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Module: American Civ

The U.S. Constitution

Before the U.S. Constitution was established, the newly independent United States operated under the Articles of Confederation, a system that proved to be weak and ineffective. The national government lacked the power to tax, regulate commerce, or enforce laws, leading to economic instability, interstate conflicts, and a lack of central authority. These challenges prompted leaders to call for a Constitutional Convention in 1787, where 55 delegates from the states gathered in Philadelphia to draft a new framework of government.

Key issues debated included representation in Congress, the balance of power between the federal and state governments, and the protection of individual rights. After months of negotiation and compromise, including the Great Compromise and the Three-Fifths Compromise, the final draft of the U.S. Constitution was completed. The ratification process that followed sparked intense debates between Federalists, who supported the new Constitution, and Anti-Federalists, who feared a powerful central government. Ultimately, the Constitution was ratified in 1788, laying the foundation for the democratic system of government that still governs the United States today.

1. The United States under the Articles of Confederation, 1781-1787

Four years separated the signing of the Treaty of Paris of 1783 and the meeting of the Constitutional Convention in Philadelphia. During that time, the government operated under the Articles of Confederation, which consisted of a one-house congress, no separate executive, and no separate judiciary (court system).**The country faced several major problems**:

- **Foreign Problems**

Relations between the United States and the major powers of Europe were troubled from the start. States failed to adhere to the Treaty of Paris, which required that they restore property to Loyalists and repay debts to foreigners. In addition, the U.S. government under

the Articles was too weak to stop Britain from maintaining military outposts on the western frontier and restricting trade.

- **Economic Weakness and Interstate Quarrels**

Reduced foreign trade and limited credit because states had not fully repaid war debts contributed to widespread economic depression. The inability to levy national taxes and the printing of worthless paper money by many states added to the problems. In addition, the 13 states treated one another with suspicion and competed for economic advantage. They placed tariffs and other restrictions on the movement of goods across state lines. A number of states faced boundary disputes with neighbors that increased interstate rivalry and tension.

In more details:

Economic Weakness: In the early years of the new republic, the United States faced significant economic challenges. These weaknesses stemmed from various factors, including:

Debt: The United States emerged from the Revolutionary War with a considerable amount of debt incurred to finance the war effort. Managing this debt and finding ways to pay it off was a significant challenge.

Currency Issues: The country lacked a stable and unified currency system. Different states had their own currencies, which led to confusion and inefficiency in trade and commerce.

Trade Disputes: The United States faced difficulties in international trade due to competition from established European powers and restrictions imposed by them. Additionally, some states imposed tariffs and trade barriers on goods from other states, hindering interstate commerce.

Weak Central Authority: The federal government under the Articles of Confederation had limited powers and lacked the ability to levy taxes or regulate commerce effectively. This weakened central authority contributed to economic instability and hindered efforts to address economic challenges.

Interstate Quarrels: In the early years of the new republic, there were frequent disputes and conflicts between states, known as interstate quarrels. These disputes often arose due to:

- **Trade and Commerce:** States imposed tariffs and trade restrictions on goods from other states, leading to disagreements over trade policies and economic competition.
- **Territorial Claims:** Some states had overlapping territorial claims, particularly in the western frontier areas. Disputes over land ownership and boundaries often led to tensions between states.
- **Navigation Rights**: States with access to major waterways, such as rivers and ports, sometimes clashed over navigation rights and control of waterborne commerce.
- **Political Differences:** States had differing political interests and ideologies, which sometimes resulted in conflicts over issues such as representation in Congress or the balance of power between the federal government and the states.

2. The Annapolis Convention

To review what could be done about the country's inability to overcome critical problems, George Washington hosted a conference at his home in Mt. Vernon, Virginia (1785). Representatives from Virginia, Maryland, Delaware, and Pennsylvania agreed that the problems were serious enough to hold further discussions at a later meeting at Annapolis, Maryland, at which all the states might be represented. However, only five states sent delegates to the Annapolis Convention in 1786. After discussing ways to improve commercial relations among the states, James Madison and Alexander Hamilton persuaded the others that another convention should be held in Philadelphia for the purpose of revising the Articles of Confederation.

3. Drafting the Constitution at Philadelphia

After a number of states elected delegates to the proposed Philadelphia convention, Congress consented to give its approval to the meeting. It called upon all 13 states to send delegates to Philadelphia "for the sole and express purpose of revising the Articles of

Confederation." Only Rhode Island, not trusting the other states, refused to send delegates.

- **The Delegates**

Of the 55 delegates who went to Philadelphia for the convention in the summer of 1787, all were white, all were male, and most were college-educated. As a group, they were relatively young (averaging in their early forties). With few exceptions, they were far wealthier than the average American of their day. They were well acquainted with issues of law and politics. A number of them were practicing lawyers, and many had helped to write their state constitutions. The first order of business was to elect a presiding officer and decide whether or not to communicate with the public at large. The delegates voted to conduct their meetings in secret and say nothing to the public about their discussions until their work was completed.

George Washington was unanimously elected chairperson. Benjamin Franklin, the elder statesman at age 81, provided a calming and unifying influence. The work in fashioning specific articles of the Constitution was directed by James Madison (who came to be known as the Father of the Constitution), Alexander Hamilton, Gouverneur Morris, and John Dickinson. While they represented different states, these convention leaders shared the common goal of wanting to strengthen the young nation. Several major leaders of the American Revolution were not at the convention. John Jay, Thomas Jefferson, John Adams, and Thomas Paine were on diplomatic business abroad. Samuel Adams and John Hancock were not chosen as delegates. Patrick Henry, who opposed any growth in federal power, refused to take part in the convention.

- **Key Issues**

The convention opened with the delegates disagreeing sharply on its fundamental purpose. Some wanted to simply revise the Articles. Strong nationalists, such as Madison and Hamilton, wanted to draft an entirely new document. The nationalists quickly took control of

the convention. Americans in the 1780s generally distrusted government and feared that officials would seize every opportunity to abuse their powers, even if they were popularly elected. Therefore, Madison and other delegates wanted the new constitution to be based on a system of checks and balances so that the power of each branch would be limited by the powers of the others.

Representation

Especially divisive was the issue of whether the larger states such as Virginia and Pennsylvania should have proportionally more representatives in Congress than the smaller states such as New Jersey and Delaware. Madison's proposal-the Virginia Plan-favored the large states; it was countered by the New Jersey Plan, which favored the small states. The issue was finally resolved by a compromise solution. Roger Sherman of Connecticut proposed what was called the Connecticut Plan or the Great Compromise. It provided for a two-house Congress. In the Senate, states would have equal representation, but in the House of Representatives, each state would be represented according to the size of its population.

Slavery

Two of the most contentious issues grew out of slavery. Should enslaved people be counted in the state populations? The delegates agreed to the Three-Fifths Compromise, which counted each enslaved individual as three-fifths of a person for the purposes of determining a state's level of taxation and representation. Should the slave trade be allowed? The delegates decided to guarantee that slaves could be imported for at least 20 years longer, until 1808. Congress could vote to abolish the practice after that date if it wished.

Trade

The northern states wanted the central government to regulate interstate commerce and foreign trade. The South was afraid that export taxes would be placed on its agricultural products such as tobacco and rice. The Commercial Compromise allowed Congress to regulate interstate and foreign commerce; including placing tariffs (taxes) on foreign imports, but it prohibited placing taxes on any exports.

The Presidency

The delegates debated over the president's term of office-some argued that the chief executive should hold office for life. The delegates limited the president's term to four years but with no limit on the number of terms. They also debated the method for electing a president. Rather than having voters elect a president directly, the delegates decided to assign to each state a number of electors equal to the total of that state's representatives and senators. This Electoral College system was instituted because the delegates feared that too much democracy might lead to mob rule. Finally, the delegates debated what powers to give the president. They finally decided to grant the president considerable power, including the power to veto acts of Congress.

4. Ratification of the Constitution

On September 17, 1787, after 17 weeks of debate, the Philadelphia convention approved a draft of the Constitution to submit to the states for ratification. Anticipating opposition to the document, the Framers (delegates) specified that a favorable vote of only nine states out of 13 would be required for ratification. Each state would hold popularly elected conventions to debate and vote on the proposed Constitution.

Federalists and Anti-Federalists

Ratification was fiercely debated for almost a year, from September 1787 until June 1788. Supporters of the Constitution and its strong federal government were known as **Federalists.** Opponents were known as **Anti-Federalists**. Federalists were most common along the Atlantic Coast and in the large cities while Anti-Federalists tended to be small farmers and settlers on the western frontier.

The Federalist Papers

A key element in the Federalist campaign for the Constitution was a series of highly persuasive essays written for a New York newspaper by James Madison, Alexander Hamilton, and John Jay. The 85 essays, later published in book form as The Federalist Papers, presented cogent reasons for believing in the practicality of each major provision of the Constitution.

Outcome

The Federalists won early victories in the state conventions in Delaware, New Jersey, and Pennsylvania-the first three states to ratify. By promising to add a bill of rights to the Constitution, they successfully addressed the Anti-Federalists' most telling objection. With New Hampshire voting yes in June 1788, the Federalists won the necessary nine states to achieve ratification of the Constitution. Even so, the larger states of Virginia and New York had not yet acted. If they failed to ratify, any chance for national unity and strength would be in dire jeopardy.

Virginia

In 1788, Virginia was by far the most populous of the original 13 states. There, the Anti-Federalists rallied behind two strong leaders, George Mason and Patrick Henry, who viewed the Constitution and a strong central government as threats to Americans' hard-won liberty. Virginia's Federalists, led by Washington, Madison, and John Marshall, managed to prevail by a close vote only after promising a bill of rights.

Other States

News of Virginia's vote had enough influence on New York's ratifying convention (combined with Alexander Hamilton's efforts) to win the day for the Constitution in that state. North Carolina in November 1789 and Rhode Island in May 1790 reversed their earlier rejections and thus became the last two states to ratify the Constitution as the new Supreme law of the land."

5. Adding the Bill of Rights

Did the Constitution need to list the rights of individuals? Anti-Federalists argued vehemently that it did, while Federalists argued that it was unnecessary.

Arguments for a Bill of Rights: Anti-Federalists argued that Americans had fought the Revolutionary War to escape a tyrannical government in Britain. What was to stop a strong central government under the Constitution from acting similarly? Only by adding a bill of rights could Americans be protected against such a possibility.

Arguments against a Bill of Rights: Federalists argued that since members of Congress would be elected by the people, they did not need to be protected against themselves. Furthermore, people should assume that all rights were protected rather than create a limited list of rights that might allow unscrupulous officials to assert that unlisted rights could be violated at will. In order to win adoption of the Constitution in the ratifying conventions, the Federalists finally backed off their position and promised to add a bill of rights to the Constitution as the first order of business for a newly elected Congress.

6. The First Ten Amendments

In 1789, the first Congress elected under the Constitution acted quickly to adopt a number of amendments listing people's rights. Drafted largely by James Madison, the amendments were submitted to the states for ratification. The ten that were adopted in 1791 have been known ever since as **the U.S. Bill of Rights**. Originally, they provided protection against abuses of power by the central (or federal) government. Since the ratification of the 14th Amendment in 1868, most of the protections have been extended to apply to abuses by state governments as well.

First Amendment: Freedom of religion, speech, press, assembly, and petition**.**

Second Amendment: Right to keep and bear arms in order to maintain a well-regulated militia**. Third Amendment:** No quartering of soldiers in private homes.

Fourth Amendment: Protection from unreasonable searches and seizures.

Fifth Amendment: Right to due process of law, freedom from self-incrimination, and protection from double jeopardy.

Sixth Amendment: Rights of accused persons, including the right to a speedy and public trial**.**

Seventh Amendment: Right of trial by jury in civil cases.

Eighth Amendment: Freedom from excessive bail, cruel and unusual punishments.

Ninth Amendment: Recognition that the people have other rights not explicitly listed in the Constitution.

Tenth Amendment: Powers not delegated to the United States by the Constitution are reserved to the states or the people.

These amendments collectively establish fundamental rights, limit government power, and emphasize the importance of individual liberties and state sovereignty within the American legal framework.