

## Chapter 7

# Creating the Constitution (1776-1790)

### What You Will Learn

Weaknesses in the Articles of Confederation led to the drafting of a new constitution for the nation. After much debate, the states approved the Constitution, but many insisted that a bill of rights be added.

#### Chapter 7 Focus Question

As you read this chapter, keep this question in mind: **How did the U.S. Constitution overcome the weaknesses of the Articles of Confederation and provide for the organization of the new government?**

### Section 1

## Governing a New Nation

#### Section 1 Focus Question

What were major successes and failures of the government under the Articles of Confederation? To begin answering this question,

- Learn about the new state constitutions.
- Learn about the Articles of Confederation.
- Find out about laws for settling new lands in the west.
- Understand the problems of the Articles of Confederation.

#### Section 1 Summary

Americans created new state and national governments based on the principles of the American Revolution. Problems under the Articles of Confederation led to calls for a stronger national government.

#### Government by the States

Many of the former colonies wrote new state constitutions. A **constitution** is a document stating the rules under which government will operate. Most states minimized the power of state governors because colonial governors had abused their power. Instead, most power was given to the state legislature, the lawmaking body elected by the people.

The new state constitutions allowed more people to vote. In most states, white men 21 years or older could vote if they owned some property, but women and African Americans were not allowed to vote. Virginia was the first state to have a bill of rights, which is a list of essential freedoms that the government is required to respect. ✓

### Key Events

1776

Many new American states write constitutions.

1787

Constitutional Convention creates a new plan of government.

1791

After three fourths of states approve it, the Bill of Rights goes into effect.

### ✓ Checkpoint

List one characteristic of the new state governments.

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## The Articles of Confederation

The Continental Congress created the Articles of Confederation in 1777. This plan created a new national government for the United States with restricted powers.

The national government had a single branch, a one-house legislature called Congress, which had the power to pass laws, deal with foreign nations and Native Americans, make war and peace, coin or borrow money, and run a post office. Congress was not given the power to collect taxes or to interfere with trade between the states. All states were equal, and most power remained in the hands of the states. ✓

## Settling the Western Lands

The Land Ordinance of 1785 created a way for national lands to be sold to the public. It divided public western lands into square townships of six miles on each side. This would result in a grid of squares. Within each township there would also be a grid, one mile on each side. Each township had one section that was set aside to support schools. This reflected the belief of the nation's leaders that democracy depended on education.

A law called the Northwest Ordinance of 1787 applied to the territory north of the Ohio River. It guaranteed basic rights to settlers, outlawed slavery, and established a process for creating new states in the territory. Eventually, five states would be settled in the Northwest Territory. ✓

## Growing Problems

Under the Articles of Confederation, the United States won its independence, negotiated a peace treaty with Britain, and created rules for settling new territories. There were also problems: trade rivalries and taxation between states hurt the economy, the national government was too weak to stop public unrest, and it had little money because it could not collect taxes.

During the mid-1780s, economic hard times in Massachusetts caused many farmers to lose their land because they could not pay their taxes. In Shays' Rebellion, a group of Massachusetts farmers rose up against the state in protest. The rebellion failed, but it led to calls for a stronger national government. ✓

## Check Your Progress

1. Why were the state and national governments' powers limited?

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2. List two problems with the national government under the Articles of Confederation.

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### ✓ Checkpoint

List two powers of the national government created by the Articles of Confederation.

### ✓ Checkpoint

Name two laws that related to the settling of western lands.

### ✓ Checkpoint

List two successes of the national government created by the Articles of Confederation.

**Section 2**

**The Constitutional Convention**

**Section 2 Focus Question**

What role did compromise play in the creation of the U.S. Constitution? To begin answering this question,

- Learn how the Constitutional Convention began.
- Read about the proposals in the Virginia Plan.
- Find out about the terms of the Great Compromise.
- Learn how slavery issues influenced the Constitution.
- Discover the source of the new Constitution's authority.

**Section 2 Summary**

By its end, the Constitutional Convention of 1787 had replaced the Articles of Confederation. The new U.S. Constitution created a stronger, more complex national government based on the authority of the people, not the states.

**The Constitutional Convention Begins**

The Constitutional Convention met in Philadelphia in 1787. At the start, the delegates agreed to hold discussions in secret so that there would be less public pressure. The convention's initial purpose was to revise the Articles of Confederation, but soon its members agreed that revising the Articles was not enough. The 55 delegates, representing 12 states, included respected leaders of the Revolution. George Washington was quickly voted president of the convention. ✓

**The Virginia Plan**

From the start, an entirely new framework of government was proposed. James Madison wrote the Virginia Plan, which called for a strong central government with three branches instead of one. The **judicial branch** would consist of a system of courts to settle disputes involving national issues, and an executive branch would carry out the laws. It was agreed that the executive branch would have one chief executive, called the President.

Congress would remain the legislative branch. However, the Virginia Plan sought to change Congress. It added a second house and made it so each state would be represented in the two houses based on its population. The more people a state had, the more seats it would have in each house. This idea drew support from big states like Virginia, Pennsylvania, and Massachusetts. ✓

**The Great Compromise**

States with small populations opposed the changes in the legislative branch and offered their own plan called the New Jersey Plan. It called for a single house of Congress where all the states would have equal representation.

**Key Events**

- 1776** Many new American states write constitutions.
- 1787** Constitutional Convention creates a new plan of government.
- 1791** After three fourths of states approve it, the Bill of Rights goes into effect.

**✓ Checkpoint**

Name the location of the Constitutional Convention of 1787.

**✓ Checkpoint**

List the three branches of government proposed in the Virginia Plan.

### ✓ Checkpoint

List the two houses of Congress that the Great Compromise proposed.

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### ✓ Checkpoint

Name two main issues about slavery that divided the northern and southern states during the Constitutional Convention.

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### ✓ Checkpoint

Name the author of the Preamble to the U.S. Constitution.

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The Great Compromise settled the disagreement between the large and small states. A **compromise** is an agreement in which each side gives up part of what it wants. To please the large states, the House of Representatives was developed. Each state's representation in the House would be based on population, and its members would serve two-year terms. In the Senate, which was formed to please the small states, each state would have two senators serving six-year terms.

The Great Compromise was a vital step in creating a new Constitution. Now, small-state delegates were willing to support a strong central government. ✓

### Debates Over Slavery

Slavery also divided the convention. The southern states, where there were more slaves, wanted slaves to count toward representation in the House. Northerners argued that slaves, who were not allowed to vote, should not be counted. It was agreed that each slave would count as three fifths of a person. This was called the Three-Fifths Compromise.

The Three-Fifths Compromise was a gain for the South, which got more seats in the House. Northern delegates reluctantly agreed in order to keep the South in the Union.

A second dispute arose when northern delegates called for a total ban on the buying and selling of slaves. A compromise was reached whereby the import of slaves from other countries could be banned in 20 years, while there would be no restrictions on the slave trade within the United States. ✓

### A New Constitution

After many more weeks of debate, the delegates agreed on all the terms. A "Committee of Style" wrote the Constitution's final wording. **Gouverneur Morris** was largely responsible for writing the Preamble, or introduction. The Preamble highlights a difference between the Constitution and the Articles of Confederation. The Articles were a pact between separate states. By opening with "We the People of the United States," the Constitution made it clear that its authority came from the people, not the states. ✓

### Check Your Progress

1. What was the initial purpose of the Constitutional Convention of 1787?

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2. What was important about the first words of the Preamble to the new U.S. Constitution?

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### Section 3

## Debating the Constitution

### Key Events

**1776** Many new American states write constitutions.

**1787** Constitutional Convention creates a new plan of government.

**1791** After three fourths of states approve it, the Bill of Rights goes into effect.

### Vocabulary Builder

*Federal* means "formed by a union of states, in which each gives up power to a central authority." How does this relate to the goal of the Federalists?

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### ✓ Checkpoint

Name the Federalists' main argument in favor of the Constitution.

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### Section 3 Focus Question

How did those in favor of the Constitution achieve its ratification?

To begin answering this question,

- Read about the arguments for and against the Constitution.
- Learn about the debate over ratification of the Constitution.
- Find out why the Bill of Rights was added to the Constitution.

### Section 3 Summary

After the 1787 Convention, the Constitution was sent to the states for approval. Its opponents and supporters debated energetically, and after the Bill of Rights was added, all the states approved the Constitution.

### Federalists Versus Antifederalists

The Federalists wanted a strong federal, or national, government. Three important Federalist leaders, **Alexander Hamilton**, **John Jay**, and **James Madison**, wrote a series of 85 newspaper essays called the *Federalist Papers* in support of the Constitution.

At the heart of the Federalist position was the need for a stronger central government. The Federalists argued that in order for the Union to last, the national government had to have powers denied it under the Articles of Confederation, including the power to enforce laws.

The opponents of the Constitution were known as Antifederalists. Many Antifederalists, such as **George Mason** and **Patrick Henry**, agreed that the Articles of Confederation were not strong enough. However, they felt that the Constitutional Convention had gone too far.

Antifederalist Arguments Against the Constitution	
1	The Constitution weakened the state governments by giving too much power to the national government. Antifederalists feared that a too strong central government would wipe out state power and individual freedom.
2	The Constitution also did not include a bill of rights to protect basic freedoms.
3	The President could become like a king by being repeatedly reelected.



## The Ratification Debate

The Constitution was submitted to the states, and each state called a convention to decide whether to **ratify**, or approve, the Constitution. At least nine states had to ratify the Constitution, or it would not go into effect. Delaware acted first. Its convention approved the Constitution in December 1787. Pennsylvania, New Jersey, Georgia, and Connecticut followed close behind.

The Federalists' strong efforts in Massachusetts led to approval in that state despite opposition in rural areas from which Shays' Rebellion had drawn its strength. By then, Maryland and South Carolina had ratified, which made a total of eight state ratifications. Then in June 1788, New Hampshire became the ninth state to ratify the Constitution, meaning it could now go into effect. The other states eventually approved the Constitution, with Rhode Island being the last of the original 13 states to do so in May 1790. ✓

## The Bill of Rights

After nine states had ratified the Constitution, Congress took steps to prepare for a presidential election. George Washington was elected the first President, with John Adams as Vice President.

During the debate on the Constitution, many states had insisted that a bill of rights be added. This became one of the first tasks of the new Congress that met in March 1789.

In 1789, Congress passed a series of amendments, or changes to a document. By December 1791, three fourths of the states had ratified 10 amendments. These amendments are known as the Bill of Rights.

The Bill of Rights protects citizens against governmental abuses of power. The First Amendment protects freedom of religion, speech, and the press. Recalling the importance of colonial militias, the Second Amendment deals with the right to bear arms. The Third Amendment bars Congress from forcing citizens to keep troops in their homes, as Britain had done. The Fourth Amendment protects citizens from unreasonable searches of their homes or seizure of their property. The Fifth through Eighth Amendments mainly protect those accused of crimes. The last two amendments restricted the powers of the national government to those granted in the Constitution. ✓

## Check Your Progress

1. Why did the Antifederalists object to the Constitution?

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2. What role does the Bill of Rights play?

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### ✓ Checkpoint

Name the first and last states to ratify the Constitution.

First: \_\_\_\_\_

Last: \_\_\_\_\_

### ✓ Checkpoint

List three freedoms the First Amendment protects.

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## Creating the Constitution

**Primary Source****James Madison's Speech Proposing the Bill of Rights**

After the Constitution was ratified, many Antifederalists insisted that a bill of rights be added. Amending the Constitution became the focus of the new Congress in 1789. James Madison was a Federalist who supported a strong federal government but recognized that the nation's success depended on unanimous approval of the Constitution. The following two excerpts are from James Madison's 1789 speech explaining the purpose of the Bill of Rights.

**Directions:** Read the excerpts below. Then answer the questions that follow.

There have been objections of various kinds made against the Constitution: Some were leveled [made] against its structure, because the President was without a council; because the Senate, which is a legislative body, had judicial powers in trials on impeachments; . . . because it grants more power than is supposed to be necessary for every good purpose; and controls the ordinary powers of the state governments. I know some respectable characters who opposed this government on these grounds; but I believe that the great mass of the people who opposed it, disliked it because it did not contain [a sufficient clause] against encroachments [violations] on particular [individual] rights . . . .

. . . I do conceive that the Constitution may be amended; that is to say, if all power is subject to abuse, that then it is possible the abuse of the powers of the general government may be guarded against in a more secure manner than is now done . . .

1. What did the people object to about the President? the Senate? the power of the government?  
\_\_\_\_\_
2. What was the objection of the majority of people?  
\_\_\_\_\_
3. What would amending the Constitution guard against?  
\_\_\_\_\_
4. **Apply Information** Since Madison already supported the Constitution, how does this speech represent the Federalists' willingness to compromise?  
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Creating the Constitution

# Reading a Chart

## The Articles of Confederation and the Constitution

The chart below lists features of government under the Articles of Confederation and under the Constitution.

**Directions:** Study the chart. Then answer the questions that follow.

Articles of Confederation	Constitution
Only a loose agreement among the states; power was in each state.	A formal union; power was centered in the national government.
A one-house Congress, with one vote per state, no matter what its population.	A two-house Congress; the House of Representatives based on population and the Senate based on equal representation—two votes per state.
Congress had no power to tax.	Congress could tax.
Congress could not regulate foreign or interstate trade.	Congress could regulate foreign and interstate trade.
No executive to enforce laws made by Congress.	An executive branch led by the President could carry out and enforce national laws.
No national system of courts.	A judicial branch, with a supreme court, to review laws and settle interstate conflicts.

Chapter and Section Support

1. How was the change in Congress under the Constitution an improvement?

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2. What were two changes in the powers of Congress?

\_\_\_\_\_

3. **Draw Inferences** Why was it important to have a judicial branch at the national level?

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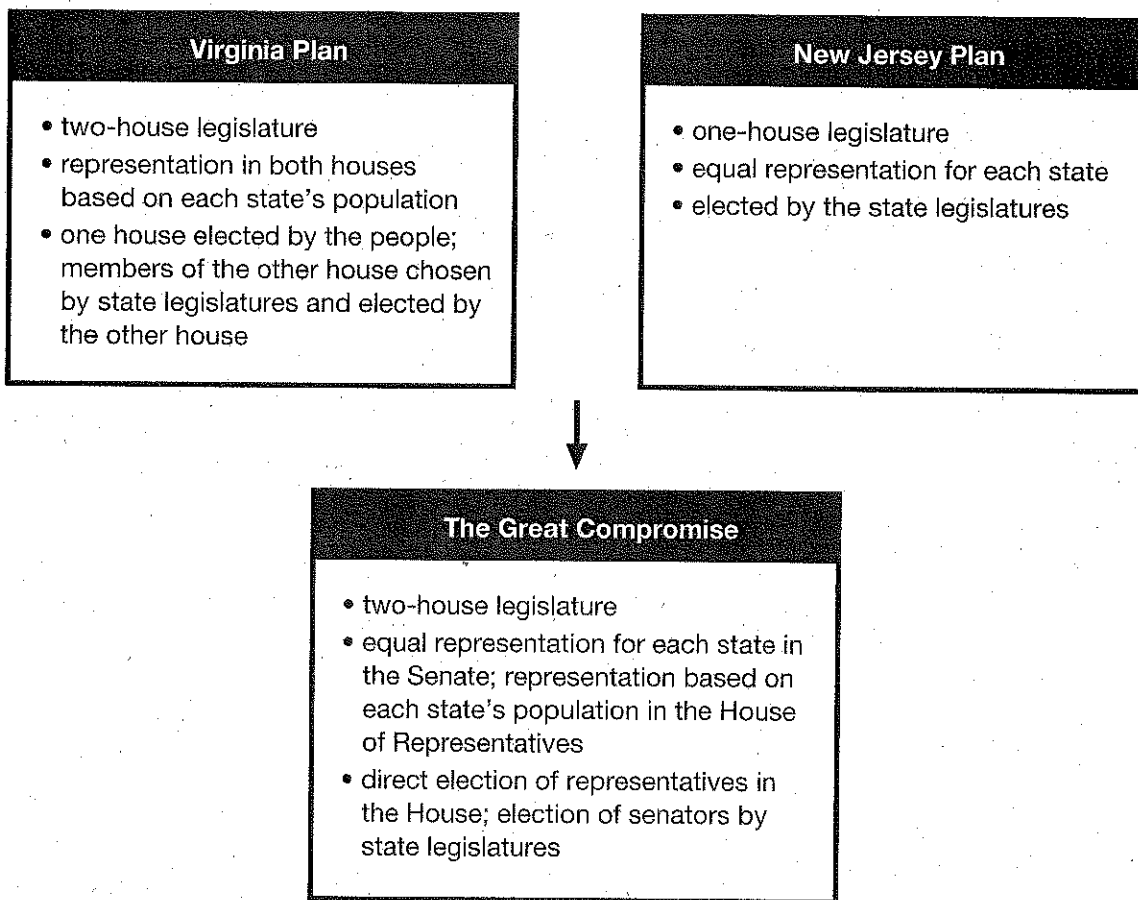
Creating the Constitution

## Reading a Chart

### The Great Compromise

The chart below shows key features of the Virginia and New Jersey plans. It also shows how the Great Compromise incorporated parts of each plan.

**Directions:** Study the chart. Then answer the questions that follow.



1. What features of both the Virginia Plan and New Jersey Plan ended up in the Constitution?  
\_\_\_\_\_
2. How was the selection of representatives similar and different in the two earlier plans?  
\_\_\_\_\_
3. **Compare** How did the Great Compromise address the wishes of supporters of both the Virginia and New Jersey plans?  
\_\_\_\_\_

Creating the Constitution

**Primary Source**

**James Bowdoin's Account of Shays' Rebellion**

James Bowdoin was governor of Massachusetts during Shays' Rebellion. In this document, he recounted the event and its significance.

**Directions:** *Read the excerpt and answer the questions that follow.*

The rebels, under Daniel Shays, Luke Day, and Eli Parsons, soon gathered a force in that vicinity [of Springfield], of 2000 men, and on the 25th of January advanced in a menacing manner towards the arsenal [warehouse]. Gen. Shepard sent an aid-de-camp [officer] to inquire the design of the movement, and to warn Shays of his danger. The answer was, that they *would have* possession of the barracks [warehouse]; and they immediately marched to within 250 yards of the arsenal. They were again warned that if they approached nearer, they would be fired on; still they advanced. He then ordered the artillery to be pointed at the centre of their column [group]. The cry of murder then arose from the rear of the insurgents, and the whole were struck with panic and confusion. Shays lost all control over them, and they fled . . . 10 miles, leaving 3 dead and 1 wounded. . . .

Good frequently springs from evil. Shays's Rebellion served to impress on the public mind a belief of the necessity of a new form of National Government. It may be doubted, whether the present United States Constitution would have been adopted, if that rebellion had not predisposed the minds of the people in favor of an energetic [powerful] government.

Chapter and Section Support

1. How many men did Shays gather together?

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2. What were the rebels going to do? How were they stopped?

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3. **Draw Conclusions** Why did Governor Bowdoin state that "good frequently springs from evil"?

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