country with taxes. They claimed the president had power enough to rule like a king. The judicial branch, they said, would overpower state courts.

The Anti-Federalists also complained about what was missing from the plan. Their main complaint was that the plan listed the powers of the government but not the rights of the people. Most of all, the Anti-Federalists feared change. The idea of giving up any state power to form a stronger Union made them uneasy.

After listening to the arguments, Madison wrote that the question facing the nation was “whether the Union shall or shall not be continued. There is, in my opinion, no middle ground to be taken.”

## Summary

**In this chapter, you read about the Constitutional Convention, the historic meeting that replaced the Articles of Confederation with a new plan of government.**

**Early Quarrels and Accomplishments** Under the Articles of Confederation, Congress did not have the power to solve disagreements among states over such issues as taxes. Congress passed laws on how to settle the Northwest Territory.

**Shays's Rebellion** Shays's Rebellion showed that under the Articles of Confederation, the government was too weak to keep order.

**The Great Compromise** In 1787, delegates met at the Constitutional Convention and agreed to revise the Articles. The Great Compromise established how states were to be represented in the legislative branch of government.

**The Three-Fifths Compromise** The Three-Fifths Compromise settled the question of how slaves were to be counted in determining a state's population.

**The Electoral College** A third compromise created a single chief executive, to be chosen by the Electoral College.

**The Constitution** Delegates signed the Constitution in September 1787. They agreed that 9 of the 13 states had to ratify the Constitution before it could go into effect.

Create a flyer that might have been used to encourage people to support ratification of the Constitution. Your flyer must have

1. a catchy slogan.
2. three reasons why states should ratify the Constitution.
3. writing that uses correct spelling and grammar.

### Reading Further - James Madison and the Long, Hot Summer of 1787

**James Madison** is often called the “Father of the Constitution.” Although many people had a hand in shaping the Constitution, most scholars agree that Madison was the main driving force behind the document’s creation. It was a process that took more than 100 days of complex negotiation and compromise. Even so, it did not turn out quite as Madison had wanted.

In the first week of May 1787, James Madison stood alone in the East Room of the Pennsylvania State House. Within a few weeks, many of the nation’s political leaders would gather there. Although few of them knew it at the time, their task would be to create a new plan of government for the United States. Madison knew it, though, and he wanted to be ready.

Madison had thought long and hard about the great challenges facing the nation. Under the Articles of Confederation, the United States was floundering. Madison believed that a stronger national government was needed to keep the country on course. Other leaders also agreed on the need for reform. However, many of them had fears of a strong central government. Madison would have to work hard to change those ideas.

Madison had arrived early in Philadelphia to prepare for the convention. He had checked in to one of the city’s finest boarding houses, run by Mrs. Mary House. Soon most of his fellow delegates from Virginia would be there also. That would give them a chance to make plans before the convention began.

Unfortunately, it was not a fine time to be in Philadelphia. It had been a wet and rainy spring. Now, as summer neared, it was becoming increasingly hot and humid. To make matters worse, the city was plagued with dense clouds of black flies. Residents had to sleep with their windows closed or be tormented by swarms of buzzing, biting insects. Shutting their windows, however, meant they had to spend their nights sweltering in the heat.

Madison had bigger concerns, though. As he looked around the East Room of the State House, he imagined the events that would soon unfold there. The room was large, with a 20-foot-high ceiling and tall windows. But it would be crowded once all the delegates were seated. Madison decided to sit up front, where he could get a clear view of the proceedings. He planned to take notes and wanted to be able to see and hear everything that took place at the convention.

### Madison Leads the Way

Madison was 36 years old at the time of the convention. He was a small man, just five and a half feet tall, with pale skin and thinning hair. He typically dressed in black. He was shy and spoke in a soft voice that was often hard to hear. Nevertheless, he had great energy. He walked with a bounce in his step and could get by on just a few hours of sleep a night. Although he rarely showed personal warmth or charm, he was a brilliant conversationalist who knew how to win others to his side.

Madison was well prepared to play a leading role at the convention. He had spent several years as a member of Congress. He had studied the writings of great political thinkers and understood how political systems worked. He had also helped write the Virginia Constitution of 1776. This document established a state government with separation of powers and a



two-house legislature. It was an important model of democratic government. Madison would bring all this past experience to bear at the convention.

Over the next two weeks, the other delegates began to arrive. They were all wealthy, educated white men. Most were lawyers or large landowners. There were no workers or tradesmen. There were also no women, African Americans, or American Indians.

The delegates took rooms at various boarding houses and inns. One of these inns, the Indian Queen, was the largest in the city. Soon it would be filled with leaders from around the nation. Here they would gather to eat, drink, and swap stories. It was a center of social activity during the convention.

By mid-May, most of the Virginia delegation had arrived. This group included three major political figures: George Washington, George Mason, and Edmund Randolph. These men met with Madison late into the night. Together they came up with a plan for a new government, a set of 15 proposals now known as the Virginia Plan. This plan embodied Madison's ideas on the kind of government the nation needed.

### **The Convention Begins**

On May 14, the convention was due to begin, but many delegates had still not arrived. Travel was difficult in those days. The roads were bad and coaches often got stuck in the mud or broke an axle. A trip that normally took a week might take much longer because of problems on the road.

Finally, on May 25, the convention got underway. For the next four months, the delegates would gather in the East Room to debate the issues. To maintain secrecy, they agreed to bolt the doors and shut the windows. As the summer wore on, the heat increased. Many of the men wore wigs and wool suits, and with the doors and windows closed the room was stifling. In this hothouse atmosphere, arguments were often intense.



Through it all, Madison sat at his table near the front, scribbling away at his notes. In the evening, he took these notes back to his room and laboriously copied them out, word for word. It was an ordeal that “almost killed” him, he said. But he was determined to keep a complete and accurate record of the convention.

### **Debating the Virginia Plan**

From the start, the convention focused much of its attention on the Virginia Plan. On May 29, Edmund Randolph presented the various points of the plan. The next day, he summed up its main idea in a bold proposal: “that a national Government ought to be established consisting of a supreme Legislative, Executive & Judiciary.” Amazingly, Randolph's proposal was approved with little debate. Madison had achieved his first major goal without a struggle. The convention had agreed to form a new government. But winning support for the plan's details would prove much more difficult.



The toughest issues involved the national legislature. The delegates all agreed that Congress was a key part of government. But they disagreed on how the people and the states should be represented in Congress. Convention leaders like Madison knew that this dispute could derail the convention. So, they focused on what they thought would be a simpler issue—the executive branch. But this turned out to be a tough issue, too. Should there be one executive or three? How long should the executive serve? Should the executive be elected or appointed? For a week, the debate circled around and around these questions. Delegates would vote on a question, discuss it some more, and vote again.

## **Crafting a Final Document**

Frustrated by this seemingly endless debate, on June 9 the delegates decided to tackle the thorny problem of representation in the legislature. The month-long debate was so fierce that, at times, it looked like the convention would fall apart. But the delegates always pulled back from the brink. Finally, on July 16, they approved the Great Compromise, which set different forms of representation for the two houses of Congress. Depressed, Madison realized that he had lost his battle for a legislature based solely on representing the people rather than the states. But with the greatest battle behind them, the framers could work toward a final plan for the new government.

By late August, the delegates formed the Committee on Postponed Matters to take up the few issues that remained to be resolved. A few days later, the committee reported back with its findings. More debate followed. But by early September, a Committee on Style—consisting of Madison and four others—was formed to prepare a final draft to present to the full convention.

Ever mindful of the importance of this plan for the nation, the delegates made a few more changes. Finally, Gouverneur Morris of New Jersey handwrote the final document—4,300 words in all. “On the question to agree to the Constitution, as amended,” Madison recorded in his notes, “All the states, ay [yes].” And so at last, on September 17, 1787, most of the delegates signed the Constitution. It was ready to go to the states for ratification.

The exhausted delegates had finally completed their monumental task. The Constitution was not everything James Madison had hoped for. In his view, it left too much power in the hands of the states. But he had done what he could and was prepared to live with the outcome. Now he would turn to the fight for ratification and the task of creating a new government.

## **Preparing to Write: Taking Notes**

1. Whether for newspaper, television, radio, or the latest blog, reporters always want to capture “the big story.” Newspapers were important in 1787, too. News of the Constitution was announced in papers in all 13 states.
2. Suppose you were a newspaper reporter on September 17, 1787. The Constitution has just been signed. Your assignment is to write an article about the new Constitution and the convention that created it. In the article, you will describe the event and important issues that were discussed.
3. Reporters begin by making notes. Use what you have learned about the convention to complete this reporter’s notebook. Write down a question you would like to ask three of the delegates. Record what you think they would have replied.

## **Notes on the Constitutional Convention**

### **Writing a Newspaper Article**

1. Now, write your newspaper article. Your article should clearly report events and issues of the convention and have no spelling or grammar errors. The interviews should give accurate information and opinions. Be sure to give your article a headline, a byline (your name as the reporter), and a dateline (the location and date of the article—in this case, Philadelphia, September 17, 1787).

Use this rubric to evaluate your article. Make changes in your article if you need to.

<b>Score</b>	<b>Description</b>
3	The article clearly reports events and issues of the convention. The interviews give accurate information and opinions. There are no spelling or grammar errors.
2	The article reports events and issues of the convention. The interviews give some accurate information and opinions. There are few spelling or grammar errors.
1	The article does not report events and issues of the convention. The interviews do not give accurate information and opinions. There are many spelling or grammar errors.

## Enrichment Essay - Roots of American Democracy

Stop for a moment and notice the thoughts you have as you read the title of this essay. What ideas come to mind when you read the word *roots*? How about *American*? *Democracy*?

Whatever your thoughts are, they are uniquely your own. But most likely they grew out of something you've heard or read, or maybe seen on TV or in the movies. This is how most ideas grow. They start from something outside ourselves. Then we make them our own and sometimes improve on them.

The Americans who led the Revolution and created the Constitution were no different from you. Starting with other people's ideas, they created the government we live under today. The ideas they drew upon are the roots of American democratic thinking and institutions. Let's look at some of these roots.

### **Religious Tradition**

One important influence on early Americans was the Judeo-Christian religious tradition. Nearly all the leaders of the Revolution believed in God. Most were Christians whose ideas about human dignity and freedom owed much to the teachings of the Bible. (The Bible includes sacred writings of both Judaism and Christianity.) Many Americans saw human liberty not just in political terms, but as a right bestowed by God.

Leaders like Thomas Jefferson were also influenced by the European Enlightenment. The Enlightenment prized reason and observation as sources of truth. Many Enlightenment thinkers sought a "natural religion" that was based on observing the order and lawfulness of the universe. They thought of God as the architect of this orderly universe. In discovering universal laws such as gravity, they believed, scientists were revealing God's laws for the natural world. In a similar way, people could find the "natural law" that should govern society. For thinkers like England's John Locke, this natural law included basic rights that no human law or ruler should violate.

That is why the Declaration of Independence speaks of "the Laws of Nature and Nature's God." These words express Jefferson's belief that liberty and equality came from natural law—the law established by the God who created the world.

### **The English Parliamentary Tradition**

In their thinking about government, early Americans drew on the English parliamentary tradition. They knew it well because they had been English subjects.

As far back as Magna Carta (1215), the English had put limits on the king's ability to rule as he pleased. For important matters like taxation, the king needed approval from the leading citizens of his realm.

Over time, the English established Parliament as the body that represented the king's subjects. Parliament was divided into two houses. The House of Lords was made up of aristocrats who held their position for life. The House of Commons was made up of representatives elected by the people.

The framers of the Constitution adapted this tradition and made it more democratic. In place of a king who ruled for life, they put a president who had to run for reelection every four years. In place of Parliament, they created a Congress with two houses. The Senate was designed to be a small, thoughtful body, much like the House of Lords. Unlike English lords, however, senators had to run for reelection every six years. Even the House of Representatives was more democratic. In England, the House of Commons could go seven years without elections. In the United States, every member of the House of Representatives faced election every two years.

### **Classical Liberal Principles**

Another aspect of the Enlightenment was a school of thought called *classical liberalism*. The most basic principle of classical liberalism was that human beings could be trusted to decide what was best for themselves. The more freedom people enjoyed, the better off society would be. Government should therefore serve the people's needs instead of the other way around.

These ideas had been argued forcefully by John Locke. His *Second Treatise on Government* was published in 1690, just as English parliamentary tradition was taking its modern form. Locke's book spoke of each man's right to "life, liberty, and

estate [property].” Do these words sound familiar? Thomas Jefferson changed them to “life, liberty, and the pursuit of happiness” for the Declaration of Independence.

For Locke, property ownership was central to classical liberalism. (And no wonder. He was a wealthy man, with investments in the silk and slave trades.) This aspect of classical liberalism got a big boost from another English thinker, Adam Smith. His book *The Wealth of Nations* came out the same year as the Declaration of Independence. Smith argued that the best way for a nation to become wealthy was to let people conduct their business as they pleased, free from government interference. This was another argument for the liberty urged by classical liberalism.

### **Civic Republicanism**

Classical liberalism’s optimistic belief in liberty had a weakness. Sometimes people exercise their rights in ways that harm others. What if your next-door neighbor plays loud music at three o’clock in the morning, waking up everyone in your home? Should your neighbor be free to do as he pleases? To keep people from using their freedom in selfish ways, early American leaders relied on the idea of civic republicanism.

Civic republicanism went all the way back to the ancient Greeks, nearly 2,500 years ago. It called for citizens to do what was best for the republic (the whole society), not just for themselves. Civic republicans would actively participate in government. They would put unselfishness before greed, resist political corruption, and play referee when two or more elements of society competed for power. (Notice that this meaning of *republican* applies to everyone, not just members of today’s Republican Party.)

Many of the nation’s early leaders believed that civic republicanism depended on citizens receiving a good education. “Establish the law for educating the common people,” urged Thomas Jefferson. Today these words are inscribed in the Jefferson Memorial in Washington, D.C. Part of the reason you are asked to study American history is the hope that you, too, will be a civic republican.

Create an illustration with these features:

- 1) at the top of the screen, a large and strong tree, with the word America on its trunk
- 2) three roots beneath the tree with these three labels: English Parliamentary Traditions, Civic Republicanism, and Classical Liberal Principles
- 3) Then, write an explanation for each root that tells how each of these ideas has influenced life in the United States.

### **Enrichment Essay - The First State Constitutions**

Americans faced the task of creating new forms of government long before the U.S. Constitution was written. Almost as soon as the Revolution broke out, legislative assemblies in the former colonies began writing new constitutions. By the end of 1776, 10 states had completed the process. By 1780, every state had a written constitution.

These first state constitutions reflected Americans’ revolutionary thinking. They helped create the context in which the U.S. Constitution was written.

What were the new ideas in these documents? Here are some of the most important ones:

- *A constitution needs to be written down.* Unlike the British constitution, early state constitutions were written documents. Americans believed that putting constitutions in writing would make it harder for state governments to violate basic principles.
- *Power comes from the people.* The first state constitutions reflected republican ideals. A key ideal was that power comes from the people, not from the king or any other authority. For this reason, early state constitutions gave the most power to elected legislatures. In fact, they generally created very weak executives (such as a governor). This reflected Americans’ fear and resentment of the strong executives they had known under British rule.
- *Separation of powers.* State constitutions separated executive, legislative, and judicial powers. They forbade the governor, or any other executive officer, from serving in the legislature. They also tried to protect the courts from executive control.

• *“All men are created equal.”* This republican ideal was, of course, enshrined in the Declaration of Independence. State constitutions echoed this idea. For example, Pennsylvania declared, “All men are born equally free and independent.” In reality, however, the new states did not favor absolute equality. All states established property requirements for voting. Most state legislatures had an upper house that was made up mostly of the well-to-do. In some states, governors had to be quite wealthy. And only New Jersey allowed women to vote. (Women in this state lost the right to vote in 1807.) Still, the ideal of equality would be a powerful influence in the years to come.

• *Basic rights should be constitutionally protected.* Americans agreed early on that basic rights needed protection in the written constitution. Vermont and Massachusetts, for example, devoted part of their constitutions to “A Declaration of the Rights of the Inhabitants” of their states. Such efforts planted the seed of the Bill of Rights in the U.S. Constitution.

A few states even applied the ideas of equality and rights to slavery. The Vermont and New Hampshire constitutions abolished slavery. In Massachusetts, a court declared in 1783 that slavery could not be permitted under the state’s bill of rights. Delaware’s constitution forbade any new importation of slaves. Over time, other northern states passed antislavery laws.

These early constitutions were only a first attempt at self-government. In response to various events, states revised their fundamental laws. In the 1780s, for instance, Americans decided that they had gone too far in weakening the power of the executive branch. States changed their constitutions to make the executive stronger. They also moved toward having constitutional conventions instead of letting the legislatures write their constitutions. Still, the first state constitutions did establish principles that would continue to guide the American experiment in self-government.

- 1) What were state constitutions?
- 2) What were some of the key ideas in state constitutions?
- 3) How did these key ideas affect the U.S. Constitution?
- 4) Some New England states abolished slavery in their state constitutions. Why do you think states in the South did not do so? Why do you think the original U.S. Constitution did not abolish slavery?
- 5) In one sentence, why were state constitutions significant?