By 1787, only a few years after Congress adopted the Articles of Confederation, it became clear that the document was inadequate for governing the new nation. The United States of America was in crisis because the governmental system set up by the Articles did not work: Congress could not collect taxes to run the government or pay its debts. With no income, Congress could not raise a military force to protect U.S. territories west of the Appalachian Mountains (the Native Americans, the British, and the Spanish all wanted to use this land and continued to test America’s strength in the region). Congress had no power to control trade competition between the thirteen states or to resolve issues over the value of thirteen different state currencies. Neither could it control trade with foreign nations. Few representatives even bothered to show up for congressional sessions. The United States had no friends, respect, or power in the world. The states’ “league of friendship” established under the Articles had dissolved into jealousies and animosities. The Confederation was economically bankrupt and on the brink of falling apart. Most foreign leaders thought the new country would not survive for long.
We the People

of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have theQualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qualities requisite for the Appointment of Senators, and the Electors in each State shall have the Qua...
With all these concerns weighing heavily on their shoulders, fifty-five men representing twelve states came together in Philadelphia to revise and strengthen the Articles of Confederation. The meeting began in May 1787. Delegates soon scrapped the Articles in favor of inventing a new nation. History remembers these men as part of a group known as the Founding Fathers of the United States. The Founding Fathers were leaders who played a role in shaping one or more of the three documents that established the United States and its government: the Declaration of Independence (1776), the Articles of Confederation (1781), and the U.S. Constitution (1787).

The Founding Fathers at this meeting worked for four months, until September 1787, to craft the U.S. Constitution. The nation created under the Constitution was a republic, a country governed by representatives elected by the people and run for the benefit of its people. The Founding Fathers believed it necessary to write down the organized structure of the government in the Constitution so that it could not be changed at the whim of any officials.

Most twenty-first-century Americans know the U.S. Constitution provides for three branches of government: the legislative branch (which makes laws), the executive branch
(which carries out the laws), and the judicial branch (which upholds the laws). They also know that the legislative branch, Congress, is divided into the House of Representatives and the Senate, that each state has two senators, and that each state’s number of representatives is determined by its population. The fifty-five men who met in May 1787 knew none of this. They had no idea what the result of their meetings would be. It was not easy to make a nation.

The fifty-five delegates had the education, political and economic experience, and vision to rescue America from disaster. Above all else, the delegates wanted to avoid arguments that could divide the union. All had a healthy fear of tyranny (oppressive rule by a central authority). They knew a stronger central government was needed, but the challenge was to balance the powers of national government while not overwhelming the state governments. Setting aside their differences, the delegates compromised on one key issue after another for the common good. They boldly created a national government that promoted the prosperity and security of the young nation and that demanded respect in the world.

The Founding Fathers finished their work on the Constitution in mid-September and turned the document over to the states for ratification (approval). Although they knew they had done their best, most were unsure whether they had created a good new government. None could have imagined how successful the U.S. Constitution would be.

**Gathering in Philadelphia**

In February 1787, Congress authorized state legislatures to elect delegates to attend a meeting in Philadelphia beginning May 14. The delegates would be the states’ official representatives and vote on their behalf. Congress gave the delegates a specific assignment, asking them to revise the Articles of Confederation in order to strengthen the national government. Congress did not authorize the delegates to start from scratch and write a new constitution. Only Rhode Island rejected the opportunity to send delegates. The state’s leaders were suspicious that the delegates would try to strengthen the national government far beyond what they supported.

The states nominated seventy men as delegates. Fifteen of these men did not attend the meeting. Some had family
or personal health problems; some were busy running their businesses; and others did not favor strengthening the national government. Patrick Henry (1736–1799), a brilliant orator from Virginia, fell into the last category. He thought a strong national government would lessen the power of the states. Three prominent men were not elected as delegates because of other pressing duties: Thomas Jefferson (1743–1826) and John Adams (1735–1826) were out of the country serving as American ambassadors—Jefferson in France and Adams in Britain—and John Hancock (1737–1793) had his hands full as governor of Massachusetts. Wartime hero Samuel Adams (1722–1803) of Boston strongly opposed creating a stronger central government. Additionally, not all of the men who did choose to attend the meeting were able to commit to the entire four-month meeting.

Travel to Philadelphia in May 1787 proved difficult. Most delegates traveled by horseback or carriage; they struggled over muddy roads caused by heavy rain. Streams were swollen and bridges unsteady. Those coming from New York City had the easiest trip, a day’s ride by horse or stagecoach. From Virginia and lower New England, the trip was four days (if the weather was good). The trip took even longer for those traveling from New Hampshire, the Carolinas, and Georgia.

George Washington (1732–1799) arrived in Philadelphia on May 13. He had left Mount Vernon, his home in Fairfax County, Virginia, on May 9, traveling by carriage. The roads were bad, but that was not the main reason it took Washington so long to arrive. What slowed him down was his popularity as a war hero; people along the route recognized him as the great military leader who had won the American Revolution, and they wanted to celebrate his arrival. In every village and town he traveled through, church bells rang, cannons saluted him, and elaborate dinners were held in his honor.

After arriving in Philadelphia, Washington went to Benjamin Franklin’s home for a visit. Washington was fifty-five years old. Franklin was eighty-one years old and ill, but he still headed Pennsylvania’s government and could speak at length about almost any topic. Many Americans and Europeans viewed him as the wisest man in the world. Franklin had played a major role in starting the American Revolution. He wrote the original Articles of Confederation and Perpetual Union in 1775, negotiated the Treaty of Paris in 1783 to end
the American Revolution, and lived abroad for extended periods, both in Paris and in London.

On May 14, the day the convention was supposed to begin, only delegates from Pennsylvania and Virginia had arrived. The bad roads into Philadelphia had delayed the others. (They probably would have been late even without this obstacle, because at that time, being punctual and staying on schedule was not considered as important as it is in the twenty-first century.) Delegates trickled in over the next few weeks. Most delegates took rooms at the Indian Queen, the finest inn and tavern in Philadelphia. It had the best food and service and was located very close to the Pennsylvania State House, where the meeting would be held. The innkeeper set aside a dining room just for the delegates, so they could dine privately and work out each day’s plan of action.

James Madison’s preparation

While waiting for the delayed delegates to arrive, several of the Virginia delegates, including James Madison (1751–1836) and Governor Edmund J. Randolph (1753–1813), took advantage of the time to hammer out a proposal that came to be known as the Virginia Plan. Madison, who was only thirty-six at the time, had experience in the political affairs of the young nation. Madison had arrived in Philadelphia on May 3, eleven days before Washington, and had prepared extensively for the meeting. He read all he could gather about what a government should be and how it could be put together.

Madison had written to Thomas Jefferson in France, asking if Jefferson could send him some European books about political histories. Jefferson responded by sending him one hundred volumes. As he read, Madison became convinced that it was useless to merely fix the Articles of Confederation. Instead, Madison wanted to propose that a new constitution be written; he wanted to create a new structure of government.

Convention begins

Delegates from at least seven of the thirteen states had to be present before the convention could begin. At last, on May 25, delegates from nine states had arrived, and the convention got under way. Twenty-nine delegates from Delaware, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, Massachusetts, and Georgia were present. The first
order of business was electing a president of the convention. Washington, the most highly respected American of the time, was elected unanimously. Throughout the convention, the president, or presiding officer, did not join in the debates but was responsible for guiding the delegates through the debates smoothly and agreeably.

Major William Jackson (1759–1828) was designated as secretary for the convention, but he did not carefully record
the proceedings. If it had not been for Madison, little would be known about the creation of the U.S. Constitution. Madison took a seat up front close to Washington and began to take notes on everything that was said. He would miss not even one hour of the entire four-month convention. Madison played a dominant role in deliberations, and history remembers him as the “Father of the Constitution.”

After selecting the officers for the meeting, the delegates agreed upon rules for debate. They also decided the convention discussions must be held in complete secrecy. Delegates agreed not to speak, write, or publish anything about the proceedings outside the State House. Guards were placed outside the assembly room’s doors. When it came to secrecy, Benjamin Franklin presented a problem. At the end of each day, he enjoyed going to the Philadelphia taverns and having dinner and a few drinks with other delegates. He liked to talk so much that two escorts were assigned to go everywhere with him and prevent him from revealing the discussions that were taking place at the convention.

Secrecy turned out to be a wise move. Delegates could speak openly and frankly about their views without fear of publicity. They could argue with each other, change their minds, compromise. They could also express any disagreements they had with their own state legislatures. Hard day-to-day deliberations caused tempers to flare; delegates had shouting matches and made irrational statements—all human reactions, all occurring within the confines of the State House walls, and all eventually worked out for the nation’s good.

**Virginia Plan**

After spending the first few days of the convention resolving matters of organization of the meeting, on Monday, May 28, the convention got down to the business of revising the government. Having spent the previous two weeks in detailed planning, the Virginia delegates were in a position of leadership right from the start. On May 29 and 30, Governor Randolph presented fifteen simple and clear proposals, written principally by his fellow Virginian, James Madison. The proposals—the Virginia Plan—stunned the delegates. Most of the representatives favored a stronger national government, but the Virginia Plan represented a radical change from the Articles. The delegates knew their assignment was to fix the
Articles, not entirely rewrite them. The Virginia Plan was an obvious call for an entirely new constitution. The first major debates of the convention centered on the legality of replacing the Articles. On May 30, the vote was six states (Delaware, Massachusetts, North Carolina, Pennsylvania, South Carolina, and Virginia) to one (Connecticut) in favor of establishing a new frame of government. (Not all states voted on all resolutions and the delegates came to and from the convention freely, thereby missing some sessions and votes.)

Madison’s Virginia Plan called for a national government with real power. It would consist of three branches: an executive branch (including the office of the president), a legislative branch (Congress), and a judicial branch (a court system). Built into the plan would be a system of checks and balances, measures to keep the three branches balanced and prevent any one branch from overpowering or abusing the others.

The Virginia Plan recommended replacing the Continental Congress, a single-house legislative assembly, with a powerful two-house legislature. The people would elect representatives to the lower house, choosing from a list of candidates proposed by the state legislatures. The lower house would then elect members to the upper house. In both houses, the number of representatives from each state would be determined by the state’s population. This was a major change from the Articles, which allowed each state only one vote in the single-house Continental Congress. Under the Articles, states with small populations and states with large populations had equal power in Congress. Under the Virginia Plan, high-population states would have more representatives and therefore hold more power than states with fewer residents. This one point—how to determine the number of representatives from each state—would consume more of the delegates’ time than any other. Nationalists, or those who favored a strong central government, were pleased with the Virginia Plan. States’ rights delegates, those who favored powerful states, were dismayed.

**Nationalists and states’ righters**
Nationalists believed the Articles needed to be replaced with a new constitution. They wanted to create a national government that would be strong enough to maintain a prosperous economy, sustain national defense, and
Influence of John Locke and Baron de Montesquieu

Though Americans liked to think the Founding Fathers originated the basic ideas behind the form of government set up in the U.S. Constitution, the ideas had actually come from Europe. Thomas Jefferson, Benjamin Franklin, and James Madison had extensively studied the writings of Frenchman Charles-Louis de Secondat, Baron de Montesquieu (1689–1755), and Englishman John Locke (1632–1704), who were both philosophers of the Enlightenment period. Enlightenment philosophy taught that human beings could solve society’s problems by using their ability to reason. Locke and Montesquieu suggested that people should take direct part in their own government rather than letting kings or religious leaders rule over them.

Montesquieu originated the idea of checks and balances in government. He described how government power could be divided into branches and how policies could be set up to prevent each branch of government from dominating or abusing the others. Montesquieu named these branches of power the executive, the legislative, and civil law (the courts). Madison’s Virginia Plan called for essentially the same three branches of government: the executive, the legislative, and the judicial.

Locke identified certain natural rights of people—specifically, life, liberty, and property. In his book *Two Treatises of Government*, published in 1690, he suggested that government was a contract between the people and their ruler. If the ruler broke the contract, the people could demand a new ruler. In the Declaration of Independence, written in 1776, Jefferson proclaimed these same ideas. The Bill of Rights, added to the Constitution in 1791, protects the natural rights of U.S. citizens that Locke discussed.
of rights is a list of basic human rights governments cannot take away, such as freedom of speech.

The nationalists were in the majority at the convention, and they were some of the best speakers there. Key nationalists at the convention included Washington, Franklin, and Madison. Washington loved his home state of Virginia, but he had battled the British for eight years to win independence for America—a nation he hoped would be strong and united. Franklin and Madison agreed with Washington. Other leading nationalists who attended the convention were Gouverneur Morris (1752–1816) and James Wilson (1742–1798), both of Pennsylvania; Charles Cotesworth Pinckney (1746–1825) of South Carolina; and Alexander Hamilton (1755–1804) of New York.

Morris was talkative, humorous, and a good writer. Wilson was a brilliant legal scholar who read and studied as much as Madison. Pinckney played key roles in debate and compromise at the convention. Hamilton, the most extreme nationalist in attendance, disagreed with his fellow New York delegates, both states’ rights men.

States’ righters thought the Articles needed changes, but they did not think they were legally authorized to create a whole new constitution. They supported changes to the Articles that would allow the United States to deal with foreign powers. They also wanted to make revisions that would give Congress authority over public lands in the West, and they supported continuation of the national postal system. On all other issues, they believed states should be left alone to govern themselves. Most states’ righters thought a bill of rights in the national constitution was vital. Key states’ rights men included William “Judge” Paterson (1745–1806) of New Jersey, Roger Sherman (1721–1793) of Connecticut, Luther Martin...
William Paterson, leader of the New Jersey delegates who presented the New Jersey Plan during the Constitutional Convention. (© Hulton Archive/Getty Images.)

New Jersey Plan

In June, debate focused on the proposals introduced in the Virginia Plan. Led by states’ righter Paterson, who still preferred merely repairing the Articles, New Jersey delegates countered with the New Jersey Plan. The nine resolutions of this plan revised and strengthened the Articles. The resolutions included plans to strengthen Congress by allowing it to raise revenue with taxes and control trade between states and foreign powers. Like the Virginia Plan, the New Jersey Plan called for executive, judicial, and legislative branches of government. However, the legislative branch it proposed would be a one-house assembly with each state having one vote, the same arrangement established in the Articles. Nationalists and representatives from states with large populations opposed this plan. After a few days of heated debate, the New Jersey Plan was defeated and the Virginia Plan accepted. However, almost every proposal within the Virginia Plan had to be debated and reworked.

Major disagreement centered on how many representatives from each state should be in each house of Congress. Madison and Wilson insisted that in both houses the number of representatives from each state should be based
on the population of the state. This would give large (populous) states such as Virginia, New York, and Pennsylvania many more representatives than small (less populous) states such as Connecticut, Delaware, New Jersey, and Maryland. Delegates from small states bitterly protested. They feared the plan would give them almost no say in congressional decisions. The issue of small states versus large states turned out to be the most difficult issue of the entire convention.

**Connecticut Compromise (Great Compromise)**

On July 5, a small committee led mostly by states’ rights men, including Paterson, Sherman, Martin, Mason, and Gerry, proposed a compromise known as the Connecticut Compromise (also called the Great Compromise). Under this plan, the number of representatives in the lower house would be determined by each state’s population, one representative elected for every forty thousand inhabitants (this number was changed to thirty thousand just before the Constitution was signed). In the upper house, the states would all have the same number of representatives, regardless of population. It was a brilliant, simple compromise. After more intense debate, both small and large states agreed to this plan.

**Northern versus Southern states: The Three-Fifths Compromise**

The Great Compromise required an exact population count to determine the number of representatives each state would be allowed in the lower house. The debate centered on which persons should be counted. To increase their representation, Southern states wanted everyone counted, including slaves. Slaves made up about 44 percent of the population in South Carolina, 41 percent in Virginia, and about one-third of the other Southern states’ populations. Representatives from the North did not want slaves to be counted. Northern states had very few slaves, and they did not want the Southern states to gain the advantage of greater representation in the new government. However, on the issue of tax assessment, the Northern and Southern states reversed their positions on
who to count. Taxes for each state were to be based on state population. The South wanted to avoid paying higher taxes to the national government, so for tax purposes, Southerners did not want slaves counted as part of their population. The North wanted the South to pay its fair share of taxes, so Northerners wanted all slaves counted.

On July 12, the Three-Fifths Compromise was adopted. This plan recommended that both representation and taxation be computed by counting every five slaves as three free inhabitants (in other words, three-fifths of the slaves would be counted). A census taken every ten years would determine the official population of each state. On Monday, July 16, the states voted to accept the Great Compromise and the Three-Fifths Compromise. It was a close vote: five states in favor and four opposed (the Massachusetts delegates were split). The small states were relieved by this result and became less concerned about being overpowered by the large states. The large states knew that if they had not compromised, the small states might have felt compelled to leave the convention. If that had happened, the convention would have ended because the delegates fully realized that success in revising the government needed broad support to ever have a chance of succeeding. All the delegates knew that in order for the nation to survive, the convention must succeed. Therefore, the spirit of compromise was an essential part of the debates.

Committee of Detail

Later in July, after the debates on representation and taxation had been resolved, the weather in Philadelphia got hotter and hotter. Still, the windows on the State House remained closed to guard the secrecy of the convention discussions. On one occasion, when the delegates could no longer stand the heat and threw open the windows, flies and bugs of all sorts invaded. So the windows were closed again. Missing their families, worried about private business, and tired of the discussions over small details, the delegates became very grumpy. A recess was badly needed. The convention appointed a “committee of detail” to keep working, and everyone else took a break from July 26 until August 6. The five-man committee consisted of Oliver Ellsworth (1745–1807) of Connecticut, Nathaniel Gorham
(1738–1796) of Massachusetts, Edmund Randolph of Virginia, John Rutledge (1739–1800) of South Carolina, and James Wilson of Pennsylvania.

The committee worked diligently to organize and write down all the decisions the delegates had made so far. Many issues besides representation and taxation had been debated and resolved. For example, the delegates agreed to give Congress more power than it had under the Articles. The Committee of Detail wrote down eighteen congressional powers that all the states had agreed to recognize; this list became Article 1, Section 8, of the Constitution. All the powers Congress had under the Articles, such as organizing the army and navy and tending to foreign affairs, were retained. In addition to these powers, the delegates granted Congress the authority to tax citizens, collect those taxes, and regulate interstate and foreign commerce (trade).

The Committee of Detail also gave names to the newly invented, vaguely worded government units. Committee members decided that the chief executive of the new government would be called the president. They also decided that the lower house of Congress would be called the House of Representatives; the upper house, the Senate; and the national court, the Supreme Court.

**Importation of slaves**

Refreshed by their break, the delegates returned to the convention in early August to debate the details for five more weeks. Eager to speed negotiations, they made their speeches shorter and were quicker to reach compromise. One particularly difficult matter needing resolution was the importation of slaves. This issue had been set aside earlier in a catchall category called “postponed matter.”

Northern states wanted to halt the importation of slaves; Southern states did not want to stop this practice. The compromise they reached stated that Congress could not outlaw the importation of slaves until 1808. Both sides felt a sense of victory: Those opposed to slavery looked forward to a time in the future when Congress could halt the importation of slaves. Those in favor of slavery assumed they would prevail in any future debates. The terms “slave” and “slavery” were not
used anywhere in the Constitution. Instead, “such Persons” and “other Persons” were the words used to describe slaves (Article 1, Section 9, Clause 1 and Article 1, Section 2, Clause 3).

**Final preparation of the Constitution**

In early September, work on the Constitution was essentially done. The delegates appointed a “committee of style” to put the Constitution in its final form and ready it for printing. Gouverneur Morris, who greatly admired Thomas Jefferson’s eloquent beginning to the Declaration of Independence, wrote the preamble (introduction): “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity [future generations], do ordain and establish this Constitution for the United States of America.”

As preparation of the Constitution proceeded, the issue of a bill of rights came up again. Most state constitutions had a bill of rights. George Mason had written Virginia’s Declaration of Rights and was worried that the Constitution had none. Elbridge Gerry formally requested that a committee be formed to write a bill of rights. Fearing many more weeks of long debate, the states voted ten to none (Massachusetts and New York were absent) against preparing a bill of rights.

On September 15, 1787, the states voted unanimously in favor of supporting the Constitution. The delegates met one last time on Monday, September 17; forty-one of the original fifty-five delegates were present. It was time to sign the Constitution. George Mason was in attendance, but he did not sign, because the Constitution had no bill of rights. Likewise, Virginia governor Edmund Randolph, who introduced the Virginia Plan to the convention, decided to withhold his support until he heard debates in his state on the Constitution. The third nonsigner who attended the September 17 session was Elbridge Gerry. He also wanted a bill of rights, but his bigger concern was that the states’ debate on ratification could lead to civil war. One delegate not in attendance the last day due to health reasons, John Dickinson (1732–1808), had a fellow delegate from Delaware, George Read (1733–1798), sign the Constitution on his behalf.
After the Constitution was read aloud, Benjamin Franklin asked to speak. He was weak and ill, so James Wilson, his fellow Pennsylvania delegate, read Franklin's speech. Franklin said that he, like all the delegates, disagreed with parts of the Constitution, but that it was the best they could produce. In fact, he said, he thought it might be very good indeed. He urged the delegates to sign the document for the good of the struggling nation. Thirty-eight delegates stepped to the table and signed.

Washington rose and signed first. As he did, Franklin paid a tribute to all that had been accomplished. James Virginia governor Edmund Randolph attended the Constitutional Convention but opted not to sign the Constitution. (© Hulton Archive/Getty Images.)
Madison describes Franklin’s tribute in *The Records of the Federal Convention of 1787*:

> Whilst the last members were signing it, Doctr. Franklin looking towards the President’s chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that painters had found it difficult to distinguish in their art a rising from a setting sun. I have, said he, often and often in the course of the session ... looked at that [sun] behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting sun.

That evening the delegates had dinner together at Philadelphia’s City Tavern on Second Street. They then left for home to return to their families and businesses and to convince the people in their states to support the Constitution.

**Ratification**

Article 7 required nine of the thirteen states to ratify (approve) the Constitution before it would go into effect. By law, the country would continue to operate under the Articles until ratification took place. The delegates sent the Constitution to Congress in New York City; it arrived on September 26, 1787. Congress debated over the document for two days. Despite their reservations and without actually endorsing its ratification, Continental Congress representatives voted to send the document on to the states for ratification debate. Newspapers immediately published the full text of the Constitution for all to read.

Each state called a ratification convention. Delegates were elected by the voters. During the ratification debates, people split into two groups, the Federalists and the Anti-Federalists. Federalists, also called nationalists, supported ratification of the Constitution. Anti-Federalists, also called states’ righters, opposed ratification. The most radical Anti-Federalists, long opposed to a strong national government, tried to scare people by saying the Constitution created a national government that would be much more powerful than the states. They claimed the national government could not be trusted and would heavily tax and regulate the people.

Beyond their scare tactics, the Anti-Federalists did not have a good plan for promoting their cause. The Federalists, who did not share the Anti-Federalists’ distrust of government, were much more organized and got their message out quickly.
And they had at least one great advantage: People knew George Washington was firmly on the Federalist side, and they trusted Washington’s judgment.

The Federalists turned to newspapers to promote their viewpoint. Alexander Hamilton, James Madison, and New York delegate John Jay (1745–1829) anonymously wrote essays carefully explaining why the Constitution should be ratified. Beginning in October 1787, these essays were published first in a New York newspaper, then throughout the states. Called the Federalist Papers, the essays were published one after another for eight months. In total, the three men wrote eighty-five essays presenting the Federalist position.

The Federalists stressed that the country needed the new constitution to survive. Federalists moved quickly in states where there was little opposition. In Delaware on December 7, New Jersey on December 18, and Georgia on January 9, state convention delegates ratified the Constitution without a single no vote. The first fight came in Pennsylvania, where farmers were suspicious of anything that a government body produced since they believed taxes would follow. However, under the guidance of Pennsylvania delegates Franklin and Wilson and before Anti-Federalists could get organized, two-thirds of the delegates at Pennsylvania’s ratifying convention voted for ratification on December 12. In January, Connecticut voted for ratification by a three-to-one margin. With Connecticut added to the list, five states had ratified the Constitution.

A fight also occurred in Massachusetts, where Anti-Federalists were probably in the majority, especially among farmers, but again were poorly organized. Massachusetts wanted the Constitution to include a bill of rights, so Federalists helped make a list of additions the state desired. Federalists promised that as soon as ratification occurred and a new Congress was in place, it would consider the recommendations from Massachusetts. The Massachusetts ratifying convention then narrowly approved the Constitution (187 to 168) on February 6, 1788. Now a total of six states had ratified the document.

Maryland and South Carolina ratified the Constitution on April 28 and May 23. Only one more state ratification was needed to put the Constitution into effect. New Hampshire voted narrowly in favor of ratification on June 21, 1788, making the Constitution the law of the land. However, everyone
knew ratification was meaningless without the agreement of Virginia and New York, states with large populations and great influence.

In Virginia, Anti-Federalists led by Patrick Henry, George Mason, and James Monroe (1758–1831) argued for days against ratification. Henry raved that there was neither a limitation on the president’s term nor a limit on salaries congressmen could pay themselves. Therefore, he said, the president could make himself king, and congressmen could make themselves into very wealthy men. He argued that the Constitution created a government far worse than that of George III (1738–1820; reigned 1760–1820), Britain’s king. James Madison calmly countered Henry’s every charge with common sense, and with the help of young John Marshall (1755–1835), who would one day become chief justice of the Supreme Court, Virginia voted for ratification (89 to 79) on June 26.

New York’s ratification convention had started on June 17. Anti-Federalists led by Governor George Clinton (1739–1812) were in the majority, but Alexander Hamilton held the vote off until word came of Virginia’s favorable vote. Fearing theirs would be the only state left out of the union, the New York delegates voted 30 to 27 to ratify the Constitution on July 26, 1788. Since the Massachusetts vote, all states but Maryland had sent in recommendations for additions to the Constitution. New York topped them all with thirty-two separate recommendations.

Although the new Congress was scheduled to convene in March, not enough delegates had arrived by that time. The first Congress under the U.S. Constitution convened on April 6, 1789. George Washington was the unanimous choice for president, and John Adams was elected vice president. Washington and Adams were inaugurated in a grand celebration on April 30, 1789, at Federal Hall in New York City (see Chapter 4).

**Bill of Rights**

The first business Congress conducted under the Constitution was to consider the many recommendations made by the states. Under Article 5, the Constitution provided a way to make changes or additions (amendments). As he had promised, James Madison combined the many proposed state recommendations into a concise list of twelve amendments. Following procedure
under Article V, two-thirds of both houses of Congress officially proposed the amendments and then sent them to the states. Once three-fourths of the states ratified the amendments, they would become part of the Constitution.

If the amendments were ratified, they would provide legal protection against government abuses. The first ten offered protections for both individuals and states. The First Amendment protected Americans’ religious freedom (see Chapter 12) and their freedom of speech; it also guaranteed them freedom of assembly (gathering), freedom of the press, and the right to make their grievances known to the government. The Fourth Amendment protected persons from unreasonable search and seizures of their property. The Fifth Amendment guaranteed every citizen due process of law; this meant that in any legal proceeding, citizens could expect officials to follow all established rules in an orderly manner. The Sixth Amendment guaranteed the right to a trial by jury. The Tenth Amendment reserved for the states all powers that were not specifically written down in the Constitution as congressional powers. By December 15, 1791, the states had ratified ten of the twelve amendments. These ten became known as the Bill of Rights. The two amendments that were not ratified would have limited the size of the House of Representatives and prohibited representatives in the House and Senate from raising their salaries.

After the passage of the Bill of Rights, the Anti-Federalists felt better about the Constitution and the new powers of the federal government. Many former Anti-Federalists became leaders in the new government: Edmund Randolph was George Washington’s first attorney general, George Clinton served as vice president under Thomas Jefferson and James Madison, and James Monroe became the fifth president of the United States.

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