



◀ Benjamin Franklin framed by the U.S. Constitution

## WITNESS HISTORY AUDIO

### A New Constitution

Delegates to the Constitutional Convention met in 1787 at Independence Hall in Philadelphia. After intense debate and compromise, they created a document that has endured for more than 200 years. Benjamin Franklin, a great patriot, diplomat, and philosopher, urged his fellow delegates to ratify the Constitution:

“I agree to this Constitution with all its faults . . . because I think a general government necessary for us, and there is no form of government but what may be a blessing to the people if well administered. . . . On the whole, sir, I can not help expressing a wish that every member of the convention who may still have objections to it, would, with me, . . . to make manifest our unanimity, put his name to this instrument.”

—Benjamin Franklin, Constitutional Convention, 1787

# The Constitution

## Objectives

- Identify the weaknesses of the Articles of Confederation.
- Describe the role compromise played in the creation of the Constitution and the struggle for its ratification.
- Define the principles expressed in the Constitution and Bill of Rights.

## Terms and People

bill of rights	federalism
Shays' Rebellion	separation of powers
James Madison	checks and balances
ratify	

## NoteTaking

### Reading Skill: Recognize Sequence

Complete a timeline that includes important dates that led to the formation of the U.S. government.

1781 Articles of Confederation

1780 1785 1790 1795

**Why It Matters** Dissatisfied with British rule, the American colonists rebelled and created the United States of America. The leaders of the new nation faced the task of creating a system of government. Their hard work resulted in the U.S. Constitution, an enduring document that has guided the nation for more than 200 years. **Section Focus Question:** What ideas and debates led to the Constitution and Bill of Rights?

## A Confederation of States

The colonists declared their independence from Britain in 1776 and won independence with their victory in the American Revolution in 1783. Now, they faced the daunting task of organizing a new government.

**States Establish Constitutional Governments** The former colonies became states in 1776, and each wrote a constitution that created republics, or governments in which officials are representatives elected by the people. Voters elected their state legislatures and their governors. Only white male property owners could vote, except in New Jersey where women had the right to vote until 1807. African Americans—whether free or enslaved—and Native Americans were not permitted to vote. Most state constitutions included a **bill of rights**, a list of freedoms guaranteed by the state government.



## The Northwest Territory

Congress passed land ordinances to organize the Northwest Territory. Settlers then rushed in to build homes. Eventually, the states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota were carved out of this vast territory.

### Vocabulary Builder

**constrain**—(kuhn STRAYN) *v.* to hold back; restrain

Many of them guaranteed freedom of religion, freedom of the press, and the right to trial by jury.

**The Articles of Confederation** In 1781, the 13 states adopted their first federal constitution. Under the Articles of Confederation, most power remained with the states. The Articles granted the federal government only certain limited powers. Congress had the power to declare and conduct war and could regulate trade with foreign countries and with Indian nations.

Under the Articles, each state set its own trade policy. Each state tried to protect its growing industry and agriculture from competition by taxing goods imported from other states. This practice discouraged trade among the states.


The national government had no say in interstate commerce and could not levy taxes. For money, Congress drew on contributions from the states, which were unreliable. Without a steady source of income, the federal government could not pay its immense war debt.

The government also suffered from structural weaknesses. There was no President. Each state, no matter how large or small, had a single vote in a unicameral, or one-house, Congress. On the major issues, including declaring war and making treaties, two thirds of the states (nine) had to approve. Amending the Articles was almost impossible, because all 13 states had to endorse any change.

**The Northwest Territory** Under the Articles, Congress had authority over the vast Northwest Territory, which lay north of the Ohio River and stretched west from Pennsylvania to the Mississippi River. In 1785 and 1787, Congress passed two laws to manage this land. The first, the Land Ordinance, created a system for surveying and selling the land to settlers. The second, the Northwest Ordinance, described how territories should be governed and how they could become full-fledged states. This law also banned slavery in the territory and provided for public education.

**Troubles Grow in the 1780s** Lacking an army, the weak Confederation could not defend American interests on the frontier. The Spanish in Louisiana tried to constrain western American settlements by closing the port of New Orleans. Along the Great Lakes, the British refused to abandon frontier forts on the American side of the boundary set by the terms of the peace treaty that ended the American Revolution.

During the mid-1780s, an economic depression reduced the prices paid to farmers for their produce. Unable to pay their debts, farmers faced losing their crops, livestock, and even their homes. In Massachusetts, matters worsened when the courts seized farms from farmers who did not pay taxes to the state or their loans. In rural Massachusetts in 1786, armed farmers led by Daniel Shays shut down the courts, blocking foreclosures. The state of Massachusetts sent troops to suppress this revolt, known as **Shays' Rebellion**. The rebellion highlighted the weaknesses of the federal government.

 **Checkpoint** What were the chief weaknesses of the Articles of Confederation?

# The Constitutional Convention

By 1787, many Americans agreed that the Articles of Confederation were flawed. To draft proposed amendments to the Articles, the states sent delegates to a special convention in Philadelphia, in May 1787. However, once delegates restructured the national government, the convention would be known as the Constitutional Convention.

Favored by the small states, the proposed New Jersey Plan would give Congress the power to regulate commerce and to tax, while keeping the basic structure of the Confederation. The plan retained a unicameral legislature representing the states as equals—no matter how large or small. The states remained sovereign except for those few powers specifically granted to the national government. Under the New Jersey Plan, the United States would stay a loose confederation of states, rather than become a unified nation.

**James Madison** of Virginia designed the Virginia Plan, which advocated a national union that was both strong and republican. He insisted that a large republic could be more stable than a small one, because in a large republic, the diverse interests would provide checks and balances to preserve the common good. In addition to securing the power to tax and to regulate commerce, this plan proposed major structural changes. The nation would have a bicameral legislature: a House of Representatives and a Senate. In both houses, the states with larger populations would have more members. The Virginia Plan also featured a President to command the armed forces and to manage foreign relations.

**The Great Compromise** The delegates worked throughout the hot Philadelphia summer to resolve their differences. Roger Sherman proposed what has come to be called the Great Compromise. It settled the differences between the Virginia and the New Jersey plans by creating a bicameral, or two-house legislature. In a concession to the smaller states, the Senate would equally represent every state by allowing just two senators per state. In keeping with the Virginia Plan, the House of Representatives, which represented population, granted more power to the larger states.

Another major compromise appeased the southern states. Their delegates feared domination by the northern states, which had a larger white population. To reassure the South, the delegates adopted the three-fifths clause. It counted each enslaved person as three fifths of a person, to be added to a state's free population, which boosted the number of the South's seats in Congress. The three-fifths clause, however, gave no rights to enslaved African Americans.

✓ **Checkpoint** What key compromises did delegates to the Constitutional Convention make?

## The Struggle Over Ratification

The Constitution was now written, but it was not yet the law of the land. Before it could go into effect, 9 of the 13 states had to **ratify**, or officially approve, it.

**Federalists Argue for Ratification** Supporters of the Constitution were called Federalists. They wanted the United States to have a strong central government. Three leading Federalists—James Madison, Alexander Hamilton, and John Jay—wrote a series

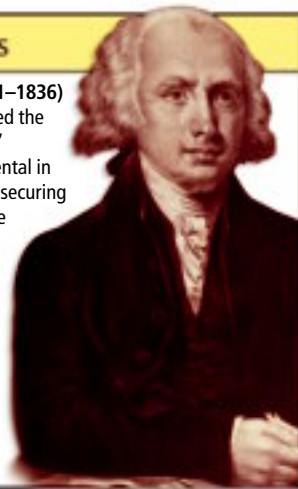
### Vocabulary Builder

**advocate**—(AD vuh kayt) *v.* to speak or write in support of; be in favor of

### HISTORY MAKERS

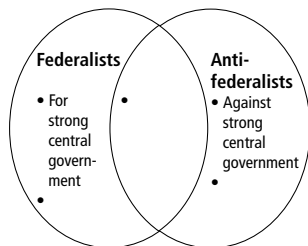
#### James Madison (1751–1836)

James Madison is aptly called the “Father of the Constitution” because he was so instrumental in creating that document and securing its ratification in Virginia. He agreed to add amendments that would guarantee basic freedoms, a promise he fulfilled by introducing the Bill of Rights when the House of Representatives first met. Later, Madison served as Secretary of State and was elected President for two terms.



## NoteTaking

**Reading Skill: Compare and Contrast** As you read, identify similarities and differences between the Federalists and the Antifederalists.




of letters to newspapers in support of the Constitution. These letters, collectively called *The Federalist Papers*, explained why they believed the Constitution was vital to the survival of the new nation. Today, the *Federalist* essays are recognized as perhaps the most sophisticated explanation of the new American political system ever written.

**Antifederalists Argue Against Ratification** Opponents of the proposed Constitution were the Antifederalists. They included some leading Americans, such as Patrick Henry and Samuel Adams. The Antifederalists objected to the Constitution because they thought it gave the national government far too much power at the expense of the states. They believed that the President had too much power, that Congress was too small and could not represent voters, and that a federal court system interfered with local courts.

**A Bill of Rights Leads to Ratification** One of the most powerful arguments of the Antifederalists was that the proposed Constitution lacked a bill of rights. To secure ratification, the Federalists promised to add a bill of rights once the new government convened.

In 1789, Congress approved the ten constitutional amendments that became the federal Bill of Rights. States ratified the amendments in 1791. The protected rights included freedom of speech, free exercise of religion, freedom of the press and of assembly, the right to bear arms as part of “a well-regulated militia,” and judicial protections against arbitrary arrests and trials.

 **Checkpoint** What were the main arguments for and against ratification of the Constitution?

## Decision Point

### Should the states ratify the Constitution?

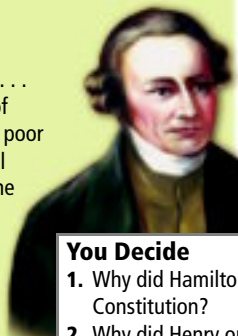
Delegates at the Constitutional Convention in 1787 debated the pros and cons of the new Constitution. In order for the Constitution to become law, at least 9 of the 13 states had to approve the document. Read the opinions below. Then, you decide.

#### Patrick Henry Opposes Ratifying the Constitution

##### Primary Source

“I review . . . the subject . . . and . . . the dangers . . . in this new plan of government, and compare . . . my poor abilities to secure our rights, it will take much more time to traverse the objectionable parts of it. . . . [T]he change is dangerous . . . and the experiment ought not be made. . . .”

—Patrick Henry, June 9, 1788

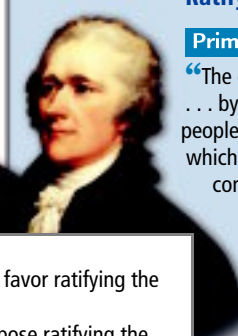


#### Alexander Hamilton Favors Ratifying the Constitution

##### Primary Source

“The establishment of a Constitution, . . . by the . . . consent of a whole people, is a prodigy, to the completion of which I look forward. . . . I dread . . . the consequences of new attempts, because I know that powerful individuals, . . . are enemies to a general national government in every possible shape.”

—Alexander Hamilton,  
*The Federalist Papers*



##### You Decide

1. Why did Hamilton favor ratifying the Constitution?
2. Why did Henry oppose ratifying the Constitution?
3. What decision would you have made? Why?

## Ideas Behind the Constitution



Principle	Definition
Popular sovereignty	People are the main source of the government's authority.
Limited government	The government has only the powers that the Constitution gives it.
Federalism	The federal government and the state governments share power.
Separation of powers	The government's power is divided among three branches: the legislative, the executive, and the judicial branch.
Checks and balances	Each branch of government has the power to limit the actions of the other two.
Representative government	Citizens elect representatives to government to make laws.
Individual rights	The Constitution protects citizens' individual rights, such as freedom of speech and freedom of religion.

## Principles of the Constitution

The new Constitution divided power between the states and the nation, a division of sovereignty known as **federalism**. The states could no longer issue their own paper money. These were delegated powers belonging only to the federal government. Certain reserved powers belonged to the states, including the power to regulate elections. The federal and state governments also held some overlapping concurrent powers, among them parallel court systems.

The Constitution also promoted a **separation of powers** within the federal government by defining distinct executive, legislative, and judicial branches. Each branch had **checks and balances** on the others to prevent the emergence of a single center of power. For example, although Congress enacts laws, the President may veto them—but Congress may over-

ride the veto by a two-thirds majority. The President nominates judges, but the Senate must approve them.

The founders knew that they could not anticipate future social, economic, or political events, and so they worded parts of the Constitution to permit flexibility. For example, the Constitution gave Congress the power “to make all laws which shall be necessary and proper” to carry out its powers. This clause of the Constitution has been stretched to provide constitutional underpinning for so many laws that it is sometimes called the elastic clause. The ability to amend the Constitution also provides flexibility as well. Since its ratification, the Constitution has been amended 27 times.

**Checkpoint** What major principles appear in the U.S. Constitution?

## SECTION

# 3 Assessment

## Progress Monitoring Online

For: Self-test with vocabulary practice

Web Code: nea-0108

### Comprehension

- 1. Terms and People** What do all of the terms and people listed below have in common? Explain.
  - bill of rights
  - Shays' Rebellion
  - James Madison
  - ratify
  - federalism
  - separation of powers
  - checks and balances

- 2. NoteTaking Reading Skill: Recognize Sequence** Use your timeline to answer the Section Focus Question: What ideas and debates led to the Constitution and Bill of Rights?

### Writing About History

- 3. Quick Write: Make a Cause-and-Effect Flowchart** As you prepare a cause-and-effect essay, you need to decide how to organize it. To do so, create a flowchart that shows the causes and effects of Shays' Rebellion. Do you want to write about the events in chronological order or by the importance of each event?

### Critical Thinking

- 4. Draw Inferences** Under the Articles of Confederation, the federal government had limited power. Why do you think that the states were reluctant to concede power to the federal government?

- 5. Identify Central Issues** Why did delegates to the Constitutional Convention create a new Constitution rather than revise the Articles of Confederation?
- 6. Recognize Ideologies** Does the following quotation express the views of a Federalist or an Antifederalist? Explain. “The entire separation of the States into thirteen unconnected sovereignties is a project too extravagant and too replete with danger to have many advocates.”