

The Making of the Constitution

In late May 1787, George Washington called to order a convention of fifty-five delegates in Philadelphia. Throughout a hot, steamy summer, this group deliberated and argued until it arrived at a plan to restructure the government of the United States. The Constitution, as it was called, was a controversial reform, and it was not ratified by the nine states necessary for it to take effect until the summer of 1788. Yet the Constitution continues to be the framework of the United States, one of the oldest frameworks of government still in place in the twenty-first century. Many Americans at the time, however, were not convinced of the wisdom of the Constitution or optimistic about its meaning for the future of the United States.

The Constitution was not the first framework of government for the country; the Articles of Confederation, which offered a less centralized government than the Constitution proposed, had been ratified in 1781. The central government under the Articles had limited powers: it had no power to tax, it could not compel the states to contribute to financing its operations, and it could not enforce a uniform commercial policy. Its structure was weak as well. It had no executive branch and no separate judiciary; instead, it relied on a legislature in which each state had equal representation. Given the United States' recent experiences with a monarchy, many Americans were satisfied with a decentralized government. And the Articles period was not without its successes. Perhaps its most notable achievement was the Northwest Ordinance, which laid the groundwork for the method by which new states would enter the Union. Still many Americans soon concluded that the government was inadequate to meet the country's needs.

The shortcomings of the Articles were exacerbated by the crises that the new nation encountered. An economic depression wracked the nation shortly after the conclusion of war in 1781, and this was accompanied by a monetary crisis as the value of paper money declined. The phrase "not worth a Continental" came into usage, indicating the declining value of the new nation's currency. These difficulties were compounded by diplomatic and commercial failures. The British continued to occupy western forts on American territory, and Congress could not establish a national commercial policy because federal tariffs could be passed only if all the states agreed to them. As the postwar depression worsened, Americans began to pressure their government for relief. In western Massachusetts, farmers pleaded for lower taxes and a larger supply of money. When the state government rejected all of their requests in 1786, a group of farmers began forcibly closing down the courts in which debtors were tried. Under the leadership of Daniel Shays, this rebellion spread throughout western Massachusetts, and it was ended only by calling out the state militia. Once Shays' Rebellion was put down, John Adams, who years before had led his own revolution, called these rebels "ignorant, restless, desperadoes, without conscience or principles." Many Americans concluded that the limited government under the Articles was a failure.

Given these concerns, the members of the Constitutional Convention sought to restructure the national government. Their deliberations resulted in a government with three branches, including an executive and a judiciary, as well as a legislature. The legislative

branch was bicameral, with one house providing equal representation to all states and the other providing proportional representation based on population. The president was elected by the Electoral College, in which the number of electors from each state was equal to the number of that state's senators and representatives. Perhaps most controversial was the three-fifths compromise, which included three-fifths of the slave population in a state's headcount; this increased the power of the states in which slavery existed.

The framers provided that the Constitution had to be ratified by nine of thirteen state conventions before it would become the law of the land. The national debate quickly divided the Federalists, who favored ratification, from the Antifederalists, who did not. The latter group argued that the Constitution was an exercise in elitism that would lead to rule by a wealthy, unrepresentative minority. They lauded the Revolution that had just been won and warned that the Constitution might lead to a return to "despotism" and "tyranny," pointing to the absence of a Bill of Rights to support their claim. In contrast, the Federalists, most brilliantly represented by Alexander Hamilton, James Madison, and John Jay in *The Federalist Papers*, argued that the United States was in crisis and that the Constitution would preserve the republic and promote economic prosperity. When Jay and Hamilton pledged to support a Bill of Rights should the Constitution be ratified, they undercut much of the Antifederalist argument. By 1788, ratification was complete and the course of the United States changed yet again.

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