

The Constitution

Guide to Reading

Connection

In the previous section, you learned how the American colonists defeated the British in the Revolutionary War. In this section, you will discover how America's founders authored the United States Constitution.

Main Idea

- The states created constitutions that gave people more rights, but the national framework could not address all the problems of the new nation. (p. 125)
- American leaders created a new constitution based on compromise. (p. 126)
- The promise of a Bill of Rights guaranteed the ratification of the Constitution. (p. 129)

Content Vocabulary

republic, recession, popular sovereignty, federalism, separation of powers, checks and balances, veto, amendment, ratification

Academic Vocabulary

framework, interpret, revise

People and Terms to Identify

Articles of Confederation, Northwest Ordinance, Shays's Rebellion, Constitutional Convention, Great Compromise, Three-Fifths Compromise, Federalists, Antifederalists

Reading Objectives

- **Describe** features of the governments set up under the Articles of Confederation and the Constitution.
- **Identify** key steps and events leading up to ratification of the Constitution.

Reading Strategy

Categorizing As you read about the efforts to ratify the Constitution, complete a graphic organizer similar to the one below by listing the supporters and goals of the Federalists and Antifederalists.

	Federalists	Antifederalists
Source of Support		
Goals		

Preview of Events



The following are the main History–Social Science Standards covered in this section.

11.1 Students analyze the significant events surrounding the founding of the nation and its attempts to realize the philosophy of government described in the Declaration of Independence.

11.1.1 Describe the Enlightenment and the rise of democratic ideas as the context in which the nation was founded.

11.1.2 Analyze the ideological origins of the American Revolution, the Founding Fathers' philosophy of divinely bestowed unalienable natural rights, the debates on the drafting and ratification of the Constitution, and the addition of the Bill of Rights.

The Big Idea

A written contract between the people and their government can preserve natural rights and allow for change over time. States adopted individual constitutions that called for a government with powers divided among three different branches. Lawmakers stressed individual liberty and separation of church and state, but women and African Americans continued to be denied political rights. The states finally ratified the national Constitution after many compromises and the proposal of a Bill of Rights.

The Young Nation

Main Idea The states created constitutions that gave people more rights, but the national framework could not address all the problems of the new nation.

Reading Connection If you had lived in the colonies under British rule, what kind of government would you have created? Read on to learn how the American leaders at first created a weak central government.

The democratic spirit burned stronger than ever after the Revolution. Notions of equality and freedom, which had inspired the fight for independence, now took firmer root.

★ An American Story ★

In 1781 an enslaved Massachusetts man named Quock Walker took an extraordinary step: He took legal action against his slaveholder who had assaulted him. Given the times, this was a bold step, but Walker believed he had the law on his side. Massachusetts's new constitution referred to the "inherent liberty" of all men. The judge, William Cushing, agreed:

“Our Constitution [of Massachusetts] sets out with declaring that all men are born free and equal—and that every subject is entitled to liberty, and to have guarded by the laws, as well as life and property—and in short is totally repugnant to the idea of being born slaves. This being the case, I think the idea of slavery is inconsistent with our own conduct and Constitution.”

While the Quock Walker case did not abolish slavery, it demonstrated that the Massachusetts courts would not support the institution. As a result of this ruling and various antislavery efforts, slavery ceased to exist in Massachusetts.

—adapted from *Founding the Republic*



Wooden statue of an African American breaking his chain

The Walker case showed that republican ideas began to change American society.

New State Constitutions When American leaders created the United States of America, they made a deliberate choice to replace royal rule with a republic. In a **republic**, power resides with citizens who are entitled to vote, and elected leaders must govern according to laws or a constitution.

Before the war ended, each state had drawn up its own written constitution. Virginia's, written in 1776, and Massachusetts's, drafted in 1780, became models for other states to follow. Their constitutions called for a government with a separation of powers among the executive, legislative, and judicial branches. They set up bicameral, or two-house, legislatures, with a senate to represent people of property and an assembly to protect the rights of the common people. They also included a list of rights guaranteeing essential freedoms.

Other states varied in their constitutions. Perhaps most democratic was that of Pennsylvania. Rather than simply limiting the power of the governor, the Pennsylvania constitution eliminated the position entirely, along with the upper house. Instead, the state would be governed by a one-house legislature in which representatives would be elected annually.

The Revolution Changes Society

The concern for individual liberty led, among other things, to greater separation of church and state. For example, the Virginia Statute of Religious Freedom, passed in 1786, declared that Virginia no longer had an official church and that the state could not collect taxes to support churches.

Voting rights also expanded in the post-war years. Many states allowed any white male taxpayer to vote, whether or not he owned property. Property restrictions on running for office were also relaxed, and more people of modest means became eligible to serve in government.

Women and African Americans, however, continued to be denied political rights. At the same time, they made some advances. Women gained greater access to education and could more easily obtain

divorces. African Americans still faced discrimination, but opposition to slavery began to mount. Thousands of enslaved Africans achieved freedom during the Revolution in return for their military service. Several Northern states, such as Massachusetts, even took steps to end slavery entirely, albeit gradually. In the South enslaved labor remained the backbone of the economy, and little changed for African Americans.

A Weak National Government While the states wrote their individual constitutions, American leaders worked to plan a central government that could hold the new nation together. On March 2, 1781, the **framework** they created took effect. The **Articles of Confederation** loosely unified the states under a single governing body, the Confederation Congress. There were no separate branches of government, and Congress had only limited powers. After fighting to free themselves from Britain’s domineering rule, the states did not want to create a new government that might become tyrannical.

Some Weaknesses of the Articles of Confederation

Provision	Problem Created
Congress has no power to tax	Weak currency and growing debt Inability to pay army leads to threats of mutiny
Congress has no power to enforce treaties	Foreign countries angry when treaties are not honored; for example, Britain keeps troops on American soil
Every state, despite size, has one vote	Populous states not equally represented
Congress has no power to regulate commerce	Trade hindered by states imposing high tariffs on each other
Amendment requires unanimous vote of states	Difficult to adapt articles to changing needs

Chart Skills

- 1. Interpreting Charts** What was the problem with requiring a unanimous vote of the states to create changes in the Articles of Confederation?
- 2. Analyzing** Why did the states approve a government with so many weaknesses?

Under the Articles, each state had one vote in Congress. Congress could act only in certain arenas, however. It could negotiate with other nations, raise armies, and declare war, but it had no authority to regulate trade or impose taxes.

One of Congress’s achievements was the **Northwest Ordinance** of 1787, a plan for selling and then governing the new lands west of the Appalachian Mountains and north of the Ohio River. The ordinance spelled out how states would be created from the Northwest Territory. It also guaranteed residents certain rights, including freedom of religion and freedom from slavery.

Congress lacked the power to effectively handle other challenges. Trade problems arose because states did not have uniform trade policies and Congress had no authority to intervene. Foreign relations suffered because Congress could not compel the states to honor its agreements with other countries. The country sank into a severe **recession**, or economic slowdown, because without the power to tax, Congress could not raise enough money to pay its war debts or its expenses. It could not even stop the states from issuing their own currency, which sent the economy spinning further out of control.

Among those hardest hit by the recession were poor farmers. Their discontent turned violent in January 1787, when a bankrupt Massachusetts farmer named Daniel Shays led some 1,200 followers in a protest of new taxes. **Shays’s Rebellion** was put down by the state militia, but the incident raised fears about the direction in which the country was heading. As the weaknesses of the Confederation Congress became clear, people began to call for a stronger central government.

Reading Check Explaining In what ways was the Confederation Congress ineffective?

A New Constitution

Main Idea American leaders created a new constitution based on compromise.

Reading Connection Have you ever come up with new rules to a game because the old ones did not work? Read on to learn how the Constitution replaced the Articles of Confederation.

In May 1787, every state except Rhode Island sent delegates to Philadelphia “for the sole purpose of revising the Articles of Confederation.” Instead of

changing the Articles, though, the delegates quickly decided to abandon the Articles and write a brand-new framework of government. The meeting, attended by 55 of America's most distinguished leaders, is therefore known as the **Constitutional Convention**. The delegates chose George Washington as their presiding officer. Other notable delegates included Benjamin Franklin, Alexander Hamilton, and James Madison.

Debate and Compromise All the delegates supported a stronger national government with the power to levy taxes and make laws that would be binding upon the states. The delegates also accepted the idea of dividing the government into executive, legislative, and judicial branches.

On other points, the delegates found themselves split. One contentious question was whether each state should have an equal vote in Congress. Small states favored such a plan, but the larger states insisted that representation in Congress should be based on population. The convention appointed a special committee to find a compromise. Ben Franklin, one of the committee members, warned the delegates what would happen if they failed to agree:

“[You will] become a reproach and by-word down to future ages. And what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing governments by human wisdom, and leave it to chance, war, and conquest.”

—quoted in *American History*

The committee's solution was based on a suggestion by Roger Sherman from Connecticut. Congress would be divided into two houses. In one, the House of Representatives, the number of a state's representatives would depend on its population. In the other house, the Senate, each state would have equal representation. The eligible voters in each state would elect members to the House of Representatives, but the state legislatures would choose senators. This proposal came to be known as the **Great Compromise** or the Connecticut Compromise.

The Connecticut Compromise sparked a fresh controversy: whether to count enslaved people when determining how many representatives a state could elect to the House. The matter was settled by the **Three-Fifths Compromise**. Every five enslaved people in a state would count as three free persons for determining both representation and taxation.

“... to form a more perfect union . . .”

—Preamble to the Constitution



History Through Art

We the People The delegates at Philadelphia devised a new government that tried to balance national and state power. **What compromises were necessary to complete the Constitution?**



Picturing History

Historic Landmark The Philadelphia Statehouse, the site of the Constitutional Convention, was later renamed Independence Hall. **How did the Framers preserve the rights of the states?**



In another compromise, the delegates dealt with the power of Congress to regulate trade. Delegates agreed that the new Congress could not tax exports. They also agreed that it could not ban the slave trade until 1808 or impose high taxes on the import of enslaved persons.

A Framework for Limited Government With the major disputes behind them, the delegates now focused on the details of how the new government would operate. The new Constitution they crafted was based on the principle of **popular sovereignty** (SAH-vuhrn-tee), or rule by the people. Rather than a direct democracy, it created a representative system of government in which elected officials speak for the people.

To strengthen the central government but still preserve the rights of the states, the Constitution created a system known as **federalism**. Under federalism, power is divided between the federal, or national, government and the state governments.

The Constitution also provided for a **separation of powers** among the three branches of the federal government. The two houses of Congress made up the legislative branch of the government. They would make the laws. The executive branch, headed by a president, would implement and enforce the laws Congress passed. The president would perform other duties as well, such as serving as commander in chief of the armed forces. The judicial branch—a system of federal courts—would **interpret** federal laws and render judgment in cases

involving those laws. To keep the branches separate, no one serving in one branch could serve in either of the other branches at the same time.

Checks and Balances In addition to giving each of the three branches of government separate powers, the framers of the Constitution created a system of **checks and balances**—a means for each branch to monitor and limit the power of the other two.

For example, the president could check Congress by deciding to **veto**, or reject, a proposed law. The legislature would need a two-thirds vote in both houses to override a veto. The Senate also had the power to approve or reject presidential appointees to the executive branch and treaties the president negotiated. Congress also could impeach the president and other high-ranking officials in the executive or judicial branch; that is, the House could formally accuse such officials of misconduct. If the officials were convicted during trial in the Senate, they would be removed from office.

Members of the judicial branch of government could hear all cases arising under federal laws and the Constitution. The powers of the judiciary were counterbalanced by the other two branches. The president would nominate judges, including a chief justice of the Supreme Court, but the Senate had to confirm or reject such nominations. Once appointed, federal judges, including the chief justice, would serve for life to ensure their independence from both the executive and the legislative branches.

Amending the Constitution The delegates in Philadelphia recognized that the Constitution they wrote in the summer of 1787 might need to be **revised** over time. To allow this to happen, they created a clear system for making **amendments**, or



Student Web Activity Visit the *American Vision: Modern Times* Web site at tav.mt.glencoe.com and click on **Student Web Activities—Chapter 1** for an activity on the Constitution.

changes, to the Constitution. To prevent frivolous changes, however, they made the process difficult.

Amending the Constitution would require two steps: proposal and ratification. An amendment could be proposed by a vote of two-thirds of the members of both houses of Congress. Alternatively, two-thirds of the states could call a constitutional convention to propose new amendments. To become effective, the proposed amendment would then have to be ratified by three-fourths of the state legislatures or by conventions in three-fourths of the states.

 **Reading Check** **Summarizing** What compromises did the delegates agree on during the convention?

The Fight for Ratification

 **The promise of a Bill of Rights guaranteed the ratification of the Constitution.**

Reading Connection Have you ever had to convince a friend to agree to something? Read on to learn how the states agreed to ratify the Constitution.

On September 28, the Confederation Congress voted to submit the Constitution to the states. Each state would hold a convention to vote on it. To go into effect, the Constitution required the **ratification**, or approval, of 9 of the 13 states.

Delaware became the first state to ratify the Constitution, on December 7, 1787. Pennsylvania, New Jersey, Georgia, and Connecticut quickly followed suit. The most important battles still lay ahead. Arguments broke out among Americans debating whether the Constitution should be ratified.

Debating the Constitution In fact, debate over ratification began at once—in state legislatures, mass meetings, newspapers, and everyday conversations. Supporters of the Constitution called themselves **Federalists**. They chose the name to emphasize that the Constitution would create a federal system—one with power divided between a central government and state governments.

Many Federalists were large landowners who wanted the property protection that a strong central government could provide. Supporters also included merchants and artisans in large coastal cities and farmers who depended on trade. They all believed that an effective federal government that could impose taxes on foreign goods or regulate interstate trade consistently would help their businesses.

Opponents of the Constitution were called **Antifederalists**, although they were not truly against federalism. They accepted the need for a national government, but they were concerned about whether the federal or state governments would be supreme. Some Antifederalists also believed that the new Constitution needed a bill of rights.

Profiles IN HISTORY

James Madison 1751–1836

Although many individuals contributed to the framing of the United States Constitution, the master builder was James Madison. An avid reader, the 36-year-old Virginia planter spent the better part of the year preceding the Philadelphia Convention with his nose in books. Madison read volume after volume on governments throughout history. He scoured the records of ancient Greece and Rome and delved into the administrations of Italian city-states such as Florence and Venice. He even looked at the systems used by federal alliances like Switzerland and the Netherlands. “From a spirit of industry and application,” said one colleague, Madison was “the best-informed man on any point in debate.”

Bringing together his research and his experience in helping to draft Virginia’s constitution, Madison created the Virginia Plan. His proposal strongly influenced the final document.

Perhaps Madison’s greatest achievement was in defining the true source of political power. He argued that all power, at all levels of government, flowed ultimately from the people.

At the Constitutional Convention, Madison served his nation well. The ordeal, he later said, “almost killed” him. As one of the authors of *the Federalist*, he helped get the Constitution ratified. In the years to come, the nation would call on him again. In 1801 he became President Thomas Jefferson’s secretary of state. In 1808 he was elected the fourth president of the United States.



As the states prepared to vote on ratification, both sides knew the decision could go either way. Those in favor of the Constitution summarized their arguments in *The Federalist*—a collection of 85 essays written by James Madison, Alexander Hamilton, and John Jay. The essays were extremely influential. Even today, judges, lawyers, legislators, and historians rely upon *The Federalist* papers to help interpret the intention of the framers of the Constitution. 📖 (See page 990 for an excerpt from *Federalist Paper No. 10*.)

Ratification in Massachusetts In Massachusetts opponents of the proposed Constitution held a clear majority. They included Samuel Adams, who had

signed the Declaration of Independence but now strongly believed the Constitution endangered the independence of the states and failed to safeguard Americans' rights.

Federalists quickly promised to attach a bill of rights to the Constitution once it was ratified. They also agreed to support an amendment that would reserve for the states or the people all powers not specifically granted to the federal government. These Federalist promises and the support of artisans guaranteed Massachusetts's approval. In 1791 the promises led to the adoption of the first ten amendments to the Constitution, which came to be known as the Bill of Rights. The amendments guaranteed the

Different Viewpoints

Should the Majority Rule?

James Madison argued persuasively for the Constitution's ratification. In *The Federalist #10*, Madison explained that the Constitution would prevent the effects of *faction*—the self-seeking party spirit of a democracy. In contrast, Thomas Jefferson argued that the will of the majority would thwart the tyranny of oppressive government.

James Madison opposes majority rule:

"When a majority is included in a faction, the form of popular government . . . enables it to sacrifice to its ruling passion or interest both the public good and the rights of other citizens.

. . . [A] pure democracy . . . can admit of no cure for the mischiefs of faction [and has always] been found incompatible with personal security or the rights of property. . . .

A republic, by which I mean a government in which the scheme of representation takes place . . . promises the cure for which we are seeking. . . .

The effect of [a republic] is, on the one hand, to refine and enlarge the public views, by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country, and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations."



Thomas Jefferson defends majority rule:

"I own I am not a friend to a very energetic government. It is always oppressive. The late rebellion in Massachusetts has given more alarm than I think it should have done. Calculate that one rebellion in 13 states in the course of 11 years, is but one for each state in a century & a half. No country should be long without one.

. . . After all, it is my principle that the will of the Majority should always prevail. If they approve the proposed [Constitution] in all its parts, I shall concur in it cheerfully, in hopes that they will amend it whenever they shall find it works wrong. . . . Above all things I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty."



Learning From History

1. What were the "mischiefs" that Madison believed republican government could prevent?
2. **Historical Analysis** Was Jefferson correct in believing the voice of the common people would preserve liberty? Explain. **CA HRI**

freedoms of speech, press, and religion; protection from unreasonable searches and seizures; and the right to a trial by jury.

Maryland easily ratified the Constitution in April 1788, followed by South Carolina in May. On June 21, New Hampshire became the ninth state to ratify the Constitution. The Federalists had now reached the minimum number of states required to put the new Constitution into effect. Virginia and New York, however, still had not ratified. Together, Virginia and New York represented almost 30 percent of the nation's population. Without the support of these states, many feared the new government would not succeed.

Virginia and New York At the Virginia convention in June, George Washington and James Madison presented strong arguments for ratification. Patrick Henry, Richard Henry Lee, and other Antifederalists argued against it. Madison's promise to add a bill of rights won the day for the Federalists—but barely. The Virginia convention voted 89 in favor of the Constitution and 79 against.

In New York, two-thirds of the members elected to the state convention were Antifederalists. The Federalists, led by Alexander Hamilton and John Jay, managed to delay the final vote until news arrived that New Hampshire and Virginia had both voted to ratify the Constitution and that the new federal government was now in effect. If New York refused to ratify, it would have to operate independently of all of the surrounding states that had accepted

the Constitution. This argument convinced enough Antifederalists to change sides. The vote was very close, 30 to 27, but the Federalists won.

By July 1788, all the states except Rhode Island and North Carolina had ratified the Constitution. Because ratification by nine states was all that the Constitution required, the members of the Confederation Congress prepared to proceed without them. In mid-September 1788, they established a timetable for electing the new government. The new Congress would hold its first meeting on March 4, 1789.

The two states that had held out finally ratified the Constitution after the new government was in place. North Carolina waited until November 1789 after a bill of rights had actually been proposed. Rhode Island, still nervous about losing its independence, did not ratify the Constitution until May 1790.

The United States now had a new government, but no one knew if the Constitution would work any better than the Articles of Confederation. Many expressed great confidence, however, because George Washington had been chosen as the first president under the new Constitution.

 **Reading Check** **Examining** Why was it important for Virginia and New York to ratify the Constitution, even after the required nine states had done so?

SECTION 3 ASSESSMENT

Checking for Understanding

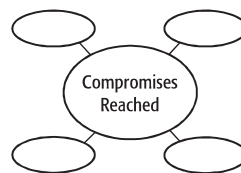
- Vocabulary** Define: republic, framework, recession, popular sovereignty, federalism, separation of powers, interpret, checks and balances, veto, revise, amendment, ratification
- People and Terms** Identify: Articles of Confederation, Northwest Ordinance, Shays's Rebellion, Constitutional Convention, Great Compromise, Three-Fifths Compromise, Federalists, Antifederalists.
- Explain** why the Antifederalists opposed the Constitution.

Reviewing Big Ideas

- Describing** How was the Constitution written as a flexible framework of government?

Critical Thinking

- Evaluating** Did the Articles of Confederation or the Constitution provide a better way to solve the problems facing the nation? Explain.
- Categorizing** Use a graphic organizer similar to the one below to list the compromises the Founders reached at the Constitutional Convention.



Analyzing Visuals

- Analyzing Paintings** Examine the painting of the Constitutional Convention on page 127. How does the tone of the painting compare with the text's description of differences and difficulties at the convention? What purpose do you think the artist had that might account for any difference?

Writing About History

- Persuasive Writing** Take on the role of a Federalist or an Antifederalist at a state ratifying convention. Write a speech in which you try to convince your audience to either accept or reject the new Constitution. **CA 11WS1.3**