

Chapter 5: The Constitution

1. A National Government

The Articles of Confederation

After Congress voted for independence in 1776, it went about putting together a national government. At this time, each state acted like an independent country and refused to give up power. After years of debate, the states approved the Articles of Confederation in 1781.

The Articles proved to be ineffective. There was only a one-house congress with no president or national courts. It was so difficult to pass laws it seldom happened. The Congress could not collect taxes or pay debts and it required all states to agree to any changes in the Articles—an impossible task. The British referred to America as the Disunited States.

Shays' Rebellion

After the war, Massachusetts passed property taxes to pay its government debts. The courts took land away from farmers who were too poor to pay the tax. Former captain in the Continental Army Daniel Shays led a rebellion to close down the courts. The national government failed to take action, so Massachusetts had to raise a militia to stop the rebellion.

Shays' Rebellion made it clear that the United States was disintegrating. This led many leaders, including Alexander Hamilton and James Madison, to call for a meeting in Philadelphia to fix the Articles of Confederation. Thus, out of chaos began the march toward a new government and a new **constitution**.

2. The Convention

The Plans

In May 1787, representatives from twelve of the thirteen states (Rhode Island refused to attend) arrived in Philadelphia to fix the Articles. Immediately they decided to replace the Articles with a new government.

Delegates proposed two different plans of government. James Madison's Virginia Plan had three **branches** or parts of government: a two-house congress, a president, and a supreme court. This plan favored states with large populations. The New Jersey Plan had a one-house congress only and each state got one vote. This plan favored states with small populations.

Compromises

Most states favored the Virginia Plan. When the small states threatened to walk out, Roger Sherman presented the Great Compromise that saved the convention. Voting in one house of Congress, the House of Representatives, would be based on population. The larger states would control the House. Voting in the other house, the Senate, would be equal with each state getting two votes. The smaller states would control the Senate. Thus, both large and small states would have to work together in Congress to get things done.

Then, the convention threatened to fall apart again over slavery. The South wanted the enslaved people in their states counted in their population so they could get more representatives in the House. The North had outlawed slavery and said that the enslaved should not be counted in the population. After bitter arguments,

both sides agreed to the Three-fifths Compromise. Five enslaved Africans would count as three white people when counting the population to determine the number of representatives in the House.

3. Ratification

Opposing Viewpoints

By the end of the summer of 1787, the delegates in Philadelphia had finished writing the Constitution. To make it official, nine of the thirteen states had to approve it. Immediately, two opposing sides appeared: the **Federalists** and the **Antifederalists**.

The Federalists supported the Constitution. James Madison, John Jay, and Alexander Hamilton wrote several essays called the Federalist Papers to support the Constitution. They argued that the proposed government was strong enough to protect the natural rights of the people but checks and balances on power would prevent the government from taking away the rights of the people.

The Antifederalists feared the new government. They believed the president would become a king, that Congress would overtax the states, and the Supreme Court would take power away from the state courts. They also complained there was no **bill of rights** guaranteeing the liberty of the people.

With a promise that a bill of rights would be added at a later date, the states approved the Constitution on June 21, 1788. The second American government, the one we have today, became official.



George Washington presided over the Constitutional Convention in 1787. His presence gave the meeting authority. Everyone there expected him to be the first president. Interestingly, Thomas Jefferson and John Adams who led the way for independence in 1776 were not present at the Convention as they were in Europe representing the United States. Source: Christy, Howard Chandler. *Scene at the Signing of the Constitution of the United States*. 1940. Painting. United States Capitol.