

Section 4

The Constitution

Guide to Reading

Big Ideas
Government and Society American leaders created a new Constitution based on compromise that promised a Bill of Rights.

Content Vocabulary

- popular sovereignty (p. 37)
- federalism (p. 37)
- separation of powers (p. 38)
- checks and balances (p. 38)
- veto (p. 38)
- ratification (p. 39)

Academic Vocabulary

- framework (p. 35)
- interpret (p. 38)
- revise (p. 39)

People and Events to Identify

- Federalist (p. 39)
- Anti-Federalist (p. 39)

Reading Strategy

Categorizing Complete a graphic organizer similar to the one below by listing the supporters and goals of the Federalists and Anti-Federalists.

	Federalists	Anti-Federalists
Source of Support		
Goals		

States adopted individual constitutions that called for government with powers divided among three different branches. They rejected the Articles of Confederation and ratified the national Constitution after many compromises and the promise of a Bill of Rights.

The Young Nation

MAIN Idea The states created constitutions that gave people more rights, but the national framework could not address all the problems of the new nation.

HISTORY AND YOU If you had lived in the colonies under British rule, what kind of government would you have created? Read on to learn how the American leaders at first created a weak central government.

When American leaders created the United States of America, they were very much aware that they were creating something new. They made a deliberate choice to replace royal rule with a republic. In a republic, power resides with citizens who are entitled to vote. The power is exercised by elected officials who are responsible to the citizens and must govern according to laws or a constitution.

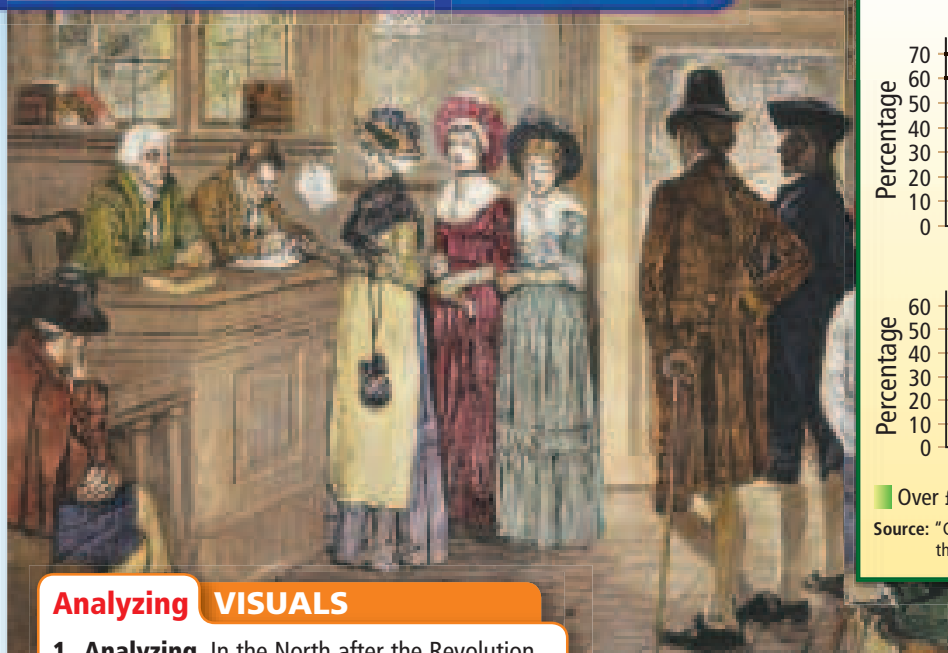
In an ideal republic, all citizens are equal under the law, regardless of their wealth or social class. These ideas conflicted with many traditional beliefs, including ideas about slavery, about women not being allowed to vote or own property, and about wealthy people being “better” than others. Despite these contradictions, republican ideas began to change American society after the war.

New State Constitutions

Before the war ended, each state had drawn up its own written constitution. Virginia’s, written in 1776, and Massachusetts’s, drafted in 1780, became models for other states to follow. Their constitutions called for a separation of powers among the executive, legislative, and judicial branches of government. They set up bicameral, or two-house, legislatures, with a senate to represent people of property and an assembly to protect the rights of the common people. They also included a list of rights guaranteeing essential freedoms.

Other states varied in their constitutions. Perhaps most democratic was that of Pennsylvania. Rather than simply limiting the power of the governor, the Pennsylvania constitution eliminated the position entirely, along with the upper house. Instead, the state would be governed by a one-house legislature in which representatives would be elected annually.

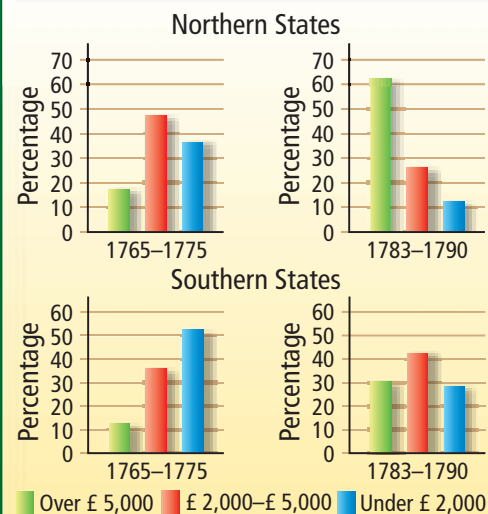
The Revolution Changes Government



Analyzing VISUALS

- Analyzing** In the North after the Revolution, how much did the percentage of wealthy officeholders increase?
- Specifying** In which region did the greatest number of middle-class people enter public office after the Revolution?

Wealth of Elected Officials



Source: "Government by the People: The American Revolution and the Democratization of the Legislatures."

▲ After the Revolution, voting rights expanded. In New Jersey, between 1790 and 1807, even women were able to vote. However, the percentage of wealthy people who actually held office increased.

Changes in Society

The concern for individual liberty led, among other things, to greater separation of church and state. For example, the Virginia Statute for Religious Freedom, passed in 1786, declared that Virginia no longer had an official church and that the state could not collect taxes to support churches.

Voting rights also expanded. Many states allowed any white male taxpayer to vote, whether or not he owned property. Property restrictions on running for office were also relaxed, and more people of modest means became eligible to serve in government.

Women and African Americans continued to be denied political rights, but they made some advances. Women gained greater access to education and could more easily obtain a divorce. For African Americans, emancipation, or freedom from enslavement, became a major issue. Thousands of enslaved people achieved freedom during the Revolution in return for their military service. Several Northern states,

such as Massachusetts, even took steps to abolish slavery gradually. In the South enslaved labor remained crucial to the economy, and little changed.

A Weak National Government

American leaders now worked to plan a central government for the new nation. On March 2, 1781, the **framework** they created took effect. The Articles of Confederation loosely unified the states under a single governing body, the Confederation Congress. There were no separate branches of government, and Congress had only limited powers. After fighting to free themselves from Britain's domineering rule, the states did not want to create a new government that might become tyrannical.

Under the Articles, each state had one vote in Congress. Congress could act only in certain arenas. It could negotiate with other nations, raise armies, and declare war, but it had no authority to regulate trade or impose taxes.

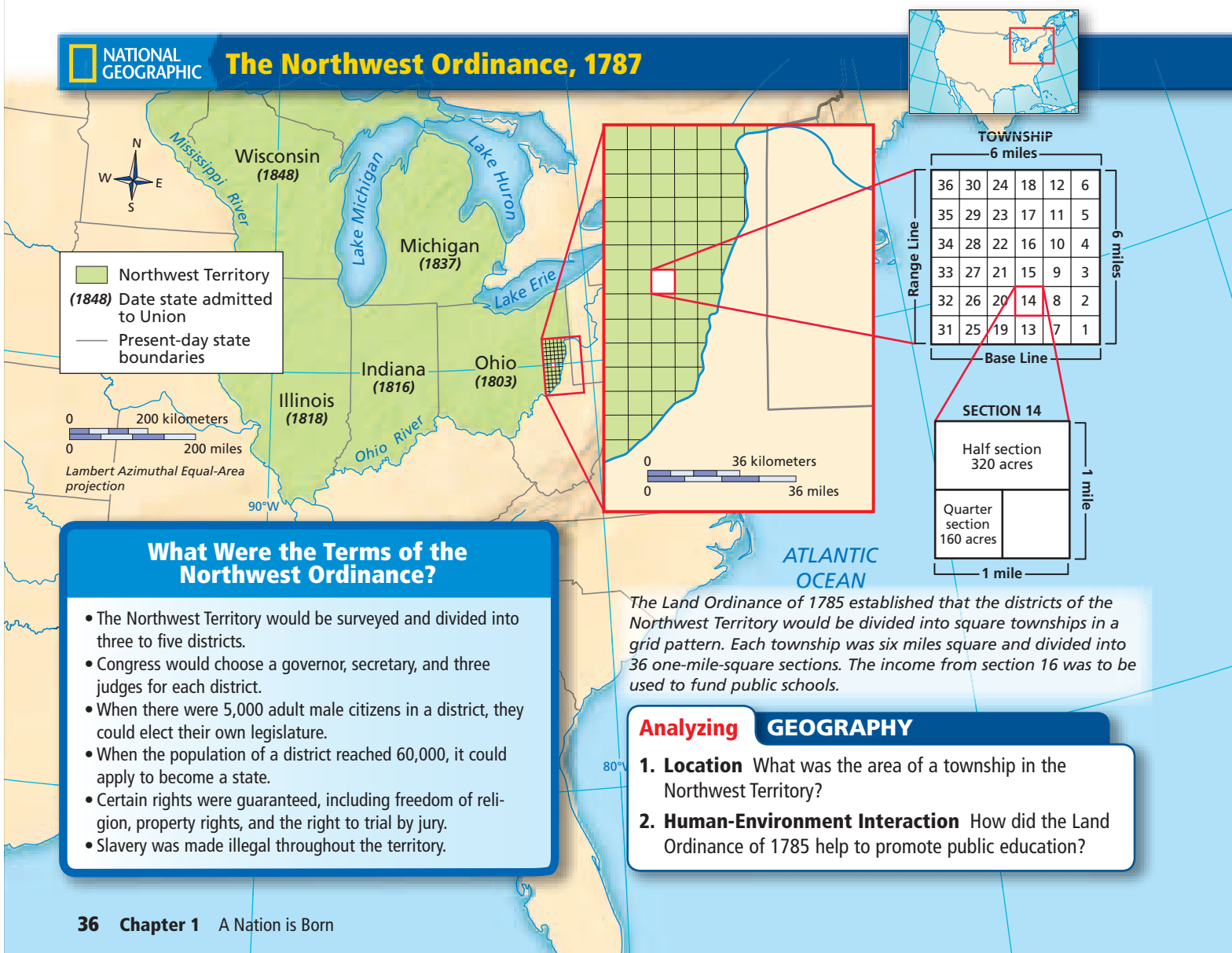
C Despite its weaknesses, the Congress was able to pass the Northwest Ordinance of 1787, a plan for selling and then governing the new lands west of the Appalachian Mountains and north of the Ohio River. The ordinance spelled out how states would be created from the Northwest Territory. It also guaranteed residents certain rights, including freedom of religion and freedom from slavery.

Congress lacked the power to effectively handle other challenges. Trade problems arose because states did not have uniform trade policies, and Congress had no authority to intervene. Foreign relations suffered because Congress could not compel the states to honor its agreements with other countries. The country sank into a severe recession, or economic slowdown, because without the power to tax,

Congress could not raise enough money to pay its war debts or its expenses. It could not even stop the states from issuing their own currency, which rapidly lost value and further weakened the economy.

Among those hardest hit by the recession were poor farmers. Their discontent turned violent in January 1787, when a bankrupt Massachusetts farmer named Daniel Shays led some 1,200 followers in a protest of new taxes. Shays's Rebellion was put down by the state militia, but the incident showed the weakness of the Congress to solve the nation's problems. Increasingly, many people began to call for a stronger central government.

Reading Check Explaining In what ways was the Confederation Congress ineffective?



A New Constitution

R

MAIN Idea American leaders created a new constitution based on compromise.

HISTORY AND YOU Have you ever come up with new rules to a game because the old ones did not work? Read on to learn why the Constitution replaced the Articles of Confederation.

The political and economic problems facing the United States in 1787 worried many American leaders. They believed that the new nation would not survive without a strong national government and that the Articles of Confederation had to be revised.

In May 1787 every state except Rhode Island sent delegates to Philadelphia “for the sole purpose of revising the Articles of Confederation.” Instead of changing the Articles, though, the delegates quickly decided to abandon the Articles and write a brand-new framework of government. The meeting, attended by 55 of America’s most distinguished leaders, is therefore known as the Constitutional Convention. The majority were attorneys, and most of the others were planters or merchants. Most had experience in colonial, state, or national government. The delegates chose George Washington as their presiding officer. Other notable delegates included Benjamin Franklin, Alexander Hamilton, and James Madison.

Debate and Compromise

All the delegates supported a stronger national government with the power to levy taxes and make laws that would be binding upon the states. The delegates also accepted the idea of dividing the government into executive, legislative, and judicial branches.

On other points, the delegates found themselves split. One contentious question was how each state should be represented in Congress. The larger states insisted that representation in Congress should be based on population. The smaller states feared that the larger states would outvote them under such a system and instead wanted each state to have an equal vote. The convention appointed a special committee to find a compromise. Ben Franklin, one of the committee members, warned the delegates what would happen if they failed to agree:

PRIMARY SOURCE

“[You will] become a reproach and by-word down to future ages. And what is worse, mankind may hereafter, from this unfortunate instance, despair of establishing governments by human wisdom, and leave it to chance, war, and conquest.”

—quoted in *American History*

The committee’s solution was based on a suggestion by Roger Sherman from Connecticut. Congress would be divided into two houses. In one, the House of Representatives, the number of a state’s representatives would depend on its population. In the other, the Senate, each state would have equal representation. The voters in each state would elect members to the House of Representatives, but the state legislatures would choose senators. This proposal came to be known as the Great Compromise or the Connecticut Compromise.

The Connecticut Compromise sparked a fresh controversy: whether to count enslaved people when determining how many representatives each state would have in the House. The matter was settled by the Three-Fifths Compromise. Every five enslaved people would count as three free persons for determining both representation and taxation.

In another compromise, the delegates dealt with the power of Congress to regulate trade. Delegates agreed that the new Congress could not tax exports. They also agreed that it could not ban the slave trade until 1808 or impose high taxes on the import of enslaved persons.

Framework of Government

With the major disputes behind them, the delegates now focused on the details of how the new government would operate. The new Constitution they crafted was based on the principle of **popular sovereignty** (SAH·vuhn·tee), or rule by the people. Rather than a direct democracy, it created a representative system of government in which elected officials speak for the people.

To strengthen the central government but still preserve the rights of the states, the Constitution created a system known as **federalism**. Under federalism, power is divided between the federal, or national, government and the state governments.

C

The Constitution also provided for a **separation of powers** in the new government by dividing power among three branches. The two houses of Congress made up the legislative branch of the government. They would make the laws. The executive branch, headed by a president, would implement and enforce the laws Congress passed. The president would perform other duties as well, such as proposing legislation, appointing judges, putting down rebellions, and serving as commander in chief of the armed forces. The judicial branch—a system of federal courts—would hear all cases arising under federal law and the Constitution, **interpret** federal laws, and render judgment in cases involving those laws. To keep the branches separate, no one serving in

one branch could serve in the other branches at the same time.

Checks and Balances

In addition to giving each of the three branches of government separate powers, the framers of the Constitution created a system of **checks and balances** to prevent any one of the three branches from becoming too powerful. Each branch would have some ability to limit the power of the other two.

The president could check Congress by deciding to **veto**, or reject, a proposed law. The legislature would need a two-thirds vote in both houses to override a veto. The Senate also had the power to approve or reject presidential

INFOGRAPHIC

C

Comparing Constitutions

The Articles of Confederation

One—the Confederation Congress

Members of Congress appointed annually by state legislatures

No separate executive; members of the Congress elect a president annually; government departments are run by committees created by the Congress

Judicial matters left to the states and local courts; the Congress acts as a court for disputes between states

Only states can levy taxes

The Congress regulated foreign trade but had no power to regulate interstate trade

How Many Houses in the Legislature?

How Are Delegates Chosen?

How Is Executive Power Exercised?

How Is Judicial Power Exercised?

What Taxes Can Be Levied?

Can Trade Be Regulated?

The Federal Constitution

Two—the House of Representatives and the Senate

Representatives elected every two years by voters; senators originally chosen by state legislatures for a six-year term (today voters elect senators as well)

Separate executive branch; president elected every four years by Electoral College; president conducts policy, selects officers to run government departments, appoints ambassadors and judges

Separate judicial branch with a Supreme Court and lower courts created by Congress; judges appointed by the president but confirmed by the Senate

Federal government can levy taxes

Federal government regulates both interstate commerce and foreign commerce

Analyzing VISUALS

- Contrasting** How was the election of members of the House of Representatives different from the election of members of the Confederation Congress?
- Evaluating** How did the Constitution solve the problems experienced under the Articles with interstate and foreign trade?

appointees to the executive branch and had to consent to any treaties the president negotiated. Congress also had the power of the purse. All bills involving taxes or the spending of government money had to originate in the House of Representatives. If any branch of government became too powerful, the House could always refuse to fund it. In addition, Congress could impeach, or formally accuse of misconduct, the president and other high-ranking officials in the executive or judicial branch and if convicted remove them from office.


Members of the judicial branch could hear all cases arising under federal laws and the Constitution. The powers of the judiciary were counterbalanced by the other two branches. The president had the power to nominate judges, including a chief justice of the Supreme Court, and the Senate had to confirm or reject such nominations. Once appointed, however, federal judges would serve for life to ensure their independence from the other branches.

R Amending the Constitution

The delegates recognized that the Constitution they wrote in the summer of 1787 might need to be **revised** over time. To ensure this could happen, they created a clear system for making amendments, or changes, to the Constitution. To prevent the government from being changed constantly, they made it difficult for amendments to be adopted.

The delegates established a two-step process for amending the Constitution: proposal and ratification. An amendment could be proposed by a vote of two-thirds of the members of both houses of Congress. Alternatively, two-thirds of the states could call a constitutional convention to propose new amendments. To become effective, the proposed amendment would then have to be ratified by three-fourths of the state legislatures or by conventions in three-fourths of the states.

The success of the Philadelphia Convention in creating a government that reflected the country's many different viewpoints was, in Washington's words, "little short of a miracle." The convention, John Adams declared, was "the single greatest effort of national deliberation that the world has ever seen."

 **Summarizing** What compromises did the delegates agree on during the convention?

Ratification

MAIN Idea The promise of a Bill of Rights guaranteed the ratification of the Constitution.

HISTORY AND YOU Have you ever had to convince a friend to agree to something? Read on to learn how the states agreed to ratify the Constitution.

On September 28, the Confederation Congress voted to submit the Constitution to the states. Each state would hold a convention to vote on it. To go into effect, the Constitution required the **ratification**, or approval, of 9 of the 13 states.

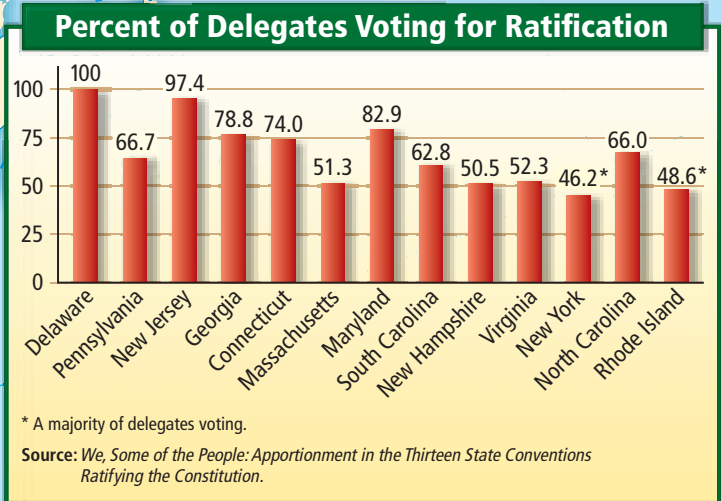
Delaware became the first state to ratify the new Constitution, on December 7, 1787. Pennsylvania, New Jersey, Georgia, and Connecticut quickly followed suit. However, the most important battles still lay ahead. Arguments broke out among Americans, who debated whether the Constitution should be ratified at all.

Debating the Constitution **D**

In fact, debate over ratification began at once—in state legislatures, mass meetings, newspapers, and everyday conversations. Supporters of the new Constitution began calling themselves **Federalists**. They chose the name to emphasize that the Constitution would create a federal system—one with power divided between a central government and state governments.

Many Federalists were large landowners who wanted the property protection that a strong central government could provide. Supporters also included merchants and artisans in large coastal cities and farmers who depended on trade. They all believed it would help their businesses to have an effective federal government that could impose taxes on foreign goods or regulate interstate trade consistently.

Opponents of the Constitution were called **Anti-Federalists**, although they were not truly against federalism. They accepted the need for a national government, but they were determined to protect the powers of the states and concerned about whether the federal or state governments would be supreme. Some Anti-Federalists also believed that the new Constitution needed a bill of rights. Many Anti-Federalists were western farmers living far from the coast. These people considered themselves self-sufficient and were suspicious of the wealthy and powerful.



Analyzing GEOGRAPHY

- Location** Most of the people who lived on the Atlantic Coast voted for ratification. Why do you think this was the case?
- Place** Which state was the only one in which the delegates voted unanimously for ratification?

As the states prepared for ratification, both sides knew the decision could go either way. Those in favor of the Constitution summarized their arguments in *The Federalist*—a collection of 85 essays written by James Madison, Alexander Hamilton, and John Jay. Federalist No. 1, the first essay in the series, tried to set the framework for the debate:

PRIMARY SOURCE

"After an unequivocal experience of the inefficacy of the subsisting Foederal [sic] Government, you are called upon to deliberate on a new Constitution for the United States of America. . . . It has been frequently remarked that it seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force."

—from *The Independent Journal*, October 27, 1787

The essays were extremely influential. Even today, judges, lawyers, legislators, and historians rely upon them to help interpret the intention of the framers of the Constitution.

Massachusetts

In Massachusetts opponents of the proposed Constitution held a clear majority. They included Samuel Adams, who had signed the Declaration of Independence but now strongly believed the Constitution endangered the independence of the states and failed to safeguard Americans' rights.

Federalists quickly promised to attach a bill of rights to the Constitution once it was ratified. They also agreed to support an amendment that would reserve for the states or the people all powers not specifically granted to the federal government. These Federalist promises and the support of artisans guaranteed Massachusetts's approval. In 1791 the

promises led to the adoption of the first ten amendments to the Constitution, which came to be known as the Bill of Rights. The amendments guaranteed the freedoms of speech, press, and religion; protection from unreasonable searches and seizures; and the right to a trial by jury.

Maryland easily ratified the Constitution in April 1788, followed by South Carolina in May. On June 21, New Hampshire became the ninth state to ratify the Constitution. The Federalists had now reached the minimum number of states required to put the new Constitution into effect. Virginia and New York, however, still had not ratified. Together, Virginia and New York represented almost 30 percent of the nation's population. Without the support of these states, many feared the new government would not succeed.

Virginia and New York


At the Virginia convention in June, George Washington and James Madison presented strong arguments for ratification. Patrick Henry, Richard Henry Lee, and other Anti-Federalists argued against it. Madison's promise to add a bill of rights won the day for the Federalists—but barely. The Virginia convention voted 89 in favor of the Constitution and 79 against.

In New York, two-thirds of the members elected to the state convention were Anti-Federalists. The Federalists, led by Alexander Hamilton and John Jay, managed to delay the final vote until news arrived that New Hampshire and Virginia had voted to ratify the Constitution and that the new federal government was now in effect. If New York refused to ratify, it would have to operate independently of all of the surrounding states that had accepted the Constitution. This argument convinced enough Anti-Federalists to change sides. The vote was very close, 30 to 27, but the Federalists won.

By July 1788, all the states except Rhode Island and North Carolina had ratified the Constitution. Because ratification by nine states was all that the Constitution required, the members of the Confederation Congress prepared to proceed without them. In mid-September 1788, they established a timetable for electing the new government. The new Congress would hold its first meeting on March 4, 1789.

The two states that had held out finally ratified the Constitution after the new government was in place. North Carolina waited until November 1789 after a bill of rights had actually been proposed. Rhode Island, still nervous about losing its independence, did not ratify the Constitution until May 1790.

The United States now had a new government, but no one knew if the Constitution would work any better than the Articles of Confederation. Many expressed great confidence, however, because George Washington had been chosen as the first president under the new Constitution.

 **Examining** Why was it important for Virginia and New York to ratify the Constitution, even after the required nine states had done so?

Section 4 REVIEW

Vocabulary

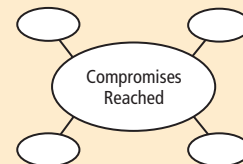
- 1. Explain** the significance of: popular sovereignty, federalism, separation of powers, checks and balances, veto, ratification, Federalist, Anti-Federalist.

Main Ideas

- 2. Explaining** What did the Northwest Ordinance accomplish?
- 3. Describing** How was the Constitution written as a flexible framework of government?
- 4. Analyzing** How did the Federalists attempt to assure ratification of the Constitution?

Critical Thinking

- 5. Big Ideas** What do you think was the most serious flaw of the Articles of Confederation? Explain.
- 6. Categorizing** Use a graphic organizer to list the compromises reached at the Constitutional Convention.



- 7. Analyzing Visuals** Study the map of the Northwest Ordinance on page 36. What significant provision of this law would contribute to dividing the nation?

Writing About History

- 8. Persuasive Writing** Take on the role of a Federalist or an Anti-Federalist at a state ratifying convention. Write a speech in which you try to convince your audience to either accept or reject the new constitution.

History  **ONLINE**

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Chapter 1 VISUAL SUMMARY



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Causes of European Colonization

- The wealth Spain acquired from conquering the Aztec and mining gold encourages others to consider creating colonies.
- The Protestant Reformation in England leads to the rise of Puritans who are persecuted by the English government, as are Catholics and others who disagree with the Anglican Church.
- Puritans, Catholics, and other religious dissenters, such as the Quakers, seek religious freedom by migrating to America.
- The growth of trade and the rising demand for English wool leads to landowners evicting peasants so as to raise sheep. Some of the peasants migrate to America to escape poverty and obtain land.



▲ Trading ships like these vessels of the Dutch East India Company carried goods around the world.

Causes of the American Revolution

- Defending the colonies in the French and Indian War costs Britain a great deal of money; Britain seeks ways to cover the costs incurred.
- Britain issues the Proclamation Act of 1763 banning colonists from moving west of the Proclamation line.
- The British crack down on smuggling by enforcing customs duties and creating a vice-admiralty court to try smugglers.
- The Sugar Act is attacked by colonists as taxation without representation.
- The Currency Act banning paper money angers farmer and artisans.
- The 1765 Stamp Act leads to widespread colonial protests.
- The 1767 Townshend Acts lead to further protests.
- The Boston Massacre convinces many that the British are tyrants.
- In 1773 British efforts to help the East India Company leads to the Boston Tea party and other protests against the tea shipments.
- Britain bans Massachusetts town meetings, closes Boston's port, and begins quartering troops in private homes.
- Neither King George nor British officials agree to compromise with the Continental Congress, and Congress orders a boycott of British goods.
- British troops fire on militia at Lexington and Concord; the revolution begins; and the Declaration of Independence is issued, July 4, 1776.



▲ The British surrender at Saratoga. The victory at Saratoga boosted morale and helped Americans gain the support of France and Spain.