Origins of American Government

"It is, Sir, the people’s Constitution, the people’s government, made for the people, made by the people, and answerable to the people."

—Daniel Webster (1830)

The Constitution grew out of a long heritage of law and politics. Before Americans could create their new government, they endured years of turmoil and revolution. In writing the Constitution, the Framers had to consider the rights and interests of many factions. Two hundred years later, Americans still seek and debate their rights.
Standards Preview

**H-SS 12.1.1** Analyze the influence of ancient Greek, Roman, English, and leading European political thinkers such as John Locke, Charles-Louis Montesquieu, Niccolo’ Machiavelli, and William Blackstone on the development of American government.

**H-SS 12.1.3** Explain how the U.S. Constitution reflects a balance between the classical republican concern with promotion of the public good and the classical liberal concern with protecting individual rights; and discuss how the basic premises of liberal constitutionalism and democracy are joined in the Declaration of Independence as “self-evident truths.”

**H-SS 12.1.4** Explain how the Founding Fathers’ realistic view of human nature led directly to the establishment of a constitutional system that limited the power of the governors and the governed as articulated in the Federalist Papers.

**H-SS 12.1.6** Understand that the Bill of Rights limits the powers of the federal government and state governments.

**H-SS 12.3.3** Discuss the historical role of religion and religious diversity.

**H-SS 12.4.1** Discuss Article I of the Constitution as it relates to the legislative branch, including eligibility for office and lengths of terms of representatives and senators; election to office; the roles of the House and Senate in impeachment proceedings; the role of the vice president; the enumerated legislative powers; and the process by which a bill becomes a law.

**H-SS 12.7.1** Explain how conflicts between levels of government and branches of government are resolved.

**H-SS 12.10** Students formulate questions about and defend their analyses of tensions within our constitutional democracy and the importance of maintaining a balance between the following concepts: majority rule and individual rights; liberty and equality; state and national authority in a federal system; civil disobedience and the rule of law; freedom of the press and the right to a fair trial; the relationship of religion and government.

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**Chapter 2 in Brief**

**SECTION 1**

**Our Political Beginnings** (pp. 28–32)

- American colonists benefited from a developing English tradition of ordered, limited, and representative government.
- This tradition was based on landmark documents, including the Magna Carta, the Petition of Right, and the English Bill of Rights.
- The English established three types of colonial governments, all of which provided training for the colonists in the art of government.

**SECTION 2**

**The Coming of Independence** (pp. 34–39)

- Great Britain became more involved with the colonies in the 1760s.
- The colonists reacted to the changes in British policies by taking small steps toward unity.
- Twelve of the 13 colonies joined in the First Continental Congress to plan opposition to the British policies.
- In May of 1775, the Second Continental Congress began. It became the government of the new United States and produced the Declaration of Independence.
- The newly formed States wrote constitutions that would later influence the making of the U.S. Constitution.

**SECTION 3**

**The Critical Period** (pp. 44–47)

- To provide a more lasting plan of government, the Second Continental Congress created the Articles of Confederation.
- The Articles contained many weaknesses and led to bickering among the States.
- The chaos of this critical period led to a movement for change toward a more powerful central government at the Constitutional Convention in May 1787.

**SECTION 4**

**Creating the Constitution** (pp. 49–54)

- The Constitutional Convention in Philadelphia involved delegates from every State but Rhode Island.
- The Virginia and New Jersey Plans each offered ways to organize the new government.
- The delegates agreed to compromises that allowed them to agree on the configuration of Congress and other issues.

**SECTION 5**

**Ratifying the Constitution** (pp. 56–58)

- The Federalists promoted the Constitution.
- The Anti-Federalists attacked the document out of fear of the plan’s strong central government and because it lacked a bill of rights.
- The new Congress convened in March 1789 in what was then the capital, New York City. On April 30, 1789, George Washington was inaugurated as the nation’s first President.
Our Political Beginnings

**Section Preview**

**Objectives**

1. **Identify** the three basic concepts of government that influenced government in the English colonies.
2. **Explain** the significance of the following landmark English documents: the Magna Carta, the Petition of Right, the English Bill of Rights.
3. **Describe** the three types of colonies that the English established in North America.

**Why It Matters**

Our system of government has its origins in the concepts and political ideas that English colonists brought with them when they settled North America. The colonies served as a school for learning about government.

**Political Dictionary**

- limited government
- representative government
- Magna Carta
- Petition of Right
- English Bill of Rights
- charter
- bicameral
- proprietary
- unicameral

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The American system of government did not suddenly spring into being with the signing of the Declaration of Independence in 1776. Nor was it suddenly created by the Framers of the Constitution in 1787.

The beginnings of what was to become the United States can be found in the mid-sixteenth century when explorers, traders, and settlers first made their way to North America. The French, Dutch, Spanish, Swedes, and others contributed to the European domination of this continent—and to the domination of those Native Americans who were here for centuries before the first Europeans arrived. It was the English, however, who came in the largest numbers. And it was the English who soon controlled the 13 colonies that stretched for some 1,300 miles along the Atlantic coast.

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English settlers brought to North America a political system as well as the skills needed to create household items, such as this carved Hadley chest.

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**Basic Concepts of Government**

The earliest English settlers brought with them knowledge of a political system—established laws, customs, practices, and institutions—that had been developing for centuries.

The political system they knew was that of England, of course. But some aspects of that structure had come to England from other times and places. For example, the concept of the rule of law that influenced English political ideas had roots in the early river civilizations of Africa and Asia. More directly, the ancient Romans who occupied much of England from A.D. 43 to 410 left behind a legacy of law, religion, and custom to the people. From this rich historical context, the English colonists brought to North America three ideas that were to loom large in the shaping of government in the United States.

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1 For example, King Hammurabi of Babylonia developed a codified system of laws known as Hammurabi’s Code around 1750 B.C. Its 282 laws covered real estate, trade, and business transactions, as well as criminal law. The code distinguished between major and minor offenses, established the state as the authority that would enforce the law, and tried to guarantee social justice. Because of the Babylonians’ close contact with the Hebrews, many of their laws became part of the Hebrew law and thus later a part of the Old Testament of the Bible—for example, “An eye for an eye.” The English and the English colonists were familiar with and devoutly attracted to this Biblical concept of the rule of law.
Ordered Government
Those first English colonists saw the need for an orderly regulation of their relationships with one another—that is, for government. They created local governments, based on those they had known in England. Many of the offices and units of government they established are still with us today: the offices of sheriff, coroner, assessor, and justice of the peace, the grand jury, counties, townships, and several others.

Limited Government
The colonists also brought with them the idea that government is not all-powerful. That is, government is restricted in what it may do, and each individual has certain rights that government cannot take away.

This concept is called limited government, and it was deeply rooted in English belief and practice by the time the first English ships reached the Americas. It had been planted in England centuries earlier, and it had been developing there for nearly 400 years before Jamestown was settled in 1607.

Representative Government
The early English settlers also carried another important concept to America: representative government. This idea that government should serve the will of the people had also been developing in England for centuries. With it had come a growing insistence that the people should have a voice in deciding what government should and should not do. As with the concept of limited government, this notion of “government of, by, and for the people” found fertile soil in America, and it flourished here.

Landmark English Documents
These basic notions of ordered government, of limited government, and of representative government can be traced to several landmark documents in English history.

The Magna Carta
A group of determined barons forced King John to sign the Magna Carta—the Great Charter—at Runnymede in 1215. Weary of John’s military campaigns and heavy taxes, the

Interpreting Charts The rights established in these landmark documents were revolutionary in their day. They did not, however, extend to all people when first granted. Over the years, these rights have influenced systems of government in many countries. How might the right to petition, first granted in the English Bill of Rights, prevent abuse of power by a monarch? H-SS 12.1.1
barons who developed the Magna Carta were seeking protection against heavy-handed and arbitrary acts by the king.

The Magna Carta included such fundamental rights as trial by jury and due process of law—protection against the arbitrary taking of life, liberty, or property. These protections against the absolute power of the king were originally intended only for the privileged classes. Over time, they became the rights of all English people and were incorporated into other documents. The Magna Carta established the principle that the power of the monarchy was not absolute.

**The Petition of Right**
The Magna Carta was respected by some monarchs and ignored by others for 400 years. During this time, England's Parliament, a representative body with the power to make laws, slowly grew in influence. In 1628, when Charles I asked Parliament for more money in taxes, Parliament refused until he signed the Petition of Right.

The Petition of Right limited the king's power in several ways. Most importantly, the document demanded that the king no longer imprison or otherwise punish any person but by the lawful judgment of his peers, or by the law of the land. It also insisted that the king not impose martial law (rule by the military) in time of peace, or require homeowners to shelter the king's troops without their consent. In addition, the Petition stated that no man should be:

"compelled to make or yield any gift, loan, benevolence, tax, or such like charge, without common consent by act of parliament."

—X, Petition of Right

The Petition challenged the idea of the divine right of kings, declaring that even a monarch must obey the law of the land.

**The Bill of Rights**
In 1688, after years of revolt and turmoil, Parliament offered the crown to William and Mary of Orange. The events surrounding their ascent to the throne are known in English history as the Glorious Revolution. To prevent abuse of power by William and Mary and all future monarchs, Parliament, in 1689, drew up a list of provisions to which William and Mary had to agree.

This document, the English Bill of Rights, prohibited a standing army in peacetime, except with the consent of Parliament, and required that all parliamentary elections be free. In addition, the document declared

"that the pretended power of suspending the laws, or the execution of laws, by regal authority, without consent of Parliament is illegal . . . .

that levying money for or to the use of the Crown . . . without grant of Parliament . . . is illegal . . . .

that it is the right of the subjects to petition the king . . . and that prosecutions for such petitioning are illegal . . . ."

—English Bill of Rights

The English Bill of Rights also included such guarantees as the right to a fair trial, and freedom from excessive bail and from cruel and unusual punishment.

Our nation has built on, changed, and added to those ideas and institutions that settlers brought here from England. Still, much in American government and politics today is based on these early English ideas.

**The English Colonies**
England's colonies in North America have been described as "13 schools of government." The colonies were the settings in which Americans first began to learn the difficult art of government.²

The 13 colonies were established separately, over a span of some 125 years. During that long period, outlying trading posts and isolated farm settlements developed into organized

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²The Europeans who came to the Americas brought with them their own views of government, but this does not mean that they brought the idea of government to the Americas. Native Americans had governments. They had political institutions that worked to accomplish the goals of the state; they had political leaders; and they had policies toward other states.

Some Native American political organizations were very complex. For example, five Native American tribes in present-day New York State—the Seneca, Cayuga, Oneida, Onondaga, and Mohawk—formed a confederation known as the Iroquois League. The League was set up to end conflicts among the tribes, but it was so successful as a form of government that it lasted for over 200 years.
communities. The first colony, Virginia, was founded with the first permanent English settlement in North America at Jamestown in 1607. Georgia was the last to be formed, with the settlement of Savannah in 1733.

Each of the colonies was born out of a particular set of circumstances, and so each had its own character. Virginia was originally organized as a commercial venture. Its first colonists were employees of the Virginia Company, a private trading corporation. Massachusetts was first settled by people who came to North America in search of greater personal and religious freedom. Georgia was founded largely as a haven for debtors, a refuge for the victims of England's harsh poor laws.

But the differences between and among the colonies are really of little importance. Of much greater significance is the fact that all of them were shaped by their English origins. The many similarities among all 13 colonies far outweighed the differences.

Each colony was established on the basis of a charter, a written grant of authority from the king. Over time, these instruments of government led to the development of three different kinds of colonies: royal, proprietary, and charter.

Royal Colonies
The royal colonies were subject to the direct control of the Crown. On the eve of the American Revolution in 1775, there were eight: New Hampshire, Massachusetts, New York, New Jersey, Virginia, North Carolina, South Carolina, and Georgia.

The Virginia colony did not enjoy the quick success its sponsors had promised. So, in 1624, the king revoked the London Company's charter, and Virginia became the first royal colony. Later, as the original charters of other colonies were canceled or withdrawn for a variety of reasons, they became royal colonies.

A pattern of government gradually emerged for each of the royal colonies. The king named a governor to serve as the colony’s chief executive. A council, also named by the king, served as an advisory body to the royal governor. In time, the governor’s council became the upper house of the colonial legislature. It also became the highest court in the colony. The lower house of a bicameral (two-house) legislature was elected by those property owners qualified to vote. It

Interpreting Maps Despite the different circumstances surrounding the settlement of each colony, they all shared a common English background. How were royal colonies governed?

Royal colonies
Proprietary colonies
Charter colonies

The Thirteen Colonies, 1775

The Virginia legislature held its first meeting in the church at Jamestown on July 30, 1619, and was the first representative body to meet in the North American English colonies. It was made up of burgesses—that is, representatives—elected from each settlement in the colony. Virginia called the lower house of its colonial legislature the House of Burgesses; South Carolina, the House of Commons; Massachusetts, the House of Representatives.

St. Augustine, Florida, is the oldest continuously populated European settlement in what is now the United States. St. Augustine was founded by Pedro Menéndez in 1565 to establish Spanish authority in the region.
owed much of its influence to the fact that it shared with the governor and his council the power of the purse—that is, the power to tax and spend. The governor, advised by the council, appointed the judges for the colony’s courts.

The laws passed by the legislature had to be approved by the governor and the Crown. Royal governors often ruled with a stern hand, following instructions from London. Much of the resentment that finally flared into revolution was fanned by their actions.

The Proprietary Colonies

By 1775, there were three proprietary colonies: Maryland, Pennsylvania, and Delaware. These colonies were organized by a proprietor, a person to whom the king had made a grant of land. By charter, that land could be settled and governed much as the proprietor (owner) chose. In 1632 the king had granted Maryland to Lord Baltimore and in 1681, Pennsylvania to William Penn. In 1682 Penn also acquired Delaware.

The governments of these three colonies were much like those in the royal colonies. The governor, however, was appointed by the proprietor. In Maryland and Delaware, the legislatures were bicameral. In Pennsylvania, the legislature was a unicameral (one-house) body. There, the governor’s council did not act as one house of the legislature. As in the royal colonies, appeals from the decisions of the proprietary colonies could be carried to the king in London.

The Charter Colonies

Connecticut and Rhode Island were charter colonies. They were based on charters granted in 1662 and 1663, respectively, to the colonists themselves. They were largely self-governing.

The governors of Connecticut and Rhode Island were elected each year by the white, male property owners in each colony. Although the king’s approval was required before the governor could take office, it was not often asked. Laws made by their bicameral legislatures were not subject to the governor’s veto nor was the Crown’s approval needed. Judges in charter colonies were appointed by the legislature, but appeals could be taken from the colonial courts to the king.

The Connecticut and the Rhode Island charters were so liberal for their time that, with independence, they were kept with only minor changes as State constitutions—until 1818 and 1843, respectively. In fact, many historians say that had Britain allowed the other colonies the same freedoms and self-government, the Revolution might never have occurred.

The Massachusetts Bay Colony was established as the first charter colony in 1629. Its charter was later revoked and Massachusetts became a royal colony in 1691. Religious dissidents from Massachusetts founded Connecticut in 1633 and Rhode Island in 1636.
The Magna Carta

We . . . by this our present Charter, have confirmed, for us and our heirs forever:

1. That the English Church shall be free and shall have her whole rights and her liberties inviolable [secure from harm]. . . .

9. Neither we nor our bailiffs shall seize any land or rent for any debt while the chattels [possessions] of the debtor are sufficient for the payment of the debt.

12. No scutage [tax] or aid [subsidy] shall be imposed in our kingdom, unless by the common counsel of our kingdom.

14. And also to have the common council of the kingdom to assess and aid, . . . and for the assessing of scutages, we will cause to be summoned the archbishops, bishops, abbots, earls, and great barons.

And besides, we will cause to be summoned . . . all those who hold of us in chief, at a certain day . . . and to a certain place; and in all the letters of summons, we will express the cause of the summons; and the summons being thus made, the business shall proceed on the day appointed, according to the counsel of those who shall be present, although all who have been summoned have not come.

39. No free-man shall be seized, or imprisoned, or dispossessed, or outlawed, or in any way destroyed; nor will we condemn him, nor will we commit him to prison, excepting by the legal judgment of his peers, or by the laws of the land.

40. To none will we sell, to none will we deny, to none will we delay right or justice.

41. All merchants shall have safety and security in coming into England, and going out of England, and in staying and in traveling through England . . . to buy and sell, . . . excepting in the time of war, and if they be of a country at war against us.

42. It shall be lawful to any person . . . to go out of our kingdom, and to return safely and securely, by land or by water, saving his allegiance to us, unless it be in time of war, for some short space, for the common good of the kingdom.

52. If any have been disseised [deprived] or dispossessed by us, without a legal verdict of their peers, of their lands, castles, liberties, or rights, we will immediately restore these things to them.

63. Wherefore our will is . . . that the men in our kingdom have and hold the aforesaid liberties, rights, and concessions . . . fully and entirely, to them and their heirs, . . . in all things and places forever.

Analyzing Primary Sources

1. What basic American right has its origins in Article 39 of the Magna Carta?

2. Which article provides the basis for the Fifth Amendment to the Constitution, which states that no person can "be deprived of life, liberty, or property, without due process of law"?

3. What limits does Article 12 place on the king's power to tax?
Section Preview

Objectives

1. Explain how Britain's colonial policies contributed to the growth of self-government in the colonies.
2. Identify some of the steps that led to growing feelings of colonial unity.
3. Compare the outcomes of the First and Second Continental Congresses.
4. Analyze the ideas in the Declaration of Independence.
5. Describe the drafting of the first State constitutions and summarize the constitutions' common features.

Why It Matters

Changes in British colonial policies led to resentment in the colonies and eventually to the American Revolution. Ideas expressed in the early State constitutions influenced the development of the governmental system under which we live today.

Political Dictionary

- confederation
- Albany Plan of Union
- delegate
- boycott
- repeal
- popular sovereignty

"We must all hang together, or assuredly we shall all hang separately." Benjamin Franklin is said to have spoken these words on July 4, 1776, as he and the other members of the Second Continental Congress approved the Declaration of Independence. Those who heard him may have chuckled. But they also may have felt a shiver, for Franklin's humor carried a deadly serious message.

In this section, you will follow the events that led to the momentous decision to break with Great Britain. You will also consider the new State governments that were established with the coming of Independence.

Britain's Colonial Policies

The 13 colonies, which had been separately established, were separately controlled under the king, largely through the Privy Council and the Board of Trade in London. Parliament took little part in the management of the colonies. Although it did become more and more interested in matters of trade, it left matters of colonial administration almost entirely to the Crown.

Over the century and a half that followed the first settlement at Jamestown, the colonies developed within that framework of royal control. In theory, they were governed in all important matters from London. But London was more than 3,000 miles away, and it took nearly two months to sail that distance across a peril-filled Atlantic. So, in practice, the colonists became used to a large measure of self-government.

Each colonial legislature began to assume broad lawmaking powers. Many found the power of the purse to be very effective. They often bent a royal governor to their will by not voting the money for his salary until he came to terms with them. As one member of New Jersey's Assembly put it: "Let us keep the dogges poore, and we'll make them do as we please."

7England became Great Britain by the Act of Union with Scotland in 1707.

8Much of English political history can be told in terms of the centuries-long struggle for supremacy between monarch and Parliament. That conflict was largely settled by England's Glorious Revolution of 1688, but it did continue through the American colonial period and into the nineteenth century. However, Parliament paid little attention to the American colonies until very late in the colonial period.
By the mid-1700s, the relationship between Britain and the colonies had become, in fact if not in form, federal. This meant that the central government in London was responsible for colonial defense and for foreign affairs. It also provided a uniform system of money and credit and a common market for colonial trade. Beyond that, the colonies were allowed a fairly wide amount of self-rule. Little was taken from them in direct taxes to pay for the central government. The few regulations set by Parliament, mostly about trade, were largely ignored.

This was soon to change. Shortly after George III came to the throne in 1760, Britain began to deal more firmly with the colonies. Restrictive trading acts were expanded and enforced. New taxes were imposed, mostly to support British troops in North America. Many colonists took strong exception to these moves. They objected to taxes imposed on them from afar. This arrangement, they claimed, was "taxation without representation." They saw little need for the costly presence of British troops on North American soil, since the French had been defeated and their power broken in the French and Indian War (1754-1763).

The colonists considered themselves British subjects loyal to the Crown. They refused, however, to accept Parliament's claim that it had a right to control their local affairs. The king's ministers were poorly informed and stubborn. They pushed ahead with their policies, despite the resentments they stirred in America. Within a few years, the colonists faced a fateful choice: to submit or to revolt.

Growing Colonial Unity
A decision to revolt was not one to be taken lightly—or alone. The colonies would need to learn to work together if they wanted to succeed. Indeed long before the 1770s, several attempts had been made to promote cooperation among the colonies.

Early Attempts
In 1643 the Massachusetts Bay, Plymouth, New Haven, and Connecticut settlements formed the New England Confederation. A **confederation** is a joining of several groups for a common purpose. In the New England Confederation, the settlements formed a "league of friendship" for defense against the Native Americans. As the danger from Native Americans passed and friction among the settlements grew, the confederation lost importance and finally dissolved in 1684.

In 1696 William Penn offered an elaborate plan for intercolonial cooperation, largely in trade, defense, and criminal matters. It received little attention and was soon forgotten.

The Albany Plan
In 1754 the British Board of Trade called a meeting of seven of the northern colonies at Albany: Connecticut, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, and Rhode Island. The main purpose of the meeting was to discuss the problems of colonial trade and the danger of attacks by the French and their Native American allies. Here, Benjamin Franklin offered what came to be known as the **Albany Plan of Union**.

**Voices on Government**

**Benjamin Franklin** dedicated years to public service, including time as a delegate to the Second Continental Congress, a commissioner to France during the War for Independence, and a member of the Constitutional Convention. Franklin proposed the Albany Plan of Union to provide for the defense of the American colonies. In his autobiography, he spoke of its defeat and defended his plan:

"The different and contrary Reasons of dislike to my Plan, makes me suspect that it was really the true Medium; and I am still of Opinion it would have been happy for both Sides the Water if it had been adopted. The Colonies so united would have been sufficiently strong to have defended themselves; there would then have been no need of Troops from England; of course the subsequent Pretence for Taxing America, and the bloody Contest it occasioned, would have been avoided."

**Evaluating the Quotation**

*What did Franklin see as the ultimate result of the failure to adopt the Albany Plan of Union? Do you think this was a reasonable conclusion?*
In his plan, Franklin proposed the formation of an annual congress of delegates (representatives) from each of the 13 colonies. That body would have the power to raise military and naval forces, make war and peace with the Native Americans, regulate trade with them, tax, and collect customs duties.

Franklin's plan was ahead of its time. It was agreed to by the representatives attending the Albany meeting, but it was turned down by the colonies and by the Crown. Franklin's plan was to be remembered later.

**The Stamp Act Congress**

Britain's harsh tax and trade policies of the 1760s fanned resentment in the colonies. Parliament had passed a number of new laws, among them the Stamp Act of 1765. That law required the use of tax stamps on all legal documents, on certain business agreements, and on newspapers.

The new taxes were widely denounced, in part because the rates were perceived as severe, but largely because they amounted to "taxation without representation." In October of 1765, nine colonies—all except Georgia, New Hampshire, North Carolina, and Virginia—sent delegates to the Stamp Act Congress in New York. They prepared a strong protest, called the Declaration of Rights and Grievances, against the new British policies and sent it to the king. These actions marked the first time a significant number of the colonies had joined to oppose the British government.

Parliament repealed the Stamp Act, but frictions mounted. New laws were passed and new policies were made to tie the colonies more closely to London. Colonists showed their resentment and anger in wholesale evasion of the laws. Mob violence erupted at several ports, and many colonists supported a boycott of English goods. A boycott is a refusal to buy or sell certain products or services. On March 5, 1770, British troops in Boston fired on a jeering crowd, killing five, in what came to be known as the Boston Massacre.

Organized resistance was carried on through Committees of Correspondence, which had grown out of a group formed by Samuel Adams in Boston in 1772. These committees soon spread throughout the colonies, providing a network for cooperation and the exchange of information among the patriots.

Protests multiplied. The famous Boston Tea Party took place on December 16, 1773. A group of men, disguised as Native Americans, boarded three tea ships in Boston harbor and dumped the cargo into the sea to protest British control of the tea trade.

**The First Continental Congress**

In the spring of 1774, Parliament passed yet another set of laws, this time to punish the colonists for the troubles in Boston and elsewhere. These new laws, denounced in America as the Intolerable Acts, prompted widespread calls for a meeting of all the colonies.

Delegates from every colony except Georgia met in Philadelphia on September 5, 1774. Many of the ablest men of the day were there: Samuel Adams and John Adams of Massachusetts; Roger Sherman of Connecticut; Stephen Hopkins of Rhode Island; John Dickinson and Joseph Galloway of Pennsylvania; John Jay and Philip Livingston of New York; George Washington, Richard Henry Lee, and Patrick Henry of Virginia; and John Rutledge of South Carolina.

For nearly two months the members of that First Continental
Washington once complained that his soldiers were forced to “eat every kind of horse food but hay.” He won the respect of the men who served under his command when he demanded that Congress provide better treatment for the army. Critical Thinking How does this nineteenth-century engraving of Washington and his troops welcoming a train of supplies reinforce Washington’s image as a strong leader?

Congress discussed the worsening situation and debated plans for action. They sent a Declaration of Rights, protesting Britain’s colonial policies, to King George III. The delegates urged each of the colonies to refuse all trade with England until the hated taxes and trade regulations were repealed (withdrawn, cancelled). The delegates also called for the creation of local committees to enforce that boycott.

The meeting adjourned on October 26, with a call for a second congress to be convened the following May. Over the next several months, all the colonial legislatures, including Georgia’s, gave their support to the actions of the First Continental Congress.

The Second Continental Congress

During the fall and winter of 1774-1775, the British government continued to refuse to compromise, let alone reverse, its colonial policies. It reacted to the Declaration of Rights as it had to other expressions of colonial discontent—with even stricter and more repressive measures.

The Second Continental Congress met in Philadelphia on May 10, 1775. By then, the Revolution had begun. The “shot heard ‘round the world” had been fired. The battles of Lexington and Concord had been fought three weeks earlier, on April 19.

Representatives

Each of the 13 colonies sent representatives to the Congress. Most of those who had attended the First Continental Congress were again present. Most notable among the newcomers were Benjamin Franklin of Pennsylvania and John Hancock of Massachusetts.

Hancock was chosen president of the Congress. Almost at once, a continental army was created, and George Washington was appointed its commander in chief. Thomas Jefferson then took Washington’s place in the Virginia delegation.

Our First National Government

The Second Continental Congress became, by force of circumstance, the nation’s first national government. However, it rested on no constitutional base. It was condemned by the British as an unlawful assembly and a den of traitors. But it was supported by the force of public opinion and practical necessity.

The Second Continental Congress served as the first government of the United States for five fateful years, from the formal adoption of the

9Peyton Randolph, who had also served as president of the First Continental Congress, was originally chosen for the office. He resigned on May 24, however, because the Virginia House of Burgesses, of which he was the speaker, had been called into session. Hancock was then elected to succeed him.
Declaration of independence in July 1776 until the Articles of Confederation went into effect on March 1, 1781. During that time the Second Continental Congress fought a war, raised armies and a navy, borrowed funds, bought supplies, created a money system, made treaties with foreign powers, and did those other things that any government would have had to do in the circumstances.

The unicameral Congress exercised both legislative and executive powers. In legislative matters, each colony—later, State—had one vote. Executive functions were handled by committees of delegates.

The Declaration of Independence

Slightly more than a year after the Revolution began, Richard Henry Lee of Virginia proposed to the Congress:

Resolved, That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.

—Resolution of June 7, 1776

Congress named a committee of five—Benjamin Franklin, John Adams, Roger Sherman, Robert Livingston, and Thomas Jefferson—to prepare a proclamation of independence. Their momentous product, the Declaration of Independence, was very largely the work of Jefferson.

On July 2, the final break came. The delegates agreed to Lee’s resolution—but only after spirited debate, for many of the delegates had serious doubts about the wisdom of a complete separation from England. Two days later, on July 4, 1776, they adopted the Declaration of Independence, proclaiming the existence of the new nation.

The Declaration announces the independence of the United States in its first paragraph. Much of the balance of the document—nearly two thirds of it—speaks of “the repeated injuries and usurpations” that led the colonists to revolt. At its heart, the Declaration proclaims:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed; That whenever any Form of Government becomes destructive of these ends it is the Right of the People to alter or to abdolish it, and to institute new Government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

—The Unanimous Declaration of the Thirteen United States of America

With these brave words, the United States of America was born. The 13 colonies became free and independent States. The 56 men who signed the Declaration sealed it with this final sentence:

And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our Fortunes, and our sacred Honor.

The First State Constitutions

In January 1776, New Hampshire adopted a constitution to replace its royal charter. Less than three months later, South Carolina followed suit. Then, on May 10, nearly two months before the adoption of the Declaration of Independence, the Congress urged each of the colonies to adopt: “such governments as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents.”

Drafting State Constitutions

In 1776 and 1777, most of the States adopted written constitutions—bodies of fundamental laws setting out the principles, structures, and processes of their governments. Assemblies or conventions were commonly used to draft and then adopt these new documents.

Massachusetts set a lasting example in the constitution-making process. There, a convention
submitted its work to the voters for ratification. The Massachusetts constitution of 1780 is the oldest of the present-day State constitutions. In fact, it is the oldest written constitution in force anywhere in the world today.10

Common Features
The first State constitutions differed, sometimes widely, in detail. Yet they shared many similar features. The most common features were the principles of popular sovereignty (government can exist only with the consent of the governed), limited government, civil rights and liberties, and separation of powers and checks and balances. These principles are outlined in detail in the table at right.

The new State constitutions were rather brief documents. For the most part, they were declarations of principle and statements of limitation on governmental power. Memories of the royal governors were fresh, and the new State governors were given little real power. Most of the authority that was granted to State government was placed in the legislature. Elective terms of office were made purposely short, seldom more than one or two years. The right to vote was limited to those adult white males who could meet rigid qualifications, including property ownership.

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**Common Features of State Constitutions**

| Principle of Popular Sovereignty | The principle of popular sovereignty was the basis for every new State constitution. That principle says that government can exist and function only with the consent of the governed. The people held power and the people are sovereign. |
| Limited Government | The concept of limited government was a major feature of each State constitution. The powers delegated to government were granted reluctantly and hedged with many restrictions. |
| Civil Rights and Liberties | In every State it was made clear that the sovereign people held certain rights that the government must respect at all times. Seven of the new constitutions contained a bill of rights, setting out the "unalienable rights" held by the people. |
| Separation of Powers and Checks and Balances | The powers granted to the new State governments were purposely divided among three branches: executive, legislative, and judicial. Each branch was given powers with which to check (restrain the actions of) the other branches of the government. |

**Interpreting Tables** Most of the newly created States adopted written constitutions in the two years following the Declaration of Independence. Why did the first State constitutions share several common features? H-SS 12.10

We shall return to the subject of State constitutions later, in Chapter 24. For now, note this very important point: The earliest of these documents were, within a very few years, to have a marked impact on the drafting of the Constitution of the United States.

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10From independence until that constitution became effective in 1780, Massachusetts relied on its colonial charter, in force prior to 1691, as its fundamental law.
The Declaration of Independence

In Congress, July 4, 1776

The Unanimous Declaration of the Thirteen United States of America

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed; That whenever any Form of Government becomes destructive of these ends it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.
He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their Public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasions from without, and convulsions within.

He has endeavored to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people and eat out their substance.

He has kept among us in time of peace, Standing Armies, without the Consent of our legislatures.

He has affected to render the Military independent of, and superior to, the Civil Power.

He has combined with others to subject us to a jurisdiction foreign to our constitutions, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For quartering large bodies of armed troops among us;

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States;

For cutting off our Trade with all parts of the world;

For imposing Taxes on us without our Consent;

For depriving us, in many cases, of the benefits of Trial by Jury;

For transporting us beyond Seas to be tried for pretended offenses;

For abolishing the free System of English Laws in a neighboring Province, establishing therein an Arbitrary government, and enlarging...
its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies;

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments;

For suspending our own Legislatures, and declaring themselves invested with Power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection, and waging War against us.

He has plundered our seas, ravaged our Coasts, burned our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

He has excited domestic insurrections amongst us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian Savages whose known rule of warfare, is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms. Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free People.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by the Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved, and that as Free and Independent States, they have full Power to levy
war, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

John Hancock

New Hampshire
Josiah Bartlett
William Whipple
Matthew Thornton
Massachusetts Bay
Samuel Adams
John Adams
Robert Treat Paine
Elbridge Gerry
Rhode Island
Stephen Hopkins
William Ellery
Connecticut
Roger Sherman
Samuel Huntington
William Williams
Oliver Wolcott

New York
William Floyd
Philip Livingston
Francis Lewis
Lewis Morris
New Jersey
Richard Stockton
John Witherspoon
Francis Hopkinson
John Hart
Abraham Clark
Delaware
Caesar Rodney
George Read
Thomas M'Kean
Maryland
Samuel Chase
William Paca
Thomas Stone
Charles Carroll of Carrollton

Virginia
George Wythe
Richard Henry Lee
Thomas Jefferson
Benjamin Harrison
Thomas Nelson, Jr.
Francis Lightfoot Lee
Carter Braxton

Pennsylvania
Robert Morris
Benjamin Rush
Benjamin Franklin
John Morton
George Clymer
James Smith
George Taylor
James Wilson
George Ross

North Carolina
William Hooper
Joseph Hewes
John Penn
South Carolina
Edward Rutledge
Thomas Heyward, Jr.
Thomas Lynch, Jr.
Arthur Middleton
Georgia
Button Gwinnett
Lyman Hall
George Walton

Reviewing the Declaration

Vocabulary
Choose ten words in the Declaration with which you are unfamiliar. Look them up in the dictionary. Then, on a piece of paper, copy the sentence in the Declaration in which each unfamiliar word is used. After the sentence, write the definition of the unfamiliar word.

Comprehension
1. Which truths in the second paragraph are "self-evident"?
2. Name the three unalienable rights listed in the Declaration.
3. From what source do governments derive their "just powers"?
4. In the series of paragraphs beginning, "He has refused his Assent," to whom does the word "He" refer?

5. According to the Declaration, what powers belong to the United States "as Free and Independent States"?

Critical Thinking
6. Recognizing Cause and Effect Why do you think the colonists were unhappy with the fact that their judges' salaries were paid by the king?
7. Identifying Assumptions Do you think that the words "all men are created equal" were intended to apply to all human beings? Explain your reasoning.
8. Drawing Conclusions What evidence is there that the colonists had already unsuccessfully voiced concerns to the king?
The First and Second Continental Congresses rested on no legal base. They were called in haste to meet an emergency, and they were intended to be temporary. Something more regular and permanent was clearly needed. In this section, you will look at the first attempt to establish a lasting government for the new nation.

**The Articles of Confederation**

Richard Henry Lee's resolution leading to the Declaration of Independence also called on the Second Continental Congress to propose “a plan of confederation” to the States. Off and on, for 17 months, Congress considered the problem of uniting the former colonies. Finally, on November 15, 1777, the Articles of Confederation were approved.

The Articles of Confederation established “a firm league of friendship” among the States. Each State kept “its sovereignty, freedom, and independence, and every Power, Jurisdiction, and right...not...expressly delegated to the United States, in Congress assembled.” The States came together “for their common defense, the security of their Liberties, and their mutual and general welfare. . . .”

The Articles did not go into effect immediately, however. The ratification, or formal approval, of each of the 13 States was needed first. Eleven States agreed to the document within a year. Delaware added its approval in February 1779. But Maryland did not ratify until March 1, 1781, and the Second Continental Congress declared the Articles effective on that date.

**Governmental Structure**

The government set up by the Articles was simple indeed. A Congress was the sole body created. It was unicameral, made up of delegates chosen yearly by the States in whatever way their legislatures might direct. Each State had one vote in the Congress, whatever its population or wealth.

The Articles established no executive or judicial branch. These functions were to be handled by committees of the Congress. Each year the
Congress would choose one of its members as its president. That person would be its presiding officer (chair), but not the president of the United States. Civil officers such as postmasters were to be appointed by the Congress.

**Powers of Congress**

Several important powers were given to the Congress. It could make war and peace; send and receive ambassadors; make treaties; borrow money; set up a money system; establish post offices; build a navy; raise an army by asking the States for troops; fix uniform standards of weights and measures; and settle disputes among the States.

**State Obligations**

By agreeing to the Articles, the States pledged to obey the Articles and acts of the Congress. They would provide the funds and troops requested by the Congress; treat citizens of other States fairly and equally with their own; and give full faith and credit to the public acts, records, and judicial proceedings of every other State. In addition, the States agreed to surrender fugitives from justice to one another; submit their disputes to Congress for settlement; and allow open travel and trade between and among the States.

Beyond these few obligations, the States retained those powers not explicitly given to the Congress. They, not the Congress, were primarily responsible for protecting life and property. States were also accountable for promoting the general welfare of the people.

**Weaknesses**

The powers of the Congress appear, at first glance, to have been considerable. Several important powers were missing, however. Their omission, together with other weaknesses, soon proved the Articles inadequate to the needs of the time.

The Congress did not have the power to tax. It could raise money only by borrowing and by asking the States for funds. Borrowing was, at best, a poor source. The Second Continental Congress had borrowed heavily to support the costs of fighting the Revolution, and many of those debts had not been paid. And, while the Articles remained in force, not one State came close to meeting the financial requests made by the Congress.

**Weaknesses of the Articles of Confederation**

- One vote for each State, regardless of size.
- Congress powerless to lay and collect taxes or duties.
- Congress powerless to regulate foreign and interstate commerce.
- No executive to enforce acts of Congress.
- No national court system.
- Amendment only with consent of all States.
- A 9/13 majority required to pass laws.
- Articles only a “firm league of friendship.”

**Interpreting Tables**

The thirst for independence made the new States wary of strong central government. How is this caution reflected in the weaknesses built into the Articles of Confederation?

Nor did the Congress have the power to regulate trade between the States. This lack of a central mechanism to regulate the young nation’s commerce was one of the major factors that led to the adoption of the Constitution.

The Congress was further limited by a lack of power to make the States obey the Articles of Confederation or the laws it made. Congress could exercise the powers it did have only with the consent of 9 of the 13 State delegations. Finally, the Articles themselves could be changed only with the consent of all 13 of the State legislatures. This procedure proved an impossible task; not one amendment was ever added to the Articles of Confederation.

**The Critical Period, the 1780s**

The long Revolutionary War finally ended on October 19, 1781. America’s victory was confirmed by the signing of the Treaty of Paris in 1783. Peace, however, brought the new nation’s economic and political problems into sharp focus. Problems, caused by the weaknesses of the Articles of Confederation, soon surfaced.

With a central government unable to act, the States bickered among themselves and grew increasingly jealous and suspicious of one another. They often refused to support the new central government, financially and in almost every other way. Several of them made agreements with foreign governments without the approval of the...
Congress, even though that was forbidden by the Articles. Most even organized their own military forces. George Washington complained, “We are one nation today and 13 tomorrow. Who will treat with us on such terms?”

The States taxed one another’s goods and even banned some trade. They printed their own money, often with little backing. Economic chaos spread throughout the colonies as prices soared and sound credit vanished. Debts, public and private, went unpaid. Violence broke out in a number of places as a result of the economic chaos.

The most spectacular of these events played out in western Massachusetts in a series of incidents that came to be known as Shays’ Rebellion. As economic conditions worsened, property holders, many of them small farmers, began to lose their land and possessions for lack of payment on taxes and other debts. In the fall of 1786, Daniel Shays, who had served as an officer in the War for Independence, led an armed uprising that forced several State judges to close their courts. Early the next year, Shays mounted an unsuccessful attack on the federal arsenal at Springfield. State forces finally moved to quiet the rebellion and Shays fled to Vermont. In response to the violence, the Massachusetts legislature eventually passed laws to ease the burden of debtors.

**A Need for Stronger Government**

The Articles had created a government unable to deal with the nation’s troubles. Inevitably, demand grew for a stronger, more effective national government. Those who were most threatened by economic and political instability—large property owners, merchants, traders, and other creditors—soon took the lead in efforts to that end. The movement for change began to take concrete form in 1785.

**Mount Vernon**

Maryland and Virginia, plagued by bitter trade disputes, took the first step in the movement for change. Ignoring the Congress, the two States agreed to a conference on their trade problems. Representatives from the two States met at Alexandria, Virginia, in March 1785. At George Washington’s invitation, they moved their sessions to his home at nearby Mount Vernon.

Their negotiations proved so successful that on January 21, 1786, the Virginia General Assembly called for “a joint meeting of [all of] the States to recommend a federal plan for regulating commerce.”

**Annapolis**

That joint meeting opened at Annapolis, Maryland, on September 11, 1786. Turnout was poor, with representatives from only five of the 13 States attending. Disappointed, but still hopeful, the convention called for yet another meeting of the States

"at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as"

New York, New Jersey, Pennsylvania, Delaware, and Virginia. Although New Hampshire, Massachusetts, Rhode Island, and North Carolina had appointed delegates, none attended the Annapolis meeting.
Mount Vernon George Washington's graceful home overlooking the Potomac River served as the location for trade talks between Maryland and Virginia. The success of that meeting caused some to move for further steps toward a stronger federal government.

shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union." —Call of the Annapolis Convention

By mid-February of 1787, seven of the States had named delegates to the Philadelphia meeting. These were Delaware, Georgia, New Hampshire, New Jersey, North Carolina, Pennsylvania, and Virginia. Then on February 21, the Congress, which had been hesitating, also called upon the States to send delegates to Philadelphia. That Philadelphia meeting became the Constitutional Convention.

**Section 3 Assessment**

**Key Terms and Main Ideas**

1. What were the Articles of Confederation and what powers did they grant to Congress?
2. Before the Articles of Confederation could go into effect, how many States were needed for ratification?
3. Identify at least three weaknesses of the government under the Articles of Confederation.
4. What was the result of the meetings at Mount Vernon and Annapolis in 1785 and 1786?

**Critical Thinking**

5. **Identifying Central Issues** The Articles of Confederation contained several weaknesses. Why would the States purposefully create a weak government under the Articles?

**Primary Sources**

"for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the States render the [Articles] adequate to the exigencies of Government and the preservation of the Union." —The United States in Congress Assembled, February 21, 1787

6. **Drawing Conclusions** For what reasons is the period during which the Articles were in force called the Critical Period in American history?
Creating the Constitution

Section Preview

Objectives

1. Identify the Framers of the Constitution and discuss how the delegates organized the proceedings at the Philadelphia Convention.
2. Compare and contrast the Virginia Plan and the New Jersey Plan for a new constitution.
3. Summarize the major compromises that the delegates agreed to make and the effects of those compromises.
4. Identify some of the sources from which the Framers of the Constitution drew inspiration.
5. Describe the delegates’ reactions to the Constitution as they completed their work.

Why It Matters

The Framers of the Constitution created a document that addressed the major concerns of the States attending the Philadelphia Convention. By reaching compromise on items about which they disagreed, the Framers created a new National Government capable of handling the nation’s problems.

Political Dictionary

- Framers
- Virginia Plan
- New Jersey Plan
- Connecticut Compromise
- Three-Fifths Compromise
- Commerce and Slave Trade Compromise

picture this scene. It’s hot—sweltering, in fact. Yet the windows are all closed to discourage eavesdroppers. Outside, soldiers keep interested onlookers at a distance. Inside, the atmosphere is tense as men exchange their views. Indeed, some become so angry that they threaten to leave the hall. A few carry out their threats.

This was the scene throughout much of the Philadelphia meeting that began on Friday, May 25, 1787.12 Over the long summer months, the participants labored to build a new government that would best meet the needs of the nation. In this section, you will consider that meeting and its work.

The Framers

Twelve of the 13 States, all but Rhode Island, sent delegates to Philadelphia.13 In total, 74 delegates were chosen by the legislatures in those 12 states. For a number of reasons, however, only 55 of them actually attended the convention.

Of that 55, this much can be said: Never, before or since, has so remarkable a group been brought together in this country. Thomas Jefferson, who was not among them, later called the delegates “an assembly of demi-gods.”

The group of delegates who attended the Philadelphia Convention, known as the Framers of the Constitution, included many outstanding individuals. These were men of wide knowledge and public experience, of wealth and prestige. Their collective record of public service was truly impressive. Many of them had fought in the Revolution; 39 had been members of the Continental Congress or the Congress of the

12Not enough States were represented on the date Congress had set, Monday, May 14, to begin the meeting. The delegates who were present met and adjourned each day until Friday the 25th, when a quorum (in this case, a majority) of the States was on hand.
13The Rhode Island legislature was controlled by the soft-money forces, mostly debtors and small farmers who were helped by inflation and so were against a stronger central government. The New Hampshire delegation, delayed mostly by lack of funds, did not reach Philadelphia until late July.
Confederation, or both. Eight had served in constitutional conventions in their own States, and seven had been State governors. Eight had signed the Declaration of Independence. Thirty-one of the delegates had attended college in a day when there were but a few colleges in the land, and their number also included two college presidents and three professors. Two were to become Presidents of the United States, and one a Vice President. Seventeen later served in the Senate and eleven in the House of Representatives.

Is it any wonder that the product of such a gathering was described by the English statesman William E. Gladstone, nearly a century later, as "the most wonderful work ever struck off at a given time by the brain and purpose of man"?

Remarkably, the average age of the delegates was only 42, and nearly half were only in their 30s. Indeed, most of the real leaders were in that age group—James Madison was 36, Gouverneur Morris 35, Edmund Randolph 34, and Alexander Hamilton 32. At 81, Benjamin Franklin was the oldest. His health was failing, however, and he was not able to attend many of the meetings. George Washington, at 55, was one of the few older members who played a key role in the making of the Constitution.

By and large, the Framers of the Constitution were of a new generation in American politics. Several of the better-known leaders of the Revolutionary period were not in Philadelphia. Patrick Henry said he "smelt a rat" and refused to attend. Samuel Adams, John Hancock, and Richard Henry Lee were not selected as delegates by their States. Thomas Paine was in Paris. So, too, was Thomas Jefferson, as American minister to France. John Adams was our envoy to England and Holland at the time.

### Organization and Procedure
The Framers met that summer in Philadelphia's Independence Hall, probably in the same room in which the Declaration of Independence had been signed 11 years earlier.
This nineteenth-century engraving shows George Washington presiding over the Constitutional Convention in 1787. Critical Thinking What impressions did the artist try to convey about this historic gathering? H-SS 12.1.4

They organized immediately on May 25, unanimously electing George Washington president of the convention.⁴ Then, and at the second session on Monday, May 28, they adopted several rules of procedure. A majority of the States would be needed to conduct business. Each State delegation was to have one vote on all matters, and a majority of the votes cast would carry any proposal.

**Working in Secrecy**
The delegates also decided to keep their deliberations secret. The convention had drawn much public attention and speculation. So, to protect themselves from outside pressures, the delegates adopted a rule of secrecy. On the whole, the rule was well kept.

A secretary, William Jackson, and other minor, nonmember officials were appointed. Jackson kept the convention’s *Journal*. That official record, however, was quite sketchy. It was mostly a listing of members present, motions put forth, and votes taken; and it was not always accurate at that.

Fortunately, several delegates kept their own accounts of the proceedings. Most of what is known of the work of the convention comes from James Madison’s voluminous *Notes*. His brilliance and depth of knowledge led his colleagues to hold him in great respect. Quickly, he became the convention’s floor leader. Madison contributed more to the Constitution than did any of the others, and still he was able to keep a close record of its work. Certainly, he deserves the title “Father of the Constitution.”

The Framers met on 89 of the 116 days from May 25 through their final meeting on September 17. They did most of their work on the floor of the convention. They handled some matters in committees, but the full body ultimately settled all questions.

**A Momentous Decision**
The Philadelphia Convention was called to recommend revisions in the Articles of Confederation. However, almost at once the delegates agreed that they were, in fact, meeting to create a new government for the United States. On May 30 they adopted this proposal:

> “Resolved, . . . that a national Government ought to be established consisting of a supreme Legislative, Executive and Judiciary.”

—Edmund Randolph, Delegate from Virginia

With this momentous decision, the Framers redefined the purpose of the convention. From that point on, they set about the writing of a new constitution. This new constitution was intended to replace the Articles of Confederation. Their debates were spirited, even bitter. At times the convention seemed near collapse. Once they had passed Randolph’s resolution, however, the goal of a majority of the convention never changed.
The Virginia Plan

No State had more to do with the calling of the convention than Virginia did. It was not surprising, then, that its delegates should offer the first plan for a new constitution. On May 29 the Virginia Plan, largely the work of Madison, was presented by Randolph.

The Virginia Plan called for a new government with three separate branches: legislative, executive, and judicial. The legislature—Congress(224,155),(992,975)—would be bicameral. Representation in each house was to be based either upon each State's population or upon the amount of money it gave for the support of the central government. The members of the lower house, the House of Representatives, were to be popularly elected in each State. Those of the upper house, the Senate, were to be chosen by the House from lists of persons nominated by the State legislatures.

Congress was to be given all of the powers it held under the Articles. In addition, it was to have the power "to legislate in all cases to which the separate States are incompetent" to act, to veto any State law in conflict with national law, and to use force if necessary to make a State obey national law.

Under the proposed Virginia Plan, Congress would choose a "National Executive" and a "National Judiciary." Together, these two branches would form a "Council of revision." They could veto acts passed by Congress, but a veto could be overridden by the two houses. The executive would have "a general authority to execute the National laws." The judiciary would "consist of one or more supreme tribunals [courts], and of inferior tribunals."

The Virginia Plan also provided that all State officers should take an oath to support the Union, and that each State be guaranteed a republican form of government. Under the plan, Congress would have the exclusive power to admit new States to the Union.

The Virginia Plan, then, would create a new constitution by thoroughly revising the Articles. Its goal was the creation of a truly national government with greatly expanded powers and, importantly, the power to enforce its decisions.

The Virginia Plan set the agenda for much of the convention's work. But some delegates—especially those from the smaller States of Delaware, Maryland, and New Jersey, and from New York—found it too radical. Soon they developed their counterproposals. On June 15 William Paterson of New Jersey presented the position of the small States.

The New Jersey Plan

Paterson and his colleagues offered several amendments to the Articles, but not nearly so thorough a revision as that proposed by the Virginia Plan. The New Jersey Plan retained the unicameral Congress of the Confederation, with each of the States equally represented. To those powers Congress already had, would be added closely limited powers to tax and to regulate trade between the States.

The New Jersey Plan also called for a "federal executive" of more than one person. This plural executive would be chosen by Congress and could be removed by it at the request of a majority of the States' governors. The "federal judiciary" would be composed of a single "supreme Tribunal," appointed by the executive.

Among their several differences, the major point of disagreement between the two plans centered on this question: How should the States be represented in Congress? Would it be on the basis of their populations or financial contributions, as in the Virginia Plan? Or would it be on the basis of State equality, as in the Articles and the New Jersey Plan?

For weeks the delegates returned to this conflict, debating the matter again and again. The lines were sharply drawn. Several delegates, on both sides of the issue, threatened to withdraw. Finally, the dispute was settled by one of the key compromises the Framers were to make as they built the Constitution.

Compromises

The disagreement over representation in Congress was critical. The large States expected to dominate the new government. The small
States feared that they would not be able to protect their interests. Tempers flared on both sides. The debate became so intense that Benjamin Franklin suggested that "henceforth prayers imploring the assistance of Heaven...be held in this Assembly every morning before we proceed to business."

The Connecticut Compromise
The conflict was finally settled by a compromise suggested by the Connecticut delegation. Under the Connecticut Compromise, it was agreed that Congress should be composed of two houses. In the smaller Senate, the States would be represented equally. In the House, the representation of each State would be based upon its population.

Thus, by combining basic features of the rival Virginia and New Jersey Plans, the convention's most serious dispute was resolved. The agreement satisfied the smaller States in particular, and it made it possible for them to support the creation of a strong central government.

The Connecticut Compromise was so pivotal to the writing of the Constitution that it has often been called the Great Compromise.

The Three-Fifths Compromise
Once it had been agreed to base the seats in the House on each State's population, this question arose: Should slaves be counted in the populations of the southern States?

Again debate was fierce. Most delegates from the southern States argued that slaves should be counted. Most of the northerners took the opposing view. The table on this page shows the significant percentage of slaves among the populations of the southern States.

Finally, the Framers agreed to the Three-Fifths Compromise. It provided that all "free persons" should be counted, and so, too, should "three-fifths of all other persons." (Article I, Section 2, Clause 3. For "all other persons" read "slaves.") For the three-fifths won by the southerners, the northerners exacted a price. That formula was also to be used in fixing the amount of money to be raised in each State by any direct tax levied by Congress. In short, the southerners could count their slaves, but they would have to pay for them.

This odd compromise disappeared from the Constitution with the adoption of the 13th Amendment, which abolished slavery, in 1865. For 140 years now, there have been no "all other persons" in this country.

The Commerce and Slave Trade Compromise
The convention agreed that Congress had to have the power to regulate foreign and interstate
trade. To many southerners that power carried a real danger, however. They worried that Congress, likely to be controlled by northern commercial interests, would act against the interests of the agricultural South.

They were particularly fearful that Congress would try to pay for the new government out of export duties, and southern tobacco was the major American export of the time. They also feared that Congress would interfere with the slave trade.

Before they would agree to the commerce power, the southerners insisted on certain protections. So, according to the Commerce and Slave Trade Compromise, Congress was forbidden the power to tax the export of goods from any State. It was also forbidden the power to act on the slave trade for a period of at least 20 years. It could not interfere with "the migration or importation of such persons as any State now existing shall think proper to admit," except for a small head tax, at least until the year 1808.16

A "Bundle of Compromises"
The convention spent much of its time, said Franklin, "sawing boards to make them fit." The Constitution drafted at Philadelphia has often been called a "bundle of compromises." These descriptions are apt, if they are properly understood.

There were differences of opinion among the delegates, certainly. After all, the delegates came from 12 different States that were widely separated in geographic and economic terms. The delegates often reflected the interests of their States. Bringing these interests together did require compromise. Indeed, final decisions on issues such as selection of the President, the treaty-making process, the structure of the national court system, and the amendment process were reached as a result of compromise.

But by no means did all, or even most, of what shaped the document come from compromises. The Framers agreed on many of the basic issues they faced. Thus, nearly all the delegates were convinced that a new national government, a federal government, had to be created, and had to have the powers necessary to deal with the nation's grave social and economic problems. The Framers were also dedicated to the concepts of popular sovereignty and of limited government. None questioned for a moment the wisdom of representative government. The principles of separation of powers and of checks and balances were accepted almost as a matter of course.

Many disputes did occur, and the compromises by which they were resolved came only after hours and days and even weeks of heated debate. The point here, however, is that the differences were not over the most fundamental of questions. They involved, instead, such vital but lesser points as these: the details of the structure of Congress, the method by which the President was to be chosen, and the practical limits that should be put on the several powers to be given to the new central government.

Sources of the Constitution
The Framers were well educated and widely read. They were familiar with the governments of ancient Greece and Rome and those of contemporary Great Britain and Europe. They knew the political writings of their time, of such works as William Blackstone’s Commentaries on the Laws of England, the Baron de Montesquieu’s The Spirit of the Laws, Jean Jacques Rousseau’s Social Contract, John Locke’s Two Treatises of Government, and many others.

More immediately, the Framers drew on their own experiences. Remember, they were familiar with the Second Continental Congress, the Articles of Confederation, and their own State governments. Much that went into the Constitution came directly, sometimes word for word, from the Articles. A number of provisions were drawn from the several State constitutions, as well.

The Convention Completes Its Work
For several weeks, through the hot Philadelphia summer, the delegates took up resolution after resolution. Finally, on September 8, a committee was named "to revise the stile of and arrange the articles which had been agreed to" by the
that group, the Committee of Stile and Arrangement headed by Gouverneur Morris, put the Constitution in its final form.

Then, on September 17, the convention approved its work and 39 names were placed on the finished document. Perhaps none of the Framers were completely satisfied with their work. Nevertheless, wise old Benjamin Franklin put into words what many of the Framers must have thought on that final day:

"Sir, I agree with this Constitution to all its faults, if they are such; because I think a general Government necessary for us ... I doubt ... whether any other Convention we can obtain, may be able to make a better Constitution. For when you assemble a number of men to have the advantage of their joint wisdom, you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does...

—Notes of Debates in the Federal Convention of 1787, James Madison

On Franklin's motion, the Constitution was signed. Madison tells us that

"... Doctor Franklin, looking toward 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 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.

—Notes of Debates in the Federal Convention of 1787, James Madison

17 Three of the 41 delegates present on that last day refused to sign the proposed Constitution: Edmund Randolph of Virginia, who later did support ratification and served as Attorney General and then Secretary of State under President Washington; Elbridge Gerry of Massachusetts, who later became Vice President under Madison; and George Mason of Virginia, who continued to oppose the Constitution until his death in 1792. George Read of Delaware signed both for himself and for his absent colleague John Dickinson.

Section 4 Assessment

Key Terms and Main Ideas

1. Identify the Framers of the Constitution and describe, in general, their backgrounds and experiences.
2. What momentous decision did the Framers make at the beginning of the Philadelphia Convention?
3. Why did the delegates from the smaller States object to the Virginia Plan?
4. What was agreed to under the Connecticut Compromise?
5. What sources influenced the Framers in writing the Constitution?

Critical Thinking

7. Determining Relevance The Three-Fifths Compromise and the Commerce and Slave Trade Compromise were included in the Constitution at the insistence of the southern States. Why did States in the South think these items were important and what price, if any, did southern States pay for their inclusion?
8. Drawing Conclusions The Constitution has been called a "bundle of compromises." Is this an accurate description of the document? Explain your answer.

Standards Monitoring Online

For: Self-Quiz and vocabulary practice
Web Code: mqa-1024

Go Online

For: An activity on the Framers of the Constitution
Web Code: mqd-1024
Participating in Public Debates

The process of debating public issues has never been more "transparent" than it is today. That is, the process is more open to public scrutiny. The increase in media outlets, such as cable TV and the Internet, has created opportunities for people to register their opinions. Use your opportunities to voice your opinions by following these steps:

1. **Identify the issue(s) of concern to you.** Get in the habit of looking at the morning newspaper or the evening news. If you see something of interest, study the topic further rather than basing your opinions on short TV sound bites. What public issue is of most interest to you?

2. **Find out whom to contact.** Your opinion counts most when you express it to those people who have some authority or influence on the issue. That could be a government official, a private lobbying group, or a media outlet that reaches many voters. Who might you contact to express your views on your topic? Why?

3. **Decide on a strategy for publicizing your opinions.** Decide on the best way to get your ideas across. Consider your communications skills—do you express yourself better through speaking or through writing? Which of the strategies in the box at right would be best for you?

4. **Present your ideas.** Generally, a battle to win the hearts and minds of your fellow citizens is won on the strength of good ideas well presented. What short-term and long-term goals might you seek through participating in public debates?

Indiana teenager Ryan White became a nationally known political activist, speaking and lobbying on behalf of the rights of AIDS patients, prior to his death from AIDS in 1990, at age 19.

**Test for Success**

Choose an issue that is being publicly debated right now. Follow the steps listed here to develop a strategy for airing your views about it. Write a brief letter to the editor or a newsgroup posting, or prepare an oral argument on the issue.

**Make Your Opinions Known**

- Write a letter to the editor. Your letter should be brief, quickly stating the issue, your opinion, and facts to support your opinion. Letters that are well-reasoned may have more influence than hostile or insulting prose.
- Contact a government official or agency. Find out who the decision makers are on your issue.
- Join a public interest group or other lobbying organization. You might want to work for a cause you believe in. Find out if there are any requirements for joining, such as fees.
- Join an Internet chatroom or newsgroup. Live, "real time" chatrooms let you participate in actual conversations and debates. Consult with your teacher about appropriate groups.
- Address a government hearing on an issue of concern to you. Come prepared with facts and a few specific points to make. Be prepared to rebut any opposing arguments.
- Participate in a public protest or demonstration of support. Coming together with other activists to rally support and send a loud message can be an exciting way to participate in public debate, if the event is legal and orderly.
- Participate in a petition drive. A great way to register grassroots support for an issue or a specific bill is to gather signatures for a petition. You'll learn more about petitions in Chapter 24.
Today, the Constitution of the United States is the object of extraordinary respect and admiration, both here and abroad. But in 1787 and 1788, it was widely criticized, and in every State there were many who opposed its adoption. The battle over the ratification of the Constitution was not easily decided.

The Fight for Ratification

Remember, the Articles of Confederation provided that changes could be made to them only if all of the State legislatures agreed. But the new Constitution was intended to replace, not amend, the Articles. The Framers had seen how crippling the unanimity requirement could be. So, the new Constitution provided that

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

—Article VII

The Congress of the Confederation agreed to this irregular procedure. After a short debate, it sent copies of the new document to the States on September 28, 1787.

Federalists and Anti-Federalists

The Constitution was printed, circulated, and debated vigorously. Two groups quickly emerged in each of the States: the Federalists, who favored ratification, and the Anti-Federalists, who opposed it.

The Federalists were led by many of those who had attended the Philadelphia Convention. Among them, the most active and the most effective were James Madison and Alexander Hamilton. Their opposition was headed by such well-known Revolutionary War figures as Patrick Henry, Richard Henry Lee, John Haacock, and Samuel Adams.

The Federalists stressed the weaknesses of the Articles. They argued that the many difficulties facing the Republic could be overcome only by a new government based on the proposed Constitution.

The Anti-Federalists attacked nearly every part of the new document. Many objected to the ratification process, to the absence of any mention of God, to the denial to the States of
a power to print money, and to many other features of the Framers’ proposals.

Two major features of the proposed Constitution drew the heaviest fire: (1) the greatly increased powers of the central government and (2) the lack of a bill of rights. The proposed document did not provide for such basic liberties as freedom of speech, press, and religion, nor for the rights of fair trial. At Virginia’s ratifying convention, Patrick Henry said of the proposed Constitution, “I look upon that paper as the most fatal plan that could possibly be conceived to enslave a free people.”

**Nine States Ratify**

The contest for ratification was close in several States, but the Federalists finally won in all of them. Delaware was the first State to ratify. On June 21, 1788, New Hampshire brought the number of ratifying States to nine.

Under Article VII, New Hampshire’s ratification should have brought the Constitution into effect, but it did not. Neither Virginia nor New York had yet ratified, and without either of these key States the new government could not hope to succeed.

**Virginia’s Ratification**

Virginia’s vote for ratification followed New Hampshire’s by just four days. The brilliant debates in its convention were followed closely throughout the State. The Federalists were led by Madison, the young John Marshall, and Governor Edmund Randolph (even though he had refused to sign the Constitution at Philadelphia). Patrick Henry, leading the opposition, was joined by such outstanding Virginians as James Monroe, Richard Henry Lee, and George Mason (another of the non-signers).

Although George Washington was not one of the delegates to Virginia’s convention, his strong support for ratification proved vital. With Madison, he was able to get a reluctant Jefferson to support the document. Had Jefferson fought as did other Anti-Federalists, Virginia might never have ratified the Constitution.

**Interpreting Maps** The American Revolution was one of many struggles for independence that took place around the world between 1775 and 1825. Do you think this global turmoil was coincidence, or were the events in various countries somehow connected?

**Interpreting Tables** Virginia’s ratification came only after a long struggle. In what other States was ratification won by only a narrow margin?

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**Ratification of the Constitution**

<table>
<thead>
<tr>
<th>State</th>
<th>Date</th>
<th>Vote</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware</td>
<td>December 7, 1787</td>
<td>30-0</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>December 12, 1787</td>
<td>46-23</td>
</tr>
<tr>
<td>New Jersey</td>
<td>December 18, 1787</td>
<td>38-0</td>
</tr>
<tr>
<td>Georgia</td>
<td>January 2, 1788</td>
<td>26-0</td>
</tr>
<tr>
<td>Connecticut</td>
<td>January 9, 1788</td>
<td>128-40</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>February 6, 1788</td>
<td>187-168</td>
</tr>
<tr>
<td>Maryland</td>
<td>April 28, 1788</td>
<td>63-11</td>
</tr>
<tr>
<td>South Carolina</td>
<td>May 23, 1788</td>
<td>149-73</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>June 21, 1788</td>
<td>57-46</td>
</tr>
<tr>
<td>Virginia</td>
<td>June 25, 1788</td>
<td>89-79</td>
</tr>
<tr>
<td>New York</td>
<td>July 26, 1788</td>
<td>30-27</td>
</tr>
<tr>
<td>North Carolina</td>
<td>November 21, 1789*</td>
<td>195-77</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>May 29, 1790</td>
<td>34-32</td>
</tr>
</tbody>
</table>

*Second vote; ratification was originally defeated on August 4, 1788, by a vote of 184-64.
Inaugurating the Government

On September 13, 1788, with 11 of the 13 States "under the federal roof," the Congress of the Confederation paved the way for its successor. It chose New York as the temporary capital. It set the first Wednesday in January as the date on which the States would choose presidential electors. The first Wednesday in February was set as the date on which those electors would vote, and the first Wednesday in March as the date for the inauguration of the new government.

The new Congress convened on March 4, 1789. It met in Federal Hall, on Wall Street in New York City. But because it lacked a quorum (majority), it could not count the electoral votes until April 6. Finally, on that day, it found that George Washington had been elected President by a unanimous vote. John Adams was elected Vice President with a substantial majority.

On April 30, after an historic trip from Mount Vernon to New York, Washington took the oath of office as the first President of the United States.

New York, The Last Key State

A narrow vote in the New York convention brought the number of States to 11, on July 26. New York ratified only after a long battle. The Anti-Federalists were led by Governor George Clinton and by two of the State's three delegates to the Philadelphia Convention.

The contest in New York gave rise to a remarkable campaign document: The Federalist. It was a collection of 85 essays supporting the Constitution written by Alexander Hamilton, James Madison, and John Jay. Those essays were first published as letters to the people in various newspapers of the State and soon were collected in book form. Though written in haste, they remain an excellent commentary on the Constitution, and are among the best political writings in the English language.

18 Robert Yates and John Lansing had quit Philadelphia in July, arguing that the convention had gone beyond its authority. Like many other Anti-Federalist leaders, Governor Clinton later supported the Constitution.

19 Neither North Carolina nor Rhode Island had ratified the new Constitution before it became effective. As you can see in the table on page 57, the Constitution failed in a first convention in North Carolina and was finally approved by a second one in late November of 1789. Rhode Island did not hold a ratifying convention until May of 1790, more than a year after Washington's inauguration.

20 The District of Columbia did not become the nation's capital until 1800. Congress moved its sessions from New York to Philadelphia in December 1790. It held its first meeting in the new "federal city," Washington, D.C., on November 17, 1800.

Standards Monitoring Online

For: Self-Quiz and vocabulary practice
Web Code: mqa-1025

Go Online

For: An activity on the Federalist Papers
Web Code: mqd-1025

Section 5 Assessment

Key Terms and Main Ideas
1. What was the Federalist position on the adoption of the Constitution? Why did they feel that way?
2. Who were the Anti-Federalists?
3. What was "irregular" about the ratification of the Constitution?

Critical Thinking
4. Expressing Problems Clearly Why might the failure of New York and Virginia to ratify have doomed the Constitution?
5. Understanding Point of View The Anti-Federalists were greatly concerned that the proposed Constitution increased the powers of the central government and lacked a bill of rights. Why would these specific issues have been important to them?
Free speech, one of Americans’ most cherished freedoms, is commonly thought of in terms of spoken or printed words. Yet speech also can take the form of a symbolic action, like the burning of an American flag. Does the reverence with which most Americans regard the flag override our commitment to free speech? In other words, can the government restrict the ways in which national symbols such as the flag can be used in protests?

**United States v. Eichman (1990)**

In the 1989 case *Texas v. Johnson*, the Supreme Court struck down a State law that forbade the destruction of the United States flag. That law, ruled the Court, violated the 1st Amendment guarantee of free expression. Congress reacted to the decision by passing the Flag Protection Act of 1989, which stated that anyone who “knowingly mutilates, defaces, physically defiles, burns, maintains on the floor or ground, or tramples upon” a United States flag can be prosecuted. (Disposing of worn or soiled flags was permitted under the law.) Violators could be fined or imprisoned for up to one year.

The United States prosecuted Eichman and others for knowingly setting fire to several American flags. These flag-burnings took place both on the steps of the Capitol (to protest certain government policies) and in Seattle (to protest the passage of the Flag Protection Act itself).

The defendants asked the courts to dismiss the charges on the grounds that the Act violated the 1st Amendment. They cited *Texas v. Johnson* as giving 1st Amendment protection to flag-burning as a means of expression. Federal courts in Washington State and the District of Columbia both ruled that the Act was unconstitutional. The Federal Government then appealed these decisions to the Supreme Court.

**Arguments for the United States**

1. The Flag Protection Act does not outlaw flag-burning in order to prevent the expression of a particular point of view. Rather, it prohibits mistreatment of the flag for any reason in order to protect the flag’s identity as a national symbol.

2. Desecration (abuse) of the flag is deeply offensive to many Americans. The government should have the right to protect its national symbols against mistreatment.

3. Protection of the flag would not interfere with protesters’ ability to express their opinions by other means.

**Arguments for Eichman**

1. The government’s effort to protect the flag limits the free expression of opposition to government policies.

2. The destruction of a flag does not diminish the flag’s importance as a symbol of this country.

3. Although many people are offended by flag desecration, the government cannot prohibit expression of ideas simply because the ideas may be offensive or disagreeable to many people.

**Decide for Yourself**

1. Review the constitutional grounds on which each side based its arguments and the specific arguments each side presented.

2. Debate the opposing viewpoints presented in this case. Which viewpoint do you favor?

3. Predict the impact of the Court’s decision on ways in which people may choose to protest government policies. (To read a summary of the Court’s decision, turn to pages 799–806.)
limited government (p. 29), representative government (p. 29), Magna Carta (p. 29), Petition of Right (p. 30), English Bill of Rights (p. 30), charter (p. 31), bicameral (p. 31), proprietary (p. 32), unicameral (p. 32), confederation (p. 33), Albany Plan of Union (p. 35), delegate (p. 36), boycott (p. 36), repeal (p. 37), popular sovereignty (p. 38), Articles of Confederation (p. 44), ratification (p. 44), presiding officer (p. 45), Framers (p. 48), Virginia Plan (p. 51), New Jersey Plan (p. 51), Connecticut Compromise (p. 52), Three-Fifths Compromise (p. 52), Commerce and Slave Trade Compromise (p. 53), Federalists (p. 56), Anti-Federalists (p. 56), quorum (p. 58)

Practicing the Vocabulary

Using Words in Context For each of the terms below, write a sentence that shows how it relates to this chapter.

1. Articles of Confederation
2. Three-Fifths Compromise
3. charter
4. boycott
5. bicameral
6. ratification
7. proprietary
8. Commerce and Slave Trade Compromise

Word Relationships Three of the terms in each of the following sets of terms are related. Choose the term that does not belong and explain why it does not belong.

9. (a) Magna Carta (b) Albany Plan of Union (c) English Bill of Rights (d) Petition of Right
10. (a) Articles of Confederation (b) Virginia Plan (c) New Jersey Plan (d) Connecticut Compromise
11. (a) Framers (b) Federalists (c) Anti-Federalists (d) boycott
12. (a) limited government (b) popular sovereignty (c) ratification (d) representative government

Reviewing Main Ideas

Section 1

13. What three ideas about government did the colonists bring with them from England?
14. How was the development of English government affected by (a) the Magna Carta? (b) The Petition of Right? (c) The English Bill of Rights?
15. Outline the development of colonial government.

Section 2

16. Describe how the British governed the colonies (a) before 1760. (b) After 1760.
17. (a) Who wrote the Declaration of Independence? (b) What rights are outlined in the document? (c) How did they signify the colonists' relationship to Britain?
18. Describe the common features of the first State constitutions.

Section 3

19. What were the major characteristics of the Articles of Confederation?
20. How did the States respond to the weaknesses of the Articles of Confederation?

Section 4

21. Explain the New Jersey Plan. Why was it introduced?
22. What major issues did the Framers disagree upon and what, if any, compromises did they reach?

Section 5

23. Why did the Federalists want to replace the Articles?
24. What were the main arguments used by the Anti-Federalists?
25. Why was ratification by Virginia and New York essential for the success of the Constitution?
Critical Thinking Skills
Analysis Skills HR4, HI4, HI6

26. Applying the Chapter Skill There are a number of interest groups that focus on 1st Amendment issues. Contact a group that takes a stand on an issue that interests you, and find out what its position is, how it goes about promoting its cause, and how successful the group has been. Summarize this information, and state whether you think the group is one that you might wish to join.

27. Recognizing Ideologies The Second Continental Congress became, in effect, this country’s first national government. (a) Why did the British condemn it as an unlawful assembly and a den of traitors? (b) How might the king and his ministers have avoided the Revolution?

28. Formulating Questions Weaknesses in the Articles of Confederation surfaced during the Critical Period in American history. Write three questions that will help you understand why many leaders of the day urged a stronger national government, and how they could achieve this.

29. Checking Consistency How does the history of America from the 1600s to 1789 demonstrate that “questions of politics and economics are, in fact, inseparable”?

Analyzing Political Cartoons
Using your knowledge of American government and this cartoon, answer the questions below.

30. This cartoon, originally published by Benjamin Franklin in 1754, appeared in several versions during the American Revolution. (a) What do the segments of the snake represent? (b) How do you know?

31. (a) What is the message of the cartoon? (b) In your opinion, is this cartoon an effective means of persuasion? Why or why not?

You Can Make a Difference
Is there a particular issue that you feel is not being properly handled in your school or community, such as a safety problem, an issue of privacy, or a dispute between groups of students? Who is responsible for dealing with the matter—a school official, a student organization, or some other person or group? Write a letter to your school’s newspaper in which you (a) describe the matter that concerns you and (b) suggest steps that could be taken to resolve it.

Participation Activities
Analysis Skills CS1, HR1, HI1

32. Current Events Watch The Framers drew on their skills, knowledge, and experience in creating the Constitution. What kinds of experience and training do political leaders draw on today? Select a current political leader—a member of Congress or the governor of your State, for example—and write a brief biography of this person. Your biographical sketch should identify the skills, knowledge, and experience that person draws upon in his or her current position.

33. Time Line Activity Using information from the chapter, create a time line showing the steps that led to the ratification of the Constitution. Include at least eight entries in your time line. You might begin with the First Continental Congress of 1774. What, in your opinion, was the most important step in the process? Why?

34. It’s Your Turn It is 1788. Write a letter to the editor of your local paper in which you express your opinion on whether or not the Constitution should be ratified. First, create a list of what you see as the positive aspects of the document. Then, list the negative features. Note any suggestions you have for improvements. Next, write a draft of the letter in which you politely offer your ideas. Revise your letter, making certain that each idea is clearly explained. Proofread your letter and draft a final copy. (Writing a Letter)

Standards Monitoring Online
For: Chapter 2 Self-Test Visit: PHSchool.com
Web Code: mqa-1026
As a final review, take the Magruder’s Chapter 2 Self-Test and receive immediate feedback on your answers. The test consists of 20 multiple-choice questions designed to test your understanding of the chapter content.