

SECTION 2

# Drafting the Constitution

### MAIN IDEA

At the Philadelphia convention in 1787, delegates rejected the Articles of Confederation and created a new constitution.

### WHY IT MATTERS NOW

The Constitution remains the basis of our government.

### Terms & Names

- Shays's Rebellion
- James Madison
- Roger Sherman
- Great Compromise
- Three-Fifths Compromise
- federalism
- legislative branch
- executive branch
- judicial branch
- checks and balances
- electoral college

Daniel Shays was angry. A veteran of the Revolutionary War battles at Bunker Hill and Saratoga, he had returned to his farm in western Massachusetts. Because of the heavy debt that he carried, however, he faced debtors' prison. Shays felt that he was the victim of too much taxation.

During the summer and fall of 1786, farmers like Shays kept demanding that the courts be closed so they would not lose their farms to creditors. Their discontent boiled over into mob action in September of 1786 when Daniel Shays led an army of farmers to close the courts. In 1787, Shays's army, 1,200 strong, marched through the snow toward the arsenal at Springfield.

State officials hurriedly called out the militia. Four of the rebels were killed and the rest were scattered. Clearly, though, if so many farmers were rebelling, there was something seriously wrong.

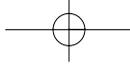


▲ **Shays's Rebellion in 1786–1787 not only resulted in the death of four rebels but also unsettled some of the nation's leaders.**

## Nationalists Strengthen the Government

**Shays's Rebellion**, as the farmers' protest came to be called, caused panic and dismay throughout the nation. Every state had debt-ridden farmers. Would rebellion spread from Massachusetts elsewhere? Not only was private property in danger, but so was the new nation's reputation. As George Washington himself exclaimed, "What a triumph for our enemies . . . to find that we are incapable of governing ourselves."

It was clearly time to talk about a stronger national government. In order to prevent abuse of power, the states had placed such severe limits on the government that the government was too weak.



Fearing that the new nation was about to disintegrate, George Washington addressed this issue.

**A PERSONAL VOICE** GEORGE WASHINGTON

“The consequences of . . . [an] inefficient government are too obvious to be dwelt upon. Thirteen sovereignties pulling against each other, and all tugging at the federal head will soon bring ruin on the whole. . . . Let us have [government] by which our lives, liberty, and property will be secured or let us know the worst at once.”

**CALL FOR CONVENTION** One of the nation’s biggest problems was trade between the states, which led to quarrels over the taxes that states imposed on one another’s goods and disagreements over navigation rights. In September 1786, leaders such as James Madison of Virginia and Alexander Hamilton called a meeting of state delegates to discuss issues of interstate trade. Only five states sent rep-

resentatives to the convention, held in Annapolis, Maryland. Delegates decided to call for another meeting the following year in Philadelphia to deal with trade and other problems.

Meanwhile, the disturbing news of Shays’s Rebellion in Massachusetts spread throughout the states. The incident convinced 12 states to send delegates to the Philadelphia convention. **A**

**MAIN IDEA**

**Analyzing Motives**

**A** Why do you think news of Shays’s Rebellion made states decide to participate in the Philadelphia convention?

**A. Answer** They may have feared other uprisings. Shays’s Rebellion showed the weakness of the national government in dealing with economic problems.

**CONVENTION HIGHLIGHTS**

In May 1787, delegates from all the states except Rhode Island gathered at the Philadelphia State House—in the same room in which the Declaration of Independence had been signed 11 years earlier. In spite of the sweltering heat, the windows were tightly closed to prevent outsiders from eavesdropping on the discussions.

Most of the 55 delegates were lawyers, merchants, or planters. Most were rich, well-educated men in their thirties or forties. They included some of the most outstanding leaders of the time, such as Benjamin Franklin, Alexander Hamilton, and George Washington. Washington was elected presiding officer by a unanimous vote.

**KEY PLAYERS**



**JAMES MADISON**  
1751–1836

The oldest of 12 children, James Madison grew up in Virginia. He was a sickly child who suffered all his life from physical ailments. Because of a weak voice, he decided not to become a minister and thus entered politics.

Madison’s Virginia Plan resulted from extensive research on political systems that he had done before the convention. He asked Edmund Randolph, a fellow delegate from Virginia, to present the plan because his own voice was too weak to be heard throughout the assembly.

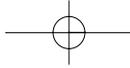
Besides providing brilliant political leadership, Madison kept a record of the debates that took place at the convention. Because of his plan and his leadership, Madison is known as the “Father of the Constitution.”



**ROGER SHERMAN**  
1721–1793

Born in Massachusetts, Roger Sherman spoke a New England dialect that some people found laughable. As a young man, he became a successful merchant. Sherman also studied law and became so active in politics that he had to quit his business.

Sherman helped draft the Declaration of Independence. When he returned to Philadelphia in 1787 for the Constitutional Convention, he was 66 years old. He introduced a plan—later called the Great Compromise—that resolved the issue of state representation in the national legislature. Roger Sherman was the only man to sign the Continental Association of 1774, the Declaration of Independence, the Articles of Confederation, and the Constitution.



## Conflict Leads to Compromise

Most of the delegates recognized the need to strengthen the central government. Within the first five days of the meeting, they gave up the idea of revising the Articles of Confederation and decided to form a new government.

**BIG STATES VERSUS SMALL STATES** One big issue the delegates faced was giving fair representation to both large and small states. Madison's Virginia Plan proposed a bicameral, or two-house, legislature, with membership based on each state's population. The voters would elect members of the lower house, who would then elect members of the upper house.

Delegates from the small states vigorously objected to the Virginia Plan because it gave more power to states with large populations. Small states supported William Paterson's New Jersey Plan, which proposed a single-house congress in which each state had an equal vote.

Proponents of the plans became deadlocked. Finally, **Roger Sherman**, a political leader from Connecticut, suggested the **Great Compromise**, which offered a two-house Congress to satisfy both small and big states. Each state would have equal representation in the Senate, or upper house. The size of the population of each state would determine its representation in the House of Representatives, or lower house. Voters of each state would choose members of the House. The state legislatures would choose members of the Senate.

Sherman's plan pleased those who favored government by the people insofar as it allowed voters to choose representatives. It also pleased those who defended states' rights insofar as it preserved the power of state legislatures. **B**

**SLAVERY-RELATED ISSUES** Representation based on population raised the question of whether slaves should be counted as people. Southern delegates, whose states had many slaves, wanted slaves included in the population count that determined the number of representatives in the House. Northern delegates, whose states had few slaves, disagreed. Not counting Southern slaves would give the Northern states more representatives than the Southern states in the House of Representatives. The delegates eventually agreed to the **Three-Fifths Compromise**, which called for three-fifths of a state's slaves to be counted as population.

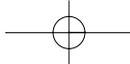
The Three-Fifths Compromise settled the political issue but not the economic issue of slavery. Slaveholders, especially in the South, worried that if Congress were given power to regulate foreign trade, it might do away with the

### MAIN IDEA

#### Analyzing Issues

**B** Why was Sherman's compromise a success?

Key Conflicts in the Constitutional Convention	
<b>STRONG CENTRAL GOVERNMENT vs. STRONG STATES</b>	
<ul style="list-style-type: none"> <li>Authority derives from the people.</li> <li>The central government should be stronger than the states.</li> </ul>	<ul style="list-style-type: none"> <li>Authority derives from the states.</li> <li>The states should remain stronger than the central government.</li> </ul>
<b>LARGE STATES vs. SMALL STATES</b>	
<ul style="list-style-type: none"> <li>Congress should be composed of two houses.</li> <li>Delegates should be assigned according to population.</li> </ul>	<ul style="list-style-type: none"> <li>A congress of one house should be preserved.</li> <li>Each state should have one vote.</li> </ul>
<b>NORTH vs. SOUTH</b>	
<ul style="list-style-type: none"> <li>Slaves should not be counted when deciding the number of delegates.</li> <li>Slaves should be counted when levying taxes.</li> </ul>	<ul style="list-style-type: none"> <li>Slaves should be counted when determining congressional representation.</li> <li>Slaves should not be counted when levying taxes.</li> </ul>



slave trade. To resolve this issue, the convention gave Congress the power to regulate trade but prevented it from interfering with the slave trade for at least 20 years. Although the proposal passed, not all the delegates agreed with it. James Madison predicted, “Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the national character than to say nothing about it in the Constitution.”

## Creating a New Government

After reaching agreement on questions of slavery and representation, the delegates dealt with other issues. They divided power between the states and the national government and separated the national government’s power into three branches.

**DIVISION OF POWERS** The new system of government was a form of **federalism** that divided power between the national government and the state governments. The powers granted to the national government by the Constitution are known as delegated powers, or enumerated powers. These include such powers as control of foreign affairs, providing national defense, regulating trade between the states, and coining money. Powers kept by the states are called reserved powers. These include powers such as providing and supervising education, establishing marriage laws, and regulating trade within a state. **C**

**MAIN IDEA**

**Summarizing**

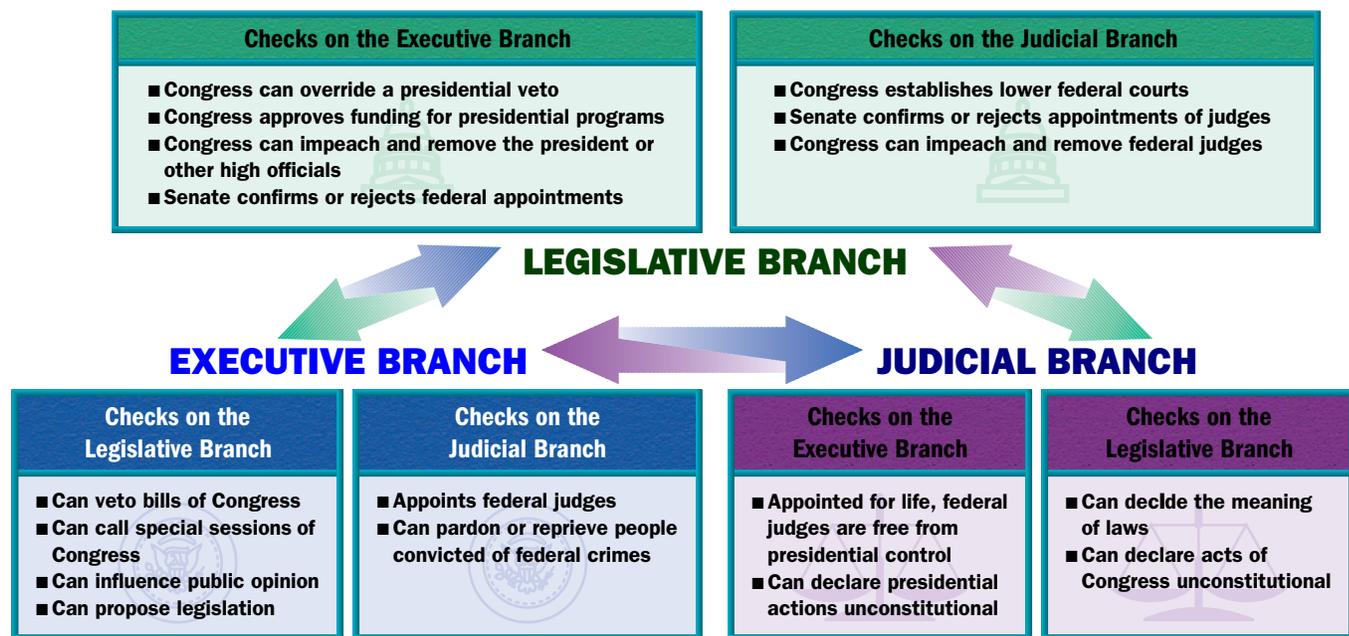
**C** Which powers were granted to the national government and to the state governments?

Both levels of government share such important powers as the right to tax, to borrow money, and to pay debts. They also share the power to establish courts.

**SEPARATION OF POWERS** The delegates protected the rights of the states, but they also granted some powers exclusively to the national government. At the same time, they limited the authority of the government. First, they created three branches of government; a **legislative branch** to make laws, an **executive branch** to carry out laws, and a **judicial branch** to interpret the law.

Then the delegates established a system of **checks and balances** to prevent one branch from dominating the others. (See the chart below.) For example, the president has considerable power, but the Senate has to approve some of the president’s decisions. The president can veto acts of Congress, but Congress can override a veto by a

## The Checks and Balances of the Federal System





### THE ELECTORAL COLLEGE

Distrust of popular sovereignty led the framers of the Constitution to devise a complicated system of electing the president. The creation of an electoral college ensured that a college of electors, or representatives, would have the last say in the vote.

In the 2000 presidential election, the electoral college played a decisive role in choosing the president. Even though Al Gore won the popular vote by a margin of almost 540,000, the electors gave George W. Bush 271 electoral votes, one vote more than the 270 votes needed to win the presidency.

two-thirds vote. The Supreme Court assumes the power to interpret the Constitution, but the president appoints the justices, and Congress can bring them to trial for abuses of power.

The procedure for electing the president reflected two main concerns. Because there were no national political parties and because travel and communication were limited, there was a fear that the popular vote would be divided among many regional candidates. Also, many among the upper classes distrusted and feared the lower classes. Some did not trust the common people to vote wisely; others trusted them to vote the upper class out of power. So the delegates came up with a new system of electing the president. Instead of voters choosing the president directly, each state would choose a number of electors equal to the number of senators and representatives the state had in Congress. The group of electors chosen by the states, known as the **electoral college**, would cast ballots for the candidates.

**CREATING THE CONSTITUTION** Finally, the delegates provided a means of changing the Constitution through the amendment process. After nearly four months of debate and compromise, the delegates succeeded in creating a constitution that was flexible enough to last through the centuries to come. Yet when George Washington adjourned the convention on September 17, 1787, he was somewhat uncertain about the future of the new plan of government. Washington remarked to a fellow delegate, "I do not expect the Constitution to last for more than 20 years."

The convention's work was over, but the new government could not become a reality until the voters agreed. So the Constitution of the United States of America was sent to the Congress, which submitted it to the states for approval.



## ASSESSMENT

**1. TERMS & NAMES** For each term or name, write a sentence explaining its significance.

- Shays's Rebellion
- Great Compromise
- legislative branch
- checks and balances
- James Madison
- Three-Fifths Compromise
- executive branch
- electoral college
- Roger Sherman
- federalism
- judicial branch

### MAIN IDEA

#### 2. TAKING NOTES

Re-create the web below on your paper, and fill it in with specific issues that were debated.



Choose one issue and explain how the delegates resolved that issue.

### CRITICAL THINKING

#### 3. ANALYZING ISSUES

In what ways did the new system of government fulfill the nation's need for a stronger central government and at the same time allay its fear of a government having too much power?

#### 4. SUMMARIZING

What was the Great Compromise and how did it reconcile the interests of the small states with the interests of the more populous states?

#### 5. EVALUATING DECISIONS

Do you agree or disagree with the creation of a system of checks and balances? Explain your answer.

**Think About:**

- the main task of each branch
- how the branches function
- the efficiency of governmental operations