

# Confederation and the Constitution

## MAIN IDEA

American leaders created the Constitution as a blueprint of government for the United States.

## WHY IT MATTERS NOW

More than 200 years after its creation, the Constitution remains the nation's guiding document for a working government.

## Terms & Names

- republic
- Articles of Confederation
- Northwest Ordinance of 1787
- Shays's Rebellion
- James Madison
- federalism
- checks and balances
- ratification
- Federalists
- Antifederalists
- Bill of Rights

## One American's Story

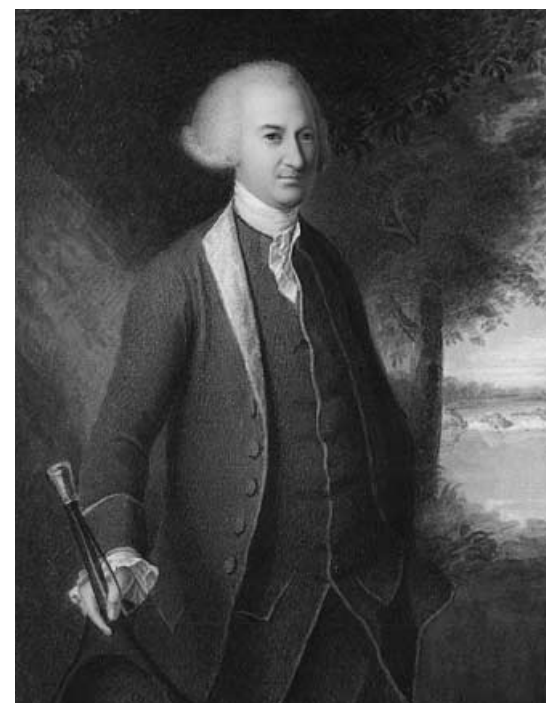
John Dickinson understood, perhaps better than other delegates to the Continental Congress, the value of compromise. In 1776 Dickinson hoped for reconciliation with Britain and refused to sign the Declaration of Independence. Yet, eight days after the Declaration was adopted, Dickinson presented Congress with the first draft of a plan for setting up a workable government for the new states.

### A PERSONAL VOICE JOHN DICKINSON

“Two rules I have laid down for myself throughout this contest . . . first, on all occasions where I am called upon, as a trustee for my countrymen, to deliberate on questions important to their happiness, disdaining all personal advantages to be derived from a suppression of my real sentiments . . . openly to avow [declare] them; and, secondly, . . . whenever the public resolutions are taken, to regard them though opposite to my opinion, as sacred . . . and to join in supporting them as earnestly as if my voice had been given for them.”

—quoted in *The Life and Times of John Dickinson, 1732–1808*

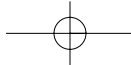
Dickinson's two rules became guiding principles for the leaders who faced the formidable task of forming a new nation.



John Dickinson

## Experimenting with Confederation

As citizens of a new and independent nation, Americans had to create their own political system. Fighting the Revolutionary War gave the states a common goal, but they remained reluctant to unite under a strong central government.



After the Revolution, many Americans favored a **republic**—a government in which citizens rule through their elected representatives. However, many also feared that a democracy—government directly by the people—placed power in the hands of the uneducated masses. These fears and concerns deeply affected the planning of the new government.

**THE ARTICLES OF CONFEDERATION** The Second Continental Congress set up a new plan of government in a set of laws called the **Articles of Confederation**. The plan established a form of government called a confederation, or alliance, among the thirteen states.

The Articles set up a Congress in which each state would have one vote regardless of population. Powers were divided between the states and the national government. The national government had the power to declare war, make peace, and sign treaties. It could borrow money, set standards for coins and for weights and measures, and establish a postal service. After approval by all thirteen states, the Articles of Confederation went into effect in March 1781.

One of the first issues the Confederation faced had to do with the the Northwest Territory, lands west of the Appalachians, where many people settled after the Revolutionary War. To help govern these lands, Congress passed the Land Ordinance of 1785, which established a plan for surveying the land. (See Geography Spotlight on page 72.) In the **Northwest Ordinance of 1787**, Congress provided a procedure for dividing the land into no fewer than three and no more than five states. The ordinance also set requirements for the admission of new states, which, however, overlooked Native American land claims. **A**

The Land Ordinance of 1785 and the Northwest Ordinance of 1787 became the Confederation's most significant achievements. Overshadowing such successes, however, were the Confederation's many problems. The most serious problem was that each state functioned independently by pursuing its own interests rather than considering those of the nation as a whole. The government had no means of raising money or enforcing its laws. Moreover, there was no national court system to settle legal disputes. The Articles of Confederation created a weak central government and little unity among the states.

**SHAYS'S REBELLION** The need for a stronger central government became obvious in 1786 when many farmers in western Massachusetts rose up in protest over increased state taxes. The farmers' discontent boiled over into mob action in January of 1787 when Daniel Shays, a fellow farmer, led an army of 1,200 farmers toward the arsenal at Springfield, Massachusetts. State officials hurriedly called out the militia to head off the army of farmers, killing four of the rebels and scattering the rest.

**Shays's Rebellion**, as the farmers' protest came to be called, caused panic and dismay throughout the nation. It was clearly time to talk about a stronger national government. Because the states had placed such severe limits on the government to prevent abuse of power, the government was unable to solve many of the nation's problems. News of the rebellion spread throughout the states. The revolt persuaded twelve states to send delegates to a convention called by Congress in Philadelphia in May of 1787. **B**

#### Weaknesses of the Articles of Confederation

- Congress could not enact and collect taxes.
- Each state had only one vote in Congress, regardless of population.
- Nine out of thirteen states needed to agree to pass any law.
- Articles could be amended only if all states approved.
- There was no executive branch to enforce laws of Congress.
- There was no national court system to settle legal disputes.
- There were thirteen separate states that lacked national unity.

#### MAIN IDEA

##### Contrasting

**A** What was the difference between the Land Ordinance of 1785 and the Northwest Ordinance of 1787?

#### MAIN IDEA

##### Making Inferences

**B** Why do you think news of Shays's Rebellion made states eager to participate in the Philadelphia convention?



## Creating a New Government

Most of the delegates at the Constitutional Convention recognized the need to strengthen the central government. Within the first five days of the meeting, they gave up the idea of fixing the Articles of Confederation and decided to form an entirely new government that would replace the one created by the Articles.

**CONFLICT AND COMPROMISE** One major issue that the delegates faced was giving fair representation to both large and small states. **James Madison** proposed the Virginia Plan, which called for a bicameral, or two-house, legislature, with membership based on each state's population. Delegates from the small states vigorously objected to the Virginia Plan because it gave more power to states with large populations. Small states supported William Paterson's New Jersey Plan, which proposed a single-house congress in which each state had an equal vote.

The debate became deadlocked and dragged on through the hot and humid summer days. Eventually, Roger Sherman suggested the Great Compromise, which offered a two-house Congress to satisfy both small and big states. Each state would have equal representation in the Senate, or upper house. The size of


the population of each state would determine its representation in the House of Representatives, or lower house. Voters of each state would choose members of the House. The state legislatures would choose members of the Senate.


The Great Compromise settled one major issue but led to conflict over another. Southern delegates, whose states had large numbers of slaves, wanted slaves included in the population count that determined the number of representatives in the House. Northern delegates, whose states had few slaves, disagreed. Not counting the slaves would give the northern states more representatives than the Southern states in the House of Representatives. The delegates eventually agreed to the Three-Fifths Compromise, which called for three-fifths of a state's slaves to be counted as part of the population. **C**

**DIVISION OF POWERS** After the delegates reached agreement on the difficult questions of slavery and representation, they dealt with other issues somewhat more easily. They divided power between the states and the national government, and they separated the national government's power into three branches. Thus, they created an entirely new government.

The new system of government that the delegates were building was a form of **federalism**, in which power is divided between a national government and several state governments. The powers granted to the national government by the Constitution are known as delegated powers, or enumerated powers. These include such powers as the control of foreign affairs and regulation of trade between the states. Powers not specifically granted to the national government but kept by the states are called reserved powers. These include powers such as providing for and supervising education. Some powers, such as the right to tax and establish courts, were shared by both the national and the state governments.

KEY PLAYER





JAMES MADISON  
1751–1836

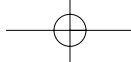
The oldest of 12 children, James Madison grew up in Virginia. He was a sickly child who suffered all his life from physical ailments. Because of a weak speaking voice, he decided not to become a minister and thus entered politics. Madison's Virginia Plan resulted from extensive research that he had done on political systems before the convention. He asked Edmund Randolph, a fellow delegate from Virginia, to present the plan because his own voice was too weak to be heard throughout the assembly.

Besides providing brilliant political leadership, Madison kept a record of the debates that took place at the convention. Because of his plan and his leadership, Madison is known as the Father of the Constitution.

### MAIN IDEA

#### Analyzing Issues

**C** In what ways did the Great Compromise resolve certain problems even as it created new ones?



### Key Conflicts in the Constitutional Convention

#### STRONG CENTRAL GOVERNMENT vs. STRONG STATES

- Authority derives from the people.
- In a new plan of government, the central government should be stronger than the states.
- Authority derives from the states.
- Under a modified Articles of Confederation, the states should remain stronger than the central government.

#### LARGE STATES vs. SMALL STATES

- Congress should be composed of two houses.
- The number of delegates to both houses of Congress should be assigned according to population.
- A Congress of one house should be preserved.
- Each state should have one vote.

#### NORTH vs. SOUTH

- Slaves should not be counted when deciding the number of congressional delegates.
- Slaves should be counted when levying taxes.
- Slaves should be counted when determining congressional representation.
- Slaves should not be counted when levying taxes.

#### SKILLBUILDER Interpreting Charts

1. Why do you think the Southern states wanted slaves counted for determining the number of representatives in the House of Representatives?
2. Why did the small states object to delegates being assigned according to population?

**SEPARATION OF POWERS** The delegates also limited the authority of the national government. First, they created three branches of government:

- a legislative branch to make laws
- an executive branch to carry out laws
- a judicial branch to interpret the laws and settle disputes

Then the delegates established a system of **checks and balances** to prevent any one branch from dominating the other two. The procedure the delegates established for electing the president reflected their fear of placing too much power in the hands of the people. Instead of choosing the president directly, each state would choose a number of electors equal to the number of senators and representatives that the state had in Congress. This group of electors chosen by the states, known as the electoral college, would then cast ballots for the presidential candidates. **D**

**CHANGING THE CONSTITUTION** The delegates also provided a means of changing the Constitution through the amendment process. After four months of debate and compromise, the delegates succeeded in creating a Constitution that was an enduring document. In other words, by making the Constitution flexible, the delegates enabled it to pass the test of time.

#### MAIN IDEA

#### Making Inferences

**D** Why did the delegates fear that one branch of the government would gain too much power?

## Ratifying the Constitution

George Washington adjourned the Constitutional Convention on September 17, 1787. The Convention's work was over, but the new government could not become a reality until at least nine states ratified, or approved, the Constitution. Thus, the battle over **ratification** began.

**FEDERALISTS AND ANTIFEDERALISTS** Supporters of the Constitution called themselves **Federalists**, because they favored the new Constitution's balance of power between the states and the national government. Their opponents became known as **Antifederalists** because they opposed having such a strong central government and thus were against the Constitution.





James Madison

Both sides waged a war of words in the public debate over ratification. *The Federalist*, a series of 85 essays defending the Constitution, appeared in New York newspapers. These were essays written by three influential supporters of ratification: Alexander Hamilton, James Madison, and John Jay.

All three writers felt that there were defects in the new Constitution, but they also felt that its stronger central government was superior to the weak Congress provided by the Articles of Confederation. Using the pen name “Publius,” the authors addressed those who argued that ratification should be delayed until a more perfect document could be written. In the following excerpt from one of the essays (now known to be written by Madison), the author asks his readers to compare the admittedly flawed Constitution with its predecessor, the Articles.

#### A PERSONAL VOICE JAMES MADISON

“It is a matter both of wonder and regret, that those who raise so many objections against the new Constitution should never call to mind the defects of that which is to be exchanged for it [The Articles]. It is not necessary that the former should be perfect; it is sufficient that the latter is more imperfect.”

—*The Federalist*, Number 38, 1788

The Antifederalists’ main opposition to the new Constitution was that it contained no guarantee that the government would protect the rights of the people or of the states. Antifederalists included such notable figures as Patrick Henry, George Mason, and Richard Henry Lee. *Letters from the Federal Farmer*, most likely written by Lee, was the most widely read Antifederalist publication. Lee listed the rights that Antifederalists believed should be protected, such as freedom of the press and of religion, guarantees against unreasonable searches of people and their homes, and the right to a trial by jury.

The Antifederalists’ demand for a bill of rights—a formal summary of citizens’ rights and freedoms—stemmed from their fear of a strong central government. All state constitutions guaranteed individual rights, and seven of them included a bill of rights. The states believed they would serve as protectors of the people. Yet in the end, the Federalists yielded to people’s overwhelming desire and promised to add a bill of rights if the states would ratify the Constitution. In June 1788, New Hampshire became the ninth state to approve the Constitution, making it the law of the land. **E**

**ADOPTION OF A BILL OF RIGHTS** By December 1791, the states also had ratified ten amendments to the Constitution, which became known as the **Bill of Rights**. The first eight amendments spell out the personal liberties the states had requested. The First Amendment guarantees citizens’ rights to freedom of religion, speech, the press, and political activity. According to the Second and Third Amendments, the government cannot deny citizens the right to bear arms as members of a militia of citizen-soldiers, nor can the government house troops in private homes in peacetime. The Fourth Amendment prevents the search of citizens’ homes without proper warrants. The Fifth through Eighth Amendments guarantee fair treatment for individuals accused of crimes. The Ninth and Tenth Amendments impose general limits on the powers of the federal government.

#### MAIN IDEA

#### Summarizing

**E** Why did the Antifederalists insist that the Constitution must have a bill of rights?



The protection of rights and freedoms did not apply to all Americans at the time the Bill of Rights was adopted. Native Americans and slaves were excluded. Women were not mentioned in the Constitution. The growing number of free blacks did not receive adequate protection from the Constitution. Although many states permitted free blacks to vote, the Bill of Rights offered them no protection against whites' discrimination and hostility.

## Continuing Relevance of the Constitution

The United States Constitution is the oldest written national constitution still in use. It is a "living" document, capable of meeting the changing needs of Americans. One reason for this capability lies in Article I, Section 8, which gives Congress the power "To make all laws which shall be necessary and proper for carrying into execution" the powers that the Constitution enumerates. This clause is referred to as the "elastic clause" because it stretches the power of the government. The framers of the Constitution included these implied powers in order to allow the authority of the government to expand to meet unforeseen circumstances.

The Constitution also can be formally changed when necessary through amendments. The Constitution provides ways for amendments to be proposed and to be ratified. However, the writers made the amendment process difficult in order to avoid arbitrary changes. Through the ratification process, the writers of the Constitution have also ensured that any amendment has the overwhelming support of the people.

In more than 200 years, only 27 amendments have been added to the Constitution. These amendments have helped the government meet the challenges of a changing world, while still preserving the rights of the American people. **F**

**MAIN IDEA**

**Drawing Conclusions**

**F** How did the adoption of the Bill of Rights show the flexibility of the Constitution?



**ASSESSMENT**

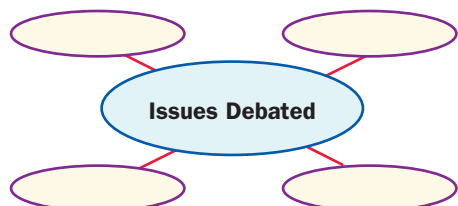
**1. TERMS & NAMES** For each term or name, write a sentence explaining its significance.

- republic
- James Madison
- Federalists
- Articles of Confederation
- federalism
- Antifederalists
- Northwest Ordinance of 1787
- checks and balances
- Bill of Rights
- Shays's Rebellion
- ratification

**MAIN IDEA**

**2. TAKING NOTES**

Re-create the web below on your paper, and fill it in with specific issues that were debated at the Constitutional Convention.



Choose one issue and explain how the delegates resolved that issue.

**CRITICAL THINKING**

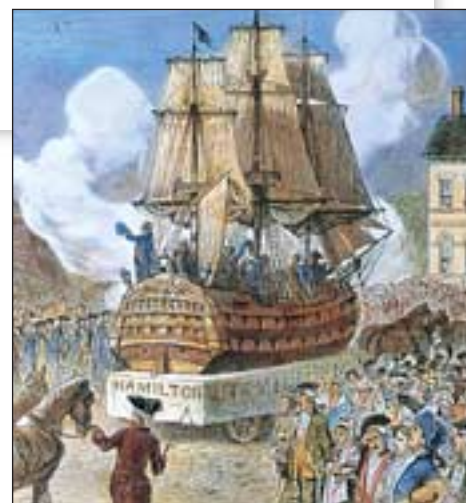
**3. EVALUATING**

Do you think the Federalists or the Antifederalists had the more valid arguments? Support your opinion with examples from the text. **Think About:**

- Americans' experience with the Articles of Confederation
- Americans' experience with Great Britain

**4. ANALYZING ISSUES**

Several states ratified the Constitution only after being assured that a bill of rights would be added to it. In your opinion, what is the most important value of the Bill of Rights? Why?



**5. ANALYZING VISUAL SOURCES**

The cartoon above shows a parade held in New York to celebrate the new constitution. Why is Hamilton's name displayed under the "Ship of State" float?