Chapter 3
Creating a Constitution
1781–1789

SECTION 1 The Confederation
SECTION 2 A New Constitution
SECTION 3 Ratifying the Constitution

George Washington presides over the Constitutional Convention.

1781
- The Articles of Confederation are ratified by the states
- William Herschel discovers the planet Uranus using a telescope

1783
- Treaty of Paris ends Revolutionary War
- Latin American soldier and statesman Simón Bolívar is born

1784
- American ships begin trading with China at the port of Canton
MAKING CONNECTIONS

How Are Governments Created?

After the American Revolution, the new nation struggled to draw up a plan for government. Americans wanted to make sure the government did not have too much power. Eventually they came up with a way to balance federal and state powers and to divide federal power into three branches.

- Why do you think the United States scrapped its first constitution?
- Why did many Americans want a system of checks and balances?

### Chapter Overview

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Section 1
The Confederation

The Articles of Confederation became the first national constitution of the United States. Written during the Revolutionary War, the Articles of Confederation created a weak national government, which proved to be ineffective.

The Achievements of the Confederation Congress

MAIN Idea  The Articles of Confederation gave the national government few powers.

HISTORY AND YOU  Have you ever tried an experiment that failed? Read on to learn about the first national government of the United States.

Even before independence was declared, Patriot leaders at the Continental Congress realized that the colonies needed to be united under some type of central government. In November 1777 the Continental Congress adopted the Articles of Confederation and Perpetual Union—a plan for a loose union of the states under the authority of the Congress.

The Articles of Confederation

The Articles of Confederation established a very weak central government. The states had spent several years fighting for independence from Britain. They did not want to give up that independence to a new central government that might become tyrannical.

Under the Articles, once a year, each state would select a delegation to send to the capital city. This group, generally referred to as the Confederation Congress, was the entire government. There were no separate executive and judicial branches.

The Confederation Congress had the right to declare war, raise armies, and sign treaties. Although these powers were significant, the Congress was not given the power to impose taxes, and it was explicitly denied the power to regulate trade.

Western Policies

Lacking the power to tax or regulate trade, the Confederation depended on state constitutions to fund the government. Congress also raised money by selling the land it controlled west of the
To get people to buy the land and settle in the region, the Congress had to establish an orderly system for dividing and selling the land and governing the new settlements. The Land Ordinance of 1785 established a method for surveying the western lands. It arranged the land into townships, six miles square. Each township was divided into 36 one-mile-square sections. The income from section 16 was to be used to fund public schools.

Two years later, the Congress passed the Northwest Ordinance, which provided the basis for governing much of the western territory. The law created a new territory north of the Ohio River and east of the Mississippi, which could eventually be divided into three to five states. Initially the Congress would choose a governor, a secretary, and three judges for the territory. When 5,000 adult male citizens had settled in a territory, they could elect their own legislature. When the population of a territory reached 60,000, the territory could apply to become a state “on an equal footing with the original states.”

The Northwest Ordinance also guaranteed certain rights to people living in the territory. These included freedom of religion, property rights, and the right to trial by jury. The ordinance also stated that “there would be neither slavery nor involuntary servitude in the said territory.” The exclusion of slavery from the Northwest Territory meant that as the United States expanded in future years, it would be divided between Southern slave-holding states and Northern free states.
Success in Trade

In addition to organizing western settlement, the Confederation Congress tried to promote trade with other nations. After the Revolutionary War ended, the British government imposed sharp restrictions on American access to British colonies in the Caribbean. American ships could still carry goods to Britain, but only goods from their respective states. A ship from Massachusetts, for example, could not carry New York goods.

To solve these problems, representatives from the Congress negotiated trade treaties with other countries, including Holland, Prussia, and Sweden. A previous commercial treaty with France also permitted American merchants to sell goods to French colonies in the Caribbean. By 1790, the trade of the United States was greater than the trade of the American colonies before the Revolution.

Describing What were the provisions of the Northwest Ordinance of 1787?

The Congress Falters

MAIN Idea The first national government could not regulate trade, collect taxes, or enforce treaties, which led to calls for a stronger national government.

HISTORY AND YOU Is it better for government to be too strong or too weak? Read on to learn about problems facing the Confederation Congress.

The Confederation Congress’s commercial treaties and its system of settling the West were two of its major achievements. Other problems were not so easily solved.

Problems With Trade

During the boycotts of the 1760s and the Revolutionary War, American artisans and manufacturers had prospered by making goods that people had previously bought from the British. After the war ended, British merchants flooded the United States with inexpensive

How Did the Articles of Confederation Affect Foreign Policy?

Weakness
• No power to regulate commerce
• No power to compel states to obey international treaties signed by the Congress
• No military forces
• Cannot declare war without unanimous support of all states
• No power to tax
• No power to print or coin money

Problem Caused
• States impose trade restrictions and tariffs
• States restrict Britain’s ability to collect American debts; Congress cannot reach a financial settlement with Britain; Britain refuses to evacuate forts on American soil
• Spain denies Americans permission to deposit goods at mouth of Mississippi; Congress has no leverage with Spain

Analyzing VISUALS

1. Explaining Why did British exports to the American colonies drop so steeply after 1775?

2. Determining Cause and Effect What was the effect of the national government’s inability to regulate interstate trade under the Articles of Confederation?
British goods, driving many American artisans out of business.

British trade practices convinced many states to fight back by restricting British imports. Unfortunately, the states did not all impose the same duties, or taxes, on imported goods. The British would then take their goods to the states that had the lowest taxes or fewest restrictions. Once British goods were in the United States, they moved overland into the states that had tried to keep them out.

Because the Confederation Congress was not allowed to regulate commerce, the states began setting up customs posts on their borders to prevent the British from exploiting the different trade laws. They also levied taxes on each other’s goods to raise revenue. New York, for example, taxed firewood from Connecticut and cabbage from New Jersey. New Jersey retaliated by charging New York for a harbor lighthouse on the New Jersey side of the Hudson River. Each state was beginning to act as an independent country, and this behavior threatened the unity of the new United States.

**Problems With Diplomacy**

The Confederation Congress also had problems in other areas of foreign policy. The first problems surfaced immediately after the Treaty of Paris, which ended the Revolutionary War, was signed. Neither Britain nor the United States carried out the terms of the treaty, primarily because the Congress lacked the power to uphold its side of the treaty. Problems also arose with America’s ally Spain soon after the war ended.

**Problems With Britain** Before the war, many American merchants and planters had borrowed money from British lenders. In the peace treaty, the United States had agreed that the states should allow British creditors to recover their prewar debts by suing in American courts. The Congress had no power to compel the states to do this, however, and many states placed restrictions on Britain’s ability to collect its debts.

Even when the British were able to get the matter into court, they often found that American judges and juries sided with the American debtors. The United States had also agreed that the states should return the property that had been confiscated from Loyalists during the war. Again, the Congress could not compel the states to do this, further angering the British.

In retaliation, the British refused to evacuate American soil, as specified in the treaty. British forces continued to occupy a string of frontier posts south of the Great Lakes, inside American territory. The Congress had no way to resolve these problems. It did not have the power to impose taxes, so it could not raise the money to pay a financial settlement to Britain for the debts and Loyalist property. It also could not afford to raise an army to expel the British from American territory.

**Problems With Spain** American dealings with Spain also showed the weaknesses of the Confederation Congress. After the revolutionary war, Spain’s support for the United States came to an end. Instead, Spain began to regard the United States as a rival wanting to claim land in North America that Spain also claimed.

The first major dispute between Spain and the United States involved the border between Spanish territory and the state of Georgia. To pressure the United States into accepting the border where Spain wanted it to be, the Spanish withdrew permission for Americans to deposit their goods on Spanish territory at the mouth of the Mississippi River. This effectively closed the Mississippi River to frontier farmers, who used the river to ship their goods to market.

Unfortunately, the Confederation Congress had no leverage to pressure the Spanish to change their policy. The best American negotiators could do was to get Spain to agree to a trade treaty, in exchange for the United States withdrawing its demand for navigation rights on the Mississippi.

The proposed treaty enraged people in the Southern states. They believed the Northern states had given in on the issue simply to help Northern merchants increase their trade with Spain. Without Southern support, the treaty could not pass Congress and was withdrawn from consideration. The dispute over Georgia’s border and navigation on the Mississippi remained unresolved. Again, the limited powers of the Confederation Congress had prevented any diplomatic solution from being worked out.
In the midst of Shays’s Rebellion, George Washington wrote to James Madison agreeing that the rebellion showed the need to revise the Articles of Confederation:

“What stronger evidence can be given of the want of energy in our governments than these disorders? If there exists not a power to check them, what security has a man for life, liberty, or property? To you, I am sure I need not add aught on this subject, the consequences of a lax, or inefficient government, are too obvious to be dwelt on. Thirteen Sovereignties pulling against each other, and all tugging at the federal head will soon bring ruin on the whole; whereas a liberal, and energetic Constitution, well guarded and closely watched, to prevent incroachments, might restore us to that degree of respectability and consequence, to which we had a fair claim, and the brightest prospect of attaining.”

—from George Washington’s letter to James Madison, November 5, 1786

**The Economic Crisis**

While the Congress struggled with diplomatic issues, many other Americans were struggling financially. The end of the Revolutionary War and the decline of trade with Britain had plunged the United States into a severe economic recession.

Farmers were among those most affected by the recession. They were not earning as much money as they once did, and they had to keep borrowing to get their next crop in the ground. Many also had mortgages to pay. At the same time, the Revolutionary War had left both the Confederation Congress and many states in debt. To pay for the war, many states had issued bonds as a way to borrow money from wealthy merchants and planters. With the war over, the people holding those bonds wanted to redeem them for gold or silver.

To pay off their debts, the states could raise taxes, but farmers and other people in debt urged the state governments to issue paper money instead. They also wanted the states to make the paper money available to farmers through government loans on farm mortgages.

Since paper money would not be backed up by gold and silver, and people would not trust it, inflation—a decline in the value of money—began. Debtors would be able to pay their debts using paper money that steadily lost its value. This would let them pay off their debts more easily. Lenders, on the other hand, including many merchants and importers, strongly opposed paper money because they would not be receiving the true amount they were owed. Beginning in 1785, seven states began issuing paper money.

In Rhode Island, paper money eventually became so worthless that merchants refused to
accept it. After an angry mob rioted against the merchants, Rhode Island’s assembly passed a law forcing people to accept the paper money. Those who refused could be arrested and fined.

The violence in Rhode Island demonstrated two things to many American leaders. The Rhode Island assembly, influenced by the mob, had forced wealthy creditors to accept worthless money. This showed that unless a government was properly designed, the people could use the power of government to steal from the wealthy. The events also suggested that a strong central government was needed to take on the country’s debts and stabilize the currency.

**Shays’s Rebellion**

Property owners’ fears seemed justified when a rebellion, known as **Shays’s Rebellion**, erupted in Massachusetts in 1786. The conflict started when the government of Massachusetts decided to raise taxes instead of issuing paper money to pay off its debts. The taxes fell most heavily on farmers, particularly poor farmers in the western part of the state. As the recession grew worse, many found it impossible to pay their debts. Those who could not pay often faced the loss of their farms.

Angry at the legislature’s indifference to their plight, farmers in western Massachusetts rebelled in late August 1786. They closed down several county courthouses to prevent farm foreclosures and then marched to the state supreme court. At this point, Daniel Shays, a former captain in the Continental Army who was now a bankrupt farmer, emerged as one of the rebellion’s leaders.

In January 1787 Shays and about 1,200 farmers headed to a state arsenal intending to seize weapons before marching on Boston. In response, the governor sent a force under the command of General Benjamin Lincoln to defend the arsenal. Before Lincoln arrived, Shays attacked, and the militia defending the arsenal opened fire. Four farmers died in the fighting. The rest scattered. The next day Lincoln’s troops arrived and ended the rebellion. The fears the rebellion had raised, however, were harder to dispel.

People with greater income and social status tended to see the rebellion, as well as inflation and an unstable currency, as signs that the republic itself was at risk. They feared that as state legislatures became more democratic and responsive to poor people, they would weaken property rights and vote to take property from the wealthy. As General Henry Knox, a close aide to George Washington, concluded: “What is to afford our security against the violence of lawless men? Our government must be braced, changed, or altered to secure our lives and property.”

These concerns were an important reason that many people, including merchants, artisans, and creditors, began to argue for a stronger central government, and several members of the Confederation Congress called on the states to correct “such defects as may be discovered to exist” in the present government. The Confederation’s failure to deal with conditions that might lead to rebellion, as well as the problems with trade and diplomacy, only added fuel to their argument.

**Explaining** What caused Shays’s Rebellion?
In 1787 the delegates to the Constitutional Convention intended to revise the Articles of Confederation. Instead, they began drafting a constitution for a new national government. The delegates negotiated many difficult compromises before agreeing on the framework for the new federal system.

The Constitutional Convention

MAIN Idea The delegates to the convention tried to create a stronger national government that gave fair representation to big and small states.

HISTORY AND YOU Who do you think should be chosen to create a government? Should it be the smartest people or the richest, or should other criteria be used? Read to learn about the men who designed the Constitution.

The political and economic problems facing the United States in 1787 worried many American leaders. They believed that the new nation would not survive without a strong central government and that the Articles of Confederation had to be revised or replaced. People who supported a stronger central government became known as “nationalists.” Prominent nationalists included Benjamin Franklin, George Washington, John Adams, and the financier Robert Morris.

One of the most influential nationalists was James Madison, a member of the Virginia Assembly and head of its commerce committee. As head of the commerce committee, Madison was well aware of Virginia’s trade problems with the other American states and with Britain. He firmly believed that a stronger national government was needed.

In 1786 Madison convinced Virginia’s assembly to call a convention of all the states to discuss trade and taxation problems. Representatives from the states were to meet in Annapolis, Maryland, but when the convention began, delegates from only five states were present, too few to reach a final decision on the problems facing the states. The delegates did discuss the weakness of the Articles of Confederation and expressed interest in modifying them.

Another important nationalist, New York delegate Alexander Hamilton, recommended that the Congress itself call for a convention. Members of the Congress were initially reluctant to call a convention, but news of Shays’s Rebellion changed many minds. In February 1787, Congress called for a convention of the states “for the sole purpose of revising the Articles of Confederation.”

Every state except Rhode Island sent delegates to what became known as the Constitutional Convention. In May 1787 the delegates
took their places in the Pennsylvania statehouse in Philadelphia. They knew they faced a daunting task: to balance the rights of the states with the need for a stronger national government.

The Framers

The 55 delegates who attended the convention in Philadelphia included some of the shrewdest and most distinguished leaders in the United States. The majority were attorneys, and most of the others were planters and merchants. Most had experience in colonial, state, or national government. Seven had served as state governors. Thirty-nine had been members of the Confederation Congress. Eight had signed the Declaration of Independence. In the words of Thomas Jefferson, who was unable to attend the convention because he was serving as American minister to France, the convention in Philadelphia was no less than “an assembly of demigods.”

The delegates chose George Washington of Virginia, hero of the American Revolution, as presiding officer. Benjamin Franklin was a delegate from Pennsylvania. Now 81 years old, he tired easily and had other state delegates read his speeches for him. He provided assistance to many of his younger colleagues, and his experience and good humor helped smooth the debates.

Other notable delegates included New York’s Alexander Hamilton and Connecticut’s Roger Sherman. Virginia sent a well-prepared delegation, including the scholarly James Madison, who kept a record of the debates. Madison’s records provide the best source of information about what went on in the sessions. The meetings were closed to the public to help ensure honest and open discussion free from outside political pressures.
The Virginia Plan

The Virginia delegation arrived at the convention with a detailed plan—mostly the work of James Madison—for a new national government. A few days into the proceedings, the governor of Virginia, Edmund Randolph, introduced the plan. “A national government,” he declared, “ought to be established, consisting of a supreme Legislative, Executive, and Judiciary.” The Virginia Plan, as it came to be called, proposed scrapping the Articles of Confederation and creating a new national government with the power to make laws binding upon the states and to raise its own money through taxes.

The Virginia Plan proposed that the legislature be divided into two houses. The voters in each state would elect members of the first house. Members of the second house would be nominated by the state governments but actually elected by the first house. In both houses, the number of representatives for each state would reflect that state’s population. The Virginia Plan would benefit large states like Virginia, New York, and Massachusetts, which had more votes than the smaller states.

The Virginia Plan drew sharp reactions. The delegates accepted the idea of dividing the government into executive, legislative, and judicial branches, but the smaller states strongly opposed having representation based on population. They feared that larger states would outvote them. William Paterson, a New Jersey delegate, offered a counterproposal that came to be called the New Jersey Plan.

The New Jersey Plan did not abandon the Articles of Confederation. Instead it modified them to make the central government stronger. Under the plan, Congress would have a single house in which each state was equally represented, but it would also have the power to raise taxes and regulate trade.

The delegates had to choose one plan for further negotiation. After debating on June 19, the convention voted to proceed with the Virginia Plan. With this vote, the convention delegates decided to go beyond their original purpose of revising the Articles of Confederation. Instead, they began work on a new constitution for the United States.

A Union Built on Compromise

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

HISTORY AND YOU Have you ever had to compromise on something you felt strongly about? Read on to learn how slavery divided the delegates at the Constitutional Convention.

As the convention worked out the details of the new constitution, the delegates found themselves divided geographically. The small states demanded changes that would protect them from the voting power of the big states. At the same time, Northern and Southern states were divided over how to treat slavery in the new constitution. The only way to resolve the differences was through compromise.

The Connecticut Compromise

After the convention voted to proceed with the Virginia Plan, tempers flared as delegates from the small states insisted that each state had to have an equal vote in Congress. Angry delegates from the larger states threatened to walk out. By July 1787, the convention had reached a turning point. As a delegate from North Carolina warned, “If we do not concede on both sides, our business must soon end.”

The convention appointed a special committee to negotiate a compromise. Delegates who were strongly committed to one side or the other were left off the committee, leaving only those who were undecided or willing to change their minds. Benjamin Franklin chaired the proceedings.

The compromise the committee worked out was based on an idea proposed by Roger Sherman of Connecticut. Although sometimes called the Connecticut Compromise, it is also known as the Great Compromise. The committee proposed that in one house of Congress—the House of Representatives—the states would be represented according to the size of their populations. In the other house—the Senate—each state would have equal representation. Voters in each state would elect the House of Representatives, but the state legislatures would choose the senators.
Compromise Over Slavery

Franklin’s committee also proposed that each state could elect one member to the House of Representatives for every 40,000 people in the state. This caused a split between Northern and Southern delegates. Southern delegates wanted to count enslaved people when determining how many representatives they could elect. Northern delegates objected, pointing out that the enslaved could not vote. Northern delegates also suggested that if slaves were counted for representation, they should be counted for purposes of taxation as well. In the end, a solution, referred to as the Three-Fifths Compromise, was worked out. Every five enslaved people would count as three free people for determining both representation and taxes.

The dispute over how to count enslaved people was not the only issue dividing North and South. Southerners feared that a strong national government might impose taxes on the export of farm products or ban the import of enslaved Africans. The Southern delegates insisted that the new constitution forbid interference with the slave trade and limit Congress’s power to regulate trade. Northern delegates, on the other hand, knew that Northern merchants and artisans needed a government capable of controlling foreign imports into the United States.

Eventually, another compromise was worked out. The 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 importation of slaves. The Great Compromise and the compromises between Northern and Southern delegates ended most of the major disputes between the state delegations. This enabled the convention to focus on the details of how the new government would operate.

By mid-September, the delegates had completed their task. Although everyone had had to compromise, the 39 delegates who signed the new Constitution believed it was a vast improvement over the Articles of Confederation. On September 20, they sent it to the Confederation Congress for approval. Eight days later, the Congress voted to submit the Constitution to the states for approval. Nine of the thirteen states had to ratify the Constitution for it to take effect.

Describing

What was the Three-Fifths Compromise, and why was it necessary?
The Framers created a federal system that provided for a separation of powers along with checks and balances to keep any one branch of government from becoming too powerful.

HISTORY AND YOU Can you think of situations when dividing responsibilities makes it harder to get things done? Read to learn why the Framers created checks and balances.

The new constitution that the states were considering was based on the idea of popular sovereignty, or rule by the people. Rather than a direct democracy, it created a representative system of government in which elected officials represented the voice of the people. The new constitution also established a federal system. It divided government power between the federal, or national, government and the state governments.

The United States Constitution provides for a separation of powers among the three branches of the federal government. The two houses of Congress make up the legislative branch of the government. They make the laws. The executive branch, headed by a president, implements and enforces the laws passed by Congress. The judicial branch—a system of
federal courts—interprets federal laws and renders judgment in cases involving those laws. No one serving in one branch can serve in any other branch at the same time.

**Checks and Balances**

In addition to separating the powers of the government into three branches, the delegates to the convention created a system of checks and balances to prevent any one of the three branches from becoming too powerful. Within this system, each branch has some ability to limit the power of the other branches.

Under the Constitution, the president—as head of the executive branch—is given far-reaching powers. The president can propose legislation, appoint judges, put down rebellions, and veto, or reject, acts of Congress. The president is also the commander in chief of the armed forces. According to one delegate in Philadelphia, these powers might not have been so great “had not many of the members cast their eyes towards George Washington as president.”

Although the president can veto acts of Congress, the legislature can override a veto with a two-thirds vote in both houses. The Senate also has to approve or reject presidential appointments to the executive branch as well as any treaties. Furthermore, Congress can, if necessary, impeach, or formally accuse of misconduct, and then remove the president or other high officials.

Members of the judicial branch of government can hear all cases arising under federal law and the Constitution. The powers of the judiciary are balanced by the other two branches. The president can nominate members of the judiciary, but the Senate has to confirm or reject such nominations. Once appointed, however, federal judges serve for life, thus ensuring their independence from both the executive and the legislative branches.

**Amending the Constitution**

The delegates in Philadelphia recognized that the new constitution might need to be amended, or changed over time. To ensure this, they created a clear system for making amendments, or changes. To prevent the constitution from being changed constantly, they made the process difficult.

The amendment process had 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. The proposed amendment then had to be ratified by three-fourths of the state legislatures or by conventions in three-fourths of the states.

The success of the Philadelphia Convention in creating a government that reflected the country’s many different viewpoints was, in Washington’s words, “little short of a miracle.” The convention, John Adams declared, was “the single greatest effort of national deliberation that the world has ever seen.”

**Vocabulary**

1. **Explain** the significance of: James Madison, Great Compromise, Three-Fifths Compromise, popular sovereignty, federalism, separation of powers, checks and balances, veto, amendment.

**Main Ideas**

2. **Contrasting** How did the New Jersey Plan differ from the Virginia Plan?

3. **Explaining** How did the Great Compromise meet the needs of both large and small states?

4. **Identifying** What provision did the Framers make in the Constitution to limit the powers of each branch of the government?

**Critical Thinking**

5. **Big Ideas** How did the Constitution uphold the rights of the states while strengthening the national government?

6. **Organizing** Use a graphic organizer to list the compromises that the Framers reached in creating the new Constitution.

7. **Analyzing Visuals** Study the chart on page 108. What was significant about the fact that the federal government under the new Constitution could now levy taxes?

**Writing About History**

8. **Descriptive Writing** Imagine you are at the Constitutional Convention. Write a journal entry describing the arguments from each side as well as your own opinion on them.

**History ONLINE**

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Once the work of the Constitutional Convention was complete, the campaign for ratification began. Each state elected delegates to a convention to vote on the new framework of government. Nine of the thirteen states had to ratify it to put it into effect.

A Great Debate

**MAIN Idea** Federalists supported the Constitution, but Anti-Federalists thought it endangered states’ independence and gave the national government too much power.

**HISTORY AND YOU** Has a political advertisement ever changed your mind on an issue? Read on to learn about the tactics used by Federalists to promote their cause.

As soon as the Philadelphia Convention ended, delegates rushed home to begin the campaign for ratification. Each state would elect a convention to vote on the new constitution. Nine states had to vote for the Constitution to put it into effect. As Americans learned about the new Constitution, they began to argue over whether it should be ratified. The debate took place in state legislatures, in mass meetings, in the columns of newspapers, and in everyday conversations.

Federalists and Anti-Federalists

Supporters of the Constitution called themselves **Federalists.** The name was chosen with care. It emphasized that the Constitution would create a federal system. They believed that power should be divided between a central government and regional governments. They hoped the name would remind Americans who feared a central government that the states would retain many of their powers.

Supporters of the Federalists and the new Constitution included large landowners who wanted the property protection a strong central government could provide. Supporters also included merchants and artisans living in large coastal cities. The inability of the Confederation Congress to regulate trade had hit these citizens hard. They believed that an effective federal government that could impose taxes on foreign goods would help their businesses.

Many farmers who lived near the coast or along rivers that led to the coast also supported the Constitution, as did farmers who shipped goods across state borders. These farmers depended on trade for their livelihood and had been frustrated by the different tariffs and duties the states imposed. They wanted a strong central government that could regulate trade consistently.
Opponents of the Constitution were called **Anti-Federalists**, a misleading name, as they were not against federalism. They accepted the need for a national government. The real issue for them was whether the national government or the state governments would be supreme. Prominent Anti-Federalists included **John Hancock**, **Patrick Henry**, Richard Henry Lee of Virginia, and **George Clinton**, governor of New York. Two members of the Constitutional Convention, **Edmund Randolph** and **George Mason**, became Anti-Federalists because they believed the new Constitution should have included a bill of rights. **Sam Adams** agreed. He opposed the Constitution because he believed it endangered the independence of the states.

Many Anti-Federalists were western farmers living far from the coast. These people considered themselves self-sufficient and were suspicious of the wealthy and powerful. Many of them were also deeply in debt and suspected that the new Constitution was simply a way for wealthy creditors to get rid of paper money and foreclose on their farms. A farmer named **Amos Singletary** expressed views shared by many western farmers:

**PRIMARY SOURCE**

“These lawyers and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor, illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be managers of this Constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks. . . .”

*from Debates and Proceedings . . . of Massachusetts, 1788*
Although many influential leaders in the young nation opposed the newly drafted Constitution, several factors worked against the Anti-Federalists. First of all, their campaign was a negative one. The Federalists presented a definite program to meet the nation’s problems. Although the Anti-Federalists complained that the Constitution failed to protect basic rights, they had nothing to offer in its place.

The Federalists were also better organized than their opponents. Most of the nation’s newspapers supported them. The Federalists were able to present a very convincing case in their speeches, pamphlets, and debates in state conventions.

The Federalists’ arguments for ratification were summarized in *The Federalist*—a collection of 85 essays written by James Madison, Alexander Hamilton, and John Jay. Under the joint pen name of Publius, the three men published most of the essays in New York newspapers in late 1787 and early 1788 before collecting them in *The Federalist*. Federalist No. 1, the first essay in the series, tried to set the framework for the debate:

**PRIMARY SOURCE**

“After an unequivocal experience of the inefficacy of the subsisting Foederal [sic] Government, you are called upon to deliberate on a new Constitution for the United States of America. . . . It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.”

—from *The Independent Journal*, October 27, 1787

The essays explained how the new Constitution worked and why it was needed. The essays were very influential. Even today, judges, lawyers, legislators, and historians rely upon *The Federalist* to help them interpret the Constitution and understand what the original Framers intended.

**Reading Check**  
Summarizing Which groups of people in the United States tended to support the new Constitution?
Constitution, the most important battles still lay ahead.

**The Debate in Massachusetts**

In Massachusetts, opponents of the Constitution held a clear majority when the convention met in January 1788. Among the opponents were Massachusetts Governor John Hancock and Samuel Adams, both of whom had signed the Declaration of Independence. Adams refused to support the new Constitution unless Federalists could give him a guarantee “that the said Constitution be never construed to authorize Congress to infringe the just liberty of the press, or the rights of conscience; or to prevent the people of the United States ... from keeping their own arms; ... or to subject the people to unreasonable searches and seizures of their persons, papers or possessions.”

Federalists moved quickly to meet Adams’s objections to the Constitution. Specifically, Federalists promised to attach a bill of rights to the Constitution once it was ratified. Federalists also agreed to support an amendment that would reserve for the states all powers not specifically granted to the federal government.

These concessions, combined with most artisans siding with the Federalists, persuaded Adams to vote for ratification. John Hancock and his supporters were won over by hints from local Federalists that they would support him for president of the United States. In the final vote, 187 members of the convention voted in favor of the Constitution, while 168 voted against it.

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**YES**

**James Madison**
Delegate to the Constitutional Convention

**PRIMARY SOURCE**

“In a single republic ... usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people, is first divided between two distinct governments, and then the portion allotted to each, subdivided among the rights of the people. The different governments will controul each other; at the same time that each will be controuled [sic] by itself. ... In the extended republic of the United States, and among the great variety of interests, parties and sects which it embraces, a coalition of a majority of the whole society could seldom take place on any other principles than those of justice and the general good.”

—from Federalist #51

**NO**

**Patrick Henry**
Member of the Virginia Ratifying Convention

**PRIMARY SOURCE**

“This proposal of altering our federal government is of a most alarming nature: make the best of this new government—say it is composed by anything but inspiration—you ought to be extremely cautious, watchful, jealous of your liberty; for instead of securing your rights, you may lose them forever. ... My political curiosity ... leads me to ask, who authorized [the Framers] to speak the language of We, the People, instead of We, the States? States are the characteristics, and the soul of a confederation. If the states be not the agents of this compact, it must be one great consolidated national government, of the people of all the states.”

—from The Debates, Resolutions, and Other Proceedings, in Convention, on the Adoption of the Federal Constitution

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**DBQ Document-Based Questions**

1. **Summarizing** According to Madison, how is power to be divided under the Constitution?
2. **Explaining** According to Henry, why should people be cautious about the new national government?
3. **Identifying Points of View** How do Madison and Henry disagree over the role of the states in the federal republic?
Chapter 3
Creating a Constitution

The Debate in Virginia

By the end of June 1788, Maryland, South Carolina, and New Hampshire had ratified the Constitution. The Federalists had reached the minimum number of states required to put the new Constitution into effect, but Virginia and New York still had not ratified. Without the support of these two large states, many feared the new government would not succeed.

Patrick Henry, Richard Henry Lee, George Mason, and other Anti-Federalists argued strongly against ratification. George Mason raised an argument similar to the one Sam Adams had made in Massachusetts:

**PRIMARY SOURCE**

“... the state legislatures have no security for their powers now presumed to remain to them, or the people for their rights. There is no declaration of any kind, for preserving the liberty of the press, or the trial by jury in civil causes [sic]; nor against the danger of standing armies in time of peace.”

—George Mason, from “Objections to This Constitution of Government,” 1787

George Washington and James Madison presented the arguments for ratification to the Virginia convention. In the end, Madison’s promise to add a bill of rights won the day for the Federalists. Upon hearing the proposal for a bill of rights, Virginia Governor Edmund Randolph agreed to support the new Constitution. Randolph had attended the Constitutional Convention but had refused to sign the final document, worried that it lacked sufficient protections of the people’s rights. His decision to change sides convinced others to change their votes as well. The Virginia convention voted narrowly for the new Constitution, 89 in favor and 79 against.

**Ratifying the Constitution**

On July 26, 1788, New Yorkers celebrated the ratification of the Constitution.

**Analyzing VISUALS**

1. **Explaining** Why do you think a float in this parade was named for Hamilton?
2. **Specifying** Which is the last “pillar” shown being added to the federal “edifice”?
New York Votes to Ratify

In New York, two-thirds of the members elected to the state convention, including New York Governor George Clinton, were Anti-Federalists. During the debate over ratification, the Federalists, led by Alexander Hamilton and John Jay, repeatedly tried to assure the Anti-Federalists that the new federal government would pose no threat to liberty. Hamilton stressed that the new constitution had been specifically designed to limit the growth of tyranny:

**PRIMARY SOURCE**

“On whatever side we view this subject, we discover various and powerful checks to the encroachments of Congress. The true and permanent interests of the members are opposed to corruption. Their number is vastly too large for easy combination. The rivalship between the houses will forever prove an insuperable obstacle. The people have an obvious and powerful protection in their state governments. Should any thing dangerous be attempted, these bodies of perpetual observation will be capable of forming and conducting plans of regular opposition.”

—from "Speech Urging Ratification of the Constitution by New York State, 1788"

The Federalists managed to delay the final vote until news arrived that New Hampshire and Virginia had both ratified the Constitution and that the new federal government was now in effect. If New York refused to ratify, it would be in a very awkward position. It would have to operate independently of all of the surrounding states. Soon after, delegates from New York City warned that the city would secede from the state of New York and join the United States independently if the new Constitution was not ratified. These arguments convinced enough Anti-Federalists 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 new government could be launched without them. In mid-September 1788, the Confederation Congress established a timetable for the election of the new government. It chose March 4, 1789, as the date for the first meeting of the new Congress.

The two states that had held out finally ratified the Constitution after the new government was in place. North Carolina waited until a bill of rights had actually been proposed, then voted to ratify the Constitution in November 1789. Rhode Island, still nervous about losing its independence, did not ratify the Constitution until May 1790, and even then the vote was very close—34 to 32.

The United States now had a new government, but no one knew if the new Constitution would work any better than the Articles had. With both anticipation and nervousness, the American people waited for their new government to begin. Many expressed great confidence, because George Washington was the first president under the new Constitution.

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

Weaknesses
- No power to regulate commerce
- No power to compel states to obey international treaties signed by the Congress
- No military forces
- No power to tax
- No power to print or coin money

Effects
- States impose trade restrictions and tariffs on each other’s goods
- States restrict Britain’s ability to collect debts from Americans; Congress cannot reach a financial settlement with Britain; Britain refuses to evacuate forts on American soil
- Spain denies Americans permission to deposit goods at mouth of Mississippi; Congress has no leverage to force Spain to negotiate
- States issue money, inflation makes the currency worthless; debt problems lead to rebellion in Massachusetts and riots in Rhode Island

The Federal Constitution

Decisions at the Constitutional Convention
- New Jersey Plan to amend the Articles of Confederation is rejected
- Virginia Plan to create a federal Constitution is approved
- Connecticut Compromise (Great Compromise) gets both small and large states to support the constitution: Congress will have House of Representatives elected by the people and a Senate, whose members are chosen by the states, and each state has equal representation
- Three-Fifths Compromise gets Southern and Northern states to support the constitution: enslaved people will count as three-fifths of a free person for determining representation in Congress and taxes owed

Checks and Balances of the Federal Constitution
- Federal government has three branches: executive (headed by a president), legislative (Congress), and judicial
- President can veto laws but Congress can override a veto
- President commands the military; Congress votes all funds and taxes
- President selects his cabinet and nominates judges, but the Senate must approve the nominations
- Congress can impeach the president and judges and remove them from office
- To get the Constitution ratified, supporters also promised to add a bill of rights (Amendments 1–10) to further limit federal power
Reviewing Vocabulary

Directions: Choose the word or words that best complete the sentence.

1. Under the Articles of Confederation, each state could set a _______ on goods it imported.
   A recession  
   B duty  
   C stamp  
   D bounty

2. The U.S. Constitution was based on the concept of dividing governmental powers between the national and state governments, which was called
   A nationalism.  
   B mutualism.  
   C popular sovereignty.  
   D federalism.

3. The presidential power of the _______ checks and balances the power of Congress.
   A vote  
   B deletion  
   C veto  
   D correction

4. Many Anti-Federalist fears were laid to rest when the Federalists agreed to add a _______ to the Constitution.
   A preamble  
   B supreme court  
   C bill of rights  
   D compromise

Reviewing Main Ideas

Directions: Choose the best answer for each of the following questions.

Section 1 (pp. 98–103)

5. The Northwest Ordinance outlined the process for
   A ratifying the Constitution.  
   B achieving statehood.  
   C negotiating international treaties.  
   D extending slavery north of the Ohio River.

6. Shays’s Rebellion was viewed by many powerful people as
   A evidence that the Articles were working.  
   B a righteous fight of the oppressed.  
   C a sign that the national government was too weak.  
   D a major blow to democracy.

7. Under the Articles of Confederation, governmental power
   A was shared equally by the central government and the states.  
   B was balanced among the three branches of government.  
   C belonged to a strong chief executive leading a unified central government.  
   D rested much more with the states than with the central government.

Section 2 (pp. 104–109)

8. At the Constitutional Convention of 1787, the Great Compromise resolved the issue of
   A representation.  
   B taxation.  
   C slavery.  
   D control of trade.
9. Which of the following proposed a legislature that was divided into two houses?
   A  the Virginia Plan
   B  the New Jersey Plan
   C  the Three-Fifths Compromise
   D  the Missouri Plan

10. The Framers ensured that the Constitution could evolve over time by
   A  establishing a process for replacing it.
   B  establishing a bill of rights.
   C  establishing that the states could veto federal laws.
   D  establishing a process for amending it.

11. The Framers provided for a separation of powers in the federal government by
   A  establishing executive, legislative, and judicial branches.
   B  giving the president the power to command the army.
   C  making the Supreme Court the most important court in the nation.
   D  establishing a process of changing the Constitution.

Section 3 (pp. 110–115)

12. Most Anti-Federalists were against ratifying the Constitution because it
   A  had been written by Federalists.
   B  gave too much power to the states.
   C  did not protect civil liberties or states’ rights.
   D  gave more power to the Northern states than the Southern states.

13. The Federalist essays were published in 1787 and 1788 to help gain support for
   A  a bill of rights.
   B  the ratification of the Constitution.
   C  a weaker central government.
   D  the abolition of slavery.

Critical Thinking
Directions: Choose the best answers to the following questions.

14. Large landowners and merchants supported the Constitution because it
   A  allowed states to trade with foreign powers with fewer regulations.
   B  enabled the original states to settle lands in the West.
   C  gave the national government power to protect property and regulate trade.
   D  eased trade laws and lowered taxes on land and businesses.

Base your answer to question 15 on the map below and on your knowledge of Chapter 3.

15. Which state had the largest land claims in the West?
   A  Massachusetts
   B  North Carolina
   C  Georgia
   D  Virginia
16. Which of the following is an opinion about the Constitution?

A. By 1790, all states had ratified the Constitution.
B. A major concern in writing the Constitution was how many representatives each state would have.
C. Under the Constitution, the federal government could raise money to operate.
D. Because of the Constitution, the United States has the best government in the world.

17. To what does the cartoonist compare the states that have ratified the Constitution?

A. pillars supporting the nation
B. storm clouds of controversy
C. stepping stones to ratification
D. a woven basket of unity

18. Which two states were the last to ratify the Constitution?

A. Massachusetts and Virginia
B. New York and Delaware
C. Rhode Island and North Carolina
D. Virginia and Rhode Island

19. What defects in the Articles does Morse mention?

20. Why does Morse think that the Articles were effective during the American Revolution but not afterwards?

Extended Response

21. The Constitutional Convention met in 1787 to address weaknesses in the government under the Articles of Confederation. Soon the delegates agreed that the Articles had failed and that the Confederation should be replaced with a new form of government. In an essay, explain the three most important changes that the delegates made from the Articles to the Constitution. Explain the change in detail and why it was an improvement. Your essay should include an introduction, at least three paragraphs, and a conclusion.